

# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 17 April 2025

**Meeting time:** 6.00 pm - 7.48 pm

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**In attendance:**

**Councillors:**

Frank Allen, Glenn Andrews, Paul Baker (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Tony Oliver, Simon Wheeler, Suzanne Williams and Dr Steve Steinhardt

**Also in attendance:**

Tracey Birkinshaw (Director of Community & Economic Development), Chris Gomm (Head of Planning), Michelle Payne (Senior Planning Officer), Michael Ronan (Lawyer), Sam Reader (Tree Officer) and Ewan Wright (Senior Housing Strategy & Enabling Officer)

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## 1 Apologies

Apologies were received from Councillor Foster.

## 2 Declarations of Interest

Councillor Allen declared an interest in item 6c and confirmed that he was pre-determined on the application and would take part in the debate only in his capacity as Ward Member.

Councillor Barnes declared an interest in item 6c that he is a trustee of the animal shelter near the Folly site and confirmed that he would step down as Chair and leave the meeting before this item was debated.

## 3 Declarations of independent site visits

The following Councillors attended site 6c during Planning View:

- Councillor Baker
- Councillor Bamford
- Councillor Clark
- Councillor Dr. Steinhardt
- Councillor Wheeler

Councillors Oliver and Williams declared that they had independently visited site 6c.

#### **4 Minutes of the last meeting**

The minutes of the meeting held on 27 March were approved and signed as a correct record.

#### **5 Public Questions**

There were none.

#### **6 Planning Applications**

##### **7 25/00460/CACN - 71 Leckhampton Road, Leckhampton, Cheltenham, GL53 0BS**

The Tree Officer introduced the report as published.

The matter then went to the vote on the officer recommendation to permit and grant:

For: 10

Against: 0

Abstentions: 0

**Voted unanimously for the officer recommendation for no objections.**

##### **8 25/00358/FUL - 55 Bafford Approach, Charlton Kings, Cheltenham, GL53 9JF**

The Senior Planning Officer introduced the report as published.

The matter then went to the vote on the officer recommendation to permit and grant:

For: 10

Against: 0

Abstentions: 0

**Voted unanimously to permit.**

**9 24/00399/FUL - The Folley, Swindon Road, Cheltenham, GL50 4AZ**

***Councillor Barnes stepped down as Chair and left the meeting. Councillor Baker took over as Chair of the meeting.***

The Senior Planning Officer introduced the report as published.

There were five public speakers on the item: an objector, the applicant's representative, two ward members and the county councillor.

The objector addressed the committee and made the following points:

- He highlighted fundamental flaws in the officer's recommendation relating to the protection of playing fields, misuse of planning policy, and the long-term consequences for Cheltenham's planning integrity.
- Paragraph 104 of the National Planning Policy Framework (NPPF) states that playing fields must not be built on unless they are surplus to requirements, are replaced with equivalent or better provision, or substituted by a facility of greater benefit. These requirements have not been met and Sports England, as a statutory consultee, have objected to the application.
- The land was strategically abandoned. This was a marked, multi-pitch site for football and mini soccer. In recent years it was used for youth football, rugby league, and other sports—while under exactly the same ownership and management as now. A deliberate choice to restrict access was made not due to a lack of demand but as a managed decline. Under national policy, both public and private fields are protected from exactly this kind of engineered loss.
- Paragraph 11d(i) of the NPPF states that "*Permission should be refused where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal.*" Sports England says that the application fails the test for paragraph 104 of the NPPF which is a protective policy. This means that the tilted balance does not apply, and cannot lawfully override this protection.
- The proposed community park cannot substitute for bookable, formal playing pitches. That is a completely different category of provision in quantity, quality, and functionality. The Park, the location put forward as mitigation, is already in regular use by Leckhampton Rovers and others as a playing pitch and training ground. It is not new and is not spare capacity. Rebadging existing, heavily used green space as mitigation for the loss of a dedicated playing field, especially in one of the least affluent parts of town, is misleading and inequitable.
- Cheltenham Borough Council's Playing Pitch Strategy, adopted by Cabinet in July 2024 and produced by professional sports consultants states: "*The Folley... previously provided three adult pitches and a mini soccer pitch... Proposals submitted to develop housing on the site. If these proceed, ensure any loss of pitch provision is mitigated, and that mitigation is signed off by all relevant NGBs and Sport England,*" and "*Disused sites and unmarked pitches shouldn't be deemed surplus to requirements... unless one of Sport England's policy exceptions can be met.*" It further notes that the site remains perfectly

usable for multiple community sports. No mitigation has been agreed. A year ago the University was encouraged to consider mitigation, perhaps by contributing to new provision at Swindon Road or West Cheltenham, but they declined both options. Approval of this application would set a dangerous precedent for the unplanned loss of protected sports land.

- The site was not allocated for housing in the Cheltenham Plan. It came forward through private sale. Allowing it now encourages speculative development and erodes trust in the plan-led system, while placing additional, unplanned strain on local infrastructure.
- If approved the application must be referred to the Secretary of State.

The applicant's representative addressed the committee and made the following points:

- Planning decisions are a matter of judgement which must weigh the benefits of development against the adverse impacts. Members will be familiar with the NPPF threshold that adverse impacts have to significantly and demonstrably outweigh benefits if planning permission is to be refused.
- The adverse impacts primarily relate to the perceived loss of a former playing field which has been disused for a number of years and currently has no public access. In practice there will be no net loss of provision of sport for the borough. An objection has been received from Sports England in line with their normal protocol for disused playing fields.
- No other technical matters have been identified which would direct an impact to be material in determination.
- The only issue raised by consultees from highways and green space relate to financial contributions being sought. The applicant hold the firm view that these are not evidenced sufficiently to make the proposal acceptable in planning terms, an assessment supported by the planning officer.
- Significant weight is attached to the provision of housing generally, especially as the council are not able to demonstrate a mandatory 5-year housing land supply. This proposal is an affordable housing led proposal by a recognised provider and local construction firm, supporting local jobs. It will include a mix of social rented and shared ownership properties representing the only realistic route for home ownership for many. House prices in the borough are currently 9 times higher than the median earnings. These homes will provide opportunities and prioritise local people at a time when 2,593 households are on the council's housing register and are awaiting suitable accommodation. The proposal will also deliver a 5-bedroom home and a wheelchair accessible bungalow, responding to very specific needs of two families on the housing register. The role of the scheme in meeting local housing needs is substantial and provides an opportunity for the council to showcase that it is taking proactive decisions on housing following thorough engagement from its' officers.
- The scheme will secure playing fields at the Park Campus through community use agreements and provide a net increase in equivalent sport provision across the borough.
- Further benefits include delivery of a 5-acre community park, far greater than required for a development of this scale, which it is believed will be a transformative enhancement for Swindon Road and significant benefit for the

community. The delivery of a new staff car park for Gardners Lane Primary School; 14% net gain on biodiversity, including the planting of 190 new trees; and the provision of highly sustainable homes using a fabric first approach which will provide 61% carbon reduction when benchmarked against building regulations. There are no adverse impacts of this proposal which would significantly and demonstrably outweigh the substantial benefits.

- Whilst the objector has suggested that the tilted balance would be disengaged, footnote 7 of the NPPF sets out all the exclusions none of which apply in this case. So the tilted balance should be engaged in determination of this application.

Councillor Clucas, as Ward Member, addressed the committee and made the following points:

- The UK signed up to the Council of Europe's Florence Convention in 2009. This acknowledges the role that landscapes play, and the need for planning determinations to consider how particular locations can be preserved for the benefit of its people. The Folley plays a significant role in the lives of ordinary people as a place at the heart of the community that gives people the opportunity to look at wildlife developing.
- Green spaces in Swindon Village were protected within the Joint Core Strategy (JCS) following consultation with local residents. At this point it was believed that the Folley was already protected through the ownership of the University. If it had been known that it would be offered for sale, this would have been considered for additional protection at this point.
- The Florence Convention defines landscape as an area perceived by local people as a place whose character is the result of the action and interaction of natural and human factors. Defined as having many values, not all of them tangible, most importantly valued by and mattering to local people and providing a context for peoples' lives. Landscape is recognised as an essential part of a sustainable future and sustainable communities, essential to place making, community cohesion, quality of life, health and wellbeing. Swindon Village will be the home to 4,200 homes in addition to others that may be built in the future and it is important that this community is protected.
- As owners of the land the University of Gloucestershire has a social responsibility to the local community, not just itself or its treasury. To simply profit off the land is not adhering to that responsibility and does not mean that the communities can be simply ignored.
- The local roads are not able to take the level of traffic that would come with this development. There has already been a significant number of incidents on local roads, leading to serious injuries. This would be exacerbated by the new development and put local residents at risk.

Councillor Allen, as Ward Member, addressed the committee and made the following points:

- There are many reasons to vote against an untenable development. Justifications within planning law include that it does not comply with paragraphs 10 and 11d(ii) of the NPPF. It also fails to comply with paragraphs 115b, 115d, 116 and 117c of the NPPF, as listed in the report.

- The Planning Committee are asked to favour sustainable development especially where the council is unable to meet the 5-year housing land supply. In regards to highways this is not a sustainable development, and the adverse effects of the scheme significantly and demonstrably outweigh the benefits even when considered as a whole.
- The scheme goes against the JCS objectives to tackle the challenges of climate change, promote sustainable transport, and promote healthy communities.
- The proposals also conflict with the JCS policy INF1, section 1(i) (which covers safe and efficient access to the highway network), and section 2 (which notes planning permission will be granted only where the impact of development on transport networks aren't considered to be severe). GCC's evidence shows that the Folley's impact will be unacceptably damaging.
- Whilst the provision of affordable housing is absolutely necessary, to build this without the necessary transport and community infrastructure is unsustainable. It would create a poorly connected, underserved, unsafe, and unhealthy neighbourhood.
- The pressure on traffic and the inadequacy of the current access scheme was highlighted. GCC's representation was clear that the traffic movements caused by the scheme along with other developments in the area will lead to unacceptable harm and impact on the road network. In reality the traffic may be double the highway authority's projection. The applicant's assessment also underestimates the impact during early weekdays. With more than 122 cars accessing the development through a single point there will be significant road congestion, chaos and closures, which Swindon Village is already facing following poor management from GCC. GCC's suggestion that funding is targeted to Junction 10 improvements would not address the issues with the local road network. Funding should be directed at addressing these issues instead.
- The scheme also offers a significant risk to resident safety and to community amenity. Paragraph 14.4 of the Cheltenham Plan states that traffic is a contributing factor for community amenity. There have already been a significant number of accidents due to the narrowness of the road, and the proposed access is unsafe.
- The pollution caused by the additional traffic will also cause significant harm, and the amount of nitrogen dioxide created should be grounds for refusal, not conditioning.
- An alternative scheme could address many of the issues highlighted by considering access via the roundabout on Swindon Road, proposing proper highways access, investing in upgrading the Swindon Road bridge to avoid pollution and the dangers to wildlife and people, and relocating the park and wildlife conservation to be near the animal shelter. The best site would follow the JCS and NPPF by delivering a balance of affordable, social and market price houses, whilst meeting the huge services deficit which will only be exacerbated by the new scheme going forward. New GPs, dentists, libraries, community centres, and community run businesses are needed in this area.
- The Folley is a green space under the Local Plan and an incredible place for enhanced wildlife which deserves a well-integrated community park, not as an afterthought but as an integral part of the scheme.

***Councillor Allen took no further part in the meeting.***

Councillor Fisher, as County Councillor, addressed the committee and made the following points:

- Building Junction 10 is key to the future of house building in Cheltenham and will deliver 7000 dwellings if it is given the go ahead over the next 10-15 years. Currently it is awaiting approval by the government but there is also an £80m shortfall in the budgeting. Developers have been asked to contribute to this shortfall, major developers have refused, and approving this application would send a message that these contributions are not required to gain planning permission.
- The developer of Elms Park, which will come before the Planning Committee next month, have promised £20m to Junction 10 and will provide 4200 houses. This will provide more houses than needed for the 5-year housing land supply.
- The 1000 houses provided by the Cyber development will also require the link road to be connected to Junction 10, and the St. Modwen's development will also require Junction 10 to manage 4-lane traffic.
- GCC are the Highway authority and have not been adequately consulted and are not represented at the meeting. They have objected to this application, and it has previously been refused twice on the basis of the Highways objection. Swindon Road has not changed since these refusals and 300 dwellings have been built in the area since.
- Highways will not pay for the changes to ease the congestion on Swindon Road. A separate footbridge needs to be built, and this has not been addressed in the application. The increase in traffic will compound the problem.
- Planning permission was granted for 320 Swindon Road and has not been brought forwards. Are people engineering the lack of a 5-year housing land supply by not providing homes?

Councillor Baker noted that representatives from GCC, including Highways officers, and an officer from the housing team were present at the meeting.

In response to Members' questions, officers confirmed that:

- The provision of Solar PV has been discussed with the applicant's representative, but they are proposing a robust fabric first approach instead. The application should be considered on this basis.
- Due to the objection from Sports England, if the application is approved, it will be automatically referred to the Secretary of State. There will be no cost implication for this referral and the Secretary of State will have 21 days to review the application from the date of receipt. They will either enable the developers to proceed as Committee determined or offer a direction.
- It would not be possible to condition against the use of fireworks as it would not be reasonable or enforceable.
- Highways confirmed that they had submitted a consultation response of no objection subject to conditions of a financial contribution to Junction 10. Evidence had been provided in line with the JCS policies INF 1, 6 and 7, with modelling showing that the cumulative impact will be severe. They are

disappointed that the contribution has not been supported by officers, which means they have technically submitted an objection. The Junction 10 scheme will have wider benefits to the Cheltenham road network, including in the area of this development.

- The report from Sports England says that the pitch was last used in 2019, and last used for cricket in 2006. It is believed that it has been used for football more recently.
- The tilt of balance is engaged by paragraph 11d of the NPPF. Significant weight has been afforded to the loss of the playing field and significant weight to the provision of 122 affordable homes. If an alternative land use was being proposed officers may have felt the balance came out differently, but they are satisfied that the scheme should be supported.
- If rejected and taken to appeal, the council will only be liable for costs if it is determined that they acted unreasonably, and that the unreasonable behaviour had led to unnecessary expense for the appellant.
- The scheme will be 43% social rent (with rental costs being calculated by a government formula) which generally provides homes at 45-55% of open market rent. These will be offered to people on the council's housing register. 57% will be provided as shared ownership properties which supports those on a lower income to get on the housing ladder.
- As of March 2025 there were 2,593 households on the housing waiting list in total, 631 are households in 2 bedroom need, 394 households in 3 bedroom need, 116 households in 4 bedroom need, 26 households in 5 bedroom need, and 3 households in 6 bedroom need. This means that approximately 1,170 households on the housing register are families.
- There is nothing to prevent households on the housing register from securing a shared ownership home, but the financial requirements may be challenging due to the deposit and ongoing costs. The 2020 Gloucestershire Local Housing Needs Assessment identifies that as a minimum 2,364 new affordable home ownership homes should be delivered between 2021 and 2041.
- 40% of the housing would be secured through a S106 agreement so will definitely be provided for local people, whether they are social rent or shared ownership. The S106 agreement will negotiate that 100% of the social rented properties will be let to those nominated by the council on the initial let in line with the Homeseeker policy, including a local connection requirement. Subsequent lets through Section 106 will aim for 75% to be let by the council, with 25% let by Aster.
- The funding for the non-S106 shared ownership properties will be provided by Homes England who do not place a local connection test on developments they are funding as they do not want homes to sit empty. It would not be possible to condition this without limiting the funding that Aster could achieve. Local people are equally entitled to apply but it will not be possible to restrict it to only local people. A separate good faith agreement on the same nomination rights for the social rented homes as the S106 agreement could be agreed with Aster for these properties and discussions have begun. This could not be incorporated as a condition but officers see no reason why the good faith agreement would not be reached as Aster are a preferred provider with a mission, shared with the council, to meet local housing need particularly for those in the greatest need.



- It is the view of CBC officers with legal advice that it hasn't been demonstrated that there is a strong enough link evidenced between the impact of the development and the work needed for Junction 10. The committee is free however to reach its own conclusion on this matter.

The matter then went to Member debate where the following points were made:

- The importance of protecting green spaces and sports facilities, particularly within Areas of Outstanding Natural Beauty, was highlighted but it was felt this was outweighed in this instance by local housing need.
- The need to provide social housing, and the social advance provided to people through having a safe home was stressed. Particularly in light of the national housing crisis and the challenges faced by those on low incomes. These homes provide security, less violence, a chance of better education, and improved physical and mental health. It was noted that there were other areas of Cheltenham that would also benefit from increased social housing provision.
- It was noted that the school next to the site is currently under-subscribed.
- Concern over the additional impact on traffic was noted. It was suggested that the traffic issues could be mitigated through a council campaign to reduce car use. The scale difference between the Folley proposal and the Elms Park development was noted as a reason that the Junction 10 contribution was not supported. It was also noted that 74% of council tax goes to GCC.
- As it is not possible to force the University to provide access to the Folley or restore the sports provision, it was felt that the benefits provided outweighed the identified harms. It was also noted that due to the dilapidation of the changing facilities any scheme to re-open the playing fields would come with a cost.
- Whilst people are entitled to light, they are not entitled to a view. It was also noted that the view of the Folley is currently hidden behind a hedge. The proposed park would be an improvement for local residents and increase biodiversity. The amenity benefit to the whole community was highlighted.
- Disappointment was expressed that the proposal will not deliver any Solar PV, however, it was noted that it was positive that the designs provided opportunities for later retrofitting for most of the properties.
- It was noted that additional landscaping would provide screening between the animal shelter and housing.
- Concern was raised about the impact on the animal shelter, which will be celebrating its 100th anniversary next year.
- CBC's commitment to the provision of affordable housing was highlighted and the alignment of this scheme with the aim was noted. The government has also made it absolutely clear that the provision of affordable housing is of great importance and have made changes to the NPPF to reflect this. If rejected and taken to appeal, the planning inspector would have to give serious consideration to this policy.
- Whilst concern was noted that the failure to require a contribution to Junction 10 could set a precedent, concern was also raised that this requirement may lead to the scheme not being financially viable.

The Legal Officer explained that the 2010 regulations, reaffirmed in the NPPF, set out the legal test for members to lawfully impose a contribution as a planning obligation. It is essentially for the Highway authority to provide evidence that demonstrates the necessity of the direct relationship and the proportionality between the application and the contribution. The Legal Officer's professional advice is that this test has not been met sufficiently to allow the Committee to grant the contribution.

The matter then went to the vote on the officer recommendation to permit:

For: 7

Against: 1

Abstentions: 0

**Voted to permit subject to a S106 agreement.**

## **10 Appeal Update**

The appeal updates were noted.

## **11 Any other items the Chairman determines urgent and requires a decision**

There were none.