

Our Ref: PJF/gp/PF/10093
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

28th May 2019

<CONSULTEE ORGANISATION>
<ADDRESS>

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL BY WILLIAM MORRISON (CHELTENHAM LTD) AND THE TRUSTEES OF THE
CARMELITE CHARITABLE TRUST AGAINST THE REFUSAL OF CHELTENHAM BOROUGH COUNCIL TO
GRANT PLANNING PERMISSION FOR AN OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF
UP TO 69 DWELLINGS ON LAND ADJACENT TO OAKHURST RISE, CHELTENHAM
LPA REF: 18/02171/OUT
PINS REF: APP/B1605/W/19/3227293**

REQUEST FOR INSPECTOR TO CONSIDER AN AMENDED PROPOSAL (WHEATCROFT PRINCIPLES)

**(THIS IS A CONSULTATION EXERCISE BY THE APPELLANT NOT CHELTENHAM BOROUGH COUNCIL AS THE
LOCAL PLANNING AUTHORITY)**

I refer to the above planning application. The Applicants have appealed to the Planning Inspectorate against the refusal of planning permission that was issued on 22nd March 2019. The reference of the appeal case is set out above.

On 9th April 2019 the Examining Inspector to the emerging Cheltenham Borough Local Plan 2011 – 2031 issued a Post-Hearing Advice Note (PHAN). I have appended to this correspondence an extract from the Note, namely the Introduction and paragraphs 20 – 23 which relate to the appeal site (Site HD4).

In response, the Appellants are making a request to the appointed appeal Inspector for the decision to be formed on the basis of an amended site layout plan. The reason for seeking the amendment is derived from the considerations of the Examining Inspector. The amended layout has been prepared particularly in response to the content of PHAN paragraph 22 – and is attached here (Drawing No. PL005 Rev D). The changes to the layout on which the determination was made are as follows:

- Housing development has been set back from the site boundary with Ashley Manor and Charlton Manor – resulting in an amended site layout and the number of dwellings being reduce from 69 to 68.
- The parking spaces for units 59 – 64 (show s units 60 – 65 on Dwg No.PL005 Rev A) have been reconfigured.

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Leamington Spa, Warwickshire, CV32 4PE
T: 01926 831144

Oxford – Area Office, 4 Staplehurst Office Centre,
Weston on the Green, Bicester, Oxfordshire, OX25 3QU
T: 01295 672310

Other drawings have been amended in order to accord with the revised layout, namely:

- Dwg No. PL004 Rev A Proposed Block Plan
- Dwg No. PL006 Rev A Indicative Mass Building Plan
- Dwg No. PL007 Rev A Affordable Housing Distribution
- Dwg No. PL010 Rev A Indicative Street Scenes
- Dwg No. PL011 Rev A Indicative Street Scene
- Dwg No. PL014 Rev A Nolli Plan
- Dwg No. 19073.101 Landscape Strategy
- Dwg No. 38-1036.03-B Tree Protection Plan

It will be a matter for the Inspector to decide whether the requested amendment is accepted.

I seek to ensure that all consultees (and those parties who have made representations to Cheltenham Borough Council) are aware of the request and have an opportunity to make any comments thereon to the Inspector.

Independent solicitors have been appointed to receive any representations and will forward all representations to the Planning Inspectorate; Cheltenham Borough Council; the Appellants and any Rule 6 Party.

To accord with Cheltenham Borough Council's Statement of Community Involvement, may I request that any representations you wish to make on the amended site layout plan are sent by post or email to:

Ms R Mushing
Planning Solicitor
Wright Hassall
Olympus Avenue
Leamington Spa
CV34 6BF

rebecca.mushing@wrighthassall.co.uk

In addition to this correspondence, site notices are being displayed and a press notice will appear in the Gloucestershire Echo. A 'hard' copy of the layout plan and other drawings, Design and Access Addendum Note and Addendum Notes to the environmental and technical reports will be placed in the Cheltenham Borough Council Municipal Offices at the address below for public inspection:

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

In addition, the plan and documents can be viewed on our website www.framptons-planning.com under 'Consultations'. Hard copies of the documents are available upon request from Frampton Town Planning (01295 672310 peter.frampton@framptons-planning.com) – the cost can be provided upon application.

If you have any comments on the amended layout, please submit these to Ms Mushing **by 18th June 2019**.

If there are matters you wish to discuss, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to be "PJF", written in a cursive style.

Mr P J Frampton

Enc: Extract from Examining Inspector's Post-Hearing Advice Note
Dwg No. PL005 Rev D Proposed Site Layout

*** PLEASE NOTE: THIS IS NOT A CONSULTATION ON BEHALF OF CHELTENHAM BOROUGH COUNCIL ***

Land off Oakhurst Rise,
Charlton Kings,
Cheltenham

N

Scale bar 1:500
0 10 20 30 40 50



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- ☐ Preliminary
- ☐ Feasibility
- ☒ Planning
- ☐ Building Regulations
- ☐ Tender
- ☐ Construction issue
- ☐ As Built



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3. Do not use this drawing for setting out unless drawing specifically indicates setting out points.
4. Engineering information is indicative only and should be taken from structural engineers design.

Revisions
C 05/2019 AH Revised to suit scheme responding to Planning Inspectorate comment
D 05/2019 AH Revised to CTP

Drawing title: Proposed Site Layout

Client: William Morrison (Cheltenham) Ltd & The Trustees of the Carmelite Charitable Trust
Drawn by: AH Checked: JE
Project No: 16.20.034

Project: Land off Oakhurst Rise,
Charlton Kings,
Cheltenham
Scale: 1:500 @ A1
Date: October 2018
Project / Drawing No: PL005 Rev D

Cheltenham Borough Council
Local Plan 2011-2031
EXAMINATION
www.cheltenham.gov.uk/LPexamination

Examination into the soundness of the Cheltenham Plan (CP) 2011-2031

Post Hearing Advice

Introduction

1. At this stage I consider that the CP is a Plan which could be found sound subject to main modifications (MMs). However I have reached no final conclusions at this time. The MMs will be subject to consultation and I will reach my final conclusions taking any representations into account.
2. During the hearing sessions a number of potential MMs were discussed and a list has been maintained by the Council. In addition I indicated at the hearings that there were matters on which I would need to deliberate before I would be in a position to advise the Councils as to whether any additional work or further MMs should be considered. This letter provides my views on these matters. It also sets out the administrative arrangements relating to all potential main modifications.
3. I am not inviting any comments about the contents of this letter, although I am seeking the Council's response on the matters raised. I will detail my full reasoning on these issues in my final report on the CP.

Site HD4

20. The site is allocated for some 29 dwellings, and the Council has refused planning permission for a development of 69 houses. I note the position of Historic England (HistE) which raises issues relating to potential impact on the settings of the Grade II* listed Ashley Manor and the Grade II listed Charlton Manor. However, the views of HistE are disputed by expert evidence which I have taken into account in my consideration of the potential for development of the site. I visited the site on the 5 March 2019.
21. Historic England proposes amendments to the wording of Policy HD4. These would restrict new housing to the west of the site behind the existing tree belt and require improvements to be secured to the Ice House which lies between Charlton Manor and Ashley Manor. However, having reviewed the evidence and visited the site, I consider that the reduction in the area of the development recommended by HistE is not justified. Nevertheless, there is good reason to amend the boundaries of the development area from that currently proposed in the CP, and to require new tree planting around the east and south boundaries to safeguard the settings of both listed buildings.
22. New housing should be located away from the setting of the west elevation of Ashley Manor. This could be achieved through the amendment to the southern boundary of the allocation site so that it continues in a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development, the eastern boundary of the site should be repositioned at least 30 metres west of the rear boundary with Charlton Manor. The Ice House would remain within the confines of the site, but its future could be secured through the inclusion of the requirement put forward by Historic England as bullet point 2.
23. An MM is required to Policy HD4 to identify the boundaries of the site as suggested above; to identify the level of new housing which could realistically be accommodated within the new site boundary; to identify the need for new tree planting around the east and south boundaries of the site; and to require the improvements to the Ice House in accordance with the views of HistE. Changes will also be required to the Plan of HD4 (currently on page 70) and to the Policies Map.