



TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL AGAINST THE DECISION OF CHELTENHAM BOROUGH
COUNCIL TO REFUSE PLANNING PERMISSION FOR**

**AN OUTLINE APPLICATION FOR 43 DWELLINGS INCLUDING ACCESS,
LAYOUT AND SCALE, WITH ALL OTHER MATTERS RESERVED FOR
FUTURE CONSIDERATION**

AT LAND AT OAKHURST RISE, CHARLTON KINGS, CHELTENHAM

**ON BEHALF OF WILLIAM MORRISON (CHELTENHAM LTD)
AND THE TRUSTEES OF THE CARMELITE CHARITABLE TRUST**

PINS REF: APP/B1605/W/20/3261154

LPA REF: 20/00683/OUT

APPELLANTS' REF: PF/10093

**STATEMENT OF COMMON GROUND ON PLANNING POLICY AND PLANNING BALANCE
BETWEEN THE APPELLANTS AND CHELTENHAM BOROUGH COUNCIL**

FEBRUARY 2021

1.0 PLANNING POLICY

Development Plan

1.1 The disagreement between the Appellants and the LPA relates to whether the proposed development complies with:

- i) Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 Policy SD8
Historic Environment

- ii) Cheltenham Local Plan Policy HD4 in respect of the provision of the following
criterion:

*‘A layout and form of development that respects the character, setting and
significance of heritage assets that may be affected by the development.’*

2.0 PLANNING BALANCE

Impacts

2.1 It has been held in a Court Judgement (*Queen on the application of James Hall & Co Ltd v City of Bradford Metropolitan District Council and Co-Operative Group Ltd and Dalehead Properties Ltd*, 2019) that the NPPF recognises three categories of harm: ‘substantial harm’, ‘less than substantial harm’ and ‘no harm’ (34).

2.2 It is accepted by both parties that the development proposal would cause ‘*less than substantial harm*’ to the significance of the affected designated heritage assets (Framework 196).

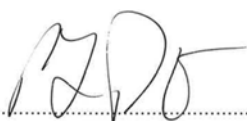
Benefits

2.3 It is accepted that all the benefits identified below amount to ‘*public benefits*’ within the meaning of Paragraph 196 of the Framework.

2.4 The weight given to the public benefits by the parties is as identified in the table below:

	Public Benefit	Weight	
		Appellants	CBC
i)	Provision of Market Housing	Substantial	Substantial
ii)	Provision of Affordable Housing	Substantial	Substantial
iii)	Provision of Self-Build Housing (4 units)	Substantial	Moderate <i>(see note 1)</i>
iv)	Employment Opportunities (during construction and as a consequence of new homes being occupied)	Moderate	Moderate
v)	Provision of Management Plans for Existing Trees and Retained Grassland	Substantial	Moderate
vi)	Provision of a Positive Surface Water Drainage System	Minor	Minor

Note 1 – Moderate impact at present – Substantial impact from October

Signed: 

Name:Mr P Frampton..... Date:....17/02/2021.....

For and on behalf of William Morrison (Cheltenham Limited) and The Trustees of the Carmelite Charitable Trust

Signed: 
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Name:Mr R Williams..... Date:.....12/02/2021.....

For and on behalf of Cheltenham Borough Council