

Tewkesbury Borough Council Planning Application Consultation Response

Application No: 18/00771/OUT

Address: Land East Of Bredon Road Off Tewkesbury Road Bredons Hardwick (Wychavon District)

Proposal: Development of approximately 500 residential dwellings (C3 Use Class) including means of access (two vehicular access points from the B4080 and a pedestrian/cycle access from Derwent Drive) and associated infrastructure and landscaping including provision of formal and informal open space and drainage attenuation basins.

South Worcestershire Development Plan

The South Worcestershire Development Plan (SWDP) was adopted in February 2016. Policy SWDP 2 - Development Strategy and Settlement Hierarchy sets out the spatial strategy for meeting growth in the SWDP area. In addition, Point I of the policy sets out that:

“As required by the Duty to Cooperate, due consideration will be given, including through a review of the SWDP where appropriate, to the housing needs of other local planning authorities(6) in circumstances when it has been clearly established through the local plan process that those needs must be met through provision in the SWDP area.”

Footnote 6 which accompanies the policy then goes on to state that:

“Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils are preparing a Joint Core Strategy (JCS). Land at Mitton (Wychavon District) and the Mythe (Malvern Hills District) were not included as strategic allocations in the Submission Version of the JCS (November 2014). The South Worcestershire Councils will, however, continue to monitor progress on the examination of the JCS.”

This policy was prepared and adopted prior to the completion of the JCS examination and as such at the time of writing the site at Mitton to meet the needs in the JCS area (in particular Tewkesbury Borough) had not yet then been established by the JCS Inspector, through the Interim Report (May 2016), as having “the capacity and potential to contribute to meeting Tewkesbury’s needs”. The adoption of the SWDP was prior to the Main Modifications JCS which includes delivery from Mitton as part Tewkesbury’ supply and the preparation of the joint planning statement by Tewkesbury and Wychavon on this site (see below).

Nevertheless, the potential cross-boundary development under the duty to cooperate was recognised through the SWDP examination, and main modification was recommended by the SWDP Inspector to include the policy text at Policy SWDP 2 (point I) and at Footnote 6. In the Inspector’s Final Report on the SWDP it was noted that “this will ensure that the Plan reflects the current situation with the emerging Joint Core Strategy for the neighbouring authorities of Gloucester, Cheltenham and Tewkesbury”.

Bredon Parish Neighbourhood Plan

The Bredon Parish Neighbourhood Plan (BPNP) was adopted in July 2017. Policy NP1: Spatial Plan for Bredon Parish sets out the spatial strategy for development in the area. Paragraph 2 of this policy states that:

Development proposals on sites allocated under the strategic policies of an adopted local plan(20) will be supported. All other development proposals located outside the defined Development Boundary of any settlement will be strictly controlled and will be limited to proposals which are demonstrably suited to an open countryside location.

Footnote 20 which accompanies the policy includes that the strategic policies of the JCS are to be considered also as an adopted local plan.

The supporting text to the policy recognises the JCS Inspector's Interim Report of May 2016 (the latest report available at the time of preparing the BPNP) and the recommendation that the JCS authorities engage with Wychavon District Council to seek agreement for the release of housing land at Mitton to meet Tewkesbury's housing requirements. Furthermore, the supporting text recognises the wording of Policy SWDP 2 (Point I) which recognises the need for cooperation in meeting unmet housing needs of other local planning authorities in the SWDP area.

Joint Core Strategy

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) was adopted in December 2017. Through Policy SP2: Distribution of New Development the spatial strategy for meeting the needs of housing and employment land is set. Tewkesbury has a housing requirement over the plan period 2011 to 2031 of 9,899 dwellings, Policy SP2 (point 4) states that at least 7,445 will be met through:

- Existing commitments;
- Development at Tewkesbury town in line with its role as a market town;
- Smaller-scale development meeting local needs at rural service centres and service villages; and
- Sites covered by any Memoranda of Agreement.

The accompanying tables to Policy SP2, Table SP2a: Sources of housing supply in the JCS area and Table SP2b: Apportionment of Strategic Allocation sites and District Capacity, set out the sources of housing delivery that will contribute towards Tewkesbury's housing land supply. Both of these tables include a 500 dwelling contribution from a site at Mitton (in Wychavon District) towards Tewkesbury's supply. The tables recognise that this is a cross-boundary site and not a site allocation in the JCS, but highlights that the site will be subject to joint working between the two authorities.

This contribution from a site at Mitton is further recognised in the Delivery, Monitoring & Review chapter of the JCS. In this section it is again recognised that the JCS authorities are working with Wychavon on the possible release of land at Mitton to deal with 500 homes coming forward to meeting Tewkesbury's needs. Furthermore, the Site Allocations Trajectory table includes an anticipated trajectory for delivery of a site at Mitton. The trajectory provided in the JCS is detailed below:

Site Name	District	Net Site Capacity	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Mitton	Wychavon District	500		25	125	125	125	100

It should be noted that, even with a 500 dwelling contribution from a site at Mitton, the JCS identifies a shortfall of 2,450 dwellings against the housing requirements for Tewkesbury Borough. This highlights the important role of the Mitton site, in the face of this shortfall, in assisting Tewkesbury meeting its overall housing needs. Delivery from this site is also important in helping Tewkesbury maintain a five year supply of housing land in shorter term and delivery from the site is included in the five year supply calculation for the Borough presented in the JCS. As such, failure to achieve delivery on this site could have a negative impact on the ability to meeting its housing needs over the short and long term.

A site at Mitton was not included within the Pre-Submission JCS (June 2014). However, through the examination process and in the Inspector’s Interim Report (May 2016) the Inspector recommended that the JCS authorities engage in constructive discussions with Wychavon District Council with a view to seeking their agreement on the release of land at Mitton to contribute towards Tewkesbury’s housing needs. This discussion was progressed and a planning statement was jointly signed (see below) and the site referenced in the Main Modifications JCS and ultimately the adopted JCS as set out above. This approach was confirmed by the JCS Inspector through her final report who stated that “outside the JCS area Wychavon District Council has agreed to contribute 500 dwellings to Tewkesbury’s supply through a housing-led development at Mitton”.

It is therefore concluded that a development at Mitton is expected, as set out through the JCS, to be a significant part of Tewkesbury’s five year supply and overall housing land supply going forward and this has been clearly established through the local plan process.

Joint Planning Statement - Mitton

In September 2017, the Leader and Managing Director of Wychavon District Council and the Leader and Chief Executive of Tewkesbury Borough Council signed a planning statement regarding the site at Mitton. This was completed to support the Joint Core Strategy examination process following the Inspector’s request, in her Interim Report, that the Councils cooperate over the potential release of land at Mitton to meet some of the unmet housing requirements associated with Tewkesbury Borough.

This statement establishes an agreement to co-operate over the principle of development on this site contributing 500 homes towards the needs of Tewkesbury Borough and an in principle agreement to develop a more formal detailed Memorandum of Agreement if deemed necessary. The statement does not attempt to identify or agree all issues and details that may be a consideration in the detailed assessment of this site through the planning application process. The statement acknowledges that considerable further technical work was required as well as appropriate consultation on any future proposals. As such, the statement does not prejudice the discretion of either of the councils in decision making through their statutory powers and duties, including the determination of any planning applications.

Importantly the statement recognises that Wychavon District Council is the sole collecting authority for New Homes Bonus and Section 106/CIL monies resulting from any new development within their administrative boundary. However, the primary impact on infrastructure is likely to be within

Tewkesbury Borough. Therefore, future negotiations between Wychavon District Council and Tewkesbury Borough Council will be necessary to agree contributions to, and provision of, infrastructure in order that the development can be made acceptable in planning terms.

Conformity with the SWDP

Policy SWDP 2 (point 1) states that “consideration will be given, including through a review of the SWDP where appropriate, to the housing needs of other local planning authorities in circumstances when it has been clearly established through the local plan process that those needs must be met through provision in the SWDP area”. The site at Mitton is included within the adopted JCS as part of the housing supply for Tewkesbury subsequent to main modifications recommended by the JCS Inspector (supported by the signing of a joint planning statement on this issue). Therefore, it is considered that this part of the SWDP 2 policy has been satisfied and the need for the site at Mitton has been established through the local plan process (the JCS examination).

As such, in accordance with policy SWDP 2, this means that consideration will be given to meeting the needs of Tewkesbury through provision in the SWDP area. The policy text says that this consideration will be given “including through a review of the SWDP where appropriate”. However, this does not limit this as the only way that this can be considered, the other route being through the planning application process. Furthermore, the Joint Planning Statement on Mitton states that:

“the delivery mechanism for up to 500 dwellings is likely to be through the development management process. Wychavon District Council and Tewkesbury Borough Council will therefore work positively through the development management process to consider any planning application associated with meeting accepted unmet housing requirements of Tewkesbury Borough in this location”.

Taking these factors into account, it is considered that development at Mitton, being brought forward through the planning application process, would be in general conformity with Policy SWDP 2.

Conformity with Bredon NDP

Policy NP1 states that “development proposals on sites allocated under the strategic policies of an adopted local plan will be supported”, this includes both the SWDP and the JCS as provided by footnote 20.

The site at Mitton is not formally allocated in either of these plans. The SWDP was adopted 2 years in advance of the JCS and as such came forward at an earlier stage where the issues and determination about the site at Mitton meeting the needs of Tewkesbury had not been established. Nevertheless this future scenario was allowed for through Policy SWDP 2 Point 1. Whilst this need has subsequently been established through the JCS Policy SP2, the JCS is unable to allocate the site at Mitton as it falls outside of its plan area. Therefore, while the site cannot strictly said to be an allocation, it is supported by the strategic policies of the both the SWDP and JCS and is subject to a Joint Planning Statement, which should be a significant material consideration.

Policy NP1 goes on to state that: “All other development proposals located outside the defined Development Boundary of any settlement will be strictly controlled and will be limited to proposals which are demonstrably suited to an open countryside location”. No further explanatory text is included within the plan which provides further detail on this.

This policy therefore does not preclude development outside of a settlement boundary coming forward, but states that it must be strictly controlled and demonstrably suitable to an open countryside location. Therefore this is a consideration in the sustainability of this proposal at this location. The process of determining whether this site is in a suitable location has been explored through the JCS examination process where the Inspector, in the Interim Report (May 2016), determined that “Mitton clearly has the capacity and potential to contribute to meeting Tewkesbury’s needs”. The Inspector considered factors of location, landscape, flood risk, transport accessibility and access to services and facilities as part of this judgement.

Taking these factors into account, it is considered that the proposal can be considered to be in conformity with policy NP1 of the BPNP as the site is promoted through the both the strategic policies of the SWDP and JCS and has been determined to be in a suitable location, through the local plan process, to meet the housing needs of Tewkesbury Borough.

Conformity with the JCS

A site at Mitton has been included within the JCS, including the housing trajectories, to contribute towards the housing supply for Tewkesbury Borough. The site would be in general conformity with the spatial strategy set out at Policy SP2 in that it would be development at Tewkesbury town. Furthermore, an agreed Planning Statement has been signed between the two authorities which agrees the principle of housing numbers of up to 500 dwellings from the site contributing to Tewkesbury’s needs. As such, it is anticipated within the JCS that a site will come forward at Mitton.

Infrastructure Provision

It is noted that Wychavon District Council adopted a CIL Charging Schedule on 26 April 2017, which came into effect on 5 June 2017.

It is anticipated that the primary demands on infrastructure and services from the development would be from within Tewkesbury Borough and Tewkesbury town specifically, as the nearest service centre for this site. As Wychavon would be the collecting authority for any CIL/s106 contributions, the Borough Council will work positively and closely with Wychavon on ensuring that the appropriate infrastructure improvements are put in place to mitigate the impact of the development. This is as per the planning statement between the two authorities which agrees to joint working to decide necessary infrastructure contributions to achieve sustainable development. Particularly this will relate to issues of transport impact, education provision, drainage and flood risk, community facilities and medical services (i.e. GP and dentist).

In regards to education it should be acknowledged that the demand from the site could be to both Worcestershire and Gloucestershire catchment schools. For primary provision this will namely be at Bredon Hancock's Endowed First School (Wychavon) and/or Mitton Manor Primary (Tewkesbury). Therefore both Worcestershire and Gloucestershire Councils will need to work together to establish the capacity for further expansion to accommodate increased demand from this development or whether new education facilities would be required.

In regards to highways, is it likely that a proportion of the development traffic would travel south along the B4080 Bredon Road/Tewkesbury Road. This could therefore lead to increase vehicle movements the existing junction at Bredon Road/Mythe Road and then into Tewkesbury town itself. In addition, an increase in movements could be possible on Hardwicke Bank Road to the north of the site and into Northway. The response from both County highways authorities is therefore important in regard to the mitigation that would be required to accommodate this development

In regards to flooding, it should be noted that the Carrant Brook runs through the application site which then continues south into Tewkesbury town and feeds into the River Avon. Therefore impact on drainage from this site into the Carrant Brook, or any impacts on water flows of the brook itself, could have a direct impact on flood risk downstream within Tewkesbury. As such flood risk of this development needs to be carefully managed to ensure that there is no increase in risk either within the site or the surrounding areas and betterment is sought where possible. The comments from the Environment Agency and the Lead Local Flood Authorities at Worcestershire and Gloucestershire are important in this regard. Although the development is outside of Tewkesbury Borough, the council has an adopted Flood and Water Management SPD (Feb 2018) which should be taken into account.

The South Worcestershire Council's CIL Regulation 123 list provides that the types of infrastructure that may be funded, in whole or in part, by CIL include education facilities, transport, flood mitigation, community and cultural facilities, health facilities and other infrastructure. However, this excludes those items of infrastructure stated to be provided through Section 106 obligations. There is then a list accompanying that sets out when the delivery mechanism will be via CIL or Section 106, including provisions - for example whereby housing sites of sufficient number which in themselves generate a certain level of need or where there are to be site specific projects and off site directly related projects designed to mitigate for specific infrastructure and services required to make the development acceptable in planning terms - whereby the mechanism will be via s106 agreement rather than CIL. Tewkesbury Borough Council would welcome discussions with Wychavon to establish the appropriate delivery mechanism (either through s106 or CIL) for the various infrastructure requirements.

Affordable Housing

It is noted that policy SWDP15 of the South Worcestershire Development Plan provides that on sites of 15 or more on greenfield land, 40% of the units should be affordable and that secure arrangements will be put in place to ensure the affordable housing provided will remain affordable and for sites outside the city or towns, available to meet the needs of local people. Therefore, it is expected under this policy that this development should provide 200 units of affordable housing.

The Joint Planning Statement states that though any housing delivered up to 500 dwellings will be apportioned wholly to Tewkesbury Borough's housing supply, up to 10% of the affordable housing agreed on the site will be attributed to Wychavon District and that will be reflected in any affordable housing planning obligations.

Conclusion

It is considered that the application would be in conformity with Policy 2 of the SWDP, Policy NP1 of the BPNP and Policy SP2 of the JCS. The site is also subject to a joint planning statement between Wychavon District and Tewkesbury Borough councils that establishes an agreement to co-operate over the principle of development on this site. Furthermore, this issue was tested through the JCS examination process in which the Inspector found the site to have the capacity and potential to contribute to meeting Tewkesbury's needs. Therefore, the principle of residential development in this location, to help meet the housing requirements of Tewkesbury Borough, would be acceptable and the delivery of housing would be advantageous in meeting the JCS strategy.

As set out through the JCS, housing delivery from a supply at Mitton is expected to come forward in the shorter term and make an important contribution to the five year supply of Tewkesbury Borough; the JCS trajectories expecting the site to be completed by 2022/23. This delivery is also in the context of Tewkesbury having a shortfall of 2,450 homes identified through the JCS against its

overall housing requirements. Delay to the delivery of this site would have a negative impact on the Borough's ability to demonstrate a sufficient supply of housing against its requirement and an adequate five year supply in the near future.

The provision of infrastructure across the administrative boundaries will be important and, particularly as Wychavon would be the collecting authority for any CIL/s106 contributions, the Borough Council will work positively and closely with Wychavon to ensure that the appropriate infrastructure is put in place to mitigate the impact of the development. Tewkesbury Borough Council would welcome further joint working on the delivery of any scheme for this site including in respect of affordable housing provision and also urge liaison with Gloucestershire County Council (as the education and highways authority and lead local flood authority).