

Addendum 1

Oakley Farm Planning Objection 20/01069/OUT



Friends of Oakley Farm
Pasture Slopes



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Opening

The application is a speculative planning proposal in an Area of Outstanding Natural Beauty (AONB), a designated National Landscape. Its approval would not be in the public interest. What follows are factors that we have not addressed in our previously submitted objection, or which have subsequently become apparent and may influence a planning decision.

The Cheltenham Plan

“The Cheltenham Plan identifies local sites suitable for new homes and jobs while protecting our exceptional natural and built environment.”¹

*“In a plan-led system, the development plan and neighbourhood plans set out the overarching context and specific policies that are used to manage and guide development through the decisions the Council makes on planning applications. The development plan also sets out higher-level objectives and aspirations that aim both **to conserve what is valued and cherished within Cheltenham and to encourage development in spatial and policy areas the Council wishes to promote in the public interest.**”²*

“Vision Theme C

Cheltenham is a place where the quality and sustainability of our cultural assets and natural and built environment are valued and recognised locally, nationally and internationally, and where tourists choose to visit and return.

Theme C Objectives

a) Conserve and enhance Cheltenham’s architectural, townscape and landscape heritage both within and out of the town’s conservation areas;

b) Conserve, manage and enhance Cheltenham’s natural environment and biodiversity, including its parks and gardens, its trees and green spaces, its countryside, and the Cotswolds Area of Outstanding Natural Beauty”³

Exceptional Circumstances and Public Interest

Amongst other matters, para. 172 of the National Planning Policy Framework (NPPF) refers to major development in the AONB and states:

“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational

¹ Cheltenham Plan 2020, foreword by Leader of the Council.

² Cheltenham Plan 2020 para. 1.4 [our bold/underline]

³ Cheltenham Plan 2020 para 2.9 Vision Theme C and objectives.

opportunities, and the extent to which that could be moderated.”

Cheltenham cannot currently provide a 5-year housing land supply (5YHLS). However, this is not considered exceptional as many local authorities, circa 30%, are in a similar position.

It is accepted that there is an identified need for more housing in the Cheltenham area, but it is not accepted that within the evidence submitted by the applicant, proof of “exceptional circumstances” has been provided. The application documentation does not provide a compelling set of facts to confirm what the exceptional circumstances that weigh in favour of this application are, such as to outweigh the significantly harmful impact of the proposal on the conservation and enhancement of the landscape and scenic beauty of the AONB, which is a designated national landscape.

It may be that there is a pressing need for more housing land, but a pressing need is not in itself an exceptional circumstance. A distinction between a pressing case and a genuinely exceptional need in the sense of unusual or rare,⁴ or even simply untypical, has not been established. There is no doubt that 250 houses would be a benefit to Cheltenham’s housing requirement, but this is only an ordinary or expected benefit and does not warrant exceptional justification.

The applicant makes no claim that the housing supply issue in the Cheltenham area is unusual or untypical, let alone exceptional. And, whilst it is noted that the proposal would provide a contribution to the Cheltenham 5YHLS, the circumstances cannot be considered exceptional or in the public interest. Therefore, combining this with the agreed significantly adverse impact that the proposal will have on the landscape^{5 6}, and the proposal’s non-compliance with the development plan, the application should be refused. Adding further weight to this argument, are the overwhelming Parish Council and public objections to the proposed development in this National Landscape, both of which clearly emphasise that it is not in the public interest. An application which is non-compliant with a Development Plan may be considered as a factor not in the public interest.⁷

In the applicant’s planning statement at 7.8, referring to NPPF para. 172 (a)-(c), it is suggested that “Taking each of these points it can be demonstrated that there are exceptional circumstances which result in the favourable consideration of the site for development in the public interest”. However, the applicant then subsequently fails to demonstrate any exceptional circumstances, relying on nothing more than a reiteration of the aforementioned unexceptional lack of a 5YHLS in Cheltenham. Again, whilst it may be desirable that Cheltenham provides a 5 YHLS, it is not of national or local importance that Oakley Farm is developed in order to contribute to this. Any assessment of exceptional circumstances must not only be carried out for a specific development proposal, but its basis and method explained and its conclusions clearly demonstrated. Furthermore, even if there was a proven exceptional need for housing in the area, this would not necessarily equate to exceptional circumstances for this particular land to be developed: alternative sites will become available, and the significant detrimental effect and permanent damage that this proposal will have on the landscape at Oakley Farm will not be in the public interest.

⁴ Mevagissey Parish Council, R (on the application of) v Cornwall Council & Anor [2013], para. 52 i)

⁵ Applicant’s Environmental Statement 6.7.2 “The Oakley Pasture Slopes LCA will retain a **Moderate Adverse** residual impact through the loss of pasture and introduction of urban features.”

⁶ Council’s Landscape Architect’s Review of landscape and visual section of Environmental Statement, s.10 - Summary of effects: “For the actual Oakley Farm Pasture Slopes landscape effect it will remain higher at **Moderate/Major, Adverse and Permanent.**”

⁷ Appeal decisions APP/D3830/W/19/3231996 and APP/D3830/W/19/3231997 | Decision date: 16th December 2019 para. 142

Alternative Sites for Development

Cheltenham cannot currently meet its 5YHLS and may not achieve its housing delivery in the plan period. This speculative planning application is predicated on this assumption. However, this housing shortfall is only a transient position which has arisen from the delay to the strategic development proposals to the west and north west of Cheltenham. These in turn have been delayed due to transportation issues, in particular to the M5 junction 10 improvement scheme. Progress is now being made in these areas. Also, since its inception, the JCS has been under review with a forecast adoption in 2023. Strategic development land will be identified in this review to address the current Cheltenham shortfall,⁸ which may require the release of green belt, i.e. land with a local designation as opposed to the nationally designated AONB. Also, although in its infancy, the Golden Valley development has potential for 3000+ homes with a forecast delivery start of 2022/23. Further, the proposed development at the North Place and Portland Street site⁹ has further housing development potential subject to replanning.¹⁰

It is agreed that the temporary shortage of housing is due to the strategic allocations being delayed. This strategic shortfall should not be recovered, even partially, by a non-strategic allocation from within the AONB, a nationally designated area. A letter of support for the Cheltenham Plan Examination acknowledges this strategic shortfall and confirms that it will be dealt with by JCS review rather than the local plan.¹¹

Considering development proposals within the AONB, JCS SD7 states: *“Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”* This position is also reflected in chapter 8 of the Cheltenham local plan. Significantly, SD7 was endorsed by the Planning Inspector who, when reviewing the Cheltenham Plan, commented: *“JCS Policy SD7 provides adequate protection for the Cotswolds AONB and its setting from the harmful effects of new development”.*¹² In addition, Policy CE12 of the AONB Management Plan, which provides a guide to SD7, states: *“Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB”.* This in turn is supported by the Government’s Planning Practice Guidance at Paragraph: 041 Reference ID: 8-041-20190721 which offers *“The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty... they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.”*

Together with the alternative sites and areas identified above and the review of the JCS strategic allocations, Cheltenham’s development land shortfall will be addressed. The JCS is scheduled to report as follows¹³:

Regulation 18: Draft Plan consultation: Autumn 2021
Regulation 19: Spring/Summer 2022
Adoption: 2023

⁸ Five Year Housing Land Supply Position Statement December 2019, para. 19

⁹ HD9 in the Cheltenham Plan.

¹⁰ The Planning Inspectorate Report on the Examination of the Cheltenham Plan 2011-2031 17th March 2020, para. 62

¹¹ JCS SD016 Letter of Support for Examination 21st September 2018, 5th para.

¹² Examination into the soundness of the Cheltenham Plan (CP) 2011-2031, para. 41

¹³ Detail provided directly by the JCS team November 2020.

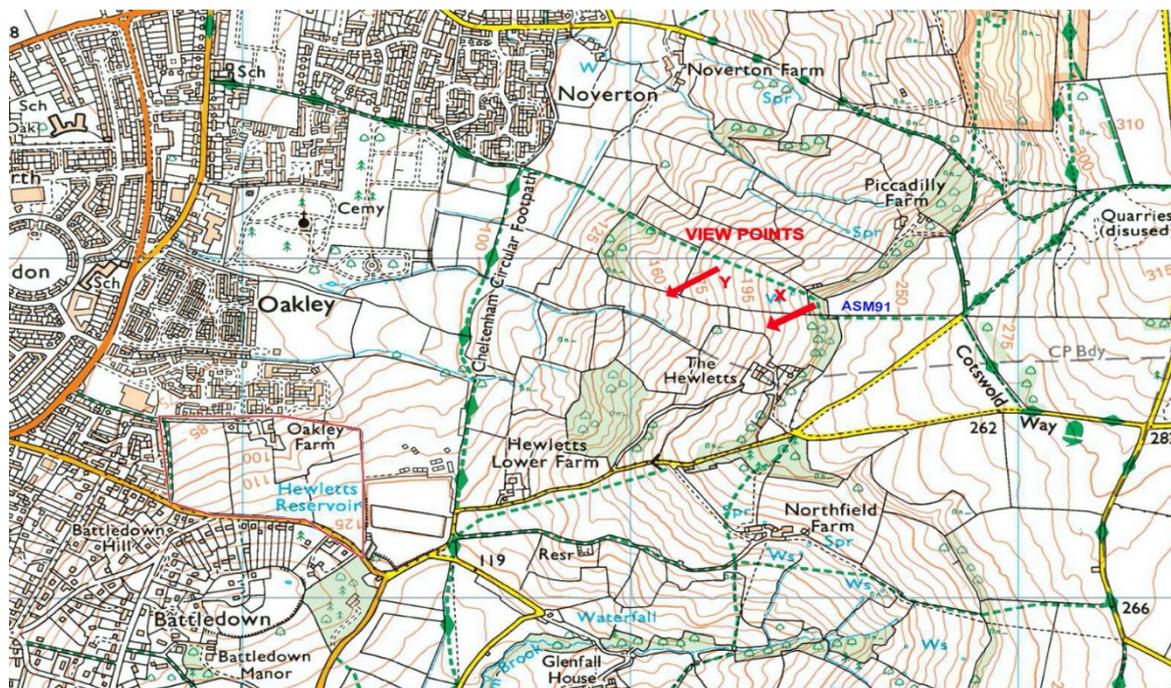
Cotswolds AONB Landscape Led Development

The Cotswolds AONB Management Plan policy CE11 states: “Any major development proposed in the Cotswolds AONB, including major infrastructure projects, should be ‘landscape-led’, whereby it demonstrably contributes to conserving and enhancing the natural beauty of the Cotswolds AONB and, where appropriate, to the understanding and enjoyment of its special qualities.” As previously shown, the applicant’s own environmental statement at 6.7.2 recognises and summarises the significance of the landscape effects of the proposal on the site and declares that it will be permanently and moderately adversely effected. This is a significant adverse effect on the landscape and conflicts with the requirements of policy CE11 and a landscape-led approach. The Council’s landscape architect goes further and identifies that the overall landscape effects of the proposal would in fact be significantly more detrimental and grades it as **Major/Moderate, Adverse and Permanent**. This provides a clear signal that the site must be protected in its capacity as a nationally designated landscape.

Viewpoint from PROW Southam Footpath 91

Although not previously considered in the Environmental Assessment or the Council’s Landscape Architect’s report, the views from this popular and well-used PROW ASM91 into the site would be subject to significant change. The following photographs, viewpoints X & Y, demonstrate the open ground of the site running into the urban expanse of Cheltenham. It illustrates the site’s positive character on the edge of Cheltenham and emphasises the adverse effect its loss would have on the town’s setting when viewed from this section of the surrounding escarpment. The views from this PROW, which runs within the Cotswolds AONB, show the site in the middle distance with Cheltenham, Gloucester, Chosen Hill, Robinswood Hill and the Cotswold escarpment as the backdrop.

The photographs are presented as another indication of the site’s visibility from within the AONB.



PROW ASM91 Viewpoint Locator map



Viewpoint X PROW ASM 91 Southam Footpath 91



Viewpoint Y PROW ASM 91 Southam Footpath 91

Planting Mitigation

The proposed tree planting mitigation on the “upper slopes” creates its own significant detrimental landscape and visual impact. The claimed open space and associated benefits, which will be created on these upper slopes, would be extremely limited by the new estate roads and tree planting. An enclosing effect would be created by the very trees that are intended to provide mitigation against the significantly detrimental visual effects of the new housing. The claim of creating new views from the upper slopes is true, however these new views will have an extremely limited range given the tree mitigation that is proposed. It should also be emphasised that many of the “new views” are in fact not being created but are reinstated views previously enjoyed from Harp Hill. The southern boundary hedge has been allowed to grow uncontrolled, and consequently expansive views to the escarpment, that were available for all to enjoy over many years, are now blocked by a lack of maintenance to this boundary hedge. It should be noted that a direction in the scoping opinion for the southern hedge to be trimmed for viewpoint photography has been disregarded by the applicant.

Conclusion

We maintain that this proposal is for inappropriate development in the AONB which will have severe, significant and permanent adverse effects on the natural and local environment, even with mitigation measures in place. There are no exceptional circumstances proved and, as indicated by the decision of the Parish Council and the volume of public objections (with not a single letter of public support to date), we see no case to suggest that it would be in the public interest to permit.

Taken in order we consider that the planning proposal would fail to comply with all of the following, either individually or in combination:

1. NPPF para. 11(d)(i), para. 170 and the first part of para. 172 in its own right.
2. The major development consideration in NPPF para. 172 and the public interest and exceptional circumstances test at sub paras. (a)-(c).
3. The “Tilted Balance” NPPF para. 11(d)(ii), taking NPPF paras. 170, 172 & 196, JCS Policies SD7, SD10 & SD14, and Cheltenham Local Plan Policy L1 & ch. 8.