



To the Planning Department
Stratford District Council

Re: Planning Application 20/02682/FUL – Bancroft Gardens Waterside

I write as Chair of The Stratford Society, the civic society for the Town of Stratford upon Avon. We exist in order to support the maintenance of the historic character of the Town Centre and surrounding environs of The Town. Over many years we have assisted both Councils based in The Town with matters of historical note and supported the development of planning policy guidelines intended to support development whilst preserving the best of the historic legacy which serves as a key draw for residents and visitors to The Town. The Society believes strongly in making the full facts known, and the importance of consulting with residents and visitors over changes and developments and then holding to account those given power over planning matters to follow policy.

The Stratford Society wishes to object to this application on the following grounds:

1. The Local Neighbourhood Plan, adopted by the voters of Stratford Town and adopted by SDC, who have undertaken to resist development which is not in accordance with it, must, by law, accept the policy TC2, and others, and resist this application as it seeks to fundamentally change the aspect of Waterside from open space, recreation and leisure into Market Retail. I quote from the SDC policy,..."It is the whole town that attracts: its history and heritage; relaxing parks; streets without clutter with buildings that are obviously cherished; and overall as town in which people can move freely..."

This application runs counter to these commitments and it should be refused.

2. SDC Policy AS.1 of the Core Strategy, states that there is a need for The Town to present an attractive image and experience given its international standing and significance; the need to improve the public realm; remove clutter from the streets; and make it easier and more pleasant for people to move around the town.

It is clear from experience of the actual market that a considerable amount of clutter is produced from the market on Waterside and that the current application seeks to extend both the area of land within which the market is held and the time(s) on which it is held therefore increasingly changing the character of the land along Waterside. This brings significant noise, pollution and interference with the recreation and leisure aspects enjoyed by many families. There are normally many traders' vehicles on the pavements, across the road with considerable rubbish present.

On this basis the application should be refused.

3. The application, being broad in permissions sought as to time and use and extent, significantly changes the fundamental status of the land upon which permissions is sought. We submit that what has happened over the past 16 years or so since the market was opened on Waterside constitutes a fundamental change of use which is NOT temporary but is permanent i.e. every Sunday and frequently expanded to other

days. This has happened without consultation of the public and constitutes creeping abuse of the planning system. SDC has embodied within all its planning policy guidelines the principle of Waterside and the Recreation Ground being Public Open Space. Open is the key term.

This application, which lacks detail of time and use limitations but seeks to grant comparatively unlimited permission for Markets is imprecise and should be refused.

4. This application is one of a number since 2004 that have sought retrospectively by the applicant to permit a street market on Waterside. Since 2004 the duration has increased from 28 days to 43 days and now to potentially unlimited. In all cases a retrospective permission is wrong and there is no evidence of any other party being able to make such retrospective application to justify a use being granted by SDC. Indeed, since the 2017 application which was sought without properly consulting the neighbouring land holder, The Canal and River Trust, it seems as though the market since 2017 has been operating without a valid permission!

The current application not only seeks to put right the breach of planning law since 2017 but also seeks retrospectively to authorise an unpermitted use of the land opposite, namely The Encore public house for market trading from food stalls right.

5. There is no evidence of the SDC taking Enforcement action against breach of sought permission since 2017. Yet SDC has enforced breaches of planning permissions against other traders in The Town of Stratford upon Avon; in a number of cases withdrawing such permissions causing cessation of trading. There is long-held practice of citing breach of planning permissions as reasons for not granting application for planning permission on the ground of former breaches being evidence of an applicant not being a 'Fit and Proper' person/undertaking to hold such permission.

It is vital that if SDC is to be able to both act, and be seen to act, impartially it must deal with its own activities in the cleanest and highest quality manner. The evidence associated with permissions for street markets on Waterside falls short of the standards required.

On this ground the application should be refused as the applicant has been shown to not pass a 'fit and proper person' test to be granted such a licence.

General

The Stratford Society has taken the current application very seriously because we believe those bodies granted the legal oversight and control of planning matters who have publicly stated policies, following consultation, must operate within those policies even when there is a potential short-term financial cost to themselves in terms of income. We believe that councillors who sit on planning committees must be given the full information by officers concerning such matters as outlined above. However we are unaware of any briefing papers on the recurrent retrospective nature of such applications on Waterside, breaches of permission, nor Enforcement matters.

We consider that the proper action in the case is for SDC to raise publicly a consultation over the use of Waterside, and other streets within The Town, for commercial and retail purposes. This is a development which was not adequately covered in The Core Strategy and goes against the Local Neighbourhood Plan.

Specifically, we further consider that the SDC planning committee is the wrong vehicle to undertake a hearing nor grant any permission in this case due to the public body principle of not being 'judge and jury'. We advocate that the matter should be sent to The Secretary of State for the appointment of an Inspector to hear the application.

Dr Kevin Bond
Chairman
The Stratford Society
26th January 2021