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Your Ref:

Our Ref: PINSM/G1630/429/5

Date: December 2003

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Dear Madam

## TEWKESBURY BOROUGH LOCAL PLAN TO 2011 REPORT OF PUBLIC LOCAL INQUIRY INTO OBJECTIONS

1. Attached is my report of the Inquiry which opened on 5 March 2002 at the Council's offices, Gloucester Road, Tewkesbury. The Inquiry was into objections to the Tewkesbury Borough Local Plan to 2011. The Inquiry sat on 62 days between March and December 2002 and was formally closed on 4 March 2003. The report contains my recommendations on the action which the Council should take in respect of all the objections that were not formally withdrawn by the close of the Inquiry.
2. A Pre-Inquiry Meeting was held on 5 December 2001 at the Council's offices in Tewkesbury, when procedural matters were clarified for the benefit of those intending to take part in the Inquiry.
3. At the opening of the Inquiry the Council's compliance with all the appropriate statutory formalities was confirmed. The Inquiry then proceeded with the hearing of objections; some were organised as informal hearings, others were held in the traditional adversarial manner, and two 'round table sessions' were held in which the Council and objectors took part in a structured discussion about the overall housing provision and affordable housing.
4. The Tewkesbury Borough Local Plan (the Plan) will, when adopted, provide complete coverage for the whole Borough for the first time. The Plan covers the period to 2011 and is certified by the Gloucestershire County Council as in general conformity with the current structure plan (Gloucestershire Structure Plan Second Review, adopted in November 1999), in accordance with section 46(2) of the Town and Country Planning Act 1990. The Plan was placed on deposit in November 1998, and 3991 objections were received during the statutory deposit period. The proposals were re-appraised and the Council published the Revised Deposit Draft Local Plan (RDDLP) in January

2001. The RDDLP was subject to 1985 objections. By the close of the Inquiry 1055 objections had been withdrawn. Although not expressly referred to, the total of 673 supporting representations received on the Deposit Draft and the Revised Deposit Draft are taken into account in my appraisal of the representations and my conclusions. A full list of the representations, both supporting and objecting, is deposited in the Inquiry library.

5. During the course of the Inquiry, the Council undertook public consultation on the Urban Capacity Study, which was not available until February 2002. Its findings were the subject of debate at the Round Table Session on overall housing provision.
6. I have inspected all of the sites that are the subject of objections; most of the inspections were unaccompanied. I have undertaken similar inspections of sites throughout the Borough to which the Council or objectors referred.
7. The Council indicated during the Inquiry that an early report of my conclusions in respect of the objections to the strategic site allocation at Brockworth/Hucclecote (Policy BR1) would be helpful. My interim report, dealing with this matter and with inter-related Policies BR2 and BR3 was sent to the Council in July 2003. For the sake of completeness, it is incorporated within the final report attached.
8. As the Council is aware, I have been assisted during the course of the Inquiry by another Inspector, Mr A Fussey, and by a Senior Planning Officer, Mr M Wilson. Mr Fussey dealt with a considerable number of the objections, some of which were heard at the Inquiry. His sections of the report are subsumed within the overall report and we are both of one mind on the ensuing recommendations. Mr Wilson did much valuable work in analysing the objections and reporting on the two Round Table sessions. Also, Mr T Kemmann-Lane, the Inspector appointed to the public local inquiry into objections to the Stroud District Local Plan, was appointed as Assistant Inspector to the Inquiry. This appointment was for the specific purpose of ensuring common understanding and a consistent approach to the issues raised by the objections to the strategic site, Policy BR1, which overlaps the administrative boundaries. I am very grateful for my colleagues' contribution, but the entire responsibility for the contents of the report and its recommendations rests with me.

### **My Main Conclusions**

9. It needs to be borne in mind that the Plan has had a very long gestation period, during which there have been significant policy changes at the county, regional and national levels. As a result, the strategy of the RDDLP, which emerged more than two years after the Deposit Draft, differs significantly from it, and many objections have been overtaken by events. Since the publication of the RDDLP, new regional guidance in the form of RPG10 (September 2001) has been provided, and the modifications to the Plan will be considered against the background of the emerging Gloucestershire Structure Plan Third Alteration, which has commenced its Examination in Public.
10. The main policy issues dealt with by the Inquiry were concerned with housing and the Green Belt. My recommendations generally endorse the Plan's approach to the residual housing requirement and to the development of the strategic housing site at Brockworth/Hucclecote. But perhaps as a result of its history, I find that the Plan lacks a clear vision for the sustainable development of the Borough, and this gives rise to a number of important weaknesses. I identify significant difficulties with a number of the proposed housing allocations, mainly because of their incompatibility

with PPG3. The absence of any published, comparative sustainability assessment of the proposed allocations has not assisted the development of a strategy that would implement PPG3. And fundamentally, the Council's decision not to evaluate the contribution that could be made to a more sustainable pattern of development by the selective release of Green Belt land has led, in my view, to a Plan that could frustrate the implementation of RPG10's vision for this part of the region. In the light of these and/or other factors I recommend that the proposed allocations under Policies BR4, SH1, DH1, HM2, BC4, SH3, AS5, WI1, WI2 and ST1 be deleted. Acceptance of my recommendations will entail significant re-working of the Plan and further delay in adoption, but for the reasons set out above I consider that this is vital to the achievement of a more sustainable pattern of development not just in the Borough but in its hinterland.

11. In order to bring forward a more sustainable strategy, I recommend that a full comparative assessment of potential housing allocations should be undertaken and made publicly available as a background study for the modified Plan. In this regard the Council will no doubt look more closely at potential identified in the Urban Capacity Study and seek to update and refine it. Nonetheless, on the basis that some greenfield allocations will be required, I recommend that alterations should be made to the Green Belt boundary where this would meet the tests set out in PPG3. The Council made clear during the Inquiry that, in these circumstances, it would wish to consider all potential Green Belt releases, and not just those canvassed in the objections. I have therefore indicated both the Green Belt and non-Green Belt sites that were raised in the objections and that merit inclusion in the assessment of potential new allocations. These are the omission sites at M and G Sports Ground and Golden Yolk Farm/Middle Farm at Badgeworth; Homelands Farm, Bishops Cleeve; Green Street/Kennel Lane, Brockworth; south of Mill Lane, Brockworth; an extension of the Policy HU1 housing area at Hucclecote Road, Hucclecote; Longford/Innsnorth; and Barbridge Nurseries, Uckington.
12. Implicit in the above are my conclusions that the proportion of growth directed to Tewkesbury/Ashchurch does not need to be increased; instead, the potential replacement sites that are identified would shift the balance more strongly in favour of the Central Severn Vale (CSV) or, to use RPG10's term, the Principal Urban Areas (PUAs). And also, I do not support objections that seek the allocation of more employment land in Tewkesbury/Ashchurch. But in bringing forward modifications to the Plan, I am sure that the Council will be alert to the opportunities for mixed use development on a suitable scale in sustainable locations.
13. The scale of development at Bishops Cleeve was the focus of a number of objections to the Plan. There was insufficient evidence to conclude that Bishops Cleeve is not capable of accommodating expansion of the magnitude envisaged in the RDDLP, although I recommend the deletion of the largest housing allocation there for site-specific reasons. But in assessing the most sustainable options at the modifications stage, the Council will no doubt take account of RPG10's concern, expressed at paragraph 3.11, that some growth relating to the Principal Urban Areas appears to have been leaping the Green Belt boundary to nearby commuter towns, leading to less sustainable patterns of development and travel.
14. I also wish to highlight my recommendations on the settlement hierarchy generally, as defined in Policies HSG2 and 3. This needs review and re-appraisal, so that the function of the settlements and their role in accommodating further development is firmly rooted in sustainability principles. This applies with particular relevance to my

recommendations that the scale of expansion proposed in Winchcombe should be greatly reduced.

15. The Plan's estimate of need for affordable housing in the Borough is broadly supported, but I recommend that the policies should reflect more closely the guiding principles of negotiation in this matter.
16. With respect to Transport, I draw attention to my recommendation that the Plan should do more to assist genuinely in the implementation of the Local Transport Plan, for example by bringing forward firm proposals for cycleways and pedestrian networks.
17. The Plan contains local landscape designations for the Special Landscape Area and the Landscape Protection Zone. While these are rooted in earlier plans, I consider that the objections highlight the need to re-evaluate the function of the designations and the need for special policy protection. And in bringing forward any consequential modifications to the Plan, the Council may wish to consider whether supplementary planning guidance or other initiatives like those advocated in paragraph 5.6.33 of the GSPSR would be a more effective and positive means of achieving the protection and enhancement sought by some of the Landscape and General policies.
18. Finally, a number of objections to the Deposit Draft Plan refer to sites that are deleted from the RDDLP and in my view this fully resolves the outstanding objections. I support the Council's decision to delete these allocations and do not consider that the objections require any further comment. Accordingly, Policies AL1, AS1, IN1, MA1, ST2, ST3, TE3 and TI1 of the Deposit Draft Plan are not considered in the report.

### **Other Matters**

19. While not the subject of objections, and therefore not part of my recommendations, there are a number of matters that the Council may wish to address in bringing forward modifications to the Plan. It would be advisable to delete references in the reasoned justification to particular Circulars or Planning Policy Guidance notes. These may be superseded during the lifetime of the Plan and, as a result, its policies may carry less weight. The Plan should be read as a whole, and therefore there is no need for cross-references from one policy to another. Many of the policies would benefit from re-drafting as a set of criteria; for example, TRP13, AGR2 and the Nature Conservation policies could be improved in this way. Policy SHP4 refers only to new schemes, but it would be helpful to indicate how proposals to extend existing facilities will be considered. Policy AGR6 uses the term 'low key'. This has not been raised in any of the objections and therefore it remains in my recommended modification of the policy, but it is an imprecise, ambiguous term that would take nothing away from the policy if it were to be deleted. Policy LAN7 on Historic Parks and Gardens would be more appropriately included in the re-titled 'Historic Environment' chapter (formerly Conservation) than in the Landscape chapter.

## Format of the Report

20. The format of the report follows the chapter order of the Plan and is divided into three volumes. The first deals with the General Policies, the second with the Local Policies, and the third with omission sites or other proposals for new local policies (classified in the schedule of objections as LPOLNP). The report is structured by reference to the individual policies of each chapter, adjusted where necessary to take account of the evidence at the Inquiry. Objections to the reasoned justification are normally subsumed under the relevant policy heading. Volume Three, which deals with the omission sites, is in alphabetical order of the address by which the site has been generally described. Consideration of each policy or omission site(s) begins on a separate page to ease the subsequent task of copying and distributing elements of the report to objectors and others. Paragraphs are numbered first by volume, then by chapter (in the case of Volume One), then by section, for ease of reference; thereafter they follow a numerical sequence.
21. Each section of the report commences with the identification of the contentious policy or matter, together with the reference numbers of the relevant objections or details of the appendix where they are listed. The main issues raised by the objections are very briefly summarised, followed by my appraisal of the matters in contention, and finally by my recommendations. In some instances it has been necessary to comment on parts of the Plan which, although not the subject of specific objection, require further consideration as a consequence of my conclusions on related matters. However, it has not been possible to draw attention to all the potential implications for other parts of the Plan of some of my recommendations, and the Council should address these at the appropriate stage.
22. All of the matters raised in the objections, the supporting representations and the Council's rebuttal evidence have been taken into account, but my appraisal is dominated by the main issues and considerations that lead to my conclusions. Objections made in writing have been given similar weight to those presented orally at the Inquiry. I have taken full account of Government policy, as set out in Circulars and Planning Policy Guidance notes which were extant at the time of reporting on the objections, whether or not it post-dates the Inquiry. Where appropriate, I have drawn attention to the implications of any recently issued policy advice. But the Council will wish to take into account any subsequent revisions to Government policy which may take place before the adoption of the Plan.
23. The appendices to the report comprise lists of appearances at the Inquiry and of Inquiry documents, Core Documents, the outstanding objections, and a separate schedule of the objections for certain of the LPOLNP sections. Apart from the schedule, all of the appendices were prepared either by the Programme Officer or the Council and are already held by the Council.
24. Last but not least, I wish to express my gratitude to all those who contributed to the smooth running of the Inquiry. In particular, I am very grateful to the Council's officers and to the objectors who produced proofs of evidence, inquiry documents and written submissions on time and in a form that generally accorded with my wishes. This hard work contributed significantly to the effectiveness of the Inquiry and eased my task. So too did the thoroughly professional performance of advocates, witnesses and objectors alike. It is fitting to record my appreciation of the services of Mr Robert Hanson who represented the interests of the Council during the Inquiry. My

thanks also go to all the individuals, residents groups, organisations and companies who gave so much time and thought to their representations at the Inquiry and in writing. I hope that my recommendations go some way to meeting their concerns.

25. My most sincere thanks are reserved for the wholehearted support of the Programme Officer, Mr Alan Scott. His professionalism, diligence and courtesy at all times were much appreciated.

Yours faithfully

MARY TRAVERS BA(HONS) DipTP MRTPI  
Inspector

cc Office of the Deputy Prime Minister  
Government Office for the South West

## **SH1 Farm Lane/Leckhampton Lane, Shurdington**

### ***Objections***

*See Appendix D for the list of objections to this policy*

### ***Main Issues***

- *sustainability of the allocation*
- *landscape impact*
- *access arrangements*

### ***Inspector's Considerations and Conclusions***

#### *Preamble*

- 2.25.1 Policy SH1 is a new policy in the RDDLP that proposes the allocation of land to the west of Farm Lane and to the north of Leckhampton Lane in Shurdington Parish for about 400 dwellings. A number of requirements for the development of the site are set out in the policy, including the provision of a landscaping scheme that is sensitive to the location adjacent to the AONB. The reasoned justification refers to the planning status of the site in the Cheltenham Environs Local Plan as safeguarded land and states that this 'places it first in considering options around the edge of Cheltenham with priority in particular over Green Belt sites'.
- 2.25.2 The policy requires that development of the site would commence in 2006-2011, in order that it could be considered in association with any proposals that may emerge for that part of the safeguarded land within Cheltenham Borough. However, in the light of evidence given by Cheltenham Borough Council to the Inquiry that such development is unlikely to occur, the Council considers that the site could be phased for development between 2001-2011. I use the term 'safeguarded' in relation to the Cheltenham Borough land to reflect the practice adopted at the Inquiry. However, for the avoidance of doubt, I note that Policy CO 52 of the adopted Cheltenham Borough Local Plan which applies to this land makes it clear that this policy will be distinguished from Green Belt policy only in terms of the permanence of the latter, although nothing in the plan should be taken to imply that this land will be released for development after 2001.
- 2.25.3 Policy SH1 replaces the proposal in the Deposit Draft to include the site as safeguarded land in accordance with Policy GBT3. On that basis planning permission would only have been granted for permanent development following its allocation for such development through a review of the local plan. A number of objections to that policy sought the inclusion of the site within the Green Belt for reasons that have much in common with objections to Policy SH1 and they are taken into account below.

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### *Sustainability of the Allocation*

- 2.25.4 In response to the many objections that challenge the sustainability of the proposal, the Council has said that if a site immediately abutting the Cheltenham urban area is not sustainable then the whole CSV concept - a central tenet of the GSPSR - is flawed. I do not agree for the reasons set out under HSGGEN (Housing – General) in Volume One of the report. The site is only as close to the wide range of facilities (work, shopping, leisure, education) in Cheltenham as the borough boundaries allow. In reality, it is separated from the continuous built-up urban area by a large tract of open land to its east (the Cheltenham Borough safeguarded land) and by a finger of development (the residential area known as The Lanes) to the north that is a relatively isolated protrusion into the countryside. On its western boundary lies the designated Green Belt while to the south, on the far side of Leckhampton Lane, are lands within the Cotswold AONB and the Green Belt. As a result, I do not consider that the proposal is an urban extension in any sense other than perhaps an administrative one.
- 2.25.5 Even with the improvements to pedestrian facilities that are proposed by the site's developers, the nearest primary schools would be about 1.1km and shops at Up Hatherley about 1.4kms away. These distances are well in excess of the maximum desirable walking distances set out as interim criteria in Annex A of RPG10. The latter's guidance on this matter is presented as interim only, but in my view the distances entailed in this case would be a significant disincentive to journeys on foot from the site to local facilities when taken together with the need to cross Shurdington Road (A46). Potential improvements to cycle links could bring cycle routes to within about 750m of the site, but it would still be necessary to use narrow country lanes or to cross the A46 to gain access to many facilities. Overall, I do not consider that the site would be easily accessible by cyclists.
- 2.25.6 At present the site is not well served by bus transport since it requires a walk of some 400-500m across unmade footpaths to reach a bus service that runs only twice hourly between Cheltenham and Gloucester. As part of the development of the site an extension of bus service G is proposed so that all of the new dwellings would be within 200m of a bus stop. This proposal is supported by a bus operator, and together with other measures it appears to have resolved concerns in principle on the part of the highway authority about the transportation aspects of the allocation. Nonetheless, the extended service would require at least 3 additional buses on the route to ensure a 15-minute frequency in accordance with the LTP objective for public transport in the CSV. And there is no indication that a financial subsidy to achieve even one additional bus on the extended route would be forthcoming or that the extended route would be sustainable in the long-term.
- 2.25.7 The A46 is designated as a Quality Bus Route in the LTP and Policy TRP11 of the Plan seeks to enhance public transport facilities along this route. However, it would appear that the route is principally intended to improve limited stop, express connections between Cheltenham and Gloucester and there is no evidence to indicate that the site would benefit significantly from the Quality Bus Route proposal. There is also potential for conflict between bus priority measure and the signalised junction arrangements at Shurdington Road/Kidnappers Lane proposed by the site's prospective developers. Traffic management measures that might be required to discourage increased rat-running on unsuitable routes in the locality



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are an indication of the significant increase in competition for road space that would be likely to be generated by the proposed allocation. The implications of the possible development of a Park and Ride facility on the A46 have also been raised, but at this stage there is insufficient reason to lend this any significant weight in favour of the proposal.

- 2.25.8 Details of the Esteem modelling exercise that has been carried out on behalf of the prospective developers of the site have been submitted. This purports to show that sites within the CSV, and in particular the SH1 site, are the most sustainable in terms of minimising CO<sup>2</sup> emissions from travel by motorised transport. The model is regarded as particularly useful at the county and regional scale by those who developed it, and it is perhaps not surprising that it supports the GSPSR focus on the CSV as the most sustainable in transport terms. In my view its findings need to be interpreted with caution at the local level because it does not adequately address the potential for walking, the most important mode of travel at this level, to replace short car trips, particularly under 2kms. The cumulative impact of such replacement on total emissions may not be very great but it is nonetheless an important element of Government policy that seeks to integrate planning and transport at all levels so that accessibility by non-car modes is promoted (my underlining). In my view it is necessary to compare alternative sites within the CSV on more qualitative measures of transport sustainability, so that the opportunities that would be available to promote a shift to non-car modes of transport for a range of day-to-day activities are taken into account.
- 2.25.9 For the reasons given above, I conclude that the allocation of this site for residential development would not promote accessibility by non-car modes and that its future occupiers would be likely to be reliant on car transport for most day-to-day travel needs. Therefore, it would not score well against the second criterion of paragraph 31 of PPG3, and the cost-effectiveness of extending an adequate bus service into the development makes it unlikely that the third criterion could be satisfactorily addressed. Also, the proposal would lead to the development of a residential area in relative isolation from supporting facilities and this would make it difficult to build communities, as sought by the fourth criterion of paragraph 31.
- 2.25.10 A number of objections underline the importance of considering any proposals for development of this site in a wider context, especially that of the safeguarded land in Cheltenham Borough. While I do not make a judgement on the relative planning merits of any such proposals, I agree that a cross-boundary approach would be an essential pre-requisite to considering whether a sustainable urban extension in accordance with PPG3 could be achieved in this area.

### *Landscape Impact*

- 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.

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- 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.
- 2.25.13 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.

### *Access Arrangements*

- 2.25.14 The prospective developers of the site have drawn up a scheme for vehicular access that appears to be accepted in principle by the highway authority. It is intended to deter traffic to or from the site using Leckhampton Lane or Church Road, thereby seeking to overcome some of the concerns about the effect of the allocation on traffic and public safety in and around Leckhampton. Instead, traffic would be directed onto the A46 Shurdington Road. Traffic calming to encourage pedestrian and cycle use would form part of the development package. Therefore, from a technical perspective it appears that satisfactory arrangements could be made for access to the site, subject to any necessary enforcement of the restraint on traffic using the Farm Lane/Leckhampton Lane route. However these would be achieved at some considerable cost to the rural environment of Farm Lane by its widening and the removal of a significant length of hedgerow. Having regard to the fifth criterion of paragraph 31 of PPG3, I consider that this amounts to a physical and environmental constraint on the development of the site that adds to my concern about its overall visual impact.

### ***Conclusion***

- 2.25.15 For these reasons I consider that Policy SH1 does not accord with the advice in PPG3 on selecting sustainable locations for new housing and I recommend that it be deleted from the Plan. A number of objections seek to have the site incorporated within the Green Belt but I make no specific recommendation on this matter for a number of reasons. RPG10 requires that a review of the Green Belt boundary around Cheltenham and Gloucester should form part of the next round

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of structure planning. The Deposit Draft of the Gloucestershire Structure Plan Third Alteration states that the County's sustainable development needs up to 2016 can be accommodated without the need for any new Green Belt alterations, but this draft has not yet reached an advanced stage in the procedures leading to adoption. In the meantime, as the Council made clear at the Inquiry, it would wish to evaluate the implications for the Green Belt as a whole of any alterations to the boundaries that appear to be indicated after consideration of this report. The most appropriate future use of this site, including whether it should be safeguarded in terms of PPG2 or included within the Green Belt, would form part of that work. As referred to above, it will be essential to co-ordinate planning for this area with that for Cheltenham Borough's lands to the east of Farm Lane.

- 2.25.16 Notwithstanding my recommendation, if the site were to be allocated for housing the outstanding objection in respect of the required affordable housing provision on the site should be dealt with by the modifications that I recommend under LPOL – General. On this basis the policy requirement for about 120 units of affordable housing on the site would be the starting point for negotiations. Planning for the provision of affordable housing is a national policy requirement and there is no reason why this site would not be suitable for an element of such provision. Consequential modifications should be made to the policy and reasoned justification in regard to the design and development brief and contributions to educational provision, in accordance with my recommendations under LPOL – General. Notwithstanding the Council's concession on the proposed phasing of the site, I consider that it would be reasonable to phase the release of Policy SH1 for the second half of the Plan period. This would enable more sustainable sites that are better related to the urban area of Cheltenham to be brought forward first. These would include Policy SO1 and any of the omission sites around the fringes of Cheltenham that I have identified as having potential for residential development. Finally, I note that the Council accepts that the policy should include a reference to drainage requirements and I concur.

### ***Recommendation***

- 2.25.17 The Plan be modified by the deletion of Policy SH1.