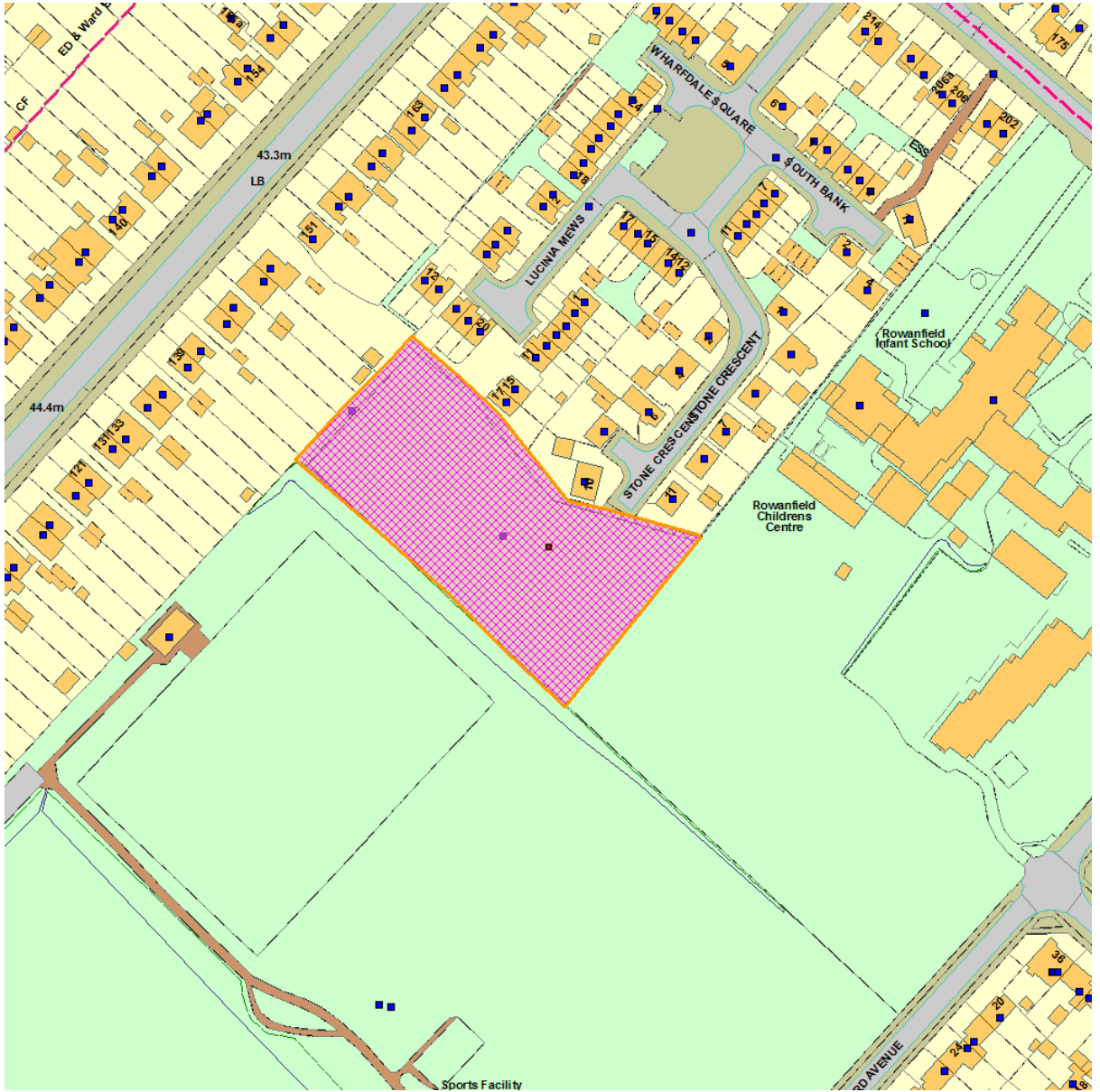


<b>APPLICATION NO:</b> 23/01545/CONDIT	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 15th September 2023	<b>DATE OF EXPIRY:</b> 15th December 2023
<b>DATE VALIDATED:</b> 15th September 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b>	New Dawn Homes Ltd
<b>AGENT:</b>	
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent Cheltenham
<b>PROPOSAL:</b>	Variation of condition 2 (approved plans) - site layout changes, addition of solar panels to all house types, 3.no A house types replaced with 3no C house types, increase in ground floor plan of F house types and removal of affordable housing provision of planning permission 18/02215/FUL.

**RECOMMENDATION:** Permit subject to a 106 Obligations



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of land located adjacent to the existing residential development known as Stone Crescent. The application site is within the Principle Urban Area (PUA) and is an allocated site under policy HD5 of the Cheltenham Plan.
- 1.2 Planning permission was granted in 2018 (ref: 18/02215/FUL) for the construction of 13 dwellings and associated ancillary works, the site is accessed via the existing Stone Crescent development. The 2018 permission is extant as works had already commenced on site prior to the expiration of the permission. This is confirmed and documented by the Council's Compliance Team.
- 1.3 More recently, planning permission has been granted for a further 6 dwellings (ref: 22/01891/FUL) on land in the south-eastern section of the site. The total number of permitted dwellings across the whole development site is therefore 21.
- 1.4 The applicant is now seeking permission to vary condition 2 of the approved plans for 18/02215/FUL to allow for some minor site layout changes, the addition of solar panels to all house types, a change in 3no. house types, a change in ground floor plan for house type 'F'. The applicant is also seeking to remove the provision of affordable housing required by the existing S.106 agreement for 18/02215/FUL.
- 1.5 The original 2018 application was determined at planning committee, given that this application is seeking to remove the affordable housing provision which would have been a material consideration in determining that application, in the interests of transparency, officers consider it necessary that this application is also determined at planning committee.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Land Allocated for Housing  
Airport safeguarding over 15m  
Landfill Sites region  
Principal Urban Area

### Relevant Planning History:

**18/01932/PREAPP 30th October 2018 CLO**

Construction of 13 new dwellings and associated road and sewers

**17/02460/FUL 22nd June 2018 REF**

Erection of 13no. dwellings with associated road and sewers

**18/01661/FUL 1st November 2018 WDN**

Erection of 18no. dwellings with associated road and sewers

**18/02215/FUL 21st December 2018 OBL106**

Construction of 13 dwellings and ancillary works

**21/00399/DISCON 29th June 2021 DISCHA**

Discharge of conditions 3 (materials), 7 (Drainage), 9 (Suds), 10 (Tree Protection plan), 12 (Hard and soft landscaping) of planning permission 18/02215/FUL

**22/01891/FUL 18th August 2023 PER**

Construction of 6 semi-detached dwellings

**23/01478/DISCON 9th October 2023 DISCHA**

Discharge of condition 3 (Construction Management Plan) of granted permission 22/01891/FUL.

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 3 Plan-making

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

#### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

H1 Land Allocated for Housing Development

HD5 Land at Stone Crescent

#### **Adopted Joint Core Strategy Policies**

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

#### **Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)

Climate Change (2022)

### **4. CONSULTATIONS**

A full list of the consultation responses can be read in Appendix 1 at the end of this report.

### **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters were sent to 25 neighbouring land users and 3 site notices were displayed in the adjacent housing estate at Stone Crescent. In response to this consultation process one letter of objection has been received, the concerns have been summarised but are not limited to the following:

- Provision of a footpath link and concerns around crime and safety
- Loss of affordable housing provision

- Copies of comments and objections raised in previous letters of objections to the earlier applications on the site.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.2 As noted in the introduction, planning permission has already been granted for the erection of 13 dwellings on this site under ref: 18/02215/FUL and the permission is extant.

6.3 Under section 73 of the Town and Country Planning Act 1990 an applicant can seek amendments to a previously approved scheme and allows for conditions of a previous permission to be amended or omitted. If approved, a section 73 application results in a new planning permission which would sit alongside the original permission.

6.4 This application seeks consent to vary condition 2 (the approved plans) of application ref:18/02215/FUL to enable a number of site layout changes and changes in house types. The applicant is also seeking consent to remove the provision of affordable housing which is required and secured by the existing S.106 agreement for the consented scheme.

6.5 The principle of development, general site layout, number of dwellings, scale, form, design of dwellings, materials, landscaping, access and parking, impact on amenity and drainage has already been considered and approved under the extant permission. As such, only matters that are material to the proposed changes are for consideration in this current application. Matters of principle, number of dwellings, scale, form and design, materials, access and drainage remain acceptable and are not considerations of this application.

### **6.6 Proposed site layout changes and amendment to house types**

6.7 The proposed changes in this application require consideration in terms of site layout, form and design, and impact on neighbouring amenity.

6.8 In summary the proposed changes include:

- Change in house types for plot 2, 3 & 4. (Change from 2 bedroom to 3 bedroom dwellings)
- Increased parking provision for plots 2, 3 & 4
- Change in garage location and parking provision for plots 7 & 8
- Change in garage roof form for plot 9
- Addition of single storey extension to plot 11 & 12
- Change in position and garage for plot 12
- Change in house type for plot 12 A
- Change in garage size and parking layout for plot 12 A to enable future pedestrian link to playing field

6.9 The proposed change in house types for plot 2, 3 & 4 will match other previously approved house types in the consented scheme. The scale, form and design of these dwellings is appropriate and acceptable.

- 6.10 The amendments to the parking provision and garage positions across the site are considered to be acceptable in terms of site layout, and no concerns have been raised by Gloucestershire Highways in terms of parking provision and access.
- 6.11 The small ground floor additions to plot 11 and 12 are acceptable in terms of scale, form and design, the dwellings will still sit comfortably within their plots.
- 6.12 The proposed site layout changes and house type amendments all require associated amendments to the landscaping areas, these changes are also acceptable and appropriate landscaping provision is provided.
- 6.13 The proposed site layout changes and changes in house types do not give rise to any increased impact on neighbouring amenity in terms of a loss of light, loss of outlook, overbearing impact or loss of privacy.
- 6.14 **Future pedestrian link**
- 6.15 The proposed site layout changes also make provision for a potential pedestrian link between the new development and the King George V playing field, which lies to the south of the application site.
- 6.16 During the most recently consented application for the additional 6 dwellings (ref: 22/01891/FUL) Councillor Pinegar and Councillor Horwood raised concerns about pedestrian connectivity for the new dwellings and requested the introduction of a pedestrian link. Whilst this was not fully possible within that previous scheme, amendments were made to the site layout to help facilitate this. The next stage of the process to enable the provision of a future link was for the developer to submit amendments to the site layout for the earlier consented scheme, which is what is now being proposed.
- 6.17 The proposed site layout changes now allow for the provision of a potential future link at the side of plot 12 A to allow for connections between the existing dwellings in Stone Crescent, the new dwellings that will be built as part of these permissions and the King George V playing field.
- 6.18 With respect to this future link, the local ward councillors have differing opinions, Councillor Holiday raises concerns and objects to this link, the concerns relate to potential crime, anti-social behaviour and the potential for increased parking pressure in the estate by users of the playing field. Whereas, Councillor Pinegar supports this provision, stating that the link would benefit residents of Stone Crescent, will increase connectivity and improve the sustainability of the development, meeting the aims and objectives of Cheltenham's Climate Change SPD.
- 6.19 Gloucestershire County Council's Crime Prevention officer has been consulted on this application and raises concerns with the introduction of a link, their comments can be read in full in the appendix at the end of this report. A concern about crime and safety has also been raised in the local letter of objection received.
- 6.20 Officers duly note the comments and concerns around the introduction of this link, however, it is important to note that the proposed changes within this application do not fully facilitate a link, but instead makes provision for a future link. The reason being is that further works on land outside of the site boundary would be necessary in order to formalise a connection. The land level of the application site and playing field is significantly different, as such, a number of engineering works would be required in order to fully and properly create a safe and accessible link between the site and the playing field. The full connection of these spaces would be the subject of a future application for necessary works on the playing field side of the boundary, which would most likely be the

responsibility of the council. Councillor Pinegar and Councillor Horwood are fully aware of the further commitment that would be necessary.

6.21 Given that the changes within this application do not facilitate a formal link or connection, but instead provide scope for a possible future link, officers are satisfied that the development would not give rise to any increased risk of crime or anti-social behaviour. Officers consider that these matters would be dealt with at a time when an application is submitted for the further works required to facilitate the link.

#### **6.22 Affordable housing provision**

6.23 JCS policy SD12 requires the provision of a minimum of 40% affordable housing for sites of 11 dwellings or more. The permitted and extant scheme (18/02215/FUL) was approved with a policy compliant affordable housing provision, which amounted to a total of 5 units. This provision was secured by a S.106 agreement.

6.24 In this application, the applicant is seeking to remove the affordable housing provision for the development due to the viability of the project. As required by JCS policy SD12 a viability statement is necessary, has been provided and is publicly available to view on the Council's website. The council appointed the District Valuer Services (DVS) to independently appraise the submission and to provide their conclusions on the scheme. The DVS report is also publicly available to view on the Council's website.

6.25 The DVS have concluded that the development would not be viable when taking in to account the required affordable housing provision. This has been assessed in both scenarios, ie the 13 dwellings in isolation, and in respect of the additional 6 houses also now permitted, totalling 19 dwellings. In both scenarios the DVS have confirmed the development to not be viable when providing affordable housing.

6.26 Whilst it is disappointing to be revisiting affordable housing provision on a consented and extant scheme, JCS policy SD12 includes provision to challenge the affordable housing provision on a scheme, as long as an appropriate viability assessment has been submitted and independently reviewed. This process has been undertaken in accordance with policy. Given the conclusions of the DVS, in this instance it is not considered possible to secure affordable housing provision for this site.

6.27 The DVS have however recommended that a 'late stage review' clause is applied. This would allow for the viability of the project to be re-assessed at a later stage, and if applicable, an appropriate provision secured. Officers consider this to be an acceptable and reasonable approach to take. As such, the recommendation will be subject to a S.106 agreement which requires a 'late stage review' to be undertaken.

#### **6.28 Education**

6.29 The permitted and extant scheme (18/02215/FUL) was permitted subject to a contribution towards education, required by Gloucestershire County Council (GCC). The contribution was secured by its own S.106 agreement. GCC have confirmed that the proposed changes within this current application do not trigger a change to the required contribution, as such the contribution remains the same. The original S.106 agreement did not however include a Section 73 clause which would enable this S.106 agreement to be carried over to a new permission, as such it is necessary for a new S.106 agreement to be drawn up.

6.30 As such, the officer recommendation is subject to the relevant S.106 agreement being in place to secure the contribution.

### 6.31 **Climate Change and Sustainability**

6.32 Since the extant scheme in 2018 was approved, Cheltenham has adopted a new Supplementary Planning Document – Cheltenham Climate Change (adopted June 2022) which is therefore relevant to the considerations of this application. This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate and biodiversity in their development proposals.

6.33 As part of the proposed changes to the approved scheme, the applicant is now seeking to install solar panels on all of the dwellings, this is a significant enhancement to the sustainability credentials of the approved scheme which did not include such technologies. Given the fall-back position of the extant scheme, the provision of solar panels on each dwelling is a welcomed introduction to the scheme. Solar panels in combination with the requirement to install EV charging points is considered to suitably address the SPD and provides an acceptable response to sustainability and climate change.

### 6.34 **Impact on Beechwood’s Special Area of Conservation (SAC)**

6.35 The site is within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.36 Cheltenham plan policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.37 Officers acknowledge that the development would result in a net increase in dwellings which would normally require mitigation. However, as already discussed, there is planning permission on the site for 13 dwellings, which has been commenced and is therefore extant. As such, this existing application could be fully implemented at any time.

6.38 As the amendments being sought within this current application do not include any further increase in the number of dwellings from that already approved, there will be no increased pressure on the Beechwoods SAC beyond that already approved. As such, in this instance, officers do not consider it necessary or reasonable to secure a financial contribution as mitigation.

### 6.39 **Bio-Diversity Net Gain**

6.40 As of 12<sup>th</sup> February 2024, all major developments require a mandatory 10% requirement for Bio-diversity Net Gain. Whilst this application is major development, the application was submitted well before the BNG requirement came into effect and is therefore exempt.

### 6.41 **Public Sector Equalities Duty (PSED)**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;



- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The council cannot currently demonstrate a 5 year housing land supply and therefore there is a presumption in favour of sustainable development, as required by paragraph 11 of the NPPF. However, this presumption in favour of sustainable development, is caveated at part d)i) and ii) where it sets out that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed;
- or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework.
- 7.2 The application site forms part of an allocated housing site (Cheltenham Plan policy HD5), as such the principle of development has to be considered as acceptable.
- 7.3 Whilst it is regrettable that affordable housing provision cannot be achieved on this scheme, officers are satisfied that the appropriate viability testing has been undertaken and therefore provision is not necessary in order to grant planning permission. However, as discussed, a late stage review clause is considered reasonable to allow for this position be re-assessed at a later date.
- 7.4 In terms of the test required by NPPF Paragraph 11 d), in this instance, no protected areas or assets of particular importance have been identified for this development, as such, no clear reason for refusing the development has been identified. Furthermore, officers do not consider that the development would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, which includes the addition of 13 much needed residential units to Cheltenham’s housing stock, as well as the associated economic benefits associated with the construction stages of development.
- 7.5 Having considered all of the above, officers consider the scheme to be acceptable and compliant with local and national planning policy. As such, officer recommendation is to grant planning permission, subject to the conditions set out below. As already mentioned the recommendation is also subject to relevant S.106 agreements, one for Education contributions and one in relation to the late stage review for viability.
- 7.6 With regards to conditions, in the main these have been copied across from the extant permission but have been updated where necessary. One new condition has been suggested (condition 11) which requires the installation of the solar panels.

## 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of the decision notice issued in respect of planning application ref. 18/02215/FUL, unless amended by the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 No external facing or roofing materials shall be applied unless in accordance with details previously approved under ref: 21/00399/DISCON.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 3 The buildings hereby permitted shall not be occupied until the layout, vehicular parking and turning facilities have been provided in accordance with the approved drawings and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 4 Throughout the construction period of the development hereby permitted, provision shall be within the site that is sufficient to accommodate the likely demand generated for the following: i. parking of vehicles of site operatives and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development; iv. provide for wheel washing facilities.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 5 Prior to the occupation of the first dwelling, the drainage strategy approved under ref: 21/00399/DISCON for the disposal of foul and surface water flows shall be implemented.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 6 All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Reason: To ensure that the living conditions of neighbouring residents are not unduly affected by the development pursuant to the guidance contained within JCS policy SD14 and the National Planning Policy Framework.

- 7 No dwellings hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with the details approved under ref: 21/00399/DISCON.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 8 The development hereby permitted shall not be carried out unless in accordance with the Tree Protection Plan (TPP) details approved under ref: 21/00399/DISCON. The protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 9 All service runs shall fall outside the tree Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 10 All landscaping works shall be carried out in accordance with the approved drawing number 124-20\_E prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 11 No dwelling shall be occupied until solar panels have been installed on the dwelling, in accordance with the approved plans. The solar panels shall be retained as such thereafter.

Reason: In the interests of sustainable development, having regard to policy SD3 of the Joint Core Strategy (2017), Cheltenham's Climate Change Supplementary Planning Document and section 14 of the National Planning Policy Framework (2021).

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

## **Appendix 1 – Consultation responses**

### **Ward Councillors - 24th October 2023**

I would like to make a further objection to this application, and am happy for these comments to be published on PublicAccess.

The submitted viability assessment has used the wrong methodology for calculating the viability of the development. It has only taken into account the thirteen (13) proposed dwellings associated with 18/02215/FUL, and not the full quantum of development on the site. This methodology is specifically contrary to paragraph two of policy SD12 of the Joint Core Strategy, which states "Where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement." Given that on page seven of their submission S106 Management quoted from paragraph one of the same JCS document, this wrong selection of methodology seems highly unlikely to have been an accidental omission.

In terms of the land values, some of the figures used are demonstrably not representative, which would suggest they have been used to artificially drag down the values derived when calculating the arithmetic mean property values per unit area. Examples of this include:  
Page 15: 7 Russett Road - because the property needed full renovations.  
Page 16: 4 Essex Avenue - too far away from development site to be a fair comparison.  
Page 17: 7 Bramley Road & 18 Cornwall Avenue - because the properties need modernisation.  
Page 18: Arle Drive - again because modernisation of the property is needed.

Since these proposed dwellings are new build, it is clearly disingenuous to use local house prices that include houses that are in need to renovation or modernisation when trying to calculate the arithmetic mean house price per unit area for the proposed development. There is also a question about whether the methodology of summing the total sale price and summing the total property area and using this to calculate the cost per unit area is representative, or whether it would be more appropriate to take the cost per unit area calculated for each property and then divide this by the number of properties. The document does not make the methodology used clear, and the methodology used results in a lower average cost per unit area, suggesting it unfairly advantages the applicant.

On page 26 of the document, it is suggested, without the presentation of any supporting evidence, that the marketing costs are 3% of the cost price + £1,000. However, an online search finds Checkatrade suggesting that the costs are more likely to be 1.18% of the cost price + £1,000 fixed fees + £67.50 for EPC fees. This suggests that the marketing costs could have been exaggerated by just over £100,000. Again, this suggests an unfair advantage in favour of the applicant.

Since limited scrutiny of the supplied document has found examples indicative of costs being inflated and income being underrepresented, it is not unreasonable to conclude that the document does not stand up to scrutiny and cannot be adduced to demonstrate the claim that the development is not viable unless the affordable housing provision is removed.

In light of this non-compliance with the assessment policy, the use of unrepresentative house sale prices to bring down the average price per unit area, and the lack of evidence about the costs of the development, this assessment document must be rejected as flawed.

Consequently, I believe this application must be refused, or that better evidence to back up the values and costs must be supplied to allow proper scrutiny of the proposal. If further evidence is supplied, then I believe it must be thoroughly and independently tested by the Council to ensure that every figure is clearly evidenced and neither artificially inflates costs, nor diminishes income. It is the Council's social responsibility to ensure the testing of these figures is robust to ensure that the duty to provide much-needed affordable housing cannot be avoided via the presentation of unverified figures stacked in favour of the applicant.

*3rd October 2023* - In my role as County Councillor for the Division in which the application site is located, I wish to formally object to this planning application based upon either the applicant's failure to submit documents related to the viability assessment, or the borough council's failure to publish them. This being in relation to the removal of the affordable housing provision of planning application 18/02215/FUL.

The grounds for this objection are based on Policy SD12: Affordable Housing, of the Joint Core Strategy, which states at paragraphs eight and nine (emphasis mine):

"Viability

8. Where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- i. Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market;
- ii. Securing public subsidy or other commuted sums to assist delivery of affordable housing;

9. If a development cannot deliver the full affordable housing requirement, a viability assessment, conforming to an agreed methodology, in accordance with Policy INF7 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant

The councils consider that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents

The councils will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as a part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case"

The documents currently on PublicAccess associated with the application do not contain any viability assessment to allow wider scrutiny of the affordable housing provision that it has been requested to removed. I therefore conclude the council would be acting ultra vires if the application were to be determined without the publication of the viability report, as the publication of said viability report is overwhelmingly indicated by policy SD12, and no evidence of harm to rebut the presumption of publication has been presented by either the applicant or the borough council.

I note that the Housing Enabling Officer report details a DVS viability assessment dated 10/07/2023 in relation to scheme 22/01891/FUL, and this viability assessment was also not published on the website with that application. This further suggests that neither the public nor the planning committee were furnished with all material documents prior to determination of that planning application, and that application was unlawfully determined and should be set aside, because contrary to its own adopted policy SD12, the viability documents were not made public.

Given the shortage of housing, including affordable housing, if developers are not going to provide any affordable housing as part of a development, then as per policy SD12, the public should have the right to scrutinise the associated viability documents to ensure they are a true and accurate reflection of the situation. In light of this representation, I trust that the viability assessment documents will be published and the consultation process restarted so that the proposal can be reappraised based upon full disclosure of material planning documentation.

Cllr Dr David Willingham  
Lib Dem Councillor for St Mark's and St Peter's division

### **Building Control - 18th September 2023**

This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Ward Councillors - 17th October 2023**

I wish to register a strong objection to this proposal. I have been ward councillor for this area since this estate was built and have during the course of this time dealt with many anti-social issues.

I feel quite strongly that the proposal for a path from Stone Crescent will affect not just the residents of the Crescent but also many residents who live on the estate and nearby. In this regard although a consultation has been mentioned, as a ward councillor I am unaware of the level of consultation and who has been consulted.

I have also been involved in complaints about motor bikes etc driving around KGV at speed and this will provide a further escape route out of the field in addition to the existing entrances in Brooklyn Road and Bedford Avenue.

It is also of concern that to permit this access will undoubtedly lead to further increased vehicular parking within the estate as a means to enter King George V Playing Field.

Parking is already an issue around the Bedford Avenue entrance, especially at weekends when the sports teams are using the field and when Parkrun is taking place.

The approximate distance from the Alstone Lane entrance to Wharfdale Square to the main entrance of King George Playing Field in Brooklyn Road is 0.469 miles and with an average walking speed this will take around 8- 10 mins. The distance from the Alstone Lane entrance to Wharfdale Square to the Bedford Avenue entrance to King George V Playing Field is 0.281 miles and at an average walking speed will take around 4-6 minutes.

I believe that this additional access is unnecessary, is superfluous to requirements and will undoubtedly lead to an increase in traffic and anti-social behaviour.

I would urge committee to support the residents of this estate and to refuse this application.

### **GCC Highways Planning Liaison Officer - 9th October 2023**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection to the variation of condition 2.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that

there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

**Social Housing - 26th September 2023**

Letter available to view in documents tab.

**Crime Prevention Design Advisor - 11th October 2023 –**

In my capacity as Designing out Crime Officer (DOCO) for Gloucestershire Constabulary I would like to object to the proposed changes of the planning application at the end of Stone Crescent with reference number 23/01545/CONDIT.

At present Stone Crescent is a cul-de-sac which was fenced off from the neighbouring public open space, despite this local residents have contact the Constabulary over the years complaining of adults and children trying to gain access to the park; some of these have included attempts to climbing the garden walls.

Providing a dedicated path into the park will encourage a greater flow of pedestrian and cycle traffic, this in turn will reduce the security of the surrounding properties and increase the amount of anti-social behaviour reports.

Since January 2018, Gloucestershire Constabulary have received 193 calls relating to King George V Playing Field. These incidents relate to assault, criminal damage, arson, drug use and anti-social behaviour.

In the last 5 years, 47 incidents have been reported relating to motorcycles racing around the field. With similar incidents being reported by the residents of Bedford Avenue and Buckingham Avenue as both roads have direct access to this public open space.

Considering the level of issues already affecting the surrounding area and neighbouring streets, it is felt the inclusion of another footpath will enable these problems to spread and directly affect another residential area.

**Ward Councillors - 27th October 2023**

I am a borough councillor, Chair of Friends of KGV Playing Field, and Non-Exec Director of Cheltenham Borough Homes. I've been working with residents, the Friends group, planning officers and the cabinet member for planning to improve the plans, particularly traffic considerations, and sustainability measures. I fully support these plans and would like them to be approved.

As a borough councillor I am pleased that New Dawn Homes have added the footpath and solar panels to the plans in good faith to support this council's sustainability goals and the Cheltenham Climate Change Supplementary Planning Document (SPD), approved by this council in June 2022. In the Transport and travel section, the SPD encourages active travel for saving energy and carbon, improving local air quality, health and wellbeing, being more active, and a greater potential for social interactions. Unfortunately, the electricity network is not sufficient to support heat pumps.

I'd like to thank New Dawn Homes for working with myself and the cabinet member to incorporate a new 3-metre wide path to the park with good visibility from Stone Crescent. The new path to the park, should encourage families who are keen on parks and active travel to settle in Stone Crescent, and over time, displace car-dependent residents, mitigating or even reducing the traffic through Wharfdale Square.

As Chair of Friends of KGV Playing Field, and on behalf of the Friends group, I can confirm that we have minuted, unanimous support for the path between KGV and Stone Crescent

for local residents. We believe that the park should be accessible to the whole community like the parks described in the Green Flag standard which we may one day achieve.

As a Non-Exec Director of Cheltenham Borough Homes, I regret that new builds in this area of town are currently unlikely to provide S106 or affordable housing. However, I know that we need housing of all types, whether affordable or not. To me, the viability assessment looks sound, the costs look realistic and in my judgement, the estimated sale prices could even look a little on the high side for the area.

In the current economic climate, I believe that our future residents will be lucky if these houses get built at all, with or without affordable housing provision because profits look difficult to achieve. To encourage the development to go ahead I would object to the imposition of Review Mechanisms to claw back any windfall profit because this creates a further disincentive. I'm sure that the district valuer's report will find similarly. I hope New Dawn Homes can make the figures work for them, I sincerely do.

Studies and policy:

- Cheltenham Climate Change SPD, June 2020

- 

- Neighbourhoods with good connectivity generate 10% less carbon emissions from transport throughout their life - ref?

- 

- "People who live in neighbourhoods with greater amounts of green infrastructure tend to be happier, healthier and live longer lives than those who live in less green places" - Natural England, 2020

- 

I note that the objection from Lucidia Mews is now neutral on the issue of the path, stating, "I have no strong feelings either way." I cannot remember whether I previously noted this resident as an objection or an abstention.

It is with regret that I must disagree with the comments of the other ward borough councillor, Comment Date: Tue 17 Oct 2023.

I am responsible for a large number of the police reports of motorbikes in the park, having been encouraged by the police to make these reports. I can confirm that the existence of escape routes is not the problem. The problem is that the police do not attend the reports and the perpetrators know this. To my knowledge, with only 2 entrances, no riders have been stopped and no bikes have been seized in the last 10 years that we have been reporting this crime.

Increased parking for sports events is likely to be low to non-existent because of the difficulty of accessing Stone Crescent through Wharfdale Square. There is also a lack of on-road parking in the new scheme. A driver who makes the trip to the entry path runs the risk of no space being available. As a case study, the recent Brickfield Drive development on Gloucester Road provides a similar level of access to parking for the Honeybourne Line, a pleasant afternoon walk and a popular exercise resource. Because of the convoluted route, Cobblestone Way suffers from very little additional parking.

The calculated distances of 0.3 or 0.5 miles are measured from Stone Crescent, which is an arbitrary point. The new entrance opens up the park for residents within reach of that entrance. For example, residents of Orchard Avenue who want to access the park, must walk these distances in addition to their journey. Also, no resident is average; for residents with low mobility these distances subtract from the distance they can cover after they reach the park so having a closer entrance could be life-changing.



Councillor also states, "I would urge committee to support the residents of this estate and to refuse this application." Residents of Stone Crescent told me, 19 in favour, 2 against and 1 abstention that they are in favour of this path. Surely then, to support the residents is to support this application.

Can I simply repeat back and highlight the evidence that the Police DOCO used to object to the footpath to underline how unreasonable it is. The DOCO objects because:

"At present Stone Crescent is a cul-de-sac which was fenced off from the neighbouring public open space, despite this local residents have contact the Constabulary over the years complaining of adults and children trying to gain access to the park; some of these have included attempts to climbing the garden walls."

So some of the reports of ASB are related to (lack of) access to the park. If our residents want to access the park, then I believe that it is our obligation to facilitate that. These families pay council tax. It is their park. Access to green space increases wellbeing and improves mental health which in itself reduces the propensity to commit crime. The increased footfall of decent, honest people, reduces opportunistic crime.

Please allow this application and let's get these houses built.