

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

# **REBUTTAL PROOF OF EVIDENCE ON HOUSING NEED**

**ON BEHALF OF ROBERT HITCHINS LIMITED**

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## **CONTENTS:**

	Page No:
1. BACKGROUND	2
2. INTRODUCTION	3
3. NORTH WEST CHELTENHAM	4
4. WEST CHELTENHAM	6
5. THE EVIDENCE OF THE LEA	7

**1. BACKGROUND**

- 1.1 My name is Neil Tiley. My qualifications and experience are set out in my Proof of Evidence on Housing Need.
- 1.2 The evidence which I have prepared and provide for this appeal (APP/B1605/W/21/3273053) is true and has been prepared and is given in accordance with the guidance of my professional institution irrespective of by whom I am instructed and I confirm that the opinions expressed are my true and professional opinions.

## **2. INTRODUCTION**

- 2.1 This Rebuttal Proof of Evidence briefly addresses a number of points raised in the Proof of Evidence of Mr Rowley.
- 2.2 I had expected the evidence of the LPA to provide the necessary “clear evidence” that completions will be achieved on sites with outline planning permission for major development and allocated sites, without such evidence such sites cannot be concluded to be “deliverable” within the meaning of the NPPF. No such evidence has been provided in support of the majority of these sites. The only sites for which any evidence has been provided are North West Cheltenham and West Cheltenham. The evidence provided for these sites does not however come anywhere close to providing the robust and up-to-date evidence required by the PPG (68-007) and there is no evidence remotely akin to the examples identified in the PPG (68-007). In the absence of such evidence, the Council is only able to demonstrate a 1.6 year land supply as set out in Table 5.4 of my Proof of Evidence.

### 3. NORTH WEST CHELTENHAM

3.1 In paragraph 5.5 of the Proof of Evidence of Mr Rowley (PoEJR) it is identified that part of this strategic allocation is subject to a full planning application. I was unaware of this at the time of writing my proof of evidence and I have therefore reconsidered my position accordingly. It is however again illustrative of the fact that the LPA had not provided even the base information let alone clear evidence that completions will be achieved.

3.2 This planning application was submitted in May 2020 on behalf of Persimmon Homes. Natural England responded identifying that the proposed development has potential significant effects on the Cotswolds Beechwoods SAC and that an appropriate assessment was therefore required. No such assessment has yet been made available on the Council's website. Bloor Homes<sup>1</sup> have also responded to the application (CDF11) requesting that the application should not be taken to committee until such time as a Collaboration Agreement is in place so that this proposed development does not prejudice the delivery of the wider allocation.

3.3 Therefore, prior to taking this application to committee it will as a minimum be necessary for:

- an appropriate assessment to be undertaken,
- Natural England to be consulted upon this appropriate assessment,
- the Council to satisfy themselves as competent authority that any such effects on the integrity of the SAC have been ruled out, and
- a Collaboration Agreement to be agreed between the relevant parties.

3.4 The Council has provided no evidence that any of these will be achieved within a reasonable timeframe.

3.5 Figure 4 of the Start to Finish report (CDF7) indicates that it takes on average 2.3 years from the approval of the first detailed planning permission on a site of 2,000+ homes. As set out in footnote 4, the analysis of the Start to Finish report largely reflects the lead-in times achieved on sites which gained outline planning permission and then reserved matters approvals. In my experience, much of the

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<sup>1</sup> The other developer across the North West Cheltenham allocation.

upfront infrastructure works would be undertaken following the grant of outline planning permission but prior to applications or approvals of reserved matters on such sites. This would suggest that the average lead-in time will be longer on sites subject to full planning applications as any upfront infrastructure works will need to be undertaken post-approval. Optimistically allowing three months for the actions identified above, and assuming that this application is then approved by committee, it would be expected that the first completions would be achieved no earlier than early 2024/25 rather than within 7 months as implausibly assumed by the Council. This accords with the optimistic trajectory presented in my Proof of Evidence.

- 3.6 Similarly, allowing an additional year for the upfront infrastructure works and based on the discussions which I understand the Appellant has had with one of the developers, I would suggest that it is realistic to assume that the first completions are actually more likely to be achieved in 2025/26. This again accords with the realistic trajectory presented in my Proof of Evidence.
- 3.7 In paragraph 5.6 of PoEJR it is suggested that notwithstanding the absence of an appropriate assessment, the absence of a collaboration agreement, the absence of a planning permission and the absence of any works on site, the Council maintain that 60 completions will be achieved by 31<sup>st</sup> March 2022. This is not remotely credible.

#### **4. WEST CHELTENHAM**

- 4.1 In paragraph 5.7 of PoEJR, it is suggested that an application is anticipated soon at West Cheltenham.
- 4.2 The Magazine for the proposed development (CDL1) however suggests that a planning application will not be submitted until 2022 and construction will commence in 2023/24. Tewkesbury Borough Council has recently identified that a planning application is not expected until later in 2022 (CDF10).
- 4.3 It is therefore apparent that my optimistic and realistic trajectories, both of which assumed that a planning application would be submitted imminently, should be delayed accordingly such that the five-year land supply position and the plan period supply would be reduced.
- 4.4 I do not however propose to revise my trajectories but merely note that for yet another reason, these are likely to over-estimate the deliverable and developable supply.
- 4.5 By contrast the LPA suggest that the first 25 completions will be achieved in 2022/23, at the same time the developers anticipate that the application will be submitted and a year before they consider development will commence. This again is not remotely credible.

## **5. THE EVIDENCE OF THE LEA**

5.1 In paragraph 6.58 of the Proof of Evidence of Ms Fitzgerald, the LEA identify that they do not consider that certain sites will be delivered. As set out in my Housing Proof of Evidence, I had not undertaken a detailed assessment of the deliverable supply, but if the LEA are correct, then the deliverable supply of the Borough Council would be reduced by a further:

- 30 homes at 102 Prestbury Road,
- 41 homes at Timbercombe House, and
- 2 homes at Eagle Star Tower Block.

5.2 This provides further evidence that the deliverable supply of the Borough Council has been over-estimated and that there is an even greater need for the proposed development.