

Dear Tracey,

Thank you for your email and invitation to submit comments in respect of exam doc ED041.

I write on behalf of MF Freeman in respect of their land interests at proposed allocation MD2: Portland Street/North Place. This follows our previous submissions to the Cheltenham Plan Main Modifications (CPMM) Consultation which sought deletion of the second bullet point to MD2 in respect of health and community uses.

The Council's response in ED041 demonstrating that the requirement for health and community uses is simply a hangover from a previous planning permission, rather than arising from any demonstrable need, is acknowledged and endorsed. Furthermore, the Council's suggested that the second bullet point referencing these uses can be deleted from draft allocation policy is supported. As detailed in our submission the Main Modifications Consultation there is ample provision of such uses in the immediate vicinity of the site and no demonstrable need for these uses.

In addition however, the Council should recognise that a predominant residential use on the site, increases significantly the site capacity. In our previous representations to the Main Modifications Consultation, we highlighted that the proposed allocation for 147 dwellings was very conservative and that the site could yield some 300 dwellings. It is unclear how the Council has arrived at the allocation of 147 dwellings and whether this recognised the site's suitability for higher density apartment style development given the town centre location. Clearly the allocation number should be revised upwards in light of the suggested modification in ED041 to remove any requirement for health and community uses.

The latest masterplan for the site illustrates 362 residential units and an office block of circa 40,000 ft², whilst maintaining high standards of design appropriate to the site context. It is proposed that the allocation policy should support or be broadly agreeable with this scale of development.

I trust this representation is of assistance and please do not hesitate to contact me should the Inspector require any further clarification.

Kind Regards,

Conor

Dear Tracey

Thank you for consulting us on this matter. We have reviewed document ED041 and I can confirm that the Environment Agency has no further comments to make.

Kind regards,

Ruth.

Hello Tracey,

Thank you for giving Gloucestershire County Council (GCC) the opportunity to comment on the above matter. I have the following officer comments to make.

MM019 - 'Policy H2: Land Allocated for Mixed-Use Development' – this is supported.

I have been asked to mention that an application has been made to stop up the footpath traversing the proposed secondary school allocation site, shown as plot 'O' on page 4 of the [Council's response \(ED041\)](#). A Public Inquiry to consider the application will be held in the near future.

If you require any further information please do not hesitate to contact me.

Thank you

Rob Niblett

Dear Tracey

Our reference 307081

For the avoidance of doubt - Natural England has no comments to submit on the further information requested by the inspector.

Kind regards

Antony

Antony Muller

Lead Adviser

Dear Tracey

Thank you for the opportunity to respond to the Inspectors request for further information and the Council's response to this. We raise a direct response to table 8 set out in the MM responses.

The last two rows of this table suggest that the employment requirement set out in the JCS for Cheltenham Borough is 1ha. There is no such policy reference suggesting that Cheltenham should only provide 1ha. The only reference that has been made to 1ha within the JCS is found at paragraph 3.2.21 which references the Economic Update Note of February 2016. This simply suggests that 'at that time' there was *an indicative availability of B-Class land within Cheltenham of approximately 1ha*. It certainly provides no reference that Cheltenham Borough should only find 1ha of employment land and that calculation was a snapshot of what was potentially available in 2016.

The main policy reference to the amount of employment land that needs to be provided **in the JCS area over the plan period** is found in criterion 9 of Policy SP2 which sets out that the JCS will make provision for at least 192ha of B class employment land. Therefore it follows that an assessment of the strategic employment requirements, commitments and completions should have been updated and undertaken to ensure that the full complement of 192ha was provided by the JCS authorities during the Plan period.

At this point in time it is clear from all the emerging local plans that there is still a residual requirement of **40.9ha** still to be found in the JCS area and accordingly there remains a role of the Cheltenham Local Plan in conjunction with the other JCS authorities to make provision for additional employment land within their district plans in order for them to be robust and achieve sustainable development.

Table 8 also suggest that the Cheltenham Plan will make new employment allocations amounting to 7.35ha. Regrettably after a detailed analysis of all of these sites, it is clear that none constitute new employment land and the Council has already conceded in two cases that they have previously been assessed as commitments. The Council therefore continues to use sites that they have previously accounted for and therefore depriving the local economy of much needed employment land.

Table 8 should therefore be amended to the following:

Table 8: Summary of Requirement and Supply for Cheltenham Borough (as of June 2019)

| | |
|--|---|
| Housing requirement for Cheltenham Borough (2011-2031) (as agreed in the JCS) | 10,917 dwellings |
| Total supply of housing (2011-2031) | 11,632030 dwellings (The Cheltenham Plan allocates 113 dwellings more than the requirement to allow for flexibility in site delivery over the plan period) |
| Supply being met through strategic allocations (allocated in the JCS) | 5,385 dwellings |
| Supply being met through allocations in the Cheltenham Plan | 1,252236 dwellings |
| Unplanned supply (being met through windfall) (to April 2018) | 4,995409 dwellings |
| 5-Year Housing Land Supply (correct at date of publication) | 45.6 years |
| Residual employment requirement still to be found in the JCS area: (2011-2031) (as identified in | 40.9ha |

the JCS)

Employment supply from new allocations in the Oha (total site area)
Cheltenham Plan

Yours sincerely

GFirst LEP Construction and Infrastructure Business Group

Dear Tracey

Thank you for your email below regarding the Council's response to the Inspector's further information request regarding the Cheltenham Local Plan Proposed Main Modifications consultation.

I can confirm that Highways England has no comments to make.

Kind regards

Oliver Lowe

Dear Tracey

Thank you for this.

I cannot find any comment or acknowledgement of the comments that we raised late last year concerning the continued omission of a strategy to manage climate change and flooding in the main modifications.

Is it possible that I have missed a document in the examination library where there is evidence that the council have considered and commented on this matter?

Please advise.

Kind regards



For Cheltenham Flood and Drainage Panel

Dear Tracey,

Please find our response to EDO41 on behalf of Robert Hitchins Ltd.

Kind regards,

Sarah Hamilton-Foyn

Senior Director

SHF/CIR.P17-0349

Sent by email only: traceysmith@cheltenham.gov.uk

30th January 2020

Programme Officer
Cheltenham Borough Council Local Plan Examination
Municipal Offices,
Promenade,
Cheltenham,
GL50 1PP

Dear Tracey

Cheltenham Borough Plan Local Plan Examination response to ED041

Pegasus Group on behalf of Robert Hitchins Ltd have been instructed to submit representations in response to the consultation on the Council's response to the Inspector's request for information (17th January 2020), as set out ED041.

1. MM013 and MM027: Reps from Robert Hitchins:

- i. It is stated in that there has been no statement of 5 year housing land supply since August 2018. What therefore is the justification for the base date in Table 8 (MM027) of 12 July 2019?

Council response- Completions and build out rates for all sites within the trajectory were updated on 12 July 2019 as discussed during the hearing sessions.

RHL response - The point is as set out in our response to the Proposed Modifications no Housing Position Statement was produced in 2019. The December 2019 version was produced after the close of the consultation on the Proposed Modifications. The closing date for the consultation was 16th December 2019.

The heading of Table 8 (MM027) is dated 12th July 2009 in the Proposed Modifications and it is misleading, for example, as the source of the information in terms of unplanned supply is 1st April 2018. The 5 yr Housing Land Supply states (correct at 12th July 2019) but there was no Housing Land Supply Statement produced at this time, so it is not clear why 12th July 2019 was referred to as the Hearing Sessions were in February 2019. The only published evidence in the form of the Position Statement was dated August 2018.

In the amended Table 8 below it is noticeable that the heading now refers to June 2019 rather than 12th July, 2019, also for the row referring to the 5-Year Housing Land Supply in the proposed Modifications this previously stated (correct at 12th July 2019 , ~~date of publication~~); the wording "date of publication" was deleted. In the latest version of the

Table presented below it seems that this has been reversed and the date of the 12th July 2019 deleted. Furthermore the Table below is now headed June 2019.

The new Position Statement was published in late December 2019. It is noticeable that paragraph 23 states that the Cheltenham Plan makes provision for 1,248 dwellings in total. This does not accord with the figure in the table below, which includes the figure of 1,252 dwellings, a difference of 4 dwellings.

In terms of housing land supply, even on the basis of the Council's own figures and the application of a 5% buffer instead of 20%, the housing land supply has worsened since the August 2018 Position Statement. The Council now has a 5yr housing land supply of 3.7 years compared with 4.6 years previously. The Position Statement acknowledges that this is attributable to the trajectory for the strategic allocations slipping, and indeed extending well into the next plan period. The number of dwellings considered to occur beyond the end of the plan period has now significantly increased from 515 in the August 2018 Position Statement to 1,685 (paragraph 18 states that 1,345 dwellings from North West Cheltenham and paragraph 20 states that 340 dwellings from West of Cheltenham) in the December 2019 Position Statement. The Council have acknowledged that they are not able to meet their full housing requirement across the plan period, and state that this will be addressed in the review of the JCS. However, the review of the JCS has stalled – no progress has been made since the consultation on the Issues and Options in November 2018 and no timetable exists setting out the programme.

We have in our submission on the Proposed Modifications (MM013) stated that we considered based on experience that the anticipated delivery of dwellings arising from the strategic allocations through the JCS could not be relied upon; and indeed in the last 12 months the situation has significantly worsened with very little prospect of North West Cheltenham coming forward in the near future as it is reliant upon HIF bid funding being secured to address the improvements to M5 junction 10 " to enable the release of this site".

Neither North West Cheltenham or West of Cheltenham have planning permission, let alone the reserve matters and technical approvals required for even a start to be made on site in 2021/22 and 2022/23 respectively.

As referred to above and in our response to the Proposed Modification the JCS review has been delayed and there is currently no up to date programme for the Review.

We remain of the view that these issues cannot be delayed until the JCS Review, they need to be addressed in the short term given that the need for housing is already suppressed due to the stepped approach and the Liverpool approach for Cheltenham, which was accepted through the JCS. Even using this approach (without questioning the Council's own housing supply figures) there is now an acknowledged 5yr housing land supply shortfall and a plan period housing land supply shortfall.

At the recent appeal on Kidnappers Lane (19/00334/OUT) a Statement of Common Ground was agreed between the Council and Pegasus Group (on behalf of the appellant Robert Hitchins Ltd), dated 10th January 2020. It was agreed that the LPA could not demonstrate a 5 year Housing Land Supply. The parties disagreed on the extent of the five year supply shortfall. The Council considered that it was able to demonstrate a 3.7 years supply and the

appellant considered that the Council could only demonstrate at most 2.1 years supply. (Again this situation has worsen on closer examination of the figures for the inquiry than we set out in our response to the Proposed Modifications).

Paragraph 8.12 of the Statement of Common Ground sets out where it is agreed that the differences in the respective five year land supply positions are. There are three issues:

- *"The Council include 355 homes on sites which the Appellant considers are not identified as being eligible for inclusion in the definition of a deliverable site within the NPPF and PPG (68-007), and are not eligible for inclusion in accordance with the findings of numerous s78 Inspectors;*
- *The Council include 133 homes on sites which benefit from outline planning permission for which the Appellant claims that they have not yet seen any clear evidence that completions will begin on site within five-years and so the Appellant does not consider these to be deliverable;*
- *The Council include 495 homes on strategic allocations for which no specific, suitable and viable transport solution has yet been identified and so the Appellant does not consider these sites to offer a demonstrably suitable location for development now or to be achievable within five-years. Neither site has planning permission and an application has yet to be submitted on one of the sites."*

It was also agreed through the Statement of Common Ground that the current five year housing land supply shortfall is substantial on either assessment and furthermore that the Council will be unable to demonstrate a five-year land supply unless additional site are identified and that there is no plan in place to address the shortfalls.

It was agreed that the appeal site can be considered sustainable in terms of accessibility to local facilities and public transport services and it was agreed that in order to address the housing shortfalls across the plan period additional land in addition to the proposed for allocation in the Cheltenham Local Plan would be required.

In order to ensure a 5 year housing land supply additional allocations should be included in the plan. The additional allocations should include land at Kidnappers Lane and Land at Oakley Farm.

A copy of the Statement of Common Ground is attached.

- ii. **Is there a discrepancy between the figure in new Table 8 for supply being met through allocations in the Cheltenham Plan at 1,385, and the Trajectory in MM028 which states that the trajectory of allocations is 1,252?**

Council response - There is an error within the new Table 8. 'Supply being met through allocations in the Cheltenham Plan' and 'Unplanned supply (being met through windfall)' have incorrect figures although the total supply is correct. A revised version of new Table 8 with corrected figures highlighted in yellow is provided below.

| Table 98: Summary of Requirement and Supply for Cheltenham Borough (as of June 2019) | |
|---|---|
| Housing requirement for Cheltenham Borough (2011-2031) (as agreed in the JCS) | 10,917 dwellings |
| Total supply of housing (2011-2031) | 11,632030 dwellings (The Cheltenham Plan allocates 113 dwellings more than the requirement to allow for flexibility in site delivery over the plan period) |
| Supply being met through strategic allocations (allocated in the JCS) | 5,385 dwellings |
| Supply being met through allocations in the Cheltenham Plan | 1,252236 dwellings |
| Unplanned supply (being met through windfall) (to April 2018) | 4,995409 dwellings |
| 5-Year Housing Land Supply (correct at date of publication) | 45.6 years |
| Employment requirement (2011-2031) (as identified in the JCS) | 1ha |
| Employment supply from new allocations in the Cheltenham Plan | 7.35ha (total site area) |

RHL response – in view of our comments in respect of question 1(i) it is considered that Table 8 above should be amended to reflect the latest position on housing land supply. Based on the Council's own evidence this is 3.7 years as set out in the Five Year Housing Land Supply Position Statement December 2019. However, as set out in the evidence to the recent inquiry for Kidnappers Lane, Pegasus consider that the five year housing land supply is actually 2.1 years. It was agreed through the Statement of Common Ground that the current five year housing land supply shortfall is substantial on either assessment (ie 3.7yrs or 2.1yrs) and furthermore that the Council will be unable to demonstrate a five-year land supply unless additional site are identified.

iii. Should the total net capacity in MM028 be 1,246 and not 1,252? Does this affect any other figures in either new Table 8 or the trajectory?

Council response - The total of 1,252 in MM028 is correct.

RHL response – Having re-examined the numbers deleted and strikethrough, the total in the net capacity column is correct, but there are errors in the columns by year. In year

2022/23 the total should be 239 and not 249, in 2023/24 the figure should be 160 and not 175 and in 2024/25 the figure should be 165 and not 140.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

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SARAH HAMILTON-FOYN

Senior Director

Email 

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