

FT/BRS.4973

19 November 2015

Kingswood Parish Council
New Rose Cottage
Chapel Lane
Hillesley
GL12 7RQ

Via Email Only: kingswood.parish@btconnect.com

Dear Sir / Madam,

KINGSWOOD NEIGHBOURHOOD DEVELOPMENT PLAN 2014-2031
PRE-SUBMISSION CONSULTATION (REGULATION 14)

Pegasus Group are writing on behalf of Crest Nicholson (South West) who have an interest in land at Chestnut Park, Kingswood.

We support the Parish Council's intentions in bringing forward a Neighbourhood Development Plan (NDP); however, we are concerned for those reasons set out below that the currently proposed NDP would fail to accord with both national planning policy in respect to the role and aspirations for NDPs, and would fail to accord with the aspirations of the strategic local plan in delivering sustainable development over the plan period.

Our comments below relate to the basic conditions as set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990, and as summarised in the National Planning Practice Guidance (PPG):

- *"having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
- *the making of the neighbourhood plan contributes to the achievement of sustainable development;*
- *the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;*
- *the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and*
- *prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan."*

Our interpretation of these basic conditions is informed by recent NDP Examiners' Reports and High Court Decisions, which have affirmed the status of NDP's in the planning process, and identified the scope and intent of the basic conditions in terms of detailed planning policies.

At the outset, it is noted that we are committed to continuing dialogue with the NDP group and would welcome the opportunity to discuss the matters raised below, and to address any questions that may be outstanding in terms of our aspirations for the site.

Format and Structure

The draft NDP is a comprehensive document, however this makes it longer and more difficult to review that should the case for a NDP.

We would suggest a number of amendments. Firstly, remove all repetition of the Stroud Local Plan policies. There is no need to repeat policies, or summarise the intentions of policies.

The draft NDP contains unnecessary supporting information, for example details of listed buildings, and detailed discussion of the 'evidence bases' and policy background. References should be retained, but should direct readers to the relevant evidence bases rather than providing additional summaries. If the Parish Council were so minded to continue to include such detailed supporting text, this should be removed from the draft NDP, and placed within a background document.

Role in Plan Hierarchy

It is recognised that the NDP is coming forward with a shortly to be adopted Local Plan. This provides a degree of certainty in respect to the development strategy for Kingswood over the plan period.

As recognised on p6 of the NDP, neighbourhood plans "*should not promote less development than set out in the Local Plan but can promote more development*".

This is to be read alongside paragraph 16 of the National Planning Policy Framework (NPPF) which states that neighbourhoods should:

- "*develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and*
- *plan positively to support local development, shaping and directing development in their area that it outside the strategic elements of the Local Plan*" (my emphasis added).

The Stroud Local Plan seeks the provision of at least 11,400 dwellings over the plan period. It is clearly expressed as a minimum target and as such additional sustainable development beyond the 11,400 is to be supported. Wider aspirations within the Stroud Local Plan also seek to maximise the delivery of affordable housing.

The emerging Local Plan (as defined by the Main Modifications July 2015 and the Examiner's modifications November 2015) seeks to direct development in accordance with a settlement hierarchy (policy CP3). Kingswood is identified as a Third Tier Settlements which is identified as an 'Accessible Settlement.'



"These villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the Local Service Centres for greater self containment. They will provide for lesser levels of development in order to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing."

With particular reference to Kingswood, the Local Plan Inspector stated:

"Appropriate development will be supported to sustain Kingswood and North Nibley in their roles as Settlements with Limited Facilities." (paragraph 3.85/3).

As such, the strategic policies within the shortly to be adopted Stroud Local Plan seek to direct appropriate development to Kingswood to support its continued role as a settlement with some facilities. Whilst it is envisaged to provide lesser levels of development than other larger settlements, it is clear that some appropriate development is envisaged over the plan period.

This is clearly emphasised by the Local Plan Inspector who both required Stroud to deliver 11,400 units as a minimum, thus ensuring additional sustainable development is supported, but also through the express recognition that settlements such as Kingswood will be expected to provide for additional opportunities for growth, including the delivery of affordable housing, at an appropriate level.

The PPG considers the role of rural housing, both in meeting housing land supply, but also in supporting the broader sustainability of villages and smaller settlements:

"A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities." 'Rural Housing' (PPG, ID: 50-2014-03-06).

The potential of new housing development to contribute to maintaining and enhancing the vitality of a rural settlement in Stroud was considered at an allowed appeal for 150 units in Leonard Stanley; also defined as a 'Third Tier Settlement' in the emerging Local Plan:

"the site is located close to the existing services within the village, including the school, shops, pubs and community facilities and it is probable that these would be better supported, and so flourish, or at least be less likely to close through lack of patronage" (Paragraph 25).

As such, it is clear that consideration must be given to the wider role of Kingswood in supporting sustainable development over the remaining plan period, with the position that Kingswood has met its part of the 'supply' of 11,400 units unsound. Firstly, 11,400 units is a minimum, and secondly that the strategic policies of the Local Plan and the PPG both require consideration in respect to the wider role of housing in

supporting rural economies and communities beyond merely meeting a minimum level of housing need.

Delivery Housing in Kingswood

The emerging NDP indicates that new development up to 2031 will need to provide a supply of housing for young first-time buyers, and older 'downsizers' wishing to remain in the village (p.11). Indeed at p.22 the NDP identifies particular constraints being that there are presently few opportunities within the existing pipeline to deliver sufficient affordable housing to meet the existing local needs and that there is an above-average population of younger people which raises issues of accessing properties on the local market.

Beyond this, the emerging NDP recognises the settlements "*very strong employment role*" (p.8 and 10) and seeks to support the sustainable growth and expansion of these business and enterprises (p.26). The draft NDP also highlights the desire to promote the retention and development of local services and facilities in the village. Indeed at p.26, the emerging NDP highlights these two objectives, supporting and development local services and facilities and encouraging sustainable growth of local businesses, as particularly important over the plan period. Furthermore, the Parish Council seeks to support increased public transport services through increasing patronage (Policy T4), and the delivery of a community transport facility (Policy T6) which clearly requires increased dwellings.

The NDP is underpinned by two emerging local housing need assessments, one for those already resident within the village, and one for those who work at the strategic employment site, Renishaw. All households on these lists would qualify for affordable housing within Kingswood based upon their local connection with the Parish.

The assessments both found an existing affordable housing need for **26 households**. This is significant.

The draft NDP's position at p24, that those needs of households working at Renishaw can be ignored given that a number of these households also indicated that their needs could be met elsewhere in Charfield or Wotton is evidently unsound. Those households qualify for affordable housing need, and have a local connection to Kingswood, and as such the future delivery of affordable housing in Kingswood would be required to meet an element of their needs. An assessment of housing need is a well-documented national practice, and the Parish Council's position is contrary to policy and practice, and is entirely unjustified and unsound.

Secondly, the two Renishaw sites fall entirely within the parish boundary of Kingswood. As such, unless those households with an affordable housing need were already resident in Charfield, they would not qualify for an affordable home within that parish given it is within a different local authority and the local connection by virtue of employment within the parish would not apply.



The basic principle of Neighbourhood Planning as enshrined at paragraph 1 of the NPPF is that neighbourhood plans can be produced which "*reflect the needs and priorities of their communities*". Indeed, the requirements of paragraph 16 indicate that Neighbourhood Plans should plan positively to support local development.

The draft NDP does not present a positively planned or sound framework to meet both the identified local affordable housing need and the wider aspirations in respect to delivery homes for younger households and those households wishing to downsize.

It is noted that according to the minutes of the Neighbourhood Plan Group meetings (dated 24 June 2015 and 15 July 2015), the group decided to go against the advice of Stroud's Neighbourhood Plan officer who indicated that the Parish Council should issue a call for sites. It is also noted that in an earlier meeting (30 April 2015), Stroud's Neighbourhood Plan officer had advised that if any housing need was identified through the local housing need surveys, that it should be allocated through the NDP.

The NDP's approach is to support a rural exception site that could come forward, and if nothing comes forward within the next five years, review the NDP as required. This is a significant concern, as evidently in line with the national guidance and accepted approach, the delivery of affordable housing to meet existing needs should be expedited.

The NPPF defines sustainable development as about "positive growth – making economic, environmental and social progress" (pi). Indeed, Core Planning Principle number 4 (paragraph 17) indicates that within both plan making and decision taking "*every effort should be made objectively to identify and then meet the housing, business and other developments needs of an area, and respond positively to wider opportunities for growth*".

The emerging NDP clearly fails to meet its requirements to respond positively to opportunities for growth, and to make every effort to meet the demonstrated local needs of the settlement of Kingswood.

Beyond meeting affordable housing needs, the intentions of the draft NDP appear to support additional economic growth, and encourage the delivery of enhanced or new community facilities and services, without providing a suitable housing delivery strategy to support these aspirations.

The draft NDP's housing policies, Policy H1 and H2, clearly conflict with the NDP's own evidence base, the NPPF and PPG, and the aspirations of the strategic planning policies of Stroud District Council which seek for Neighbourhood Plans to address local housing need.

Beyond this, it is noted that the district has consistently failed to illustrate a five year housing land supply. In fact, according to the Council's own evidence base, their five year housing land supply has already dropped considerably from 7.03 (July 2015) to 6.75 (November 2015) in just a five month period. This places increased emphasis on settlements within the District to identify additional allocations to ensure that they are able to continue to contribute to the Council's housing land supply over the plan period.

Wider Neighbourhood Plan Policies

Reviewing a number of wider draft policies it is noted that they take the form of the 'old style' local plan policies through reflecting a binary assessment. These are contrary to the NPPF which seeks to respond positively to opportunities for growth, and sets out policies as part of a balancing act. In particular, it is noted that a number of the 'tests' set in the draft policies fail to reflect the tests set out in the NPPF. This is contrary to the basic conditions.

For example, draft Policy CA2 sets a test of "unacceptable impact" on listed buildings, which is a different test to the NPPF.

Draft Policy GSC2 fails to reflect the provisions of the Localism Act 2011. Assets of Community Value are identified and protected outside of the planning policy arena and as such a policy is not appropriate. In addition, it is not appropriate in relation to the legislation to stretch the protection of ACV to "*additional open land brought forward as amenity land*". The process of identifying and the subsequent protection to ACV is outside of the NDP arena, and this policy should be removed.

Draft Policy E1 fails to reflect the provisions of the NPPF. Furthermore, bullet two and three are contradictory. Bullet 2 recognises, along the lines of the NPPF, that suitable replacement habitat can in some instances provide suitable mitigation against any ecological harms identified. However, bullet 3 seemingly undermines this position, by assigning a degree of preferential value to these mitigation environments once established. This is clearly against the purpose and intentions of the NPPF planning policy. Mitigation land cannot be assigned any greater protection under the NPPF than any other land of ecological value. In the future, should the mitigation land be subject to development proposals, in line with bullet 2, suitable replacement habitat must be provided elsewhere.

Policy E2 is generally supported, however in line with the NPPF and accepted national practice, replacement provision can be provided in the immediate locality, not necessary on site.

Policy E4 requires a map indicating the Local Green Space proposals. The exception policy for Local Green Space, that it is required to enhance the role and function of the identified LGS, is not in conformity with the tests in the NPPF and PPG, and should be amended accordingly.

The test established by Policy E5 is greater than the test for local identified viewpoints within national guidance, and the emerging Stroud Local Plan. This must be rectified to meet the basic conditions test. Protection must be commensurate and, in line with the balancing act of the NPPF, must consider other identified benefits which could override protection of undesignated viewpoints.

Draft Policy LA1 again fails to reflect commensurate protection, with the bullet points indicating that any development which had any adverse impact on viewpoints would be refused. Evidently, this is contrary to national planning policy and must be reviewed.



Draft Policy FR1 is supported, however it is contrary to the regulations. The requirement to provide SUDs is only applicable to developments above 10 units. Secondly, the Parish Council have no evidence to justify their position that new culverts would not be permitted.

Draft Policy T7 requires some amendment as in its current form it fails to reflect the transport impact tests as set out in the NPPF. Point a currently reads that any new development which adversely impacts on traffic congestion in the village centre or key junctions would not be permitted. This is inappropriate. Point b provides no detail in respect to what elements of the character of the village are deemed important in the NDP, however it is also clear that the test of any adverse impact would be contrary to the NPPF.

Draft Policy T4.4 sets a test for the provision of Travel Plans which is contrary to the NPPF, this should be amended.

Chestnut Park

It is clear that Kingswood will be required to deliver additional housing over the forthcoming plan period, and that the Parish Council's current position that this should be delayed for a period of 5 years is contrary both to the NDP's own evidence base, and the principles of the NPPF.

My client's site at land at Chestnut Park represents the most logical development opportunity within the settlement; and provides the potential to meet both a significant proportion of the existing affordable housing need within the parish, and provides wider benefits through the provision of additional housing for local households.

We would welcome the opportunity to discuss the potential of the site to meet local housing needs as part of the emerging NDP.

Yours faithfully

Daniel Weaver

Director

e-mail: dan.weaver@pegasuspg.co.uk