

<b>APPLICATION NO:</b> 13/01605/OUT	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 17th September 2013	<b>DATE OF EXPIRY :</b> 7th January 2014
<b>WARD:</b> Leckhampton	<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Bovis Homes Limited & Miller Homes Limited
<b>LOCATION:</b>	Land at Leckhampton, Shurdington Road, Cheltenham
<b>PROPOSAL:</b>	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

## ADDITIONAL REPRESENTATIONS

25 Timperley Way  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3RH

**Comments: 31st July 2014**

- (1) Final Summary attached.
- (2) Letter x 2 attached.

10 The Lanes  
Cheltenham  
Gloucestershire  
GL53 0PU

**Comments: 29th July 2014**

I write to express my total opposition to the above application.

Even putting to one side the destruction of the highly valued and important land of Area of Outstanding natural beauty as well as farming and very actively used recreational land, the submitted plans do not resolve the issue that will be caused by the inevitable increase in traffic. It is highly likely that each household will have at least one, if not two cars, which will add significantly to congestion and not just on the current main thoroughfares of Shurdington Road and Moorend Road and routes out through Hatherley. Developers have previously admitted that on the Brizen Farm application the highways network is already broken. The amount of traffic in this area is already difficult, not just along the Shurdington Road but it is impossible to see how the situation in Church Lane will be improved as local drivers will undoubtedly use that route via Farm Lane also to avoid the congestion created in the Shurdington Road. Traffic pollution levels at the Moorend/Shurdington Road traffic lights have already had been measured as over the EU permitted thresholds. How will an additional 1000+ vehicles make this better? If priority at the proposed new traffic lights is given to Shurdington Road traffic, which is already congested at peak times, drivers turning into the main flow of traffic will be waiting in long queues, exacerbating this problem. Residents of Warden Hill wishing to use the Shurdington Road will also undoubtedly be impacted.

Furthermore, the proposed additional use of " Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, children's nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments" will only add to the traffic problems - not only will there be additional residents, such development will attract people from outside of the immediate area into the proposed new amenities.

Finally, closing Kidnappers Lane and diverting traffic through the proposed housing estate is not a solution that will create any real advantage to existing residents of The Lanes, Kidnappers Lane or Farm Lane. Indeed, it will only serve to make egress and ingress in the area more problematic.

I strongly request that the very large urban expansion proposed in this planning application, with the ensuing traffic chaos that it will cause, is rejected.

St Brizen  
Kidnappers Lane  
Cheltenham  
Gloucestershire  
GL53 0NL

**Comments: 31st July 2014**

Cheltenham is what it is today, both in the central areas and outer areas such as Leckhampton due to the far sighted approach of planners of the day. Would the present bunch have bequeathed such a splendored Promenade and good, accessible out of town amenities where people could enjoy relaxation and the wild life of areas? I doubt it. They will pass on to future generations the imperfections of their plans.

Their plans lack integrity as shown by their manipulation of population statistics in the face of the professional approach adopted by Leglag. Transparency is absent as information is withheld and the output of Leglag ignored - that's seems the best they can do.

Once the decision is made to blot the landscape by building on greenfield site there will be no going back as they set Cheltenham, not just Leckhampton, on a downward slope. Cheltenham, with urban sprawl, will not be the Cheltenham that we know today, renowned for a good place to work and live. It is like destroying a leading brand for the benefit of a dubious short gain or rather a detriment.

I suggest that the planners appeal to the facts regarding population figures and make an attempt at explaining why, if that is what they believe, Leglag has got it wrong. They 'duck' the issue rather than address it. They also ignore the consequences of the infrastructure that will cast an irreversible blot on the landscape.

Earlier generations of planners left Cheltenham in a position of eminence of which Cheltenham people have always been proud. It is not just Leckhampton people who will suffer if the 650 house development proceeds. for example, it is no minor point that the roads will not take any more traffic. The proposed solutions will change the area once and for all.

Local authorities have a serious responsibility to help maintain the standards and benefits that Leckhamton currently offers. Short term policial issues are no guiding light when long term issues should come to the fore.

West Barn House  
Leckhampton Farm Court  
Leckhampton

GL51 3GS

**Comments: 31<sup>st</sup> July**

Letter attached.

5 Blackthorn End  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0QB

**Comments: 29th July 2014**

I am concerned that e-mails I sent to Cheltenham Councillors on the planning committee could not be delivered, despite being sent to their published addresses. This means that local democracy and consultation cannot operate via e-mail.

I question whether it is legal to proceed with the meeting regarding the outline planning application for 650 houses in Leckhampton when voters cannot contact Councillors before the meeting. I was certainly not aware that contact had to be by mail with my address included.

I request that the decision is delayed until this situation is clarified.

I apologize if I have got hold of the wrong end of the stick.

5 Nourse Close  
Cheltenham  
Gloucestershire  
GL53 0NQ

**Comments: 29th July 2014**

As a current resident I would not want to have to take a de-tour around a new development to join a traffic queue at the new suggested traffic lights each time I need to drive down the Shurdington Road.

The proposal of 650 houses would greatly impact our quality of life as we frequently walk through/around this area.

We have also found recently that the local senior school is also over subscribed but there has been no proposal to increase capacity or build a new senior school and this will continue to impact our life as are children get older.

5 Nourse Close  
Cheltenham  
Gloucestershire  
GL53 0NQ

**Comments: 29th July 2014**

As a current resident I would not want to have to take a de-tour around a new development to join a traffic queue at the new suggested traffic lights each time I need to drive down the Shurdington

Road. The proposal of 650 houses would greatly impact our quality of life as we frequently walk through/around this area. We have also found recently that the local senior school is also over subscribed but there has been no proposal to increase capacity or build a new senior school and this will continue to impact our life as are children get older.

10 The Lanes  
Cheltenham  
Gloucestershire  
GL53 0PU

**Comments: 30th July 2014**

I object in the strongest terms to this application.

Residents in this area have already raised many hundreds of objections to similar planning applications. This application brings no new advantages and includes many if not all of the disadvantages identified in similar applications.

I urge you to consult your consciences: it is mischievous, perhaps malicious, of those submitting applications to submit similar, flawed and unwanted proposals in the hope that one will get through. It would be wrong of the planning department to accept any one of these attempts, given the wide-scale and comprehensive flaws identified by many local residents and others in these applications.

Of the many flaws in this application, the significant increase in traffic congestion is a clear reason to reject the application. The changes to access will also contribute to lower average speeds and more polluting emissions. Like many others, I live here and I do not wish to die of pollution-related health problems.

In any application that you consider, I strongly urge you to reject plans to close the existing Kidnappers Lane junction. If the number of exits onto the Shurdington Road does not grow with increasing traffic volumes then we will be driving up pollution and frustration, lowering the quality of our lives.

We all know the tactics the developers are using: keep sending applications, one might stick. I strongly urge you to reject this application. The County needs an effective strategy, one that reflects the wider needs of the community and the local environment as well as the national demands on housing stock based on accurate predictions of demand. Any hastily-conceived concession to developers pursuing short term gain would be a grave mistake on your part.

I believe some development in this area is necessary, but this plan goes too far. As officers of the council representing our interests, I ask that you reject this planning application in all our

10 The Spindles  
Cheltenham  
Gloucestershire  
GL53 0QD

**Comments: 29th July 2014**

I write to object most strongly to the above application and I have been advised that you will LISTEN.

I have recently had a letter from Cheltenham Borough Council advising 'Your vote matters'. But do our views and concerns matter? Are you listening and taking note of those hundreds of objections to this proposed new development and why is it being considered BEFORE the decision on the JCS and consideration of the new numbers issued by the ONS?

1. More houses bring more cars - at least two per property based on the current ratio in The Lanes and Brizen Lane estate, so a further 1300 cars. More cars will make the already bad pollution in the area even worse. I understand from the local Primary School that more and more children are now using inhalers due to the poor air quality in and around the area. Do you really want to make it even worse?

2. An additional 650 homes will bring traffic chaos to the area which is ALREADY at capacity. Trying to manoeuvre through Church Road is difficult at the best of times, and is even worse during school time.

It has become a rat run for those living in the east of the town wishing to get to the A417. Additional cars will make this worse and put children's lives at risk.

3. The proposed re-routing of the road network for existing residents taking us through part of the new development, which includes a primary school, is again dangerous for those attending the proposed new school.

With an increase in cars, the traffic is bound to build up from the proposed traffic lights, back into the new development which, again is fraught with danger.

4. What will the area be like if the JCS approves the additional 1100 houses??

If you decide to ignore all the objections, PLEASE do not close the existing Kidnappers Lane/Shurdington Road junction. Instead, you could make things better for us than they currently are. How about a left turn only taking residents down to the roundabout on the Shurdington Road or, install a new roundabout on the junction.

I appreciate this is a difficult decision for you and that the future of this green field area and beautiful part of Cheltenham is in your hands to ruin.

PLEASE, PLEASE - Listen and take note of all the objections.

"VERY SAD INDEED" (1992 Cheltenham Local Plan Inspector's verdict)

**Final summary to prevent this very avoidable sacrifice of Cheltenham's Leckhampton landscape.**

**1**

**What precisely is the benefit from permitting this bad 'Outline' scheme now (i.e. prematurely to the final JCS) ?**

No such benefit from haste has been established.

At most, the planning officer's report (para. 14.1.4, see also 2.2.4) does state: "This site forms part of the existing five year supply of housing". But that is inaccurate, a misrepresentation, because none of the JCS allocations is approved yet, so none can form part of the "existing" supply.

In 2.2.4 the Planning officer states "we currently have 5.1 years of housing land supply; parts of the Leckhampton allocation making up 0.2 years of this supply". But no JCS allocation can be "part of" the current supply until it is approved, so this decimal-point precision is misleading.

Most importantly, due to remaining in the joint JCS, Cheltenham shares Gloucester's roughly "11 year supply" umbrella, (which is about the only benefit we have gained from joining expansionist Gloucester).

There is no positive need established for permitting a partial application ahead of the JCS. Indeed officers have stated (para. 14.1.6) state they would prefer one comprehensive application.

The planning officer's Report does not set out any need or benefit attributable to permitting the application now, prematurely and piecemeal, considering that this Outline application seeks to finalise little more than the **location of three 'main accesses'** off Shurdington Road, and also to get some maximum densities per hectare conceded.

**Everything else is unfixed, uncertain, "indicative", aspirational, and therefore can and will be argued down on "financial viability" grounds at subsequent Detail application stages, and by standard Variations to any S.106 agreements (which are still not fully drafted to set before the planning councillors).**

The Officer's Report para. 1.3.2 states:

"application seeks to **determine** the principal means of access", whilst "**appearance, landscaping, layout and scale are reserved**".

For example, concerning the unbelievably high percentage of Affordable Housing claimed by the planning officer (40%), there is no '**Financial Viability Assessment**' (FVA) to show how large or indeed small a percentage of affordable housing will be deemed deliverable here.

Yet the planning officer baldly states (in para. 14.1.2) that: "The proposal would deliver ... 40% affordable housing". Very misleading.

**2**

**So, if it is not to secure any positive benefit, is premature 'Permit' being recommended just out of fear, or by scaremongering ?**

Firstly, we should have no fear of RPS trying a non-determination appeal, because Leckhampton has demonstrated that it has all the intrinsic merits to survive in front of independent Inspectors (of both CBC and TBC Local Plans). Anyway, if permitted locally on Thursday, then all chance of Leckhampton's landscape surviving is extinguished.

The principal '**scare**' is that there is a further possible risk from an appeal. However, the planning officer's Report neither relies on, nor even mentions, the New Homes Bonus (NHB), and therefore that '**scare**' should not be raised by officers verbally for this decision meeting.

The NHB scare is only written down as a footnote to a briefing sheet sent recently to planning councillors by the PR consultants for this application. It states:

"Note: ... local authorities will not be eligible to receive NHB payments in cases where the development in question has been permitted by an Inspector at appeal."

In practice it would clearly not be lawful to withhold NHB from a council merely because they had refused or deferred an application on *prima facie* reasonable grounds, even if an inspector were to take a different view later.

Withholding could only conceivably be carried out if the Council's decision were shown to be baseless or to be seriously at fault, i.e. with costs having been awarded against. Leckhampton has far more Appeal material for any such risk.

### 3

**You CAN refuse on Prematurity grounds**, provided that "**the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits**", (Planning officer's Report Para. 2.4.2)

More than adequate disadvantages of permitting this Outline application have been set out (e.g. summarised below).

Nor are there any overriding public benefits from permitting the application prematurely to the JCS.

### 4

**You CAN also refuse on Grounds of the major flaws in this application.**

#### 4.1 Refuse as not sufficiently comprehensive or integrated.

A premature partial application definitely would compromise the desired comprehensive and integrated solutions, both for the whole of the Leckhampton allocation, and for the whole 'A46 corridor' (i.e. including the proposed Brockworth Urban Extension).

The officer's report para. 14.2.1 states that "**Officers conclude**" that this application "**can be brought forward without compromising the wider allocation**".

This is not true, on several counts.

The application compromises any integrated internal 'road network' for the whole A6 Allocation.

It also fails to identify integrated 'main road access' (i.e. to/from the A46) for the remaining two parts of the A6 Allocation.

It also pre-empts a strategic JCS infrastructure delivery assessment of the whole **A46 (South)**, i.e. to include the considerable traffic volumes expected into Cheltenham from Allocation A4 at Brockworth.

The issue of Landscaping also needs to be done comprehensively for the entire Leckhampton allocation, i.e. do not concede a commercial and high-density 'messing up' of the Shurdington Road viewpoints and frontage, and then let the remainder of the Allocation apply for more piecemeal development later.

Instead, retain some leverage on the overall quality of the developments, by keeping all concessions in back pocket at the outset.

#### 4.2 Refuse the proposed visual treatment of the Shurdington Road frontage.

The proposed 'commercial centre' is incongruous if sited so obtrusively fronting this hitherto entirely non-commercial and finest 'main approach' directly into the historic town (Cheltenham Conservation Area).

Even worse, it occupies the sensitive 'corner field', blocking/deleting the most popular views from the elevated section of Shurdington Road towards the local highpoint of the Cotswold Escarpment (AONB).

This constitutes the widest and most numerous public participation in local landscape appreciation, both by locals and visitors.

Such blocking cannot be "minimised" or "mitigated"; these words are empty of meaning in this case.

#### 4.3 Refuse until a retail Sequential Analysis demonstrates no harm to adjacent facilities.

The proposed "local centre" (2 hectares) has enough scale to contain a Tesco Metro or Sainsbury 'Local', which would, because of its over-visible radial road location, **harm** not only the more in-town 'Bath Road Shopping District' but even harm the Up Hatherley 'District Shopping Centre' (Morrisons). **Therefore CBC needs to require a retail sequential analysis before any approval.**

When listing (in 2.2.2) the 'Saved Policies' from the 2006 Cheltenham Local Plan, the planning officer omits as relevant all the Retail policies, especially the very relevant RT7.

**Policy RT7 Clause (b)** permits retail developments which 'would not harm an existing District or Neighbourhood centre'.

Table SA1 in the Pre-Submission JCS does not allocate any hectares at Leckhampton (A6) for Employment. Therefore, there is no need for an Outline application to be seeking (prematurely) to finalise so much **commercial** (2 hectares), and especially not placed on this elevated 'Escarpmnt viewing' corner-field along the Shurdington Road frontage.

#### 4.4 Refuse the excessive scale (and density) of 650 houses.

650 houses is too high a proportion of the JCS Allocation's currently proposed total of 1124, (amounting to **nearly 60%** of it).

The first two piecemeal schemes (RPS and Redrow) together account for **91%** of the JCS total, which would leave very few for the considerable area of GCC-owned fields lying between Kidnappers and Farm Lanes. Any 'outline' figure for RPS needs to be significantly lower.

#### 4.5 Refuse the treatment (effective 'confiscation') of the important link Kidnappers Lane.

The planning officer's report claims (14.1.6) that "The application site will deliver its own infrastructure". This is untrue; it **appropriates** Kidnappers Lane (which lies outside the RPS site boundary and ownership) to become primarily an internal road of the development.

That has severe adverse consequences for all the many existing residents off Farm Lane, and for other Leckhampton residents .

The line of Kidnappers Lane (KL) is the only defensible 'boundary' within the Allocation, to arrest development from encroaching all the way to the Moat, and KL therefore needs to form a southern limit to any housing development sited off the Shurdington Road, with no motor vehicular access from the development onto KL.

A substantial continuous 'landscape buffer' is also needed between any development and the quiet semi-rural character of Kidnappers Lane.

#### 4.6 Refuse until a Financial Viability Assessment for the affordable housing % is published.

It is already obvious from the most recent JCS 'SHMA' that Affordable Housing as high as 40% will not be delivered; it is least likely to be a high percentage in expensive Leckhampton.

**Not even 25% will be achieved**, once the developer begins to argue it down (at the Detail stages) as being 'financially unviable' (by means of an FVA and the "arguing down" provisions of the '**Growth and Infrastructure Act 2013**'), based probably on the huge infrastructure costs of e.g. constructing the (unplanned and unwanted) commercial centre which has been slipped into this Outline application.

Viability cannot be evaded by being an outline application.

NPPG guidance states (Paragraph: 001, Reference ID: 10-001-20140306) that:

*"The National Planning Policy Framework policy on **viability** applies also to decision-taking. Decision-taking on individual schemes does not normally require an assessment of viability. However viability can be important **where planning obligations or other costs are being introduced**. In these cases decisions must be underpinned by an understanding of viability, **ensuring realistic decisions** are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible."*

## 5

### Deferral

If councillors or officers or the applicant decide to Defer a decision, there must be NO partial or indicative 'concessions' given to this developer.

Deferral certainly would need to be for long enough to resolve the JCS allocation and infrastructure delivery issues.

The Gloucestershire JCS may be "at an advanced stage" but it is not yet 'sound', Specifically in the case of Leckhampton, there are numerous outstanding Objections which received very little attention (alongside the huge Up Hatherley controversy) and for Leckhampton virtually no adjustments have yet been made in the JCS Draft, nor has the JCS strategic infrastructure evidence yet been produced for consultation.

In similarly obstructive style, a 63-pages document 'GCC Highways Comments' dated 17th July has just been inserted (after that date) onto this application's 'Documents' webpage, thereby giving objectors too little time to critique it.

## 6

### Further considerations

#### 6.1

Any perceived "dereliction" of the land (enforced by Gloucester Diocese declining to renew tenancies) is reversible.

This Inspector-commended landscape needs a locally-directed **Local Green Space assessment** before agreeing to any 'illustrative masterplan', to see whether strategic-scale (defined as greater than 450 houses) development is environmentally sustainable or not on these fields.

#### 6.2

For such a sensitive long-running location, this is an extremely lightweight and slanted officer's report.

It doesn't even punch hard for conceding the development ahead of establishing the location's JCS inclusion and 'soundness'. Yet the Report is insidiously slanted.

In para. 2.1.3, The planning officer chooses to print out at length the 2007 development-favouring view of the Panel of the RSS, which he notes was "abolished" and is now **"not a material planning consideration"**.

Then, for lack of balance, he chooses to omit all mention of the unanimous resolution passed at Full Council on 28th February 2014, demonstrating that Leckhampton is a priority to remove from the JCS.

He also omits any reference to, or acknowledgement of, the long planning history of this greenfield site and its **most detailed commendation**, in the 1993 Local Plan Inspector's Report.

#### 6.3

The planning officer's Report claims in Para. 4.2.14 that: "approximately 44%" of the site will be "green space".

However, the bulk of that is Lott Meadow, of which Bovis are the owner (i.e. not just the holder of a 'development option'). Development of Lott Meadow by Bovis was tried decades ago, failed, and every verdict thereon since has ruled out any development.

Therefore, keeping Lott Meadow green is not philanthropy; moreover, the meadow is peripheral to the proposed development area.

Para. 2.3.16, concerning 'local green space', states that:

"having regard to JCS policy INF4, the proposal appears on its face to make reasonable and proportionate provision, **however this has not been tested within the context of a potential future designation of land as local green space as defined by the NPPF.**"

It does need to be tested first.

6.4

The planning officer's para. 2.5.4 admits that:

"the proximity of the site to the AONB means that matters of **design, layout and landscaping** are very important factors to be considered in assessing the acceptability of the proposal".

But none of these factors would be fixed in place by granting an Outline application, which is also partial and unintegrated.

6.5

The entire Allocation's 168 secondary school pupils will need to displace pupils across the town, tending towards the larger North West urban extension, which may not be avoidable and where a complete new secondary school could be warranted and afforded.

6.6

Para. 13.1.5 of the planning officer's Report is self-justifying verbiage. It claims that the JCS has concluded, concerning "**green infrastructure**" and "**useful green and amenity space**", that "**these requirements did not outweigh the value of a sustainable urban extension to this part of the town**".

However, the JCS publishes none of its 'conclusions' or its internal reasoning ('horse-trading' by leading councillors is a more accurate description).

This claimed 'outweighing' is manifestly not the popular Local assessment.

In truth, the JCS has been too overloaded reversing its unsound inclusion of Up Hatherley to be able to assess Leckhampton properly and afresh.

He also claims that the 'Illustrative Masterplan' (one A4 sheet, apart from which there are very few plans in this application) "demonstrates" that the site "**could be designed to a good standard**". 'Could' amounts to little certainty, at this Outline stage.

This is weak stuff to justify permitting 650 houses plus commercial in a most sensitive location.

6.7

In similarly sanguine style, para. 2.4.1 states:

"Based on the submitted application together with the detailed **negotiations** between the applicant, Council and relevant infrastructure stakeholders there is **no reason to doubt that a comprehensive development can be delivered.**"

However none of this has been properly set out and tested yet; and there are specific reasons to doubt that it can be, as above.

Private "negotiations" with unelected officers is inadequate, in the absence of any substantive Localism being invited or allowed in Leckhampton, e.g. with the Parish Council or with high-membership Leglag.

## 7

### Perspective

#### 7.1

- i Cheltenham is of national renown and pre-eminence, being the most complete Regency town; **and**
- ii it has the largest Conservation Area in England, encompassing the whole nineteenth-century town, most of it homogeneously continuing the Regency style; **and**
- iii the A46 radial approach from Painswick is the town's finest (and non-commercialised) approach, leading directly into the historic districts of Bath Road, The Park, and Montpellier; **and**
- iv the Leckhampton greenfield land forms the best (indeed the only remaining) '**green wedge**' of countryside, extending down from the adjacent Cotswold Escarpment (AONB) almost to touch the Conservation Area, at The Park; **and**
- v the objections by the Cotswold Conservation Board and by English Nature have not been resolved;  
**and therefore**
- vi the short-sighted and easily avoidable destruction of this Leckhampton 'green wedge', which greatly enhances the A46 approach (and the whole setting of Cheltenham), would be a national scandal, especially as it is being perpetrated prematurely:
  - in advance of resolving the (deliberately stalled) LGS application,
  - in advance also of comprehensive transport and layout planning for the whole Allocation,
  - in advance also of resolving the affordable housing percentage conflict with the JCS SHMA,
  - and
  - in advance also of determining the 'soundness' or otherwise of the JCS allocations and of the proposed JCS strategic infrastructure.

#### 7.2

The current Gloucestershire JCS with its still inflated housing targets (causing a '**greenfield first**' policy), and its excessive Green Belt erosion, and its ignoring of Leckhampton's Inspector-commended landscape and very high 'doorstep amenity', is clearly unsound, as will be set out for the EIP.

**The finest and most amenity-endowed landscape of Leckhampton must not be allowed to be unjustly scuttled before it can reach a fair and independent examination.**

It is hard to credit that any Administration in Cheltenham would chuck Leckhampton's fields and views away prematurely, without a struggle. The unanimous vote on 28<sup>th</sup> February to remove Leckhampton and Up Hatherley would then be proved a sham.

25 Timperley Way  
1/2

Leckhampton 650-houses Outline application (13/01605/OUT), for 31<sup>st</sup> July 214

Dear Planning Councillor,

If you have read the applicant's 'Affordable Housing Delivery Plan' (submitted in September 2013), you might feel reassured that the Leckhampton 650 site is going to deliver 40% Affordable Housing, and that this provides a good reason for approving the application.

Whilst 40% (for developments of 15 or more houses) is stated in the CBC planning documents which have been used as relevant evidence by the applicant, these documents are now 8 or 10 years old. They include the CBC Local Plan of 2006, the even more outdated 'Affordable Housing Supplementary Housing Guidance' (SPG) of July 2004, and CBC's 'Housing Needs Assessment' of November 2009. The final evidence which the applicant cites is the JCS Evidence Base.

However, it is made quite clear in the applicant's 'Affordable Housing Delivery Plan' that they expect the affordable housing quota to reflect the findings of the 'Strategic Housing Market Assessment' (SHMA) produced for the JCS, and that they reserve their rights (to revise the 40% figure) based on this JCS evidence.

In addition, account needs to be taken of the "economic viability" of new housing developments and this is now included in the NPPF. And 'economic viability' certainly will need to be taken into account, given the huge level of infrastructure required to build all that is proposed in this Leckhampton planning application.

**The JCS SHMA (March 2014) states that the Affordable Housing quota required in Cheltenham is actually 25%** (with two other scenarios shown, ranging from 23% to 26%). This same JCS document states that the Affordable Housing quota required for Tewkesbury Borough is also 25%, and for Gloucester City it is 35%. (This percentage of Affordable Housing in the SHMA includes social rented houses, affordable rent houses and shared ownership houses.)

**The JCS Pre-Submission Plan (currently being consulted upon), specifically JCS Policy HS4, is inconsistent with the above JCS SHMA Evidence, by stating that all development sites coming forward under the JCS are required to deliver 40% Affordable Housing.**

This inconsistency needs addressing via the current JCS Pre-Submission Public Consultation, and subsequently be properly resolved at the Examination in Public, **before** any strategic site is allowed to be granted planning permission under the misleading impression that the percentage of affordable housing will be 40%.

The developers of the Leckhampton 650 site will undoubtedly be using this same JCS evidence to argue and negotiate a case for significantly less than 40% affordable housing on the Leckhampton site, either 23% to 26% to match the JCS SHMA Evidence, or possibly even lower, based upon "economic viability" arguments, of which nothing is yet known for Leckhampton.

The planning officer's report reveals that the S.106 has not yet been agreed.

Even if it were, S.106 Agreements can be varied, and often are, so even if a figure of 40% is used for the purpose of getting this application approved, ahead of the JCS EiP, it will inevitably be reduced thereafter, based on the JCS evidence and a detailed 'Economic Viability Assessment'.

Furthermore, S.106 Agreements may not be sufficiently detailed and do not specify exactly how the affordable housing would be provided, leaving it open to renegotiation by the developer further down the line.

The developer's 'Affordable Housing Delivery Plan' states that it is to be decided at the commencement of each new phase of development, giving renewed chances of a much lower affordable quota (or even of none at all) as the development progresses.

It should be noted that there has been a recent case concerning a 200-house development site in York which was ruled upon in the High Court in February this year, where the developer successfully put forward a case for not providing any affordable housing, due to being able to prove that it was not financially viable for them to do so.

Many developers are now claiming that this case has set a precedent for them. The NPPF contains a clause setting out the need for financial viability to be considered and proved in relation to the percentage of affordable housing required on a site.

**Therefore it is essential that the affordable housing viability for the Leckhampton site is tested and established by the provision of a 'Financial Viability Assessment' before planning permission is granted, and is not subject to ongoing renegotiation (by S. 106 variations) after permission has been achieved.**

**This Assessment is especially required for this important strategic site, where the application is premature to this controversial location being approved by the JCS EIP.**

An outline permission granted for the Leckhampton site cannot guarantee the deliverability of affordable housing with any certainty at all, and certainly not for 40%. Moreover, there will be massive infrastructure costs for this site which should not be underestimated.

Without requesting a proper 'viability assessment', it is not possible to know whether the considerable office and retail centre costs (to be sited along the Shurdington Road frontage) are affordable, or will in effect prove a device to argue down the affordable housing percentage as being less viable.

Further priority costs will be the 'Community Infrastructure Levy' and substantial landscaping costs. Finally, developers are expected to budget for a standard 17-20% profit margin (although subsequent accounts indicate that they achieve more).

At this stage, with merely a premature outline application, none of this can be assessed.

Due to the inconsistency in the percentage of affordable housing shown in the JCS Pre-Submission Plan Policy HS4 (40%) compared to the figure shown in the JCS Evidence Base (25%), the Pre-Submission Plan can be said to be unsound.

A 'one size fits all' approach to Affordable Housing may not be appropriate or deliverable for all strategic sites included in the JCS, and this requires JCS consultation feedback and Examination in Public first.

If this application is given planning permission upon inconsistent and misleading affordable housing figures, which might unjustly influence some councillors to support the application, then it will further undermine public confidence and trust in the planning system.

The following article in the Guardian reveals more about affordable housing losses on viability grounds:  
<http://www.theguardian.com/society/2013/sep/18/thousands-affordable-homes-axed-councils>

I strongly urge councillors to turn this application down on the grounds of it being premature to the JCS EIP, due to the Affordable Housing quota of 40% (implausibly approaching half of this sensitive site's total!) being inconsistent with the JCS SHMA, and being extremely uncertain and unverifiable at present.

25% Affordable will certainly be an upper limit; and in Leckhampton, due to expensive land and high infrastructure costs, it will be easy to argue it down much lower at the Detailed stages.

Therefore conceding Outline permission for 650 now, before we know if Leckhampton can be scaled back (to be more sustainable) in the final JCS, would still secure no certainty on Affordable Housing.

Yours sincerely,



25 Timperley Way

13/01605/OUT

2/2

Dear Planning Councillor,

I understand that **no Financial Viability Assessment has been provided** for this important Leckhampton application despite many months, almost a year, of opportunity for the officers to have requested one. It is essential that one is provided to assist the decision makers and provide some confidence, both to them and to the public, that this massive development plan and all its infrastructure requirements is actually deliverable for such an important strategic urban extension, especially where a decision is being sought ahead of the JCS.

The government's own Planning Guidance website states the following concerning **Viability**:

***"The National Planning Policy Framework policy on viability applies also to decision-taking. Decision-taking on individual schemes does not normally require an assessment of viability. However viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth."***

(My underlining.)

In addition where very controversial strategic developments are concerned the Viability Assessment should be made available to the public when requested. I include an extract from **Southampton Council's Financial Viability Statement** (a concise 2 page guide available for all) as follows:

***"Generally, if a viability assessment is submitted in relation to a valid planning application then the Local Planning Authority will treat the submission as a public document. Only in very exceptional circumstances would a Viability Assessment be considered confidential on a valid planning application and the developer would need to explain this at the time of submission and justify why it should be considered confidential"***.

I cannot see that "very exceptional circumstances" could apply here. There has been a huge public interest in this application, with many serious objections and concerns raised, including by statutory consultees, and Cheltenham's own MP.

Last year Southwark Council was forced to release the Viability Assessment for the Heygate development, after an FOI request. Southwark Council refused to make this available but the Information Commissioner forced them to release it.

The Government's Planning Guidance also states the following:

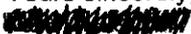
***"Transparency of evidence is encouraged wherever possible. Where communities are preparing a neighbourhood plan (or Neighbourhood Development Order), local planning authorities are encouraged to share evidence to ensure that local viability assumptions are clearly understood."***

It is clear from the above statement that a Viability Assessment of this application is also relevant and necessary to the consideration of the Local Green Space application by Leckhampton and Warden Hill Parish Council (submitted a year ago) i.e it needs to be shared with them and with the local community.

Regarding Affordable Housing, no matter what percentage is agreed at the grant of outline permission, the developers have the right to apply at any time to an inspector (via the Secretary of State) under the **Growth and Infrastructure Act 2013**, to have the percentage reduced, or removed completely, on financial viability grounds. That is why it is important to know at the decision making time, whether **everything** that is included in this application is actually viable, even the school, the shopping centre, office blocks, care home etc. If any of these are not viable then the affordable housing quota could be removed entirely.

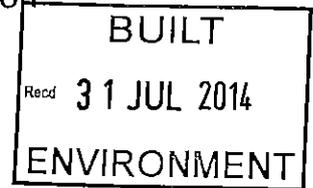
Because no Financial Viability Assessment has been provided to enable you to properly evaluate the viability of this important urban extension application, it is not sufficient for the detailed S.106 agreements and the CIL amounts to be delegated to officers. Your decision requires to be underpinned by some knowledge and understanding of the viability issues. And the public also need to know that you have been provided with sufficient information and understanding of viability when you make that decision.

Yours sincerely,



[REDACTED]  
West Barn House, Leckhampton Farm Court, Leckhampton  
Gloucestershire GL51 3GS

Tel: [REDACTED]



CBC Planning Committee Team  
Municipal Offices  
Cheltenham  
GL50 9SA

July 29th 2014

**Leckhampton Planning Application Thursday, 31st July. (Application 13-01605-OUT)  
Proposed 650 development off Kidnappers Lane**

Dear Planning Committee Councillors,

We are asking you to strongly object to the proposed application for 650 houses off Kidnappers Lane before the JCS process has been resolved and before the public consultation of the JCS has been concluded.

Also we understand that the unelected planning officers have not addressed the elected planning committee to assess the Council approved policy for a Local Green Space (LGS) status for the Leckhampton fields (compliant with the NPPF). Approving this proposed development before we know the detail and whereabouts of this LGS is fundamentally undemocratic and should be opposed.

The above objections along with the many hundreds of residents objections over many years should help you to oppose this development. We list a few below:

- 1 Traffic congestion would be compounded on the A46 Shurdington Rd, Bath Rd and gridlock in Church Rd with increased air pollution. "Join the queue" is not the answer.
- 2 This proposed estate will effect our landscape; views from the escarpment and impact on the AONB.
- 3 Concern over flooding resulting from Leckhampton's high water table with the run-off from the escarpment. Will balancing ponds be adequate?
- 4 Secondary school places.
- 5 Health services - can they cope?. Where are the doctors?

On a more personal note existing residents like ourselves in Leckhampton Farm Court, those in Brizen, The Lanes and Kidnappers Lane will have to drive through this proposed estate to access the A46. We suggest leaving the Kidnappers Lane access open for exclusive use for existing residents if this proposed development should ever be built.

Please oppose this planning application. Thank you.

[REDACTED]

[REDACTED]

[REDACTED]