

Date: 6/4/2022

Members of Cheltenham BC Planning Committee

By E-mail – via Case Officer Michelle Payne

Dear Michelle,

20/01788/FUL – Land at Shurdington Road, Leckhampton

Following members consideration of the above planning application at the Cheltenham Borough Council's Planning Committee on Thursday 24 March 2022, I set out below Miller Homes views and response to the reasons for deferral. Whilst we haven't as yet received any 'formal' notification of the precise reasons for deferral, being present at Committee we set out below our understanding of the issues, which we believe broadly relate to the following three areas:

1. The climate change impacts of the scheme and its ability to reduce CO2 emissions;
2. The contribution to community services/provision; and
3. The impact of the proposals on the Moored Park Road Junction

Members will, I hope, understand that we fully endorse your Officers Report to Committee which confirms that the scheme as it stands is entirely consistent with your own policy base and should be approved, and also the subsequent clear advice given by your Officers at the Planning Committee meeting that the scheme should not be deferred for the reasons given above. Nevertheless, we have sought to look at the above three issues and what, if anything, Miller Homes can do to try to address Members concerns on these specific points, which I address in turn below.

1. Climate Change Impacts

Hopefully Members will be aware of the considerable detail and responses we have already provided on this issue, as we fully understood the importance which the Council rightly gives to tackling climate change. Suffice it to say I won't go through all the information and reports which demonstrated how we fully met and exceeded the Council's own policy requirements including JCS Policy SD3.

As Members will hopefully be aware, prior to Committee we provided an updated Energy and Sustainability Statement which set out a variety of measures which would enable the proposals to achieve 20% CO2 reduction. This goes well beyond any specific policy requirements within the adopted JCS and Local Plan. We are conscious of the considerable discussion at the Planning Committee regarding the use of gas boilers and confirm that Miller Homes is proactively engaging with industry technical working groups, which are being driven by the national Future Homes Task Force, to establish the specifications for standard house type portfolios to deliver in line with future building regulations along with a government consultation later this year on how the new requirements can be met.

Please rest assured that Miller Homes, as a responsible housebuilder, has previously looked into the possibility in considerable detail of not including gas boilers within the proposals but it is simply not viable to do so. It is widely acknowledged in the industry that there are substantial additional costs associated with the few alternatives to gas boilers which far exceed the costs of conventional heating systems. This matter, as indicated above, is being looked at nationally. Whilst it might be possible for smaller bespoke sites to come

forward as Zero Carbon developments this is simply not the same for a development scheme of this scale, in this location, with all its increased infrastructure and financial requirements combined with a specific JCS Policy requirement for 40% affordable housing and CIL/S106 payments in the region of £6.4m. To put it bluntly, not only is this not a policy requirement this site simply cannot come forward if that is a requirement.

Conscious of the Committee concerns, we have reconsidered the issue of CO₂ emissions and have formally resubmitted a further revised and up-dated Energy and Sustainability Statement bespoke to the Leckhampton site prepared by our renewable energy consultants. This now includes proposals to achieve a **31.9% reduction over and above current building regulations**, achieved by a variety of methods as set out in the report which include increased water efficiency, waste management, enhanced thermal insulation, EV Charging and Solar PV panels included on all appropriate dwellings. To clarify every dwelling which has a suitable orientation and roof slope design is included within the Solar PV Plan which now shows a total of 156 dwellings incorporating PV Panels.

It should be observed that whilst new building regulations are coming into force in June 2022, which require a 31% reduction, due to the transitional arrangements of these regulations, this requirement does not come into force until June 2023. The proposals we are putting forward therefore represent a substantial benefit in bringing forward this CO₂ saving much earlier than is required representing a substantial benefit of this development.

Whilst we are confident our proposals go well beyond policy requirements we are prepared for a planning condition to be attached to the decision notice to give a firm commitment by Miller Homes that the proposals will achieve a 31.9% CO₂ reduction. The suggested condition below will ensure the Council has effective control on this matter.

“The development shall be carried out in accordance with the proposals set out in the Energy and Sustainability Statement dated 31st March 2022”.

2. Access to Services and Facilities

In relation to the issues raised regarding on site provision and access to wider services and facilities, as Members will be aware we are principally guided by the requirements of Policy MD4 of the Cheltenham Plan. The principal policy component of community facilities for the site allocation relates to the need for secondary school provision, which members will be aware is currently under construction. The policy also requires safe, easy and convenient pedestrian and cycle links within the site and to key centres. This has occurred through the scheme which includes pedestrian and cycle access throughout the site and additional connectivity with the school and Merlin Way.

The proposals also deliver on wider policy requirements, particularly in relation to on-site open space provision with the proposals providing a Locally Equipped Area of Play (LEAP) located along the Hatherley Brook corridor with two further Local Areas of Play (LAPS), a community orchard and community allotments and extensive public open space.

In relation to the need for any on-site retail provision, again this is a matter which Miller Homes have looked into during the course of the application. A report by acknowledged chartered surveyors Bruton Knowles has been carried out which was submitted to the Council in October 2021. This report looked at existing demand and supply for local retail provision and concluded that any retail provision in the subject scheme would attract no developer or occupier demand.

In addition, it should also be observed that the monies paid for the land will form part of the funds managed by the landowning charity, whom are a public benefit entity guided by the Charity Commission guidelines. Their objective is to support and enable the mission and ministry of the Church of England in and around Gloucestershire. The proceeds of the sale will fund the provision of clergy within the Diocese of Gloucester and support and equip worshipping communities to serve the hopes and needs of their local community. One example of the work they support in Cheltenham is providing funding for "The Rock", an inspiring youth charity where young people, living in acknowledged areas of deprivation, attend to develop life skills and become part of a supportive community. I would respectfully invite Members to view the link below to a very short YouTube video which explains a little of what the Diocese does and how they are funded.

<https://youtu.be/FVMCBvY6Nok>

We share the views of your officers that the proposals are consistent with all the appropriate policy requirements. Any request for a contribution is required to be legally compliant and must satisfy the tests set out in regulation 122 of the CIL Regulations. Whilst Miller Homes could offer to make a financial contribution towards improving any appropriate services and facilities in the locality, it would be for the Council to identify a local project or scheme for this fund and also fully justify why a contribution should be paid to mitigate the impact of the development. To date, no such request has been made nor a CIL compliant justification provided and therefore no contribution can be legally made.

3. Moorend Park Road Junction

With regard to the Moorend Park Road junction, as your Officer's Committee Report has advised there is already a consented scheme in place (albeit we understand awaiting detailed technical S278 approval) to improve this junction associated with the Farm Lane development. The delivery of that junction proposal is largely a matter between the developer (Redrow Homes), the Highway Authority and Tewkesbury Borough Council. The planning condition associated with the Redrow scheme approved on 26 April 2016 provides for the following:

Prior to first occupation of any dwelling, details of a highway improvement scheme at the Moorend Park Road signal controlled junction shall be submitted to and approved in writing by the Local Planning Authority. No more than 200 units to be occupied prior to the implementation of these works, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at the public expense.

It is clear that the delivery of the scheme upon occupation of 200 dwellings on the Farm Lane site has now been reached, albeit this is a matter which no doubt the highway authority and Tewkesbury Borough Council can advise on and secures not just the junction design but also its implementation.

As Members will also be aware, the Highway Authority has fully assessed the impact of our proposal with that scheme in place which, as explained by Mr Hawley at Planning Committee, includes the impact of the traffic associated with both our development and the Farm Lane development. This has demonstrated the suitability of the junction proposals.

As Members will also hopefully be aware, as a further measure Miller Homes and the Highway Authority have agreed a financial contribution of £86,567 towards potential further improvements to that junction scheme, over and above the scheme consented as part of the Farm Lane development. This is to provide further mitigation and to ensure the most robust approach possible is taken to securing an acceptable highway design.

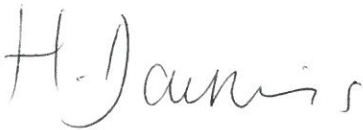
This money is to be secured by a s106 legal agreement and whilst the Highway Authority has indicated it is not required until occupation of the 175th dwelling on our site, we have now proposed that the money is paid prior to first occupation to assist with early delivery of the junction improvements.

Summary

Whilst Miller Homes is confident that the proposal currently meets the requirements of the development plan, we are also mindful of the additional issues raised by Members during the Committee on the 24th March. We have therefore responded in a manner which we genuinely believe reflects the importance which we have given to such concerns, whilst critically ensuring the development remains viable and can actually be delivered with all the benefits the scheme will achieve.

Given the significant delays encountered to-date we request the application proceeds back to the next Planning Committee which we understand is on the 21st April 2022.

Yours sincerely,



Helen Dawkins
Area Planning Director
Miller Homes Midlands