

Dear LEGLAG Member,

Sunday 13<sup>th</sup> March 2016

## **REDROW WHITE CROSS/SD2 PLANNING APPLICATION**

We failed to get the 'call-in' on White Cross/SD2 requested by our local councillors Andrew Chard, Chris Nelson and MP's Alex Chalk and Laurence Robertson, this is the planning application from REDROW on Farm/Leckhampton Lane, we were informed by letter from Mike Hale (National Planning Case Unit) on behalf of the Secretary of State. We do not know if the Case Unit recommended a public enquiry to the Secretary of State, this decision is no surprise, the problem is that these appeals are very expensive, hence only a handful each year across England. We have had two relating to the JCS in the last year, and TBC have taken the Inspectorate to court twice in recent years and lost, what does that tell the public about the governance of TBC Planning.

The hold that the NPCU placed on the REDROW application was very helpful, the biggest frustration is that we only missed out by a few weeks, the EiP session to discuss the way forward on Leckhampton is scheduled for the 6th April. TBC could easily have held the REDROW application to allow Inspector Ord to complete the EiP work, now what is driving that decision, nothing to do with the support we and the Parish Council have received? We are now looking at other options, not alot so please get involved, any ideas on how to buy us a few more weeks. The Judicial Review with Cornerstones is our last option, as you know preparatory work has been done, however LEGLAG funding is low, we are seeking a bank loan from HSBC.

To give you a little more background information, Cheltenham Borough Council [supported the call in](#) with a unanimous vote of support for Leckhampton requested joint working with TBC on the Masterplanning. Inspector Ord has in her preliminary finding stated that building on any part of White Cross /SD2 is unsound, please see report extract below, [full report published here](#). In an email exchange last week from Paul Skelton (TBC Planning Development Manager) on the subject of joint working and discussion of Inspector Ord's preliminary findings he states, *'there are some finishing touches to the S106 agreements that need addressing however I anticipate that the decision will be issued shortly. On that basis there wouldn't be anything further we could explore in terms of SD2'*.

So much for the promise from JCS Officers that this time they would listen to recommendations from the Inspector on local planning, remember that the main reason for the inflated housing numbers was to avoid conflict with the Inspector and the plan being found unsound. Now we see the stark truth, Tewkesbury Borough Council are cynically ignoring the important recommendations, questions and additional work from Inspector Ord and the request from Cheltenham Borough Council for Masterplanning. Everyone accepts this site is a Cheltenham urban extension, it makes a nonsense of our planning system for Tewkesbury Borough Council to disregard the view of the neighbouring council and JCS Partner. We might be able to get help and/or representation from Cheltenham Borough Council Officers, publicity would really help so anyone willing to get the word out on twitter or use other channels makes a real difference. CBC are a powerful council and could easily redcard this decision from TBC Planning, the Echo too has an important voice in Cheltenham. Council Officers and Developers seem to be able to predict our actions exactly, but they will not be able predict the action from our members, so please let's have your ideas. TBC Councillors will probably not be aware of what is happening in their name and it is worth contacting them to ask why they have rejected joint working within the JCS Framework and given up taking guidance from Inspector Ord, **contact details below**.

There is also a growing sense of something untoward about how this site is being dealt with by Tewkesbury Borough Council, you would have thought that being connected with the arrest of one of their councillors that TBC would handle this application by the book (Cllr Sean Connors, published here [\[1\]](#),[\[2\]](#) and [\[3\]](#) in 2007, has anyone found the Guardian article referenced). What else do we know, TBC have made development at Leckhampton a JCS redline, TBC are very protective of their little patch of Leckhampton development even though housing here would be supplying the needs of Cheltenham, it is a Cheltenham site as the Inspector recognises and will become part of Cheltenham if developed. The other part of the jigsaw are statements made by Laurence Robertson MP in a House of Commons debate on the National Planning Policy Framework (NPPF), these statements relate to TBC Planning Officers, [published here](#), search for

Robertson and look for the redline. Martin Horwood was also part of that NPPF debate, definitely worth a read of his statement, both MP's have great insight into the planning system. If anyone knows more about these events, statements and the irrational behaviour of TBC Planning or wants to get involved please get in contact.

## **CHURCH ROAD AIR POLLUTION MONITORING**

Traffic congestion, safety and air pollution on Church Road has rightly received much publicity this last year, the levels of air pollution are about  $\frac{1}{2}$  to  $\frac{3}{4}$  of the legal 40ug/m<sup>3</sup>, the World Health Organisation have set out the dangers of various levels of air pollution, [published here](#) and [FAQ](#). We would like to measure the particulate levels and NO<sub>2</sub> all along Church Road at peak traffic. Inexpensive (£1100) high specification mobile units are now available to complement the diffusion tube monthly average sited at #56. The County have projected large increases in both traffic and congestion to 2030[[see section 3 LEGLAG letter](#)] and this is without the additional JCS housing developments being planned. There is a request into the Parish Council for a small amount of funding for an Air Quality Project, this is entirely consistent with Cheltenham having been made a [DEFRA Air Quality Management Area](#).

Unfortunately Cheltenham Borough Council have now decided to save some money on the monthly monitoring, they have removed the diffusion tube at 56 Church Road. *'The NO<sub>x</sub> monitoring point in Church Road was removed along with 18 others of the 56 we had in Cheltenham last year as part of our end of year review. Each tube costs the council between £100 and £200 per year to maintain and monitor, so reducing the number of monitoring sites will save us in the region of £2000 a year. The council is not required to consult on where these monitoring points are positioned.'* Gareth Jones M.Sc, B. Eng, MCIEH Senior Environmental Health Officer, tel. 775022, [gareth.jones@cheltenham.gcsx.gov.uk](mailto:gareth.jones@cheltenham.gcsx.gov.uk).

We need to reverse this poor decision from Cheltenham Borough Council, the parish Council might fund the diffusion tube, it will be important to monitor monthly figures as traffic congestion increases on Church Road.

## **ROBERT HITCHINS PLANNING APPLICATION on KIDNAPPERS LANE - upto 45 REF 16/00202/OUT**

We have provided information on this OUTLINE application on the website, the latest news from CBC Planning - Craig Hemphill is that they are very unlikely to find time to process this application before the council elections in May, and they would like to see a FULL application, they need the detail, given the sensitivity of the location, [full information here](#).

Best Regards

Ian Bickerton - Chair (tel. 250473) and

Margaret White – Secretary (523668)  
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## **OTHER CONTACTS**

Chief Constable, Suzette Davenport [Gloucestershire Constabulary force.controlroom@gloucestershire.police.uk](#)

**JCS Examination in Public - Inspector Ord and Administration [jdkemp@icloud.com](mailto:jdkemp@icloud.com)**

**National Planning Casework Unit – Mr Mike Hale – Manager South West  
[Mike.Hale2@communities.gsi.gov.uk](mailto:Mike.Hale2@communities.gsi.gov.uk)**

**TEWKESBURY PLANNING COMMITTEE**

Cllr Ron Allen, [councillor.allen@teWKesbury.gov.uk](mailto:councillor.allen@teWKesbury.gov.uk)

Cllr Robert Bird, [councillor.bird@teWKesbury.gov.uk](mailto:councillor.bird@teWKesbury.gov.uk)

Cllr Gillian Blackwell, [councillor.blackwell@teWKesbury.gov.uk](mailto:councillor.blackwell@teWKesbury.gov.uk)

Cllr Derek Davies, [councillor.davies@teWKesbury.gov.uk](mailto:councillor.davies@teWKesbury.gov.uk)

Cllr Mike Dean, [councillor.dean@teWKesbury.gov.uk](mailto:councillor.dean@teWKesbury.gov.uk)

Cllr Bob East, [councillor.east@teWKesbury.gov.uk](mailto:councillor.east@teWKesbury.gov.uk)

Cllr John Evetts, [councillor.evetts@teWKesbury.gov.uk](mailto:councillor.evetts@teWKesbury.gov.uk)

Cllr David Foyle, [councillor.foyle@teWKesbury.gov.uk](mailto:councillor.foyle@teWKesbury.gov.uk)

Cllr Melanie Gore, [councillor.gore@teWKesbury.gov.uk](mailto:councillor.gore@teWKesbury.gov.uk)

Cllr Julie Greening, [councillor.greening@teWKesbury.gov.uk](mailto:councillor.greening@teWKesbury.gov.uk)

Cllr Anna Hollaway, [councillor.hollaway@teWKesbury.gov.uk](mailto:councillor.hollaway@teWKesbury.gov.uk)

Cllr Elaine MacTiernan, [councillor.macternan@teWKesbury.gov.uk](mailto:councillor.macternan@teWKesbury.gov.uk)

Cllr Jim Mason, [councillor.mason@teWKesbury.gov.uk](mailto:councillor.mason@teWKesbury.gov.uk)

Cllr Andrew Reece, [councillor.reece@teWKesbury.gov.uk](mailto:councillor.reece@teWKesbury.gov.uk)

Cllr Terence Spencer, [councillor.spencer@teWKesbury.gov.uk](mailto:councillor.spencer@teWKesbury.gov.uk)

Cllr Pearl Stokes, [councillor.stokes@teWKesbury.gov.uk](mailto:councillor.stokes@teWKesbury.gov.uk)

Cllr Philip Surman, [councillor.surman@teWKesbury.gov.uk](mailto:councillor.surman@teWKesbury.gov.uk)

Cllr Robert Vines, [councillor.vines@teWKesbury.gov.uk](mailto:councillor.vines@teWKesbury.gov.uk)

Cllr Philip Workman, [councillor.workman@teWKesbury.gov.uk](mailto:councillor.workman@teWKesbury.gov.uk)

**SENIOR TBC OFFICERS**

Mr Mike Dawson, CE of TBC (now in charge of the JCS) [chiefexecutive@teWKesbury.gov.uk](mailto:chiefexecutive@teWKesbury.gov.uk)

Ms Rachel North – Deputy CE [Rachel.North@teWKesbury.gov.uk](mailto:Rachel.North@teWKesbury.gov.uk)

Ms Julie Wood - Group Manager/Director of Development [Julie.Wood@teWKesbury.gov.uk](mailto:Julie.Wood@teWKesbury.gov.uk)

Joan Desmond Planning Case Officer [joan.desmond@teWKesbury.gov.uk](mailto:joan.desmond@teWKesbury.gov.uk)

Tel. 01684 272103

Paul Skelton, Development Control Manager [paul.skelton@teWKesbury.gov.uk](mailto:paul.skelton@teWKesbury.gov.uk)

Tel. 01684 272102

### **CHELTHENHAM CONTACTS (who can help)**

Tracey Crews – Head of CBC Planning - [Tracey.Crews@cheltenham.gov.uk](mailto:Tracey.Crews@cheltenham.gov.uk)

Cllr Steve Jordan – Leader of CBC Council, [cllr.steve.jordan@cheltenham.gov.uk](mailto:cllr.steve.jordan@cheltenham.gov.uk)

Alex Chalk MP for Cheltenham, [alex@alexchalk.com](mailto:alex@alexchalk.com)

Laurence Robertson MP [laurence.robertson.mp@parliament.uk](mailto:laurence.robertson.mp@parliament.uk)

Martin Horwood, [martin2@martinhorwood.net](mailto:martin2@martinhorwood.net)

Dr Adrian Mears – Chair of Leckhampton with Warden Hill Parish Council [adrian\\_mears@yahoo.co.uk](mailto:adrian_mears@yahoo.co.uk)

Cllr Iain Dobie, [iain.dobie@gloucestershire.gov.uk](mailto:iain.dobie@gloucestershire.gov.uk)

Cllr Chris Nelson, [cllr.chris.nelson@cheltenham.gov.uk](mailto:cllr.chris.nelson@cheltenham.gov.uk)

Cllr Andrew Chard, [andrew4leckhampton@gmail.com](mailto:andrew4leckhampton@gmail.com)

More CBC contacts can be found on <http://www.cheltenham.streetsure.org/>

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### **MORE BACKGROUND INFORMATION**

For information, the 806 letters of objection on the REDROW SD2 planning application from the public where summarised for the planning committee to a single page in the officers report -008381FUL, just one page, please see extract below. This is not a correct summary of the public objections, reducing down to line items and omitting the evidence is not helpful to the decision makers on the TBC Planning Committee. Have redlined [\*\*] a few line items where more detail of the precise objection would have been critical, take for example 'contrary to NPPF', what part of the REDROW planning proposal was not compliant to the National Planning Policy Framework, this is the Planning Bible, and why were the TBC Planning Committee members not informed ?

No letters of support from the public were reported.

**806 letters of objection - to both the original and revised application on the following grounds:**

- Premature [\*\*]
- Consideration should be given to the NPPF Local Green Space application first [\*\*]
- Loss of views to/from AONB
- Destruction of habitat, hedgerows, wildlife and amenity
- Extra traffic will exacerbate congestion problems on local roads and on the A46. Need to undertake JCS modelling work before application is considered. [\*\*]
- Schools in area are at capacity [\*\*]
- Cheltenham Borough Council housing figures which were fed into the JCS should be reconsidered
- Lacking in green space
- Will exacerbate existing air pollution problems
- Visual intrusion
- Will destroy attractiveness of footpath that crosses the land
- Flood risk and will move flooding problems downstream [\*\*]
- Pressure on local facilities and services
- Should develop on brownfield land first
- Area is not sustainable as isolated from Leckhampton and Shurdington and reliance of car travel an essential
- Heavy machinery cannot access site due to weight restrictions and narrow width of local roads
- Identified as best candidate for additional green belt in JCS report
- Lacks any infrastructure
- Will damage setting of AONB and views from AONB
- Rural nature of Leckhampton Lane and Church Road should be maintained and there should be no access onto Leckhampton Lane
- Density of housing out of keeping with area [\*\*]
- Additional houses are not required
- Should be consistent and reject application on similar grounds to those used by Cheltenham Borough Council for land opposite
- Out of keeping with character and needs of area
- Contrary to NPPF [\*\*]
- Would encourage further development in the area

**EXTRACT FROM INSPECTOR ORD'S PRELIMINARY JCS REPORT, THIS EXTRACT COVERS ALL THE STATEMENTS ON LECKHAMPTON (critical evidence on SD2/White Cross and cast aside by TBC Planning)**

Everyone we have spoken to agree this Inspector's report is a very detailed assessment of the JCS and site allocations including the Leckhampton strategic site. Inspector Ord made two site visits to Leckhampton, knows the area well, the development history, and all is fully referenced. In the report Inspector Ord raised some important points on the Leckhampton allocation and requested a small amount of additional work, this was **highlighted** in the original text; please see below, para's 56, 59 and 66.

**This is all being cast aside by Tewkesbury Borough Council, just a few months before completion of the Examination in Public (EiP) of the Joint Core Strategy (JCS) which has been five years in the making.**

**Leckhampton (A6)**

47. The third non-GB allocation is at Leckhampton on the south western edge of Cheltenham, located partly in Cheltenham and partly in Tewksbury. It is proposed as an urban extension to Cheltenham, contributing 1,124 dwellings towards Cheltenham's housing supply<sup>41</sup>. The site lies reasonably close to Cheltenham town centre and is partly enclosed by existing development.

48. Although that part of the site which lies to the south-west of Farm Lane (within Tewkesbury Borough) was considered by the AMEC GB Assessment to have potential to be added to the GB42, the report stopped short of recommending its inclusion. The AERC GB Review of Cheltenham<sup>[43]</sup> found that the Cheltenham part of the site did not score highly against defined GB purposes.

49. The Strategic Allocations Report<sup>[44]</sup> and Landscape Report<sup>[45]</sup> indicate that its overall landscape sensitivity is high to medium, and that whilst the site lies generally within flood-zone 1, there are small areas which fall within flood-zone 2.

50. A section of the site's southern boundary lies adjacent to the AONB and some areas of the site are very sensitive to development. In the SA it 10 scored major negative against the landscape sustainability objective, meaning that it is assessed as having a problematical sustainability effect, with mitigation likely to be difficult and/or expensive<sup>[46]</sup>. It is the only strategic allocation to have scored a negative effect above minor against any objective.

51. The Landscape Report indicates that a large part of the allocation, (including land to the south west of Farm Lane) falls within the highest category of landscape and visual sensitivity. One of the key considerations in the Report is that the site has a "*very prominent landform and field pattern to the south adjacent to the AONB which is vulnerable to change and is considered a valuable landscape resource*" <sup>[47]</sup>.

52. I have reservations about the soundness of developing that part of the proposed allocation which is highly sensitive and which, from my site visit, I noted to be in clear view from within the AONB and other public recreational areas.

53. A number of heritage assets also require careful consideration, including the moated site at Church Farm, the Rectory, Leckhampton Farmhouse and Barn, the Olde England Cottage, the Moat Cottage and Church Farm<sup>[48]</sup>. The Historic Environment Assessment states that "*there are major heritage concerns to development*" due to the high contribution the area makes to the setting of designated buildings and the high potential for archaeological remains of medium regional significance<sup>[49]</sup>. Development should be avoided that could have a significant impact on these assets unless appropriate mitigation were demonstrated.

54. The section south west of Farm Lane, within Tewkesbury's boundaries, is an existing allocation within the Tewkesbury Borough Plan. However, the Inspector examining the Tewkesbury Borough Plan had reservations about developing this area and recommended its deletion as an allocation [50]. This recommendation was not taken forward by the Council.

55. Tewkesbury Borough Council has recently resolved to grant planning permission for 377 dwellings on the Farm Lane site<sup>51</sup>, despite objections from Cheltenham Borough Council [52] and seemingly without integrated master-planning for the whole site.

56. Whilst these dwellings are intended to contribute to Cheltenham's housing supply, it is unclear how this will work in practice, as there is no mechanism in place to achieve this at present and, as the main reason for the resolution seems to be Tewkesbury's lack of a five year housing supply. **The JCS authorities are invited to provide further explanation.**

57. I have reservations about developing this area of high landscape and visual sensitivity, adjacent to the AONB and GB. I understand that the application is now with the National Planning Unit following a request for a call in [53].

58. The Cheltenham part of the allocation is proposed for 764 dwellings with no employment land<sup>54</sup>. An outline planning application for residential development of up to 650 dwellings and a mixed use local centre is currently the subject of an appeal and a decision from the Secretary of State is pending. However, it is not known how this will be decided and my preliminary findings have not been influenced by this appeal. I understand that another application for additional development is expected [55].

59. In summary, balancing the harms and benefits of this site<sup>56</sup>, in my judgement some residential development is justified on the Cheltenham part of the site. Nonetheless, this should not be on those areas that have high landscape and visual sensitivity. With this proviso, I am minded to find that the Cheltenham part of the allocation is sound. **Submissions are invited from the JCS authorities only on what capacity is justified on this site in view of my comments.**

60. On the other hand, for reasons of landscape sensitivity, I am not minded to find the Tewkesbury part of the allocation sound. However, this finding may be overtaken by events, depending on the results of the call in request.

61. Leckhampton with Warden Hill Parish Council has proposed the designation of LGS within the strategic allocation. Both the Parish Council and the JCS authorities have requested that I make a finding on the soundness of such a designation [57]. Therefore, LGS designation should only be made on areas of this site which are inappropriate for development.

62. The NPPF states that local communities should be able to identify green areas of particular importance to them for designation through local or neighbourhood plans, which is consistent with the planning of sustainable development.

63. The criteria for designation, as set out in the NPPF<sup>58</sup>, are that the green space is in reasonably close proximity to the community it serves, it should be demonstrably special to the community and hold particular local significance, and it should be local in character and not be an extensive tract of land.

64. What is an extensive tract of land is largely a matter of judgement and will depend on the circumstances of each designation. However, I consider the original area put forward by the Parish Council, as referred to in the Local Green Space Study Report [59], to be too large (54 hectares) and to conflict in part with areas that are justified for development. Nonetheless, there is scope for designation within the allocation.

65. Turning to the merits of designation, the proposed LGS lies close to the local community, and is well supported by local people<sup>60</sup>. Following public consultation, a range of reasons was submitted in support of the designation. Amongst other things, these relate to the beauty and interest of views, the importance of the network of footpaths for dog walkers and others, opportunities for all year round exercise such as jogging, enjoyment of the historic buildings, hedgerows and trees, and the area's overall tranquillity [61].

66. In my judgement, the evidence suggests that the NPPF criteria are met and LGS designation is justified. **The JSC authorities are requested to consider indicative areas for LGS designation based on two scenarios:**

**1) development not proceeding on the Farm Lane site;**

**2) development proceeding on the Farm Lane site. Further input from relevant developers and Leckhampton with Warden Hill Parish Council, limited to indicative areas, is invited at the forthcoming hearings.** Detailed boundaries are best left for either the Cheltenham Borough Plan or the forthcoming Neighbourhood Plan.

## REFERENCES

37 EXAM130, page 45

38 EBLO 102, October 2013, pages 91-94

39 EBLO 106, October 2012, pages 58-59

40 See Exam 87 for summary

41 EXAM 130, page 45

42 ENAT 100-AMEC Green Belt Assessment, September 2011, page 55, paragraph 7.3.8

43 EXAM 81, see Fig C: Ranked Scoring of Areas Against Green Belt Purposes

44 EBLO 102, October 2013, pages 72-74

45 EBLO 106, October 2012, pages 14-15

46 SAPR 100, page 100; SASUB 100, page 101

47 EBLO 106, October 2012, page 15

48 ENAT 107-Historic Environment Assessment, March 2014, page 75

49 ENAT 107, page 76, paragraphs 10.4.2 and 10.4.3

50 EXAM 144C, see particularly paragraphs 2.25.15 and 2.25.17

51 EXAM 127-Farm Lane Application; EXAM 144A Tewkesbury Borough Council planning committee minutes

52 EXAM 121A, Annex C

53 EXAM 144B

54 Councils' Matter 8 written statement, answer to question 137

55 JCS Statement Matter 8: Strategic Allocations, answer to question 148, page 30

56 See summary of benefits in EXAM 87