



STATEMENT OF CASE

COTSWOLDS CONSERVATION BOARD (RULE 6 PARTY)

Town and County Planning Act 1990

Section 78 Appeal

Planning appeal by: Robert Hitchins Ltd

Proposed Development: Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.

Location: Land at Oakley Farm, Cheltenham, GL52 6PW

Cheltenham Borough Council Planning Application Reference: 20/01069/OUT

Planning Inspectorate Appeal Reference: APP/B1605/W/21/3273053

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1.0 INTRODUCTION

- 1.1 This statement of case is submitted by the Cotswolds Conservation Board ('the Board') as a Rule 6 party in planning appeal APP/B1605/W/21/3273053 ('the appeal'). For the reasons outlined in this statement, we oppose the appeal and recommend that it should be dismissed.
- 1.2 The Board is an independent, statutory body that was established by Parliamentary Order in 2004. It is one of only two Conservation Boards in the country. The Board has two statutory purposes:
- To conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).
 - To increase the understanding and enjoyment of the special qualities of the Cotswolds AONB.
- 1.3 The first of these purposes is also the statutory purpose of AONB designation.
- 1.4 The Board is deeply concerned by the proposed development of 250 dwellings at Oakley Farm, which would be located within the Cotswolds AONB. We have previously articulated these concerns – and our objection to the proposed development – in our consultation response, dated 14 August 2020, to planning application 20/01069/OUT. Our concerns relate both to: (i) adverse impacts on the Cotswolds AONB; and (ii) non-compliance with national and local planning policy and guidance.
- 1.5 The Board's Planning & Landscape Lead is the Board's only officer who deals with planning-related issues across the 2,000km² of the Cotswolds AONB, including the 15 local authority areas that overlap with it. As such, our capacity to become a Rule 6 party in planning appeals is very limited. The fact that we have done so for this appeal reflects the significance of the appeal.
- 1.6 The appellant has indicated that they accept that the proposed development constitutes 'major development' in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). We agree with this conclusion. Our statement of case is written on the basis that this is, in effect, 'common ground'.

2.0 THE SITE AND ITS LOCATION

- 2.1 Descriptions of the site and its location are contained in the Council's report to Committee and in the Appellants' Statement of Case.

3.0 PLANNING HISTORY

- 3.1 The planning history which is most relevant to this appeal site is set out in Section 4 of the Council's report to Committee.

4.0 PLANNING POLICY CONTEXT

- 4.1 Relevant planning policy context is provided in the Statements of Case submitted by the appellant and by the Council.
- 4.2 As identified in the Council's Statement of Case, one of the material policy considerations is the statutory Cotswolds AONB Management Plan 2018-2023. In this regard, it is important to

note that Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy requires proposals *'to be consistent with the policies set out in the Cotswolds AONB Management Plan'*.

4.3 Policies CC1, CE1, CE8 and CE10 of the Cotswolds AONB Management Plan specify that proposals should be compatible with guidance and position statements published by the Board. These documents, which are listed in Appendix 1, should also be treated as material considerations.

5.0 REASONS FOR REFUSAL AND MAIN ISSUES

5.1 Reasons for refusal identified by Cheltenham Borough Council and main issues identified by the appellant

5.1.1 The Council has identified seven putative 'reasons for refusal' and the appellant has identified five 'main issues'. These reasons for refusal and main issues are summarised in the table below, which also indicates the areas of overlap between the two. The table includes brief comments outlining the Board's perspective on the reasons for refusal and the main issues. The Council's reasons for refusal are provided in full in Appendix 2.

Table 1. Reasons for refusal and main issues

Cheltenham Borough Council's Reasons for Refusal (Summary)	Appellant's Main Issues	Cotswolds Conservation Board comments
1: Doesn't meet the strategy for distribution of new development and is not an appropriate location.	1: Housing Land Supply 2: The Principle of Development	We agree with the Council's reasons for refusal. The statements of case of both the Council and the appellant refer to the tilted balance. We agree with the Council that the tilted balance should not be applied in this instance. We will address these issues in the context of the exceptional circumstances / public interest considerations that apply to this major development proposal in the AONB.
2: Major development within Cotswolds AONB – would fail to conserve and enhance landscape and scenic beauty; would result in significant harm; mitigation measures inadequate; fails to demonstrate the required exceptional circumstances or public interest.	3: Whether there are exceptional circumstances which justify major development within the AONB and whether it would be in the public interest	We agree with the Council's reason for refusal. The harm to the Cotswolds AONB, combined with the issue of exceptional circumstances / public interest, forms the main thrust of our case. As outlined below, we recommend that there should be an additional main issue: <ul style="list-style-type: none"> • Whether the proposed development would conserve and enhance the natural beauty of the Cotswolds AONB, including its landscape and scenic beauty.
3: Would result in a severe impact on the highway network and fail to provide a safe and suitable access for all users.	4: Traffic and Transportation	This issue is relevant to the Board with regards to increased traffic movements and the impact that this would have on the tranquillity of the AONB, which is one of the area's 'special qualities'. As such, we will address this issue in the context of impacts on the AONB.

4: Would have an unacceptable harmful impact on the setting of the heritage assets within Hewlett's Reservoir.		We agree with the Council's reason for refusal. Heritage assets within the Cotswolds AONB are one of the factors that contribute to its natural beauty. As such, we will address this issue in the context of impacts on the AONB.
5: Does not adequately provide for affordable housing requirements, schemes/strategies for play space provision and site management maintenance.		This reason for refusal is not directly relevant to the AONB / Board so our statement of case will not address this issue.
6: Does not adequately provide for education and library provision.	5: Education Contributions	This reason for refusal is not directly relevant to the AONB / Board so our statement of case will not address this issue.
7: No agreement has been completed to secure the provision of necessary highway improvements works and the funding and implementation of the Residential Travel Plan.	4: Traffic and Transportation	See comments relating to reason for refusal 3.

5.2 Additional main issue

5.2.1 We consider that impacts on the Cotswolds AONB should be considered in the context of the statutory purpose of conserving and enhancing the natural beauty of the AONB and that this should be addressed as additional main issue in the inquiry:

- **Whether the proposed development conserves and enhances the natural beauty of the Cotswolds Area of Outstanding Natural Beauty, including its landscape and scenic beauty.**

5.2.2 There are a number of reasons for the Board making these recommendations, as outlined below:

- The purpose of AONB designation, under Section 83 of the Countryside and Rights of Way (CROW) Act 2000, is to conserve and enhance the natural beauty of the area.
- Relevant authorities (including the Planning Inspectorate) have a statutory duty to have regard to the purpose of AONB designation, commonly referred to as the 'duty of regard', under Section 85 of the CROW Act.
- One of the factors that is taken into consideration in deciding if a proposed development is 'major development', in the context of paragraph 172 of the NPPF, is whether it could have a significant adverse impact on the purpose of AONB designation.
- Conserving and enhancing the natural beauty of the Cotswolds AONB is one of the statutory purposes of the Cotswolds Conservation Board, under Section 87 of the CROW Act.

5.2.3 Relevant authorities are expected to be able to demonstrate that they have fulfilled the duty of regard, for example, by clearly showing how they have considered the purpose of AONB designation in their decision making.

5.2.4 Further information on the duty of regard is provided in Appendix 4 of the Cotswolds AONB Management Plan 2018-2023.

- 5.2.5 The issue of conserving and enhancing landscape and scenic beauty is an important component of conserving and enhancing natural beauty, particularly given the great weight that should be given to this issue. However, the factors that contribute to the natural beauty of an AONB are more extensive than just landscape and scenic beauty. For example, these factors include natural heritage and cultural heritage.
- 5.2.6 Based on the information outlined above, it is clear that only having regard to AONB impacts in the context of landscape and scenic beauty would only partially fulfil the statutory duty of regard.
- 5.2.7 Finally, using our suggested main issue would set an appropriately high benchmark for this nationally important landscape.

6.0 THE CASE OF THE COTSWOLDS CONSERVATION BOARD

6.1 Impacts on the Cotswolds AONB

6.1.1 Landscape and visual impact

- 6.1.1.1 The Board supports the Council's Reason for Refusal 2, which relates to the impacts of the proposed development on the Cotswolds AONB. We also support the Council's case, as set out in their statement of case (paragraphs 5.12 to 5.21), for justifying this reason for refusal. We will expand on and complement the Council's case in our Proof of Evidence.
- 6.1.1.2 We acknowledge that the site is influenced by neighbouring development. However, we will demonstrate that the quality and character of the landscape in this location is unimpaired by its proximity to urban development.
- 6.1.1.3 We will demonstrate that the site merits its inclusion within the AONB and that it is an important, representative and contiguous component of the AONB's landscape character in this locality.
- 6.1.1.4 We will highlight the significant impacts of the proposed development on the natural beauty of the AONB. In particular, we will highlight the impacts on the special qualities of the AONB and on the key features / characteristics of Landscape Character Type (LCT) 2 (Escarpment), in which the proposed development would be located, and LCT 7 (High Wold), from which the site of the proposed development can be viewed.
- 6.1.1.5 We will also highlight the significant visual impacts of the proposed development on views from, to and within the AONB, including for receptors on Public Rights of Way, access land / common land and local roads. We will draw particular attention to the significance of the cumulative visual impacts.
- 6.1.1.6 In addressing the above points (and the points below), we will highlight that the proposed development does not comply with the requirements of the NPPF, Planning Practice Guidance, the Joint Core Strategy or the Cheltenham Plan and is not consistent with the Cotswolds AONB Management Plan 2018-2023 or with relevant guidance and position statements published by the Board.

6.1.2 Impact on tranquillity

- 6.1.2.1 We will demonstrate that the increase in traffic movements associated with the proposed development would adversely affect the relative tranquillity of the Cotswolds AONB, which is

one of the area's 'special qualities' and one of the factors that contributes to the natural beauty of the AONB.

6.1.2.2 We will also demonstrate that the proposed development would increase levels of light pollution within the Cotswolds AONB and, in doing so, would adversely affect the dark skies of the AONB, which are one of the area's special qualities.

6.1.3 Impact on cultural heritage

6.1.3.1 We will support the Council's assertion that, as set out in Reason for Refusal 4 and in their statement of case, the proposed development would have an unacceptable harmful impact on the setting of the designated heritage assets associated with Hewlett's Reservoir.

6.1.3.2 We will explain why the impacts on these heritage assets should be considered both in their own right and in terms of their contribution to the natural beauty of the AONB.

6.1.4 Impact on natural heritage

6.1.4.1 We acknowledge that the proposed development has the potential to deliver some biodiversity benefits in the longer term. However, we will explain how these potential biodiversity benefits are far outweighed by the significant adverse impacts of the proposed development on the natural beauty of the AONB.

6.1.5 Recreational opportunities / public access

6.1.5.1 We will demonstrate that the recreational opportunities and public access that would be provided by the proposed development are far outweighed by the significant adverse impacts on the natural beauty of the Cotswolds AONB. We will explain why greater weight should be attached to these adverse impacts than to the potential recreational / public access benefits.

6.1.5.2 We will explain how, rather than relieving pressure on other areas of the Cotswolds AONB (as asserted in the appellant's statement of case, paragraph 8.29), the proposed development would actually increase such pressures.

6.1.5.3 We explain that consideration of public access is not just a binary choice between providing access and not providing access. We will also explain why the potential recreational / public access benefits are relatively limited.

6.2 Tilted balance

6.2.1 The Board will demonstrate that, contrary to the appellant's assertions in their statement of case (paragraph 8.8), the 'tilted balance' in favour of granting planning permission (which derives from paragraph 11d of the NPPF) should *not* be applied in this instance.

6.2.2 We will demonstrate that the application of NPPF policies that protect AONBs and designated heritage assets provide clear reasons for refusal. The relevant designated heritage assets, in this instance, are the Grade II listed buildings associated with Hewlett's Reservoir.

6.2.3 We will highlight the fact that consideration of the tilted balance should only take account of those factors which fall within the ambit of the relevant NPPF footnote 6 policies.

6.2.4 In doing so, will refer to relevant case law, including *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor* [2021] EWCA Civ 74.

6.3 Exceptional circumstances / public interest

6.3.1 Context

- 6.3.1.1 The appellant has accepted that the proposed development constitutes major development in the context of paragraph 172 and footnote 55 of the NPPF.
- 6.3.1.2 The Board will highlight the fact that, for such development, the decision maker should not simply weigh all material considerations in a balance, but should refuse an application unless they consider that the exceptional circumstances / public interest requirements apply, as per relevant case law (*R (Mevagissey Parish Council) v Cornwall Council* [2013] EHC 3684 (Admin)).

6.3.2 Need

- 6.3.2.1 We will demonstrate that the applicant has failed to prove that there is an exceptional need for the proposed development.
- 6.3.2.2 In doing so, we will refer to relevant policies and guidance, including the Government's Planning Practice Guidance on Natural Environment, the Joint Core Strategy and the Cotswolds AONB Management Plan.
- 6.3.2.3 As part of our case, we will address the appellant's emphasis on the current shortfall in housing land supply. In doing so, we will support relevant points made by the Council in their Statement of Case (for example, paragraph 5.18). In this regard, it is important to note that we will not involve ourselves in the detail of the extent of this shortfall in housing land supply.
- 6.3.2.4 We will demonstrate that the proposed development does not meet needs arising with the Cotswolds AONB, particularly the Cheltenham Borough section of the AONB.
- 6.3.2.5 We will also explain the adverse economic impact of the harm that this development would cause to the natural beauty of the Cotswolds AONB.
- 6.3.2.6 We will highlight the fact that even if it is considered that there is exceptional need for the proposed development, this does not necessarily mean that exceptional circumstances apply, as per relevant case law (*R (Mevagissey Parish Council) v Cornwall Council* [2013] EHC 3684 (Admin)).

6.3.3 Alternative options

- 6.3.3.1 We will explain that case law has clarified that no permission should be given for major development in AONBs save to the extent that, inter alia, the development met a need that could not be addressed elsewhere or in some other way, as per relevant case law (*R (Advearse) v Dorset Council v Hallam Land Management Ltd* [2020] EWHC 807).
- 6.3.3.2 We will demonstrate that the appellant has not met this threshold or the related requirements of paragraph 172 of the NPPF in this regard. We will demonstrate that the appellant is therefore not able to prove that exceptional circumstances apply in this regard.
- 6.3.3.3 In doing so, we will support the points made by the Council in their statement of case, including paragraphs 5.16, 5.17 and 5.19, and refer to relevant guidance, including the Government's guidance on Housing and Economic Land Availability Assessment. We will also explain why the appellant's inference that major development in the AONB is preferable to development in the Green Belt is not correct.

6.3.4 *Detrimental effects*

6.3.4.1 The detrimental effects of the proposed development, with regards to the Cotswolds AONB, are outlined above. As indicated above, we will demonstrate that the proposed development would have a significant adverse impact on the natural beauty of the AONB, including its landscape and scenic beauty.

6.3.4.2 In addition to highlighting the individual detrimental effects we will highlight the significance of these impacts cumulatively.

6.3.5 *Exceptional circumstances*

6.3.5.1 Based on the points outlined above, we will demonstrate that exceptional circumstances do not apply with regards the proposed development.

6.3.6 *Public interest*

6.3.6.1 We will demonstrate that, contrary to the appellant's assertions in their statement of case, the proposed development would not be in the public interest.

6.3.6.2 We will explain the national and international significance of the Cotswolds AONB. We will use national and local policy and guidance to demonstrate the public interest associated with conserving and enhancing the natural beauty of the AONB and leaving the site undeveloped.

6.3.6.3 In doing so, we will make reference to, inter alia, the Government's response to the local housing need proposals in 'Changes to the current planning system', the Government's 25 Year Environment Plan and the Cheltenham Plan.

6.4 Overall planning balance

6.4.1 We will demonstrate that, overall, the need for the development and the potential benefits that it may provide would be far outweighed by the significant adverse impacts on the natural beauty of the Cotswolds AONB, including its landscape and scenic beauty.

6.4.2 As outlined above, we will demonstrate that exceptional circumstances would not apply and that the development would not be in the public interest. We will explain that the presumption against granting planning permission for major development in an AONB should, therefore, apply.

7.0 DOCUMENTATION

7.1 In addition to the application / appeal documents, planning history and consultation responses relating to this appeal and the associated planning application, we anticipate that our Proof of Evidence will refer to the documents listed in Appendix 1 of this statement of case.

APPENDIX 1. RELEVANT DOCUMENTATION

Legislation

- Countryside & Rights of Way Act 2000

National planning policy and guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning for the Future White Paper (Ministry of Housing, Communities & Local Government 2021)
- Government response to the local housing need proposals in ‘Changes to the current planning system’ (GOV.UK, 2021)

Relevant appeal decisions and legal cases, including:

- R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin)
- R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807
- Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1993 (Admin)
- Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor [2021] EWCA Civ 74

Other relevant, national-level publications

- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018)
- Landscapes Review: Final Report
- Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute of Environmental Management & Assessment, 2013) and associated Technical Guidance Notes
- The Setting of Heritage Assets - Historic Environment Good Practice Advice (Historic England, 2017)
- Guidance for assessing landscapes for designation as National Park or Areas of Outstanding Natural Beauty (Natural England, 2011)

Planning policy and associated evidence base relating to Cheltenham Borough

- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)
- JCS evidence base
- The Cheltenham Plan
- Cheltenham Plan evidence base
- Report on the Examination of the Cheltenham Plan 2011-2031 (Planning Inspectorate, 2020)
- ‘Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB Within the Cheltenham Borough Council Administrative Area’ and associated addendums (Cheltenham Borough Council, 2015 and 2016)

Cotswolds AONB / Cotswolds Conservation Board related publications

- Cotswolds AONB Management Plan 2018-2023
- Cotswolds AONB Landscape Character Assessment
- Cotswolds AONB Landscape Strategy and Guidelines
- Cotswolds Conservation Board Position Statements, including:

- Housing
- Landscape-led Development
- Tranquillity
- Dark Skies and Artificial Light
- Conserving and Celebrating Cultural Capital in the Cotswolds AONB
- Assessment of the economic value of the Cotswolds AONB (Cotswolds Conservation Board, 2013)
- Designation History Series – Cotswolds AONB (Countryside Commission, 2004)¹
- Cotswolds AONB boundary maps (pre and post the 1990 boundary review)²

¹ There is only one hard copy of these documents, which are located at the Cotswolds Conservation Board's office in Northleach, Gloucestershire. The Board referred to – and quoted - these documents in its consultation response to planning application 20/1069/OUT, dated 14 August 2020.

² The definitive hard copy maps of the Cotswolds AONB boundary (both pre and post the 1990 AONB boundary review) are kept at the Cotswolds Conservation Board's office in Northleach, Gloucestershire. Relevant extracts are provided in the Board's response to planning application 20/1069/OUT, dated 14 August 2020.

APPENDIX 2. CHELTENHAM BOROUGH COUNCIL'S PUTATIVE REASONS FOR REFUSAL

1. The application proposes the erection of 250 houses on greenfield/agricultural land within the Cotswold Area of Outstanding Natural Beauty (AONB) and on land outside of the Principal Urban Area of Cheltenham (PUA). Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031 (December 2017) stipulates that on sites that are not allocated for residential development, new housing development within the Cheltenham Borough administrative area will normally only be permitted on previously developed land within the PUA except where otherwise restricted by policies within District Plans. The proposed development does not satisfy any of the exception criteria of SD10 that would support housing development on this site. The proposed development conflicts therefore with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development within Cheltenham Borough and the application site is not an appropriate location for new residential development.
2. The proposals constitute major development within the Cotswold Area of Outstanding Natural Beauty (AONB). In accordance with national planning policy, the AONB is afforded the highest status of protection in relation to conserving and enhancing landscape and scenic beauty and in which major development is prohibited unless in exceptional circumstances and when in the public interest. The proposed construction of 250 houses would, by virtue of the location and size of the application site, the scale and extent of development and the numbers of dwellings proposed plus associated infrastructure would fail to conserve or enhance the landscape and scenic beauty of the AONB and would result in significant harm to and permanent loss of the landscape quality and beauty of this part of the AONB. The proposed indicative mitigation measures intended to minimise harm to the AONB are considered inadequate, do not address the concerns and would alter the character of the site as a whole and result in harm to the AONB in themselves. The applicant has failed to demonstrate any exceptional circumstances (or public interest) that would justify the proposed development within the AONB and thereby outweigh the identified harm to the AONB. The proposed development is therefore contrary to Policies L1 and D1 of the Cheltenham Plan (2020), Policies SD4, SD6 and SD7 of the Joint Core Strategy (2017), Policies CE1, CE3, CE10 and CE12 of the Cotswold AONB Management Plan 2018-23 and paragraphs 170 and 172 of the NPPF.
3. The proposed development would, by virtue of design, layout and traffic generation result in a severe impact on the highway network and would fail to provide a safe and suitable access for all users, contrary to paragraphs 108, 109 and 110 of the National Planning Policy Framework, Policies INF1 and INF6 of the Joint Core Strategy (adopted December 2017), Policies LTP PD 0.3 and 0.4 of the Local Transport Plan (adopted March 2021), Policy CE10 of the Cotswold AONB Management Plan 2018-23 and Manual for Gloucestershire Streets (adopted July 2020).
4. The application site lies adjacent to designated heritage assets (grade II listed Hewlett's Reservoir and Pavilion). The proposals would have an unacceptable harmful impact on the setting of the heritage assets within Hewlett's Reservoir. As such, the proposed works are considered not to sustain or enhance the designated heritage assets and would cause harm to the significance of the affected designated heritage assets. In weighing this harm against

the public benefits of the proposal, through the provision of housing, the public benefits of the proposals are not considered to outweigh the harm caused to the significance of the affected heritage assets. The proposed development is therefore contrary to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, Policy SD8 of the Joint Core Strategy 2017, Policy CE6 of the Cotswold AONB Management Plan 2018-23 and Chapter 16 of the National Planning Policy Framework.

5. Policies INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 and CI2 of the Cheltenham Plan) state that where infrastructure requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure (including maintenance requirements) and community services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms, as appropriate. Policy SD12 of the JCS seeks the provision of 40% affordable housing in developments of 11 or more dwellings within the Cheltenham Borough administrative area. Affordable housing requirements will be delivered by way of on and/or off site provision and secured through the s106 mechanism. The proposed development will lead to: 1. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on and/or offsite outdoor playing space. (Supplementary Planning Guidance - Playspace in Residential Development, Policy INF4, INF6 of the JCS, Policy CI1 and CI2 of the Cheltenham Plan and Section 8 of the NPPF) 2. Management and maintenance of hard and soft landscaped areas and any private streets 3. A need to provide for an element of affordable housing (Policy SD12 of the JCS and Policy CI1 of the Cheltenham Plan) which would be expected to be provided in full on site. No agreement has been completed to secure the delivery of affordable housing requirements, and schemes/strategies for play space provision and site management and maintenance. The proposal therefore does not adequately provide for affordable housing requirements, schemes/strategies for play space provision and site management maintenance and conflicts with Policies SD11, SD12, INF3, INF4, INF6 and INF7 of the JCS, Policies CI1 and CI2 of the Cheltenham Plan (adopted 2020), Supplementary Planning Guidance – Playspace in Residential Development and the NPPF as referred to above.
6. Policy INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 of the Cheltenham Plan) states that where infrastructure requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure and community services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms, as appropriate. The proposed development will lead to a need to provide for education and libraries provision for the future residents (Policy INF6 of the JCS). There is no agreement from the applicant to pay the requested financial contributions towards education (school places) and libraries provision that would be generated by the proposed development to make the application acceptable in planning terms. The proposal therefore does not adequately provide for education and library provision and conflicts with Policy INF4, INF6 and INF7 of the JCS (adopted 2017), Policy CI1 of the Cheltenham Plan (adopted 2020) and guidance on developer contributions set out in the NPPF, CIL Regulations (as amended) and DfE Guidance on Securing Developer Contributions for Education.

7. Policies INF4, INF6 and INF7 of the Joint Core Strategy (JCS) (adopted 2017) (and Policy CI1 of the Cheltenham Plan) state that where infrastructure and services requirements are generated as a result of site proposals, new development will be served by appropriate on and/or off site infrastructure, services and other remedial measures. Financial contributions towards the provision of necessary infrastructure, services and other remedial measures will be sought through the s106, s278 or CIL mechanisms, as appropriate. The proposed development would lead to a requirement for necessary off-site highway improvement works (JCS Policies INF1 and INF6) and the implementation of the Residential Travel Plan. No agreement has been completed to secure the provision of necessary highway improvements works and the funding and implementation of the Residential Travel Plan. The proposal fails therefore to meet the expectations of Policy INF1 and INF6 of the JCS (adopted 2017), Policy CI1 of the Cheltenham Plan (adopted 2020) and guidance on developer contributions set out in the NPPF.