

## Campaign to Protect Rural England: Berkeley Vale District

### **Planning Application Reference S.18/2617/OUT: Land South of Charfield Road, Kingswood, Gloucestershire.**

Outline planning application (with all matters reserved except access) for up to 50 dwellings (including 30% affordable housing), with associated public open space, structural planting and landscaping, surface water attenuation ponds & ancillary works.

#### **Introduction**

This statement sets out CPRE's objections to the proposed development. CPRE has examined all the documents which accompanied the planning application, in particular the Planning Statement.

Representatives of CPRE are already familiar with the site having carried out a thorough site visit in September 2016 in anticipation of the inquiry then scheduled.

#### **Background**

CPRE is therefore aware that the site of this proposal consists of part of the land for an earlier scheme put forward by Gladman (S.15/01271/OUT) for 90 dwellings. This was refused by the District Council. CPRE had been granted Rule 6 status to appear at the inquiry scheduled to begin in November 2016. However, the appellants withdrew at a late stage, about three weeks before proofs were due to be exchanged.

#### **The Development Plan**

In this instance the development plan consists of the adopted Stroud District Local Plan (SDLP) and the Kingswood Neighbourhood Development Plan (KNDP). The former was adopted in November 2015, has a base date of 2006, and runs to 2031. It is therefore about half way through its nominal Plan period and its provisions can reasonably be expected to carry full weight for the foreseeable future.

The Local Plan sets a housing requirement of 11,400 dwellings for the Plan period, equivalent to 456 dwellings a year. Actual delivery (see section below on housing delivery and land supply) has fallen a little short of what is required, but bearing in mind that the Plan period so far has included a lengthy spell of economic difficulties, housing delivery in CPRE's opinion has held up well. Any problem is thus on the demand side, rather than the supply side, and the situation does not require urgent remedies such as the release of large

sites (and in this context, 50 dwellings constitutes “large”) outside defined settlement boundaries. In any event, the proper remedy for serious undersupply, to the extent that is a problem, is a review of a plan, not the *ad hoc* release of sites. A review is precisely what the Council has already begun, but not one prompted by any fundamental shortcoming of the current Plan, but instead by the need to roll the Plan forward.

The KNDP was made on 18<sup>th</sup> May 2017 and is one of six such made plans in the District.

### **The Adopted Local Plan**

This section addresses the degree of compliance or otherwise of the proposed development with the adopted Local Plan. What CPRE considers to be the most directly relevant policies are discussed below.

#### *Core Policy CP1 Presumption in favour of Sustainable Development*

Core Policy CP1 of the Local Plan is effectively a paraphrase of what is now paragraph 11 of the NPPF. CPRE considers however that its drafting does not lend support to the proposed development, given what we regard as a clear lack of compliance with other policies, particularly core policies CP2 and CP15. The interpretation of paragraph 11 in this context is straightforward: decision makers should approve proposals that accord with the development plan without delay, but should refuse proposed development which conflicts with the development plan unless material considerations indicate otherwise.

#### *Core Policy CP2 Strategic Growth and Development Locations*

Policy CP2 identifies six strategic sites for housing, employment, or both. It then states that “*outside of strategic sites, development will take place in accordance with the settlement hierarchy set out in this Plan*”. The site of the proposed development is not one of these strategic sites; indeed, it is located on a site outside any settlement boundary, in a location in which policies for the countryside apply.

#### *Core Policy CP3 Settlement Hierarchy*

CPRE notes that Kingswood is placed, along with about twenty other settlements, in the third of five tiers in the settlement hierarchy, described as “*accessible settlements with limited facilities*”.

The generic description for these settlements states in full: “*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*” [CPRE emphasis].

Paragraph 2.74 states in full: *“One of the primary aims of establishing a settlement hierarchy is to promote sustainable communities by bringing housing, jobs and services closer together in an attempt to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere. A settlement hierarchy policy can help to achieve this by concentrating housing growth in those settlements that already have a range of services (as long as there is capacity for growth), and restricting it in those that do not”* [CPRE emphasis].

Taking the last quotation alongside the generic characteristic of limited facilities, CPRE considers that the scale of the proposed development is contrary to this policy.

#### *Core Policy CP15 A Quality Living and Working Countryside*

The first part of Core Policy CP15 states:

*“In order to protect the separate identity of settlements and the quality of the countryside (including its built and natural heritage), proposals outside identified settlement development limits will not be permitted except where these principles are complied with:*

- 1. It is essential to the maintenance or enhancement of a sustainable farming or forestry enterprise within the District; and/or*
- 2. It is essential to be located there in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism; and/or*
- 3. It is a ‘rural exception site’, where development is appropriate, sustainable, affordable and meets an identified local need; and/or*
- 4. It is demonstrated that the proposal is enabling development, required in order to maintain a heritage asset of acknowledged importance; and/or*
- 5. It is a replacement dwelling; and/or*
- 6. It will involve essential community facilities”*

The proposed development falls into none of these categories, so the criteria of the second part of the policy do not need to be applied.

The proposed development is therefore contrary to the development plan in the form of these core policies. CPRE cannot identify any other policies in the SDLP which would lend support to the proposal.

#### *Settlement Boundaries*

Some further general comment on settlement boundaries is appropriate in the light of the applicant’s approach to planning policy. CPRE regards them as an essential tool in planning, especially in rural areas such as this, in providing more definitive guidance on where

development will be on the whole permitted or encouraged, and where it will (on the whole) be discouraged, than can perhaps be provided by criterion-based policies.

CPRE is well aware of the need for development plans to be read as a whole. However, the very fact that the site of the proposed development lies outside the settlement boundary for Kingswood shows more clearly than by any other means that the proposal is contrary to the development plan. Substantial grounds in the form of other material considerations must be identified to justify development on this scale and in this location. However, the applicants have not identified any such material considerations because they have not taken this approach. For its part, CPRE cannot identify any other material considerations which could be argued to be sufficient to outweigh the provisions of the development plan.

### **The Kingswood Neighbourhood Development Plan**

#### *Policy SL1 Kingswood Settlement Development Limits Boundary*

The first paragraph of this policy states:

*“The development of the village of Kingswood shall be focused within the settlement development limits boundary as identified on Map 2 (or subsequently varied by any adopted Local Plan) and subject to compliance with other policies within the development plan”.*

The second paragraph sets criteria for proposals for more than five dwellings, but in CPRE’s interpretation only in the context of the first paragraph.

The third part of the policy refers to support for a variety of development – but only for schemes which accord with the NDP.

The proposed development is quite clearly contrary to this policy.

Beside the NDP itself, CPRE considers the Examiner’s report to be important.

Paragraph 37 states in part: *“As far as the near future is concerned I share the concerns about continued substantial growth beyond the permitted up to 51 houses outside the settlement boundary established in the recent Local Plan process. The totality of continued substantial growth above that which has taken place and been permitted would place undue pressure on the social cohesion of this community and (notwithstanding the benefit of additional affordable housing) not correspond with the social dimension of sustainable development”* [CPRE emphasis].

This paragraph also refers to the extent of long distance out-commuting from the parish which would be exacerbated by any immediate further increase in housing provision, contrary to the environmental dimension of sustainable development.

Later in that paragraph *“I am of the firm view that the recently permitted Chestnut Park development should be the only substantial housing development in the near future”* [CPRE emphasis].

Paragraph 38 goes on to say *“I am satisfied that the Local Plan will be reviewed in a period that does not significantly exceed 5 years and this is sufficient to meet my concerns”*.

The Examiner’s detailed comments on these matters reinforce CPRE’s view that any further significant development in Kingswood should be plan-led, by a review of the Local Plan which is already under way, and possibly by a review of the NDP. Review of an NDP is not obligatory; but a review of the Local Plan will most likely be sufficient in the event of the Parish Council deciding not to review the NDP or having insufficient resources to do so.

### *The Emerging Development Plan*

CPRE is aware that at the time of writing a period of consultation on what the Council has called the Stroud District Local Plan Review Emerging Strategy Paper (ESP) has just ended, and indeed has submitted representations on it.

The emerging Plan sets out possible options to accommodate additional dwellings to meet the requirement for the extension of the Plan period from 2031 to 2040 as the plan is rolled forward.

Although the proposals do not yet constitute preferred options, and the plan is some way short of being examined, and therefore carries little weight, the ESP indicates the direction of travel in two important ways.

First, a distribution of development based on the settlement hierarchy is largely maintained. Where it is not, for example in the Sharpness area, there are specific and well justified reasons for it. Page 40 of the ESP divides the previous tier 3 of the settlement hierarchy into tiers 3a and 3b on the basis of a more detailed differentiation in terms of services and facilities, with more in the former than in the latter. Kingswood is one of ten settlements from the original tier 3 reclassified in tier 3a. However, this relatively minor proposed policy shift lends no support now to the release of the application site.

Secondly, page 38 clearly sets out the policy stance for development outside settlement boundaries: *“Some limited development at small and medium-sized sites (up to 20 dwellings) immediately adjoining settlement development limits at Tier 1-3 settlements will be allowed, to meet specific identified local development needs (i.e. exception sites for first time buyers, self build and custom build housing, rural exception sites), subject to being able to overcome environmental constraints”* [CPRE emphasis].

On page 88, the ESP identifies two potential sites for housing (PS38 and PS39), on the south side of the village, each with an estimated capacity of 50 dwellings. It is made quite clear that only one of these will go forward, if at all. It is understood that the first of these sites

was the subject of a planning application by a major housebuilder around the time of the proposed inquiry into the previous proposal on the present site, but the application was withdrawn.

If either of these sites is included in the Plan eventually submitted to the Secretary of State, it will not be needed until the Plan is adopted.

### **The Applicant's Planning Statement**

CPRE has carefully examined the Planning Statement prepared by Carter Jonas. To start with their final paragraph at 6.7, we note that applicants conclude that the application accords with the development plan. This is therefore not a case of an applicant acknowledging that a proposal is contrary to the development plan and then attempting to identify material considerations sufficient to outweigh the lack of compliance.

For the detailed reasons given above, CPRE disagrees entirely with the applicant's proposition at paragraph 6.7.

### **Affordable Housing**

The applicant has placed some emphasis on affordable housing as a benefit of the scheme, involving the provision of 15 units out of the total of 50. However, any such benefits are in CPRE's opinion outweighed by the lack of compliance with the development plan. Furthermore, there are plausible and more desirable alternatives for affordable housing to meet needs in the locality: either by the means outlined on page 38 of the ESP, or as an appropriate percentage of dwellings on any future allocation for housing in Kingswood.

### **Housing Delivery and Land Supply**

CPRE has examined the documents Stroud District Housing Land Supply (July 2018) and the Housing Land Supply Assessment Update at 30 September 2018.

These documents show that in the first 12 years of the Plan period starting in 2006, 5,120 dwellings were completed in the District. This is 352 dwellings or 6.4% short of the cumulative housing requirement for that period of 5,472 dwellings.

However, this shortfall is taken into account in the calculation of the five year requirement for 2018 to 2023, along with a 5% buffer which is appropriate in the circumstances. The extent of current supply, which includes a very modest allowance of 150 dwellings for windfalls, shows that total supply is 7316 dwellings of which 2603 (36%) have been discounted as not likely to be built in the five year period. Notwithstanding this substantial discount, the resultant years supply figure in the update is 8.53, comfortably above the minimum required of five years.

The calculations are clearly set out and are mathematically sound. CPRE concludes that there is no need to grant planning permission on this site in order to maintain an appropriate supply of land for housing in the District.

### **Landscape Impact**

On the basis of its own review of the LVIA and the site visit, CPRE considers that the proposed development constitutes an unwarranted incursion into the open countryside. This militates even more strongly against the proposal in addition to the lack of compliance with policy discussed elsewhere in this statement.

### **Summary and Conclusion**

In summary, the SDLP is relatively recently adopted. It makes sufficient provision for housing for the Plan period as a whole, and for the short and medium term a five year supply of land for housing can be demonstrated. The SDLP is soundly based on a clear settlement hierarchy designed to accommodate required levels of development in a sustainable manner. For clarity and certainty it retains settlement boundaries and is unequivocal about the type and scale of development permissible outside them.

For these reasons, CPRE concludes that the proposed development is contrary to the development plan. The applicants have not even attempted to identify material considerations sufficient to outweigh the development plan. We therefore respectfully request the Council to refuse the application.

*18 January 2019*