

## **APPLICATION FOR PLANNING PERMISSION FOR UP TO 250 DWELLINGS**

## **PLANNING STATEMENT (INC. AFFORDABLE HOUSING STATEMENT AND DRAFT HEADS OF TERMS)**

### **LAND AT OAKLEY FARM, CHELTENHAM**

### **ON BEHALF OF ROBERT HITCHINS LTD. AND ITS SUCCESSORS IN TITLE TO THE LAND**

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

**Prepared by: Pegasus Group**

## **Pegasus Group**

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

**T** 01285 641717 | **F** 01285 642348 | **W** [www.pegasuspg.co.uk](http://www.pegasuspg.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

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JANUARY 2020

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## **1. INTRODUCTION**

1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Robert Hitchins Limited and its successors in title to the land, in support of proposals for outline planning permission for a residential development on land at Oakley Farm, Cheltenham. The development comprises the following:

- Up to 250 dwellings, with a total site area of approximately 15.29 hectares;
- Associated infrastructure, open space and landscaping;
- Vehicular and pedestrian accesses from Harp Hill
- All matters of detail are reserved for subsequent approval, as such the determination is limited to matters of principle.

1.2 This Planning Statement provides an overview of the decision-making context including the National Planning Policy Framework (February 2019), the National Planning Practice Guidance, the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017) and the emerging Cheltenham Borough Local Plan.

1.3 This Statement takes the following form:

- Section 2 describes the Application Site and the surrounding area;
- Section 3 provides a summary of the planning history of the site
- Section 4 sets out the application proposals
- Section 5 describes the relevant national and local planning policy
- Section 6 comprises the Affordable Housing Statement
- Section 7 discusses the planning merits of the proposal
- Section 8 provides the overall conclusions

1.4 The application is accompanied by a number of supporting documents including the Environmental Statement, which are to be read alongside this planning statement. A Sustainability Checklist has been completed.

1.5 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) require that any proposed development falling within the description of a 'Schedule 2 development' within the meaning of the Regulations,

is required to be subject to an EIA where such development is likely to have 'significant' effects on the environment by virtue of such factors as its nature, size or location (Regulation 2(b)).

- 1.6 The Application Site area is greater than the threshold of development area of 'exceeding 5ha' under Schedule 2 Section 10 (b) with respect to Urban Development Projects that may require the submission of an ES and CBC issued a Screening Opinion confirming the requirement for an ES in April 2019.
- 1.7 A Scoping Report was submitted to the Council on 7<sup>th</sup> May 2019.
- 1.8 A Scoping Opinion was received on 12<sup>th</sup> July 2019. These matters are addressed in the Environmental Impact Assessment.



## **2. APPLICATION SITE AND SURROUNDINGS**

- 2.1 The site is situated to the north east of Cheltenham town centre on the lower slopes of the Cotswold Scarp at Oakley and is within the Cotswolds Area of Outstanding Natural Beauty.
- 2.2 The proposed development site comprises 15.29 hectares of predominantly greenfield land comprising a series of six open fields that are bounded by hedgerows and mature trees. The site also includes the buildings associated with Oakley Farm and a number of trees and hedgerows. The former farmstead is located towards the northern boundary of the site and is accessed by a single track from the west which also falls within the application site.
- 2.3 The site is bounded on three sides, to the south, west and north by existing residential development and to the east by the listed structures of Hewlett's Reservoir. The site is bounded to the south by Harp Hill Road and to the west by Wessex Drive, both of which are established residential areas. The site is bounded to the north by the former GCHQ Oakley site which has recently been redeveloped for residential purposes with Pillowell Close, Brockweir Close and Fairford Road situated adjacent to the northern boundary of the site and Bream Court and Birdlip Road to the north east of the site.
- 2.4 The site is well connected to the existing residential suburbs of Cheltenham with Battledown to the south, Whaddon to the west and Prestbury to the north. Public access to the land is limited to a public right of way along the western boundary of the site and along the track to the B4075, but no other public footpaths cross the site.
- 2.5 The application site is within Flood Zone 1, the least risk area of flood risk probability. There are no significant flooding or drainage issues that would prevent the development of the site. Therefore, in terms of flooding and drainage the site is considered to be a sustainable location for development.
- 2.6 There are no World Heritage Sites, Scheduled Monuments or Listed Buildings within the Application Site, nor does the Application Site lie within a Conservation Area.
- 2.7 Battledown Camp Scheduled Monument is located approximately 160m south of the site. To the east is Hewlett's Reservoir, which includes four Grade II Listed elements, comprising:

- No. 1 Reservoir;
- No. 2 Reservoir;
- Pavilion at Hewlett's Reservoir; and
- Gates, gate piers and boundary walls at Hewlett's Reservoir.

2.8 The Application Site boundary and context is identified at Appendix 1.

#### **APPENDIX 1: SITE LOCATION PLAN**

2.9 Local infrastructure for all standard services including water, gas, electricity, telecommunications and surface and foul water drainage are all present adjacent to the site. It is proposed that the new development will be served by these existing services subject to any necessary reinforcement identified at the detailed design stage and to the details contained within the statements submitted in support of this application.

### **3. PLANNING HISTORY OF THE APPLICATION SITE**

- 3.1 There is no planning history of the site, apart from an application was submitted ref 19/01610/DEMCON to determine whether prior approval is required for the demolition of a detached dwelling (The Farmhouse, Oakley Farm), (method of demolition and restoration of the site) at Oakley Farm, Priors Road, Cheltenham. The Borough Council determined that no prior approval was needed.
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#### **4. APPLICATION PROPOSALS AND PRE-APPLICATION DISCUSSIONS**

- 4.1 This application seeks outline planning permission for a development comprising up to 250 dwellings, associated infrastructure including open space and landscaping, with vehicular and pedestrian accesses from the B4075 - Harp Hill, demolition of existing buildings.
- 4.2 Whilst the application is submitted in outline an Illustrative Masterplan is provided to demonstrate how the site can deliver the scale of development proposed. The Illustrative Masterplan, attached at Appendix 2, shows how the development might be laid out to respond to constraints and opportunities on the site, including those identified in the technical reports submitted as part of the planning application and the supporting Environment Statement.

#### **APPENDIX 2: ILLUSTRATIVE MASTERPLAN**

- 4.3 The application will bring forward for development additional housing land on the edge of Cheltenham, in a form which is appropriate to development in the vicinity. The proposed residential development not only assists in meeting housing needs in terms of providing a variety of house types and sizes, but will also assist in meeting a shortfall in the housing land supply.
- 4.4 A proportion of the proposed dwellings will be provided as affordable units, with the remaining units provided as open market dwellings. The Affordable Housing Statement is included at Section 6.
- 4.5 The site is able to contribute to the Council's five-year housing land supply (including the provision of affordable housing) in a timely manner, this is a significant material consideration in the determination of this application as set out in greater detail in Section 7.
- 4.6 A more detailed description of development and the justification for the design concept that has been followed is set out in the Design and Access Statement accompanying this application.
- 4.7 Pre-application public consultation has been undertaken with the distribution of a consultation leaflet to approximately 1,500 homes in the Battledown area. In addition, a dedicated webpage was set up to provide an opportunity to obtain further information on the proposal as well as submit comments online.

4.8 Further details of the public consultation and the comments made that have informed the proposals are contained in the Statement of Community Engagement that accompanies the application.

## 5. RELEVANT PLANNING POLICY

### National Planning Policy

- 5.1 The **National Planning Policy Framework (NPPF)** was published and came into immediate effect on 19<sup>th</sup> February 2019 and sets out a *"presumption in favour of sustainable development that is the basis for every plan and decision"*.
- 5.2 Annex 1 states that The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. However, the results were not published until February 2019, so the results are applicable from February 2019.
- 5.3 Paragraph 8 identifies three objectives to sustainable development which are economic, social and environmental. Paragraph 8 continues to state that these objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across different objectives). Therefore, to achieve sustainable development, the NPPF recognises that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.4 Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 continues to state that for decision-taking this means (unless material considerations indicate otherwise):

**"c) approving development proposals that accord with an up to date development plan without delay; or**

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>1</sup>, granting permission unless:**

**i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or**

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<sup>1</sup> Footnote 7. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1

<sup>2</sup> Footnote 6. The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage

**ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

5.5 Section 3 of the NPPF "Plan Making" paragraph 23 states that:

**"Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)."**

5.6 Section 4 of the NPPF "Decision Making" paragraph 38 states:

**"Decision-makers at every level should seek to approve applications for sustainable development where possible."**

5.7 Section 5 of the NPPF 'Delivering a sufficient supply of homes', sets out the need to significantly boost the supply of housing.

5.8 Paragraph 59 states:

**"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."**

5.9 Paragraph 61 states that:

**"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies ..."**

5.10 Paragraph 62 states that:

**"Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required<sup>3</sup>, and expect it to be met on-site unless:**

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assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

<sup>3</sup> Footnote 27. Applying the definition in Annex 2 to this Framework.

**a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and**

**b) the agreed approach contributes to the objective of creating mixed and balanced communities."**

5.11 In order to support the Government's objective, paragraph 73 states that:

**"...Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:**

**a) 5% to ensure choice and competition in the market for land; or**

**b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or**

**c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."**

5.12 Paragraph 74 goes on to state:

**"A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:**

**a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and**

**b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process."**

5.13 Section 9 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development. Paragraph 103 advises that whilst the transport system needs to be balanced in favour of sustainable transport modes the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.



- 5.14 Paragraph 108 identifies that the opportunities for sustainable transport, safe and suitable access and improvements to the transport network should be considered where development could generate a significant amount of traffic. Paragraph 109 identifies that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development on the road network would be “severe”.
- 5.15 The accompanying Transport Statement explains that the additional demand arising from the proposed development can be safely and satisfactorily accommodated on the local transport network.
- 5.16 Section 12 “Achieving Well Designed Places” states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that:

**“Planning policies and decisions should ensure that developments:**

**a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**

**b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**

**c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**

**d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**

**e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**

**f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”**

- 5.17 Full details of the design and design rationale for the proposal are provided in the Design and Access Statement.

5.18 Section 15 “Conserving and Enhancing the Natural Environment” at paragraph 170 states that planning policies and decisions should contribute to and enhance the natural environment by:

**“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);**

**b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;**

**c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;**

**d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;**

**e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and**

**f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”**

5.19 Paragraph 172 states that:

**“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads<sup>54</sup> 4. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development<sup>55</sup> 5 other than in exceptional circumstances, and where it can be**

<sup>4</sup> Footnote 54 English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

<sup>5</sup> Footnote 55 For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

**demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:**

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."**

- 5.20 The proposal is located within the AONB. The accompanying Landscape and Visual Assessment addresses guidance in the NPPF and the development plan.
- 5.21 The LVIA concludes that the site contributes to the character and visual amenity of the AONB and to the setting of Cheltenham, but not all areas of the study site make the same contribution. The development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts. This confirms that the study site has capacity to accommodate development whilst conserving the wider landscape character and scenic beauty of the AONB in keeping with intentions of both national and local landscape policy.
- 5.22 Overall, the Proposed Development is consistent with the objectives of the NPPF and provides for sustainable development contributing to the three objectives of sustainable development and increases the supply of housing at Cheltenham.
- 5.23 It is acknowledged that the site is outside the PUA of Cheltenham and therefore the site is not in accordance with Policy SD10.
- 5.24 However, it should be noted that there is a presumption in favour of sustainable development and furthermore, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances set out in paragraph 49 of the NPPF 2019, where both:

**"a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and**

**b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”**

- 5.25 It is considered that the development of 250 dwellings is required in order to alleviate the five year land supply shortfall. At the current time the Council does not have a 5 year housing land supply. In the recent Five Year Housing Land Supply Position Statement (December 2019), the supply has significantly worsened from 4.6 years published August 2018 to 3.7 years published December 2019.
- 5.26 Annex 1 deals with implementation of the new NPPF (paragraph 212) stating that the policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Paragraph 213 states that existing policies should not be considered out of date because they were adopted or made prior to the publication of the NPPF. Due weight should be given to policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.27 Paragraph 214 clarifies that plans, such as the Cheltenham Plan which was submitted for examination on 3<sup>rd</sup> October 2018 i.e. before 24<sup>th</sup> January 2019. will be examined under the policies of the previous NPPF (2012).
- 5.28 Paragraph 215 states that the Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. However, the results were not published until February 2019, so the results are applicable from February 2019.

**National Planning Practice Guidance**

- 5.29 The NPPG was launched on the 6<sup>th</sup> March 2014 by the Department for Communities and Local Government (DCLG) having been in draft 'Beta' format since 28<sup>th</sup> August 2013. It followed a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012 and replaced a raft of old guidance.
- 5.30 The guidance sits alongside the NPPF as part of the reforms to the planning system, by Government, to make it simpler and easier to shape and influence planning and development across the country. The web-based format allows the ability for MHCLG to periodically update the Guidance electronically, and for the

avoidance of doubt, where this Statement relies upon the advice, reference is drawn to the date the relevant guidance was published.

- 5.31 Following the publication of the new NPPF in February 2019 a number of sections of the PPG have been revised. The new sections of the PPG published since February include Housing and Economic Needs Assessment, Housing and Economic Land Availability Assessment, Housing Needs of Different Groups, Housing Supply and Delivery (including the Housing Delivery Test), Plan Making, Determining a Planning application, Planning Obligations, Environmental Impact Assessment, Strategic Environmental Assessment and Sustainability Appraisal, use of planning conditions, viability in plan making and decision taking.
- 5.32 The relevant sections of guidance in the NPPG to the application are set out in turn below.

Design: process and tools

- 5.33 **Paragraph 001** states that:

**“Well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process, from policy and plan formulation through to the determination of planning applications and the post approval stage. This guidance explains the processes and tools that can be used through the planning system and how to engage local communities effectively.”**

- 5.34 A National Design Guide has been produced (October 2019) and sets out the characteristics of well-designed places and demonstrates what good design means in practice.
- 5.35 Good design is set out in the National Design Guide under the following 10 characteristics:
- context
  - identity
  - built form
  - movement
  - nature
  - public spaces
  - uses

- homes and buildings
- resources
- lifespan

5.36 Design and Access Statements set out the narrative for the approach to design and the rationale for the scheme. They demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design. They set out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information.

#### Planning Obligations

- 5.37 **Paragraph 002**<sup>6</sup> explains how planning obligations are used to mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.
- 5.38 **Paragraph 004**<sup>7</sup> states that plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination. **Paragraph 005** states that plans should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards including the cost implications of Community Infrastructure Levy (CIL) and planning obligations. **Paragraph 011** states that where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan, and the applicant should provide evidence of what has changed since then.

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<sup>6</sup> Planning Practice Guidance, Paragraph: 002 Reference ID: 23b-002-20190901 Revision Date 01.09.19

<sup>7</sup> Planning Practice Guidance, Paragraph: 004 Reference ID: ID: 23b-004-20190315

Revision date: 15 03 2019

### Viability

- 5.39 The PPG on Viability was updated on 9<sup>th</sup> May 2019.
- 5.40 **Paragraph 002** states that the role of viability assessment is primarily at the plan making stage.
- 5.41 **Paragraph 006** indicates *"Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage."*
- 5.42 **Paragraph 008** states that: *"Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then."*

### The Development Plan

- 5.43 Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the relevant policies of the adopted Development Plan, unless material considerations indicate otherwise. Paragraph 47 of NPPF 2019 requires *"decisions on planning application should be made as quickly as possible, and within statutory timescales unless a longer period had been agreed by the applicant in writing."*
- 5.44 The Development Plan consists of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017), and the saved policies of the Cheltenham Borough Plan (2006), it should be noted that the Cheltenham Borough Plan predates the NPPF.
- 5.45 The emerging Cheltenham Borough Plan Pre-Submission (February 2018) which reviews those policies of the Cheltenham Borough Plan that have not been superseded by the JCS is a material consideration (to which only limited weight can be attached). The Borough Plan is at the Examination stage and Proposed Modifications were published for consultation in the autumn of 2019. (The retail policies are to be the subject of the Joint Core Strategy Review). The Council received the Inspectors Report on 17<sup>th</sup> March 2020. At the time of writing the Plan has not been adopted due to coronavirus pandemic.

5.46 Paragraph 11 of the NPPF states that:

**“For decision-taking this means:**

- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:**
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.47 The quantum and strategy for development in the adopted Cheltenham Borough Local Plan 2006 has been replaced by the JCS.

5.48 The JCS affordable housing policy, seeks a minimum of 40% affordable housing on sites of 11 or more dwellings outside the strategic allocations. This planning application is submitted on the basis of a policy compliant level of affordable housing in order to comply with the JCS Affordable Housing Policy. The matter is discussed further in Section 6, of the Affordable Housing Statement.

### **Local Planning Policy**

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017)**

5.49 The Joint Core Strategy (JCS) was adopted by all three Councils, Cheltenham being the last on 11<sup>th</sup> December 2017.

5.50 The JCS sets out the long-term vision and objectives for the area together with strategic policies for shaping new development and locations for new development up to 2031. Together these policies help to provide a strategic planning framework for the JCS area, which guides future planning and decisions and helps to achieve the overall vision for the area.

5.51 Whilst the JCS provides the higher level or strategic part of the development plan for the area, more detailed, locally specific planning policies are to be set out in the respective local plans i.e. Cheltenham Borough Plan.



- 5.52 **Policy SP1: The Need for New Development** - the policy makes provision for 35,175 new homes in the JCS to be delivered by development within existing urban areas through District Plans, existing commitments and urban extensions to Cheltenham and Gloucester. Policy SP1 sets out the housing requirement for each authority:

**"Cheltenham at least 10,917 new homes;"**

- 5.53 Policy SP2 provides the spatial strategy for how new development will be distributed and delivered across the JCS area. Development is focussed at Cheltenham and Gloucester, including urban extensions in order to support their economic roles as the principal providers of jobs, services and housing. Whilst the JCS provides the strategic level part of the development plan, *"there is a significant role for delivery at the non-strategic level through both the district and neighbourhood plans."*

- 5.54 **Policy SP2: Distribution of New Development –**

**"...3. To meet the needs of Cheltenham Borough the JCS will make provision for at least 10,996 new homes. This will be provided within the Cheltenham Borough administrative boundary and cross boundary urban extensions at North West Cheltenham and West Cheltenham (both of which are partly within Tewkesbury Borough) defined in Policy SA1, and commitments covered by any Memoranda of Agreement..."**

- 5.55 **Policy SD3: Sustainable Design and Construction** – sustainable design and construction seeks to use resources efficiently and decrease waste both during the construction, use and decommissioning phases of development schemes.

**"1. Development proposals will demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. In doing so, proposals (including changes to existing buildings) will be expected to achieve national standards**

**2. All development will be expected to be adaptable to climate change in respect of the design, layout, siting, orientation and function of both buildings and associated external spaces. Proposals must demonstrate that development is designed to use water efficiently, will not adversely affect water quality, and will not hinder the ability of a water body to meet the requirements of the Water Framework Directive;**

3. All development will be expected to incorporate the principles of waste minimisation and re-use. Planning applications for major development must be accompanied by a waste minimisation statement, which demonstrates how any waste arising during the demolition, construction and subsequent occupation of the development will be minimised and sustainably managed

4. To avoid unnecessary sterilisation of identified mineral resources, prior extraction should be undertaken where it is practical, taking into account environmental acceptability and economic viability relating both to extraction of the mineral(s) and subsequent implementation of the non-minerals development of the site

5. Major planning applications must be submitted with an Energy Statement that clearly indicates the methods used to calculate predicted annual energy demand and associated annual Carbon Dioxide (CO<sub>2</sub>) emissions.

This policy contributes towards achieving Objectives 5, 6 and 9."

5.56 **Policy SD4: Design Requirements** – The NPPF states that *"the Government attaches great importance to the design of the built environment"*

5.57 Development at any scale and location:-

**"Where appropriate, proposals for development - which may be required to be accompanied by a masterplan and design brief - will need to clearly demonstrate how the following principles have been incorporated:**

**i. Context, Character and Sense of Place;**

New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment

**ii. Legibility and Identity;**

New development should create clear and logical layouts that create and contribute to a strong and distinctive identity and which are easy to understand and navigate. This should be achieved through a well-structured and defined public realm, with a clear relationship between uses, buildings, routes and spaces, and through the appropriate use of vistas, landmarks and focal points.

**iii. Amenity and space;**

New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

**iv. Public realm and landscape;**

New development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. The contribution of public realm designs, at all scales, to facilitate the preferential use of sustainable transport modes should be maximised.

**v. Safety and security;**

New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime.

**vi. Inclusiveness and adaptability;**

New development should provide access for all potential users, including people with disabilities, to buildings, spaces and the transport network, to ensure the highest standards of inclusive design. Development should also be designed to be adaptable to changing economic, social and environmental requirements.

**vii. Movement and connectivity;**

New development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes set out in Table SD4a below. It should:

- Be well integrated with the movement network within and beyond the development itself
- Provide safe and legible connections to the existing walking, cycling and public transport networks;
- Ensure accessibility to local services for pedestrians and cyclists and those using public transport
- Ensure links to green infrastructure;
- Incorporate, where feasible, facilities for charging plug-in and other ultra-low emission vehicles;
- Be fully consistent with guidance, including that relating to parking provision, set out in the Manual

for Gloucestershire Streets and other relevant guidance documents in force at the time.

2. Detailed requirements of masterplans and design briefs, should the Local Planning Authority consider they are required to accompany proposals, are set out in Table SD4d. These requirements are not exhaustive.

This policy contributes towards achieving Objectives 4, 5, 6, 7, 8 and 9."

- 5.58 **Policy SD6: Landscape** – landscape proposals for new development should be appropriate to the landscape character of the locality and contribute to local distinctiveness.

"1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being;

2. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area;

3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.

This policy contributes towards achieving Objectives 4 and 9."

- 5.59 **Policy SD7: The Cotswold Area of Outstanding Natural Beauty (AONB)** – provides the policy for consideration of any development within or within the setting of the AONB.

"All development proposals in or within the setting of the Cotswold AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."

- 5.60 The JCS does not define major development, as the consideration of what constitutes major development very much depends on the context and is a

matter of fact and degree, as what is deemed to be major in one area may not be in another. It is considered that in terms of the NPPF para 172 that the proposed development would constitute major development in the AONB. This is addressed in Sections 7 and 8.

- 5.61 As referred to earlier the application has been subject to a Screening Opinion and an Environmental Assessment is required. The Scope of the EA has also been discussed with the Borough Council.
- 5.62 The accompanying Landscape and Visual Assessment addresses the NPPF and the policies in the development plan. In recognition of the landscape in this area the Design and Access Statement accompanying the application is landscape led.
- 5.63 **Policy SD8: Historic Environment** states:

**"1. The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy;**

**2. Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment;**

**3. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate;**

**4. Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged;**

**5. Development proposals at Strategic Allocations must have regard to the findings and recommendations of the JCS Historic Environment Assessment (or any subsequent revision) demonstrating that the potential impacts on heritage assets and appropriate mitigation measures have been addressed.**

**This policy contributes towards achieving Objectives 1, 2, 4 and 5."**

5.64 The JCS requires developers to avoid harm to biodiversity or, where this is not possible, to incorporate mitigation measures into the design of developments. Developers should also ensure that development outside designated sites will not cause reasonably foreseeable harm to those sites, and if such an effect is likely, should mitigate against it.

5.65 **Policy SD9: Biodiversity and Geodiversity** states:-

**1. "The biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interests**

**2. This will be achieved by:**

- i. Ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law;**
- ii. Conserving and enhancing biodiversity and geodiversity on internationally, nationally and locally designated sites, and other assets of demonstrable value where these make a contribution to the wider network, thus ensuring that new development both within and surrounding such sites has no unacceptable adverse impacts;**
- iii. Encouraging new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological stepping stones between sites;**
- iv. Encouraging the creation, restoration and beneficial management of priority landscapes, priority habitats and populations of priority species. For example, by securing improvements to Strategic Nature Areas (as set out on the Gloucestershire Nature Map) and Nature Improvement Areas.**

**3. Any development that has the potential to have a likely significant effect on an international site will be subject to a Habitats Regulations Assessment**

**4. Within nationally designated sites, development will not be permitted unless it is necessary for appropriate on-site management measures, and proposals can**

**demonstrate that there will be no adverse impacts on the notified special interest features of the site**

**5. Development within locally-designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated**

**6. Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme that are appropriate to the location and satisfactory to the Local Planning Authority. If harm cannot be mitigated on-site then, exceptionally, compensatory enhancements off-site may be acceptable.**

**This policy contributes towards achieving Objective 4.”**

5.66 The JCS guides new housing development to sustainable and accessible locations as set out in Policy SP2. Policy SD10 provides further detail in appropriate locations for residential development in the JCS area.

5.67 **Policy SD10: Residential Development** states:

**“1. Within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2**

**2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans**

**3. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District Plans**

**4. Housing development on other sites will only be permitted where:**

**i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;**

**ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough’s towns and villages except where otherwise restricted by policies within District Plans, or;**

**iii. It is brought forward through Community Right to Build Orders, or;**



iv. There are other specific exceptions/ circumstances defined in district or neighbourhood.

5. Proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged, subject to the requirements of other policies including Policies SD1, INF4 and SD8. Proposals that will bring empty housing back into residential use will also be encouraged

6. Residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

**This policy contributes towards achieving Objectives 6, 7, 8 and 9.”**

5.68 Policy SD11 provides the framework so that new housing development addresses local needs and contributes to the creation of mixed and balanced communities, i.e. providing sufficient good quality housing of the right sizes, types and mix in the right places.

5.69 **Policy SD11:Housing Mix and Standards** states:

**“1.Housing Mix**

i. Housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people, as set out in the local housing evidence base including the most up to date Strategic Housing Market Assessment;

ii. Self-build housing and other innovative housing delivery models will be encouraged as part of an appropriate mix;

iii. Improvements to the quality of the existing housing stock involving remodelling or replacing residential accommodation will be encouraged where this would contribute to better meeting the needs of the local community, subject to the requirements of other policies including Policy SD4 and Policy SD8.

**2 Standards**

i. New housing should meet and where possible exceed appropriate minimum space standards;

ii. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8.



### **3 Specialist accommodation**

- i. Provision of specialist accommodation, including accommodation for older people, will be supported where there is evidence of a need for this type of accommodation and where the housing / bed spaces will contribute to meeting the needs of the local community;**
- ii. Specialist accommodation should be located to have good access to local services. In the case of Extra Care housing schemes which provide ancillary facilities on site, these facilities should complement those already available in the locality and should be made available to the wider community;**
- iii. Schemes that create self-contained units of accommodation will be subject to the requirements of Policy SD12.**

**This policy contributes towards achieving Objectives 5, 8 and 9."**

5.70 Policy SD12 provides the approach to affordable housing.

5.71 **Policy SD12: Affordable Housing** states:

**"1. The JCS authorities will seek, through negotiation, for new development to deliver new affordable housing on a sliding scale approach as set out below:**

- i. Within the Strategic Allocation sites a minimum of 35% affordable housing will be sought;**
- ii. Outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area and a minimum of 40% will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas;**
- iii. On sites of 10 dwellings or less, which have a maximum combined floorspace of no more than 1,000 sqm, no contribution towards affordable housing will be sought;**
- iv. Notwithstanding the above, affordable housing policy for sites of 10 dwellings or less may be applied under policies set out within District Plans.**

**2. This policy applies to dwellings (as defined by Use Class C3) and also any self-contained units of accommodation within a residential institution (Use Class C2). Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement**

**3. Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme. On sites where it is not possible to deliver all affordable housing as on-site provision, the residual requirement should be provided through acceptable alternative mechanisms (such as off-site provision or financial contributions). Further guidance on acceptable mechanisms may be provided in District Plans**

**4. Affordable housing must also have regard to meeting the requirements of Policy SD11 concerning type, mix, size and tenure of residential development**

**5. The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials**

**6. Provision should be made, where possible, to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative affordable housing provision**

#### **Rural exception sites**

**7. In certain circumstances, where there is clear evidence of a local housing need that cannot be met elsewhere, affordable housing will be permitted on rural exception sites. A rural exception site must be within, or on the edge of, a rural settlement. It should be of a scale well related to the settlement both functionally and in terms of design**

#### **Viability**

**8. Where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:**

**i. Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market;**

**ii. Securing public subsidy or other commuted sums to assist delivery of affordable housing;**

**9. If a development cannot deliver the full affordable housing requirement, a viability assessment, conforming to an agreed methodology, in accordance with Policy INF7 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant**

The councils consider that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents

The councils will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as a part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

10. The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in this policy. The JCS authorities will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

**This policy contributes towards achieving Objectives 8 and 9."**

5.72 **Policy SD14: Health and Environmental Quality** – seeks to support the health and wellbeing of communities through provision of appropriate housing and employment opportunities and access to services, walking and cycling routes, green infrastructure, wildlife habitats and high quality built and historic environment that is clean safe and accessible.

5.73 **Policy SD14: Health and Environmental Quality** states:

**"1. High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality.**

**2. New development must:**

**i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants;**

ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values;

iii. Result in no exposure to unacceptable risk from existing or potential sources of pollution. For example, by avoiding placing sensitive uses in locations where national or EU limit values are exceeded, or by incorporating acceptable mitigation measures into development;

iv. Incorporate, as appropriate, the investigation and remediation of any land contamination within the site;

v. Ensure that any risks associated with land instability are satisfactorily resolved;

vi. Take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite resource;

vii. Have regard to any areas of tranquillity that are identified in adopted or emerging District Plans and neighbourhood plans;

viii. Avoid any adverse impact from artificial light on intrinsically dark landscapes.

**3. Proposals for development at Strategic Allocations, and other development proposals as appropriate, must be accompanied by a health impact assessment.**

**This policy contributes towards achieving Objectives 4, 6 and 9."**

5.74 Recognition of the need to provide sufficient infrastructure to enable and support sustainable development and economic growth is inherent in the NPPF.

5.75 **Policy INF1: Transport Network** states:

**"1. Developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should ensure that:**

**i. Safe and efficient access to the highway network is provided for all transport modes;**

**ii. Connections are provided, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum potential use;**

**iii. All opportunities are identified and taken, where appropriate, to extend and / or modify existing walking, cycling and public transport networks and links, to ensure that credible travel choices are provided by sustainable modes.**

**2. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan**

**3. Developers will be required to assess the impact of proposals on the transport network through a Transport Assessment. The assessment will demonstrate the impact, including cumulative impacts, of the prospective development on:**

- i. Congestion on the transport network;**
- ii. Travel safety within the zone of influence of the development;**
- iii. Noise and / or atmospheric pollution within the zone of influence of the development;**

**4. Where appropriate the Local Planning Authority may require applications to be accompanied by a Travel Plan that has full regard to the criteria set out in the NPPF.**

**This policy contributes towards achieving Objectives 1, 2, 3, 4, 5, 6, 7 and 9."**

5.76 The NPPF seeks to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of high risk.

5.77 **Policy INF2: Flood Risk Management** states:

**"1. Development proposals must avoid areas at risk of flooding, in accordance with a risk- based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated**

**2. Minimising the risk of flooding and providing resilience to flooding, taking into account climate change, will be achieved by:**

- i. Requiring new development to, where possible, contribute to a reduction in existing flood risk;**
- ii. Applying a sequential test for assessment of applications for development giving priority to land in Flood Zone 1, and, if no suitable land can be found in Flood Zone 1, applying the exception test;**

iii. Requiring new development that could cause or exacerbate flooding to be subject to a flood risk assessment which conforms to national policy and incorporates the latest available updates to modelling and climate change data and historic data and information and guidance contained in the authorities' Strategic Flood Risk Assessments and Supplementary Planning Documents, in order to demonstrate it will be safe, without increasing flood risk elsewhere;

iv. Requiring new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate in the view of the local authority to manage surface water drainage: to avoid any increase in discharge into the public sewer system; to ensure that flood risk is not increased on-site or elsewhere; and to protect the quality of the receiving watercourse and groundwater. Where possible, the authorities will promote the retrofitting of SuDS and encourage development proposals to reduce the overall flood risk through the design and layout of schemes which enhance natural forms of drainage. Developers will be required to fully fund such mitigation measures for the expected lifetime of the development including adequate provision for ongoing maintenance;

v. Working with key partners, including the Environment Agency and Gloucestershire County Council, to ensure that any risk of flooding from development proposals is appropriately mitigated and the natural environment is protected in all new development.

**This policy contributes towards achieving Objective 6."**

5.78 Due to the value of green infrastructure, individual features are often described as 'assets'. These assets may be large or small, natural or man-made, ranging from expansive natural landscapes to individual trees and green roofs.

5.79 The JCS states at paragraph 5.4.4 that: "*All development, including development at Strategic Allocations, should make a positive contribution to green infrastructure in the JCS area.*"

5.80 **Policy INF3: Green Infrastructure** states:

**"1. The green infrastructure network of local and strategic importance will be conserved and enhanced, in order to deliver a series of multifunctional, linked green corridors across the JCS area by:**

**i. Improving the quantity and / or quality of assets;**

**ii. Improving linkages between assets in a manner appropriate to the scale of development, and**

**iii. Designing improvements in a way that supports the cohesive management of green infrastructure;**

2. Development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations. Where new residential development will create, or add to, a need for publicly accessible green space or outdoor space for sports and recreation, this will be fully met in accordance with Policy INF4. Development at Strategic Allocations will be required to deliver connectivity through the site, linking urban areas with the wider rural hinterland

3. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site

4. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.

**This policy contributes towards achieving Objectives 4, 6, 7 and 9.”**

5.81 Policy INF6 provides the policy for infrastructure delivery.

5.82 **Policy INF6:Infrastructure Delivery** states:

**“1. Where infrastructure requirements are generated as a result of individual site proposals and / or having regard to cumulative impact, new development will be served and supported by adequate and appropriate on- and / or off-site infrastructure and services. In identifying infrastructure requirements, development proposals will also demonstrate that full regard has been given, where appropriate, to implementing the requirements of the Joint Core Strategy Infrastructure Delivery Plan**

**2. Where need for additional infrastructure and services and / or impacts on existing infrastructure and services is expected to arise, the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal, including:**

**i. Broadband infrastructure;**



- ii. Climate change mitigation / adaptation;
- iii. Community and cultural facilities and initiatives;
- iv. Early Years and Education;
- v. Health and well-being facilities and sport, recreation and leisure facilities;
- vi. The highway network, traffic management, sustainable transport and disabled people's access;
- vii. Protection of cultural and heritage assets and the potential for their enhancement;
- viii. Protection of environmental assets and the potential for their enhancement;
- ix. Provision of Green Infrastructure including open space;
- x. Public realm;
- xi. Safety and security including emergency services.

This list of potential infrastructure items is neither exhaustive, sequential nor are its elements mutually exclusive.

3. Priority for provision will be assessed both on a site-by-site basis and having regard to the mitigation of cumulative impact, together with implementation of the JCS Infrastructure Delivery Plan

4. Planning permission will be granted only where sufficient provision has been made for infrastructure and services (together with their continued maintenance) to meet the needs of new development and / or which are required to mitigate the impact of new development upon existing communities. Infrastructure and services must be provided in line with an agreed, phased timescale and in accordance with other requirements of this Plan.

**This policy contributes towards achieving all the JCS Strategic Objectives."**

5.83 Policy INF7 provides the approach to developers contributions.

5.84 **Policy INF7: Developer Contributions** states:

**"1. Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission. Financial contributions will be sought through the S106 and CIL mechanisms as appropriate**

**2. Where, having regard to the on and / or off-site provision of infrastructure, there is concern relating to**



**the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and / or context of the proposal, will be required to accompany planning applications. Viability assessments will be undertaken in accordance with an agreed methodology and published in full prior to determination for all non-policy compliant schemes. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant.**

**This policy contributes towards achieving all of the JCS Strategic Objectives."**

### **Cheltenham Borough Local Plan (adopted 2006)**

- 5.85 The adopted Cheltenham Borough Local Plan of 2006 is currently under review; it predates the NPPF. As set out in paragraph 213 of the NPPF 2018:

**"... existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."**

- 5.86 Upon adoption, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) superseded a large number of policies from the saved Cheltenham Borough Local Plan (2006) as set out in Appendix 3.

### **APPENDIX 3: TABLE 15 SUPERSEDED 2006 LOCAL PLAN POLICIES**

- 5.87 A list of remaining saved policies is included in Appendix 3, these relate to sustainable environment, safe and sustainable living, mixed use development, policies related to conservation areas, archaeological remains, trees, Bouncer Lane Cemetery, extensions of buildings in the AONB, rebuilding or replacement of dwellings in the Green Belt, safeguarding employment land, retail policies, play space and amenity space, allotments, and parking provision. Saved policies are included in Appendix 3.
- 5.88 It should be noted that the PUA boundary has not been updated to accord with the JCS review.

### **Cheltenham Plan Review**

- 5.89 The Cheltenham Borough Local Plan provides the detail of how and where the policies in the JCS will be implemented. It replaces policies in the adopted Cheltenham Borough Local Plan Second Review (2006) with the exception of

policies in respect of retail (and those listed in Appendix 3) which is the subject of an early review of the JCS.

- 5.90 Consultation on the Pre-Submission version of the Local Plan took place in February – April 2018. The Local Plan was submitted for examination in October 2018. The examination hearing sessions took place in February 2019. The Inspector produced a Post Hearing Note in April 2019 indicating that she considered that the Plan could be found sound subject to main modifications (MMs), but she had not reached her final conclusions. During the hearing sessions a number of potential MMs were discussed and a list was maintained by the Council. In addition the Inspector indicated at the hearings that there were matters on which she would need to deliberate before she would be in a position to advise the Councils as to whether any additional work or further MMs should be considered.
- 5.91 The Post Hearing Note from the Inspector set out her views and the arrangements for main modifications. In November 2019 the MMs were published for consultation. The MMs acknowledged that there is less than a 5 year housing supply (MM027). As such limited weight can be attached to the Plan.
- 5.92 Following the close of the consultation on the MM, the Inspector considered the representations received and requested further information from the Council (17<sup>th</sup> January 2020). The Council responded and published their response (EDO41) and respondents who made comments on the MMs were invited to submit any representations by 14<sup>th</sup> February 2020.
- 5.93 The further information requested by the Inspector was in connection with the 5 Year Housing Land supply and the clarification of figures used in respect of the sources of supply.
- 5.94 The Cheltenham Plan, together with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, the Gloucestershire Minerals and Waste Local Plans and, any neighbourhood plans made in the future will, once adopted, comprise the statutory development plan for Cheltenham up to 2031.
- 5.95 The Cheltenham Plan vision and objectives are viewed within the context of the JCS's vision and objectives as well as the Council's own corporate vision. The Cheltenham Plan is being developed alongside an emerging Place Strategy for the Borough which will draw together the strands which impact on defining

Cheltenham as a place and will act as a leadership and influencing tool to support economic growth and the wider wellbeing of communities.

- 5.96 There are 3 broad themes to the Vision for Cheltenham which are then supported by a number of objectives.

**"Vision Theme A: Cheltenham is a place where people live in strong, safe, healthy, well-served and well-connected communities which are successful and sustainable places in which to live and work and which contain the necessary infrastructure to support social and cultural life together with space for people and places to evolve in future. "**

**"Vision Theme B: Cheltenham is a place with a prosperous and enterprising economy where education, skills and employment opportunities are increasing and diversifying, where businesses choose to invest and deliver increased value of economic output, and where the benefits are felt by all."**

**"Vision Theme C: Cheltenham is a place where the quality and sustainability of our cultural assets and natural and built environment are valued and recognised locally, nationally and internationally and where tourists choose to visit and return."**

- 5.97 Section 11 of the Plan covers residential development. In order to complement the strategic allocations being made through the JCS and to ensure that Cheltenham meets its objectively assessed need up to 2031, the Cheltenham Plan proposes a number of allocations for both residential development and mixed use development through Policies H1 and H2. (Pre-Submission Version of the Plan – February 2018).
- 5.98 The threshold for sites to be included in the local plan is 0.5ha or more in size and capable of accommodating 10 or more residential units.
- 5.99 **Policy H1 Land allocated for housing development** (proposed modifications in italics) states:

**"The sites listed in Table 3, and which are shown on the Cheltenham Plan Proposals Map, are allocated for residential development and are delineated on Plans HD1 – HD8 below. The red lines on Plans HD1 – HD8 mark the boundaries of the allocations and are separately and collectively part of this policy.**

**Each allocation is supported by site-specific policies HD1 – HD8 below to provide further detailed guidance on the development of these sites. These site-specific policies also form part of this policy.**

***In addition, at application stage, a robust Transport Assessment will be required for all sites, identifying traffic impact and determining the highway requirements in line with the JCS and its evidence base.***

***Sites where specific flood risk concerns have been identified have appropriate considerations identified within the site specific policy. All sites have potential sewerage infrastructure constraints. The necessary infrastructure should be provided prior to occupation to avoid local exceedance of the sewer networks.***

**The contents of Policy H1 reflect the evidence bases of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan.**

**This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – objective b; Theme C – objectives a and b.”**

<b>Table 3 2: Land Allocated for Housing Development</b>		
<b>Reference</b>	<b>Location</b>	<b>Designation</b>
<b>HD1</b>	<b>Christ College Site B</b>	<b>70 dwellings</b>
<b>HD2</b>	<b>Former Monkscroft Primary School</b>	<b>60 dwellings</b>
<b>HD3</b>	<b>Bouncer’s Lane</b>	<b>20 dwellings</b>
<b>HD4</b>	<b>Land off Oakhurst Rise</b>	<b>25 dwellings</b>
<b>HD5</b>	<b>Land at Stone Crescent</b>	<b><del>20</del><u>13</u> dwellings</b>
<b>HD6</b>	<b>Brockhampton Lane</b>	<b><del>20</del><u>17</u> dwellings</b>
<b>HD7</b>	<b>Priors Farm Fields</b>	<b>50 – 90 dwellings</b>
<b>HD8</b>	<b>Old Gloucester Road</b>	<b>175 dwellings</b>

5.100 The application site is not a proposed allocation in the emerging Cheltenham Local Plan.

5.101 In addition the following policies from the Cheltenham Plan (Pre-Submission version) are considered relevant to this application:-.

#### 5.102 **Policy D1: Design**

**“Development will only be permitted where it:**

**a) adequately reflects principles of urban and architectural design; and**

**b) complements and respects neighbouring development and the character of the locality and / or landscape.**

**Extensions or alterations of existing buildings will be required to avoid:**

a) causing harm to the architectural integrity of the building or group of buildings; and

b) unacceptable erosion of open space around the existing building.

This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – objectives a, d, g and i; Theme C – objectives a, d and f.”

5.103 Paragraph 5.4 states that:

“The key principles of urban design and architectural design area set out in Tables SD4b and SD4c of the JCS. Together, these defined the overall layout of a place (in terms of its routes and building blocks), its scale (in terms of building height and massing), its appearance (as expressed in details and use of materials) and its landscape (including all the public realm, built and green spaces).”

5.104 **Policy L1: Landscape and Setting.**

“Development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance.

This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – objective a; Theme C – objectives a, b and f.”

5.105 **Policy SL1: Safe and Sustainable Living** states:

“Development will only be permitted where it would:

a) not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality (Notes 1 & 2); and

b) not, by nature of its size, location, layout or design, give rise to crime or the fear of crime nor endanger public safety; and

c) make adequate provision for security and the prevention of crime and disorder including, where appropriate, the incorporation of counter-terrorism measures

d) accord with Policies SD4 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the principles of good design embodied within

e) where appropriate, take account of local models for building socially sustainable communities.

This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – objectives c, d, g, h and i.”

5.106 Paragraph 14.2 states that:

**“Successful development management should be based on a clear understanding of the characteristics of the local area in terms of character, built form, architecture, heritage and landscape. Well-designed, attractive places improve the quality of life for all by enhancing the environment and minimising the opportunity for crime and the fear of crime. It also contributes to the development of safer, stronger and sustainable communities that can adapt to the challenges of climate change.”**

5.107 The Cheltenham Plan includes a number of policies that complement the strategic framework provided by the JCS in respect of social and community infrastructure.

5.108 **Policy CI1: Securing Community Infrastructure Benefits** states:

**“Development proposals will only be permitted where adequate community infrastructure capacity exists, or where additional capacity is capable of being provided as part of the development without unacceptable impacts on people or the environment. In order to secure community infrastructure improvements, the Council will employ planning obligations as necessary and appropriate. Obligations may relate to:**

- a) affordable housing**
- b) green infrastructure, including open space**
- c) suitably designed and located play, recreation, sport and leisure facilities**
- d) education provision**
- e) broadband infrastructure provision**
- f) highway works, traffic management measures, pedestrian and cycling improvements, public transport enhancements and improved access for the disabled**
- g) improvements to the public realm**
- h) health and well-being facilities**
- i) safety and security measures**
- j) flood risk management measures**
- k) environmental protection and enhancement**
- l) climate change mitigation / adaption**
- m) cultural and heritage protection and enhancement**
- n) public art**

**This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – all objectives; Theme B – objectives d, f and h; Theme C – all objectives.”**

5.109 Paragraphs 17.16 – 17.18 refer to planning applications that qualify for developers contributions:

**“For any planning application that qualifies for a developer contribution, the Social, Sport and Open Spaces Study – Developer Contributions Toolkit (2017) includes multi-stage assessment processes that the Council will follow in order to inform the potential additional demand that a new housing development generates.**

**Separate assessment processes relate to open space, playing pitches and built sports facilities. Any contribution sought from a specific development will be based on an individually tailored approach to that development, using the robust evidence bases provided as part of the Social, Sport and Open Spaces Study. This will help to clearly justify the needs arising from the development and how they are to be met.**

**As part of the process of assessing additional demand, the Council will have regard to the local standards that are set out in the papers pertaining to each of the three relevant categories. These are:**

**The Open Space Standards Paper**

**The Playing Pitch Strategy**

**The Indoor Sport and Leisure Facility Strategy.”**

5.110 **Policy CI2: Sports and Open Space Provision in new residential development** states:

**“The Council will expect new development to contribute towards meeting local standards in respect of the provision of:**

**a) Open Space**

**b) Playing pitches**

**c) Built sports facilities**

**On-site provision, off-site provision or a financial contribution may be sought in accord with the assessment processes defined in the Social, Sport and Open Spaces Study – Developer Contributions Toolkit (2017).**

**This policy contributes towards achieving the Cheltenham Plan Vision: Theme A – objective f; Theme C – objectives c and e.”**

*Other Policy Considerations*

5.111 The whole Borough is covered by an SFRA Level 1. The application site is in Flood Zone 1, it comprises 14.9 hectares and there are no known flooding issues within

the site. An SFRA Level 2 was undertaken by the Council as part of the evidence base to support the consultation on the Pre-Submission version of the Local Plan.

5.112 Although the site is located in Flood Zone 1, notwithstanding this, sustainable drainage techniques are to be employed at the site in order to ensure there is betterment in terms of surface water run off rates from the completed development compared to the existing undeveloped site.

5.113 A draft Heads of Terms accompanies this document at Appendix 4 and sets out those areas where the developer is willing to offer S.106 contributions to meet those needs reasonably arising from the development of the site.

#### **APPENDIX 4: DRAFT S.106 HEADS OF TERMS**

5.114 The application will also be subject to CIL which covers any contributions to strategic infrastructure off site, for example education.



## **6. AFFORDABLE HOUSING STATEMENT**

- 6.1 Paragraph 61 of the NPPF requires local authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups within the community. Paragraph 61 also states that the size, type and tenure of housing needed for different groups in the community should be reflected in planning policies.
- 6.2 The adopted Joint Core Strategy Policy SD12: Affordable Housing requires sites of 11 or more dwellings in Cheltenham Borough to bring forward 40% affordable housing.
- 6.3 Subsection 9 of Policy SD12 states that if a development cannot deliver the full affordable housing requirement, a viability assessment, conforming to an agreed methodology, in accordance with Policy INF7 will be required.
- 6.4 Given that this is an outline application for dwellings at the site the application needs to be considered in the context of the adopted development plan and the most recent national planning policy guidance for the delivery of affordable dwellings.
- 6.5 The application proposes a policy compliant level of affordable housing i.e. 40%, and this matter is further considered in the Draft Heads of Terms submitted with the planning application and attached at Appendix 4.

## 7. PLANNING FACTORS IN SUPPORT OF DEVELOPMENT

- 7.1 **Compliance with local planning policy** - The site is consistent with the strategy for Cheltenham proposed in the JCS i.e. development is focussed on Cheltenham and Gloucester, including urban extensions to these areas. It cannot come forward as an allocated site as by its scale it is not a strategic site and the JCS only makes provision for strategic sites.
- 7.2 Policy SD10 of the JCS provides further detail around the appropriate locations for development in the JCS area, for non-allocated housing development this is in the existing Principal Urban Area of Cheltenham. It is common ground that land off Harp Hill is located beyond the built up area of the Principal Urban Area of Cheltenham and therefore the site conflicts with Policy SD10 of the JCS.
- 7.3 The existing Principal Urban Area is proposed to be amended in the emerging Cheltenham Borough Local Plan, but only insofar as to address any anomalies. The proposed changes to the PUA appear to be retrospective to address the inclusion of recent planning permissions, rather than taking the opportunity to review the boundary in light of the JCS housing requirement. Therefore, it is considered that the PUA boundary is currently out of date and does not assist the implementation of Policy SD10.
- 7.4 Whilst, the Cheltenham Plan focuses on development within the existing urban area, there are three sites which are proposed in the emerging plan that lie outside the urban area. One of the sites is land at Priors Farm Fields (Policy HD7) which is to the north of the former GCHQ Oakley site. Land at Priors Farm Fields is in close proximity to Wymans Brook and is bounded by residential development to the south and west and the cemetery to the north. Whereas land at Oakley Farm, lies immediately south of land originally forming part of the GCHQ Oakley site, now developed as a new residential area. To the west is an established residential area associated with Wessex Drive and to the north residential areas associated with Pillowell Close, Brockweir Road and Bream Court. To the south is an established residential area on the southern side of Harp Hill and to the east is the covered reservoir. The relationship of these two sites to the existing settlement is not therefore considered to be materially different.
- 7.5 The recently developed former GCHQ site to the north of Oakley Farm separates the Priors Farm Fields site from Oakley Farm.

7.6 Given the proposals in the emerging Cheltenham Local Plan, the PUA boundary is subject to change in this location.

7.7 **The proposal is located with the Cotswolds AONB.** National Policy is set out in the NPPF (2019) referred to earlier. Footnote 6 of paragraph 11 indicates that the AONB qualifies as a restrictive policy and therefore it becomes important to consider the NPPF guidance on AONBs. This is contained in Paragraph 172. The paragraph draws attention to the great weight to be attached to conserving and enhancing landscape and scenic beauty in AONBs. Paragraph 172 goes on to state that planning permission for “major development” should be refused in AONBs except in exceptional circumstances and where it can be demonstrated to be in the public interest. The paragraph goes on to outline how applications should be considered.

- a) **The need for the development, including in terms of any national consideration and the impact of permitting it, or refusing it, upon the local economy;**
- b) **The cost of, and scope for, developing outside the designated area, or meeting the need for it in some way; and**
- c) **any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

7.8 Taking each of these points it can be demonstrated that there are exceptional circumstances which result in the favourable consideration of the site for development in the public interest.

7.9 In terms of meeting housing needs it is acknowledged that the opportunities for growth at Cheltenham are limited. Cheltenham’s development pattern is encompassed on all sides by the Cotswolds AONB and the Green Belt. This is recognised both in the adopted Joint Core Strategy and in the emerging Cheltenham Plan.

7.10 The Joint Core Strategy paragraph 2.12 states:

**“Within the borough are a number of villages such as Prestbury, Leckhampton, Charlton Kings and Swindon Village which, although significantly influenced by the expansion of Cheltenham, retain their own character and ‘village’ feel. The town is characterised by its high-quality historic environment, set within a formal garden townscape and a wider open landscape, defined by the Cotswolds AONB and the Green Belt. This is effective in delineating Cheltenham from the neighbouring City of**

**Gloucester and the settlement of Bishop's Cleeve. Public consultation has emphasised the importance of retaining the separation of Cheltenham and protecting the qualities which make the borough unique."**

7.11 The Joint Core Strategy, paragraph 2.15 states:

**"... there is limited capacity to accommodate all these competing development objectives within the urban area. Consequently, some peripheral development is needed,"**

7.12 Paragraphs 2.27 -2.35 set out the key challenges for the JCS.

7.13 In particular, paragraph 2.33 of the JCS states that

**"A further key challenge in meeting the objectively assessed need for development in the JCS area is the degree to which land within the JCS is significantly constrained by flood plain, areas of Green Belt, and the Cotswolds Area of Outstanding Natural Beauty (AONB)."**

7.14 There was insufficient capacity within the urban areas to meet housing needs. As the JCS was prepared options to accommodate housing needs were considered and tested through the Sustainability Appraisal and it became evident that there was justification for the need for urban extensions, which of necessity included land beyond Cheltenham's administrative boundary to meet Cheltenham's housing needs to 2031. The urban extensions are both located in areas that, until the Joint Core Strategy was adopted, were Green Belt.

7.15 Paragraph 2.34 of the JCS states:

**"The solution of identifying and allocating Strategic Allocations closest to where the development need is generated has been found to be the most sustainable and strongly supported through the consultation. However, this meant that in order to release land for development the existing Green Belt has been reviewed."**

7.16 The emerging Cheltenham Plan at paragraph 11.4 recognises that:

**"The existing built up area of Cheltenham is tightly constrained by Green Belt and AONB with very little undesignated land in which to expand."** (my emphasis)

7.17 Whilst it has long been recognised that Cheltenham cannot wholly meet its development requirements within its administrative boundary, and allocations were made in the adopted JCS; the issue now is that due to significant delays in the delivery of the strategic urban extensions (this was acknowledged in the

Borough Council's Five Year Housing Land Supply Statement – August 2018 and again in the updated Statement in December 2019. The latter demonstrates the significant increase in the number of dwellings at both the strategic urban extensions that are now expected to deliver beyond the plan period, the figure has increased from 515 dwellings in the 2018 Position Statement to 1,685 dwellings in the 2019 Position Statement). There is now a significant 5 year housing land supply shortfall – even using the stepped approach to housing land supply as agreed at the JCS Examination and endorsed by the Inspector. This is addressed in more detail below.

- 7.18 Through the preparation of the Cheltenham Plan, all previously developed land and under used sites within the existing urban area were considered, contrary to the NPPF a brownfield first approach was applied. (The NPPF 2012 encouraged the use of brownfield sites). Finally constrained sites in the PUA, and those in the Green Belt and AONB were considered. Paragraph 11.5 of the emerging Cheltenham Plan states:

**"Sites were chosen which would demonstrate a public benefit in allocation,.."**

- 7.19 There was a debate regarding the sites proposed in the Submission version of Cheltenham Plan (February 2018) at the Hearing Sessions earlier in 2019. Clearly some of the sites proposed were allocations in the previous Local Plan.
- 7.20 The Inspector issued a post hearing note on 9<sup>th</sup> April 2019 and recommended the deletion of MD1 Landsdown Industrial Estate – which had been proposed for 100 dwellings, as the site is in active commercial use and had recently been refurbished, there was no evidence to demonstrate that the site will be brought forward before 2031. This is now proposed to be removed from the list of proposed housing allocations.
- 7.21 The loss of 100 dwellings is compensated by way of an increase in the proposed allocation Policy MD5 Leckhampton by 100 dwellings.
- 7.22 Secondly, there has been a discussion about the capacity of HD4 Land off Oakhurst Rise, a planning application for 69 dwellings was refused on 22<sup>nd</sup> March 2019 (noted that this was against the officers recommendation). The Appellant submitted some amended details in respect of both the layout and scale of the development (reduced by 1 dwelling) , which includes amended details in respect of the internal site roads. An appeal was heard in August 2019 and the decision

issued 20<sup>th</sup> September 2019. The appeal was dismissed. A new application has now been submitted for Oakhurst Rise for 43 dwellings (20/00683 OUT).

- 7.23 Consequently, given the significant issues in terms of deliverability of the urban extensions (largely outside the administrative area of Cheltenham) to meet Cheltenham's needs in the plan period; it is considered that other sites are required in sustainable locations to meet Cheltenham's housing needs. As referred to above the Plan already acknowledges that there is very little undesignated land in which to meet Cheltenham's needs.
- 7.24 Land at Oakley Farm is adjacent to the former GCHQ Oakley site which has recently been redeveloped for housing and a Sainsbury supermarket is adjacent to that site fronting Priors Road. The site is all but surrounded by development, the exception being the South Eastern corner, which is adjacent to the reservoir as referred to above.
- 7.25 Policy SD7 of the JCS applies, which states that all proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.26 The landscape value is acknowledged to be high due to the AONB designation. The escarpment landscape character area is predominately rural but in the location of the study site is influenced by the settled landscape of the wider Cheltenham area.
- 7.27 Whilst it is acknowledged that proposal is major development within the AONB for the purposes of NPPF paragraph 172, the layout would conserve its character and enhance the landscape. The layout of the site responds to the topography and will improve accessibility to the countryside whilst relieving pressure on other areas in the AONB. There are no local green spaces in the area and consequently local residents access the wider areas of the AONB leading to pressure upon more sensitive areas such as Cleeve Common.
- 7.28 The LVIA concludes that:

**"the overall landscape and visual effects of the development proposals will result in the loss of sloping pasture which makes a contribution to local landscape character and visual amenity. The harm arising has been assessed and found to be limited by the extent to which the study area is already influenced by settlement**

**features, inherent mitigation through retained vegetation and natural topography and the separation of the study site from the wider escarpment landscape and wider AONB. Potential impacts are predicted to have greater landscape and visual effects on the immediate urban landscape which falls outside of the AONB than on the wider rural landscape within the AONB with exception of the study site itself. The study site contributes to the character and visual amenity of the AONB and to the setting of Cheltenham but not all areas of the study site make the same contribution. The development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts. This confirms that the study site has capacity to accommodate development whilst conserving the wider landscape character and scenic beauty of the AONB in keeping with intentions of both national and local landscape policy”.**

- 7.29 The harm will be limited by the extent to which the area is already influenced by existing development, mitigation through retained vegetation and natural topography and the separation of the study site from the wider escarpment landscape and wider Area of Outstanding Natural Beauty (AONB).
- 7.30 A number of measures have been incorporated into the scheme to protect and enhance the landscape and public accessibility of the site to improve access and enjoyment of the AONB for everyone.
- 7.31 A substantial landscaped buffer is proposed across the more sensitive areas of the site leading to significant net biodiversity enhancements and the strengthening and revitalisation of the local green infrastructure network.
- 7.32 The development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts. This confirms that the study site has capacity to accommodate development whilst conserving the wider landscape character and scenic beauty of the AONB.
- 7.33 This is addressed in more detail in the LVIA and the DAS.
- 7.34 The proposal will assist in meeting the housing land supply requirements of Cheltenham Borough.
- 7.35 The proposed residential development not only assists in meeting the needs of a variety of family types and sizes, but will also assist in meeting a shortfall in the housing land supply within the Borough. The development will include an

element of affordable housing to meet identified local need, and provide scope to enhance the sustainability, and vitality and viability of the area.

- 7.36 The documents submitted with this outline application, and, in particular, the Design & Access Statement will ensure a commitment to a sustainable development of high quality design which will be compatible with the existing area.
- 7.37 **The Five Year Housing Land Supply Position Statement (December 2019)** has been prepared. The Council have acknowledged that they do not have a five year housing land supply (paragraph 38 of the Position Statement). The Council identify a 3.7 years supply (December 2019); this figure was not included in the Proposed Modifications (November 2019); instead the Proposed Modifications relied upon the figure in the previous Position Statement of August 2018 i.e. 4.6 years supply.
- 7.38 It is evident that 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.
- 7.39 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.
- 7.40 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. Whilst recently the Government have announced the HIF to pay for the upgrade of



Junction 10 of the M5, however consultation is yet to take place and the upgraded junction is not expected to be open before 2024.

- 7.41 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.
- 7.42 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.
- 7.43 It is considered 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.
- 7.44 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 had worsened on closer examination of the figures for the inquiry than that which was set out in our response to the Proposed Modifications).
- 7.45 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."

7.46 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 sites are identified, and that there is no plan in place to address the shortfalls.

7.47 It was agreed that the appeal site (land off Kidnappers Lane) 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.

7.48 It is clear that Cheltenham Borough Council has a significant shortfall in its five-year land supply, even against the stepped housing requirement and using the Liverpool approach, both of which serve to delay meeting needs in the first place.

7.49 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 the application site at Oakley Farm.

7.50 A copy of the Statement of Common Ground is attached at Appendix 5.

#### **APPENDIX 5: STATEMENT OF COMMON GROUND – LAND OFF KIDNAPPERS LANE 10<sup>TH</sup> JANUARY 2020**

7.51 **Landscape** – The application is accompanied by a Landscape and Visual Appraisal (LVIA) within the Environmental Statement prepared by MHP, which considers the impact of the proposal on the local landscape character and the AONB. The strategy for the development of the site has been Landscape led. Existing green infrastructure assets have been retained, conserved and enhanced.

7.52 The LVIA is for development of up to 250 dwellings.

7.53 The assessment notes that while the site remains in pastoral use, it is unlikely to have long term viability, owing to its isolation from the wider countryside and

therefore there is threat of a slow decline to the structure of the site through future neglect.

- 7.54 Importantly the report points to the opportunities that development of the site offers to provide enhancements in landscape terms, including the potential to restore degraded or lost hedgerows and the potential to provide public access where none currently exists. There is limited public access to a PROW along the western boundary, but no access to the fields themselves.
- 7.55 The features of the site contribute to the rural character of the escarpment landscape character area, but this character is significantly degraded by the adjoining urban edges to the west and particularly the north.
- 7.56 The report states that by limiting development to the lower sloping areas adjoining the farmstead and ensuring that the upper slopes remain free of built form, it would be possible to retain the rural and green wedge character that contributes to the setting of Cheltenham as experienced in present views. The site would continue to provide 'green space' which both contributes to the wider and local setting.
- 7.57 The LVIA concludes that the overall landscape and visual effects of the development proposals will result in the loss of sloping pasture which makes a contribution to local landscape character and visual amenity. The harm arising has been assessed and found to be limited by the extent to which the study area is already influenced by settlement features, inherent mitigation through retained vegetation and natural topography and the separation of the study site from the wider escarpment landscape and wider AONB.
- 7.58 Potential impacts are predicted to have greater landscape and visual effects on the immediate urban landscape which falls outside of the AONB than on the wider rural landscape within the AONB with exception of the study site itself.
- 7.59 Whilst the study site contributes to the character and visual amenity of the AONB and to the setting of Cheltenham, not all areas of the study site make the same contribution. Importantly the development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse impacts. This confirms that the study site has capacity to accommodate development whilst conserving the wider landscape character and scenic beauty

of the AONB in keeping with intentions of both national and local landscape policy.

- 7.60 By allowing public access to the upper areas that remain open in character, would provide an opportunity for new views to be made available to the general public. These views would include both views of the rural setting of the town and views towards the listed reservoir. The openness of the land along Harp Hill would maintain the green link with the wider AONB as appreciated in distant views towards the site. Given that the site is isolated from the wider escarpment landscape this new approach could be seen to assist with taking some recreational and leisure pressures off the escarpment landscape within the locality. The proposed development will facilitate public access into a currently publicly inaccessible area of the AONB.
- 7.61 The provision of a new structural tree belt to reinforce the sense of separation between the urban edge and the green open space would be beneficial in views from Harp Hill where presently the harsh urban edge of the new Oakley development is seen as a prominent visual detractor.
- 7.62 Cheltenham Borough Council in their May 2016 landscape assessment by Ryder did not differentiate between areas within the site and therefore found the site overall to have low overall capacity for development. This it also found on most other edge of town locations adjoining or within the AONB.
- 7.63 By implementing a strategy to develop only a limited area of the lower lying site and existing farmstead, this assessment identifies that the site has greater capacity for development whilst protecting the features which contribute to its landscape value and visual amenity. In particular the opening up of the upper site area for open space has potential to provide a real enhancement in terms of creating new views and creating new open space which can reduce some demand on existing sensitive escarpment areas which are presently accessible by the public.
- 7.64 As set out above, there is clearly a need for development in Cheltenham, there is no scope for this to be met outside of the AONB and any detrimental effect can be moderated, such that the proposal accords with paragraph 172 of the NPPF.

7.65 In the absence of a 5 year housing land supply the tilted balance is engaged as set out in paragraph 11d of the NPPF which states that planning permission should be granted unless:

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:**

**i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or**

**ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

7.66 As identified previously, this proposal accords with paragraph 172 of the NPPF and so the policies in the Framework do not provide a clear reason for refusal. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The evidence of any other adverse impacts is considered below.

7.67 **Transport** –A Transport Assessment prepared by PFA Consulting forms part of the application submission to support the site and demonstrates that the application will not give rise to a material increase in vehicular movements which cannot be safely accommodated on the existing network.

7.68 **Flooding** – A Flood Risk Assessment (FRA) has been prepared by Phoenix Design Partnership Ltd and is included in the Environmental Statement and is submitted with the application. The Assessment confirms that the application site falls within Flood Zone 1 which the NPPF confirms is an area with the lowest probability of flooding.

7.69 Flood risk from all sources (fluvial, pluvial, sewers, groundwater, artificial) has been assessed. Overall the development is considered to have a negligible to minor beneficial effect on Hydrology, Drainage and Flood Risk.

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<sup>7</sup> “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”

<sup>6</sup> “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

- 7.70 **Ecology** - An extended Phase 1 Habitat Survey and various habitat and faunal surveys have been undertaken across the application site by Ecology Solutions and the findings are set out in the submitted Ecological Assessment.
- 7.71 With the mitigation proposed, the Proposed Development would not result in any adverse residual effect on habitats of species of any significance, and there will be no net loss of features of ecological importance.
- 7.72 The Assessment concluded that following mitigation and enhancement measures overall effects are considered to be positive at the site to European level and will ensure no net loss in biodiversity terms.
- 7.73 **Heritage** – The assessment identifies the following:
- 7.74 The site is bounded to the east by Hewlett's Reservoir, which includes Grade II Listed Buildings. There are views towards the reservoir across the site from Harp Hill Road, including views to a Tudor revival pavilion (Grade II Listed).
- 7.75 The proposed development will have some effect on built heritage assets, this will not result in any significant effects, as in the case of the assets at Hewlett's Reservoir the assets derive their value principally from their architecture rather than their setting. This should not prevent the application being granted. In relation to the total loss of the buildings at Oakley Farm, these non-designated heritage assets are of very low value and therefore their loss will not cause a significant effect and should not preclude the Proposed Development of the Application Site.
- 7.76 Paragraph 196 of the NPPF requires that 'less than substantial harm to the significance of a designated heritage asset' should be weighed against the public benefits of any development proposals in decision making. The Applicant considers that the public benefits would outweigh the identified harm to the designated heritage assets. A balanced judgement has also been made regarding the impact of the development on non-designated heritage assets and again the applicant considers that the benefits outweigh the harm having regard to the significance of the heritage asset and the scale of harm (NPPF paragraph 197).
- 7.77 The proposed development will have a very limited effect on the archaeological resource. The development will make a very limited change to the setting of the Battledown Camp Scheduled Monument, which is already compromised by surrounding built form. As a result, it is considered that the proposed

development would have a negligible effect on the monument. Regarding the buried archaeological resource, this has been identified as being of low value, and although the development will have a Major impact on these assets, the result will be of a negligible effect, and should not preclude the Proposed Development of the Application Site.

- 7.78 Heritage assets are therefore not considered to represent an insuperable constraint to the bringing forward of development at the site.
- 7.79 **Contribution to meeting affordable housing needs**, the site will make a contribution to affordable housing at 40% and therefore is policy compliant. In addition there are other positive benefits from the development, in terms of supporting the economic recovery. Appendix 6 illustrates the economic benefits of the proposed development.

#### **APPENDIX 6: OAKLEY FARM ECONOMIC BENEFITS**

- 7.80 Recent government announcements have stated how important the construction industry is to economic recovery from the COVID 19 pandemic. The construction industry will provide short term jobs and the development as a whole will support expenditure in the local economy. As a result of the development, as outlined in the Environment Statement there will be enhancement to the biodiversity of the area and green infrastructure opportunities including public open space.
- 7.81 To conclude, the site is available now and housing can be delivered within the plan period, with no major infrastructure required.
- 7.82 The proposed development is consistent with the NPPF taken as a whole contributing to the three objectives of sustainable development, increasing the supply of housing at a sustainable location within the Borough and providing a contribution to meeting affordable housing needs.
- 7.83 An Environment Statement has been prepared and concludes that the design of the Proposed Development has taken account of the likely significant environmental effects (alone and in-combination with other cumulative sites) and where necessary, mitigation measures form an integral part of the Proposed Development to ensure that the environment is suitably protected.
- 7.84 The ES demonstrates that there are no overriding environmental constraints which would preclude the Proposed Development on the Application Site.

7.85 In conclusion any adverse impacts do not significantly and demonstrably outweigh the benefits, such that permission should be granted.



## 8. SUMMARY AND CONCLUSIONS

- 8.1 The Planning Statement has been prepared on behalf of Robert Hitchins Ltd and their successors in title to the land in support of an application for outline planning permission for a development comprising up to 250 dwellings, associated infrastructure and landscaping. All matters of detail are reserved for subsequent approval.
- 8.2 The application is submitted with a number of supporting documents and an Environmental Statement as required by the Borough Council's Validation Checklist.
- 8.3 The proposed development is consistent with the NPPF contributing to the three objectives of sustainable development and increases the supply of housing at Cheltenham in general accordance with the spatial strategy of the adopted JCS (2017) and the emerging Cheltenham Borough Plan.
- 8.4 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important to determining the application are out of date<sup>7</sup>, granting planning permission unless:
- i. **the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or**
  - ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**
- 8.5 As the site is located in the AONB paragraph 172 of the NPPF is engaged, which states that:
- "...Planning permission should be refused for major development<sup>8</sup> other than in exceptional circumstances, and where it can be demonstrated that the development**

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<sup>8</sup> Footnote 55 For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

**is in the public interest. Consideration of such applications should include an assessment of:**

**a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**

**b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**

**c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."**

- 8.6 Given the acknowledged housing land supply shortfall, the Development Plan is out of date and there is a need for additional sites to come forward in order to address the housing land supply shortfall.
- 8.7 It is widely acknowledged that Cheltenham cannot meet its housing requirement, indeed strategic allocations were identified through the JCS in order to assist Cheltenham in meeting its housing needs. Furthermore, as accepted in the Borough Plan the existing built up area of Cheltenham is tightly constrained by Green Belt and AONB with very little undesignated land in which to expand (para 11.4 of the Pre-Submission Plan). The emerging Plan has already considered the opportunities in the urban area and has proposed allocations outside the PUA.
- 8.8 Given the context of a 5 year housing land supply shortfall, it can be demonstrated by the supporting evidence to this application in particular the LVIA and the Design and Access Statement, how the development can be accommodated in the AONB and at the same time positive benefits are derived from the proposal in terms of enhancement to the AONB, for example relieving pressures elsewhere in the AONB in a sensitive landscape and delivering much needed housing. The former agricultural land also has the scope to be managed as an area more representative of the lower escarpment.
- 8.9 The site is environmentally unconstrained and the proposals will not lead to any unacceptable harm in terms of impact on highway safety, flooding, heritage assets, landscape or biodiversity.
- 8.10 The site is in a sustainable location being virtually surrounded by existing development, some of which is very recent on the former GCHQ site. Indeed, the urban context of the site particularly along the northern edge as well as the part contained nature of the site, means that there is capacity to accommodate development without unacceptable landscape and visual effects. By limiting

development to the lower sloping areas adjoining the farmstead and ensuring that the upper slopes remain free of built form, it is possible to retain the rural and green wedge character that contributes to the setting of Cheltenham as experienced in present views. Importantly, the site will continue to provide green space which contributes to the wider and local setting.

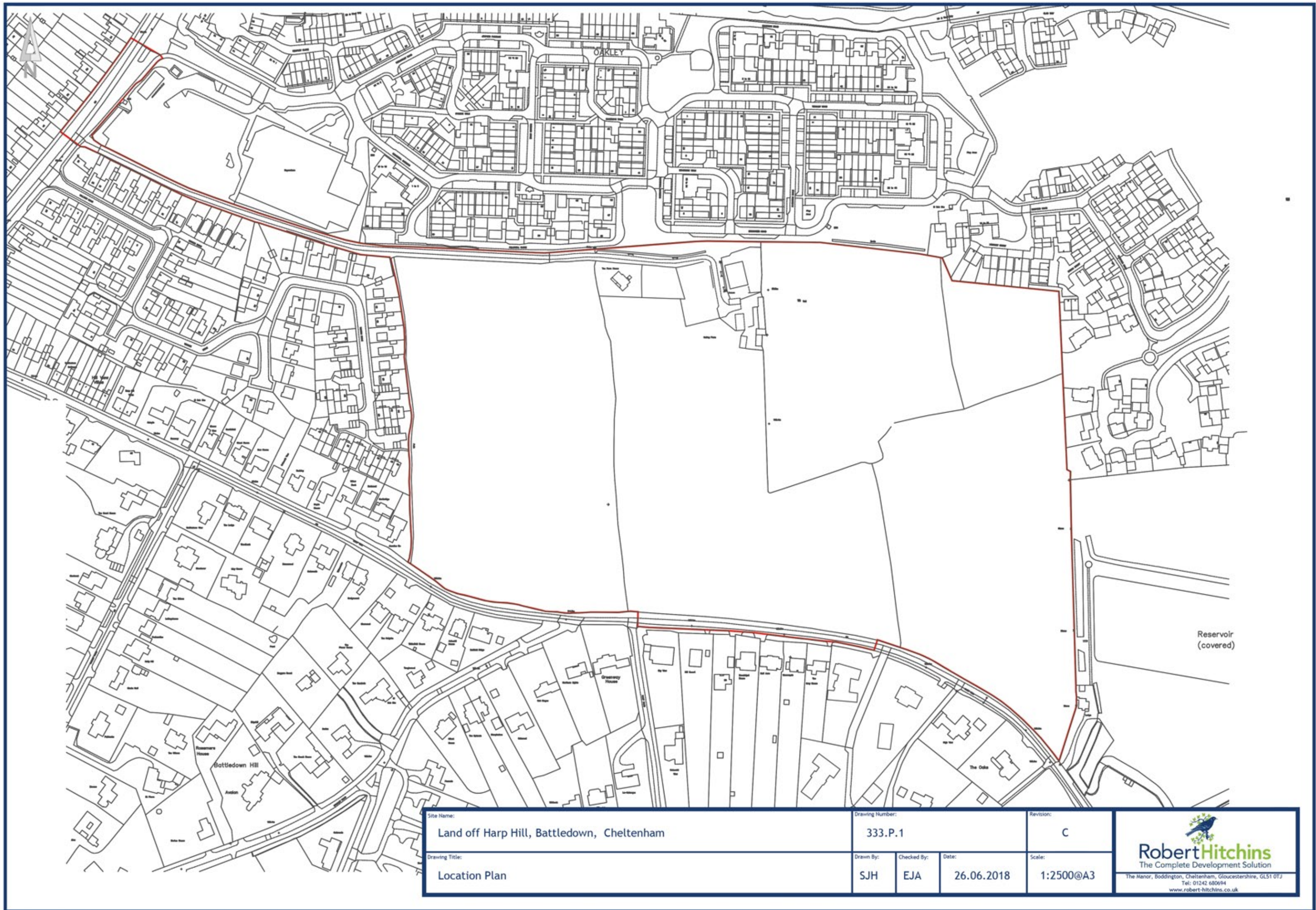
- 8.11 By allowing public access to the upper areas that remain open in character, this provides an opportunity for new views to be made available to the general public. These views included both views of the rural setting of the town and views toward the listed reservoir. The openness of the land along Harp Hill would maintain the green link with the wider AONB as appreciated in distant views towards the site. Given that the site is isolated from the wider escarpment landscape this new approach can assist in taking recreational and leisure pressure off the escarpment landscape within the locality.
- 8.12 The site will deliver much needed market and affordable housing. The proposal will be constructed in a sustainable manner. The proposals make effective use of the land having regard to the character of the adjoining residential area and having regard to the AONB. The layout shows a high quality layout which has regard to the adjoining areas and the setting of the site in the AONB.
- 8.13 The proposed development meets the general objectives of increasing housing production in a sustainable manner; it also reflects the need and demand for housing within the Borough.
- 8.14 The mix of housing reflects the accommodation requirements of a variety of groups and provides much needed affordable housing. The housing need has been accruing since the start of the plan period (the fact that a Liverpool stepped approach to housing delivery is applied masks the fact that need is not being met). The Council acknowledge that they have a five year housing land supply shortfall. Consequently, the Development Plan is out of date and the application must be considered in the tilted balance.
- 8.15 The site is adjacent to the PUA of Cheltenham and is accessible to services and facilities and employment. The submitted plans and accompanying documents demonstrate that the proposed development would be of a relatively low density with a landscape buffer, meaning that the proposed development would not harm the character of the AONB and would be appropriate in terms of visual impact.

- 8.16 The site is suitable, available and deliverable for housing, and has the capacity for up to 250 dwellings (including affordable housing) to help support the authority's five-year housing land supply. The Council acknowledge that there is a five year housing land supply shortfall and that the housing delivery in the Borough is already failing as there is a reliance on strategic allocations (38%). (This has reduced only insofar as the sites will not be delivering as many dwellings in the plan period.)
- 8.17 The site provides the opportunity to deliver new homes in the early period of the emerging plan, ahead of the large allocations elsewhere in the JCS, which the Council acknowledges are delayed. The site is therefore suitable, available and deliverable and can deliver in totality within the next five years.
- 8.18 It is submitted that the proposals accord with NPPF paragraph 172 as demonstrated by the evidence that supports this application and that paragraph 11d of the NPPF is also engaged. The site helps to contribute to an increased supply in housing land (both open market and affordable) in accordance with the spirit of the NPPF and the Housing White Paper and it will bring about a significant number of other benefits including economic growth, creation of jobs and providing new connections including pedestrian access points and new footpath routes that provide access to land that was not previously publicly accessible in the AONB.

## **APPENDIX 1**

### **SITE LOCATION PLAN**





Site Name: Land off Harp Hill, Battledown, Cheltenham		Drawing Number: 333.P.1		Revision: C	 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Boddington, Cheltenham, Gloucestershire, GL51 0TJ Tel: 01242 680694 www.robert-hitchins.co.uk
Drawing Title: Location Plan		Drawn By: SJH	Checked By: EJA	Date: 26.06.2018	



## **APPENDIX 2**

### **ILLUSTRATIVE MASTERPLAN**





Connection to Prior's Road  
see inset below



- Key:**
- Existing Public Right of Way
  - Principal Access
  - Pedestrian Access
  - Possible Emergency Access
  - Existing Trees Retained
  - Existing Hedgerow Retained
  - Proposed Trees
  - Proposed New Native Hedgerows
  - Residential
  - Garages
  - Proposed Indicative Landscaped Drainage Pond
  - Primary Street (with road narrowing to avoid Root protection Zones)
  - Re-graded land with new tree planting
  - Proposed Bound Gravel footpaths should be designed to minimise the section of hedgerow to be removed.
  - Proposed 3m cycle link to Prior's Road
  - Root Protection Areas

Inset



Site Name: <b>Land at Oakley Farm</b>		Drawing Number: <b>333.P.3.9</b>		Revision: <b>E</b>
Drawing Title: <b>Illustrative Masterplan</b>		Drawn By: <b>POK</b>	Date: <b>01.08.2019</b>	Scale: <b>1:2000@A3</b>

  
**Robert Hitchins**  
 The Complete Development Solution  
The Manor, Boddington, Cheltenham, Gloucestershire, GL51 0TJ  
 Tel: 01242 680694  
 www.robert-hitchins.co.uk



## **APPENDIX 3**

### **EXTRACT FROM THE CHELTENHAM LOCAL PLAN TABLE 15 SUPERSEDED 2006 LOCAL PLAN POLICIES**

## 20. POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

- 20.1. The Joint Core Strategy (JCS) supersedes policies from the saved Cheltenham Borough Local Plan (2006) as set out below. Where 2006 Local Plan policies are not superseded by the JCS, they will remain saved, but will be superseded by the new Cheltenham Plan once adopted. The exception is Retail, which will be subject to the JCS Retail Review.

Table 15: Superseded 2006 Local Plan policies		
2006 Local Plan policy ref.	Policy heading	Status
CP 1	Sustainable Development	Superseded by JCS policies SD10, SD14
CP 2	Sequential Approach to Location of Development	Local Plan Policy to be saved beyond the adoption of the JCS
CP 3	Sustainable Environment	Local Plan Policy to be saved beyond the adoption of the JCS
CP 4	Safe and Sustainable Living	Local Plan Policy to be saved beyond the adoption of the JCS
CP 5	Sustainable Transport	Superseded by JCS policies SD3, INF1
CP 6	Mixed-Use Development	Local Plan Policy to be saved beyond the adoption of the JCS
CP 7	Design	Local Plan Policy to be saved beyond the adoption of the JCS

POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

CP 8	Provision of Necessary Infrastructure and Facilities	Superseded by JCS policies INF4, INF6, INF7
PR 1	Land Allocated for Housing Development	Local Plan Policy to be saved beyond the adoption of the JCS
PR 2	Land Allocated for Mixed-Use Development	Local Plan Policy to be saved beyond the adoption of the JCS
PR 3	Land Safeguarded for Transport Schemes	Deleted
BE 1	Open Space in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 2	Residential Character in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 3	Demolition in Conservation Areas	Deleted
BE 4	Timing Of Demolition in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 5	Boundary Enclosures in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 6	Back Lanes in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 7	Parking on Forecourts or Front Gardens in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 8	Demolition of Listed Buildings	Deleted
BE 9	Alteration of Listed Buildings	Deleted

POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

BE 10	Boundary Enclosures to Listed Buildings	Local Plan Policy to be saved beyond the adoption of the JCS
BE 11	Buildings of Local Importance	Local Plan Policy to be saved beyond the adoption of the JCS
BE 12	Advertisements and Signs	Deleted
BE 13	Advertisements and Signs in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 14	Advertisement Hoardings in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 15	Projecting Signs in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 16	Petrol Filling Stations and Car Sales in Conservation Areas	Local Plan Policy to be saved beyond the adoption of the JCS
BE 17	Advertisements And Signs On Listed Buildings	Local Plan Policy to be saved beyond the adoption of the JCS
BE 18	Design and Landscaping of New Roads	Superseded by JCS policy SD4
BE 19	Nationally Important Archaeological Remains	Local Plan Policy to be saved beyond the adoption of the JCS
BE 20	Archaeological Remains of Local Importance	Local Plan Policy to be saved beyond the adoption of the JCS
GE 1	Public Green Space	Local Plan Policy to be saved beyond the adoption of the JCS
GE 2	Private Green Space	Local Plan Policy to be saved beyond the adoption of the JCS



POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

GE 3	Development within Extensive Grounds	Superseded by JCS policies SD4, SD9, INF3
GE 4	Pittville Park and Bouncers Lane Cemetery	Local Plan Policy to be saved beyond the adoption of the JCS
GE 5	Protection and Replacement of Trees	Local Plan Policy to be saved beyond the adoption of the JCS
GE 6	Trees and Development	Local Plan Policy to be saved beyond the adoption of the JCS
GE 7	Accommodation and Protection of Natural Features	Local Plan Policy to be saved beyond the adoption of the JCS
CO 1	Landscape Character	Superseded by JCS policies SD4, SD6, SD7
CO 2	Development within or affecting the AONB	Superseded by JCS policy SD7
CO 3	Rebuilding or Replacement of Buildings in the AONB	Superseded by JCS policy SD7
CO 4	Extension of Buildings in the AONB	Local Plan Policy to be saved beyond the adoption of the JCS
CO 5	Definition of Green Belt	Superseded by JCS policy SD5
CO 6	Development in the Green Belt	Superseded by JCS policies SD5, SD10
CO 7	Rebuilding or Replacement of Dwellings in the Green Belt	Local Plan Policy to be saved beyond the adoption of the JCS
CO 8	Extension of Dwellings in the Green Belt	Deleted

POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

CO 9	Development at Cheltenham Racecourse	Superseded by JCS policy SD5
CO 10	Agricultural Land	Superseded by JCS policy SD14
CO 11	Agricultural and Forestry Dwellings	Local Plan Policy to be saved beyond the adoption of the JCS
CO 12	Farm Diversification Projects	Superseded by JCS policies SD1, SD4, SD6
CO 13	Conversion of Rural Buildings	Local Plan Policy to be saved beyond the adoption of the JCS
CO 14	Development Abutting the Countryside	Superseded by JCS policies SD4, SD6
NE 1	Habitats of Legally Protected Species	Superseded by JCS policy SD9
NE 2	Designated Nature Conservation Sites	Superseded by JCS policy SD9
NE 3	Biodiversity and Geodiversity of Local Importance	Superseded by JCS policy SD9
NE 4	Contaminated Land	Superseded by JCS policy SD14
EM 1	Employment Uses	Superseded by JCS policy SD1
EM 2	Safeguarding of Employment Land	Local Plan Policy to be saved beyond the adoption of the JCS
HS 1	Housing Development	Superseded by JCS policy SD10
HS 2	Housing Density	Superseded by JCS policy SD10
HS 3	Sub-Division of Existing Dwellings	Superseded by JCS policy SD4

POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

HS 4	Affordable Housing	Superseded by JCS policy SD12
HS 5	Mixed Communities	Superseded by JCS policy SD11
HS 6	Elderly Persons Housing	Superseded by JCS policy SD11
HS 7	Loss of Residential Accommodation	Deleted
HS 8	Houses in Multiple Occupation	Deleted
RT 1	Location of Retail Development	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 2	Retail Development in the Core Commercial Area	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 3	Non-A1 Uses in Primary Shopping Frontages	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 4	Retail Development in Local Shopping Centres	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 5	Non A1 Uses in Local Shopping Centres	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 6	New Local Shopping Centres	Deleted
RT 7	Retail Development in Out of Centre Locations	Deleted
RT 8	Individual Convenience Shops	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RT 9	Car Sales	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan



POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

RT 10	Access to Upper Floors of Commercial Premises	Local Plan Policy to be saved beyond the adoption of the JCS and Cheltenham Plan
RC 1	Existing Community Facilities	Superseded by JCS policy INF4
RC 2	Youth and Adult Outdoor Playing Facilities	Local Plan Policy to be saved beyond the adoption of the JCS
RC 3	Outdoor Playing Facilities in Educational Use	Superseded by JCS policy INF4
RC 4	Casual Play Space	Local Plan Policy to be saved beyond the adoption of the JCS
RC 5	Development of Amenity Space	Local Plan Policy to be saved beyond the adoption of the JCS
RC 6	Play Space in Residential Development	Local Plan Policy to be saved beyond the adoption of the JCS
RC 7	Amenity Space in Housing Developments	Local Plan Policy to be saved beyond the adoption of the JCS
RC 8	New Public Green Space	Local Plan Policy to be saved beyond the adoption of the JCS
RC 9	Honeybourne Line Footpath/Cycleway	Local Plan Policy to be saved beyond the adoption of the JCS
RC 10	Allotments	Local Plan Policy to be saved beyond the adoption of the JCS
RC 11	Recreation and Sport in the Countryside	Superseded by JCS policies SD5, SD6, SD7
RC 12	Golf Courses	Superseded by JCS policies SD5, SD6, SD7



POLICIES SUPERSEDED BY THE JOINT CORE STRATEGY & CHELTENHAM PLAN

RC 13	Public Rights of Way in the Countryside	Superseded by JCS policy INF3
UI 1	Development in Flood Zones	Superseded by JCS policy INF2
UI 2	Development and Flooding	Superseded by JCS policy INF2
UI 3	Sustainable Drainage Systems	Superseded by JCS policy INF2
UI 4	Maintenance Strips for Watercourses	Local Plan Policy to be saved beyond the adoption of the JCS
UI 5	Culverting of Watercourses	Superseded by JCS policy INF2
UI 6	Development Near Sewage Treatment Works	Superseded by JCS policies SD5, SD14
UI 7	Renewable Energy	Superseded by JCS policies SD3, SD4, SD14, INF5
UI 8	Telecommunications Installations	Superseded by JCS policies INF6, SD14
TP 1	Development and Highway Safety	Superseded by JCS policies SD4, INF1
TP 2	Highway Standards	Superseded by JCS policies SD4, INF1
TP 3	Servicing of Shopping Facilities	Deleted
TP 4	Long-Stay Car Parking	Local Plan Policy to be saved beyond the adoption of the JCS
TP 5	Extension of Private Car Parking Facilities	Deleted
TP 6	Parking Provision In Development	Deleted

## **APPENDIX 4**

### **DRAFT S.106 HEADS OF TERMS**



**Land at Oakley Farm, Cheltenham**

**DRAFT HEADS OF TERMS  
(February 2020)**

The following Draft Heads of Terms deal with site specific matters, the remainder being covered by Cheltenham's Community Infrastructure Levy.

As the planning application is in outline there is no requirement to complete and submit a CIL Planning Application Additional Information Form.

### **Public Open Space/Recreation Provision**

1. At the same time as submitting an application for approval of reserved matters pursuant to the permission, details as to the provision of Public Open Space shall be submitted to the Borough Council. The Developer will lay out the Public Open Space/Recreational Space as approved under the reserved matters application and having received written confirmation from the Borough Council that the Public Open Space/Recreational Space has been laid out to its reasonable satisfaction thereafter to retain maintain and manage the Public Open Space/Recreational Space in accordance with a Landscape Masterplan for a minimum period of 12 months AND to ensure that the Public Open Space is retained as publicly accessible areas.
2. Upon expiry of said 12 months to invite the Borough Council to inspect the Public Open Space/Recreational Space and upon confirmation from the Borough Council that the Public Open Space/Recreational Space has been properly maintained to its reasonable satisfaction, the Developer may (at its discretion) either
  - offer to transfer the Public Open Space/Recreational Space to the Borough Council or such other body nominated by the Borough Council; or;
  - transfer the Public Open Space/Recreational Space to a Management Body.
3. In the event that the Public Open Space/Recreational Space is transferred to the Borough Council, the Developer will pay a commuted sum to the Borough Council for the future maintenance of the Public Open Space/Recreational Space. In the event that the Public Open Space/Recreational Space is

transferred to a Management Body it shall be on terms requiring the Public Open Space/Recreational Space to be managed and maintained in accordance with a Landscape Masterplan.

### **Affordable Housing**

4. A policy compliant % of the new dwelling units shall be used exclusively for the purposes of “Affordable Housing” as defined by the National Planning Policy Framework.
5. The Affordable Housing will comprise both rented housing and intermediate tenure housing in proportions to be agreed.
6. The Affordable Units will consist of a range of dwelling types and sizes to be agreed.
7. The Developer shall use all reasonable endeavours to ensure that the Affordable Housing Units shall be constructed contemporaneously with the Market Housing save where non provision of the entirety of the Affordable Housing is not due to the demonstrable fault of the Developer.
8. The Affordable Housing shall be designed and constructed to no less a standard than and be visually indistinguishable from the market housing.

### **Legal Costs**

9. The Developer shall pay to the Borough Council on or before the completion of the Agreement their reasonable legal costs in connection with the preparation and completion of the Agreement.

## **APPENDIX 5**

### **STATEMENT OF COMMON GROUND LAND OFF KIDNAPPERS LANE 10<sup>TH</sup> JANUARY 2020**

# STATEMENT OF COMMON GROUND

## BETWEEN:

ROBERT HITCHINS LTD  
&  
CHELTENHAM BOROUGH COUNCIL


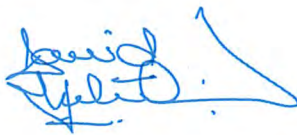

## LAND OFF KIDNAPPERS LANE, CHELTENHAM

## PROPOSAL:

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.

LPA REF: 19/00334/OUT  
PPG REF: P19-2231

DATE: 10<sup>TH</sup> JANUARY 2020

Signed: 	Signed: 
Name:  J. ROWLEY	Name: DAVID HUTCHISON.
On behalf of: Cheltenham Borough Council (the Local Planning Authority)	On behalf of: Pegasus Group (acting on behalf of the Appellant)
Date: 10/01/2020	Date: 10.01.2020

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**1. INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Pegasus Group, on behalf of Robert Hitchins Land Limited ("the Appellant").
- 1.2 It has been prepared in conjunction with Cheltenham Borough Council ("the LPA"). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in connection with Land off Kidnappers Lane, Cheltenham, Gloucestershire (the appeal site).
- 1.3 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

## **2. SITE LOCATION AND DESCRIPTION**

- 2.1 The appeal site is located beyond the south eastern edge of Cheltenham. The town is identified along with the city of Gloucester in the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) as a key urban area.
- 2.2 As one of the highest order settlements in the JCS area, Cheltenham possesses a wide range of services, facilities and employment opportunities which when combined with the existing access to public transport and links to surrounding settlements, including Gloucester and Cheltenham, has the ability to support sustainable patterns of living in Gloucestershire.
- 2.3 The appeal site is located in the Leckhampton area of Cheltenham, approximately 2 km to the south west of the Leckhampton district centre. The appeal site itself comprises approximately 1.3 hectares of former market garden and plant nursery land to the north and east of Kidnappers Lane.
- 2.4 The site is an irregular shaped area of flat land formerly used as a commercial plant nursery (with some remnants of the nursery still evident on-site i.e. the hardstanding). It is bounded by established native hedgerows on its western and southern boundaries with an open field boundary to the north abutting agricultural land beyond.
- 2.5 To the eastern boundary is an adjacent plant nursery complex and this contains a number of horticultural structures of varying designs and construction. Access to the site is gained directly from Kidnappers Lane to the south which in turn provides access to the principle county highway of the A46 Shurdington Road to the north and the associated services and facilities of the local areas of Up Hatherley and Warden Hill.
- 2.6 There are no statutory designations within the appeal site with the site lying outside of both the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Green Belt. It is also wholly located within Flood Zone 1, the zone with the lowest probability of flood risk.
- 2.7 The appeal site is not within or adjacent to a Conservation Area and does not contain any heritage assets. The nearest listed building is the Grade II listed Olde England property approximately 120m to the south, on the far side of Kidnappers Lane.

### 3. THE APPEAL PROPOSAL

3.1 The planning application that is now the subject of this appeal was submitted to Cheltenham Borough Council on 19th February 2019 (LPA ref: 19/00334/OUT).

3.2 The description of development, is as follows:-

**“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.”**

3.3 The application was submitted with all matters of detail reserved for subsequent determination.

#### Housing

3.4 The proposals would deliver up to 25 dwellings at a net density of circa 19.2 dwellings per hectare. The proposal could include a mix of house types, sizes and tenures which can be determined at the Reserved Matters stage.

3.5 The new dwellings would be predominately 2 storeys in height with single storey garaging in accordance with the submitted Design and Access Statement.

#### Affordable Housing

3.6 The Appellant intends to deliver a “policy compliant” level of affordable housing (40%).

#### Layout

3.7 Although the application was submitted in outline, an Illustrative Masterplan was submitted to demonstrate how the appeal site could deliver the scale of development proposed. It demonstrates how the development could be laid out to respond to the constraints and opportunities of the site.

#### Access

3.8 Whilst access is reserved for subsequent determination, the Illustrative Masterplan shows that the sole pedestrian and vehicular access will be gained directly from Kidnappers Lane to the south. The Appellant has also submitted details of the junction arrangement and this can be secured by condition at the outline stage if considered appropriate.

- 3.9 There are no public rights of way which cross the site. However, a public right of way (Leckhampton Footpath 6) extends off Kidnappers Lane and passes to the north of the appeal site and Leckhampton Footpaths 11 and 12 pass to the east and south-east of the appeal site through Lotts Meadow. Further, Leckhampton Footpath 8 to the south-west of the appeal site extends northwards to intersect with Kidnappers Lane.



#### 4. APPLICATION PLANS AND DOCUMENTS

- 4.1 The application plans and supporting documents that comprised the planning application at the time that the appeal was lodged, were as follows:-

##### **Application Drawings**

<u>Drawing Title</u>	<u>Drawing Reference</u>	<u>Revision</u>
1. Site Location Plan	300.P.2	A
2. Illustrative Masterplan	300.P.3	K
3. Site Access	LE.KL.SA.01	A

##### **Application Forms and Supporting Documents**

4. Application forms, together with the relevant certificate of ownership and agricultural land declaration and copy of notices served, all duly completed, signed and dated;
5. Planning Statement (including Draft Heads of Terms and Affordable Housing Statement)(Pegasus Group, Ref: P18-2052, dated January 2019);
6. Design and Access Statement (Pegasus Urban Design Ref: P18-2052\_04, dated January 2019);
7. Report of Community Engagement (Pegasus Group, Ref: P18-2052, dated November 2018);
8. Historic Environment Desk Based Assessment (CgMs, Ref: JAC24932, dated November 2018);
9. Landscape and Visual Impact Appraisal (MHP, dated January 2019);
10. Tree Survey Report and Arboricultural Advice (MHP, dated 17th September 2018);
11. Ecological Assessment (Ecology Solutions, Ref: 6898.EcoAss.vf4, dated February 2019);
12. Transport Statement (PFA Consulting, Ref: H561A, dated 13th December 2018);
13. Cheltenham Sustainability Checklist (September 2018);
14. Flood Risk Assessment and Drainage Strategy (Phoenix Design Partnership, dated January 2019);
15. Utility Statement (RHL, Ref: LKL.2019.US.01, dated January 2019)
16. Waste Minimisation Statement (Pegasus Group, Ref: P18-2052, dated January 2019)

17. Topographic Survey (Nigel Ruxton Land Surveys, Ref: 1538/01A, dated May 2015).
18. Additional information for 'Appropriate Assessment' prepared by Ecology Solutions dated June 2019.

## 5. PUTATIVE REASONS FOR REFUSAL

- 5.1 Given that the application was submitted on the grounds of non-determination, the Local Authority did not issue a decision notice. A draft Delegated Powers Officer's report was produced a copy of which has been supplied to the Planning Inspector.
- 5.2 Following the submission of the appeal, officers exercised their delegated powers to raise two Putative Reasons for Refusal which are as follows:
- 1. The appeal site is not located within the Principal Urban Area (PUA), it is located beyond the built up area and therefore the site is not allocated for development purposes. The proposal for 25 dwellings at this site would lead to the following landscape effects: appear as a separate enclave of development with no links to nearby residential development; visually separated from the edge of Cheltenham; to be out of keeping with the semi-rural settlement form, density and pattern of the locality; the new highway entrance would remain an incongruous suburban type feature in the semi-rural area even with the reduction of scale of the remaining estate road; reduce the landscape quality of the surrounding Lotts Meadow, a key part of the valued landscape at Leckhampton, through the ability to see upper storeys and roofscapes. The proposal therefore conflicts with Policies SD4, SD6 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 and Policies CO1 and CP7 of the saved Cheltenham Local Plan.**
  - 2. Policies INF4, INF6 and INF7 set out that development will be permitted only where adequate provision has been made for the infrastructure necessary for the development to proceed and for other public services and facilities, the need for which arises directly from the development. The development proposed will lead to a need to provide for an element of affordable housing (Joint Core Strategy Proposed Modifications Policy SD12). No agreement has been completed to secure the provision of affordable housing.**
- 5.3 It is agreed that the second putative reason for refusal can be addressed through planning obligations and therefore neither party intend to present evidence on this matter.
- 5.4 The Council has formally advised the appellant, the Parish Council and the Planning Inspector of the Council's formal Putative Reasons for Refusal.



## 6. PLANNING HISTORY

- 6.1 It is agreed that the planning history that is of most relevance to the appeal site and the locality includes the following:-

Reference	Description	Decision
06/01119/FULL	Relocation of existing Polytunnels	Approved 12th October 2006
07/01651/COU	Provide a small cafeteria serving snacks and coffee and a small shop selling gifts and garden accessories.	Approved 28th February 2008
13/10605/OUT*	Residential development of up to 650 dwellings, mixed use local centre, retail unit, GP surgery, primary school, open space.	Refused 31 July 2014  Appeal dismissed 5 <sup>th</sup> May 2016 (PINS Ref: APP/B1605/W/14/3001717)
16/00202/OUT	Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings	Refused 20 <sup>th</sup> April 2017  Appeal dismissed 4 <sup>th</sup> April 2018 (PINS Ref: APP/B1605/W/17/3178952)

*\*It is agreed that the appeal site formed part of the planning application ref. 13/10605/OUT but was omitted from the appeal scheme that was later dismissed.*

- 6.2 Both parties will also make reference to recently submitted application for a Secondary School on nearby land (GCC ref.19/0058/CHR3MJ). Reference will also be made to the proposed allocations in the emerging Local Plan that relate to the neighbouring land.



## **7. PLANNING POLICY**

- 7.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal. All documents that are referred to will be included in a list of Core Documents.

### **National Guidance**

#### National Planning Policy Framework

- 7.2 The revised NPPF (2019) will be a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their respective cases.

#### National Planning Practice Guidance

- 7.3 The NPPG will be a material consideration in the determination of this appeal. Both parties will make reference to relevant sections of the NPPG.

### **The Development Plan**

- 7.4 Both parties agree and accept that under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act of 2004, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.5 At the time of preparing this SoCG, the Statutory Development Plan covering the appeal site comprised: -
- Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; and
  - Cheltenham Borough Local Plan Second Review "saved policies"

#### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)

- 7.6 Cheltenham Borough Council worked in conjunction with Gloucester City Council and Tewkesbury Borough Council to prepare a Joint Core Strategy (JCS) for their combined areas. The JCS was adopted in 2017 and covers the period up to 2031.
- 7.7 It represents the most up-to-date part of the Development Plan for the purposes of this appeal and following its adoption, the JCS replaced the majority of the Strategic Policies of the Adopted Cheltenham Borough Local Plan (a full schedule of superseded policies is provided at Appendix 1 to the JCS).

7.8 It is agreed that the following JCS policies will be of most importance to the determination of this appeal:-

- Policy SP1: The Need for new development
- Policy SP2: Distribution of new development
- Policy SD6: Landscape
- Policy SD10: Residential Development
- Policy SD12: Affordable Housing

7.9 **Policy SP1** identifies the need for new development and reads as follows:-

**"Policy SP1 – The Need for New Development**

**1. During the plan period, provision will be made to meet the need for approximately 35,175 new homes and a minimum of 192 hectares of B-class employment land to support approximately 39,500 new jobs**

**2. This is to be delivered by development within existing urban areas through District plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch. This strategy aims to locate jobs near to the economically active population, increasing sustainability, and reducing out-commuting thereby reducing carbon emissions from unsustainable car use**

**3. The housing requirement for each local authority will be as follows:**

- i. Gloucester at least 14,359 new homes;**
- ii. Cheltenham at least 10,917 new homes;**
- iii. Tewkesbury at least 9,899 new homes.**

7.10 **Policy SP2** deals with the distribution of new development and reads as follows:-

**"Policy SP2; Distribution of New Development**

**1. To support their economic roles as the principal providers of jobs, services and housing, and in the interests of promoting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to these areas**

**2. To meet the needs of Gloucester City the JCS will make provision for at least 14,359 new homes. At least 13,287 dwellings will be provided within the Gloucester City administrative boundary, including the Winneycroft Strategic Allocation, and urban extensions at Innsworth and Twigworth, South Churchdown and North**



**Brockworth within Tewkesbury Borough defined in Policy SA1, and sites covered by any Memoranda of Agreement**

**3. To meet the needs of Cheltenham Borough the JCS will make provision for at least 10,996 new homes. This will be provided within the Cheltenham Borough administrative boundary and cross boundary urban extensions at North West Cheltenham and West Cheltenham (both of which are partly within Tewkesbury Borough) defined in Policy SA1, and commitments covered by any Memoranda of Agreement**

**4. 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. At least 7,445 dwellings will be provided 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**

**5. Rural service centres and service villages as identified in Table SP2c below will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period**

**Over the plan period to 2031:**

- i. The rural service centres will accommodate in the order of 1860 new homes, and;**
- ii. The service villages will accommodate in the order of 880 new homes;**

**6. In the remainder of the rural area, Policy SD10 will apply to proposals for residential development.**

**7. The unmet needs of Gloucester and Cheltenham, beyond their administrative boundaries, will only be delivered on Strategic Allocation sites allocated through Policy SA1 and any other sites with an agreed sharing mechanism through a Memorandum of Agreement between the relevant local planning authorities**

**8. The identification of any additional urban extensions to help meet the unmet needs of a Local Planning Authority must be undertaken through a review of the plan. Any additional site allocations made through a local plan or any neighbourhood plans must be in conformity with the JCS spatial strategy. Consideration will also be given to meeting needs in another local authority area where it is clearly established that they cannot be met**

within the JCS area, or provide a more sustainable and appropriate option

9. To support economic growth in the JCS area, the JCS will make provision for at least 192 hectares of B-class employment land. At least 84 hectares of B-Class employment land will be delivered on Strategic Allocation sites as detailed at Policy SA1. Any further capacity will be identified in District plans.

(The amount of development and its distribution is set out in Tables SP2a and SP2b (at the end of this section of the plan), and indicated on the JCS Key Diagram)."

7.11 Landscape matters are dealt with under **Policy SD6** which reads as follows:-

**"Policy SD6: Landscape**

1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being;

2. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area;

3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications."

7.12 **Policy SD10** deals with proposals for residential development and reads as follows:-

**Policy SD10: Residential Development**

1. Within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2

2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans

3. On sites that are not allocated, housing development and conversions to dwellings will be permitted on



previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans

4. Housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood.

5. Proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged, subject to the requirements of other policies including Policies SD1, INF4 and SD8. Proposals that will bring empty housing back into residential use will also be encouraged

6. Residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."

7.13 Affordable housing is dealt with under **Policy SD12** which reads as follows.

**"Policy SD12: Affordable Housing**

1. The JCS authorities will seek, through negotiation, for new development to deliver new affordable housing on a sliding scale approach as set out below:

- i. Within the Strategic Allocation sites a minimum of 35% affordable housing will be sought;
- ii. Outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area and a minimum of 40% will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas;

iii. On sites of 10 dwellings or less, which have a maximum combined floorspace of no more than 1,000 sq m, no contribution towards affordable housing will be sought;

iv. Notwithstanding the above, affordable housing policy for sites of 10 dwellings or less may be applied under policies set out within District plans.

2. This policy applies to dwellings (as defined by use class C3) and also any self-contained units of accommodation within a residential institution (use class C2). Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement

3. Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme. On sites where it is not possible to deliver all affordable housing as on-site provision, the residual requirement should be provided through acceptable alternative mechanisms (such as off-site provision or financial contributions). Further guidance on acceptable mechanisms may be provided in District plans

4. Affordable housing must also have regard to meeting the requirements of Policy SD11 concerning type, mix, size and tenure of residential development

5. The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials

6. Provision should be made, where possible, to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative affordable housing provision

#### **Rural exception sites**

7. In certain circumstances, where there is clear evidence of a local housing need that cannot be met elsewhere, affordable housing will be permitted on rural exception sites. A rural exception site must be within, or on the edge of, a rural settlement. It should be of a scale well related to the settlement both functionally and in terms of design

#### **Viability**

8. Where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

i. Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly



Policy SD4, and the objective of creating a balanced housing market;

ii. Securing public subsidy or other commuted sums to assist delivery of affordable housing;

9. If a development cannot deliver the full affordable housing requirement, a viability assessment, conforming to an agreed methodology, in accordance with Policy INF7 will be required. Viability assessments will be published in full prior to determination for all non policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant

The councils consider that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents

The councils will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as a part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case

10. The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in this policy. The JCS authorities will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

7.14 **Policy REV1** sets the requirement for an immediate partial review of the JCS and reads as follows:-

**"Policy REV1; Gloucester and Tewkesbury Housing Supply Review**

**A partial review of the housing supply for Gloucester and Tewkesbury will commence immediately upon adoption of the JCS. On adoption, the authorities will publish a Local Development Scheme to set out the timescales for completion. The review will cover the allocation of sites to help meet any shortfall in housing supply against the JCS housing requirements for the respective authorities."**

- 7.15 It is agreed that the JCS Authorities have already started work on the JCS Review and that this is expected to take the form of a comprehensive review rather than a partial review.
- 7.16 It is agreed that no weight can be placed on the contents of the JCS review at this time.

Cheltenham Borough Local Plan

- 7.17 The Local Plan was adopted in June 2006.
- 7.18 From the Local Plan Proposals Map it can be seen that the site lies beyond the built-up area of the Principal Urban Area. The site is not allocated for development and is not subject to any designations.
- 7.19 Most of the strategic policies have now been superseded by the JCS. It is agreed that the following policies will be of most importance to the determination of this appeal:-
- CP 3 Sustainable environment
  - CP 4 Safe and sustainable living
  - RC 2 Youth and adult outdoor playing facilities
  - RC 5 Development of amenity space
  - RC 6 Play space in residential development
  - RC 7 Amenity space in housing developments



**The Emerging Local Plan**

The Cheltenham Plan (CP)

- 7.20 The LPA is in the process of preparing a replacement Local Plan which originally intended to amongst other things, provide housing allocations to meet the housing requirements of the JCS.
- 7.21 It is agreed that the Inspector has not issued her final report on the Cheltenham Plan and has not yet reached any final conclusions as confirmed in her Post Hearing Advice Note.
- 7.22 The CP was the subject of a consultation that ended on 16 December 2019. The consultation only covers the Proposed Modifications and changes to the policy maps and not other aspects of the plan or 'omission' sites.
- 7.23 It is agreed that the Cheltenham Plan as proposed to be modified does not provide sufficient land to meet the residual JCS housing requirement in full.
- 7.24 It is agreed that the LPA's housing land supply position has deteriorated since the CP Main Modifications were published such that even on the LPA's figures the supply position would be 3.7 years.
- 7.25 It is agreed that the plan period shortfall has also increased since the CP Main Modifications were published such that even on the LPA's figures the shortfall would be 1,190 homes at the end of the plan period.
- 7.26 It is agreed that the CP Inspector is not yet aware of the increased housing shortfalls (both the 5YRHLS shortfall and the plan period shortfall) and the parties do not know how she might respond to this change in circumstances.
- 7.27 The parties disagree on whether the CP is at an advanced stage towards its adoption. The appeal parties also disagree on the weight that can be attributed to policies of the CP at this time..
- 7.28 It is agreed that there are objections to the CP which have yet to be resolved.

Neighbourhood Planning

- 7.29 The appeal site is located within the Leckhampton with Warden Hill Area which as designated in September 2015 for Neighbourhood Plan (NP) purposes. However, it is agreed that the NP is still at a very early stage.
- 7.30 Accordingly, the NP should be afforded limited in the decision making process.

## **8. MATTERS NOT IN DISPUTE**

- 8.1 This section sets out the matters not in dispute between the Appellant and the Local Planning Authority.

### Format of Planning Application and Supporting Material

- 8.2 It is agreed that the format of the outline planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.
- 8.3 It is agreed that the LPA agreed to register the application as an outline application with all matters of detail reserved for subsequent determination.
- 8.4 It is agreed that the LPA did not exercise its powers to request any of the Reserved Matters to be unreserved.

### Environmental Impact Assessment

- 8.5 It is agreed that the proposals do not constitute EIA development and that an Environmental Statement is not required.

### Whether the appeal proposals should be allowed and whether they would represent sustainable development

- 8.6 Both parties agree that this appeal should be allowed.
- 8.7 It is agreed that the appeal proposals would represent sustainable development in accordance with paragraph 11 (d) of the NPPF.
- 8.8 It is agreed that there are no planning reasons why this appeal should be dismissed.

### Five Year Housing Land Supply (5YRHLS)

- 8.9 It is agreed that the LPA cannot currently demonstrate a 5YRHLS. It is agreed that the absence of a 5YRHLS engages the 'tilted' planning balance under paragraph 11d of the NPPF and Footnote 7.
- 8.10 It is agreed that there are no NPPF footnote 6 policies that indicate that the tilted balance should be disapplied in this case.
- 8.11 The parties disagree on the extent of the five-year land supply shortfall. The Council considers that it is able to demonstrate a **3.7 year** land supply and the



Appellant considers that the Council is only able to demonstrate at most a **2.1 year** land supply.

8.12 It is agreed that the difference in the respective five-year land supply positions of the parties arises as a result of three issues as follows:

- 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 the 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.

8.13 Solely for the purpose of deciding this appeal, and without prejudice to the Council's right to argue or a different conclusion at other appeals, it is agreed that the current five year housing land supply shortfall is substantial on either assessment.

8.14 It is agreed that the Council will be unable to demonstrate a five-year land supply unless additional sites are identified and there is currently no plan in place to address the shortfalls.

8.15 It is agreed that the Council is unable to identify a sufficient supply to meet the JCS minimum housing requirement for 10,917 homes over the plan period up to 2031, unless additional sites are identified.

8.16 The parties disagree on the extent of the plan period shortfall. The Council considers that there will be a a shortfall of 1,190 homes at the end of the plan period and the Appellant considers that there will be a shortfall of 2,270 homes.

8.17 Either way, it is agreed that the plan period shortfall is substantial.

8.18 It is agreed that there has been an insufficient number of affordable homes delivered to meet the need for affordable housing over the period 2015-19 as identified in the SHMA. It is agreed that cumulatively there has been a shortfall of 732 affordable homes.

The Principle of Development

8.19 It is agreed that the appeal site can be considered sustainable in terms of accessibility to local facilities and public transport services.

8.20 It is agreed that the LPA proposes to allocate land for 350 houses and a Secondary School in the vicinity of the appeal site, as part of the emerging Cheltenham Plan.

8.21 It is agreed that in order to address the housing shortfalls across the plan period additional land in addition to that proposed for allocation in the Cheltenham Plan will be required.

The Planning Balance

8.22 It is agreed that the presumption in favour of sustainable development is engaged. It is engaged because of the housing land supply position.

8.23 When the tilted balance is applied, it is agreed that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

8.24 It is also agreed that no NPPF Footnote 6 policies indicate that planning permission should be refused.

8.25 The appellant in Mr. Hutchinson's Proof of Evidence identifies the range of important benefits that the appeal proposals would deliver and he identifies the weight that he believes should be afforded to these. The Council is not proposing to challenge this for the purposes of this appeal on the basis that in any case the Council agrees that planning permission should be granted in respect of this appeal.



Prematurity

- 8.26 It is agreed that the appeal proposals would not be premature or prejudicial in planning terms.

Development Plan Designations

- 8.27 It is agreed that the site is located beyond the built-up area of the Principal Urban Area of Cheltenham as defined in the adopted and emerging Local Plan Proposals/Policies Map and it will therefore be considered as "countryside" in planning policy terms.
- 8.28 It is agreed that the appeal site lies beyond the Principal Urban Area and it is not allocated for any development purpose in the development plan or the emerging development plan. Therefore, the appeal parties agree that the appeal proposal does not accord with JCS Policy SD10.
- 8.29 It is agreed that the site is not located within the Green Belt.
- 8.30 It is agreed that there are no statutory or other adopted landscape, ecology or heritage designations that are directly related to the Appeal Site although the site does lie in proximity to the Cotswolds Area of Outstanding Natural Beauty and a Local Green Space allocated in the emerging Cheltenham Plan.

Settlement Boundaries

- 8.31 It is agreed that the emerging Cheltenham Plan anticipates the allocation of land for housing and associated development beyond the Principal Urban Area including land north of the appeal site.
- 8.32 It is agreed that the housing shortfall across the plan period cannot all be accommodated on sites within the PUA and further releases beyond the PUA will be required.

Access and Highways

- 8.33 It is agreed that the Local Highways Authority raised no objection to the application subject to the imposition of reasonable planning conditions and Section 106 obligations.
- 8.34 It is agreed that the proposals would not have a severe residual adverse impact on the local highway network for the purposes of NPPF paragraph 109.

- 8.35 It is agreed that the proposals can provide for a safe and suitable means of access.
- 8.36 It is agreed that the opportunities for sustainable transport modes have been taken up.
- 8.37 It is agreed that the Appellant will provide for a new footway between the proposed site access and Vineries Close and that the Local Highways Authority is content that this is sufficient to make walking a viable modal choice. It is agreed that this new footpath can be secured by reasonable condition.

#### Facilities and Accessibility

- 8.38 It is agreed that the site is located within walking distance of the built-up area of Cheltenham and that it is in an accessible location where residents would have access to existing local shops, schools, employment opportunities and other facilities.
- 8.39 It is agreed that residents would have access to good quality public transport services.
- 8.40 It is agreed that residents would also have reasonable access to public open space on-site.

#### Master Planning

- 8.41 It is agreed that the planning application was submitted in outline with access, layout, appearance, scale and landscaping of the development reserved for future consideration.
- 8.42 It is agreed that the detailed design and layout of the scheme are capable of being addressed at the Reserved Matters stage although the submitted masterplan and Design and Access Statement are material considerations.

#### Impact on Residential Amenity

- 8.43 It is agreed that the issues relating to overlooking and loss of privacy for future residents of the development or existing residents occupying neighbouring properties, can be addressed at the Reserved Matters stage.

Housing Mix

- 8.44 It is agreed that the proposals could provide for an appropriate mix of house types, sizes and tenures. This can be secured at the Reserved Matters stage.

Affordable Housing

- 8.45 It is agreed that the appeal proposals is capable of providing a policy compliant level of affordable housing through a completed s.106 agreement (40%) in accordance with JCS Policy SD12.

Public Open Space

- 8.46 It is agreed that an area of public open space has been indicated on site to meet the needs of the proposed development. The suitability of this space, including final scale and arrangement would be controllable through Reserved Matter applications.
- 8.47 It is agreed that further details relating to the laying out and any planting within the open space areas as well as long term management arrangements, can be agreed by condition or through planning obligations.

Trees

- 8.48 it is agreed that there would be no unacceptable impacts upon on trees which cannot be overcome at Reserved Matters stage.

Ecology

- 8.49 It is agreed that subject to securing the recommended mitigation through conditions, the proposals will not have an unacceptable impact on protected species and or habitats within the site.
- 8.50 It is agreed that proposals also present opportunities for biodiversity diversification that may in turn lead to an ecological enhancement compared to the rural habitats that exist at present. Any enhancement will depend upon the scale and extent of appropriate habitat creation.

Contamination

- 8.51 It is agreed that there is no objection on contamination grounds, subject to conditions.



Built Heritage

- 8.52 It is agreed that there are no designated heritage assets within the Appeal Site.
- 8.53 It is agreed that the Appeal Site is not located within or adjacent to a Conservation Area.
- 8.54 It is agreed that there are no listed buildings within the vicinity of the Appeal Site that the Council asserts would be adversely affected by the proposals.

Archaeology

- 8.55 It is agreed that there is no objection on archaeological grounds subject to the imposition of a standard condition to secure a programme of archaeological work.

Agricultural Land Classification

- 8.56 It is agreed that the LPA raises no objection on grounds related to best and most versatile agricultural land (BMV).

Infrastructure

- 8.57 It is agreed that any off-site infrastructure requirements for this scheme are capable of being addressed through CIL.

Noise and Air Quality

- 8.58 It is agreed that the LPA raises no objection on grounds related to noise or air quality.

Flood Risk and Drainage

- 8.59 It is agreed that the appeal site is located within Flood Zone 1 (an area with the least probability of flooding).
- 8.60 It is agreed that the Lead Local Flood Authority and Borough Land Drainage Officer raised no objections on flooding or drainage matters subject to conditions.

Public Benefits

- 8.61 It is agreed that the proposed development would potentially secure benefits in economic and social and environmental terms. These would include inter alia:-
1. The provision of open market housing

2. The provision of affordable housing for which there is an identified need.
  3. Expenditure on construction and investment in the local area.
  4. the generation of expenditure in local shops and services.
  5. The construction phase would secure construction jobs in the short term and the related economic benefits for the area.
  6. Off site footpath/street lighting
  7. New native planting and biodiversity enhancements
- 8.62 The Appellant considers that there are also other benefits associated with the proposals and these are set out in Mr. Hutchison's Proof of Evidence.

**9. MATTERS THAT REMAIN IN DISPUTE**

- 9.1 There are no matters that remain in dispute.
- 9.2 Whilst there remains some disagreement on the extent of the housing shortfalls and the extent of harm to the character and appearance of the area, both parties agree that these areas of disagreement are not determinative, and they agree that planning permission should be granted in any event.



**10. PLANNING CONDITIONS AND OBLIGATIONS**

- 10.1 An agreed set of conditions will be provided to the Inspector before the start of the Public Inquiry.
- 10.2 The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act which will secure any planning obligations that are deemed necessary to make the development acceptable.

## **APPENDIX 6**

### **OAKLEY FARM: ECONOMIC BENEFITS MAY 2020**

# ECONOMIC BENEFITS

LAND AT OAKLEY FARM, CHELTENHAM  
CONSTRUCTION OF UP TO 250 RESIDENTIAL DWELLINGS

## CONSTRUCTION BENEFITS



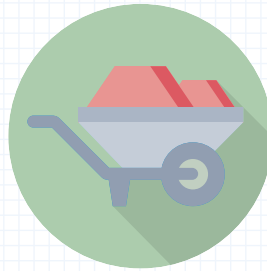
**£29.8 million**

Estimated construction investment over 3-year build programme.<sup>1</sup>



**£49.0 million GVA<sup>2</sup>**

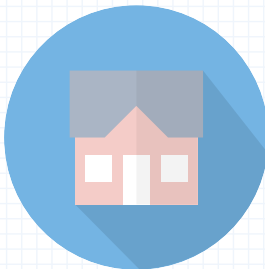
Economic output contribution from jobs supported by activities at the site over 3-years (current prices).



**191**

Direct construction roles and indirect/induced jobs supported per annum during build phase.

## OPERATIONAL BENEFITS



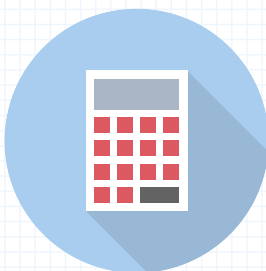
**40%**

Affordable housing to be delivered by the proposed development.



**297**

Economically active and employed residents estimated to live in the new housing.



**£1.3 million**

Estimated first occupation expenditure.



**£7.8 million**

Annual household expenditure.



**50.9%**

Of employed residents estimated to be working in higher value/higher income occupations.



**£438,000**

Estimated annual increase in Council Tax revenue.

1. The construction cost has been estimated using the BCIS Online tool and is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc.

2. GVA, or gross value added, is the measure of the value of goods and services produced in an area, sector or industry.