

From: David Hutchison <david.hutchison@pegasusgroup.co.uk>

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To: KERR.BROWN@planninginspectorate.gov.uk

Cc: Harry Ramsey <[I](#)>

Lucy White <Kirsty Maguire <>; Paul G Tucker QC <; Kirsty Maguire <>; Andy Hill <>; Phil Hardwick <>; Robyn Evans

<[r](#)>; Gordon Jeynes <>; "Graham Eves" (<; Julian Alexander <[j](#)>; Neil Tiley <>; Paul Harris <>; Gail Stoten

<>; Andrew Fraser-Urquhart QC <>; [s](#)

Subject: RE: 3273053 - appeal site at Oakley Farm, Cheltenham

Dear Kerr

As requested by the Inspector please find set out below our submissions as to why he should accept the additional information that the Appellant has provided on the Alternative Masterplan issue.

Background

1. The requirement for an Alternative Masterplan arose following the highways evidence.
2. GCC say that the appeal scheme must conform to the gradients set out in the Gloucestershire Manual for Streets 2 document.
3. GCC say that the Original Masterplan does not achieve the required gradients, and consequently, they raise questions about the deliverability of the scheme as a whole.

The Appellant's Primary position

4. During the Highways evidence the Appellant has explained why the gradients sought by GCC are unduly onerous and why it is not necessary to apply them to this scheme if the appeal was to be allowed.
5. The Appellant's primary position is that the Original Masterplan is deliverable and acceptable in planning terms.
6. Even if the Inspector was to disagree with the Appellant on the matter and was minded to impose a condition to secure GCC's preferred gradients, then the Appellant would make the following submissions:-
 - a. This is an outline scheme with all matters of detail reserved.
 - b. The Illustrative Masterplan does not fix the layout, access or landscaping of the scheme.
 - c. The internal layout will be considered and fixed at the RM stage, not now.
 - d. It is the Parameter Plans rather than the Illustrative Masterplan that would be approved plans in any event and this provides sufficient flexibility to achieve the GCC gradients in any event. The Masterplan is only illustrative.

7. To be clear, the Alternative Masterplan is only needed if:-
 - a. The Inspector concludes that it is necessary to control gradients in the way proposed by GCC. As noted above we are firmly of the view that such a condition is not necessary, and
 - b. That the Inspector concludes that he needs a plan which shows how that gradient condition is capable of being met within the broad confines of the masterplan that we have already provided with the application.
8. We are not asking for this plan to be determined and made an approved plan. We are asking for an outline consent subject to RMs and that is the stage where the detail of the roads, layout etc will all be determined.
9. If the Inspector concludes that the GCC preferred gradients are necessary and need to be secured, then wording for draft condition 11 has already been agreed as part of the Appellant's fallback position (see the comments on the latest disputed conditions schedule). The Alternative Masterplan is just one such possible way, demonstrating that the scheme can in principle comply but nothing more is needed at this point. The LPA will have control over the acceptability of layout etc at RM stage.

Concerns about uncertainty

10. Notwithstanding the above, the Inspector and the other parties expressed concerns that there remains uncertainty about what the final scheme might look like if everything was left to the RM stage.
11. The Inspector commented that the Parameter Plan was not particularly detailed and he needed further information to be able to reach an informed judgement on the acceptability of the scheme at the outline stage.
12. Other parties then commented that a change to the internal layout and the access road into the site might then have consequences for the landscape and visual effects and the settings of the identified heritage assets. In particular, reference was made to implications of the likely cut and fill works.
13. It was at this stage that the Appellant committed (on a without prejudice basis, given its primary position set out above) to produce an Alternative Masterplan which demonstrated how the GCC preferred gradients could still be accommodated, all in accordance with the original Parameter Plans.
14. When this matter was discussed, no in-principle objections were raised by any of the parties about the Appellant producing the Alternative Masterplan.
15. The Appellant was working on an understanding that this information was being invited by the Inspector and it was later submitted on 12th October 2021. A note was prepared by Mr Harris to accompany the Alternative Masterplan.
16. CBC later made a request for the verified views to be updated so that it could better understand the visual implications of any changes. The Appellant agreed to provide them and they can now be viewed on the link below.

Whether the Alternative Masterplan should be accepted

17. As noted above, the Appellant was working on the understanding that the additional information was invited by the Inspector and no other party raised any objections when this was originally discussed and agreed.
18. The additional information does not change the proposed development itself. It is still the same scale and nature of development and most importantly it does not step outside of the parameters that were tested at the application stage.
19. Indeed, had the appeal been allowed with a condition requiring RMs to be in general accordance with the Original Masterplan, then the Appellant would submit that the Alternative Masterplan layout would still have been in general accordance with the original.
20. No party has been prejudiced or even suggests that they have been.
21. It is simply additional illustrative information to assist the inquiry and to inform a judgement about the acceptability of the scheme at the outline stage. It answers the Inspector's questions and minimises any uncertainties about the deliverability of the scheme should he disagree with the Appellant on the gradients issue.

Implications for the landscape and heritage evidence

22. The Inspector raised concerns about the potential for the alternative Masterplan to reopen the landscape and heritage evidence. In particular he noted that this evidence had relied heavily upon the verified views which would now obviously change.
23. The Appellant does not consider it necessary to revisit this evidence. To assist the Inspector, the verified views have been updated as requested by CBC. The effects of any changes are self evident and the Inspector can look at these and reach his own judgement. He does not need expert witnesses to be recalled to describe what he can see for himself.
24. Rather than increasing any adverse effects, the Appellant would say that the effects of any cut and fill would in fact further mitigate the impact on views across the site and would in fact improve the views to and from the heritage assets. That is because much of the main access road would now be in cutting.
25. If the other parties wish to make submissions on these, they can be made in writing to avoid spending valuable inquiry time on this matter.
26. The only party that has thus far made any comment about the possibility of reopening the landscape and heritage evidence is GCC. However, these issues obviously do not form any part of GCC's case.

Conclusion

27. For all of the above reasons we believe that the Alternative Masterplan and the verified views should be accepted into evidence.

28. They assist rather than hinder the inquiry and no party has been prejudiced.

29. The information if accepted also minimises the scope for any party to complain at a later stage that judgements (for or against the scheme) were made without such evidence.

Kind regards

David Hutchison

Executive Director

Pegasus Group

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

T 01285 641717 | **E** david.hutchison@pegasusgroup.co.uk

M 07795 010661 | **DD** 01285 888027 | **EXT** 1062

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