

Representations to the  
South Gloucestershire  
Suggested Modifications  
Policies, Sites and Places Plan

January 2017



# Representations to Suggested Modifications PSP Plan (November 2016)

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## **1.0 INTRODUCTION**

- 1.1 We write on behalf of DFE Taylor Wimpey Residential Ltd to provide representations to the Suggested Modifications Policies, Sites and Places Plan (PSP) November 2016.
- 1.2 South Gloucestershire is an area of key importance for both Taylor Wimpey and Deeley Freed and an area in which they make significant contribution to the local economy; in 2016 Taylor Wimpey are delivering circa 120 new residential homes in South Gloucestershire and this is set to increase to close to 200 by 2018. With this level of development they also deliver significant infrastructure to the area and are keen to ensure any new policies do not ultimately jeopardise the delivery of new homes.
- 1.3 As you are probably aware, one of DFE Taylor Wimpey Residential Ltd's strategic sites in South Gloucestershire is land at Cribbs Causeway, which is allocated in the Core Strategy for 1,000 homes and has a resolution to grant outline planning permission in line with this allocation. As well as Cribbs Causeway, Taylor Wimpey have future development at the site at Land East of Coldharbour Lane (LECHL), Emersons Gateway, and are keen to see the South Gloucestershire area succeed and contribute to delivering the housing required to support its growth.

## **2.0 GENERAL COMMENTS**

- 2.1 We provided comments on the previous round of consultation on the Proposed Submission PSP (June 2016) expressing concerns about some of the proposed PSP policies and their potential impact on the delivery of sites. Although we note some positive modifications to the PSP Policies in the Suggested Modifications PSP, we remain of the view that, as currently drafted, the draft PSP is not sound because it has not been positively prepared. The Council does not have a five year supply of housing sites and it is not using the opportunity in its PSP to allocate sufficient land for housing to meet its objectively assessed housing requirements, in line with the NPPF and NPPG.

### **3.0 RESPONSE TO PROPOSED DEVELOPMENT MANAGEMENT POLICIES**

3.1 We have reviewed the suggested modifications to the draft development management policies and we have some concerns about the potential impact of the proposed policies on the deliverability of new homes at Cribbs Causeway. Given the five year housing land supply shortfall in South Gloucestershire, it is essential that policies are not introduced which could impact on the delivery of housing, and we provide specific comments on these below.

#### *Policy PSP2 – Landscape*

3.2 We welcome the proposed addition of 'special' in terms of the requirement for development proposals to conserve the 'special character of landscape (defined by the Landscape Character Assessment)'.

3.3 A further proposed modification to PSP2 is the addition of a three bullet point list of provisos which would make development proposals which harm the landscape acceptable. The proposed text requires development proposals which result in harm to the landscape to demonstrate public benefits and reasonable alternatives. This is wholly inappropriate and in its current form is introducing criteria currently used in assessing Green Belt sites, to any proposal which has a landscape impact.

3.4 This blanket approach to landscape protection is not an appropriate or sound approach. The NPPF is clear that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

3.5 The policy needs to be amended to reflect the fact that existing landscapes vary in their quality and therefore their need of protection. Similarly, it needs to be recognised that enhancing the landscape is simply not a realistic aspiration for many types of development that South Gloucestershire will need to accommodate during the plan period.

3.6 To be sound the policy needs to adopt a more criteria based approach, in line with the NPPF, which allows landscape quality/character to be given proportional protection.

*Policy PSP3 – Trees and Woodland*

- 3.7 No modifications of relevance to our previous objection have been made to the policy. As such our comments remain the same as submitted to the last round of consultation on the Proposed Submission PSP (June 2016).
- 3.8 We consider that policy PSP3 duplicates regulations in relation to trees and woodland already contained in the NPPF, NPPG and the Tree Preservation Regulations.
- 3.9 Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The legislation contained in the Tree Preservation Regulations is the appropriate mechanism for the protection of trees as any loss should not be restricted to solely replacement trees because sometimes this is not always appropriate, or viable.
- 3.10 Paragraph 173 of the NPPF is clear that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 3.11 If Policy PSP3 is to be retained it should be amended to specify that replacement trees will be required “where appropriate and viable”. If this amendment is not made to the policy, it will conflict with national policy contained in the NPPF which states that in order for local plans to be sound they must be effective and deliverable over the plan period, and consistent with national policy.

*Policy PSP4 – Designated Local Green Spaces*

- 3.12 No modifications of relevance to our previous objection have been made to the policy. As such our comments remain the same as submitted to the last round of consultation on the Proposed Submission PSP (June 2016).

- 3.13 We have concerns about the proposed Local Green Space Policy. We appreciate that the Council has undertaken a review of the proposed Designated Local Green Spaces and reduced these from 590 to approximately 234 in the latest draft. However, widespread use of the designation is still proposed rather than using the designation to protect carefully targeted areas that are local in character and demonstrably special, in accordance with policy contained in the NPPF.
- 3.14 Paragraph 77 of the NPPF is clear that the Local Green Space designation will not be appropriate for most green areas or open space and PPG emphasises that this demonstrably special nature must be evidenced.
- 3.15 As it is written, Policy PSP4 conflicts with national policy contained in the NPPF and NPPG, and runs the risk of sterilising sites of low landscape value, many of which are sustainable, urban locations, in existing settlements which could deliver new housing to address the Council's five year housing supply shortfall.

*Policy PSP6 – Onsite Renewable & Low Carbon Energy*

- 3.16 The proposed modification states that *"all major<sup>1</sup> greenfield residential development will be required to reduce CO2 emissions further by at least 20% via the use of renewable and/or low carbon energy generation sources on or near the site providing this is practical and viable."* However, there is no definition of 'major greenfield development', or footnote attached to the '1'.
- 3.17 The proposed modifications still requires major development to reduce carbon dioxide emissions by 20%. It is considered inappropriate for the Council to adopt a renewable policy requirement of 20% as a planning requirement when the issues are clearly to be controlled through Building Regulations. In addition, any such policy requirement will need to be subject to viability assessment by the Council in accordance with paragraph 173 of the NPPF as it is considered that such a requirement could have implications for development viability.
- 3.18 Furthermore, the policy is not implementable because it is not clear what the reduction of 20% is to be measured against. If is to be measured against current building regulation it should be noted that the Government did not intend for it to be implemented with immediate effect which is what South Gloucestershire is effectively trying to do.

- 3.19 Policy PSP6 should be amended to require a reduction of carbon dioxide emissions from residual energy use in buildings by 10% on current Part L building regulations, providing this is practical and viable. We therefore consider that this part of the proposed policy should be amended or deleted in order to be found sound.

*Policy PSP11 – Transport Impact Assessment*

- 3.20 We note and support the removal of the requirement for residential and commercial development to be within 400m of a bus stop, and its replacement with the requirement for development to be on safe, useable walking and, or cycling routes, that are an appropriate distance from key services and facilities.

*Policy PSP13 – Safeguarding Strategic Transport Schemes and Infrastructure*

- 3.21 No amendments are proposed to this policy. We remain supportive of the Council's objective to work with its partners to deliver the Avonmouth Severnside Package and the approved MetroBus network as defined on the Policies Map.

*Policy PSP16 – Parking Standards*

- 3.22 Only very minor amendments to PSP16 have been made. As such our previous concerns about PSP16 remain.
- 3.23 It is not clear if Policy PSP16 is in line with national policy contained within the Written Ministerial Statement dated 25<sup>th</sup> March 2015, which stated that:

***"The imposition of maximum parking standards under the last Administration lead to blocked and congested streets and pavement parking. Arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery. It is for this reason that the Government abolished national maximum parking standards in 2011. The market is best placed to decide if additional parking spaces should be provided"***

- 3.24 The Statement was clear that national planning policy was being amended to further support the provision of car parking spaces. Parking standards are covered in paragraph 39 of the NPPF and the following text will be added to read alongside that paragraph: *"Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."*

- 3.25 PPS16 does include any evidence to suggest that the local parking standards proposed in the PSP are based on compelling justification that it is necessary to manage the local road network, and is therefore not consistent with local planning policy.
- 3.26 In terms of cycle parking standards, Policy PSP16 sets out that cycle parking must be supported by “appropriate and reasonable infrastructure”, but it does specify what this is. In order to comply with the NPPF, a clear indication of how a decision maker should react to a development proposal should be included in the plan (Paragraph 154, NPPF). In order for this policy to be effective and therefore sound, it needs to be amended to clarify what constitutes appropriate and reasonable cycle parking infrastructure.

*Policy PSP19 – Wider Biodiversity*

- 3.27 Only very minor amendments to PSP16 have been made and no modifications of relevance to our previous objection. As such our concerns about PSP19 remain.
- 3.28 We consider that the wording of PSP19 is negative, and language such as “will not be acceptable” would be more appropriately worded as “proposals will be supported which...”. Updating the policy wording as such would ensure that it is in accordance with the requirement for the plan to be positively prepared.

*PSP27 – B8 Storage and Distributions Uses*

- 3.29 We cannot see any modifications to PS27, and as such our previous comments still remain.
- 3.30 We appreciate that the policy now proposes to increase the B8 storage threshold at Cribbs Causeway and Emersons Green from 1,000 sq m to 3,000 sq m. However, we do not consider it appropriate for the PSP to be imposing restrictive floorspace thresholds over the plan period, which covers the next nine years (up to 2027). Paragraph 21 of the NPPF is clear that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. As such, this policy conflicts with national policy and is unsound.

*Policy PSP31 – Town Centre Uses*

- 3.31 The modifications to PSP31 appear to relate to matters of clarity. As such our previous comments still stand, that the floorspace thresholds for different retail uses across the authority must be based on up to date and robust retail evidence, as retail provision and demand is continuously evolving and driven by the market and economy. If this approach is not taken the policy will fail to be positively prepared and therefore not sound.

*Policy PSP37 – Internal Space and Accessibility Standards for Dwellings*

- 3.32 Policy PSP37 remains the same. As such our previous comments stand.
- 3.33 PSP37 proposes to introduce the Nationally Described Space Standard and the higher optional M4(2) adaptable and accessible standard for all dwellings, as well as 8% M4(3) wheelchair adapted homes for affordable housing.
- 3.34 This approach appears to be in conflict with national policy contained in the Written Ministerial Statement dated 25<sup>th</sup> March 2015 which states that:

***"the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".***

- 3.35 If the Council does wish to apply the higher technical standards, they will need to do so in accordance with NPPG, which states that:

***"There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:***

- ***the likely future need for housing for older and disabled people (including wheelchair user dwellings).***
- ***size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).***
- ***the accessibility and adaptability of existing housing stock.***
- ***how needs vary across different housing tenures.***
- ***the overall impact on viability."***

- 3.36 The Council's viability data used in drawing up this policy is from April 2015, and will need to be updated to support this proposed policy. Given that the Council does not have a five year housing land supply, it would seem inappropriate to introduce these optional

higher standards, which could impact on housing delivery, particularly without any robust justification for doing so.

- 3.37 On the basis of the above, we consider that PSP37 is not in accordance with national policy, or positively prepared, and is therefore unsound.

*Policy PSP42 – Custom Build Dwellings*

- 3.38 Policy PSP42 remains the same. As such our previous comments stand.
- 3.39 Policy PSP42 sets out that at major development (10+ dwellings) custom build housing will be encouraged, and on sites where 100+ dwellings are proposed at least 5% of homes will be required to be serviced plots and/or shell homes. Where this is not viable developers will be required to investigate self-build as an alternative to housing provision.
- 3.40 This proposed policy has the potential to have a significant impact on housing deliverability and viability. Given the deliverability and viability issues related to custom build housing, the Policy should allow for Custom Build sites in addition to main stream housing sites as a way to boost housing supply. If the Policy were to remain in the current form, providing 5% of the total dwellings on sites of over 100 dwellings as serviced plots for sale to custom builders will affect the development value of a site and therefore could affect site viability. To ensure consistency with national policy, this needs to be reflected in the policy.
- 3.41 NPPG is clear that Local planning authorities should use the custom build demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the Housing and economic development needs guidance), when preparing their Strategic Housing Market Assessment to understand and consider future need for this type of housing in their area. Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households. No evidence of significant demand for self/custom build sites within South Gloucestershire has been published to support this policy requirement. Furthermore, there is no assessment to demonstrate whether this requirement should be applied as a blanket requirement across South Gloucestershire or tailored to specific areas where demand exists.
- 3.42 PSP42 is not justified, positively prepared or in line with national policy, and is therefore unsound.

*Policy PSP43 – Private Amenity Space Standards*

- 3.43 Policy PSP43 remains the same. As such our previous comments stand.
- 3.44 The inclusion of additional local technical standards relating to internal or performance of new dwellings is not consistent with national policy and conflicts with The Deregulation Act 2015, which prescribes against local authorities introducing such standards in their local plans. According to The Deregulation Act 2015, the only technical standards that can be incorporated into local plans are the nationally described space standard. As such Policy PSP43 is inconsistent with national policy and therefore unsound.

*Policy PSP44 – Open Space, Sport and Recreation*

- 3.45 The policy wording remains negative, and language such as “will not be acceptable” would be more appropriately worded as “proposals will be supported which...”. Updating the policy wording as such would ensure that it is in accordance with the requirement for the plan to be positively prepared.

## 4.0 CONCLUSION

- 4.1 In conclusion, we consider that the PSP remains unsound. In terms of approach, it fails to allocate sites or address the five year housing land supply shortfall which fails to meet the objectives of the Core Strategy and national planning policy contained in the NPPF and NPPG requiring local authorities to establish and deliver objectively assessed housing need.
- 4.2 We have further concerns about the proposed development management policies in the draft PSP, some of which conflict with national policy, particularly the Written Ministerial Statement, and many of which will hamper the delivery of housing in the authority rendering the plan undeliverable and not justified.
- 4.3 Within the context of a housing supply shortfall in South Gloucestershire it is not appropriate to be introducing onerous development management policies, which are in conflict with recent national planning policy which aim to assist with the delivery of housing and simplify the planning process. South Gloucestershire Council will need to seriously consider the implications of the proposed policies, particularly the impact on the delivery of strategic allocations such as land at Cribbs Causeway which are crucial to the delivery of the Council's housing supply position.
- 4.4 In order to avoid the potential impact on the delivery of strategic housing sites, we would suggest that once adopted the development management policies should only be applied to sites which do not already benefit from outline planning permission, as these have already been assess against the relevant planning policy context at the time. Otherwise the new policies could be in conflict with the design principles of the approved outline planning permission and would require amendments which would have significant implications for delivery. Applying the new development management policies to reserved matters submissions could have implications for Council resources as developers submit every possible reserved matters application before the cut-off date to avoid the new standards. To introduce new standards to a site which already has an outline consent will not be commercially acceptable – because land value assessments would have been based on the density parameters within the outline. This is likely to lead to a requirement for viability arguments to be pursued on specific reserved matters phases, inevitably delaying delivery of units.

- 4.5 To summarise, the development management policies need to be reviewed to consider their conflict with national policy which seeks to streamline the planning process and boost housing delivery, and their impact on the delivery of strategic sites in the authority.