

Gina Parle

Subject: FW: Appeal Ref: APP/B1605/W/20/3261154 - Oakhurst Rise, Cheltenham
Attachments: Planning SoCG - Planning Policy RW03 26.01.21.docx

From: Robin Williams <Robin@asbriplanning.co.uk>

Sent: 26 January 2021 16:44

To: Peter Frampton <Peter.Frampton@framptons-planning.com>

Cc: 'Jeremy Patterson' <Jeremy.Patterson@tewkesbury.gov.uk>; Keith Warren <Keith@asbriplanning.co.uk>; Emma Harding <emma@asbriplanning.co.uk>; 'helen.thomas@cheltenham.gov.uk' <helen.thomas@cheltenham.gov.uk>; 'Will.Holborow@purcelluk.com' <Will.Holborow@purcelluk.com>

Subject: RE: Appeal Ref: APP/B1605/W/20/3261154 - Oakhurst Rise, Cheltenham

Dear Peter

I have now had the opportunity to have a further discussion with the LPA team who have considered the issues you raised on Friday. The LPA have been concerned that your clients Wheatcroft amendment has changed the nature and the layout of the development to the extent that they considered that these may be an issue in respect of the developments impact on the existing urban characteristics of the vicinity. This is what prompted the suggested amendment to the SoCG.

The LPA were hoping that given the fact that their concern with the impact on the urban characteristics of the vicinity related to the Wheatcroft amendment you would consent to the suggested amendment to the SoCG. Due to the fact that you are not prepared to do this and because the LPA do not wish to add complexity or additional cost to the Inquiry at this stage by formally seeking to add a further reason for refusal, the LPA will not seek to pursue the amendment to the SoCG relating to the third stipulation contained within policy HD4.

I would add however the LPA is still intent on seeking to make the other additions to the draft SoCG. I attach an amended version of the travelling draft of the Planning SOG for you review.

Kind Regards

Robin Williams – Managing Director

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Gina Parle

From: Robin Williams <Robin@asbriplanning.co.uk>
Sent: 26 January 2021 12:27
To: Peter Frampton
Cc: 'Jeremy Patterson'; Keith Warren; Emma Harding; 'helen.thomas@cheltenham.gov.uk'; 'Will.Holborow@purcelluk.com'
Subject: RE: Appeal Ref: APP/B1605/W/20/3261154 - Oakhurst Rise, Cheltenham

Peter

The LPA Appeal team are discussing the issues raised in the email trail below later today. I will get back to you with a response by close of play today.

Kind Regards

Robin

Robin Williams – Managing Director

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From: Robin Williams
Sent: 22 January 2021 15:16
To: 'Peter Frampton' <Peter.Frampton@framptons-planning.com>
Cc: 'Jeremy Patterson' <Jeremy.Patterson@tewkesbury.gov.uk>; Keith Warren <Keith@asbriplanning.co.uk>; Emma Harding <emma@asbriplanning.co.uk>; 'helen.thomas@cheltenham.gov.uk' <helen.thomas@cheltenham.gov.uk>; 'Will.Holborow@purcelluk.com' <Will.Holborow@purcelluk.com>
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Peter

Both my client and counsel are unavailable today and Monday. I will endeavour to come back to you by midday Tuesday. However, in the meantime, I can confirm that the LPA are not seeking to introduce a new Reason for Refusal.

Kind Regards

Robin

Robin Williams – Managing Director

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From: Gina Parle <Gina.Parle@framptons-planning.com> **On Behalf Of** Peter Frampton
Sent: 22 January 2021 11:52
To: Robin Williams <Robin@asbriplanning.co.uk>
Cc: 'Jeremy Patterson' <Jeremy.Patterson@tewkesbury.gov.uk>; Keith Warren <Keith@asbriplanning.co.uk>; Emma Harding <emma@asbriplanning.co.uk>; 'helen.thomas@cheltenham.gov.uk' <helen.thomas@cheltenham.gov.uk>; 'Will.Holborow@purcelluk.com' <Will.Holborow@purcelluk.com>
Subject: Appeal Ref: APP/B1605/W/20/3261154 - Oakhurst Rise, Cheltenham
Importance: High

Our ref: PJF/gp/PF/10093

Dear Robin

Town and Country Planning Act 1990
Appeal Ref: APP/B1605/W/20/3261154
Oakhurst Rise, Cheltenham

I refer to your email dated 21st January [17.57]. The Appellants are reasonably entitled to seek further clarification on the council's position, having regard to the Reason for Refusal; the Council's Statement of Case and the statements made by Jeremy Patterson on the Case Management Call – for which I have a contemporaneous note of the discussion.

You now seek to advance an argument that the development is in conflict with the third site specific criterion of Policy HD4. I make a specific request to you to clarify whether this objection is made in the context of the alleged impact of the development on the setting of the two listed assets – i.e. it is made in a heritage context only. As a distinction, I seek confirmation that the Council is not endeavouring to introduce a new Reason for Refusal at this late stage in the appeal process – with obvious consequences that the layout and scale of development as proposed are now considered objectionable as a housing development within the surrounding developed context, other than in the context of the alleged heritage impact. You will recall that the Inspector herself sought, and obtained, this clarification on the Case Management Call.

The Appellants are not in a position to agree any new version of the Statement of Common Ground until the Council's position is properly and transparently understood. In my opinion, this request is not unreasonable in the context of the parties being expected to demonstrate reasonable behaviour in the appeal process. **I would be grateful to receive your response by midday on Monday 25th January 2021.**

Kind regards

Peter J Frampton
BSc (Hons), TP, MRICS, MRTPI

CC: Keith Warren
Jeremy Patterson
Emma Harding
Helen Thomas
Will Holborow



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From: Robin Williams <Robin@asbriplanning.co.uk>
Sent: 21 January 2021 17:57
To: Peter J Frampton <peter.frampton@zen.co.uk>; Gina Parle <Gina.Parle@framptons-planning.com>
Cc: Jeremy Patterson <Jeremy.Patterson@tewkesbury.gov.uk>; Keith Warren <Keith@asbriplanning.co.uk>; Emma Harding <emma@asbriplanning.co.uk>; helen.thomas@cheltenham.gov.uk; Will.Holborow@purcelluk.com
Subject: FW: Oakhurst Appeal

Peter

In the course of preparing input to the Planning Policy Statement of Common Ground, including consideration of the amended 'Wheatcroft' layout, and liaison with Will Holborow, who is preparing input to the SoCG on heritage matters, the Council no longer consider that the 3rd site specific requirement criterion under Cheltenham Plan Policy HD4 is agreed.

- That is: *A layout and form that respects the existing urban characteristics of the vicinity;*
-

We acknowledge that this stipulation within policy HD4 was agreed in the original generic Statement of Common Ground that was submitted as agreed to the Inspector. However, we are advising you at the earliest opportunity and with a month remaining until the exchange of proofs we do not believe, given the nature of the other issues not agreed in respect of policy HD4, that this change will cause prejudice to the preparation of your clients case.

We are therefore, advising that paragraph 2.13 of the original generic Statement of common ground is amended accordingly to read 'It is not accepted by the LPA that the layout and form of development respects the existing urban characteristics of the vicinity.'

I attach for your consideration an amended version of the Planning SOCG. If you are agreeable to these changes, then subject to reviewing the Heritage SOCG we can sign off the document. (When will the draft Heritage SOCG be issued?)

I will review the Draft Conditions next week.

We are happy to discuss the above issue further with you if required

Kind Regards

Robin Williams – Managing Director

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