

APPLICATION NO: 17/00710/OUT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 16 th August 2017		DATE OF EXPIRY : 15 th November 2017	
WARD: Battledown		PARISH: Charlton Kings	
APPLICANT:	William Morrison (Cheltenham) Ltd		
LOCATION:	Land adjacent to Oakhurst Rise, Cheltenham		
PROPOSAL:	Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration.		

ADDITIONAL REPRESENTATIONS

Southern Lawn
Ashley Road
Cheltenham
GL52 6NU

Comments: 11th July 2018

A number of new documents have been submitted in relation to this application. Insufficient time has been allowed for us to read them and take advice:

Please could the latest documents either be withdrawn, or the application postponed to a later Committee date?

This is an excessively complex application, made more confusing by the constant changes to documentation and inconsistencies of fact and detail. The high level of objection to the scheme is sufficient to demonstrate its sensitivity. As a green field development in a highly visible area, it will - if approved - have an everlasting impact upon the environment and landscape as seen from the AONB and the village of Charlton Kings (stand outside Smith and Mann by the bus stop on the little roundabout and look up at the hill).

A full application would allow better assessment and more detailed conditions to be applied, and as such may allay some of the anxieties expressed. Once outline permission is granted, our Councillors have lost their ability to fully manage the situation:

Please could you consider requesting a full planning application, not an outline one, so the impact can be fully assessed before determining this matter?

The impact of a development can be mitigated by the choice of materials. Given the sensitivity of the site, materials that are natural and will mellow would seem desirable. For example, the use of timber cladding or sedum roofing. The only designs I have seen were for bright white boxes, angular and totally unsympathetic to the site. The housing next to Sainsbury on Hales Road is a sad example of builders who use convenient and cheap materials which look pretty initially but fail to stand the test of time:

If a full application is requested, please could there be very careful consideration of materials and their visual and other impact on the local environment?

There is often a shortage of affordable housing in Cheltenham. When there is housing eligible for government schemes, such as Help to Buy, it is normally in the form of apartments. Apartments are notorious for management charges and on-going high costs, and they are small with no gardens. With people buying their first home later in life (most are 30 or older now), an alternative

form of affordable housing would be very welcome. A terrace of 2 and 3 bedroom houses would be ideal, with gardens and parking, so that those who have scraped together a deposit can plan to stay there for a few years. Given the disruption to all the people who will have extra traffic going past their houses, having genuine and desirable affordable housing on the site might slightly mitigate their objections.

Sadly, developers frequently back out of the affordable housing liability on the grounds of cost. Is there any way to secure it, so this does not happen?

Please could the affordable housing be considered as central to the development, and not a cheap tag on arrangement, and is there any way to secure it?

Many thanks for all your help.

Charlton Manor
Ashley Road
Cheltenham
GL52 6NS

Comments: 13th July 2018
Letter attached.

RICHARD BUXTON

ENVIRONMENTAL & PUBLIC LAW



19B Victoria Street
Cambridge CB1 1JP

Tel: (01223) 328933

Fax: (01223) 301308

www.richardbuxton.co.uk
law@richardbuxton.co.uk

Cheltenham Borough Council
Place and Economic Development
Promenade
Cheltenham
GL50 9SA

Attn. Michelle Payne, Senior Planning Officer
Tracey Crews, Director, Planning

Also by email: Michelle.Payne@cheltenham.gov.uk
Tracey.Crews@cheltenham.gov.uk

Your ref: 17/00710/OUT

Our ref: WPS1-001/LF/MM

Email: lfoster@richardbuxton.co.uk; mmcfeeley@richardbuxton.co.uk

11 July 2018

TIME-SENSITIVE

Dear Sirs

Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration; Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire (Ref. 17/00710/OUT)

1. We write in reference to the above application for outline planning permission for greenfield development of up to 90 dwellings and ancillary development at land off Oakhurst Rise ("the site").
2. We represent [REDACTED] of Charlton Manor, Ashley Rd, Cheltenham, GL52 6NS, which lies adjacent to the site.
3. It has recently come to our attention that the Council has, since 2 July 2018, published a large number of new documents on the Council's webpage associated with planning application 17/00710/OUT. These documents include, inter alia, a revised ecological appraisal, revised reports relating to bat activity and roost potential, a revised proposed site layout, a revised flood risk assessment, revised drainage plans, a revised arboricultural survey, impact statement and method statement, and a revised landscape and visual impact assessment. A large number of new plans have also been produced relating to a range of different issues, including access, highways and landscaping.
4. We understand from email correspondence between the Council and our clients that this application is due to be considered by the Council's Planning Committee at its 19 July 2018 meeting.

5. Given the late addition of this new information, it was not possible for our clients, or indeed, statutory consultees, to review these documents and respond within the consultation period provided by the Council based on accurate and complete information about the proposed development and its potential effects.
6. This runs contrary to article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Planning Practice Guidance on consultation. We also draw the Council's attention to the recent Judgment in R(Holborn Studios Ltd) v. Hackney LBC, [2017] EWHC 2823 (Admin). It is quite clear that the Council's duty of procedural fairness requires it to provide our clients and other interested residents with the opportunity to consider the new information recently uploaded to the Council's site, to take further expert advice if they choose, and to provide comments.

What the Council is requested to do:

7. On the basis of the above the Council is requested to:
 - a. Defer application no. 17/00710/OUT on the basis that the Council has not fulfilled its public law duty to provide the public or statutory consultees with adequate opportunity to comment on the revised materials associated with the application.
 - b. Open a new consultation period to allow statutory consultees and the public to comment on the basis of this revised information.
8. On the basis of what we set out in this letter it would be perverse and therefore unlawful for the Council as matters stand to proceed to consideration of this application at the 19 July 2018 Planning Committee meeting.

Yours faithfully


Richard Buxton Environmental & Public Law