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LPA Ref: 19/00334/OUT
20th December 2019 | DH | P19-2231

PLANNING PROOF OF EVIDENCE SUMMARY AND CONCLUSIONS

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LAND OFF KIDNAPPERS LANE, CHELTENHAM, GLOUCESTERSHIRE

PROPOSAL:

**RESIDENTIAL DEVELOPMENT OF UP TO 25 DWELLING, ASSOCIATED INFRASTRUCTURE,
OPEN SPACE & LANDSCAPING, WITH THE CREATION OF NEW VEHICULAR ACCESS FROM
KIDNAPPERS LANE. DEMOLITION OF EXISTING BUILDINGS.**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. SUMMARY & CONCLUSIONS

1.1 This appeal follows the failure of Cheltenham Borough Council (The LPA) to determine an application for outline planning permission within the statutory 13 week period, for a proposed development comprising:-

“Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with the creation of new vehicular access from Kidnappers Lane. Demolition of existing buildings.”

1.2 My qualifications are set out in my Proof of Evidence. My evidence explains why I consider that the appeal proposals represent sustainable development and I have demonstrated that there are compelling reasons that justify the grant of planning permission in this case.

1.3 My evidence is structured as follows:-

Issue 1 Whether the site is an appropriate location for housing development having regard to the National Planning Policy Framework and relevant adopted development plan policy

Issue 2 Emerging Development Plan Policy

Issue 3 Other matters raised in third party objections

The Overall Planning Balance

1.4 My main findings can be summarised as follows:-

Issue 1 Whether the site is an appropriate location for housing development having regard to the National Planning Policy Framework and relevant adopted development plan policy

1. The appeal proposals are in general accordance with the spatial strategy of the JCS which seeks to focus development at Cheltenham (Policies SP1 and SP2)
2. JCS Policy SP1 sets a minimum overall housing requirement of 35,175 dwellings (2011-2031), of which at least 10,917 are to be provided across the Cheltenham policy area. The appeal proposals would contribute towards meeting these requirements.
3. JCS Strategic Objective 8 seeks to deliver at least, a sufficient number of market and affordable houses. Annual monitoring and the evidence of Mr Tiley demonstrates that the LPAs are already failing to deliver the required number of new homes.

4. Whilst the LPA objects to the appeal proposals on the grounds that it is development beyond the PUA, Policy SP2 anticipates that there will be a need for housing beyond the Cheltenham PUA.
5. I accept that the site is not allocated for housing and that there would be a partial conflict with the Development Plan (Policy SD10). However, Policy SD10 is out of date because of the housing land supply position and it should therefore be afforded only limited weight.
6. It is agreed that the site is in a sustainable accessible location and that Leckhampton is a suitable place for further housing as illustrated by the draft Local Plan allocation.
7. It is also one of the few undeveloped areas in the borough not designated as Greenbelt or AONB
8. There are no adopted policies or designations that directly affect the site that would preclude its redevelopment for housing as a matter of principle.

Issue 2 Emerging Development Plan Policy

9. There is nothing that persuades me that the principle of development should be resisted on the basis of the emerging Development Plan Documents, particularly given the limited weight that can be afforded to them at this time.
10. There are no emerging Local Plan policies or designations that would specifically preclude housing in this location.
11. I accept that the appeal site does not form part of a draft allocation in the emerging Local Plan. However, the Examination is ongoing, the Inspector has not reached any conclusions and she recognises that she must take account of representations on the Main Modifications.
12. Moreover, progress on the Local Plan may well stall when the Inspector is told that the 5YRHLS position is 2.11 years, the Local Plan will have a shortfall of 2,270 dwellings by the end of the plan period and a 5YRHLS will never be restored during the plan period unless action is taken to identify more sites.
13. Even if the plan was adopted as per the Main Modifications, the 5YRHLS position will immediately engage the tilted balance. Whatever route the plan takes, the housing policies cannot be afforded more than limited weight at the present time.
14. The emerging NP is at an early stage in the plan making process and can only be afforded limited weight.
15. There are no NP policies that preclude housing on the appeal site as a matter of principle and the LPA does not rely upon any conflict with the emerging NP.
16. The NP includes a policy for the potential redevelopment of the site for housing, albeit with prescriptive requirements on the character of the development and proposed mitigation.

17. Consistent with the emerging Local Plan, the NP excludes the appeal site from the proposed LGS area and so this should not be considered a potential constraint.

Issue 3 Other matters raised in third party objections

18. The planning application provided the necessary information to confirm that there is no evidential basis for objection on any of these grounds.
19. The LPA raises no such objections.
20. There are no outstanding objections from statutory consultees relating to these matters.
21. The Parish Council as a Rule 6 party to this appeal does not intend to pursue these lines of objection.
22. In view of the above and in the absence of any robust technical evidence to the contrary, there is no reason why planning permission should be withheld on these grounds.

The Overall Planning Balance

23. The proposals will deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below. These include:-
- Provision of Open Market Housing – Very Significant
 - Provision of Affordable Housing – Very Significant
 - Expenditure on construction/local investment – Significant
 - Creation of construction jobs - Moderate
 - Providing homes for economically active people – Moderate
 - Financial contributions towards off site infrastructure - Limited
 - Public open space/Green Infrastructure – Limited
 - Off-site footpath/street lighting improvements – Limited/Moderate
 - Native planting and enhancement to biodiversity – Limited/Moderate
24. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
- Partial conflict with the Development Plan (JCS Policy SD10 and CLP Policy CO1(b)) – Limited
 - Loss of countryside – Limited
 - Impact on character and appearance of the area – Limited

25. All other identified impacts can be mitigated through Planning conditions, obligations or through reserved matter applications.

26. It can be demonstrated that the proposals would otherwise be in general accordance with the Development Plan when read as a whole.

27. Overall the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As such the proposals represent sustainable development in the context of NPPF 2 paragraph 11d.

Concluding Comments

1.5 Having undertaken a planning balance in the way that I have outlined, I reach the conclusion that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons that justify the grant of planning permission.

1.6 In view of the foregoing, the Inspector is respectfully requested to uphold this appeal and to grant outline planning permission, subject to any necessary conditions and planning obligations.