

Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire GL20 5TT

5 July 2017

For the attention of Catherine Ashby

Dear Sirs

### **Application Reference 17/00399/OUT: Land to the West of Evesham Road**

I write to set out CPRE's objections to this proposed development. This letter takes account of the documents submitted with the planning application, adopted and emerging development plan documents, and national guidance and policy.

The letter is in broadly two main parts: the first sets out our understanding of the context for the application; the second consists of a review of the planning application documents. Conclusions are then drawn.

#### **The Site and its Surroundings**

Representatives of CPRE carried out a site visit on 28 June 2017. Our observations were made from the eastern boundary of the site on the A435, as there are no public rights of way (PRoW) crossing or adjoining the site; the nearest PRoW runs east to west about 150 metres north of the northern boundary of the site. Existing uses and the nature and condition of the boundaries were noted.

#### **The Development Plan**

The development plan consists solely of the Tewkesbury Borough Local Plan adopted in 2006.

The Joint Core Strategy hearings, dealing now with the Proposed Modifications, will resume this month. In this context, it is significant that none of the proposed strategic allocations proposed in the JCS to meet needs arising from Gloucester and Cheltenham but which cannot be entirely accommodated within their administrative boundaries, is located in this part of Tewkesbury Borough.

## **The Gotherington Neighbourhood Development Plan**

The Gotherington Neighbourhood Development Plan (GNDP) has reached an advanced stage. Subject to minor modifications, it was considered, following the hearing which took place on 23 March, to have met the basic conditions, and the referendum is scheduled for 20 July.

The fact that the site of the proposed development lies within Gotherington Parish is addressed below in response to Section 7 of the appellant's Planning Statement.

### **Housing Land Supply**

For many years, going back to at least to the Homelands Farm/Cleevelands appeal decisions of July 2012, and probably before that, Tewkesbury Borough Council has been unable to demonstrate a five-year supply of housing. It can now do so, but not for the whole of the Borough.

The first indication that the Borough Council could now demonstrate a five-year supply of land for housing appeared in the report to Council on 31 January 2017, in the context of the proposed (partial) reinstatement of the strategic allocation for housing at Twigworth as part of the Joint Core Strategy. A figure of 5.3 years supply was stated, without explanation in the report itself or any reference to other documents. CPRE traced the origin of this figure to JCS documents issued in autumn 2016.

A representative of CPRE attended the second day of the Innsworth/Twigworth inquiry on 21 June 2017, when housing land availability was discussed, and has examined the calculations set out in the Tewkesbury Borough Five Year Housing Land Supply Statement June 2017.

Paragraph 1.1 states that the statement "*sets out the position on the five-year housing supply for Tewkesbury Borough as of 1st April 2017*" [CPRE emphasis]. This is misleading, as it does not cover the whole Borough.

Our understanding of the current position is as follows. Taking the "demand" side of the equation first, the housing requirement figure of 9,899 dwellings (paragraph 3.1) is much less than the total number of dwellings which will be need to be built within the administrative area of Tewkesbury Borough in the JCS period. This is because the requirement figure excludes consideration of the strategic allocations in Tewkesbury Borough which are designed to meet needs arising from Gloucester and Cheltenham. Likewise, the supply side excludes these strategic allocations, although it is clear from the tables in the report that other major sites (e.g. at Longford and Brockworth) located close to the JCS strategic allocations do in fact form part of the supply. We understand that the basis for this approach is contained in paragraphs 52 to 54 of the JCS Inspector's Interim Report of May 2016.

What is clear, however, is that the site of the proposed development lies in the part of the Borough that the statement does cover. If it is accepted that the approach taken by the JCS authorities and by Tewkesbury Borough is justified, then the calculations set out in Figure 1 are mathematically sound. In particular, we consider that the figure of 6.06 years

supply is appropriate, on the basis that all planning authorities have to provide a 5% buffer in accordance with paragraph 47 of the NPPF, and that Table 1 in the document shows that completions have more than matched requirements in the first six years (2011-2017) of the JCS period. It should also be noted that the deletion of the MoD site at Ashchurch from the JCS (because it is not now available) does not affect the five-year land supply, as this site was not expected to deliver housing until towards the end of the plan period.

## **The Applicant's Planning Statement**

### *Ecology*

We note the intentions set out in paragraphs 2.19 to 2.24 to safeguard such ecological value as the site currently has. However, we consider that this does not mitigate what we consider to be the adverse effects of the development or its lack of compliance with the development plan.

### *Primary School*

We address this issue in the context of the Design and Access Statement.

### *The Development Plan and Related Issues*

We note that paragraph 4.6 distinguishes very properly between policies and proposals. The latter term is the more appropriate for policies which allocate sites for housing and are time related. In this respect, the Tewkesbury Borough Local Plan is unquestionably out of date. However, other policies are not necessarily out of date, and in these particular circumstances, and bearing in mind the current position on housing land supply, we consider that Policy HOU4 continues to carry weight, and that the proposed development does not comply with it.

Furthermore, we disagree with the second part of paragraph 4.9, and with paragraph 4.36, which state that *"the proposed development accords with relevant saved policies from the Tewkesbury Borough Local Plan when read as a whole"* [CPRE emphasis]. Although we do not dispute that the proposed development meets the requirements of many of the policies addressed in paragraphs 4.10 to 4.35, this does not in our view outweigh the lack of compliance with Policy HOU4.

### *Distribution of New Housing*

The key point arising from paragraphs 5.7 and 5.8 is that the residual housing requirement for the rural service centres and service villages combined is only about 320 dwellings over the period to 2031. The number of dwellings on the proposed development alone would exceed this residual requirement by over 50%. We acknowledge the point that Bishops Cleeve is larger than Winchcombe and provides a greater range of services, and is not directly constrained by the AONB. Even so, in our opinion this is an inappropriate way of addressing this residual housing requirement in a situation where needs in other part of the Borough will soon begin to be met by the JCS strategic allocations, and where existing commitments in the vicinity will maintain supply in the short and medium term.

### *Housing Land Supply*

The PS deals very briefly with the issue of housing land supply, at paragraphs 5.9 and 5.10. It takes as its starting point the requirement of 9,900 dwellings, having acknowledged in passing (at 5.2) that this assessment does not cover the whole Borough. The figures in the table are mathematically sound and there is indeed a shortfall in these terms of 2,843 dwellings. However, paragraph 5.10 itself acknowledges what we consider to be the most appropriate remedy for any shortfall in supply for the whole plan period – a review (and presumably roll forward) of the JCS.

This is a much more appropriate remedy than the ad hoc release of 25 hectares of greenfield land. We consider this proposal for 500 dwellings to be of strategic scale. It is inappropriate in our opinion for proposals on a greenfield site on such a scale to come forward without first being allocated in a development plan. It is wholly inconsistent with the spirit and purpose of the plan-led system. In the meantime, we support the Borough Council's position as set out in the March 2017 statement, notwithstanding the limitations alluded to above, that there is a five-year supply of housing in this part of the Borough.

### *Gotherington NDP*

We strongly disagree with the second part of the sentence which forms paragraph 7.2. The first part is factually correct; but we wish to emphasise that the area designated in 2014, effectively the start of the NDP process, covers the whole of the civil parish. The site of the proposed development is part of the parish for which no significant development is intended. This we consider reinforces the other grounds for objection to the proposed development.

### *The National Planning Policy Framework*

We disagree with the interpretation of the NPPF in Section 8 which (to paraphrase) states that the provisions of paragraph 14 should be directly applied. The reasons set out in paragraph 8.4 do not constitute a case for saying that the development plan is out of date. It is the case that the TBLP does not meet current development needs; but supply has been maintained in practice, in this part of the Borough at least, by land released on appeal. While, as noted above, for many years the Borough could not demonstrate a five-year supply of land for housing, the latest assessment shows that in this part of the Borough there is a five-year supply. It is the case that the emerging JCS has not identified sufficient land to meet its requirements; but this is mainly because of the unavailability of the Ashchurch MoD site on which the strategy relied to a certain extent. However, it only relied on it to help meet needs towards the end of the Plan period, providing sufficient time for an early and effective review of the JCS, as indicated above. For these reasons, we consider that the existing development plan can and should be given considerable weight in the determination of this application.

It follows that the balancing test to which paragraph 8.7 refers is not the only or final test to be applied.

## The Design and Access Statement

We note that page 4 quotes paragraph 56 of the NPPF in full. We can see no convincing evidence that these principles have been applied in the rest of the document. The statements on page 5, for example that the development “complements and strengthens” Greenacres, and that the design “effectively integrates” the development into the urban fabric of Bishops Cleeve are typical of what is often found in such documents, but are empty of meaning.

Page 10 refers briefly to built form and includes a range of images of contemporary design. We think they are of the Greenacres development, although this does not appear to be acknowledged. The text fails to account for the reasons for and nature of the rapid growth of Bishops Cleeve in the last forty years. Whereas most of the newer development there will provide adequate homes to live in, the public realm is in CPRE’s opinion of a mediocre standard and represents what should be avoided rather than what should be emulated. The images on page 10 represent a different kind of approach from most of the development in Bishop’s Cleeve in the last few decades; whether it is appropriate in its own terms is another matter.

The DAS identifies an area in the eastern part of the site with potential for a 2-form entry (2FE) primary school. The development framework on page 15 shows an area of 1.1 hectare for a 1 form entry (1FE) school with 0.9 hectare for possible expansion.

A 2FE school has a nominal capacity of 420 pupils, that is, 14 classes of 30 pupils, two classes for each of Years 0 to 6. A development which was entirely self-contained and just large enough to require a 2FE school would consist, based on the ratios used by GCC Education, of about 1,900 dwellings; similarly, a development just large enough to require a 1FE school (nominal capacity 210 pupils) would consist of about 950 dwellings.

Even this lower figure is over double the number of dwellings (440) referred to in the Planning Statement. Neither the DAS nor the Planning Statement addresses this issue in sufficient detail. If none of the land set aside for education is in the end required for that purpose, then the two hectares could (as the DAS itself makes clear on page 16) be developed for housing instead. At the overall density of blocks 1 to 4 (see calculations below), it could yield in the order of an additional 76 dwellings, 17% more than proposed to be developed in Blocks 1 to 4 alone.

We acknowledge that this application is in outline. Nevertheless, we are concerned by the implications of the EIA Parameter Plan. This shows four blocks of housing with a combined area, clearly set out in the key, of 11.54 hectares. This means, on the basis of 440 dwellings, a net density of 38.1 dwellings per hectare (dph). This we consider to be too high, especially bearing in mind the range of dwelling sizes and types proposed. CPRE supports in principle the economical use of land; but the Parameter Plan suggests the worst of both worlds: cramped housing development surrounded by open space of insufficient depth and breadth to be of much benefit to the residents. The illustration on page 17 of the DAS suggests that there would be little difference in density between the “Core Area” and “Rural Edge”; if it is intended to more clearly differentiate between the two, it would mean that the Core Area would be developed at an even greater density than the overall figure of 38 dph.

Part of the western area of open space is shown in some of the drawings as the location of potential attenuation ponds, which would reduce the practical value of the open space still further.

The importance of what the DAS describes as the “Brook Corridor” is addressed below.

### **Settlement Gap Analysis**

The two drawings which accompany the application show clearly the extent to which the village of Gotherington would be encroached upon if the development went ahead.

### **Landscape and Visual Assessment**

We note that the LVIA has been carried out in accordance with GVLIA3. We acknowledge too that the LVIA reasonably concludes that visual impact from some viewpoints is limited. However, the LVIA has shortcomings in our opinion; these are addressed below.

In respect of paragraph 3.8, we consider that not so much of the Borough is covered by landscape designations and Green Belt to lead to a “difficult planning predicament”, at least not in the present round of plan making. Hard choices may need to be made in the future; but not now. In respect of 3.10, we do not consider that the “principal” (sic) for the further expansion of Bishop’s Cleeve has in any way been established by the Secretary of State decisions in 2012. Any further expansion should be addressed, once again, by the development plan.

We do not disagree with the statement at 4.38 that *“The site is considered to be an unremarkable agricultural landscape with no public access”*. However, the rest of the paragraph avoids the issues arising from the location of the site. In particular it does not deal with the issue of the prominence of the site in views from the Cotswold scarp. In this context, it is relevant to note the JCS policy for Ashchurch (JCS Proposed Main Modification 115) refers to a green infrastructure network, one of whose purposes is to minimise harm to views from Oxenton Hill.

The distance from the top of Oxenton Hill at 223 metres AOD to the nearest part of the Ashchurch site at Aston Cross is 3.75 km. Moreover, there are no public rights of way on the top of Oxenton Hill or indeed anywhere on its upper slopes. In contrast, the eastern edge of the proposed development on the A435 is less than 2km from the top of the Cotswold scarp on Nottingham Hill, where there are public rights of way providing views. We consider that the views of the vale from the Cotswold scarp are particularly important, and that the proposed development would bring about harm to them disproportionate to the number of dwellings proposed and the size of the site.

The northern boundary of the Homelands/Cleavelands development is marked on both sides of the A435 by Dean Brook. The proposed development represents a significant encroachment into countryside north of the Brook, by about 250 metres on the A435 frontage. This we consider will have a disproportionate effect on the urbanisation of the countryside in the vicinity. The site can readily be identified on the photograph which takes up page 12 of the DAS and clearly shows how the threshold of Dean Brook has been crossed, how intrusive into the open countryside the development would be and how close it comes to the south-western edge of Gotherington.

These adverse effects became even clearer on the site visit than they appear from consideration of the plans and illustrative material accompanying the application, including the LVIA itself. The immediate impression is of the openness of the landscape, not just to the west, but also to the east towards Nottingham Hill. The importance of the vegetation alongside Dean Brook is clear, but rather than an asset to the development of the site, it reinforces the extent to which the site would be an unwarranted intrusion into the landscape to the north of the Brook. There are some taller trees among the uncut hawthorn on the northern boundary, but otherwise there is little in the boundary vegetation which would help to mitigate the effect of the proposed development.

We note the landscape proposals set out in Section 5, and section 7 which deals with mitigation.

We conclude that this is an instance in which the protection of ordinary countryside is of paramount importance.

### **Traffic**

A scheme on this scale would add significantly to levels of traffic in an area which has seen substantial growth over decades. We draw the Borough Council's attention to the JCS Transport Strategy Evidence Base May 2017. Section 6.8 deals with Corridor 7 running from Cheltenham to the Teddington Hands roundabout. Figure 56 identifies seven "critical junctions", four of them on the edge of Bishop's Cleeve or close to it; one of them is just south of the application site. Figures 57 and 59 set out data for the capacity of these junctions under do nothing, do minimum and do something scenarios. What is notable is that even under the do something scenarios, the percentage figures for use in relation to capacity approach or exceed the ideal maximum of 85%; the figures for do minimum in some cases exceed 100%. It should be emphasised also that the analysis excludes the application site, whose traffic impact will further exacerbate an already unsatisfactory situation.

The Borough Council should therefore give especially careful consideration to traffic impacts.

### **The Planning Balance**

Although the planning balance is an exercise carried out for many planning applications, in this case we consider that its importance is put into perspective by the fact that the application is contrary to the development plan, and where the applicants have not identified other material considerations sufficient to outweigh that lack of compliance. Furthermore, since there is a five-year supply of housing in this part of the Borough, paragraph 49 of the NPPF is not engaged and there is thus no reinforcement of the provisions of paragraph 14.

Notwithstanding that, our view of the planning balance in terms of the three dimensions of sustainable development is as follows:

Economic: there would be economic benefits in the construction stage and when the development is completed, in terms of additional consumer spending. However, any

increased Council tax revenues would support the development itself and would not have wider benefits.

Social: there would be social benefits arising from the provision of new housing, and affordable housing in particular.

Environmental: the applicants place some emphasis on the extent to which the development could bring about a net improvement in biodiversity. There is some evidence to suggest that domestic gardens support more wildlife than improved grassland or arable fields. In this instance, however, even if this were the case, any such improvement would be outweighed by the loss of 25 hectares of open countryside in a prominent location with a disproportionately adverse impact on the landscape. We consider that the overall balance weighs against the development.

### **Summary and Conclusion**

In summary, the proposed development is contrary to the development plan, and contrary to the emerging development plan in the shape of the Joint Core Strategy and Tewkesbury Borough Plan. Independently of the question of compliance with the development plan, the application appears to give undue emphasis to the benefits of the proposal while playing down its shortcomings.

For all the reasons given above we respectfully ask the Council to refuse the application.

Yours sincerely

**Tom Hancock**

Major Tom Hancock DL  
Chairman, CPRE Cheltenham, Gloucester and Tewkesbury District