

11 August 2016

Bredon Parish Submitted Neighbourhood Plan – Wychavon DC Comments

The below comments are made by officers representing various departments of Wychavon District Council on the submitted Bredon Parish Neighbourhood Plan for consideration by the examiner.

Reiss Sadler/Andrew Ford – Planning Policy

Para 1.3 – Plan period just needs to say 2016-2030?

Para 1.8 – Final sentence regarding the Neighbourhood Plan taking precedence over the non-strategic policies of the Local Plan is correct but only where the NP is more up-to-date than the LP.

Para 3.8 Plan C – needs to be updated as SWDP59/15 is no longer a ‘proposed’ allocation but an adopted one following the adoption of the SWDP.

Policy NP2 – Wording may need to be updated in line with the Gloucester Cheltenham Tewkesbury Joint Core Strategy Inspector’s Interim Report (31 May 2016), Paragraphs 160 to 173 (attached), which recommends that the JCS authorities approach Wychavon District Council with a view to seeking an agreement on the release of land at Mitton to contribute towards Tewkesbury’s housing requirement.

Jonathan Edwards, Development Management

Policy NP4, 3 – I am struggling to understand what “that is have a floor area less than half of the original building before the addition of later extensions” really means. Also, we have to have regard to PD rights that can allow well in excess of half the original floor area. The policy currently leads to a DM difficulty in ascertaining what is original and what is not – there is nothing similar in the SWDP. For these reasons, I think this part of the policy is unworkable.

Policies NP4 and NP5 could easily be combined.

Policy NP6 – this policy includes a number of works and development that are covered by PD rights such as domestic lighting, paths and patios. A lot of this policy will therefore be unworkable in practice with regard to the PD rights.

Policy NP9 – policy is fine providing the list is accurate. I note that the list in Appendix 2 includes structures and buildings that are not identified in the Conservation Area Appraisal as being of local

interest. Unless these are somehow shown on a map may be difficult for DM officers to pick these up.

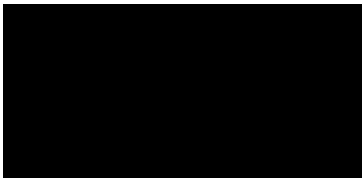
Policy NP13 – I think this policy is too vague. I note the examples of very special circumstances in the justification but the policy is open to so much interpretation it will make it difficult for decision makers to apply consistently. Also, the number of Local Green Spaces seems to be at odds with the advice in the NPPF paragraph 77 which states that “The Local Green Space designation will not be appropriate for most green areas or open space”. I think where designating these an explanation should be provided as to why the space is demonstrably special to the local community and holds a particular local significance. Some of these Green Spaces are not reasonably close to the community, for example Mitton Allotments, and arguable extensive tracts of land.

Policy NP14 – goes a lot further than the NPPF in stating that the proposals that have a detrimental impact will be resisted. Paragraph 118 of the NPPF allows mitigation or even compensation where significant harm can not be avoided.

Eileen Marshall, Landscape

Further to my comments on the draft BPNP, I note the wording of Policy 14 has been changed to “will be resisted”, which I suggest is now acceptable.

Kind Regards,



Reiss Sadler

EXTRACT FROM INSPECTOR'S INTERIM REPORT
ON THE GLOUCESTER, TEWKESBURY AND CHELTENHAM JCS.
31 MAY 2016.

A9, and in proximity to strategic allocation A8. It is within easy reach of the A46 and Tewksbury Town, and lies adjacent to the M5 close to junction 9. It also has good access to existing nearby employment sites and other facilities. It is largely agricultural land, outside the Green Belt, unaffected by AONB, and according to the Broad Locations Report is within an area of medium to low landscape sensitivity.

158. The main issue with this site seems to be flood risk and integration, as land along the Tirlle Brook in the north of the site appears to lie in Flood Zones 2, 3a and 3b (functional floodplain)¹⁵⁶. However, most of the site seems to be in Flood Zone 1 and the submitted masterplan¹⁵⁷ shows the higher flood risk areas being used as green infrastructure with built development being confined to less risky areas. Such green infrastructure would integrate well with the employment/retail allocation to the north and, in my judgement, on the evidence before me, neither flooding nor integration should be a bar to development.

159. Therefore, I recommend that Land at Fiddington be allocated for 900 dwellings. This would bring the supply up to 9,500 (8,600 + 900) and would leave 483 (9,983 – 9,500) dwellings to find.

Sites outside the JCS area - Mitton

160. Whilst there are no other appropriate strategic omission sites within the JCS area to meet Tewkesbury's needs, there is potential for strategic development at Mitton (OM19) within Wychavon District. I understand that the two OM19 sites could together deliver a total of up to 1,100 dwellings together with a primary school, amongst other things¹⁵⁸. The sites have been assessed in the South Worcestershire Strategic Housing Land Availability Assessment as being suitable, available and achievable¹⁵⁹.

161. The sites are located adjacent to the urban edge of Tewkesbury Town and the Tewkesbury Industrial Estate with good access to facilities and employment opportunities. Given their close proximity to the Town Centre and local services, they have the potential to enhance the Town's vitality and viability. The sites also lie close to the M5 motorway and are within reasonable access of junction 9.

¹⁵⁶ See Robert Hitchins Ltd Position Statement p14 attached to Pegasus' Matter 9 Statement; and EBLO 100 pp30 & 31

¹⁵⁷ See Robert Hitchins Ltd Position Statement p5 attached to Pegasus' Matter 9 Statement

¹⁵⁸ See RPS (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁵⁹ EXAM 55 A, B & C

162. The sites lie outside the Green Belt, within Broad Location T1¹⁶⁰, in an area of mainly medium to low landscape sensitivity, which is unaffected by AONB. Whilst there are flooding concerns with T1, the South Worcestershire Strategic Flood Risk Assessment Extract Map¹⁶¹ shows the site as lying mainly within Flood Zone 1, within which development is intended to be located. I understand that there are also opportunities to provide betterment to the flooding in the Tewkesbury area.
163. The southern part of Broad Location T1, including land at Mitton, was subjected to sustainability appraisal early on in the plan making process and was identified as being suitable for further appraisal on the grounds of its close proximity to Tewkesbury Town and its reasonable access to services, facilities and employment development. However, it was not taken forward on the basis of its location outside the JCS area¹⁶². The sites at Mitton should undergo further sustainability appraisal and in carrying this out, the developer's objections to the way previous appraisals have been undertaken¹⁶³ should be taken into account.
164. There has been objection that OM19 lies outside the Gloucestershire Housing Market Area and, therefore, should not be considered for the JCS districts' needs. However, defining housing market areas is not an exact science and they often overlap. The Mitton sites are closer to the Tewkesbury urban settlement than to any other Town or village and, in terms of sustainability, are better related to Tewkesbury Town than elsewhere. Mitton clearly has the capacity and potential to contribute to meeting Tewkesbury's needs and its exclusion from the Gloucestershire housing market area should not be an obstacle to its delivery.
165. The South Worcestershire authorities have already contemplated the possibility of Mitton being used to meet the JCS authorities' housing needs¹⁶⁴, although at that time, it was not envisaged that there would be an immediate requirement to call upon this land. Furthermore, South Worcestershire's Local Plan, which was adopted in February 2016, recognises the possibility of assisting the JCS authorities in meeting their housing needs¹⁶⁵.

¹⁶⁰ EBLO 100, pp26 and 27

¹⁶¹ See Delivery Statement, Appendix 1.3 within RPS (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁶² SAPR 100 pages 53 and 54

¹⁶³ See RPSs (Barratt West) and Carter Jonas' Matter 9 Statements

¹⁶⁴ See Exam 57

¹⁶⁵ See Inspector's report EXAM 106 and EXAM 212

166. Accordingly, I recommend 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 requirement. If Wychavon agrees to allocate part or all of these sites for Tewkesbury's needs in a future Local Plan Review, this should be set out in a Memorandum of Agreement. Any such commitment to allocate, together with the type and scale of development, should be set out in the JCS.

Overall Conclusion

167. Green Belt land should not be released to meet Tewkesbury's strategic housing requirements and the urban extensions to Gloucester and Cheltenham should be left to meet the requirements of those constrained settlements. There are more appropriate sustainable sites outside the Green Belt, that are not unduly constrained by matters such as AONB, landscape and flooding, which could meet Tewkesbury's needs.
168. Fiddington is an appropriate site to consider for allocation within the JCS and, outside the JCS area the potential of Mitton in Wychavon District should be explored to meet Tewkesbury's remaining requirement.

Reserve Sites

169. As previously indicated, I have some concerns that not all of the strategic allocations will deliver to the estimated timescales and this could impact on the five year housing land supply. Should monitoring show a need for additional housing delivery to meet the five year requirements, then a flexible mechanism should be in place for the release of reserve sites. The ability to draw on reserve sites would help ensure that delivery is maintained and ad hoc planning by appeal is reduced.
170. For Gloucester, if Twigworth is allocated for higher numbers than the identified 750 dwellings, there will be less of an immediate need to draw upon the south Gloucester sites in Stroud, albeit some contribution will still be required. Even with lower Twigworth numbers, the combined capacity of the Brookethorpe/Whaddon and Hardwicke sites is sufficiently large to allow one or both of them, at least in part, to be designated as reserve sites to the extent they are not needed as allocations.
171. It is, therefore, my recommendation that Stroud district council be approached to seek their agreement to designate some reserve capacity in south Gloucester for Gloucester's needs as part of their review. In the meantime, Stroud might agree to another mechanism for the sites coming forward, if needed, in an appropriate Memorandum of Understanding.

172. Similarly for Tewkesbury, the capacity of Mitton is greater than is currently needed for allocation, and the remaining site is suitable for designation as a reserve site. It is, therefore, my recommendation that Wychavon District Council be approached to seek their agreement to designate reserve capacity at Mitton for Tewkesbury's needs as part of a future plan review. In the meantime, Wychavon might agree to another mechanism for the sites coming forward, if needed, in an appropriate Memorandum of Understanding.

173. Should early agreement be possible with Stroud and Wychavon District Councils, new policies for these reserve sites could be included in the JCS and appropriate trigger mechanisms be put in place.

Local Green Space

174. As indicated in my Preliminary Findings, in my judgement, the case for Local Green Space designation within both the proposed North West Cheltenham and Leckhampton urban extensions has been made out¹⁶⁶. However, as I am recommending the removal of Leckhampton as a strategic allocation, the Local Green Space designation can be made in either the emerging Cheltenham Local Plan or the forthcoming Neighbourhood Plan. Consequently, I no longer propose recommending indicative areas for Local Green Space in the JCS.

175. Turning to North West Cheltenham, as discussed and agreed with the JCS team at hearing sessions, my recommendation is to set out indicative Local Green Space Areas within the JCS, leaving the actual designation to either the Cheltenham Local Plan or any forthcoming Neighbourhood Plan. The reason for this is to avoid unnecessarily fettering the effective master-planning of this urban extension.

176. Objections have been made to Local Green Space being considered at the strategic level within the JCS¹⁶⁷ on the basis that the NPPF envisages designation as a one staged process that should be carried out at local or neighbourhood plan level¹⁶⁸. However, the whole of the NPPF envisages local plan making being carried out in one stage within a single local plan¹⁶⁹, encompassing all matters that were previously separated into pre-NPPF core strategies and lower tier local plans. Nonetheless, for pragmatic reasons, split plans such as the JCS and its district plans, which

¹⁶⁶ EXAM 146 paragraphs 61 to 66 and 99 to 103

¹⁶⁷ See particularly Post Stage 3 Hearing Submission – Representors no. 6 Hunter Page Planning

¹⁶⁸ NPPF paragraph 76

¹⁶⁹ NPPF paragraph 153