

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 21 March 2024

Meeting time: 18:00-22:10

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Diggory Seacome, Simon Wheeler, Barbara Clark and Jackie Chelin (Reserve)

Also in attendance:

Victoria Harris (Planning Officer), Ben Warren (Planning Officer), Lucy White (Principal Planning Officer) and Chris Gomm (Head of Development Management, Enforcement and Compliance)

1 Apologies

Apologies were received from Councillor Oliver, Councillor Chelin attended as a substitute.

2 Declarations of Interest

Councillor Barnes declared a non pecuniary interest in the Oakley Farm application.

3 Declarations of independent site visits

4 Minutes of the last meeting

The minutes were approved as an accurate record.

5 Public Questions

There were none.

6 Planning Applications

7 23/00625/FUL 456, High Street, Cheltenham GL50 3JA

The Head of Planning introduced the report as published.

The public speaker in objection addressed the committee and made the following points:

- The proposed four storey building is in close proximity to Honeybourne Gate will have a significant detrimental impact on the apartments which face the site.
- As there are many housebound people in Honeybourne Gate looking out of their windows is the only way that they can engage with the outside world and this application will have a huge impact on them.
- There is no car parking facility on the application site. The regulations state that where parking is not provided within the curtilage the approach route should be safe for everyone including older and disabled people.
- The lack of parking makes the proposed apartments almost uninhabitable for older and disabled people.
- The proposal would be out of keeping with the conservation area and have a detrimental impact on the setting of the Grade 2 listed St Marys Cemetery Chapel.
- There is a need for more housing in the area and a much reduced development on this site would be acceptable.

The agent on behalf of the applicant addressed the committee and made the following points:

- This is a brownfield site.
- The committee has granted permission on a previous site that was smaller than the proposal.
- The effect on the view for Honeybourne Gate is not a reason to refuse the application.
- The agent has conducted additional surveys due to highways demand.
- Highways have made the conclusion that there would not be an impact on safety.
- Redevelopment of a redundant brownfield site is surely preferable over greenfield sites.

Councillor Willingham as a local ward member was then asked to address the committee and made the following points:

- He wished to raise several procedural issues Policy SD12 point 9 of the JCS the viability report has not been made available for scrutiny.

- There has also been no Human Rights Act consideration, the authority is also a potential beneficiary as the committee owns part of the land and granted permission for the billboard. If objectors ask questions this is not good optics for the Council.
- The Council has failed in due regard to the Grampian condition.
- The situation regarding parking cannot be sorted due to a difference of opinion between Gloucestershire County Council and Cheltenham Borough Council.
- Changing the parking zone to zone 12 will cost public money, the developer should be asked to pay for this rather than the County Council.
- This building will block the view of St Marys, this application is such a mess.
- Parking is a huge issue the area is currently over subscribed by approximately 400%, he reiterated that the developer should be made to pay.
- There is a danger that people will try and reverse onto a B road which could cause accidents.
- The parking survey was done when the students were on holiday, which does not give an accurate illustration of the area.
- He believed that the application should be refused or deferred.

Councillor Atherstone as local ward member then addressed the committee and made the following points:

- She stated that she was excited initially when she heard about the proposal, but the developer is not meeting the requirements of affordable housing and parking.
- One parking survey on one evening is not a sufficient representation of the area.
- The developer has suggested that this should be a car free development.
- Parking zone 12 is over subscribed. There could be harm arising for the increasing need for parking.
- The developer cannot make it viable to provide any affordable housing when there should be 40% affordable housing on the site.
- This development is an over development of the site and the loss of amenity for the residents of Honeybourne Gate is a concern.
- The front block is so close to the pavement and close to the bridge on the Honeybourne Line.
- There are empty retail units near the application that are in close proximity to the proposed site that would be much more suitable.

The Head of Planning then made the following points:

- With regard to the viability appraisal the planning department will fully publish these going forward. On this application the confidential viability reports had been circulated to members of the planning committee.
- It is not the role of the planning committee to deal with the large hoarding.

The matter then went to Member Questions. The responses were as follows:

- There is no car access to any of the blocks, there is only pedestrian access.
- The developer has not considered leaving more space at the front for delivery or a pull in bay.
- The trees outside of the site are in a bad state and they are not covered by a TPO.
- Parking zone 12 is the most convenient, however it has been recommended that the residents of this property will be precluded from obtaining parking permits.
- A small part of the site is under council ownership, however this is not a planning concern.
- The footpath is generally 1.8 meters away from the highway.
- There is secure storage for 18 bikes on the ground floor of block A.
- This application pre dates the bio diversity net gain policy, although there could be limited landscaping within the site.
- It could not be confirmed that there will be any gas on the site.
- There is nothing in the application with regard to netting against seagulls, however this could be imposed as a condition by the committee.

The matter then went to Member debate where the following points were raised:

- This is a difficult decision to make as there are highway issues with no pull in for bin lorries or deliveries.
- The building is ugly and the flats will be on the open market which means some of them will become Airbnb and people who visit them usually have a vehicle.
- Letting developers build flats where furniture cannot be moved in without causing a problem.
- Parking is a major issue and looking at the plans it would not have been impossible to design a drop off spot.
- The design of the block is not accessible.
- The Council does not have a 5 year housing supply and highways have approved the application, the committee needs planning grounds to refuse the application as an appeal could be costly.
- The application site will be overdeveloped and the application could have been designed with a drop off spot.
- It is not the first car free development – as long as the seller is honest and open about the new owners not being able to buy a permit it should not be a problem.
- The lack of affordable housing is an issue, the independent assessment didn't deem it viable to have affordable housing.
- Road safety is a real concern.

The matter went to the vote on the officer recommendation to permit subject to unilateral undertaking:

For: 5

Against : 6

The committee then discussed the grounds for refusal and identified highway safety and amenity with conflict with policies SD4 and SD14 of the Development Plan.

The Chair acknowledged these reasons to which there was no dissent

8 24/00251/CONDIT Oakley Farm, Priors Road, Cheltenham

The planning officer introduced the report.

There were 3 public speakers on the application one objector and two ward councillors.

The public speaker in objection made the following points:

- Site gradients are not just an issue for vehicles, they are also an issue for cyclists and the elderly.
- 56% of the access road is of an unreasonable gradient this does not assist Cheltenham with the Net Zero Policy as the road will be steep people will have to use a car.
- At the appeal the inspector stated that it is a balancing exercise as it is acknowledged that Cheltenham needs more homes but needs to be fair to all. The application needs to be safe and permeable and it was shown to be safe at appeal which the applicant disputes.
- With regard to Condition 13 there needed to be the removal of perceived ambiguity, it has been made clear and unambiguous which should be sufficient.
- The condition should be aligned with the Manual for Gloucestershire Streets. There is lack of clarity in the new condition wording with regard to safety.
- To quote the inspector "the requirement of the condition is fundamental" and without this the application should be refused.
- National planning was only approved under strict conditions.
- There is no ambiguity in the original condition.

Councillor Chidley as the Ward Councillor addressed the committee and made the following comments:

- To recap, the original application was rejected by the Cheltenham Borough Council Planning committee, however the inspectorate made a different decision.
- The residents of Battledown want the application to be the best it can be.
- The Council must be diligent, the gradient is too steep as the parameters are between 1/20-1/12 for up to 30 meters. This is not acceptable.
- A gradient of 1/12 is safe for wheelchair users with assistance.

- On the current plans 56% of the application is at a higher gradient than that.
- The access to the bungalows is too steep to get up a ramp (and indeed get a ramp installed) let alone get into the property.
- The steepness of the gradient will make people take to their cars rather than walk.
- The development that has been suggested will damage trees.
- The wording of the condition must remain as it is, the applicant is the only person who finds it ambiguous.

Councillor Babbage as the Ward Councillor then addressed the committee and made the following comments:

- The site is well known to many.
- Outline permission has been granted which reluctantly has to be accepted.
- The inspector imposed gradients for good reason, he reiterated that the gradient would be difficult for pedestrians and cyclists.
- If the original application had all the information the committee may have made a different decision.
- He urged the committee to reject the scare attempt from the applicant and reject the condition.

The matter then went to Member questions and the responses were as follows:

- The officer suggested revised condition is not the words of the inspector, but it does tie in with the MfGS. The Legal Officer explained that the discussion at the Inquiry was between the appellant and GCC, the current Condition 13 wording in the appeal letter is that of the appeal Inspector and forms part of the appeal decision.
- This is not a matter of if the Inspector is right or wrong, the law acknowledges that following a grant of planning permission some conditions may be changed or modified. The wording of a condition can change.
- CBC and GCC agreed with the Inspector with regard to condition 13, it was agreed that the gradients of up to 1/12 would be no longer than 30m in length. The proposal is in line with the Manual for Gloucestershire Streets, however this document doesn't specifically mention that gradients of between 1:20 and 1:12 cannot be longer than 30m. The MfGS is silent on this matter.
- The purpose of the proposal at the committee today is to decide if the modification is acceptable in planning terms or not.
- The original applicant appealed against the Council's non determination of the original outline application. The application was allowed on appeal with conditions, the original applicant then sold the site.
- The current reserved matters scheme was discussed with the Highway Authority at length and it was only at the latter stages of the discussions that the Highway Authority considered there was a conflict with the requirements of condition 13. GCC are happy that the current reserved matters road design will be of adoptable standard and also with the revised condition imposed.
- The suggested condition 13 wording is MfGS compliant. The applicant will need to provide evidence of the need for any gradients between 1/20 and

1/12 which exceed 30 metres in length and it will then be for CBC to decide if these gradient lengths are necessary to protect trees, retained landscape features, the environment and neighbour amenity. The planning officer stated that it may be a better scheme with the suggested condition.

- It was suggested that if there were less than 250 properties built on the site that it would unlikely change the road gradients. If the variation is approved it will maximise the amount of housing.
- Officers have been informed by the applicant and highways that there is only one way that the road can traverse the site.
- The Head of Development Management confirmed that the condition was necessary to meet planning requirements. Legislation allows for the condition to be amended and if the committee refuses to consider the amendment because, for example, they believe the original condition is better, and thereby refuse the application it will be undefendable at appeal.
- It was confirmed that if the committee didn't agree with the proposal the application would revert to the original condition.
- The current reserved matters application has not been changed in response to this application, however, it was realised late on in the reserved matters conversations that the design of the roads was a problem in satisfying the requirements of original condition 13. The Head of Development Management reiterated that the committee needed to determine if the variation was acceptable in planning terms.
- The planning officer explained that there will be an opportunity to address issues of landscaping, design, appearance, layout, access arrangements and engineering works later on in the process. Condition 13 variation is the only matter before the committee at the moment. The officer stated that if refused it would be largely undefendable at appeal.
- The Legal Officer again reiterated that as condition 13 complied with the MfGS there will need to be robust planning grounds to refuse the application.
- Road gradients will be considered under reserved matters and not at that stage.
- The applicant needs to provide evidence as to why the gradients would need to be increased and the planning officer would need to be satisfied that any increase in gradients is necessary.
- The planning officer stated that the revised wording would give extra clarity and security for the Council at the reserved matters stage.

The matter then went to debate where the following points were raised:

- Aware that the application is an outline permission that at the moment does not affect the 5 year housing supply.
- The gradient is a huge concern, although there was acceptance that housing is needed on Harp Hill.
- There are clear indications that to go against the recommendation would be undefensible at appeal and it would be a mistake for the committee to vote against the proposal.

- With the gradient at 1:12 it is accepted that people will have to be pushed in a wheelchair.
- The highways officer pointed out that the MfGS is stricter than the national guidance with regard to gradients.
- Any consultee can make suggestions to change a condition. GCC could make stipulations as to what they want.
- The Chair then reminded Members that there has to be a planning reason to refuse the application.

The matter then went to the vote to permit:

For: 10

Against: 1

9 23/01545/CONDIT Playing Field adj, 10 Stone Crescent, Cheltenham, GL51 8DP

The Planning Officer introduced the report as published.

There were 2 speakers that wished to speak on the item – one Ward Councillor and a County Councillor.

The Ward Councillor addressed the committee and made the following points:

- The applicant has worked with residents to improve the plans, including traffic and sustainability.
- There will be a three metre path between King George 5th and Stoneville Crescent.
- There have been reports to the police with regard to motorbikes in the park.
- Increased parking for sports events will be low to non-existent.
- Complaints of anti-social behaviour relate to people trying to access the park.

The Borough Councillor then addressed the committee and made the following points:

- Down stream of the application site have experienced sewage flooding.
- There is no affordable housing on the site despite the forecast profit.
- There have been 2 applications before the committee at this meeting that have no provision for affordable housing.

The responses to Member questions were as follows:

- Sewage and water were considered in the original application.
- the viability assessment cover what profit can be gained from the development.
- A development is allowed to make a profit and the profit should be between 15-20%.

- There will be a viability review if there is more profit after the properties are sold.

There was no Member debate and the matter then went to the vote on the officer recommendation to permit.

For: 11 - Permit

10 23/02140/FUL 16 Eldorado Road, Cheltenham, GL50 2PT

The planning officer introduced the report as published.

There were no Member questions and no debate.

The matter then went to the vote to permit:

UNANIMOUS – Permit.

11 24/00096/FUL 1 Dinas Road, Cheltenham, GL51 3ER

The planning officer introduced the report.

There were no Member questions.

There was no Member debate.

The matter went to the vote on the officer recommendation to permit.

UNANIMOUS - permit

12 Appeal Update

Appeal details were noted for information.

13 Any other items the Chairman determines urgent and requires a decision

There were none.