

## Planning Committee

Thursday, 20th August, 2020

2.00 - 3.30 pm

Attendees	
<b>Councillors:</b>	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
<b>Officers in Attendance:</b>	Craig Hemphill (Principal Planning Officer), Michelle Payne (Senior Planning Officer), Claire Donnelly (Planning Officer) & One Legal representative

### 1. Apologies

Councillor Barnes thanked Councillor Baker for standing in as Chair at the last few meetings. He reminded Members that the meeting was being live-streamed, and that they must be present for the whole debate in order to vote. He advised those present that the officer presentations can be viewed on the website, and checked that the public speakers were present.

Apologies were received from Councillor Collins.

Councillor Barrell joined the meeting midway through item 5b and as such was advised to abstain on the vote.

### 2. Declarations of Interest

**Mendip, Tryes Road:** Councillor Barrell is a member of SPJARA, the residents' group which has commented on the application, but she has not been involved in their discussions or consideration.

### 3. Declarations of independent site visits

**Mendip, Tryes Road:** Councillors Barrell, Oliver, Cooke and McCloskey.

### 4. Minutes of last meeting

Councillor Barnes signed the minutes as a true and correct record.

### 5. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

There were none.

### 6. 20/00552/FUL Car Park, Chester Walk,

The senior planning officer introduced the application for an innovation hub in the town centre, a revised application following permission granted in June 2019, to be situated in the car park to the rear of the children's library to the east of the Grade 1-listed St Mary's Church. It is part of a wider masterplan to improve access connectivity and footfall to the church grounds and lower High Street, which has been awarded a government funding grant. The current proposal has a similar profile to the approved scheme, but is now a modular construction rather than built with shipping containers. The industrial aesthetic is retained. As the principle is already established and highways matters have been addressed, the main issues to consider are the impact on the surrounding heritage assets. Both Historic England and CBC's conservation officer have concerns, but these only focus



on the heritage impact; the planning officer has to take all material planning considerations into account. Having done so, the recommendation is to permit, subject to the conditions set out in the report.

### **Public Speaking:**

i. Jason Pritchard, agent, in support, outlined the main difference between the previously approved project and the current scheme – the modular construction. He said the lay-out would be broadly the same, but there is now a single point of entry orientated towards the west door of the Minster, with new seating, lighting and footpaths to open up the area. The design is contemporary in nature but subservient to the minster, and the building will be highly sustainable, benefitting from additional investment from the Government's 'Build Better Fund'. It will host and facilitate a variety of initiatives that will have a positive economic, educational, cultural, social and environmental impact on the town, and act as a catalyst to major improvements to the area, as well as being a vital frontier outpost to Cyber Cheltenham.

ii. Cllr Hay, in support, said that the scheme will transform a run-down, under-utilised part of town, which suffers significant anti-social behaviour problems, not helped by poor linkages and high buildings. She told Members that £3.114m of government money will help deliver this scheme together with a programme of additional benefits to the area. It will provide jobs, co-working space for the fast-growing cyber and creative sectors, and a much-needed flexible performance space. The scheme is part of the Council's wider ambition and corporate priority to make Cheltenham the cyber capital of the UK, and provide much-needed opportunities which will support the town and the council's financial and economic recovery. The government funding is contingent on planning consent being granted, and requires schemes to be completed by December 2021. The application complies with the three key principles of the NPPF – economic, social and environmental objectives, and Members must give weight to these important planning issues.

### **Member Questions**

In response to Members' questions, the senior planning officer confirmed that:

- The applicants have remained in close contact with the Minster throughout, and Diocese continues to support the project;
- The main entrance to the building will be situated in the east elevation, as with the approved scheme;
- There are no specific details regarding the use of the arena, but it will presumably be used for a variety of performances.

### **Member debate**

Councillor Seacome noted that there is not much room at the side of the building for parking and unloading, and no back door to the performance space – he wondered how performers would get large and heavy equipment into the building.

Councillor Baker considered this to be a 'wow' project in a forgotten part of the town, a catalyst for improvement of the wider area, which should be a strong tourist offer but currently isn't. It will have a positive impact on many aspects of life in Cheltenham – cultural, economic and cyber. He felt the module design is increasingly popular, can be put up at speed, and it is radical, innovative and of our time, though he realises design is subjective and some people are not so keen. He reminded Members that the library building already contrasts with the Minster, and this modern construction will be a positive addition to the town.



Councillor Fisher endorsed all comments so far regarding the concept and what it will bring to the town, but felt the main criteria to be the design, with the only entrance facing the west door of the Grade 1-listed Minster. This is already enclosed by tall buildings, and the proposal, which higher than the previous scheme, will enclose it further. The design is strongly condemned by Historic England, the Architects' Panel and the Civic Society. He noted that the café will be open to the public, which could affect local businesses struggling to recover after Covid. The previous scheme used upcycled shipping containers, and if that has fallen by the wayside, we should have a fresh theme with a better design. The powder-coated steel cladding could have a lifespan of 40 years, and there are also constraints regarding archaeological remains which are worth conserving. He felt that there must be a better solution than this appalling design, and if it is permitted, we will be doing the people of Cheltenham a disservice.

Councillor Cooke also agreed and supported the concept, endorsing Councillor Hay's comments, but felt that the previous scheme was more welcome because of its radical, recycling and interesting credentials. He agreed with Councillor Fisher that this is a very sensitive location, and if the shipping containers are not used, a much more interesting design should be sought, not constrained by shipping container shape. He noted a comment in the papers about anti-social behaviour in the churchyard, and wondered how the scheme would contribute towards reducing this if it doesn't open onto that area. Like Councillor Fisher, he was concerned about the negative comments from the council's trusted consultees, who were previously supportive, and worried that we may be rushing into something we will subsequently regret, wondering if there was any merit in delaying the decision to improve the scheme to the satisfaction of Historic England. He asked officers to explain the main differences between the previous scheme and this one, which has caused such a change of heart in the consultees.

Councillor Payne echoed the comments of the last two speakers, and felt between a rock and a hard place – the need for the hub is critical and it will be a catalyst to take Cheltenham forward, but consultees have made adverse comments about the design and he shares that concern, particularly the relationship between the Minster and the building, and wondered if the Diocese is supportive of the entrance point. He said he wanted to support the scheme, but there are so many adverse comments from trusted consultees which are difficult to ignore.

Councillor Wheeler echoed Councillor Hay's comments, believing the scheme will add great value to the area, and we cannot afford to let it go. The module design is interesting, attractive and different – it doesn't have to mimic the beautiful Regency buildings around it. He suggested that, without foundations, if it doesn't work, it could be easily replaced in 15-20 years' time.

Councillor McCloskey reminded Members that they are not here to redesign the scheme, but to focus on the economic, social and environmental issues. He said that with many people losing their jobs they may want to start new enterprises, and the sooner we can get this up and running the better, adding that the funding may be lost if we have to go back to the drawing board.

Councillor Fisher added that the artist's impression shows heavily pollarded, white-barked trees – this is misleading, as the trees in question are limes. While agreeing with all that has been said about concept and need, he felt that this a steel-clad building adjacent to a Grade 1 listed church – noting that only 2.5% of listed buildings have this status - doesn't comply with the NPPF requirements for high-quality design, and should not happen.

Councillor Cooke asked if the intention is that the building will be temporary or likely to last 50-100 years. If so, Councillor Fisher made good points.

The senior planning officer confirmed that:



- Historic England and the Civic Society don't object to the use of modular units;
- Historic England's main concerns remain the same as for the previous scheme, which was unanimously supported. That scheme was for storage containers, this scheme has a similar industrial aesthetic and appearance. If Members are minded to move to refuse, they need to bear in mind the extant permission and be very clear in identifying the harm of this scheme, given the similarities;
- To Councillor Seacome, she assumes thought has been given to his points about moving equipment in and out of the performance space;
- The main entrance has always been in the elevation facing the Minster;
- The application is not for temporary permission – it will be a permanent structure.

The principal planning officer reminded Members that consultation comments are very specialised, and while taking these into account, it is important to remember that the officer has to consider the wider picture when making a recommendation, taking into account the previous consent and the public benefit

Councillor Seacome added that the pathways are not properly delineated, and it isn't clear where people will enter the building from the churchyard. He noted that the trees will shield the Minster from the building, but remained worried about the entrance and the rear access to the arena.

Vote on officer recommendation to permit:

7 in support

1 in objection

1 abstention

**APPROVED**

## **7. 20/01004/FUL Mendip, Tryes Road,**

The planning officer introduced the application, at Committee at the request of Councillor Harman and the residents' association. She showed Members various elevations and floor plans, and photographs taken from the adjoining property, looking towards the application site. The key considerations are design, impact on the conservation area, and impact on the neighbouring property.

### **Public Speaking**

i. Mrs Lovell, neighbour, in objection, said her family felt this proposal to be a step too far, with the two-storey extension resulting in substantial loss of light and overshadowing. She understood that planners rely on the 45 degree light, but was concerned that this should be a rule of thumb and not followed slavishly. She said the proposed extension will create a 'tunnel effect' on her property. In addition, she believed there would be loss of privacy in her garden, and also the gardens and rear windows of houses in Painswick Road. She felt that the consequence of repeated attempts to reduce the size of the extension to gain planning approval had resulted in a strange-looking, box-like dwelling, which would not preserve or enhance the conservation area.

ii. Cllr Harman, in objection, felt that the speaker had put her case eloquently, and hoped Members would take her comments into account. He said he has visited the neighbour's garden and noted the overpowering impact the extension will have – other Members have not been able to do this – and noted the neighbour's comment about the impact on Painswick Road – this is not detailed in the report, but will clearly have a dramatic and devastating effect. SPJARA has objected, and although some changes have marginally reduced the impact, this is not sufficient and the design solution is not aesthetically pleasing. He hoped that the Committee will agree and refuse the application.



**Member Questions:**

In response to Members' questions, the planning officer confirmed that:

- The tunnel effect on light to the neighbouring property, with extensions on both sides, already exists, but it is felt that the first floor extension is far enough away from the window not to make it any worse;
- The 45 degree light test for a door – the patio doors in this case – takes a centre point 1.6m from floor level and half way across the window to assess a pass or fail.
- The previous scheme was much larger, and following long and complicated discussions it was suggested that the application be withdrawn and a new one submitted, with subsequent re-consultation. This was a neater way to deal with the situation.

**Member debate:**

Councillor Cooke said that as with so many applications, it is a balance of benefit between the applicant wanting more space and the effect on the neighbour's property. He felt that looking at the pictures, the patio doors will be substantially shielded, whether or not the scheme passes the light test. The neighbouring garden and patio area will be shaded from the afternoon sun. This extension will also have a small effect of people in Painswick Road, and bearing in mind the context in the conservation area, the over-development and the unacceptable effect on the neighbour, he cannot support the scheme. He is prepared to move to refuse as over-development.

Councillor Barrell was also concerned about the overbearing effect on No. 11 and the residents of Painswick Road to a lesser extent; it is a very big addition. Councillor Baker noted that the residents of Painswick Road have not objected, and said that if the rear of the properties face the south, the sunshine it receives will not be impacted by the development. He did not feel the proposal could be considered over-development.

Councillor McCloskey had visited the area, and subsequently looked at the Park Conservation Area document – he could find no mention of Tryes Road or anything which highlighted these houses. He was therefore not overly exercised about the impact on the conservation area, as very little of it will be seen from the street, or from Painswick Road. He noted the NPPF's presumption in favour of development, and that the house clearly doesn't suit a modern family's needs in its current state. In view of the applicant's efforts to get the scheme right, and felt on balance, that it was not unreasonable.

The planning officer confirmed that the rear garden is south-facing.

**Vote on officer recommendation to permit**

6 in support

4 in objection

**PERMIT**

**8. Appeal Updates**

The appeals update had been circulated to Members.

**9. Any other items the Chairman determines urgent and requires a decision**

There was no other business to discuss.

Next meeting: 17th September

The meeting ended at 3.30pm.



Chairman