

## Swindon Borough Council

### LOCAL DEVELOPMENT FRAMEWORK

### SWINDON CENTRAL AREA ACTION PLAN

### POSITION STATEMENT No SBC05B

#### OVERVIEW OF GENERAL MATTERS RELATING TO THE PLAN

**An overview of the plan in relation to the soundness tests, drawing together relevant points from earlier sessions as necessary:**

*Coherence, consistence and effectiveness tests*

- Structure and presentation of the Plan, Proposals Map and Annexes, including consistency in site identification and boundaries on maps, paragraph/section numbering and cross referencing, information required to comply with statutory requirements/regulations [6]
- Amendments suggested in response to representations [2,3]
- Has sufficient consideration been given to alternatives? [7]
- What is the evidence base for proposals that have already reached an advanced stage? [7]
- Are the mechanisms for implementation clear? How will funding through developer contributions work in practice; what are the priorities and how will each priority contribute to the objectives? The plan identifies additional work (e.g. master plans, implementation plans, supplementary guidance, detailed design work etc) to be undertaken before a number of policies/proposals can progress. Does the Council have the capacity to undertake/secure such work within the time frame necessary to ensure that development will be delivered in the period identified? [8]
- Are the mechanisms for monitoring clear? Do all policies/proposals have identifiable targets/milestones/triggers, as appropriate? [8]
- Is the plan reasonably flexible to deal with changing circumstances? [9]

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## **Structure and presentation of the Plan, Proposals Map and Annexes, including consistency in site identification and boundaries on maps, paragraph/section numbering and cross referencing, information required to comply with statutory requirements/regulations [6]**

The CAAP has two key roles, it sets out a detailed spatial strategy for Central Swindon up to 2016 and a strategic framework for development up to 2026. The former provides a detailed policy context for existing development opportunities (opportunities that can be delivered up to 2016) and the latter, more general guidance to deliver longer term aspirations (i.e. deliverable beyond 2016). Both the existing opportunities and longer-term aspirations are set out in the area-based policies in Part II of the CAAP. The Strategic Principles in Part I apply to all new development that will come forward in Central Swindon. The strategic principles in Part I are embedded within the area based policies at Part II of the CAAP.

*For clarification, the Inspector may wish to consider removing the word 'strategic' from the final sentence of the second paragraph at page 3 of the CAAP and replacing it with the word 'general'. The reworded sentence would then read, "A detailed policy framework to deliver existing development opportunities is supplemented by more general guidance to deliver Swindon's longer-term aspirations for Central Swindon."*

*The Inspector is requested to recommend amending the "Development Strategy: Character Areas" Map to remove the pink shading and wash the area in cream to match that used for the rest of the "Central Swindon Residential Communities" area. Further, the Green Infrastructure map at page 38, which does not conform to the Proposals Map Area Action Plan boundary, will be amended.*

In order to clarify the combined importance of policies contained within Part I and Part II of the Action Plan and especially the overarching relevance of the core principles embodied within the development strategy the Inspector may wish to make minor wording amendments at page three as detailed below.

There are only 4 annexes, which are detailed in the Contents Page of the CAAP. The Council would advise the Inspector that the 9 annexes referred to on the CAAP Website should have been referred to as "supplementary material". The Inspector is advised that the website has been amended accordingly.

## **Amendments suggested in response to representations [2,3]**

Having considered the representations received to the Swindon Central Area Action Plan Submission Paper, the Council intends to suggest that the Inspector considers the minor amendments to the Plan text and the Proposals Map detailed at Appendix 1 to this Statement. It is considered that these changes will aid clarity without giving rise to a material change to the Plan.

## **Has sufficient consideration been given to alternatives? [7]**

In November 2006 the Council published and consulted upon the CAAP Issues and Options Paper (CD10). The Issues and Options Paper proposed a draft vision and set of objectives along with a set of basic principles. It also identified issues where options for the basic policy approach. Consultees were asked to indicate

their preferred option or suggest an alternative. Prior to publication of the Issues and Options Paper, a sustainability appraisal of the objectives, principles and options was carried out (CD11). The report of this appraisal and a summary were published alongside the Issues and Options Paper. Feedback on the Issues and Options and the sustainability appraisal informed the Council's decisions on preferred options.

The Preferred Options Draft (CD12) not only highlighted alternative options but also detailed why they were not preferred. In addition, the sound justification relating to the preferred option was included for every distinct policy area.

The development and appraisal of options has been an iterative process throughout the development of the CAAP. Options were developed through various stages of consultation with the local community and stakeholders and these have been considered and appraised through the plan making and Sustainability Appraisal process (CD13).

Options were developed and refined after each consultation period in order to ensure that the Plan contributed as fully as possible to the objectives of sustainable development. A range of responses were received during each consultation stage and these were used to establish the most sustainable options. Options have been clearly explained in both the Plan and in the Sustainability Appraisal (CD6), with reasons as to how they came about and why they were not carried forward as Preferred Options.

During Issues & Options and Preferred Options stages, in particular, options were compared with each other and with the current social, environmental and economic characteristics of the Central area of Swindon, as detailed in the SA Scoping Report. The SA Framework, containing a set of 18 sustainability objectives and relevant decision-aiding criteria, was used to test the different options.

### **What is the evidence base for proposals that have already reached an advance stage? [7]**

All of the policies and allocations are fully justified in the supporting text. The CAAP Submission Paper Supporting Statement (Annex 1) (CD3) sets out in detail how each policy area was informed by consultation and key evidence base documents, including the Sustainability Appraisal.

One major proposal had already reached an advanced stage in its preparation prior to commencement of work on the CAAP. This proposal is the Promenade (Policy 13 – The Cultural Quarter), for which an SPD was adopted in December 2006. The SPD, which amplifies Policy CA5 of the Adopted Local Plan (CD101), has been subject to consultation in line with the adopted Statement of Community Involvement (CD17), including detailed stakeholder consultation, and has also been the subject of an SEA/SA. The preparation of the SPD has also been guided by a detailed Transport Statement.

Further to the SPD for the Promenade, the Council has commissioned consultants to assess the feasibility of, and options for, a cultural complex at the Promenade.

The planning applications for Regent Place, (Refs S/07/0601, S/07/0602 and S/07/0603), to provide mixed use development comprising retail, leisure, food and drink, hotel, residential, car parking, servicing and access arrangements, together with alterations to the public highway and public realm works originally went before Planning Committee in August 2007 when the Director of Planning and Regeneration was authorized to GRANT planning permission following the satisfactory resolution of the outstanding Transportation and Highways matters, the completion of a legal agreement, and subject to conditions.

Following several revisions to the scheme (mainly the removal of the cinema and art gallery) the application was taken back to Committee in March 2008 when the Director of Environment and Regeneration was authorized to grant planning permission following the satisfactory resolution of the outstanding Transportation and Highways matters, the referral of the application to the Department of Communities and Local Government for consideration, the completion of a legal agreement, and subject to conditions with delegated powers to vary the content and wording of both as necessary. The original planning application and subsequent revisions are available on request.

With regards Union Square (The Commercial Quarter – Policy 14), the site was marketed in line with the OJEU process in May 2006. Five developers submitted bids and Muse, formerly Amec, were the successful bidder. The development is a partnership between Muse, Swindon Borough Council, South West of England Regional Development Agency and English Partnerships. Currently a Development Agreement is being negotiated based on terms of their offer. It is anticipated that the agreement will be completed in July 2008. The Development Agreement will incorporate an indicative master plan and urban codes.

A brief for the development of a Framework Plan for Swindon Central (CD153) was submitted to the market in January 2008. Allies and Morrison were appointed in May 2008. An inception meeting will take place in early June with a view to a final framework being ready for the Autumn. All relevant stakeholders will be involved in the evolution of the framework plan including, but not limited to, Planning, Economic Development, Network Rail.

A masterplanning exercise for North Star, incorporating both the university and leisure will also begin in June 2008.

**Are the mechanisms for implementation clear? How will funding through developer contributions work in practice; what are the priorities and how will each priority contribute to the objectives? The plan identifies additional work (e.g. master plans, implementation plans, supplementary guidance, detailed design work etc) to be undertaken before a number of policies/proposals can progress. Does the Council have the capacity to undertake/secure such work within the time frame necessary to ensure that development will be delivered in the period identified? [8]**

Each policy is followed by a delivery section that identifies key players, funding streams, delivery mechanisms, timescales, infrastructure needs and quality assurance.

The CAAP Implementation Plan (CD02) notes that the Council will play a significant part in delivering change in Central Swindon. The Council intends to continue to influence and bring about change in three primary ways by:

- using the full array of local authority planning powers, including Compulsory Purchase powers to facilitate land assembly,
- developing its own land holdings within the town centre in partnership with others to deliver appropriate development of high design quality,
- co-ordinating improvements to the public realm and investment in infrastructure.

Furthermore, Development Briefs and Master Plans will be prepared where land assembly issues or other complications are likely to occur (See Appendix 2 of this statement for progress updates on these projects).

The Council has developed a standard charge approach to developer contributions from new housing development for the provision of infrastructure, which amplifies Local Plan Policy DS8 (Infrastructure Needs Resulting from Development). The system works within existing legislation and is in accord with Ministerial Circular 5/2005 (CD319). While the Development Control Guidance Note is not a Supplementary Planning Document it has been consulted upon in line with the SCI (CD17) and is a material consideration in the determination of planning applications. Inspectors at Section 78 appeals have attributed the Guidance 'significant weight'. The infrastructure identified through the Guidance is essential in the creation of sustainable communities. Both public and private sector investment is necessary to deliver the services and physical infrastructure necessitated by new development.

The Guidance Note requires contributions to the following infrastructure:

- Affordable Housing
- Open Space Provision
- Educational Facilities
- Social Services
- Culture and Leisure
- Public Realm
- Public Art
- Community Forest
- Local Health

In its first year (up to 23<sup>rd</sup> August 2007) the *Developer Contributions Development Control Guidance Note* generated 19 completed legal agreements, comprising 15 Unilateral Undertakings (UUs) and four S.106 Agreements (S.106s). The obligations contained within these agreements total £1,875,003.90 plus 140 units of affordable housing.

Where a developer can demonstrate that a scheme cannot deliver the requirements of the Guidance Note in full, the Council will accept a reduced contribution. This mechanism allows for viability to be assessed through the validation of a development appraisal by an independent third party. In circumstances where reduced contributions are available the Council will prioritise essential infrastructure according to prevailing local priorities in liaison with

Officers and Councillors. This may mean affordable housing is prioritised in one scheme but public realm is top of the pile in another. Affordable Housing, Education and Open Space are generally considered to be high priority. There are also likely to be situations where 'in-kind' benefits offset standard contributions. The implementation of major pieces of transport infrastructure or public realm as integral parts of new development can also help achieve objectives of the CAAP, in particular the objectives to provide wider opportunities for Central Swindon living, the enhancement of existing public streets and spaces or the delivery of new ones and the promotion of improved public transport. Where a package of infrastructure is delivered as part of a scheme it is sensible to look flexibly at residual contributions.

Appendix 2 summarises the future tasks identified in the CAAP Submission Paper and sets a timetable for their delivery. The regeneration of Central Swindon is a priority of the Council (as noted in the Council's Corporate Plan (CD104)). The necessary resources will therefore be allocated to deliver the essential pieces of additional work highlighted in the CAAP.

**Are the mechanisms for monitoring clear? Do all policies/proposals have identifiable targets/milestones/triggers, as appropriate? [8]**

The CAAP Implementation Plan (CD02), at pages 36 to 43, provides indicators and targets, which will be monitored through the Council's Annual Monitoring Report (CD148).

The Inspector is advised that further monitoring indicators and targets are suggested in the Council's Statement 02 in relation to the Sustainability Strategy Section of the CAAP.

**Is the plan reasonably flexible to deal with changing circumstances? [9]**

The CAAP provides a flexible framework that will be amplified by detailed master plans, public realm schemes and community plans. This approach, whereby much of the detail is delegated to subsidiary documents, will allow the policies of the plan to remain relevant.

For specific policies that are dependent on a number of different funding streams, partners and other issues for their delivery, the Action Plan incorporates a review date for major proposals (the university and the canal) to ensure that the plan remains relevant.

The Sustainable Development Policy is future proofed in that it contains no actual targets but instead refers to the Council's Sustainable Construction SPD.

## Appendix 1: Suggested Amendments to Development Strategy

### Purpose of the Central Area Action Plan

The *Central Area Action Plan* provides a planning framework to facilitate the delivery of the regeneration of Central Swindon.

The Policies of the *Action Plan*, which are informed by the Council's core objectives for Central Swindon. These are translated into development principles and enshrined within the Development Strategy. These overarching spatial policies, together with the area based policies, set the parameters within which new development schemes must come forward and provide a detailed policy framework to deliver existing development opportunities is supplemented by more strategic guidance to deliver as well as Swindon's longer-term aspirations for Central Swindon.

All planning applications submitted to the Council within Central Swindon will be assessed against the policy framework contained within the *Action Plan*.

*The Inspector is also requested to consider the following minor amendment and include the following text as a prelude to the Development Principles on page 8:*

## 2. Development Strategy

### The Development Principles

The successful regeneration of Central Swindon will help Swindon achieve the status of a regional centre that looks, feels and functions in a way that capitalises on the demand for urban living and that offers a wealth of social and economic opportunities to residents, and visitors, businesses and investors alike.

This section sets out core and other guiding principles that will shape the delivery of a successful Central Swindon.

~~Fundamental to the successful regeneration of Central Swindon is the need to deliver a step-change improvement to Design, Sustainability, Public Realm and Transport and Movement in Central Swindon and these principles are therefore subject to a detailed policy framework. These four principles are summarised below.~~

Central Swindon is the sum of its parts and the future sustainability of the area and its communities is dependent on individual development opportunities being considered in the context of wider regeneration. The policies introduced through the Development Strategy allow us to consider the 'bigger picture', an approach that is fundamental to successful regeneration. An assessment of the individual contribution of new development to a better built environment is no longer sufficient to judge its impact. The ways in which the form and function of the wider area is improved by virtue of a development's collective contribution to public realm and transport and movement is now a key consideration.

The Development Strategy seeks to knit together the currently disparate areas of Central Swindon, address the existing structural deficiencies of the area and promote the consistent application of overarching spatial considerations packaged as four core development principles. The Central Swindon Concept Plan (page







































