

Mr O. Rider

Sent via email



date: 1 December 2014

Dear Mr Rider,

Re: 14/00838/FUL

Thank-you for the opportunity to comment upon the details of the planning application (14/00838/FUL) for 376 dwellings at Farm Lane, Leckhampton. The comments provided are officer comments endorsed by the Leader of Cheltenham Borough Council. The application is of particular interest to the Council given it directly abuts our administrative boundary and, should the application be successful, the residents of the new scheme will predominantly look to Cheltenham for work, leisure, services and facilities.

In considering the proposal particular regard has been had to the principle of the development, its timing, and the impact it could have on the ability to deliver a comprehensive wider development strategy for the area.

Comments on the principle of development

The submission JCS proposes an urban extension to the South of Cheltenham at Leckhampton (Policy SA1). This allocation, which encompasses land within both Cheltenham and Tewkesbury Borough' administrative areas, aims to ensure that proposals are brought forward as part of a comprehensive scheme of development. However, the current application does not include all of the land within the submission JCS allocation for this location (A6).

Policy SA1 (3) requires "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." Although a plan has been submitted showing the proposal in relation to existing development, and detail shown as to development on the proposal site itself; no masterplan has been submitted showing how this development will link into a wider sustainable development of the strategic allocation at Leckhampton as a whole.

The planning history relating to the site, which is not repeated here has consistently highlighted the importance of a comprehensive approach to development, reinforcing comments repeatedly made by Cheltenham Borough Council. Although allocated for development in the Tewkesbury local Plan 2006, policy SD2 requires a comprehensive scheme to be brought forward. This has been an ongoing theme in considering development of this area; the Tewkesbury local plan inspector's report (December 2003) argued that the development of the proposal site alone would be "a relatively isolated protrusion into the countryside" and would suffer from a lack of viable public transport connection and isolation from other supporting facilities. The determining authority will need to be satisfied that the residential travel plan and developer contributions from the scheme can meet these concerns

The current proposal lacks engagement in regard to sharing the burden of infrastructure costs in regard to the rest of the strategic allocation, and demonstrating realistically that the policy requirements of submission JCS policies SA1 (strategic allocations) and SD5 (design) will be met. Because of this, Cheltenham Borough is of the view that the development proposed is a piecemeal scheme and fails to demonstrate its contribution to comprehensive master planning of the strategic allocation proposed by the submission JCS. This requirement for comprehensive planning and development of the strategic allocation was a key reason for Cheltenham Borough Council's refusal of outline permission for 650 dwellings (13/01605/OUT) on the 31st of July this year:

"...It is unclear at this time whether the proposed application as part of this strategic allocation would be in line with, and provided for the necessary comprehensive development needs and provision required for the strategic allocation as a whole and not just the application site. This would include the appropriate provision for retention and enhancement of areas of local green space; provision of new Gypsy, Traveller and Travelling Show people sites; and infrastructure requirements as set out in policies SA1, INF4, INF7 and INF8 of the pre submission document of the JCS. The application is contrary to guidance set out in paragraphs 77, 150 and 156 of the NPPF."

It would clearly be preferable for development at this location to be presented to Cheltenham and Tewkesbury Borough Councils as a comprehensive scheme for the strategic allocation rather than in a piecemeal way, which has the potential to prejudice the proper and comprehensive planning of the area. However, in the event that Tewkesbury Borough Council is supportive of the principle of this development they should ensure that appropriate mechanisms are put in place to ensure that the comprehensive development of this area is not prejudiced.

Other relevant considerations

As a detailed application particular importance should be attached to the visual impact of the proposed development on the landscape, especially given its siting abutting the Cotswolds AONB. In this regard it is our view that the application has only considered in a limited way the requirements of submission JCS policies SD7 and SD8 and has not had full regard to the value and importance of conserving and enhancing the adjacent Cotswolds AONB, particularly views from Leckhampton Hill and the Devils' Chimney.

Policy SD7 requires that "All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect." Policy SD8 requires that "All development proposals in or adjacent to the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities."

The JCS evidence base - through the Landscape & Visual Sensitivity and Urban Design Report (2012) - considered this area as part of a wider parcel (C6a - option 2). It identifies this part of the site as high both in landscape and visual sensitivity - the most sensitive notation it can have.

The submission JCS's indicative site layout for the site (Layout 6 which is provided as guidance rather than policy) suggests that the area can be developed and the current proposal broadly places development within the developable area suggested on the plan. Nevertheless, any development needs to recognise the extreme sensitivity of the site, and particularly its proximity to the AONB. The recently refused application to the north around Kidnappers Lane suggested a masterplan approach which showed density reductions as development moved away from Shurdington Road and towards the AONB. The previous

appeal decision on the Farm Lane site has seen logic in such a master planned approach for both parts of the site; therefore a logical extension of the approach used to the north would suggest a low density, heavily landscaped development form in the area of the current proposal.

The relationship between the proposed development of the strategic allocation, the existing landscape character of the site and the Cotswolds AONB was another important factor in the refusal of (13/01605/OUT) by Cheltenham Borough Council earlier this year:

"The proposed development would have a significant adverse impact on the character of the landscape and the adjoining AONB. ...Furthermore the development of the site in the manner suggested would erode the relatively open and spacious character of the site, which includes public rights of way, would compromise views out of and into the site, with the consequence that the high amenity value attached to the land and landscape would be unacceptably harmed."

It is our view that the current application is over dense, and shows little consideration in either its layout or landscape strategy to the sensitivity of its location adjacent to the AONB and its relationship to the more considered development and landscape approach which was being promulgated through the previous (refused) application around Kidnappers Lane. The high density approach leads to a layout which is not appropriate to an urban edge.

In light of the comments set out above, regard should be given to the following submission JCS policies and our criticism of the proposal:

- SD5 (i) in its failure to deliver a development which is sensitive to context, character and sense of place;
- SA1(3) in its failure to provide a masterplan for the strategic allocation or demonstrate how development will integrate with and complement surroundings; and
- SA1(6) though its piecemeal approach which constrains its ability to enable a comprehensive scheme to be delivered across the developable area of the strategic allocation

In determining the application, Tewkesbury Borough Council will need to be convinced that the proposals are underpinned by a strong and ambitious vision for the architecture, urban design and landscape design of the development. In addition, the decision makers should ensure that appropriate connectivity and integration is made with existing and future neighbouring parts of the development, both in infrastructure and through a 'joined up' approach to mitigating landscape and visual impact. Any consented scheme should provide a suitable and attractive southern edge to the town in this location which works well with the AONB and Greenbelt designations bounding it. Cheltenham Borough Council is of the view that this has not been achieved by the current scheme.

Other concerns of Cheltenham Borough in this area, expressed through the refusal reasons set out for (13/01605/OUT), are provided below:

- The grant of planning permission for the proposed development in advance of the finalisation of the Joint Core Strategy could prejudice decisions about the size, scale, sustainability and phasing of new housing development. Therefore it is unclear at this time whether the proposed development would be in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for the area or whether the proposals would undermine wider policy objectives. The application is therefore contrary to guidance set out in paragraphs 150 and 156 of the NPPF.

- The application is premature to the Councils decision to designate sites as local green space. Cheltenham Borough Council has engaged with Gloucestershire Rural Community Council to undertake engagement with local communities in the assessment of Local Green Space (as defined by NPPF) which will inform the preparation of the Cheltenham Plan. Cheltenham Borough Council contacted Tewkesbury Borough Council on 14th August 2014 to ask whether, given the relationship between Cheltenham and Tewkesbury, Tewkesbury Borough Council would consider funding a similar exercise. Holly Jones replied to that request on 28th August 2014 confirming that Tewkesbury Borough Council would not be undertaking an assessment of Local Green Space within its authority boundary. Cheltenham Borough Council would like to take this opportunity to reinforce the importance of the assessment and repeats the offer of a joint Local Green Space review with Tewkesbury Borough Council for proposed urban extensions to assist with comprehensive masterplanning.
- The proposed development would significantly and adversely add to existing traffic congestion on the A46 and a significant number of wider roads and junctions. The public have raised significant concerns and objection to the application regarding the impact a development of the scale proposed would have on the existing road network.
- The proposed development would result in the loss of areas of best and most versatile agricultural land. The application therefore conflict with paragraphs 112 of the NPPF.
- Notwithstanding the submission of a Flood Risk Assessment by the applicant's drainage consultants, the Local Planning Authority considers that insufficient conclusive evidence has been advanced to accept unequivocally that the drainage measures proposed would ensure that the development of the site would not increase the risk of flood outside the site.
- The proposed development includes both new office and retail provision. This provision will impact on the existing District Centres at Hatherley and the Bath Road.
- Policy CP8 of the Cheltenham Borough Local Plan states that development will be permitted only where adequate provision has been made for the infrastructure necessary for the development to proceed and for other public services and facilities, the need for which arises directly from the development. The development proposed will lead to: An increase in use of the A46 and also the surrounding highway networks and the development should therefore mitigate its impact in terms of providing commuted payments towards the provision of walking, cycling and the use of public transport for journeys to and from the application site. (Local Plan Policy TP1, Supplementary Planning Guidance, 'Planning Obligations: Transport'; NPPF Section 4)
- An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space. Notwithstanding the above, the LPA would expect to see the playspace on site in a development of this scale, as shown on the indicative master plan. (Supplementary Planning Guidance, 'Playspace in Residential Development', and Local Plan Policy RC6, section 8 of the NPPF)
- An increase in demand for education and library facilities in the Borough and therefore the development should mitigate its impact in terms of providing on-site or off-site provision or commuted payments towards the provision of new or improved primary and secondary school facilities and new or improved library facilities within the Borough. (Section 8 of the NPPF)

- A need to provide for improved health care facilities (Section 8 of the NPPF)
- A need to provide for the future management (and maintenance) of the common land within the development and therefore the development should make provision to mitigate its impact by providing for the provision a land management plan covering such common areas of land. (Supplementary Planning Guidance, Landscaping in New Development).
- A need to provide for an element of affordable housing (Local Plan Policy HS4).
- No agreement has been completed to secure payment of the necessary commuted sums, itemised above, along with the provision of affordable housing and a land management plan. The proposal therefore fails to meet the expectations of Local Plan Policy CP8 and Local Plan Polices, Supplementary Planning Guidance and the NPPF Guidance referred to above.

Tewkesbury Borough Council will need to ensure that appropriate assessments have been carried out in relation to archaeology, ecology, noise and air quality. Appropriate mitigation measures should be put in place to address any identified adverse impacts to ensure that the development has an acceptable impact on the environment in accordance with national and local planning policy. In addition, measures should be put in place to secure high levels of energy efficiency with the development in order to improve its sustainability benefits. (Policy SD4 of the submission JCS).

Conclusions

Cheltenham Borough Council support in principle the location of this proposal for strategic development as set out in the Submission JCS. However, the Borough Council considers that the scheme has failed to demonstrate how the development proposed fits appropriately within a wider master plan for the area and that if this site is progressed in isolation that it will not prejudice the sustainable development of the remaining part of the strategic allocation proposed by the JCS.

Cheltenham Borough has concerns over the landscape and visual impact of the proposal with regard to the AONB, the density of the proposed development and the lack of information as to how the scheme will contribute to the economic role of sustainable development by ensuring that development requirements are co-ordinated, including the provision of infrastructure.

It is the Council's view that whether the applicant relies on the adopted 2006 Tewkesbury Borough Council's SD2 allocation policy, or the emerging allocation in the JCS policy SA1 plan A6 strategic allocation in support of the development; there is an undeniable requirement within both of these for the development to be carried out comprehensively to integrate well with the rest of the South Cheltenham Leckhampton area proposals.

Yours sincerely




Head of Planning