

TEWKESBURY BOROUGH PLAN EXAMINATION – LIST OF MATTERS, ISSUES AND QUESTIONS – 16TH DECEMBER 2020

MATTER 2:

OVERALL HOUSING PROVISION IN THE TBP

ON BEHALF OF: ROBERT HITCHINS LTD

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Introduction

Pegasus is instructed by Robert Hitchins Ltd to submit a Statement in respect of Matter 2, pursuant to the Matters and Questions identified by the Examination Inspector.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 3
- Matter 6
- Matter 7

Pegasus previously submitted representations in response to the Reg 19 Pre-Submission Plan in November 2019 and the Preferred Options Consultation in November 2018. The Hearing Statements should be read alongside our representations and supporting evidence.

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2. Issue: Whether the TBP provides for the quantity and distribution of housing required by the strategic policies of the JCS

Questions:

2.1 What distinguishes non-strategic housing sites within the remit of the TBP from strategic sites within the remit of the JCS? What is the current anticipated timescale for preparation of the JCS review?

2.1.1 EXAM001A responses to this question insofar as reference is made to Appendix 4, a note that was provided for the JCS on Strategic Site Definition and Appendix 5 which was the JCS Response to the Inspector's Preliminary Findings, question 13. The scale of strategic housing sites are those in excess of 500 dwellings, these sites are within the remit of the JCS.

2.1.2 Until very recently there was no up-to-date published timetable for JCS Review. The last LDS was dated October 2017. The JCS website itself has been under review for the past 6 months. In response to EXAM001A that the Council indicate that:

"The authorities are yet to publish the latest timetable for the production of the plan but this will be available shortly and we will provide an update for the examination as soon as possible. A Local Development Scheme will be updated to reflect this in due course."

2.1.3 The LDS (CD013) indicates that the preferred options consultation is to take place in summer 2021 with Pre-Submission consultation anticipated in winter 2022, some five years after the JCS was adopted when there was clearly a need for an immediate review of the housing supply both for Tewkesbury and Gloucester.

2.2 Given the provisions of the JCS, the current JCS review, and the subsidiary role of the TBP to allocate non-strategic sites, does the TBP make the required contribution towards meeting the housing needs of Tewkesbury borough over the plan period 2011-31? Will the remaining shortfall be provided through the JCS review, or in other ways, in the necessary timescale, and if not, is this a matter for the TBP?

2.2.1 The JCS (DP001) was adopted in December 2017, with a housing requirement for Tewkesbury of at least 9,899 homes (Policy SP1), which equates to an annual requirement of 495 homes. Policy SP2 provides the spatial strategy and the distribution for the delivery of development. It was recognised that a key part of the delivery will be through the strategic allocations identified in Policy

- SA1. Delivery at the non-strategic level was through the district local plans and neighbourhood plans.
- 2.2.2 The intention of the district level plans was to provide more detailed and locally specific policies as well as local allocations. District Plans would deliver the individual district capacities identified in accordance with the JCS spatial strategy (para 3.1.18 of the JCS).
- 2.2.3 As set out in Policy SP2 of the JCS it identifies that strategic urban extensions to Gloucester and Cheltenham within Tewkesbury Borough¹ will meet the housing requirements of Gloucester City and Cheltenham Borough respectively rather than that of Tewkesbury Borough. This is confirmed in paragraph 3.2.23 of the JCS. Therefore, the housing requirement of 9,899 homes relates to the administrative area of Tewkesbury Borough excluding these specified strategic urban extensions:
- “...To meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes.”** (my emphasis)
- 2.2.4 Thus, whilst there is only a housing requirement for at least 9,899 homes (which excludes the new strategic urban extensions) to meet the needs of Tewkesbury Borough policy area, there is actually a planned requirement for 17,404 homes² within the administrative area of Tewkesbury Borough.
- 2.2.5 Part 7 of the JCS addresses Delivery, Monitoring and Review. Paragraph 7.1.9 sets out the mechanisms to address delivery problems and to bring forward development.
- 2.2.6 At that time the JCS was adopted there was already an identified housing shortfall in Tewkesbury as recorded in paragraph 7.1.19 of the JCS. Tewkesbury Borough had an identified shortfall against the total JCS housing requirement of 2,455 dwellings.
- 2.2.7 Para 7.1.20 of the adopted JCS states that:

¹ including Innsworth, Twigworth, South Churchdown, North Brockworth, part of North West Cheltenham and part of West Cheltenham

² =9,899 in Tewkesbury Borough Policy Area + 4,895 in Tewkesbury administrative area to meet the needs of Gloucester + 2,610 in Tewkesbury administrative area to meet the needs of Cheltenham (figures taken from Table SP2a)

“.. to deal with the shortfall the JCS authorities will undertake a review of Tewkesbury’s housing supply immediately after the adoption of the JCS.”

- 2.2.8 The shortfall was concluded by the Local Plan Inspector to be capable of being addressed through Policy REV1 which required an immediate partial review of the JCS to identify additional allocations to meet the adopted housing requirements.
- 2.2.9 In October 2018 the Council’s published a JCS Issues and Options Consultation, and proposed to review both the plan period and the housing requirement, as part of a comprehensive review, rather than seeking to meet the adopted housing requirement over the plan period as envisaged by Policy REV1 as part of a partial review.
- 2.2.10 In the administrative area of Tewkesbury Borough, there have been 5,579 completions in the period 2011-20 according to the Council’s Five-Year Housing Land Supply Statement EXAM001B, Appendix 3 Tewkesbury Borough Five Year Housing Land Supply Statement, Table 1 (January 2021) which compares to the planned requirement for 7,832 homes.³ Within the Borough (including the requirement for the urban extensions) there has therefore been a shortfall of 2,253 homes to date.⁴
- 2.2.11 It is now some 3 years since the JCS was adopted and very little progress has been made in terms of the JCS Review and it is evident that the housing land supply position has worsened. Whilst the TBP (CD001) was only intended to address the non-strategic sites and consequently the shortfall would not be met fully by the TBP; it is considered that the extent of the shortfall, which is now evident, is a significant matter undermining the effectiveness of the policies of the development plan and therefore the soundness, since whether the Plan is effective is one of the tests of soundness.
- 2.2.12 On the Council’s own assessment there is a housing land supply of 4.35 years, however, this assessment relies upon the entirety of the initial over-delivery for Tewkesbury Borough policy area (i.e. excluding that JCS strategic allocations that contribute to meeting needs in Cheltenham Borough and

³ =17,404/20x9.

⁴ 7,832-5,579 = 2,253

- Gloucester City) - not the Borough administrative area, being deducted from the five-year requirement.
- 2.2.13 In appeal decisions the Secretary of State has found that it is inappropriate and contrary to national policy to deduct the oversupply in the Tewkesbury Borough policy area.
- 2.2.14 Applying the approach supported by the Secretary of State to the Tewkesbury Borough policy area would result in a housing land supply of 2.37 years (evidence prepared by Pegasus for the Coombe Hill appeal, PINS ref APP/G1630/W/20/3257625, January 2021).
- 2.2.15 The latest indication in a recent appeal decision is that the Inspector has concluded that the housing land supply is even less, at 1.82 years (Appeal reference APP/G1630/W/20/3256319 Land off Ashmead Drive, Gotherington).
- 2.2.16 In summary, when the JCS was adopted there was an acknowledged housing shortfall of approximately 2,450 dwellings and this was to have been addressed by an immediate review of the Tewkesbury Housing supply and by considering strategic allocations in the Ashchurch/Northway area as part of the JCS review. The JCS as paragraph 7.1.23 acknowledged that a site at Fiddington promoted as an omission site through the JCS Examination and concluded by the Inspector as the only other sustainable strategic site around Tewkesbury town within the JCS area had the potential to meet the needs of the Borough (this site was subsequently granted planning permission by the Secretary of State APP/G1630/W/18/3210903). However, the JCS review has not taken place in time to address the shortfall.
- 2.2.17 For all of the above reasons it is considered that this is a matter for the TBP to address.
- 2.2.18 EB013 at paragraph 3.7 states:
- “The smaller scale (non-strategic) sites identified within the Pre-Submission Borough Plan will have a role to play in contributing towards addressing the shortfall.”**
- 2.2.19 Whilst the TBP cannot address the entire shortfall in the plan period, it has already acknowledged as referred to above that the TBP can assist in meeting some of that shortfall; it is considered that given the current circumstances in respect of housing land supply that additional capacity needs to be found in

the TBP (CD001). This can be addressed by increasing the capacity of some of the proposed allocations in the Plan in line with national policy: “*To support the government’s objective significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed*”; and “*where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site*”.... {paragraphs 59 and 123 of the NPPF}) and by proposing additional allocations consistent with the strategy that have been promoted to the Council as omission sites. Consequently, this is a matter for the TBP plan to address.

2.3 What progress has been made in delivering the anticipated 500 dwellings to meet Tewkesbury’s needs at Mitton. Is this provision agreed with Wychavon?

- 2.3.1 Paragraphs 3.2.17 and 7.1.26 of DP001 refer to joint working with Wychavon District Council to bring forward a cross boundary site at Mitton for approximately 500 dwellings, adjacent to Tewkesbury town. At the time the adopted SWDP 2006-2030 included a commitment to consider through a policy review of the plan, meeting the needs of other authorities within the SWDP area and reference is made to this in the footnote to Policy SWDP 2.
- 2.3.2 The proposed development at Mitton would currently be contrary to Policy SWDP 2 of the adopted South Worcestershire Development Plan and Policy NP1 of the Bredon Neighbourhood Plan, however, Wychavon District is engaged with its neighbouring authorities in the preparation of the South Worcestershire Development Plan Review (SWDPR).
- 2.3.3 A Preferred Options consultation document was subject to consultation from November to December 2019 and this proposed that Mitton is allocated for 1,000 dwellings of which 500 are intended to contribute to the housing supply for Tewkesbury Borough policy area. The consultation responses are not currently available, but it is considered likely that this proposed allocation will be the subject of significant levels of objection given the levels of objection to the current outline planning application 18/00771/OUT at this site including:

- A continuing and unresolved objection on the grounds of educational contributions;
 - Objections from the Bredon Hill Conservation Group;
 - A written legal opinion which identifies that the application is contrary to the adopted development plan;
 - Objections from the Parish Council;
 - A holding objection from Highways England;
 - An objection from the Cotswolds Conservation Board;
 - An objection from the local highway's authority;
 - Objections from Kemerton Parish Council; and
 - An objection from the Environment Agency.
- 2.3.4 There are therefore a significant number of technical issues which have been identified which may prevent this development coming forward.
- 2.3.5 Whilst the SWDPR proposes that this site will contribute to the supply for Tewkesbury Borough policy area, to date this has not been formally agreed or found to be sound. It should also be noted that the timescale for the preparation of the SWDP is such that an additional consultation on the Preferred Options (Reg 18) is to take place in March – April 2021 and the publication of the Reg 19 is not expected to be until October/November 2021 and submission to the Secretary of State in March 2022. According to the timetable the SWDP will not be adopted until April 2023. Consequently the weight that can be attached to the SWDP at this early stage is limited. Furthermore, in view of the significant objections to date on the planning application the provision of 500 dwellings at Mitton contributing to meeting TBC needs is far from agreed.
- 2.4 The JCS states (on page 26) that the 2015 Settlement Audit will be refreshed prior to submission of the TBP. Has this been done, and if so what are the results of the refresh and would any changes to the settlement hierarchy be justified?**

2.4.1 This is more of a question to the Council. Para 3.3 of the Submitted TBP CD001 refers to the Rural Service Centre and Service Village classification being informed by the JCS Settlement Audit (2017) ED011a.

2.5 Is the methodology used for identifying housing sites in the TBP, as described in the Housing Background Paper (HBP), appropriate? (This is not an opportunity to discuss the merits of individual allocations which will be considered under Matter 3).

2.5.1 Our comments are site specific and will be addressed in Matter 3.

2.6 JCS Table SP2a appears to require the TBP to identify further potential for 315 dwellings. Is this correct, and if so has this requirement been met?

At the time the JCS (DP001) was published and adopted the figure of 315 dwellings was the residual figure which TBC needed to address to make allocations in the Borough Plan. The shortfall referred to in paragraph 7.1.19 of the JCS was to be met by a review of Tewkesbury's housing supply immediately after the adoption review. However, this review has not taken place, there have been some additional commitments and the TBP (CD001) has attempted to make provision to meet some of the shortfall. This is set out in EB013 paragraph 15.1 and Table 10. The total supply for Tewkesbury on the basis of the sites proposed in CD001 is 8,261 homes. Accordingly this reduces the shortfall to be addressed through the JCS to 1,638 homes.

2.7 The JCS provides for housing development at Tewkesbury town 'in line with its role as a market town' but sets no specific housing requirement for the town area. The HBP notes in paragraph 3.7 that smaller scale (non-strategic) sites within the TBP would contribute towards the shortfall in provision identified in the JCS but also states it is not appropriate for the plan to define a housing requirement for the town. Rather, the HBP states that the plan includes all the (non-strategic) sites within or adjacent to the town that are suitable for allocation given the site selection criteria. In this light, is the overall housing provision in the TBP for Tewkesbury town justified, consistent with the JCS and has the plan been positively prepared in this respect?

2.7.1 The JCS has a housing requirement for Tewkesbury in Policy SP1 of “at least” 9,899 new homes. This figure is not a target. The issue for the TBP (CD001) is that there is a shortfall in meeting the housing requirement, the Plan has included non-strategic sites within and adjacent to the town which the Council consider meet the site selection criteria and are consistent with the JCS strategy. However, whilst this makes some contribution in meeting the plan period shortfall, there is a significant five year housing land supply shortfall. Given the above there are sites which have been promoted to the Council adjacent to the town (ref ID 254 site TEWK012), and which are consistent with the strategy that can assist in meeting the housing shortfall.

2.8 The JCS provides for about 1,860 dwellings at the Rural Service Centres, Bishop’s Cleeve and Winchcombe. Under Policy RES1, three sites are allocated at Bishop’s Cleeve and one at Winchcombe. As at April 2020, taking these allocations, existing commitments and completions into account, the TBP would provide for 2,044 and 354 dwellings respectively in the two settlements, a total of 2,398 dwellings and some 538 in excess of the JCS figure. In this light, is the overall housing provision in the TBP for the two Rural Service Centres justified, consistent with the JCS and has the plan been positively prepared in this respect?

2.8.1 This is a matter for the District Council, but the housing figures are not targets.

2.9 The JCS provides for about 880 dwellings at the Service Villages. Under Policy RES1, ten sites are allocated at six of these villages. As at April 2020, taking these allocations, existing commitments and completions into account, the TBP would provide for 1,088 dwellings, some 208 above the JCS figure. In this light, is the overall housing provision in the TBP for the Service Villages justified, consistent with the JCS and has the plan been positively prepared in this respect?

2.9.1 It is considered that this approach is justified, the housing requirement in the JCS (DP001) is “at least 9,899 new homes”. There is a housing land supply shortfall, both in terms of plan period and 5 year housing land supply; as such where sites are consistent with the strategy and support the Service Villages and where there is additional capacity at those sites this will support the strategy and delivery of much needed housing.

2.10 The TBP identifies six Urban Fringe Settlements (Brockworth, Churchdown, Hucclecote, Innsworth, Longford and Uckington) which are recognised as sustainable settlements closely associated with Gloucester or Cheltenham but no specific housing requirements are set for them in the JCS. Under Policy RES1, two sites are allocated at Brockworth. In this light, is the overall housing provision in the TBP for the Urban Fringe Settlements justified, consistent with the JCS and has the plan been positively prepared in this respect?

2.10.1 No further comments.

2.11 On adoption of the TBP and in advance of the JCS review, would there be a satisfactory five-year housing land supply position and if so, for how long? What are the implications of any shortfall and how far, if at all, is this a matter for the TBP?

2.11.1 The Council are unable to meet even the minimum housing requirement of the adopted Development Plan unless additional sites are brought forward.

2.11.2 There is an existing under-supply of housing across the administrative area and the plan area, such that households have not been provided the housing they need.

2.11.3 By the Council's own evidence they accept that they are currently unable to demonstrate a sufficient supply for the next five-years (EXAM001B refers to 4.35 years). On this basis some 13% of households will not be provided the housing they need in the Tewkesbury Borough policy area over the next five-years.

2.11.4 As referred to above the Secretary of State has identified that it is necessary to adopt a different approach to that used by the Council in the circumstances of Tewkesbury Borough policy area which would result in a **2.37 year land supply**.

2.11.5 Based on the potential sources of supply identified by the Council, a five-year land supply will not be restored at any point across the plan period, consequently it is considered that this shortfall should be addressed by increasing the capacity at proposed allocations and by including additional allocations consistent with the strategy.

A recent appeal decision on 12th January 2021, appeal reference APP/G1630/W/20/3256319 Land off Ashmead Drive, Gotherington has concluded that the housing land supply is 1.82 years.