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Stratford-on-Avon District Council
Consultation Unit
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3rd December 2020

Dear Planning Policy Team,

Tysoe Neighbourhood Plan - Consultation on proposed amendments to the Independent Examiner's recommended modifications

Oxford & Country Planning act on behalf of the White family, owners of land on the southern side of Oxhill Road and the land promotion specialists, Lone Star Land. We write in response to the consultation on the proposed amendments to the Independent Examiner's recommended modifications to the Tysoe Neighbourhood Development Plan (NDP). Our comments relate specifically to the proposed amendments to **Housing Policy 3 – Strategic Reserve**.

The Examiner in his Report recommended the deletion of Housing Policy 3 which proposed two reserve housing sites at Herbert's Farm and Roses Farm. The NDP amended text proposes to remove Roses Farm but to still safeguard the land at Herbert's Farm for a residential development of up to 16 houses, contrary to the Examiner's recommendation. Our clients **object** to this proposed amendment based on the comments of the Examiner and the supporting evidence.

The Examiner stated he considered the policy very carefully and recommended the deletion for three reasons, namely:

1. The Plan offers no assurance on the eventual delivery of the two sites concerned.
2. The proposed two sites are different from the wider package proposed in the emerging Site Allocations Plan.
3. The policy provides no specific methodology for the eventual release of the sites.

Taking each of these points in turn.

1. The Plan offers no assurance on the eventual delivery of the two sites concerned

The Examiner highlighted that there are conservation area, design and access issues to be overcome with both sites. He went on to say whilst by definition reserve sites are not expected to come forward immediately and there may be detailed matters to address, the Plan provides no substantive

information about the way in which such issues would be resolved. The Examiner acknowledged Herbert's Farm is also proposed as a reserve site in the emerging Site Allocations Plan (SAP) but he pointed out that the SAP will be subject to its own examination.

The District Council's justification for the amendment states that the retention of Herbert's Farm is entirely consistent with the SAP, which includes this site as a proposed Reserve Housing Site in that Plan. This is on the basis of the completion of further technical work which evaluated all the 'amber sites' in the Proposed Submission version of the SAP.

This technical work (not available to Tysoe NDP Examiner when writing his Report) contradicts earlier evidence produced as part of the Neighbourhood Plan process. Herbert's Farm is a working farm within the historic core of the village. It is within the Conservation Area and in close proximity to a number of listed buildings including the Grade I listed St Mary's Church. The Neighbourhood Plan's own Site Assessment states that the development of the site is likely to have a significant effect on these important designated heritage assets and that the allocation of this site is likely to have a high impact on built heritage. The Assessment also raised highway issues.

In relation to the overall suitability for allocation, the Assessment concludes the site is heavily constrained by poor access and proximity to heritage assets and that overall, having regard to the current housing commitments and the intention of the NDP, the site provides low opportunity for development at this time. Indeed, the District Council in commenting on the Submission Draft (Reg 16) raised concerns about the feasibility of a scheme at Herbert's Farm, given the significant site constraints, and suggested that the safeguarding of this site be carefully reviewed.

The further technical evidence produced in support of the current Site Allocations Preferred Options consultation has not been subject to independent examination. This new evidence should therefore be presented to the Neighbourhood Plan Examiner for his consideration.

2. The proposed two sites are different from the wider package proposed in the emerging Site Allocations Plan

The Examiner notes it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging SAP (in line with advice in the Planning Practice Guidance). He states that he is not satisfied that the submitted Plan has achieved this outcome and it has an ability to generate a lack of clarity within the Plan period. This is then reflected in the fact that the Examiner recommends a review of any 'made' neighbourhood plan within twelve months of the adoption of the emerging SAP which could end up with a different set of reserve sites than those in the NDP.

The District Council makes no comment on this point in its justification for the amendment.

3. The policy provides no specific methodology for the eventual release of the sites

The Examiner notes whilst the Parish Council comments that the mechanism for the release of sites could be similar to that included in the emerging SAP, he states that approach has yet to be tested at examination.

The policy wording as amended now refers to the criteria in Policy CS16 of the Core Strategy. The District Council states this reference has been made in similar policies in other NDPs which have all passed Independent Examination. This is not disputed.

Conclusion

The proposed amendment to Housing Policy 3 of the Tysoe NDP which would retain Herbert's Farm contrary to the Examiner's recommendation, is flawed as it is based on contradictory evidence, the most recent of which has not been subject to independent examination. Furthermore, the Examiner concluded the retention of the reserve sites in the NDP had the potential to conflict with wider proposals in the emerging SAP which may well end up identifying different sites.

Therefore, it is our clients' view that the Examination should be re-opened in order that the Examiner can consider the new technical evidence relating to Herbert's Farm provided as part of the current SAP consultation.

As an incidental point, the amended NDP policy refers to a residential development of up to 16 houses. This is different to the indicative site capacity given in Annex 1: Schedule of Proposed Reserve Housing Sites which refers to 12 houses. The SHLAA April 2020 Update also refers to 12 dwellings on 0.4 hectare.

Notwithstanding the above, our clients remain of the view that fundamentally the Tysoe NDP does not meet the general need for housing or the need specifically for affordable housing in village.

Topic Paper 1 produced as part of the current consultation on the Site Allocations Plan, includes a table in Appendix 1 which shows a 'target' for each settlement. For Tysoe the figure is 84 dwellings, with some 53 dwellings to find once the built and committed figures have been accounted for. The current NDP allocates sites for up to 18 dwellings. This is some 35 dwellings short of what is required. The site off the Oxhill Road offers the opportunity to meet this shortfall in one location and provide an important contribution to meeting local affordable housing need.

This key issue can be addressed via the Site Allocations Plan and my clients will be responding separately to the current Preferred Options consultation.

Yours sincerely,

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