Response from the Pegasus Group RE Representations on behalf of Gallagher Estates



BIR.4502.NeighbourhoodDevelopmentPlanReps.RevB.270715

27th July 2015

Freepost RTJX-GHEE-ZUCS
Stratford-on-Avon District Council
Consultation Unit
Elizabeth House
Church Street
Stratford upon Avon
CV37 6BR

Dear Sir/Madam

<u>Stratford Neighbourhood Development Plan Pre-Submission Consultation:</u> Representations on behalf of Gallagher Estates

We have been instructed by our client, Gallagher Estates, to submit representations on their behalf to the Stratford upon Avon Pre-Submission Neighbourhood Development Plan. Gallagher Estates has land interests in the following three sites:

- Land at Oak Road, Tiddington
- · Land east of Birmingham Road, Stratford
- Land at Arden Heath Farm, Stratford

Land at Oak Road, Tiddington

Our client's land at Oak Road, Tiddington is identified within the Neighbourhood Plan for the allocation of up to 60 houses. The site is located to the eastern edge of Tiddington, approximately 400m from the village centre and approximately 3km from Stratford town centre. The site is approximately 3.019ha and is bounded to its northern and western sides by existing residential development on Main Street and Oak Road.

Consistent with the provisions of the draft Neighbourhood Plan an application for up to 60 dwellings was submitted to the Council on the $10^{\rm th}$ June (Application reference 15/02057/OUT). The site has the ability to deliver a range of 2, 3, 4 bed dwellings, including 35% affordable housing. The Indicative Masterplan drawing reference BIR.4502_02K which accompanies the application has been enclosed for your reference.

Gallagher Estates has been in discussions with the local Ward Member and Tiddington Village Residents' Association (TVRA) over the last year to consider the form and scale of development and the approach to pre-application consultation. In May 2015 Gallagher Estates undertook a comprehensive public consultation exercise to inform the local community of the initial proposals for the site and the responses received were used to shape the proposals that are currently being considered by the Council.

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Land to the east of Birmingham Road

Land East of Birmingham Road, Stratford upon Avon extends over an overall site area of approximately 3.5 hectares. The site is greenfield land located adjacent to the north east extent of the built up area of Stratford-upon-Avon, but is not in the Green Belt. The site is located to the north-east of Birmingham Road on the urban edge of Stratford upon Avon immediately to the north of Ash Grove. To the south west, between the site and Birmingham Road, is a field where planning permission was approved in March 2015 for 67 dwellings for Williams Davis Ltd (application reference14/01539/FUL). To the northwest is the site known as Gallagher Estates Phase 1 which was granted planning permission in October 2014 for up to 60 dwellings (application reference 13/02542/OUT). Well established planting defines the northern and north-eastern boundaries.

A planning application is currently being prepared and is due to be submitted to the Council for the residential development of the site for up to 65 dwellings. The application is to be submitted in outline but through the supporting application material it has been demonstrated that the site has the ability to deliver a range of 2, 3 and 4 bed dwellings with the provision of affordable housing at 35% of the total number of units proposed. The indicative site layout (enclosed drawing reference BIR.4739_14B) demonstrates the ability to provide a high quality residential environment making efficient use of a greenfield site. Careful consideration has been given to the scale, density, form and layout of the development to ensure it fully respects the character and appearance of the surrounding area. The location of built form has also given particular consideration to the site's edge of settlement location. The proposed layout has evolved through pre application discussion with officers at the District Council, various statutory consultees, as well as the local community through a comprehensive public consultation exercise, including a public exhibition held at the Thomas Jolyffe Primary School in June 2015

Land at Arden Heath Farm

Gallagher Estates outline proposal for land at Arden Heath Farm is for up to 270 dwellings, public open space and structural landscaping. This scheme is currently at appeal to be heard at Inquiry in October 2015. As the Steering Group will be aware, the Council consider that the principle of the development is acceptable and are not defending the highway or air quality reasons for refusal at the forthcoming Inquiry. The site is a sustainable location for development to take place. The submitted Masterplan (BIR.4139_03C) demonstrates that a high quality residential development is proposed which will deliver a mix and range of dwellings including 35% of the total number of units being affordable housing, as well as public open space which will also assist to maintain the gap between the built up areas of Tiddington and Stratford.

Preparation of the Stratford Pre Submission Neighbourhood Development Plan

In reviewing the Neighbourhood Plan there are a few key points we would like to draw to the attention of the Steering Group in relation to specific policies, however, fundamentally our main concerns are based around the submission of the Neighbourhood Plan in advance of the emerging Core Strategy being adopted.

Clearly the Steering Group have spent a lot of time and hard work preparing the Neighbourhood Plan for the Stratford upon Avon Neighbourhood Area alongside active consultation with the local community, and are commended for doing so. However in

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meeting the ambitions of the Plan and the referendum it is important that the adoption of the Neighbourhood Plan is not premature.

There still remains uncertainty over the emerging Core Strategy, in particular the requirement for yet further housing within Stratford District and this is something that needs to be given further consideration in the preparation and submission of the Neighbourhood Development Plan. You will be aware of the Inspector's Interim Conclusions into the Stratford-on-Avon Core Strategy Examination, published in March of this year, which concluded that the 'overall supply position over the plan period is tight and does not appear to be a robust position on which to take the plan forward'. My client has land interests on the edge of Stratford and Tiddington which can assist in meeting the District's housing requirements, with Tiddington Fields (Land off Oak Road) proposed to be allocated for 60 houses within the Neighbourhood Development Plan.

The Neighbourhood Development Plan at present does not allow for any increase in housing numbers within the District and only focuses housing allocations at Stratford within the Canal Regeneration Zone, with further allocations then proposed at Tiddington and Alveston. It is recognised that these allocations have been chosen through consultation with the Neighbourhood Area, however these allocations have been based on overall housing numbers set within the current draft Core Strategy. As set out above, the Inspector examining the Core Strategy has rejected these numbers, requiring the Council to undertake further work to demonstrate a robust and objective assessment of housing needs.

The Council recently published revisions to the Core Strategy along with further supporting technical evidence, which was taken to Cabinet on the 20th July. The report acknowledged that in order to meet the Inspector's concerns regarding housing provision over the plan period, a significant increase in the overall housing target figure would be necessary and the overall housing supply figure would need to build in 'headroom', which the Council identified should be no less than 5-7%. The Council concluded in their report that in order to meet the Inspector's principle concerns, an objectively assessed need of 14,480 homes (724dpa) would need to be provided for over the plan period whilst identifying a target supply figure in the region of 15,200 to 15,500 homes to allow for the 'headroom' recommended by the Inspector.

Furthermore, in order to demonstrate a robust 5 year housing land supply the Council has acknowledged that it will be necessary to release a range of housing sites to ensure a steady supply of new homes in the medium to long term, as well as the prospect of additional early delivery to contribute to the existing deficit in the 5 year housing land supply, with target supply likely to be towards the upper end figure identified. Based on assumed commitments of around 9,490 (including windfall sites) the Council has therefore concluded that capacity will need to be identified for a further 5,712 to 6,003 homes within the District across the Plan Period. Further to this the Council, on the 23rd July 2015, identified that it could only demonstrate a current Housing Land Supply of 3.85 years and it would therefore be necessary to deliver around 1,216 homes annually in the short term to rectify the shortfall in delivery across the District over the plan period 2011-2015.

Given the findings of the additional work undertaken by the Council which identifies the need for a significant increase in the District's housing target figure, it would in our mind be premature at this stage to submit the Stratford Neighbourhood Development Plan.

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Cabinet acknowledges that upon resubmission the Council need to show clear evidence that the adoption of the plan will put in place a robust 5 year housing land supply and that the Core Strategy will need to encompass a range of sites that will guarantee both a steady supply of new houses in the medium to long term and the prospect of additional early delivery that will contribute to the district's 5 year supply. The Neighbourhood Plan needs to ensure that it is best placed to align with this in identifying a range of suitable sites such as our client's land interests as identified above.

The Neighbourhood Development Plan currently acknowledges that the purpose of the plan is to discourage future residential development in a piecemeal and uncoordinated manner. In progressing the Neighbourhood Plan in advance of the adoption of the Core Strategy, the Neighbourhood Plan runs the risk of doing just this and being inconsistent with the provisions of the Core Strategy, which based on the Core Strategy Inspector's recent conclusions and most recent Cabinet meeting, has led to a number of new allocations being proposed. Delaying the submission of the Neighbourhood Plan would indeed provide greater assurances to local residents that their views on how they would like to see the town developed and where additional housing numbers should be directed can be conveyed through the Neighbourhood Development Plan, only then providing the Local Planning Authority with a 'clear local mandate for action'.

In particular in relation to Stratford itself, the Inspector acknowledged there is the ability to accommodate more housing than that which is currently being accounted for within the Neighbourhood Development Plan. There are therefore clear advantages of prolonging the submission of the Neighbourhood Development Plan in light of the additional work currently being undertaken on the Core Strategy and the future consultation on new allocations that will be necessary. In working closely with the Council between now and the adoption of the Core Strategy, the Steering Group will hopefully be better placed to allocate the level of housing required in the District consistent with the policy provisions of the Core Strategy, whilst also ensuring local residents have a clear say as to where those additional housing numbers are met, making the best use of existing and planned infrastructure.

Although it is understood that the Steering Group have been in consultation with the District Council in the preparation of the Plan, the Steering Group have failed to consult directly with our client who is known to have land interests within Stratford. This is contrary to the requirements of the Planning Practice Guidance at paragraph *ID 41-048*, and as such cannot have fully considered the development opportunities of all alternative housing site options. The ability of the Neighbourhood Plan to meet with the basic condition of ensuring the Plan contributes to the achievement of sustainable development is thrown into question. Without fully understanding the constraints and opportunities of individual sites, sufficient and proportionate evidence cannot be presented to demonstrate that the draft Neighbourhood Plan guides development to the most sustainable locations.

Although relating directly to the preparation of Local Plans, Planning Practice Guidance provides useful guidance on the preparation of Sustainability Appraisals and sets out that 'a sustainability appraisal needs to compare all reasonable alternatives including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted. The sustainability appraisal should predict and evaluate the effects of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative. The sustainability appraisal should

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identify, describe and evaluate the likely significant effects on environmental, economic and social factors using the evidence base'.

In ensuring a sufficient and proportionate evidence base is prepared by the Neighbourhood Plan Steering Group to demonstrate that the allocation of specific sites contributes to the achievement of sustainable development, it is imperative that an appraisal of all potential housing sites is undertaken as described above. In light of both the views of the Core Strategy Inspector and the recommendations recently endorsed by Council's Cabinet, the Neighbourhood Plan is proposing a level of housing significantly below that will need to come forward within Stratford, whether through Windfall Sites or Specific Site Allocations. This discrepancy needs to be addressed in the preparation of the Neighbourhood Plan through public consultation, and close consultation with Council Officers and key stakeholders, including my client, which has known land interest in the area.

Neighbourhood Plan Policies

In addition to the above, you will be aware of the basic conditions that the Neighbourhood Development Plan must meet. When reviewing the Plan policies I am concerned that a number of policies as currently drafted, do not fulfil the requirements of these basic conditions set out within paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

Policy H1 - Built up Areas (BUA's)

Policy H1 as currently worded provides no flexibility for sustainable housing sites to come forward which are located outside the built up development boundaries of Stratford-upon-Avon, Tiddington or Alveston as defined on the Neighbourhood Proposals Map, other than those sites specifically allocated for development.

Policy H1 has clear implications for meeting the increase in housing numbers required in the District. The Policy is too restrictive, placing unnecessary constraints on windfall sites being delivered in the town. This conflicts with the provisions of the Core Strategy which places considerable reliance on the provision of windfall sites to meet the District's housing requirements.

The draft policy is therefore contrary to both the strategic policy provisions of the emerging Core Strategy and the provisions of the NPPF, placing unnecessary restrictions on development coming forward, in particular housing sites in sustainable locations such as at Arden Heath Farm and to the east of Birmingham Road. These sites can contribute to meeting Stratford's housing requirements through the provision of high quality housing development, including both market and affordable housing.

Land to the east of Birmingham Road provides the opportunity for a high quality sustainable housing allocation. The site sits outside of the Green Belt and between two other pieces of land that have recently been granted planning permission and would therefore offer a logical and sustainable addition to the development of this area of the town. As identified above, an application for the development of the site for 65 dwellings has recently been submitted to the Stratford-on-Avon District Council, the supporting material of which demonstrates the deliverability of the site to come forward for housing.

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Similarly, Land at Arden Heath Farm provides an excellent site for housing allocation within the Neighbourhood Plan which is discussed below in the context of Policy H2 and the Strategic Gap.

Policy H2 – Strategic Gap

The provision of a Strategic Gap within the Stratford Neighbourhood Development Plan under Policy H2, does not appear to be in general conformity with the strategic policies of the Development Plan. Land which has been designated as a Strategic Gap and protected under the provisions of Policy H2 currently has no special designations (i.e. Green Belt, SSSI) within the existing Development Plan and as such the protection of this land is not in general conformity with the Development Plan.

Our client is promoting the land at Arden Heath Farm. Although a large proportion of land at Arden Heath Farm falls outside the proposed Strategic Gap, land to the north of Loxley Road currently falls within the proposed Strategic Gap. The residential proposals for the site are the subject of an appeal to be heard in October 2015. Careful consideration has been given to the landscape character and setting of this site, with a robust landscape led approach to the proposed layout and the provision of a large area of open space at the northern end of the site. It is suggested therefore that the inclusion of the Strategic Gap as currently proposed should be given further consideration and if the decision is taken to retain the Strategic Gap designation, then it should be withdrawn to exclude the area of built development being proposed on land to the north of Loxley Road.

The only evidence currently available for the preferred housing allocations as set out within Policy H2 are the results of the Neighbourhood Plan Survey. This provides an indication of where residents would like to see housing directed within the Neighbourhood Area. In providing development which contributes to the achievement of sustainable development, however, a more balanced approach to the allocation of sites should have been undertaken, such that local residents' views are informed by a sustainability appraisal process which assesses all reasonable site alternatives.

Policy H3 - Local Service Village Allocations

This policy supports the allocation of 90 dwellings in the village of Tiddington. The general provisions of Policy H3 are supported, with the allocation of 90 houses including the 60 houses allocated at Tiddington Fields (Land at Oak Road, Tiddington). Reference however should be made to comments raised below in relation to site specific policy SSB5.

Policy H4 - Prioritising the use of Brownfield Land

Policy H4 is not considered to have given full regard to the Core Planning Principles of the NPPF which are set out at Paragraph 17, which include that planning should encourage the effective use of land by reusing land that has been previously developed. Paragraph 17 of the NPPF, however, unlike the wording of Neighbourhood Development Plan Policy H4, does not place any presumption in favour of previously developed land and as such we feel that the Steering Group may want to give further consideration to the inclusion of Policy H4.

The wording of Policy H4 is not consistent with the NPPF or the emerging Core Strategy and as such the Steering Group should delete this policy which at present fails the basic conditions required of Neighbourhood Development Plans.

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Policies H6, H7, H8 and H9 – Market Housing Mix and Affordable Housing Policies

It is considered that Policies H6, H7, PH8 and H9, are unnecessary and overly prescriptive and it suggested that these policies should be deleted. Furthermore, as currently drafted none of the above emerging policies are consistent with the emerging Core Strategy and as such it is suggested that a general Policy which cross references the provisions of Policy CS18 of the Core Strategy would be more appropriate, with the removal of the above polices. This would ensure that developments will give due regard to the most up to date evidence to inform the provision of housing mix and affordable housing.

Policy BE6 - Design Quality Standards

Following the technical housing standard review the government withdrew the Code for Sustainable Homes in March 2015, whilst the issue of Lifetime Homes is currently the subject of review through the Core Strategy Examination. Paragraph 3.1.8 of the Main Modifications to the Core Strategy published in June 2015 clearly acknowledges that the Code for Sustainable Homes will be phased out and replaced by national standards for energy and water within and Building Regulations for new homes. Reference to code should therefore be removed from this policy.

Furthermore, the draft policy as currently written over-states the use of Building for Life. The 2015 Building for Life guidance specifically states that local authorities should avoid explicitly setting a requirement for all proposed developments to achieve a scoring of 12 'Greens'. The provisions of draft Policy BE5 requires developments to justify any Red or Amber scores, which is overly prescriptive and does not accord with the January 2015 Building for Life Guidance.

Policy BE8 – Effective and Efficient Use of Land

At criterion d) of Policy BE8 reference is made to 'making only exceptional use of the best and most versatile agricultural land'. The Neighbourhood Plan must meet the basic condition that due regard is given to the provisions of the NPPF. The current wording of this policy should therefore be revised in line with Paragraph 112 of the NPPF which sets out that 'where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality'. As currently written the policy is overly restrictive, as it precludes development coming forward on best and most versatile agricultural land, even where the development would not entail any 'significant' development of best or most versatile agricultural land. The word 'exceptional' shall therefore be removed from this policy.

In addition there needs to be a mechanism within the policy that takes account of the need for development. There may be instances where significant development of agricultural land is demonstrated to be necessary, such as the need for housing development. As such the policy should be worded in line with the NPPF such that the loss of best and most versatile agricultural land can be weighed in the balance against the benefits that will be delivered through a development.

Policy BE11 – Listed Buildings and Scheduled Ancient Monuments

Currently, draft Policy BE11 restricts development that would cause 'harm' to the special historical or architectural fabric and interest of listed buildings and ancient monuments

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and their settings. It is important however that in line with the provisions of Paragraph 133 of the NPPF reference is made within this policy to 'proposals which cause <u>substantial</u> harm...' rather than just harm.

Policy CLW5 - Open Space and Play Area within New Development

Policy CLW5 makes reference to Natural England's Greenspace Standard. These standards are not formally adopted and were published prior to the publication of the NPPF. This policy should therefore be revised in line with the provisions of the Core Strategy at Policy CS24 which sets out open space standards specific to the needs of the District.

Policy SSB5 - Tiddington Housing Allocation - Tiddington Fields

Support is given to the general thrust of Policy SSB5 and in particular to the proposed allocation of our client's site at Tiddington Fields (Land off Oak Road, Tiddington). This, has followed extensive discussions between our client and Tiddington Village Residents' Association over a considerable period of time. As set out above a planning application (Application reference 15/02057/OUT) has been submitted for up to 60 dwellings which is in accordance with the scale of development envisaged for the site set out in Policy SSB5. The Indicative Masterplan which accompanies the application and which has been enclosed for your reference illustrates how the site can come forward for housing development whilst the application submission itself demonstrates the deliverability of the proposals. As per the requirements set out within Policy SSB5 the Masterplan demonstrates provision has been made for access into the adjoining Cala Homes Home Guard Club site, however all of the technical studies that have been undertaken have shown that vehicular access off Oak Road, as shown on the Masterplan, would also be acceptable to Warwickshire County Council in relation to transport and highways impact.

As discussed above in relation to Policies H6, H7, H8 and H9, specific reference to housing mix and affordable housing provision should be addressed within an overarching Policy which cross references the relevant Policy provisions of the Core Strategy.

Summary

I hope the points raised in the above submission assist you further in working up a Neighbourhood Development Plan for the Stratford upon Avon Neighbourhood Area, enabling the Plan to be best placed to advocate the views of residents through an open and transparent consultation process, with both residents and other interested parties, including my client.

Kind regards,

Yours faithfully

KATHERINE LOVSEY-BARTON
Principal Planner







PHASE 2: LAND OFF BIRMINGHAM ROAD, BISHOPTON. STRATFORD-UPON-AVON PROPOSED INDICATIVE MASTERPLAN







Stratford Neighbourhood Development Plan Pre-Submission Consultation Public Response Form

The Stratford Neighbourhood Plan Steering Group has prepared a pre-submission Neighbourhood Development Plan for the Stratford upon Avon Neighbourhood Area and is inviting you to comment by 11.59pm on Monday 27 July 2015.

In order for your response to be taken into account when the Neighbourhood Development Plan goes to Stratford on Avon District Council for Examination your contact details are needed and also to keep you informed of future progress.

All comments will be publicly available on the Stratford Neighbourhood Development Plan website once they have been analysed, and will be identifiable by name (and organisation where applicable). Please note that any other personal information provided will be processed in line with the Data Protection Act 1998 and not made available on the website.

Please fill in your contact details below

Full Name:
Katherine Lovsey-Barton
Organisation represented (where applicable)
Pegasus Group on behalf of Gallagher Estates
Capacity in which commenting on Plan (eg Resident, Business/Work in Area, Residents' Association Rep, Statutory Consultee)
Developer with land interests within Neighbourhood Plan area
Address:
5 The Priory, Old London Road,
5 The Priory, Old London Road, Canwell, Sutton Coldfield
Post Code:
875 5SH
Email Address:
katherne. lovsey-barton @ pegasuspg. co. uk

Please make sure any additional pages are clearly labelled/addressed or attached.

Please send your completed form by 11.59pm on Monday 27 July 2015 to

Freepost RTJX-GHEE-ZUCS, Stratford-on-Avon District Council, Consultation Unit, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6BR

Many Thanks - your support is appreciated

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Stratford Neighbourhood Development Plan Pre-Submission Consultation

Your Name: Katherine Co	ousey-Barton (Aequisus Group on behalf of Gallagher Estates)
Are you content with the Neighb	ourhood Development Plan as a whole?
YES	NO V

If NO, please give your comments for any modifications you would like to see to the Policies or Proposals, or the reasons why you oppose them.

Policy/ Proposal No	Comments or Reasons
Areparation of the Nephborhood Plan	Please see accompanying letter
Adicy HI	Please see accompanying letter
Policy H2	Please see accompanying letter
Policy H3	Please see accompanying letter
Policy H4	Please see accompanying letter
Policy H6	Please see accompanying letter

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Stratford Neighbourhood Development Plan Pre-Submission Consultation

Your Name: Katherine Lousen	- Barton (Pegasus Group on behalf of Gallagher Estates)
Are you content with the Neighbourh	ood Development Plan as a whole?
YES	NO V

If NO, please give your comments for any modifications you would like to see to the Policies or Proposals, or the reasons why you oppose them.

Policy/ Proposal No	Comments or Reasons
Policy H7	Please see accompanying letter
Policy H8	Please see accompanying letter
Policy H9	Please see accompanying letter
Policy BE6	Please see accompanying letter
Policy BE8	Please see accompanying letter
Policy BEII	Please see accompanying letter

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Stratford Neighbourhood Development Plan Pre-Submission Consultation

Your Name: Katherine Lovsey- F	Barton (Pegasus Group	on behalf of Gallagher Estatos
Are you content with the Neighbourhood	Development Plan as a whole?	" "
YES	NO	

If NO, please give your comments for any modifications you would like to see to the Policies or Proposals, or the reasons why you oppose them.

Policy/ Proposal No	Comments or Reasons
Policy CLW5	Please see accompanying letter
Policy SSB5	Please see accompanying letter

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