

## Part B – Please use a separate sheet for each representation

Name or Organisation: **Charterhouse Strategic Land**

3. To which part of the Local Plan does this representation relate?

|           |                      |        |  |              |                      |
|-----------|----------------------|--------|--|--------------|----------------------|
| Paragraph | <input type="text"/> | Policy | <input type="text" value="PS41 – Washwell Fields, Painswick"/> | Policies Map | <input type="text"/> |
|-----------|----------------------|--------|--|--------------|----------------------|

4. Do you consider the Local Plan is :

|   |     |                                |    |                                |
|---|-----|--------------------------------|----|--------------------------------|
| 4.(1) Legally compliant                       | Yes | <input type="text" value="X"/> | No | <input type="text"/>           |
| 4.(2) Sound                                   | Yes | <input type="text"/>           | No | <input type="text" value="X"/> |
| 4 (3) Complies with the<br>Duty to co-operate | Yes | <input type="text" value="X"/> | No | <input type="text"/>           |

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed representation

Please see enclosed representation

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see enclosed representation

(Continue on a separate sheet /expand box if necessary)

***Please note*** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

***After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.***

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The matters raised in this representation and with respect to other policies, paragraphs and objectives of the Local Plan together raise complex concerns as to the soundness of the Plan.

This will require detailed evidence to be presented to the Local Plan Inspector to ensure that the matters are fully discussed and properly considered, including the inter-relationships between matters, leading to appropriate modifications and changes.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

# **Stroud District Council: Pre Submission Draft Local Plan Review (May 2021)**

## **Representation Concerning Local Sites Allocation Policy PS41 – Washwell Fields, Painswick**

**For and on behalf of: Charterhouse Strategic Land**

**July 2021**

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### **Introduction**

1. Chilmark Consulting Ltd (CCL) are instructed by and write on behalf of Charterhouse Strategic Land (CSL).
2. CSL has an interest in land at Clattergrove in Painswick. The Site is situated to the north of Painswick immediately adjacent to the A46 Cheltenham Road<sup>1</sup>.
3. Representations have been submitted on behalf of CSL to Stroud District Council (SDC) at all of the earlier stages of the Local Plan Review in 2018, 2019 and in 2020.

### **Representation**

4. This representation is concerned with proposed Local Sites Allocation Policy **PS41** (Washwell Fields, Painswick) as set out at page 220 in the Pre-Submission Draft Local Plan (May 2021). It must be read in conjunction with CSL's other submitted representations concerning the Local Plan Review.

### **Not Deliverable**

5. PS41's statement that the site can deliver up to 20 dwellings is not supported by the available evidence. Indeed: the Site's actual capacity is not realistically capable of delivering up to 20 dwellings when access, heritage, landscape and

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<sup>1</sup> CSL's separate representation concerning omission of their site from the Local Plan includes details about the site and a plan showing its location in Painswick

greenspace requirements are properly taken into consideration as the SALA identifies.

6. It is also of significant concern that the SALA's analysis is based upon consideration of the site as delivering low density residential detached type stock.
7. This type of larger stock is unlikely to assist in addressing the acute unaffordability of housing in Painswick nor resolve the imbalance in types / size of existing stock built in the settlement and its surroundings.
8. The Local Plan is clear that the allocation of PS41 is intended to address local housing needs in the AONB (see Policy PS41 and paragraph 3.8.6). It will not accomplish this as the housing needs for Painswick or the wider Cotswold Cluster (so far as the Plan evidences what they are in any detail) are to address *inter alia*: acute unaffordability, the needs of an aging population (including downsizing households) and ensuring adequate provision of smaller properties to allow for starter homes for local people (see Local Plan paragraphs 3.8.4 and also the Settlement Role and Function Study Update 2018 at pages 78 – 80).
9. There is a real risk that, notwithstanding the evident site constraints and issues identified, even if it were developed, PS41 would not provide a sufficient number of homes for Painswick and the Cotswold Cluster. It would fail to meet the Vision for the Cluster area and would not (as paragraph 3.8.4 of the Plan seeks) result in resilient, rural, life-time communities, to enable people to live affordably and work in the area; nor would it maintain and improve the vitality of Painswick town centre. It would not result in a sufficient mix of the types and sizes of dwellings to align with needs (insofar as they are identified in any detail in the Plan) contrary to the NPPF at paragraph 61.

#### **Principle of Selection of Site PS41**

10. CSL has previously raised concerns that there is no explanation or evidence in the Plan, the Strategic Assessment of Land Availability (SALA) or the Plan's Sustainability Appraisal that identifies why PS41 (Washwell Fields, Painswick) should be preferred as the only residential allocation in Painswick and for the Cotswold Cluster.

11. There is no clear, systematic or comprehensive analysis presented as to the preference for PS41 above other potential sites (including CSL's land interest at Clattergrove, Painswick).
12. The SALA (2017) provided a high level appraisal of sites that had been proposed for development at that time, including PS41 (identified in the SALA as PAI004). The SALA did not however identify or confirm a specific preference for PS41 above other sites other than in terms of its conclusions rejecting a number of other alternatives.
13. The SALA's assessment review of PAI004 (PS41) and of other sites was clearly undertaken at a high level but without sufficient detail or evidence to support the report's conclusions that PS41 was a deliverable site. Indeed, the SALA findings make some significant leaps in the absence of evidence including conclusions that:
  - a. there was no significant heritage constraint even though PS41 adjoins a designated heritage asset (Grade II listed Washwell House);
  - b. development could occur without harm to the designated natural environment but did not undertake any on-site assessment of ecology or analysis of the potential for protected species habitats; and
  - c. there was no assessment in the SALA as to highways or pedestrian / cycle safety which does not therefore support the SALA's conclusion that there are no known physical constraints.
14. The Local Plan Sustainability Appraisal (August 2018) and its Update (May 2021) (SA) provided a simplistic and high level analysis of PS41 alongside other sites in and adjacent to Painswick (those promoted via the SALA).
15. The SA (did not offer a comprehensive appraisal of all the reasonable alternative sites, simply drawing from the SALA's list, nor did it systematically consider alternatives options for the overall level of housing growth for Painswick or the Cotswold Cluster). It provides little clarity or direction as to why PS41 was to be preferred in comparison with other alternatives.

16. The evidence available does not lead towards the clear preference for allocation of PS41.

### Contribution to Housing Needs

17. Local Site Allocation PS41 is for up to 20 new dwellings including affordable housing. The policy also states that the:

*“affordable housing will be for those with a local connection to address local housing needs within the AONB”.*

18. The Council’s response to consultation comments for PS41 in the Stroud District Local Plan Review: Draft Plan Consultation Report (April 2021) at Section 5 from page 182 has a slightly different approach, stating that the:

*“proposed scale of development can be **justified as proportionate and specific to Painswick’s local housing need (that is need arising from within the AONB here identified in 2020, which cannot be met elsewhere)** and that moderate, planned growth is necessary to sustain the settlement’s role, function and community vitality”. [Our emphasis].*

19. CSL cannot find any evidence or information that sets out what the affordable housing need for those with a local connection within the AONB is, or what the specific justification to “need arising from within the AONB in 2020 which cannot be met elsewhere” is referring to? Presumably this is a reference to the District-wide Gloucestershire Local Housing Needs Assessment which makes no analysis of needs for the AONB area or at a sub-district level.
20. Site PS41’s contribution to meeting housing needs is also not based on any detailed consideration of realistic site capacity or on any evidence of local housing needs in Painswick or the Cotswold Cluster. Indeed, the SALA 2017 analysis (ref: PAI004) concluded that the total yield from the site might be 10 – 15 dwellings given the need for landscape buffers and the general location at an edge of settlement location.
21. The SALA concluded that the dwelling yield from PS41 was based on a:

*“low density sensitive residential development typically comprising detached dwellings at an average density of about 20 dph”.*

### Site Specific Restrictions and Concerns

22. CSL has previously objected to the proposed allocation of PS41 and notes that the Council has made very little attempt to further justify or explain how specific restrictions and physical challenges that characterise the site and its surroundings would be adequately addressed to demonstrate that new housing could be delivered.
23. The Council's response to CSL's prior objections (and those of other representors) is set out in the Stroud District Local Plan Review: Draft Plan Consultation Report (April 2021) at Section 5 from page 182. The Council's response was:

*“Having considered all consultation responses, background evidence, assessment work and reasonable alternatives, the Council considers that the site is appropriate for allocation in the Local Plan. The location of the site as a small extension to Painswick, a Tier 2 settlement, is in accordance with the development strategy. Consultees raised the principle of development within the AONB as a significant constraint, including concerns about scale, landscape impact and the existence of a restrictive deed of covenant on part of the site. However, the Council considers the points of principle can be justified, and potential impacts can be avoided, minimised and mitigated. The Council considers that the proposed scale of development can be justified as proportionate and specific to Painswick's local housing need (that is need arising from within the AONB here identified in 2020, which cannot be met elsewhere) and that moderate, planned growth is necessary to sustain the settlement's role, function and community vitality. Whilst consultees raised issues relating to ecological impacts, traffic generation, pedestrian/vehicle conflict and visual impacts, these matters can be addressed at the planning application stage and through policy wording limiting the developable area to avoid part of the site subject to the restrictive deed of covenant and establishing the need for ecological appraisal at an appropriate time of year. There are no overriding constraints preventing allocation. The site is being*



*actively promoted and there are no known deliverability or viability matters which could prevent implementation”.*

24. On this basis, CSL’s concerns are re-affirmed in the following paragraphs and the site should be deleted as a proposed allocation as there is no certainty as to its deliverability for residential development.

Vehicular Access – Conflict and Safety

25. There are two highway safety and access concerns arising from the proposed access to the PS41 site:
- a) the narrow and restricted width of Lower Washwell Lane that limits the ability for that road to safely accommodate additional traffic generated by new residential development as well provide for service / emergency vehicles and for pedestrians; and
  - b) an inability to secure an adequate and safe connection from Lower Washwell Lane at its junction with the A46 road. This junction is especially narrow and without any exiting visibility splay (or the potential to create one given the existing built-form at this location).
26. CSL’s highway and transport advisor has prepared a more detailed report (previously submitted with CSL’s earlier Local Plan representations and re-appended herein). This report sets out a detailed analysis of the issues and concludes that the proposed allocation of PS41 - Washwell Fields would be contrary to the NPPF.
27. As set out below, SDC’s response to CSL’s highways objections have not addressed the matters in any way. There is no evidence presented by the Council that highways access and safety concerns can be adequately resolved and that vehicle access can be achieved satisfactorily.
28. Indeed it is CSL’s view that the proposed allocation would not meet the requirements of NPPF 108 (b) and (c) concerning safe and suitable access for all uses and that the significant impacts from the development on the transport network and on highway safety can be cost effectively mitigated. Similarly, the

proposed allocation would also have an unacceptable impact on highway safety and would not accord with NPPF 109. It is also inconsistent with the policies of the Draft Local Plan itself (policies HC1 and CP4 in particular).

29. It is considered that the highway access and safety matters are of such concern as to render inclusion of PS41 as a residential site allocation as unacceptable.

#### Potential for Adverse Effects on Ecology, Habitats and Protected Species

30. There is no evidence that any analysis of the habitats, biodiversity or potential for protected species on site has been undertaken contrary to Chapter 15 of the NPPF. The SALA claims there is nothing but did not undertake a survey of protected species. There is nothing to give any certainty that PS41 is capable of residential development without adverse ecological, habitats or biodiversity impacts arising.
31. It is not, in CSL's view, appropriate to leave such analysis and consideration to the planning decision-taking stage which is the Council's proposed approach set out in their response to consultation comments on PS41.

#### Potential for Adverse Effects on a Designated Heritage Asset

32. There is potential for a significant adverse effect arising from new residential development to the setting of Washwell House (a Grade II listed property and therefore a designated heritage asset). The SALA report's conclusion for PS41 that there is unlikely to be an effect is entirely unfounded.
33. There has not been any headline or detailed assessment of the significance of the heritage asset or the potential impact of residential development of PS41 contrary to Chapter 16 of the NPPF.
34. No such work has been prepared by the Council during the Plan preparation process (despite CSL's prior objections in this respect) and it is not appropriate to leave this to a subsequent planning application stage as there may be significant heritage impacts arising from residential development of the site.
35. For the Plan to be sound it is necessary to assess the significance of the heritage assets and then the level of harm that may arise before any conclusion can

realistically be reached that this is a suitable site for development. This is in order to accord with the NPPF at paragraph 184, et seq.

## Conclusion

36. The allocation is unsound as the allocation is not justified or effective and there is no evidence presented by the Council that residential development would be consistent with the NPPF at paragraphs 108 or 109.
37. In summary, the proposed Local Site Allocation PS41 is concluded to be unsound as it is not:
- **Justified** – the level and nature of housing contribution arising from PS41 is not justified by the evidence available;
  - **Effective** – there is not sufficiently clear evidence and analysis provided to demonstrate that the site is deliverable for residential use. There is no clear information available that resolves or responds in detail to the concerns of consultees (including CSL) as to the potential for highways access, safety, ecological and heritage impacts arising from residential development of the site;
  - **Consistent with the NPPF** – on the information and evidence available CSL conclude that proposed allocation PS41 would conflict with NPPF paragraphs 108 (b) and (c), 109 and 110 (a), (c) and (d).

## Modification and Remedy

38. CSL conclude that the proposed site allocation PS41, Washwell Fields should be deleted from the Local Plan as there it does not meet the definition of a deliverable site in accordance with the NPPF at Annex 2: Glossary. There is no certainty that the evident restrictions which form substantial barriers to residential development of the site can be overcome.
39. Alternative sites should be identified and allocated, including CSL's site at Clattergrove, Painswick (see the separate representation concerning omission of CSL's land interest).