

Our Ref: 07B711090

Your Ref: N/A

20 July 2021

Local Plan Review
The Planning Strategy Team
Stroud District Council
Ebley Mill
Stroud
GL5 4UB

Issued via email to: local.plan@stroud.gov.uk

Dear Sir / Madam

Stroud District Council Local Plan Review - Pre-Submission Draft Local Plan under Regulations 19, 20 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Representations submitted on behalf of Redrow Homes Limited, with specific reference to the proposed allocation of Land North-west of Berkeley (Site PS33)

We hereby submit these representations on behalf of Redrow Homes Limited, with regards to their interest at Land North-west of Berkeley, which is identified in the Draft Plan for Consultation as the potential site allocation PS33. These representations seek to respond to the recently published Pre-submission Draft Local Plan.

We have completed the requisite form with the relevant contact information, but the text of our representation is also provided below for clarity. In direct response to the Regulations 19 response criteria, our comments predominantly relate to the 'soundness' of the local plan in specific instances, namely the need for a development brief for allocated sites and infrastructure requirements for the District. In general, we would like to note that the plan is sound, bar the noted exceptions.

Context

These representations form the latest response to the local plan preparation process, on the back of previous submissions (noting that GVA now trades as Avison Young). These submissions are as follows:

- Additional Housing Options Consultation – 16th December 2020;
- Final draft plan consultation – 20th January 2020;
- Preferred options consultation - January 2019
- Issues and options consultation - December 2017

This submission should therefore be read in conjunction with the above representations.

It should also be noted that there is currently a live full planning application for the site being considered by Stroud District Council's Development Control team, under planning ref. S.20/0100/FUL for:

'Proposed residential development with associated infrastructure, site access and highways works, landscaping and open space.'

This application is in the latter stages of determination, with all on-site technical matters resolved, and we are working positively and proactively with the Council towards a decision within the next couple of months.

The proposed site layout and landscape masterplan is attached as *Appendix 1* for reference; however, full details of the proposed development can be viewed on SDC's planning portal under planning application ref. S.20/0100/FUL.

Local Sites Allocation Policy PS33

The Draft Local Plan explicitly refers to the Land North-west of Berkeley, of which my client has interest in, acknowledging its draft allocation status once again. We refer to each of the aspirations cited in the draft allocation text and how this has been addressed in the current application on site.

While we note the format of the consultation as prescribed by Regulation 19, we would be remiss if we did not take this opportunity to demonstrate the development control progress, we have made under planning application ref. S.20/0100/FUL.

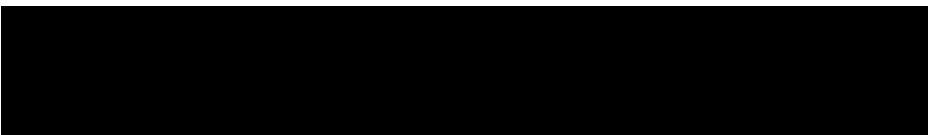
Quantum of development

We note that the allocation wording suggests that the site should be redeveloped to provide *'approximately 110 dwellings'*, whereas within application ref. S.20/0100/FUL, we are proposing the provision of 107 dwellings. We recognise that this is a shortfall, albeit a marginal one, however we would underline that the capacity of the site proposed within the full planning application stems from a full suite of technical and design work and recognition of the constraints on site (flood risk and topography). We have also recognised the need to include a significant open space provision on the western portion of the site. We therefore consider that the quantum of development proposed is appropriate and welcome flexibility being incorporated into the allocation wording in this regard.

Open space and landscaping

The allocation wording also refers to open space and strategic landscaping along the northern and eastern boundaries of the site.

We have included the latest landscape layout at *Appendix 2* to illustrate that within the full planning application the development is appropriately accommodated within existing and enhanced site boundaries, particularly to the north, but also to the east and south. This layout has been accepted from a development control perspective and no outstanding objections are in place.



New access from B4066

The allocation wording refers to a new access being provided from the B4066. As illustrated by the layout plan attached as *Appendix 1*, the site includes a new vehicular access from the B4066 from its northern boundary. During the application cycle, the proposed vehicular access position and design has been discussed and accepted by County Highways.

Landscaped park & Landscape Impacts

Another proposed aspiration for the site is a landscaped park along the western boundary incorporating the existing watercourse. The provision of a substantial landscaped park on the western portion of the site, as well as attenuation ponds, as part of the application are displayed within *Appendix 1* once again.

In combination with the landscaped boundaries, public realm design and healthy private amenity space provision, we consider that the overall site design knits seamlessly into the existing Berkeley settlement and does not unduly impact the wider landscape.

The landscaping provision for the scheme was accepted in November 2020 following amendments to the central square.

Safeguarding and enhancing local biodiversity

Over the course of the application cycle, ecological mitigation and enhancement measures have been proposed and accepted by both Natural England and the Council's Ecologist. Conditions have been recommended to secure the appropriate proposals for mitigation.

For completeness, we attached Natural England's 'no objection' letter of February 2021 as *Appendix 3*.

New and enhanced footpath and cycle links

Footpath and cycle links have been proposed as part of application ref. S.20/0100/FUL, with access to the site being provided on the eastern boundary from Station Road and southern boundary. A footpath is proposed along the northern edge of the site which connects in with the offsite footpath to the site; forming a circular link.

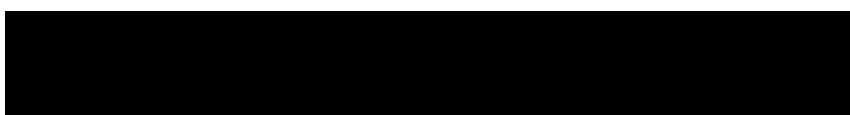
Flood Risk

As would be expected, flood risk mitigation measures have been proposed as part of the proposed development. The Project Team has worked actively with the Environment Agency (EA), through early pre application engagement, and over the determination period to resolve any queries related to flooding. Confirmation was provided on the 5th January 2021 by the EA to demonstrate that they no longer have an objection to the proposed development. We attach a copy of this correspondence as *Appendix 4* and consider that flood risk has been addressed.

Housing type, tenure and affordable provision

The draft allocation wording states that the site will *'provide a mix of tenures and types of housing, including affordable housing, reflecting local housing needs'*.

The development proposals provide a variety of housing types and tenures, including a policy compliant 30% affordable housing. The affordable housing mix has been devised in response to



pre-application discussions with SDC and Registered Providers, as well as through analysis of the most recent LHNA, therefore reflecting local needs.

As part of the application process, a revised affordable housing offer was made and accepted by SDC. For further information please review the AY Affordable Housing note submitted in support of application ref. S.20/0100/FUL.

In light of the above, the development proposals deliver an appropriate housing mix, which has been agreed with SDC Planning and Housing officers.

The Soundness of the Requirement for Masterplans/Development Briefs

Paragraphs 59 & 76 of the NPPF outline that land with permission should be developed without unnecessary delay to ensure that LPAs are delivering a sufficient number of homes.

With regards to the Local Plan's soundness, we take this opportunity to reflect on whether the Plan is efficient (in accordance with the NPPF as set out above) and effective in delivering sustainable development. In particular, we assess the proposed requirement for a development brief for site allocations, including smaller sites like the 10-unit allocation at Hardwicke (HAR17), as well as draft allocation PS33 at Land Northwest of Berkeley.

We note that the Ministry of Housing, Communities & Local Government (formerly the Department for Communities and Local Government) prepared the guidance titled 'Planning and Development Briefs: A Guide to Better Practice' in 1998. Although no longer in use this document gives clear advice on the preparation and use of site-specific planning and development briefs and should be noted. Crucially it notes when a development brief or masterplan might not be appropriate, suggesting that they are sometimes prepared unnecessarily at the cost of valuable local authority staff time. It cites a masterplan may be inappropriate where:

- the development plan together with any supplementary planning guidance provides an adequate basis for determining a planning application, taking all site-related factors into account;
- the local authority has no firm requirements for the site; or
- acceptable proposals are anticipated or are already being discussed with developers (e.g. where standard approaches to development are thought to be acceptable or where an acceptable planning application has been submitted).

We consider that application ref. S.20/0100/FUL meets the aspirations otherwise cited for it within the draft allocation text as illustrated above and is in the latter stages of determination with all on-site technical issues having been addressed. We would therefore suggest that an acceptable planning application has been submitted to the LPA and a development brief or approved masterplan is surplus to requirement.

The cost and time involved in preparing a planning brief should always be compared against the likely cost and time of securing acceptable development without it. The survey of users of briefs (developers, landowners, etc), conducted as part of the research, suggested that even when developers submit a proposal which fully complies with a planning brief, they may still have to go through a lengthy negotiation period over the planning application. The resources spent preparing such briefs may not reduce the amount of resources spent in negotiation, casting doubt on the utility of the brief.

Separately, as outlined within our previous representations, we would reiterate that the site is relatively small scale and deliverable within a single phase, as outlined within the submitted Design and Access Statement (and wider application pack). We therefore would deem a development brief or masterplan to be surplus to requirement in this case and would encourage the Council to remove its requirement from the proposed allocation wording.

To summarise the above, we consider that the requirement for development briefs or masterplans to accompany all allocated sites is excessive and ineffective in delivering sustainable development. Simply, the resource and time to develop, consult on, adopt and sometimes the rigorous requirements of, development briefs could potentially delay or deter the redevelopment of sustainable sites in the District needed to ensure the Council has an adequate housing and employment land supply for the plan period.

The Soundness of Infrastructure Requirements

Core Policy CP6 provides draft guidance regarding infrastructure and developer contributions. An Infrastructure Delivery Plan (IDP) has also been prepared by Arup and forms supporting evidence for the local plan but does not form part of it as outlined within paragraph 2.9.30.

The NPPF provides overarching guidance on development contributions in paragraph 34, stating that:

“Plans should set out the contributions expected from development. This should include setting out the levels and types of... infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

Paragraph 35 goes on to advise that when being examined, plans will only be considered ‘sound’ if they are ‘positively prepared’ which includes providing a clear strategy to meet an area’s objectively assessed needs and is ‘justified’ by being based on proportionate evidence.

Overall, we consider that the emerging Local Plan in itself, as required by the NPPF, does not set out the contributions expected from development, including strategic sites, or the levels and types of infrastructure required. In the absence of clear policy requirements, it will be difficult to determine the viability of sites. We also consider that the emerging Local Plan remains ambiguous on what requirements fall under the Community Infrastructure Levy (CIL) versus s106 agreements. At this point, Core Policy CP6 does not appear to be robustly supported by proportionate evidence. In this sense, it is contrary NPPF paras 34 and 35.

SDC have also prepared an Infrastructure Funding Statement (IFS). The IFS is an annual report, published by the Council to provide a summary of all financial and non-financial developer contributions relating to Section 106 agreements within the district. The NPPG paragraph: 059 Reference ID: 61-059-20190315 provides the following expectations of the IFS:

“The government recommends that when preparing a plan strategic policy-making authorities use available evidence of infrastructure requirements to prepare an Infrastructure Funding Statement. This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the plan-period.”



Contrary to the above, it is considered that the most recent IFS prepared by SDC fails to anticipate funding from developer contributions and how they will be directed.

Education Contributions

While it is cited as not forming part of the local plan, we take this opportunity to further interrogate the evidence presented in the IDP which is to be used *'to inform any review of planning obligations and support specific negotiations in relation to s.106 and s.278 agreements'*.

Specifically, we refer to the IDP's deficiency in providing a reliable evidence base for education contributions. The IDP's education contributions evidence base is based on data provided by the Local Education Authority.

The Community Infrastructure Levy Regulations 2010, regulation 122 (as amended by the 2011 and 2019 Regulations) sets out that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, which are as follows:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

A recent appeal decision at Land off the A38, Coombe Hill, Gloucestershire (ref. APP/G1630/W/20/3257625; decision date 1st June 2021) provides an up to date view on the methodology for determining education contributions in the District. The Inspector found that the child product ratios had been exaggerated and the translation to pupil product ratios overestimated by the County Education Authority. The capacity of existing schools was examined and there is no suggestion that the examination capacity should be limited to a single school planning area, as the County Council had done in this case. The site was also located on the cusp of several school planning areas, which were found to have sufficient school capacity. The Inspector ultimately took the view that there was no need for financial contributions towards educational infrastructure.

With regards to the Land Northwest of Berkeley site, as part of application ref. S.20/0100/FUL, there has been extended negotiation around the education contributions for the site which were being sought in addition to CIL, with County seeking the following on 16th February 2020:

- Early-years Contribution – Full (£434,620.80);
- Primary Contribution - £95,978.76;
- Secondary Contribution - £528,848.4

SDC have been unable to take a stance on education contributions at this point, having awaited the Coombe Hill appeal decision. This remains one of the outstanding points preventing the application from being determined to date and demonstrates the impact of an evidence base that is not sound or clear. In this manner, we consider that that the plan is ineffective in delivering sustainable development.

We would also note that SDC's most recent charging schedule (February 2017) outlines an expectation that Early Years, Primary and Secondary School infrastructure schemes should be funded, or part funded through CIL. Annex 2 *'Indicative Draft Regulation 123 List'* goes on to outline

that generally, only new primary schools at strategic site allocations would be expected to be funded through S.106 obligations. In contrast, throughout the application process for ref. S.20/0100/FUL, County have sought contributions to education through S.106 agreements and continue to do so despite the development proposals not meeting the scale/criterion suggested in SDC's charging schedule. We therefore consider there has been an inconsistent approach to how education contributions are sought in the District. Consistency in planning decisions is vital because previous planning decisions are capable of being material considerations, meaning they set a precedent for subsequent development proposals in the District. The reasoning behind this was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137:

"One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system."

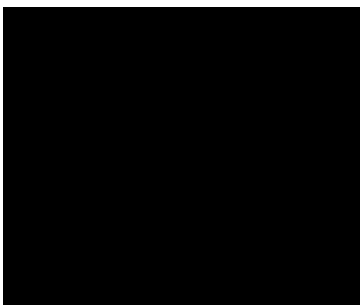
If this ambiguous approach to contributions continues to be adopted in the District, we consider that it could unduly extend the determination process, as has been experienced in this case, as well as prejudice the efficient delivery of sustainable development more widely. We are actively discussing the particular point of CIL versus S.106 contributions with SDC in relation to education contributions for application ref. S.20/0100/FUL.

In light of the above, we consider that the evidence presented in the IDP cannot be wholly relied upon to provide robust and justified support, contrary to paragraph 35 of the NPPF and the CIL Regulations 2010, regulation 122.

Summary

In summary, these representations have sought to respond to the Pre-Submission Draft Local Plan Consultation 2021 with respect to its 'soundness', with reference to the need for development briefs and the robustness of the infrastructure requirements sought. It also takes the opportunity to demonstrate the progress made on the full planning application at draft allocation PS33: Land Northwest of Berkeley to date.

Yours sincerely



Director



For and on behalf of Avison Young (UK) Limited

