

APP/B1605/W/14/3001717



PROOF OF EVIDENCE AND SUMMARY

ON BEHALF OF

LECKHAMPTON GREEN LAND ACTION GROUP (LEGLAG)

25 August 2015

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Application Ref:	13/01605/OUT
Inspectorate Ref:	APP/B1605/W/14/3001717
Appellant:	Bovis Homes Ltd and Miller Homes Ltd
Inquiry Start Date:	22nd September 2015
Site Location:	Land at Leckhampton, Shurdington Road, Cheltenham
Description of Development:	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

1. LEGLAG Involvement

- 1.1 LEGLAG is a community action group that was formed over 20 years ago to help galvanise and vocalise local concerns about the development of Cheltenham and to seek to protect the rural character of Leckhampton. LEGLAG is constituted with a committee and communicates news about planning, development, nature conservation and events to the local community through various media.
- 1.2 LEGLAG is opposed to the appeal proposals and respectfully requests the appeal is dismissed.

2. Scope of Evidence and Summary

- 2.1 The evidence demonstrates that the appeal proposal represents an unsustainable development that is inconsistent and premature with the progress of the 'Development Plan' and at conflict with the NPPF.

- 2.2 The evidence considers the following aspects;

Five Year Housing Land Supply: The Lack of Established Need, the housing supply evidence does not support a non-plan led urban extension on this scale

The Weighting of Housing Land Supply in the Balance of Planning Decisions

Not a Comprehensively Planned Urban Extension in accordance with the JCS

The removal of previously developed land, the Berrys Nursery (2.5ha) which LEGLAG considers to be a significant change to the original application considered by the CBC Planning Committee

Premature to Determine in Advance of the JCS, the JCS Examination in Public is underway with Inspector Ord, a revised timetable will be reported at the Inquiry.

Under-Estimation of Landscape, Visual Amenity, Ecology and Nature Conservation Impacts

Local Plan Protection of Open Countryside and Landscape, the non resolution of the NPPF Local Green Space designation submitted by the Parish Council (Aug 2013, revised Jan 2015)

Recommendations from Previous Inspectors Looking at Large Scale Development in Leckhampton

Transport, Traffic and Air Quality Considerations

3. Five Year Housing Land Supply: The Lack of Established Need

- 3.1 It is acknowledged that the demonstration of a 5-year land supply for housing is an important element to the consideration of the determination of housing proposals.
- 3.2 Paragraph 47 of the NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing when set against their housing requirements with an additional buffer of 5% and, where there has been a record of persistent under delivery of housing, with an additional buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 3.3 Cheltenham Borough Council's Authority Monitoring Report (December 2014) sets out a 5-year housing land supply position statement at paragraphs 5.1 to 5.7. Paragraph 5.5 provides a 5-year supply calculation.

Total 5-year supply based on JCS Submission trajectory

3,055

Requirements and delivery: annualised OAN (including strategic allocations)

A	JCS CBC OAN 2011 - 2031		9,100
B	Net completions 2011 - 2014		712
C	Residual requirement to 2031	A - B	8,388
D	JCS years passed	2011/2014	3
E	Requirement for JCS years passed	A / 20 x 3	1,365
F	Shortfall to April 2014	E - B	653

OAN five-year supply calculation

Sedgefield method		Buffers	0%	5%	20%
G	JCS CBC annual requirement	A / 20	455		
H	CBC 5-year requirement and buffers	G x 5	2,275	114	455
I	CBC 5-year requirement including buffers	(G x 5) + buffer	2,275	2,389	2,730
J	CBC 5-year requirement + buffers + shortfall	(G x 5) + buffer + F	2,928	3,042	3,383
K	CBC percentage of 5-year supply	Supply ÷ J	104%	100%	90%
L	CBC 5-year req + buffers + shortfall annualised	J / 5	586	608	677
M	CBC number of years of supply		5.2	5.0	4.5

- 3.4 The housing requirement of 9,100 dwellings is that derived from the November 2014 Submission Joint Core Strategy to the Secretary of State for independent examination. The monitoring report at paragraph 5.3 states "*The Cambridge Centre for Housing and*

Planning Research recommends that 9,100 dwellings best represents the objectively assessed need (OAN) for housing in Cheltenham Borough between 2011 and 2031 (455 dwellings per annum)."

- 3.5 On the basis of the Submission JCS housing requirement, as set out above, Cheltenham can identify 5.2 years of housing land supply. When adding a 5% buffer, for which the authority provides extensive evidence is relevant¹ and making good a notional supply shortfall to 2014, Cheltenham Borough can identify a 5.0 year supply of housing.
- 3.6 Accounting for under-provision of the housing requirement using the 'Sedgefield method' (adding 653 dwellings to the 5-year requirement, row F, above) is a contentious and many issues specific to local conditions could be considered as to whether making up this backlog is appropriate.
- 3.7 It is difficult to accept a 'backlog' requirement is necessary. These are dwellings that have not been provided in Cheltenham, the households have simply not formed or they have migrated out of or more likely not migrated in to the Borough. The main issue is the economy hasn't driven in-migration and household formation in the area as projected. Supply doesn't now need to catch-up, these circumstances have passed and these households did not form. Many other authorities in the country over-provide housing and correspondingly they do not carry over over-provision forward from historic plan periods.
- 3.8 It seems reasonable and appropriate to take the Council's 5.0 year land supply as the most reasonable quantification. The Borough doesn't appear to have a particular difficulty or unwillingness to bring sites forward so there seems little justification for adding a 20% buffer requirement for under delivery.
- 3.9 The components of housing land supply are not documented in the Authority's Monitoring Report (December 2014).
- 3.10 The reconciliation of land supply set out above includes projection of some housing delivery on the strategic urban extensions in the Draft JCS including the appeal site documented as 'A6 South Cheltenham, Leckhampton' in the JCS Housing Background Paper (July 2014).
- 3.11 Table 1 below sets out a reconciliation of the 5-year housing land supply in the Borough with disaggregation of the information. The table collates the sources of housing land supply documented by Cheltenham Borough Council (CBC) in a number of monitoring reports.

¹ JCS Housing Background Paper - July 2014

- 3.12 The land supply at April 2014 includes dwellings with planning consent under construction, 228, dwellings with planning consent, 1,088, dwellings from deliverable sites in the SHLAA, 86, and an allowance for windfall development.
- 3.13 Table 1 separates out the land supply projected from the strategic urban extensions in the Draft JCS. This is shown in row R as 2,325 dwellings.

Table 1: Five year Housing Land Supply Calculation

	5 - Year Housing Supply Reconciliation	Source
A	Requirement 2011 - 2031	9100 *
B	Net Completions 2011 - 2014	712 *
C	Residual requirement to 2031	A-B 8388 *
D	Years passed from 2011	3 years *
E	Requirement for Years passed	A/20 x 3 1365 *
F	(Sedgefield method) shortfall at 2014	E-B 653 *
G	Annual Requirement	A/20 455 *
H	Five-year Requirement	G x 5 2275 *
I	Five-year Requirement + 5% Buffer	2389 *
J	Five-year Requirement + 5% Buffer + Shortfall	3042 *
K	Dwellings on sites u/c @ 1/4/2014	228 ~
L	Dwellings on sites with pp @ 1/4/2014	1088 ~
M	Net other 'firm' commitments	19 ~
N	Dwellings on LP Allocations	223 ~
O	Losses	-25 ~
P	Windfall Allowance @ 18 per annum	90 #
Q	Dwellings on sites Table 2 SHLAA deliverable (in 0-5 year)	86 ##
R	<i>Dwellings on Strategic 'Draft' JCS sites included in Housing Trajectory (years up to 2018-19)</i>	2325 **
S	<i>South of Cheltenham 'A6' Draft Site (CBC and TBC) removed from Housing Trajectory (years up to 2018-19)</i>	-350 **
T	Dwellings on Strategic 'Draft' JCS sites	R - S 1975 **
V	Total 5-year deliverable supply	K+L+M+N+O+P+Q+T 3684
	Sources * CBC Authority Monitoring Report December 2014 (para 5.5) ~ CBC LDF Residential Land Availability August 2014 (para 6.4) # CBC 5 - year Housing Land Supply Statement (undated circa 2013) ## CBC Assessment of Land Availability December 2013 (table 2) **JCS Housing Background Paper - July 2014 (Figure 1)	
W	Total 5-year deliverable supply	3684
X	Five-year Requirement + 5% Buffer + Shortfall	3042
	Number of Years Supply	W/Y x 5 6.06

3.14 The contribution to projected land supply of 350 dwellings to 2019 on the appeal site and on land south of Cheltenham in Tewkesbury Borough is calculated in row S, as 350 dwellings, and removed from the land supply in row T.

3.15 The total deliverable 5-year housing land supply using the disaggregated information and adjusted to remove the contribution from the appeal site and on land south of Cheltenham in Tewkesbury Borough is 3,684 dwellings. This provides a housing land supply of 6.06 years.

3.17 It is accepted that housing land supply accounting is not a precise science and involves a good deal of uncertainty tempered by the LPA's judgement.

3.18 The view of LEGLAG is that there appears no immediate pressure to allow this appeal to address short-term housing supply requirements in a non plan led approach which would disadvantage Cheltenham residents.

4. The Weighting of Housing Land Supply in the Balance of Planning Decisions

4.1 The following appeals and 'called-in' cases are referenced below and extracts included at Appendix 2 where there has been shortfall in housing land supply and other planning considerations have been overriding in dismissal by the Inspector or the Secretary of State.

4.2 Appeal Ref: APP/C1570/A/13/2201844 Land at Bentfield Green, Stansted Mountfitchet, Essex

Appeal Ref: APP/H3510/A/13/2197077
Meddler Stud, Bury Road, Kentford, Newmarket CB8 7PT

APP/M1520/A/12/2177157
Land off Glebelands, Thundersley, Essex

APP/R0660/A/13/2209335 Land Bounded by Gresty Lane, Rope Lane, Crewe Road and A500, Crewe

APP/R0660/A/13/2197532 and APPR0660/A13/2197529 Land off Audley Road/Broad Lane Stapeley and Land off Peter Destapeleigh Way, Nantwich

5. Not a Comprehensively Planned Urban Extension in accordance with the JCS

5.1 It is evident from the planning framework at regional and local scale that the delivery of comprehensive schemes with adequate and timely supporting infrastructure has been critical to the joint local authorities approach to considering the suitability of allocations to meet housing requirements. The Submission JCS identifies a number of urban extensions with proposals for comprehensive development, provision of supporting infrastructure and assimilation in to the local transport network.

5.2 Policy SA1 for the Strategic Allocations in the JCS in relation to South Cheltenham/Leckhampton states;

'Proposals must be accompanied by a comprehensive masterplan for the Strategic Allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner, in accordance with Policy SD5.'

and

'Development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation. Developers must engage with the relevant infrastructure regulators and providers to ensure implementation of the Infrastructure Delivery Plan or provision of other necessary infrastructure, as appropriate, and in accordance with Policies INF7 and INF8. Developers must ensure that Strategic Allocations provide an appropriate scale and mix of uses, in suitable locations, to create sustainable urban extensions that support and complement the role of existing settlements and communities.'

5.3 South Cheltenham/Leckhampton is identified as strategic allocation A6 with an indicative figure of 1,124 residential units.

5.4 In reference to land to the west of Farm Lane within the scope of the A6 South Cheltenham/Leckhampton allocation the Tewkesbury Local Plan to 2011 (at page 22 under the reasoned justification for policy HOU1) states;

'If the SD2 [land west of Farm Lane] site is identified as part of a sustainable urban extension through the Green Belt review process then a process of joint working with Cheltenham Borough will be entered into in order to develop an appropriate comprehensive mixed development scheme for the area.'

5.5 There is some history in relation to concern over delivering a comprehensive urban extension that is indicative of a lack of integration between bringing forward the land subject of this application in Cheltenham and the land within the administration of Tewkesbury. The Secretary of State dismissed on appeal an application by David Wilson Homes and Martin Dawn PLC in 2008 on

the land west of Farm Lane expressing severe reservations about shortcomings in the delivery of infrastructure that would prejudice a comprehensive development of an urban extension.

- 5.6 The land west of Farm Lane in Tewkesbury subject of an undecided application by Redrow Homes Ltd (14/00838/FUL) is accompanied with little evidence of joint working on infrastructure and master-planning and these issues have been formally raised by CBC. The Redrow Homes Ltd application provides very little public open space or other green-space consistent with previous indicative masterplans relating to the appeal proposals.
- 5.7 The appellant's proposals and supporting plans show a lack of integration with the Gloucestershire County Council land holdings east of Farm Lane and west of Kidnappers Lane and the Redrow Homes Ltd application west of Farm Lane. These four major areas that do not adjoin look nothing like an area of comprehensive planning.
- 5.8 This lack of comprehensive planning is further emphasised by the reduction of the site area subject of appeal with the removal of the 2.5 ha of Kidnappers Lane Nurseries land (Berrys) from the application boundary while maintaining the 650 dwellings proposed². This change to the application is material in that housing targeted for this previously developed land could be displaced onto very sensitive local green space and we request the Inspector to put this application back to public consultation.
- 5.9 The consequences of poor integration and planning of a significant urban extension would be felt by the local communities of Leckhampton and south Cheltenham for many years.
- 5.10 The application went to some length to demonstrate evidence that there had been collaborative working with the local authorities, Cheltenham and Tewkesbury, and the other landowners that would contribute to an overall urban extension. Since the application was submitted several issues remain of concern;
1. There is no jointly presented Masterplan for an urban extension.
 2. The indicative plans of the access and movement strategy and spatial distribution of residential densities appear unilateral (at pages 128 and 131 of the RPS planning statement).
 3. The uncertainty of the primary school provision and at what stage it would be funded and constructed (paragraphs 12.7-12.8 RPS Planning Statement). The lack of a Masterplan and agreed Community Infrastructure Levy (CIL) compounds the problem of providing adequate school places in the locality.

² The site location plan [RPS reference JBB7795/C3363 dated 12/02/2015 and Plan RPS1/01 19/12/2014 Appeal Site Boundary] submitted for the appeal differs from the site location plan of the application considered and refused by Cheltenham Borough Council.

4. Provision of secondary school places again remains even more uncertain with no joint planning with Cheltenham Bournside and Sixth Form Centre ^[Appendix 3] and the Local Education Authority (LEA). It was reported at the ongoing JCS Examination in Public (EiP) with Inspector Ord that the County is updating the 5 year plan for school place provision. For the outline proposed development of 650 dwelling, 18 secondary school places and 3 sixth form places would be required per 100 dwelling; approximately 117 years 7 – 11 and 19 places years 12/13 sixth form, the current position from the Governors of Cheltenham Bournside is given in the letter of appendix 3, where the Chair of Governors, points to three important issues relating to potential expansion of the school, this would be part of the necessary master planning called for by many of the objectors to this planning application. We will try to provide an update on the school place provision at the Inquiry.
5. The vagueness of the approach to providing public open space including allotments (paragraph 3.23 RPS Planning Statement) and the opportunity for this to be incrementally revisited and changed. Cheltenham Borough Council need time to resolve the Local Green Space application made by the Leckhampton with Warden Hill Parish Council Aug 2013^[Ref 2] through the ongoing JCS EiP prior to final land allocation; again this substantiates the prematurity of this application.
6. The unilateral representations of the applicant in the approach to community involvement and the seeming lack of involvement of other landowners (as evidenced in the Curtis & Co document).
7. GP provision at one of the two local surgeries is also an area of uncertainty with recent JCS EiP correspondence to Inspector Ord, we will try to clarify the situation for the Inquiry.

[*] Bournside School is in close proximity to the proposed development, however this school is fully subscribed year on year, the catchment divide between Balcarras and Bournside Secondary Schools is an equal distance line drawn between the schools.

6. Premature to Determine in Advance of the JCS

- 6.1 It appears critical to the determination of the appeal that the JCS is subject of ongoing Public Examination.
- 6.2 The Leckhampton with Warden Hill Parish Council Local Green Space application for the Leckhampton Fields is currently being examined by Inspector Ord at the JCS EiP, having requested an early Leckhampton site visit on the 22nd July, JCS EiP participants were also requested to attend an additional second full day on the 23rd July to provide evidence on the NPPF Local Green Space designation for part of the Leckhampton Fields relating to this application.
- 6.3 A third day in October will be required to complete this work on the Leckhampton Strategic Site (matter 8) and additional work has been requested by Inspector Ord relating to the Local Green Space application.

6.4 Clearly the JCS process is not finished in the Borough.

6.5 The first core planning principle of the NPPF at paragraph 17 states;

'planning should... be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;'

6.6 It is clear that a positive determination of this application at present would be outside the spirit of a Development Plan led system with proper, meaningful and fair consultation with the communities not only in Cheltenham but also those in Gloucester and Tewkesbury. These issues lie at the heart of the National Planning Policy Framework and the current government's Localism agenda.

6.7 The JCS includes eight strategic allocations including 'A6 South Cheltenham - Leckhampton'. The testing of the strategy through Examination is not complete and the overall scale of the housing requirement, the distribution between plan areas or the allocations themselves is yet to be concluded.

6.8 Despite the references to Regional Spatial Strategies the *Planning System: General Planning Principles* statement produced by the then ODPM (2005) remains extant. Of direct relevance to the circumstances of this current appeal it states at paragraph 17;

"17. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect."

6.9 At paragraph 18 the *Planning System: General Planning Principles* statement continues with guidance on where refusal on the grounds of prematurity would not be justified, stating;

"Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question"

- 6.10 This would not be a circumstance where a refusal on the grounds of prematurity would cause undue delay to the planning strategy.
- 6.11 It is clear that the proposal at Leckhampton as it comprises a major strategic housing allocation for the Borough should be regarded as significant and highly determinate to the overall planning strategy. It is exactly these circumstances where bringing forward proposals ahead of the adoption of the Joint Core Strategy should be treated as premature.
- 6.12 It is important to view the plan process as culminating in a long-term blueprint to shape the future development of Cheltenham and the plan area and not as a quick fix for dealing with a planning application that it is 16 years in advance of the end date of the plan period of 2031. A positive determination of the appeal would appear to prejudice the JCS process.

7. Under-Estimation of Landscape, Visual Amenity, Ecology and Nature Conservation Impacts

- 7.1 LEGLAG is of the opinion that the proposed development lacks sympathy with the area, that it would substantially harm the open and rural character of the landscape and the adjoining AONB, would do major harm to the nationally recognised views from and to Leckhampton Hill and would harm the setting of Cheltenham.
- 7.2 The proposed development fails to protect and adequately mitigate important and cherished vistas to and from the adjoining AONB and would have a significantly adverse visual impact on the AONB and the wider landscape, as detailed in the independent appraisal of reference 4.
- 7.3 These matters are documented with reference to the appellant's under-estimation of the environmental impacts of the proposal with reference to the EIA that accompanied the application at Appendix 1.

8. Local Plan Protection of Open Countryside and Landscape

- 8.1 This proof has explored and concluded that it would be premature to determine this application ahead of the review of the JCS.
- 8.2 It is very clear that the proposal is contrary to the provisions of the adopted Local Plan (Jul 2006) and the saved policy therein and in particular it is noted at paragraph 7.42 that the Council has retained the position that should development at Leckhampton be considered necessary in the future it should only emerge after full consultation through the development plan process;

'UNALLOCATED LAND AT LECKHAMPTON

7.40 Land at Leckhampton has been the subject of development pressure for a number of years. The Inspector considering objections into the Second Review of Cheltenham Borough Local Plan concluded that, "development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB."

7.41 The Council supports the Inspector's conclusions and considers that the intrinsic value of the land should be protected as a resource for its recreational, landscape, wildlife and archaeological interest. Any proposals for development within this area will be considered against policies CO 1 (landscape character) and CP3 (sustainable environment).

7.42 In the consideration of growth, land at Leckhampton together with all potential development sites across the Borough will be reassessed within the context of the Regional Spatial Strategy for the South West to inform Cheltenham's emerging Local Development Framework. This will require cross boundary working with Tewkesbury Borough Council and relevant communities.'

8.3 Further the Inspector of the Tewkesbury Local Plan strongly emphasised the harm that development at SD2 (west of Farm Lane) would do to the views from the Cotswold escarpment. The SD2 land area in Tewkesbury is actually adjacent to the AONB and is the closest part of the site to the especially important views across the Vale from Leckhampton Hill and Shurdington Hill, and is therefore the most sensitive part of the area from a landscape perspective.

9. Recommendations from Previous Inspectors Looking at Large Scale Development in Leckhampton

The Inspector's 2009 Report into the proposed Cheltenham Local Plan, and his specific comments on the value of the Leckhampton White Land, should also be considered. In this Report he set out his view that the southern part of the White Land was an important part of the setting of land in the AONB. Para 7.22 says *"In assessing proposals for development, the Council will be guided by the advice of the Cotswolds AONB Conservation Board"* while para 7.23 clearly states that any revision of advice *"issued by the Cotswolds AONB Conservation Board will be adopted by the Council and used as guidance for development control purposes"*.

The Tewkesbury Borough Local Plan⁹ (2006 – 2011 adopted March 2006) policies cover only the smaller, west of Farm Lane, part of the Strategic Housing Location. While the Plan includes a range of policies (Policy LND1) relating to the extensive areas of the Borough within the Cotswolds AONB, these policies did not cover developments on land outside the AONB, but within its setting. Given the Inspector's 2005 Report on the Borough Plan (see para 13 below) that the land adjacent to Farm Lane at Brizen Farm

was an attractive area of countryside important for the setting of the AONB, this omission of any Plan policies relating to the AONB setting was surprising. However, despite this omission, it is clear that since October 2008, when Tewkesbury BC (para 17 below) resolved to take the Cotswolds AONB Management Plan into account in planning matters, the Borough Local Plan has been required to take the setting and surroundings of the AONB into consideration in the determination of planning applications.

As mentioned above, the Inspector's Report (2005) on the Tewkesbury Borough Local Plan, in its comments on the inclusion of the Brizen Farm area (immediately to the north and west of the Farm Lane area, adjacent to the AONB, and also overlooked by the Cotswold escarpment) points out that development at Brizen Farm *"would entail development that would be visually prominent in the foreground views of the AONB escarpment from the A.46"* and *"would extend urban development into an attractive area of open countryside that is important for the setting of the AONB and the approach to Cheltenham ..."*. The Inspector believed that the Plan proposal to concentrate development in the eastern and central parts of the Brizen Farm site would not mitigate the visual impact to any significant extent, since it would have been prominent in the foreground of attractive views towards the foothills of the AONB. He argued that, notwithstanding its suitability in other respects, Brizen Farm was not an appropriate (Plan) allocation for new housing. The Inspector's conclusion on Brizen Farm, adjacent to the Cheltenham SW Strategy Housing Location, and clearly part of the AONB setting, has again been put aside in the JCS Preferred Option.

Again, given the reference, in para 16 below, to the Cotswolds AONB Management Plan¹⁰ (2008 – 13) it has already been noted that Tewkesbury Borough Council Planning Committee (for Tewkesbury BC), on 7 October 2008, endorsed the Management Plan, and subsequently resolved that the Plan be taken into account in the preparation of the JCS and in the determination of planning applications.

The Cotswolds AONB Conservation Board Management Plan (2008 – 2013) has been adopted for guidance by both planning authorities involved in the proposal to make the *"Leckhampton White Land – Farm Lane"* site a JCS Strategic Housing Land Location. A key issue in this Plan is LK3 *"The surroundings of the AONB are also important to its landscape character and quality. Views out of the AONB and into its surrounding areas can be very significant. Development proposals that affect views in and out of the AONB need to be carefully assessed in line with Planning Policy Statement 7 (PPS7) to ensure that they conserve and enhance the natural beauty and landscape character of the AONB"*. Expanding on the issues raised on development affecting the setting of the Cotswolds AONB, the Conservation Board have produced a Position Statement 11 *"Development in the setting of the Cotswolds AONB"*. This Statement also refers to a number of appeal decisions where the setting of an AONB (or a National Park) have been an issue in final decisions on planning applications by Inspectors or the Secretary of State.

The Landscape and Visual Appraisal of Land at Farm Lane / Church Road, Leckhampton, Cheltenham (the Leckhampton "White Land") Final Report, July 2003, by Landscape Design Associates (LDA), was the first, and many would argue, the definitive, appraisal of the overall value of the landscape of the area now under consideration as a strategic housing location, and of its sensitivity to change and/or development. Significantly it was commissioned by Cheltenham Borough Council, to inform the then ongoing review of the Cheltenham Local Plan, which included the exploration by the Council of the potential for additional protection of this Leckhampton White Land. Landscape Design Associates' Report followed a desk-based assessment of existing environmental information and a period of field-based landscape and visual survey, using methodology broadly in accordance with the now widely-used "Guidelines for Landscape and Visual Impact Assessment" published jointly in 2002 by the Landscape Institute and the Institute of Environmental Management and Assessment. For the purposes of this statement I shall only quote the all-important conclusions to the Report, and their relevance to the current JCS proposals and consultation. It is essential that the full report is again considered by the JCS authorities and their officers. Although written in 2003 its content and conclusions are still very relevant today. The LDA report forms Appendix 1 to this statement.

Its conclusions are therefore quoted, in full: *"The landscape character and value of the study area derives from the strongly rural and largely unspoilt character of the landscape, the condition and diversity of the existing landscape features, the relationship of the landscape with historic buildings and features, the character of the local lanes, the visual prominence of the landscape in views to and from the AONB, and the contribution the area makes to the setting of Leckhampton Hill and the character of the main gateway into Cheltenham from the west. It represents a valuable and sensitive landscape which is well used by local people as an area of countryside close to the urban area within which large scale development could be visually intrusive and adversely affect views to and from the Cotswold AONB. Whilst the site could accommodate small scale change and development, it is considered highly vulnerable to the effects of large scale development. The protection of the landscape should therefore continue to be the primary objective."*

Four inspectors have rejected large scale development on the Leckhampton white land in recent time, to quote Inspector David Asher, *"development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB, the rural character up to the edge of the town which would be lost if development were to take place"* - CBC Local Plan Second Review to 2011 Inspector's Report.

Table 2 – Recommendations from Previous Inspectors looking at large scale development in Leckhampton

Enquiry	Ref	Extract
Cheltenham Borough Local Plan Inquiry (1993) - Inspector's Report Cheltenham Local Plan Inquiry (1993) - Inspector's Report	6.92	The land at Leckhampton should be protected for its special historical, landscape and amenity value. It represents the last example of the gradual transition between the urban area and the countryside which characterised the Regency town. It should be considered anew for green belt or AONB status, for 'landscape conservation area' status, and as part of a Leckhampton Conservation Area (35A, 129W).
	6.95	The land at Leckhampton continues to be farmed with no indication of decline. The structure plan says that development which leads to additional traffic on Bath Road will be resisted, as improvements would be damaging to the environment. The present sewerage system cannot accommodate even limited development on the Leckhampton land, and the Hatherley Brook is loaded to capacity.
	6.97	The land at Leckhampton was originally omitted from the green belt with the proviso that the green belt notation might be extended if it appeared at a later date that it should remain open in the long term. The CELP [Cheltenham Environs Local Plan] Inspector concluded that the principles which guided the planners in 1968 applied equally in 1984, and that the land should not be green belt, but should remain open. I have had the benefit of new evidence concerning the character, appearance and historic interest of the land. I have walked over it and examined it from Leckhampton Hill, and reached my own conclusions on its merits. I have also examined Swindon Farm, which the CELP inspector was not asked to do. The GSPFA [Gloucestershire Structure Plan First Alteration]with its strategy of restraint, in great contrast to the high level of development which occurred in the 1980s, was approved only recently (in 1992). In my opinion these are material changes, which have occurred since 1984, in the circumstances surrounding the question of longer term development in Cheltenham.
	5.100	I believe that it would be very sad indeed if development were to proceed at Leckhampton, with its variety and interest.
	6.103	The land at Leckhampton appears from the latest available classification (MAFF 1) to be a mixture of Grade 2, 3a and 3b. Although not of the highest quality, the land is in my opinion

		sufficiently valuable for this factor to be given some weight if it ever becomes necessary to consider whether the land ought to be released.
	6.104	The Structure Plan supports the council's contention that Bath Road does not have the traffic capacity to support further development. There is insufficient evidence for me to draw conclusions about the drainage question: there is, at the least, serious uncertainty. Whether these constraints might be overcome in the longer term is not a matter which I need to address. However, they seem to me to be of such importance, and to have implications for such a wide area, that it is reasonable to conclude that the land at Leckhampton would need to be the subject of comprehensive development proposals if it were ever to be developed, as the council suggest. In the meantime, it should in my view continue to be protected from development.
Tewkesbury Borough Council Local Plan To 2011 Report Of Public Local Inquiry Into Objections PINSM/G1630/429/5 December 2003 - Mary Travers BA(Hons) DipTP MRTPI - The Planning Inspectorate. Tewkesbury Borough Council Local Plan To 2011 Report Of Public Local Inquiry Into Objections PINSM-G1630-429-5 December 2003 Mary Travers.pdf	2.25.11	The site consists of four fields subdivided by substantial hedgerows that are interspersed with hedgerow trees. It has a gently rolling, topography and an attractive pastoral character that in my view links strongly into the landscape of the AONB immediately to the south of Leckhampton Lane. Generally the contours fall from south to north and from east to west and there is a distinct ridge running roughly northwest-southeast through the site- -so that the south-eastern corner is the most elevated part. A public footpath that traverses the northern part of the site forms a link in a network of rural paths to the east and west of the site.
	2.25.12	As can be observed from public vantage points, the site is highly visible from within the AONB, for example from the lower slopes of Leckhampton Hill and from higher up at the Devil's Chimney. It is also visible partly from the west and in long distance views from the north. There is a substantial hedgerow on the western boundary with the Green Belt but this area drops away towards the Vale of Gloucester. As a result, development on the more elevated south-eastern part of the site would be very conspicuous from the western approach along Leckhampton Lane where it would be seen within the context of the AONB. And looking southwards from the public footpath across the site it is apparent that development would entail

		a significant intrusion into views of the open countryside and the AONB from the existing edge of the built-up area. It would also sever the link between the rural footpaths to the east and west of the site and replace it with one of an entirely different character. For these reasons and taking into account the scale of the proposed development, I consider that its visual impact on the surrounding countryside would be very significant and that it could not be easily mitigated.
	13.0	In addition, the site forms part of a swathe of open land that sweeps down from the Cotswolds to pass between Cheltenham and Gloucester and it provides a link between the AONB and the Vale of Gloucester. Development of the site would form an incongruous promontory in this open area, eroding the link and cutting off the rural land to the east of Farm Lane from the tract of countryside to the west. I do not consider that there are any differences in character or appearance between the Cheltenham Borough safeguarded land and the SH1 site that are so significant as to render this incursion less harmful.
Cheltenham Borough Local Plan Second Review 1991-2011 Inspector's Report, pp 187, DP527 8 March 2005 David Asher BA DipTP MRTPI. Cheltenham Borough Local Plan Second Review 1991-2011 Inspectors Report pp 187 DP527 8 March 2005 David Asher.pdf	10.147	I conclude on this issue, therefore, that the development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB.

An important part of the JCS Evidence is the Entec/AMEC Greenbelt Review, May 2011, this report recommended consideration of land to the south of Farm lane, Leckhampton, be incorporated into the Green Belt and marked it RED –no development. The updated JCS AMEC Greenbelt report, Sept 2011, reinforced this view, "[land to the south of Cheltenham \(south of Leckhampton, SW of Farm Lane\) having the strongest case](#)"; the strongest case for additional Greenbelt in the wider JCS area.

Cheltenham Borough Council requested the removal of the Leckhampton Strategic allocation within the Joint Core Strategy at full council on the 28th Feb. 2014 and has repeatedly included Leckhampton in relation to the housing numbers allocated and NPPF Local Green Space designation in

many of the JCS resolutions voted upon by full council; this is now being considered by Inspector Ord in the JCS EiP. An additional EiP day was allocated to Leckhampton Matter 8 and an early site visit is indicative of the sustainability issues on this allocation; the EiP work on the Leckhampton C6 allocation is unresolved.

10. Transport and Traffic Considerations

Those who travel the A46 will know this entry point into Cheltenham is finely balanced and only just coping with the volume of traffic at peak times. In a recent planning application on Brizen Farm, Leckhampton, the developer was forced into admitted the highway network was at capacity and fell back on the argument that they would try to avoid worsening a poor situation.

The applicant's Transport Plan indicating that the situation is and will be so bad, that future residents will have to plan their journeys differently, change journey times (cannot work 9-5), use other transport modes, re-route (rat-running via Church Rd or past Bournside School) or suffer the consequences. It is difficult to see how vague plans to increase public transport provision or residential travel plan measures will fix an already 'failing network', a network that will be put under more pressure if large scale development were to be permitted. The simple assessment of the applicant's own transport plan tells residents what they already know, that the network in this area just cannot cope with additional traffic on the Shurdington Road corridor, the collision statistics demonstrate that the network is at capacity. In the GCC Transport Plan (LTP3) it states that the Leckhampton Lane/A46 junction is the most congested junction in the county, the only junction at 90-100% volume/capacity, the A46 is in the top 10 most dangerous roads in the county. (Reference Chamber of Commerce letter to the CBC Planning Committee and Stagecoach West JCS submission)

If housing development continues to the south of Cheltenham, along the A46 in the Leckhampton and Shurdington area it is likely that morning traffic queues will regularly extend onto the A417 and seriously impact jobs in the town, (see the traffic analysis in the LwWH Parish Council Neighbourhood Planning Document ^[1] for the complete evidence). Looking towards the town, the Bath Road from the Norwood Arms to the town centre, again seriously congested with delivery lorries, buses and slow moving traffic. There is no viable solution, widening the road is not feasible due to existing built-up stretches along most of the A46 Bath Rd.

Some of the A46 traffic turns off into Leckhampton Lane and along Church Road, as a 'rat-run' towards Charlton Kings. The volume of this traffic jumped by 30% when the Brockworth bypass was opened 11 years ago. Traffic is further squeezed by the parked cars, and frustrated drivers pose a real danger to the primary school children in the mornings. Traffic experts and county highway engineers have acknowledged that Church Road just cannot cope with any more vehicles and that junctions are at capacity.

More traffic means more air pollution. Measured against EU standards, levels are already unacceptably high on Church Road and at the A46 Moorend Road junction, regularly breaking NO₂ limits in the winter. CBC is very concerned on the increasing pollution in the town and has installed additional air quality monitors at these points and others. The whole town was recently declared an Air Quality Management Zone (AQMZ) to seek solutions, large scale development is NOT a solution it would of course compound the problem. **LEGLAG will endeavour to obtain the latest air quality figures for the Inquiry, NO₂ and 2.5 and 10u particulates in the locality of the proposed development, an important consideration is the projected increase in traffic without development and the margin on EU limits in the locality.**

Traffic volumes from in-commuters into Gloucester and Cheltenham from Stroud and Tewkesbury are a recognised problem. Congestion can potentially affect the economy of some areas. In order to tackle the congestion problem in the County, the Gloucestershire Economic Strategy has 'Reduce Urban Congestion' as one of its Transport and Infrastructure Policies.

The County Transport Plan^[8] 2011 to 2026, *'has addressed the national transport priorities at the local level and aligned these to four main themes:*

- *A greener, healthier Gloucestershire;*
- *Sustainable economic growth;*
- *A safer, securer transport system;*
- *Good access to services.*

None of these LTP3 themes would be promoted by adding further congestion to the A46 by moving ahead with large scale development at Leckhampton.

This would adversely impact on the local economy in Cheltenham, the LTP3^[3] reported, *'in the public consultation as part of the Cheltenham and Gloucester Connectivity Study, the headline findings were:*

- *40% of businesses felt that congestion had an impact on their business and*
- *79% were concerned about increasing congestion in the future;'*

The draft LTP3 has taken account of the five key goals from the DfT's 'Delivering a Sustainable Transport Strategy' (DaSTS), which are:

- *Reduce carbon emissions;*
- *Support economic growth;*
- *Promote equality of opportunity;*
- *Contribute to better safety, security and health; and,*
- *Improve quality of life and a healthy natural environment.*

Again these goals would be inconsistent with adding to the existing congestion to the south of Cheltenham, the A46 main route, Church Road and the Leckhampton Lanes

Outdoor air [pollution](#) has been officially classified as carcinogenic by the [cancer](#) arm of the [World Health Organisation](#). The International Agency for Research on Cancer (IARC) said air pollution from traffic and industrial fumes was a definite cause of lung cancer and also linked to bladder cancer. The strong verdict from IARC, a cautious body that pronounces only when the evidence is strong, is putting pressure on governments to take action.

'The air we breathe has become polluted with a mixture of cancer-causing substances' said Dr Kurt Straif, head of the IARC monographs section, which assesses evidence and publishes official warnings. *'We now know that outdoor air pollution is not only a major risk to health in general, but also a leading environmental cause of cancer deaths'*.

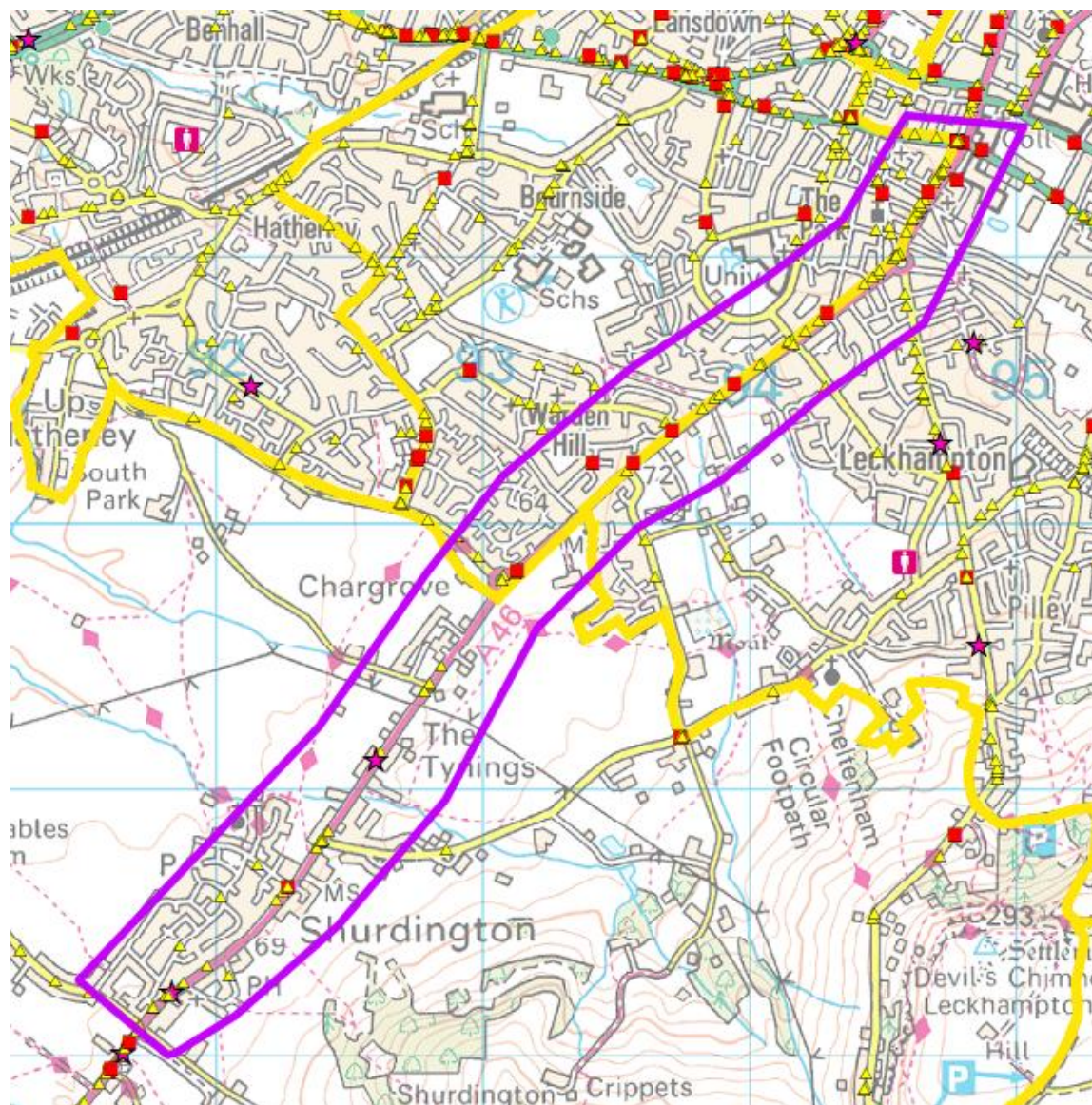
The Strategic Environmental Assessment of Gloucestershire's LTP3^[11] describes the link between ill health and poor air quality caused by transport and traffic congestion, '4.3.1 Transport is a major contributor to poor air quality and associated health problems ranging from premature deaths caused by heart and lung disease to asthma. Adverse health effects can lead to a decreased quality of life, increased health costs (air pollution is estimated to lead to annual health costs of £15 billion'.

Official figures indicate air pollution causes around 4,000 deaths in London a year, 29,000 in Britain and two years or more off the lives of around 200,000 people a year.

<http://www.bbc.co.uk/news/uk-politics-17421601>

<http://www.bbc.co.uk/news/uk-england-hampshire-15585405>

The 10 year collision statistics provided by the County Accident Investigation and Prevention Road Safety Partnership shown below demonstrate a strong pattern in the accident statistics, of the 9 serious and 2 fatal accidents, these involved 4 cycles, 3 motorcycles, 3 pedestrians and only one serious accident was restricted to cars. This highlights the need for the separation of road users and other highway safety measures if the applicant's shift in transport mode is to be successful, the collision statistics also demonstrate the network is at capacity or near capacity.



RoadSafety

Gloucestershire

Collision Plan Site:

A 46 Through
Leckhampton

Data Range:

January 2003
March 2013

Date Produced:

May 2013

Collision Plan Key

Collisions

ACC_SEVERITY

- ★ Fatal
- Serious
- ▲ Slight

Previous Planning Decisions which demonstrate the sensitivity of increasing traffic onto Church Road and Leckhampton Lane, this will be formalised in further correspondence.

1. Residential development on 2.036ha of land and construction of a new estate road access on land to the east and adjoining St Peter's Church , Leckhampton, 1973, D.O.E. Ref App/1990/A/73/12783/4.

'The proposed development would lead to an increased number of turning movements across Church Road which is a poorly aligned highway, thereby increasing the risk of accidents and creating more hazardous conditions than already exist'.

2. Residential development on 7.19 ha of land N of Kidnappers Lane, 1976, D.O.E Ref App/5228/A/75/9506
Planning Ref T.4188E

'This road is unsuitable for increased traffic use due to its poor alignment, sub-standard junctions with Church Road and Shurdington Road and its restricted

carriageway width'.

3. Proposed renewal of storage bay for concrete mixers on land at Leckhampton Dairies by L.D. Transport Ltd. And Leckhampton Dairies, 1987, Planning Ref T.4286/1/1

Decision - Refuse, Borough Planning Officer

4. Application for a Goods Vehicle Operators License, 1994, Ref: OH 152681
'Unit 2 Leckhampton Dairy, Church Road, Leckhampton is authorized as an operating centre for 3 vehicles and no trailers. However, the following environmental condition is placed on the license:- All vehicles on leaving the operating centre shall turn right into Leckhampton Lane in the direction of Shurdington Road and shall return to the operating centre by the same route'.

5. The opening of the Safeway Supermarket caused a large increase in traffic down Church Road, Farm Lane, Kidnappers Lane, contributing to the death of two people travelling from Safeways to Charlton Kings in March 1997.

6. Change of use of land from agricultural to overflow car park; construction of new vehicular access for Sue Ryder home, March 1994, Ref: 93/1701/0027/FUL, Appeal Ref App/5228/A/75/9506

The appeal was dismissed due to damage to the AONB and increased traffic.

7. Traffic Management in the Leckhampton Area, March 1994, Ref: 532/2/130/CE/EH
'... the 94/95 Works Programme included a brief to consultants to assess the impact of the Brockworth Bypass (with its interchange on the A46 S of Shurdington) on traffic patterns in SW Cheltenham. It seems quite likely that the new link to the M5 at junction 11A will attract traffic from the A40 London Road'.

8. Outline planning permission for the erection of two dwellings at Three Springs, Church Road; new joint vehicular access, 1995, 95/1957/0898/OUT
Planning permission for two houses in the grounds of a house in Church Road was refused on the grounds that access was unsafe, this was primarily due to the congestion on Church Road.

9. Conservation Farm for visitors, 1997

Planning permission refused, this was despite local support for a rural activity. The refusal was on the grounds that no further traffic should be encouraged.

10. Proposed development: Erection of 3 Employment Units at Leckhampton Dairies, Church Road, Leckhampton, May 1998, Ref: APP/B1605/A/98/289920
Miss E Hull, B Eng, Msc Eng. C Eng, Senior Development Engineer, Cheltenham Borough Council submitted evidence that *'any additional traffic generated by these units would seriously interfere with highway safety'.*

The planning Inspector, in summing up the appeal stated that, *'the emerging County Structure Plan which places even greater needs on meeting the needs of cyclists, pedestrians and those travelling by public transport (Doc 14). In this latter context, the level of traffic in Church Road does not encourage cyclists, and I note that the nearest bus route to the appeal site is along Leckhampton Road, almost 1km away'.*

Also, *'Church Road is generally unsuitable for the traffic which would be generated (by vehicles visiting the Leckhampton Dairies site) and road widening is not a solution since this would destroy the character of this former village'.*

11. Gloucestershire County Council appointed Halcrow in January - March 1998 to

study ways of alleviating traffic problems between Shurdington and Crippetts cross roads in Leckhampton Lane. Cheltenham Borough Council did their own study at the same time, from Crippetts cross roads to Leckhampton. [The report by P. Godwin on these studies presented no solutions.](#)

12. Planning permission for three houses in the grounds of 113 Church Road, 2011. *[Refused on the grounds that two additional houses on the site would increase traffic at the most constricted part of Church Road, there was no appeal.](#)*

LEGLAG in making its case for dismissing the appeal will refer to the following documents, we will also be making use of the JCS EiP Evidence Documents relating to Leckhampton- [published here](#) on the the JCS EiP pages;

1. LEGLAG Statement of Case 31st July 2015
2. Leckhampton with Warden Hill (LWWH) and Shurdington Parish Council Neighbourhood Concept Plan and Local Green Space application, August 2013, [published here](#)
3. Leckhampton with Warden Hill (LWWH) CBC Checklist, including maps and environmental information [published here](#)
4. Land at Farm Lane, Church Road, Leckhampton, Cheltenham, Landscape and Visual Appraisal, Final Report, Landscape Design Associates – July 2003, [published here](#)
5. Leckhampton with Warden Hill Parish Council Report on the Leckhampton LGS Public Consultation, A Mears April 2015
6. Joint Core Strategy Site Assessment/Capacity Testing, Final Report AMEC Environment & Infrastructure UK Limited October 2012
7. Martin Horwood, letter of objection to 13/01605/OUT, dated 9th Jan. 2014 and statement made to the CBC Planning Committee 31st July 2014 on the residential development of up to 650 dwellings at Leckhampton, published here [letter](#) and [statement](#).
8. Chamber of Commerce letter to CBC Planning Committee, expressing concerns to planning application 13/01605/OUT, dated 31st July 2013, [published here](#).
9. Gloucestershire's Local Transport Plan 2011-26 - Promoting a safe and sustainable transport system, April 2011.
10. Strategic Environmental Assessment of Gloucestershire's Third Local Transport Plan 2011-2026 Environmental Report: Post-Consultation Document, January 2011, Gloucestershire County Council, Halcrow Group Limited.
11. Chamber of Commerce letter on Transport Issues, 13/01605/OUT, dated 31st July 2014, relating to this application, Appendix 4
12. LEGLAG exchange of e-mails with GCC Highways re. Leckhampton A6 south of Cheltenham, provides important evidence from the Cheltenham Highway Manager and Stagecoach, JCS EiP Evidence Library EXAM 90, [published here](#) - Appendix 5

Appendix 1

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
Landscape		
<p>Para 3.7 The change in character would affect local character areas CA1 and parts of CA2. The changes in character have been assessed as Minor (CA1) and Minor (CA2).</p> <p>Para 3.7 Areas CA3 and CA4 would remain rural in character, although the cumulative impact of later, comprehensive development on the MAHL and GCC land would mean a change in character, particularly to the north and north-west of the respective character areas.</p> <p>Para 3.7 After 10 years the impact of the wider Masterplan proposals is likely to remain no more than Minor.</p>	<p>Paragraph 6.5.10.5 provides that the applicants defined landscape character area CA1 (Bovis/Miller Urban Fringe) (figure 6.6) at the baseline assessment is regarded as having low sensitivity due to its '<i>urban characteristics and unmanaged / neglected landscape.</i>'</p> <p>In Appendix 6.2 the predominant land area of CA1 is surveyed and recognised as pasture and remnant orchards of 'medium' sensitivity. In fact only three land areas [<i>fields</i>] F2, F4 and F9 (figure 6.5) are assessed as having low or very low sensitivity with four land areas F1, F3, F5 and F6 assessed as having medium sensitivity. The respective quantitative land area being 15.2 ha medium sensitivity and 8.5 ha very low/low sensitivity. With respect to trees, five groups within CA1 are assessed as of high sensitivity amounting to 18,104m² with seven groups low or medium sensitivity amounting to 10,229m² and in terms of hedgerows nine within or bounding CA1 are categorised as high sensitivity, five medium and just one low.</p> <p>Without anyway further disputing the assessment of these</p>	<p>Cheltenham Local Plan Policies CO1 Landscape Character and CO2 Development within or affecting the AONB.</p> <p>NPPF paragraphs 109 and 115.</p>

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
<p>Para 3.8 The change in character of the Site following completion of the development has been assessed as having an overall Negligible significance on the surrounding landscape, including the AONB, to the south.</p> <p>Para 3.8 The overall views from these locations would continue to be wide panoramic views of the settlement of Cheltenham, with agricultural land in the foreground and to the east. The change in the perceived character of the view would be minimal.</p>	<p>landscape features and indeed the assessment of land area F2 (figure 6.5) in Appendix 6.2 as low sensitivity appears highly dubious it is very difficult to see how the baseline assessment could conclude that overall area CA1 is of low sensitivity.</p> <p>It is respected that the masterplan and ecological mitigation proposals do seek to retain some of the most vigorous trees and hedgerows the assessment though assumes no negative effect from the loss of the setting of these landscape features. This loss of setting of landscape features from largely intricate rural field patterns to urban development is arguably highly significant.</p> <p>The Landscape and Visual Impact Assessment (LVIA) is transfixed with the baseline assumption that the character of the site is heavily influenced by proximity to the urban edge of Leckhampton and Warden Hill. This is reflected in both the baseline assessment of the CA1 and CA2 landscape character units. The assessment and description of CA1 and CA2 land units (CA1 particularly) continually refers to them as '<i>already heavily influenced by urban edge land</i>', '<i>urban edge land uses</i>', '<i>urban characteristics and unmanaged / neglected landscape</i>' and '<i>urban fringe land uses... surrounded by built</i></p>	

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	<p><i>development</i>'. These descriptions are used at paragraphs 6.5.4.1, 6.5.4.2, 6.5.5.2, 6.5.8.1, 6.5.8.2, 6.5.8.8, 6.5.8.10, 6.5.9.1, 6.5.9.2, 6.5.9.3, 6.5.10.4, 6.5.10.5, 6.5.10.6, 6.6.3.1, 6.6.3.2, 6.6.3.4, 6.6.9.3, and 6.7.2.1.</p> <p>When considered as smaller landscape features and units without the un-repenting focus to the adjoining residential uses and the two relatively small areas of glasshouses within the site it is disputed that the character south of Leckhampton is as much influenced by urban uses as the LVIA suggests. The land uses of the site are rural, with agriculture predominant, and is significantly influenced and connected to a continuous rural landscape to the south running to the AONB. The landscape feature assessment at Appendix 6.2 and character description at Appendix 6.3 simply do not justify the identification of CA1 and CA2 '<i>as heavily influenced by the urban area</i>'. This is very clear in the visual assessment when considered from points within the site where character is very clearly rural.</p> <p>The LVIA is tentative in its approach to the assessment of the MAHL and GCC land outside the red-line boundary and the defined character areas CA3 and CA4 (figure 6.6). Throughout CA3 and CA4 are considered and assessed as an</p>	

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	afterthought following the development of the application site. The LVIA does not take an approach that would be expected if this land is to be seen as an integral part of a wider masterplan. No detail of landscape features has been offered and no assessment of the significance of impact made.	
Visual Impact		
Para 3.9 The visual impact of the proposed development would be Minor or Negligible from the east, west immediate south and between the two Sites.	Paragraph 6.5.12.5 provides summary of the assessed sensitivity of agreed viewpoints of the site at baseline. The three viewpoints from the east 6, 7 and 8 (figure 6.7) are assessed as having medium sensitivity. This assessment of viewpoint 7 from the footpath CHL/12 within Lotts Meadow and of viewpoint 8 from footpath CHL/13 just north of Vineries Close appear to under-estimate the sensitivity of these locations and the receptors. It appears more appropriate that sensitivity in these locations is high. Assessment of the magnitude of the effects of the development of the site as medium (viewpoint 7 and viewpoint 8) during construction and medium and low respectively following development completion again appear to under-estimate leading only to moderate/minor and minor measurements of the impacts of significance. Despite mitigation by planting and hedgerow improvement it is	Cheltenham Local Plan Policies CO1 Landscape Character and CO2 Development within or affecting the AONB. NPPF paragraphs 109 and 115.

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	contested that more than partial glimpses of the development would be possible and that only very dense and incongruous vegetation would reduce impact to minor and negligible significance.	
Para 3.9 Visual impacts from the north would be confined to the western section of Shurdington Road (VP5), which would have open views of the proposed development although the views would include the highest magnitude of effect, the sensitivity of the receptor groups at this viewpoint is low.	Paragraph 6.5.12.6 and the key viewpoints assessment table in Appendix 6 (p.59) show the existing baseline of viewpoint 5 as being of medium sensitivity (not low as in the summary paragraph 3.9 which would be contradictory to the description of views from the north in paragraph 6.5.11.3). The medium sensitivity assessment is agreed as although Shurdington Road is trafficked arterial there are footpaths, bus stops and crossing points and residential properties generating pedestrian receptors at the viewpoint. The viewpoint affords an outlook across the development site to the south and the hills in the AONB.	Cheltenham Local Plan Policies CO1 Landscape Character and CO2 Development within or affecting the AONB. NPPF paragraphs 109 and 115.
Para 3.9 After 10 years the impact of the wider Masterplan proposals is likely to remain no more than Minor . Para 3.10 Visual impacts from a limited number of viewpoints at	To allow assessment of the magnitude of effects at completion of development to be measured as 'low' or 'very low' in the LVIA relies on extensive mitigation planting programmed in restoration of the site (and the expectation has to be that this planting will be very dense to be effective). Taking the 15 visual receptor or viewpoint locations that have been agreed 10 of these rely on ' <i>buffer planting</i> ', ' <i>hedgerow improvement</i> '	Cheltenham Local Plan Policies CO1 Landscape Character and CO2 Development within or affecting the AONB. NPPF paragraphs 109

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
<p>the top of the AONB escarpment (viewpoints VP10-14) during construction have a high sensitivity to development due to the AONB designation. The most prominent area of land within these views, Lott's Meadow, would be retained as open space. The retention of the existing vegetation and additional planting would mean that the new development would be well integrated with the existing settlement edge and that the change in land use would be difficult to perceive from these viewpoints.</p> <p>Para 3.10 Following the completion of the development the views would continue to being wide panoramic views of the settlement of Cheltenham, with agricultural land in the fore and</p>	<p>and '<i>planting</i>' to mitigate the visual impact of the new urban development of the site (Appendix 6.4). Dense planting can of course have a significant and potentially adverse visual impact, particularly where the vegetation will block short, medium and distant views into and out of open countryside and the AONB. Contrary to this the LVIA assumes all mitigation planting is of long term visual benefit. The LVIA conclusions appear completely flawed in this respect.</p> <p>The conclusion that after 10 years the impact of the wider masterplan proposals would be no more than minor is highly questionable. Development of this scale across three sites in different landownerships, two local planning authorities and potentially a number of developers is extremely unlikely to be finished in 10 years and the mitigation planting from beginning to end would seem far more appropriate to consider over a 20 year time horizon. The extent, the timing and the magnitude of the construction effects all appear to be under-estimated.</p> <p>Paragraph 6.5.11.15 provides that '<i>In general terms views from the AONB are limited to Footpaths ASH30-32, sections of the road around Leckhampton Hill and viewpoints from the top of Leckhampton Hill at the Devils Chimney. From the foot of the escarpment there are only occasional glimpses of small</i></p>	<p>and 115.</p>

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
<p>mid-ground and to the east. The resulting significance of the impacts of the development on this character area would be Negligible.</p>	<p><i>sections of the Site through gaps in the intervening vegetation.'</i> and paragraph 6.5.11.16 '<i>Vegetation blocks views of the Site from Footpath ASH/30 as it crosses Shurdington Hill however there are views where the footpath meets the top of the escarpment</i>'. There are numerous other references within the LVIA to the limited visibility northwards of the site from the AONB and that views can only be afforded from selective locations at higher ground.</p> <p>The LVIA purposely appears to underplay the significance of views from locations in the AONB and misses the point that while limited in location receptors within the AONB will have purposely sought out the locations where wider views can be obtained. To those who have sought out these views they are no doubt cherished and of great significance.</p> <p>Paragraph 6.6.3.9 provides the unqualified statement that '<i>The development of the wider masterplan area has regard to the immediate setting of the AONB, to the south, and to the proximity and nature of the existing residential areas to the north. Sufficient open space and landscape infrastructure are proposed to the south of the development areas to protect the setting to the AONB and provide a soft and appropriate edge to the new edge of settlement.</i>'</p>	

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	The only regard that the wider proposals appear to make is that the indicative masterplan shows the public open space and orchard planting for the MAHL land to be made in the south to provide a 100-150m buffer to the AONB.	
<i>Residual Landscape and Visual Amenity Effects</i>		
Para 3.12 There would be no adverse effect on the Scheduled Monuments in the local area - or their setting. The loss of landscape features would be limited and would be mitigated by new planting. High value features would be retained, protected and enhanced.	Paragraph 6.6.3.8 states that ' <i>The southern section of the character area that contains the scheduled monument and 2 listed buildings would be unaffected by the build development.</i> ' and paragraph 6.7.4.1 that ' <i>There would be no adverse effect on the Scheduled Monuments in the local area - or their setting.</i> ' The moat lies just beyond 250m from proposed housing development and while it is accepted the effect on its setting would be limited there would nonetheless be an effect.	Cheltenham Local Plan Policy CO1 Landscape Character and CO2 Development within or affecting the AONB.
<i>Ecology and Nature Conservation</i>		
Para 5.2 A small area within the north of the site is included on the PTES Traditional Orchard Inventory. This area is currently of limited and declining nature conservation interest. Notwithstanding this, development proposals include	The EcIA understates the value of the existing orchards. Replacement planting will take many years for reinstatement of similarly valued habitat. A better approach would be to manage the existing orchards to enhance their value for wildlife and plant new trees in these areas to make them more valuable as a community orchard.	Cheltenham Local Plan Policy NE3 Biodiversity and Geodiversity of local Importance. NPPF paragraph 109.

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
significant new areas of orchard planting, including heritage fruit tree varieties.		
Para 5.3 A number of statutory and non-statutory designated areas occur in the wider area. The ecological assessment concludes that these sites are highly unlikely to experience adverse effects from the Proposed Development.	A number of statutory and non-statutory designated areas occur in the wider area. The ecological assessment concludes that these sites are highly unlikely to experience adverse effects from the Proposed Development. The Ecological Impact Assessment (EcIA) generally underestimates the additional people pressure on the Leckhampton Hill SSSI from the new development. The amount of open space set aside does not appear adequate to satisfy the new and existing population and there is likely to be a significant increase in visitor pressure on the SSSI. The existing population is losing local amenity space and opportunities for walking routes through the proposal.	Cheltenham Local Plan Policies NE2 Designated Nature Conservation Sites and NE3 Biodiversity and Geodiversity of Local Importance. NPPF paragraph 109.
Para 5.5 Other habitats of nature conservation interest will be retained and enhanced as part of the Proposed Development.		
Para 5.5 In addition to creating new grasslands using species-rich seed mixes, retained areas of species-poor grassland, including that present in Lotts Meadow, will be subject to long-term management to increase floristic diversity and the range of habitats they provide.		

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	<p>Gloucestershire Ecological Records Centre database since then.</p> <p>The desk study does not mention anything about the Local Nature Reserve - Piley Bridge Reserve which is about 800m west of the proposal site or assess the development's impact on the endangered and legally protected (under National and European legislation) lesser horseshoe bat roost found in the nearby Vulcan works off Leckhampton Rd (approximately 500m south of the proposal site).</p> <p>Skylarks use the fields in the development area for foraging and breeding (representing a small proportion of the national breeding population), and as this Red listed species of conservation concern represents a small proportion of the national breeding population. As this species requires considerably large areas of open countryside to feel secure enough to nest, the green spaces left in the development will be unlikely to suffice for this species. With all the other developments planned around Cheltenham this species will suffer a county level loss of green space for breeding which could result in a county population decline.</p> <p>The description of the slow-worm population as low as</p>	

EIA Issue from Non-Technical Summary	Response and Challenge (all references are to RPS, HDA, PEP & SLR Environmental Statement and supporting appendices (September 2013) unless otherwise stated)	Relevant Policy Context [Cheltenham Local Plan, NPPF]
	<p>opposed to medium in paragraph 8.5.9.7 is challenged. Slow-worms are legally protected under National legislation. Mitigation for slow-worms is better in-situ and new habitat takes time to establish. The development plans do not allow for retained suitable habitat for slow-worms.</p> <p>In terms of mitigation for bats it seems more appropriate to remove the trees and buildings used for summer roosting during winter when bats are at winter hibernation roosts. The mitigation for the pipistrelles appears appropriate in terms of bat boxes on trees and retention of mature trees within the site etc, however for brown long-eared bats it is essential that at least one bat loft is installed in at least one building on site.</p>	

Appendix 2

The Weighting of Housing Land Supply in the Balance of Planning Decisions

The following appeals and 'called-in' cases are referenced below and extracts included at Appendix 2 where there has been shortfall in housing land supply and other planning considerations have been overriding in dismissal by the Inspector or the Secretary of State.

Appeal Ref: APP/C1570/A/13/2201844
Land at Bentfield Green, Stansted Mountfitchet, Essex

Paragraph 42 of appeal decision;

That said, 4.6 years supply is clearly better in planning terms than, say, 2 or 3 or even 4 years supply. I give that some weight in my overall balancing of the pros and cons of the proposed development. If there were only, say, a demonstrable 3.6 years HLS (as was the case when SCG 1 was first drafted), that would weight the balance in favour of development rather more than does the current 4.6 years HLS. In short, while a 4.6 years HLS demonstrates a housing shortfall, it is not to my mind a very serious shortfall, much less a critical one. On its own, therefore, and given the planning objections to the appeal scheme, it does not mandate a grant of planning permission.

Appeal Ref: APP/H3510/A/13/2197077
Meddler Stud, Bury Road, Kentford, Newmarket CB8 7PT

Paragraph 58-60 of appeal decision;

The lack of a deliverable five-year supply of housing land weighs significantly in favour of the grant of planning permission for the development and it would be in a generally sustainable location. There are other identified and quantified economic, environmental and social benefits of the scheme.

However, the development would have a materially harmful effect upon the HRI. Additionally, although Kentford is accessible by means of public transport and has some local amenities, these are already said to be at tipping point. Therefore, the sustainable location and scale of development in this PV should, and would, be properly and robustly tested through the local planning process.

On balance, I consider it to be of greater weight that the grant of planning permission for this scheme would materially harm the HRI and predetermine the location and scale of development within Kentford in an unplanned, uncoordinated and unsustainable manner.

APP/M1520/A/12/2177157
Land off Glebelands, Thundersley, Essex

Paragraph 26 of Secretary of State's decision letter;

In respect of the other considerations identified by the Inspector at IR358-362, the Secretary of State agrees that the Borough's housing land supply of 0.7 years is exceptionally low (IR358). While he also agrees with the Inspector that there have clearly been difficulties for many years in planning for sufficient housing in Castle Point, he does not consider that this history means that the task of preparing a new local plan cannot be accomplished easily or quickly (IR359). He strongly agrees with the Inspector's view that planning decisions should be plan led where possible (IR359). Regarding the Inspector's comment that the Council's announcement of a list of preferred housing sites as being an acknowledgement that some decisions will not be able to wait for the new plan to be in place, the Secretary of State also observes that Council's letter of 11 December 2012 to the Planning Inspectorate (document CP-ID1) indicates that in respect of the Catherine Road, Benfleet, 396 to 408 London Road, Benfleet, and Castle View School sites, work to make amendments to the GB boundary will be taken forward through the LP process. The Secretary of State has taken into account that the Council has acknowledged that there is a need to take land from the GB, even for the lower level of housing provision that it currently proposes (IR360). However he also gives weight to the Council's case that those 'strategic sites' agreed to by the Council in December 2012 that are in the GB were preferred to the appeal site for sound planning reasons (IR91) and he considers that this diminishes the weight that can be attached to the acknowledged need to take land from the GB as a factor in favour of allowing this appeal.

APP/R0660/A/13/2209335 Land Bounded by Gresty Lane, Rope Lane, Crewe Road and A500, Crewe

Paragraph 15 of Secretary of State's decision letter;

Turning to the Inspector's analysis of housing supply (IR10.80-10.93), the Secretary of State notes that the Council's estimates are inconsistent, and he agrees with the Inspector's conclusion at IR10.91 that the Council's understanding of whether there has been a persistent under-supply is not well founded. He therefore also agrees with the Inspector (IR10.92) that, adopting a 20% buffer, the Council could not demonstrate a 5-year supply of available sites in accordance with the expectations of the Framework and guidance: and he further agrees that the appropriateness of a 5% buffer and of the Council's view of the number of building sites currently available are contentious. However, the Secretary of State also agrees with the Inspector (IR10.93) that, before deciding whether it is appropriate to allow the appeal, it is also necessary to consider whether the scheme represents sustainable development.

APP/R0660/A/13/2197532 and APPR0660/A13/2197529 Land off Audley Road/Broad Lane Stapeley and Land off Peter Destapeleigh Way, Nantwich

Paragraph 10 of Secretary of State's decision letter;


The Secretary of State agrees with the Inspector's conclusion at IR12.5 that the position on the housing land supply in the Council's area is fluid and, for the reasons given at IR12.6-12.9, he also agrees (IR12.10) that a 20% buffer should be favoured with regard to the housing land supply target in these appeals – giving a total requirement of approximately 10,700 dwellings over the next 5 years. For the reasons given at IR 12.11-12.13, the Secretary of State also agrees with the Inspector at IR12.14 that, on the basis of the information available to him, it was reasonable for the Inspector to conclude that the Council does not have a 5 year housing land supply; but he also agrees (IR12.15) that the absence of a 5 year housing land supply does not mean that housing development should be permitted anywhere, but only where it amounts to sustainable development taking account of other issues.

Appendix 3

Correspondence from Cheltenham Bournside School and Sixth Form Centre

Cheltenham Bournside School
and Sixth Form Centre

Cllr Ian Bickerton
3 Brizen Lane
Leckhampton
Cheltenham
Gloucestershire
GL53 0NG



Headteacher
A G Foulds BSc PG Dip Ed

16th December 2013

Dear Councillor Bickerton

I am writing in response to your letter of 9th December 2013.

I can confirm that the Miller and Bovis Homes consortium has not been in communication with the school. Our understanding is that any financial contribution would be by Section 106 funds via Gloucestershire County Council according to the Town and Country Planning Act 1990. We would therefore not expect to be in communication directly with any developers.

Whilst it is feasible that Cheltenham Bournside School could commit to the level of additional places to which you refer, this could not occur without significant capital funds and investment to support relatively extensive changes and additions to our buildings in order to accommodate any additional young people. At this stage there are no provisional plans in place.

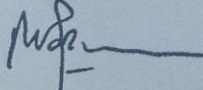
The Board of Governors recognise their overall and prime responsibility for the quality of provision for the large number of students on roll at the school. The Secretary of State's steer on the issue of expansion of an Academy is that it must be popular and successful. Cheltenham Bournside School is both.

There are a number of issues which would impact on any plans to expand. Overall a clear and strategic view is needed so that any expansion would be consistent with absolutely no diminution in the high quality of current provision. Key considerations include:

- 1) Accommodation expansion: This would require the Academy to directly manage any related capital project owing to the nature of Academy responsibilities. Our school is a state funded academy and as such is independent of the Local Authority regarding management of capital development.
- 2) Additional funding: This would likely need to be substantial and certainly beyond the scope of Section 106 monies' allocation although such allocations could be contributory. This money would need to be supplemented by Local Authority and Education Funding Agency (EFA) contributions, and possibly the school's own contribution in part.
- 3) Additional costs: These are wide ranging and additional to the costs of capital development. The school is required to manage its EFA revenue funds allocation with great care according to its Funding Agreement with the Secretary of State. The school takes a clear strategic view of funding opportunities and pressures. Revenue in real terms has diminished in recent years and looks set to continue to do so. The main additional costs would be staffing and resources including infrastructure in order to meet the educational needs of any overall additional places. There would also be start-up costs during the initial period. Part of our strategic approach would also need to address sustainability in terms of predicted revenue stream.

I hope you find this helpful.

Yours sincerely



Neil Spurrier
Chair of Governors

Warden Hill Road, Cheltenham, Gloucestershire GL51 3EF

Telephone School 01242 235 555 Sixth Form Centre 01242 229 546 Fax 01242 226 742

Email admin@bournside.gloucs.sch.uk Website www.bournside.gloucs.sch.uk

A company incorporated in England and Wales operating as a charity and limited by guarantee with registered company number 7524244.

Appendix 4

Chamber of Commerce letter on Transport Issues, 13/01605/OUT, dated 31st July 2014, relating to this application

proud of our town



Cllr Garth Barnes
Chair
Cheltenham Borough Council Planning Committee
Municipal Offices
Promenade
Cheltenham
GL50 9SA

31 July 2014

Dear Mr Barnes

Outline Planning Application for up to 650 dwellings, other uses including A1 retail, surgery, pharmacy, primary school of up to 1.72ha land area, principal access and open space - 13/01605/OUT

The Chamber of Commerce has studied the detail of the above outline planning application. However we do still have the same concerns over large scale development in Leckhampton affecting the southern access to the town as stated in our JCS letter of 9 February 2012. The allocation of over 650 houses potentially increasing to over 1,100 in the Leckhampton area will without doubt worsen the existing traffic congestion along the A46. Whilst the addition of two extra sets of prioritised traffic lights and T junction to provide access for the new development will by the applicant's own admission create longer and slower traffic queues, putting junctions beyond capacity.

- we would like to ask that a detailed master plan is produced prior to approval whilst more detailed traffic modelling is carried out together with some analysis on opportunities for job creation
- we note the transport assessment and highway mitigation work to date highlights future problems on junction capacity across the area. By 2023 it is anticipated that the number of junctions which will be 'over capacity' will increase from 150 to 1500, together with travel times which are increased by 40% thereby creating even longer and slower traffic queues. This all impacts on local business and our ability to attract new business to the town

Contd/...

- WORKING FOR BUSINESS
- PROMOTING CHELTENHAM
- CREATING NETWORKING OPPORTUNITIES
- PROTECTING OUR ENVIRONMENT

President

Secretary

It is therefore understandable why large scale development to the south of Cheltenham is of real concern to the business community and could adversely affect both existing businesses and future relocations to the town. Good maintenance of access to the town from the south is vital for a successful high level strategy but unfortunately the current level of JCS traffic modelling in the assessment of development of Leckhampton has some perceived gaps. Keeping a free flow of traffic on the A46 to the south of the town, providing the motorway link from junction 11A, is we believe vital to the wellbeing of commerce. Worryingly the traffic and transport analysis work documented in the transport assessment to date shows that the highways network to the south of the town is finely balanced with junctions likely to be at full capacity in the near term without this additional development.

To restate one of our principle concerns of our February 2012 letter, creating housing without the necessary employment opportunities, will make Cheltenham even more of a commuter town, serving the rest of the region and beyond. Cheltenham is an extremely attractive town and it is no surprise that people want to live here. It is therefore important that there is an appropriate level of employment which supports both existing and new residents. Unnecessary congestion on a major road network is certainly not conducive in assisting this objective.

We note the Leckhampton green areas are highly valued by both residents and visitors alike and widely recognised as a sensitive area when considering development, providing not least access to Leckhampton Hill. In addition we would question whether employment opportunities have to date been explored around both eco-tourism and agricultural research with our local Universities.

Our request is that this application at least be deferred until more detailed traffic modelling has been completed under the JCS, enabling the Planning Committee to take a more informed view upon the impacts raised both in this letter and by other concerned parties.

Yours sincerely



Michael Ratcliffe
CE Cheltenham Chamber of Commerce

Appendix 5

LEGLAG exchange of e-mails with GCC Highways re. Leckhampton A6 south of Cheltenham, provides important evidence from the Cheltenham Highway Manager and Stagecoach, JCS EiP Evidence Library EXAM 90

On 06/07/2015 12:39, Ian Bickerton (Bristol University - Chemistry) wrote:

Thanks Mark,

Yes, understood, we hope that Highways will be focused on the material evidence rather than being sweep up in some poorly evidenced '*greater good argument*', after all it will be Michael and yourself who take the long term responsibility on the safety of Church Road as junctions go over capacity in the plan period. This is especially true now that the Cheltenham Highway Manager is going on the record with important concerns, Michael disclosed this information at the public meeting on the 27th May:

Cheltenham Highways Manager Chris Riley, statement made to Margaret White, email 1/6/15

In this case I have raised concern over any additional traffic using Church Rd Leckhampton due to the narrow and winding nature of the road. My concern is based on my own observations of issues on Church Rd as well as concerns which have been raised to me by both local residents, the Primary school and the Parish Council. My view is that Church Rd is currently operating above it's actual capacity; this view is not based on data or statistical analysis but on observed issues relating to congestion alone which can be witnessed on a daily basis. Congestion combined with other issues such as traffic volume making it difficult to cross the road for parents with children and the morning peak, road width and on street parking leading to vehicles mounting the footway and causing damage to parked cars all lead me to believe that any increase in traffic will make all of these issues worse.

Pleased to hear that you recognise ENTRAN as promoting sustainable development, we can assure you that we provide no brief to our consultants and request only an independent planning view, they will confirm this in writing on request. While on the subject of transport consultants, Peter Evans worked on the Leckhampton Transport plan for Curtain Co for two years and admitted that he could find no sustainable solution given the constraints, this also should be given weight in your important decisions.

Please read the statement given by the Cheltenham Chamber of Commerce, attached, this again should carry weight, oversized urban extensions to the south of Cheltenham do not add to the prosperity of the town if the M5 junction 11A - A46 link is so congested that it presents a disincentive for business startups and relocation. The recent LEGLAG JCS EiP updated

submission is also attached, appendix 1, section 1.1 Transport Planning for the proposed Leckhampton Strategic Site, **please let us know if there are any incorrect statements or evidence as presented**, this will be put before the Inspector on the 15th July JCS EiP A6 - Leckhampton M8.

The statement made to the JCS EiP from Stagecoach West is also important evidence:

http://consult.gct-jcs.org/consult.ti/JCSPreSub/listRepresentations?objectoruid=10557441&fin_dbutton=Y

Allocation A6 South of Cheltenham, Leckhampton Nick Small (Stagecoach West) 11 Aug 2014

The northern edge of this allocation adjoins Shurdington Road, along which runs service 10, running every 10 minutes directly to Cheltenham town centre to the north; and at the same high frequency to Brockworth, Barnwood and Gloucester City Centre to the south. The service frequency was doubled in late 2012, and a fleet of brand new double deck vehicles introduced offering our premium "Gold" specification. This includes greater leg-room, high-backed seats, and substantially upgraded internal lighting and trim, as well as free wi-fi.

The northern part of the site therefore benefits from exceptional access to high-quality bus services.

However, the A46 Shurdington Road suffers from serious peak time traffic congestion, that traffic from this allocation risks seriously aggravating. We are also aware that insufficient highway width exists to achieve bus lanes or bus priority at any point on the corridor between the A417 and Cheltenham. Therefore vigorous alternative measures must be required to prevent any additional traffic exiting this site to and from the north at peak times, to avoid undermining the reliable efficient operation of this service any further. Stagecoach also urges that measures to prevent right-turning traffic blocking the morning and evening peak northbound flows at Shurdington Village should also be put in place, to maintain and enhance the attractiveness of public transport on this corridor.

Stagecoach also advises that it is not appropriate to divert service 10 into this allocation, unless means are secured to ensure that there is no material difference in journey time over today's timetable. In practice this is likely to mean that the southern part of the allocation will be well over 400m from regular bus services. We strongly recommend that masterplanning across the whole allocation achieves the highest feasible densities within 400m of the service 10, and that lower densities are pursued beyond this threshold. Suitable facilities to kiss and ride, or cycle to connect to bus services at a

local centre nearer Shurdington Road, should be provided to make fullest use of the opportunities for public transport.

Please do not write us off as a bunch of NIMBYS, we try to be evidence based in everything we do and are steered by experienced planning consultants. As a member of the Cheltenham Alliance we are trying to get the best outcome for the town and that includes provision for new homes. We are not saying Leckhampton is a no build area, there maybe scope for some level of sustainable development but the current REDROW plans onto Whitecross is too many and will undoubtedly impact on highway safety.

Best Regards
Cllr Ian Bickerton CEng, MIET

On 30/06/2015 13:34, POWER, Mark wrote:
Ian

Mike has asked me to respond to this email.

The more the progress of the JCS, the more weight that both the local planning authority and consultees can give in their recommendations. Planning applications must be decided against the Development Plan and other material consideration. For the Redrow application the Development Plan is the Local Plan and in particular the saved Policy SD2. Material consideration with significant weight in this case will be the National Planning Policy Framework, Planning Practice Guidance, and the advanced stage of the JCS. If the JCS is adopted in its current state the allocations will be committed.

The decision of the CBC Planning committee is not particularly relevant, especially as it was contrary to professional advice. Furthermore I would not consider that the view of Entran is independent, as they were commissioned by objectors. GCC Highway Development Management deal with Entran on many planning applications, around the county, and they promote sustainable development in accordance with national and local policy and material consideration.

I can assure you that our recommendations, will be robust and compliant with the Development Plan and other material consideration.

PLEASE NOTE MY WORKING WEEK IS MONDAY TO THURSDAY

Mark Power
Team Leader - Major Projects
Highways Development Management

 01452 425618

 mark.power@gloucestershire.gov.uk

 Gloucestershire County Council, Shire Hall, Gloucester, GL1 2TG

Go to www.gloucestershire.gov.uk to find information on any County Council service.
Design Manual - <http://www.gloucestershire.gov.uk/article/105956/Manual-for-Gloucestershire-Streets>.
Travel Plans - <http://www.gloucestershire.gov.uk/extra/tpguidance>
LTP3 - <http://www.gloucestershire.gov.uk/extra/article/108065/Local-Transport-Plan-3>

From: Ian Bickerton (Bristol University - Chemistry) [<mailto:Ian.Bickerton@bristol.ac.uk>]
Sent: 29 June 2015 13:50
To: GLAZE, Michael
Cc: Joan.Desmond@teWKesbury.gov.uk; POWER, Mark; CARTER, Chris; RILEY, Chris; Margaret White
Subject: Re: FW: REDROW 370 on Leckhampton

Dear Michael,

The JCS is at a much broader level, the sustainability of the each individual site needs to be decided by professionals like yourself taking an objective view of each planning application.

The Bovis/Miller 650 application was rejected almost unanimously by the CBC Planning Committee on the 31st July 2014 and the [refusal reasons](#) noted the *conflicts with Policies CP3(e) and CP4(b) and TPI (a) of the Cheltenham Local Plan and paragraph 32 of the NPPF which states that development should be refused on transport grounds where the residual cumulative impact of development are severe*. Also, of equal importance is the [independent view taken by ENTRAN](#) and the [Chamber of Commerce](#). Can the hundreds of residents who have responded to these planning applications and taken time to meet with Gloucestershire Highways on many occasions to voice their concerns be so misguided, can the CBC Planning Committee and other organisations also be injudicious in their impact assessments to the south Cheltenham network ?

Using the JCS as a mandate for unsustainable development is unfair, the Leckhampton Site has always been contentious within the JCS, at CBC full council on the 28th Feb. 2014, Leckhampton was debated at length and the motion passed unanimously to request removal of the site from the JCS, this was rejected by the other two councils with no public reporting. Have attached the LEGLAG JCS EiP matter 8 submission for reference, this contains a review of the Transport Planning for the proposed Leckhampton Strategic Site in Appendix 1.

We are just asking officers to be reasonable and set a level of development that would keep our highways moving and more importantly maintain highway safety for pedestrians and all road users.

Best Regards
Cllr Ian Bickerton CEng, MIET

Leckhampton with Warden Hill Parish Council

On 23/06/2015 09:14, GLAZE, Michael wrote:

Dear Cllr Bickerton,

Apologies for the delay in replying, for some reason the email did not get through to me.

I can confirm that we will assess fully the impact on Church Road in accordance with the NPPF, I have also discussed the matter with Chris Riley, highway safety is the most important aspect of the job that I do. What we have to remember is that Cheltenham, Tewkesbury and Gloucester have in principle approved this site for development in the emerging JCS, therefore this has significant weight. At the moment, I cannot say much more until we review the revised submission.

Regards

Michael Glaze LLB (Hons) Eng Tech MIHE
Principal Development Co-ordinator-East

Highways Development Management

Gloucestershire County Council, Shire Hall, Gloucester GL1 2TH

Tel - 01452 425626

<http://www.gloucestershire.gov.uk/article/105956/Manual-for-Gloucestershire-Streets>

From: CARTER, Chris

Sent: 23 June 2015 08:23

To: GLAZE, Michael

Subject: FW: REDROW 370 on Leckhampton

Mike,

As requested

From: Ian (Bitworks - Cheltenham) [<mailto:Ian@bitworks-engineering.co.uk>]

Sent: 18 June 2015 09:27

To: GLAZE, Michael

Cc: Margaret White; ADRIAN MEARS; Joan.Desmond@tewkesbury.gov.uk; POWER, Mark; CARTER, Chris; 'Anne Davis'

Subject: Re: REDROW 370 on Leckhampton

Thanks Michael,

The history of previous highway judgements relating to Church Rd is in our [submission document](#), this provides useful background and is referenced so you can access the files. We do understand that there is re-interpretation of the word 'severe' but as stated at the public meeting the government's investment of £50B on HS2 to save 20 minutes of journey time into London informs this debate and the Cheltenham Chamber of Commerce objection to the Bovis/Miller 650 is material.

That said, the NPPF [para 32 & 35] has strong policy on highway safety, and one of the core planning principles to '*focus significant development in locations which are or can be made sustainable*'. We cannot afford to skim

over safety when considering Church Rd, it's a real concern to residents as you heard first hand at the well attended public meeting. As you know drivers do change mode when delayed in traffic, it gets a bit manic on Church Rd at peak times. My wife has been knocked off her bike twice in recent years due to congestion on Church Rd, the second time needing A&E treatment, she will not use the A46 and Bath Rd which she considers too dangerous! Chris Riley has given us his view of the situation on Church Rd, he is concerned on both safety and current over capacity, as was our traffic consultant Entran, will copy you some of the correspondence. From an audit point of view who ultimately takes responsibility for highway safety on Church Rd if this application is permitted, is this the same as the aerospace and motor industries where design and quality engineers take personal responsibility for products going into service ?

The 2001 and 2011 census highlights Leckhampton is the most car dependent ward in Cheltenham, this REDROW site provides no services or amenity and together this puts the application in direct conflict with NPPF [para 32]

Will go back to the school and ask them about the PV2 analysis and why they choose that method.

Thanks for your consideration on these matters, I better get to work !
Best Regards
Ian

NPPF para 32

Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas

On 15/06/2015 08:43, GLAZE, Michael wrote:

Dear Cllr Bickerton,

Please accept my apologies for the delay in responding to your email dated 08/06/15, I have been on annual leave and I am just now catching up on my emails!

In terms of the air quality matter, this is something which would be considered by the Local Planning Authority, therefore I have copied Joan Desmond at Tewkesbury Borough Council into this email who will be able to advise further. I have not yet reviewed the revised information which has been submitted, however I would be pleased to receive any comments which you have, so that I can consider these as part of my review.

I am aware of the planning history in the area, however we are now in a different policy context, the National Planning Policy Framework sets out a very high threshold to demonstrate to be able to object to a planning application on transportation matters, you

will be aware of the 'severe' impact test. You will also be aware that the highway authority did not object to the larger Miller/Bovis scheme of 650 dwellings, which actually modelled the impact of 1200 dwellings together with the cumulative impact of the emerging joint core strategy allocations.

Can you please confirm which National Guidelines (2013) you are referring to, so that I can review. I am aware of the PV2 calculation, however I believe that this has been largely replaced by the guidance contained in Local Transport Note 1/95 and 2/95, although PV2 is still used by some in the industry. The developer has proposed some improvement works to pedestrian facilities near to the school in the form of a build out crossing point, to ensure that children do not have to cross between parked cars, a new gateway feature and works to the Hall Road/Church Road junction. I have considered the provision of a formal crossing facility, such as a zebra or toucan crossing, however we can only secure highway improvements which mitigate the impact of the development, we cannot require the developer to resolve existing issues on the highway network. This development would not actually require children to cross the road to access the school, as children walking to the school from the development will already be on the southern side of Church Road and will not need to cross Church Road at any point, new footways will be provided to facilitate this.

I have consulted Chris Riley on the application and he has not raised any objections to this application.

Please do not hesitate to contact me if you have any further queries.

Regards

Michael Glaze LLB (Hons) Eng Tech MIHE
Principal Development Co-ordinator- East
Highways Development Management
Gloucestershire County Council, Shire Hall, Gloucester GL1 2TH
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From: Ian (Bitworks - Cheltenham) [<mailto:Ian@bitworks-engineering.co.uk>]
Sent: 14 June 2015 10:50
To: GLAZE, Michael
Cc: Margaret White; ADRIAN MEARS
Subject: Re: REDROW 370 on Leckhampton

Dear Michael,
Did you receive my email below.

Is there any standard highway method/analysis to make a judgement on air quality on Church Rd with the increasing congestion, as you will be aware the EU limits on NO2 are exceeded in the winter months (annual 40µg/m3, hourly 200µg/m3) and the added sensitivity when Cheltenham was made an AQMA in 2013, we have no measurements on the fine particulate matter PM2,5 & PM10, could we be given a little more time to measure at peak times.

Would it be possible to meet-up to discuss some of the issues with the

revised REDROW application?

Best Regards

Ian

On 08/06/2015 12:03, Ian (Bitworks - Cheltenham) wrote:

Dear Michael,

Just wanted to follow up on the public meeting, thanks for the support very much appreciated, we are still working on pulling together all the previous traffic surveys. It occurred to me that you may not have seen the summary of the Highways/Inspectorate analysis and rulings over the last twenty years, it is this evidence and everyday experience on Church Rd which makes the residents so anxious about additional traffic, [published here](#), please see part 3 and reference 6 on the individual rulings, and this is the [general evidence/news page](#).

One of our Borough Councillors who was at the public meeting has been working with the Leckhampton Primary School Safety Officer, following the National Guidelines (November 2013) to produce a 30-minute count of child pedestrians (P) and vehicles (V), we have been told the PV² factor at the busiest time of day is a strong indicator of highway safety and pedestrians, particularly children getting to school safely.

These were the results given to us from the school:

- the existing School Crossing Patrol on Church Road (covering the Leckhampton Primary School) worst case reading for pedestrians and vehicles is 34.79 million (assessment in Jan 2013), which is 770% greater than the 4 million trigger point that justifies having a patrol
- this School Crossing Point is in the top quarter of busy sites for the 65 patrol crossing points around Gloucester

We are getting our traffic consultants ENTRAN to look at the detail and get some more professional surveys completed, this will be in conjunction with the Parish Council.

We do hope Chris Riley's views will be taken into account when making your judgement, he has made many visits to Leckhampton and has let us know his professional judgement of the current congestion and safety issues on Church Rd. We know that some development is likely on the Leckhampton Ln /REDROW site and maybe the Highways Team can make that work, but currently it is over dense with very little green space, this view is supported by [CBC in their objection letter](#).

Best Regards

Cllr Ian Bickerton CEng MIET

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