

Planning Committee

Thursday, 21st January, 2021
2.00 - 4.45 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Daniel O'Neill (Planning Officer) and Mike Holmes (Interim Head of Planning)

1. Apologies

There were none.

2. Declarations of Interest

Declarations of interest were declared as follows:

Cllr Cooke – Borough Councillor for Leckhampton declared 5b and 5d – he will not take part after discussion with Legal officer in item 5b.

Cllr McCloskey declared a friendship with the objector on item 5a and the fact that he previously worked for BT but left there in 1990.

3. Declarations of independent site visits

Cllr Seacome has visited the BT site in Vittoria Walk/Oriel Road and Synagogue Lane Car Park

Cllr McCloskey has visited all the sites

Cllr Oliver has visited BT site on Oriel Road, Burrows Field and Edge Hill Kidnappers Lane, he has previously visited the Chapel Spa for previous applications.

Cllr Cooke has visited all sites except Alstone Croft.

Cllr Barrell has visited Edge Hill, Kidnappers Lane and is familiar with Chapel Spa, North Place and Car Park Synagogue Lane.

Cllr Payne visited all sites.

4. Minutes of the last meeting

Councillor Cooke asked for a correction in the minutes re-item 5a – A Member expressed the view that Gloucestershire County Council had done its best to progress the new school and that the problems encountered were not exclusively the fault of, or in the control of, the County Council.

With the amendment having been noted, the minutes of the meeting held on 17 December were approved and signed as a correct record.

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

5. 20/01680/FUL British Telecom, Oriel Road, Cheltenham, Gloucestershire GL50 1BA

The Planning Officer presented his report which related to an application for a new sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall opposite Wolseley Terrace.

The objector Mr Ratcliffe was then given the opportunity to speak. He made the following points:

- Object to ringing the site with metal fencing that does not follow heritage policy.
- There has been no harm caused at all by anti-social behaviour therefore no need for a fortress on Wolseley Terrace.
- He mentioned 6.12, 6.13 and 6.14 in that he disagreed with these points in the report.
- The proposed gate and fencing will be an eyesore and believes that a better solution can be found.

The matter then went to Member questions as follows:

- On the application and on the drawings they are heritage railings in Wolseley Terrace but not the other areas surrounding the site – surely they should all be the same as the site is so important.
- Is there a conservation officer present to assist with the application? It was confirmed that as he had supplied comments then he wouldn't be present at the meeting.
- It appears that British Telecom cited antisocial behaviour as a reason for the application, however there does not appear to have been any recent issues. Why has the officer not asked the applicant for further details?
- The objector stated that he had suggested alternative plans, would like to ask the officer what alternatives were suggested.

The responses were as follows:

- In terms of the railings on top of the brick wall – there are other sites that have done the same and it is not the responsibility of the Planning Officer to re design the application.
- With regard to the Conservation Officer being present he provided comments as an update to informal discussions with planning.
- Only considering the merits of the design as the building is not a listed building and there is not an application for Listed Building Consent.
- The Planning Officer re iterated that it is not his responsibility to suggest alternatives to the applicant.

The matter then went to Member Debate:

- The debate appears to be about the railings around the listed building – believes that there should be a gap not full railings to leave road way for loading in and out of Wolseley Terrace. Would favour moving the railings closer to the building. Also if there are spears on the top of the railings they should not be in gold as that is reserved for properties with royal connections.
- The BT building is not a listed building but in a conservation area, the gates that are in Vittoria Walk look like they are for an industrial site and not enhancing an heritage site. We are very fortunate in Cheltenham as we look after our heritage sites. Putting up industrial railings are not in keeping with the area. The applicant does not appear to have given good reason for the application.
- Assumes that there are operational reasons for the applicant there is a precedence for railings in the area, there are some already in the vicinity. The railing may enhance the site however the railings that they have suggested are not the same style all-round the site and this needs to be considered.

- The railings at the side facing Vittoria walk are not too bad however the Oriel Road ones do give concern, always been a nice area however the proposal will make the property look like a prison.
- The telephone exchange has been there since 1968, which included the period of IRA bombings and security wasn't an issue during that time, has there been a Covid related spike in anti-social behaviour since mid-2020.
- This is a horrible looking building and they may have a security issue, the railings on Wolseley Terrace are the main issue on the application.
- Cannot recall seeing a BT building that is inspiring – no objections to the railings would like more consistency of the railings and the position of the railings in Wolseley Terrace are effecting access to the area.
- To refuse would be a mistake a conservation officer has issued a report, thinks that the railings would improve the building. Congratulated the Officers in bringing an improved application.
- Railings can smarten up and tidy up a site, there could be a compromise agreed.
- Understand the reasons for the application, disappointed with BT's reaction to dealing with Wolseley Terrace and there has been know communication with the residents.
- No thought has been given to their neighbours in Wolseley Terrace and their access.
- If this is refused could the applicant put in something without permission. The Officer responded and stated that they could put in something up to 1 metre high without permission?
- Surprised that in a conservation area you can put up anything in a conservation area. The railings on top of a brick wall are not a conservation railing and will not look good in a conservation area.

The chair then went to the legal officer regarding a proposal for deferral.

The vote was then taken for the deferral:

For : 9

Against: 2

Abstain: 0

DEFER

5. 20/01882/FUL Edge Hill, Kidnappers Lane, Cheltenham GL53 0NX

Councillor Cooke left the meeting due to declaration of interest in the item.

The planning officer presented the report which related to extensions to the existing property.

There were no public representations.

The matter then went to Member questions:

- Can you confirm the height of the new dwelling to the top of the roof in contrast to the properties nearby?
- Is there a problem with the light as there is no reference to a light test.
- Are the windows in the coach house affected by the proposal?
- The existing floor plan has a garage and in the new proposal the garage isn't there. Can you inform me about the garage situation?

The Officer responded as follows :

- The ground is slightly raised so the roof will set slightly higher than the Coach House.

- The light test has been taken and the 45 degree light test – no windows are effected on the upper floor. To the rear of the ground floor the patio door is slightly affected however there are multiple sources of light so does not cause a problem.
- With regards to the garage there is a garage to the rear side which will stay in place. However the parking is out at the front of the building and this is not affected by the proposal.

The matter then went to Member debate:

- The immediate area has now dominant style of house and the design of this property is imaginative and will complement the road.
- The houses are going to be very close together – distance between Edge Hill and the Coach House doesn't not seem to be very big.

The matter then went to the vote to permit as per the Officers report

For: 10

Against:

Abstain:

PERMIT

5. 20/01997/FUL & LBC Chapel Spa, North Place, Cheltenham Glos GL50 4DW

Cllr Cooke re-entered the meeting.

The Senior Planning Officer presented the report which related to the change of use of the existing spa to 8no. apartments with associated internal and external alterations.

Councillor Parsons was invited to address the meeting as ward councillor. He made the following points:

- The applicant is an entrepreneur and his application should be supported as this will assist with the recovery from COVID.
- The Spa hotel was granted permission before (May last year) 1 week after permission had been granted the banks pulled out but are prepared to back the option of turning the property into residential.
- The effect on the building if this isn't granted with be devastating.

The matter then went to Member questions:

- If the apartments go ahead will they be freehold or leasehold and does this make a difference to Listed Building Consent.
- Can the Officer confirm will the applicant have 2 live applications on the same site if this is granted?
- Clarification was sought on how the parking will work at the property.

The Senior Planning Officer then responded

- The Planning department do not know if the property is leasehold or freehold as that is not part of or relevant to the planning application process
- There will be 2 live applications for this site for both the hotel and the conversion of the property to living accommodation.
- The parking has been confirmed as per the plan in the officers report and has been confirmed as the same as when the property was going to be a hotel. The parking will be 8 spaces with access from Portland Street.

The matter then went to Member debate:

- The outside shape is the only thing that makes it a Grade 2 listed building.
- Can see that residential is the only viable option at the moment but it is a shame that not more of the property will be preserved.
- It seems a shame that the banks have to decide what it is happening to the building as the hotel would have been lovely, however see the need to change the application due to the current situation.
- The hotel facility is now not seen as practical, the world has moved on and this seems a good option for the owner and will stop the building going to rack and ruin.
- The applicant is really trying to make the best of the options that he has open to him at the moment. The inside will change of the building for the 8 apartments, however it is a sustainable development under this proposal.

The Chair then went to the Legal Officer for the vote:

The first vote for the application and the second for listed building consent

For: 10

Against:

Abstain: 1

PERMIT

Listed building consent:

For: 10

Against:

Abstain: 1

PERMIT

5. 2020/02028/FUL Burrows Field, Moorend Grove, Cheltenham Glos

The Senior Planning Officer presented the report, which related to engineering works to improve and level the playing surfaces of Burrows Field, Moorend Grove. The proposal also included drainage works to improve pitch quality. The site would be laid out to provide 6 'mini-soccer' pitches, an adult pitch and two youth pitches along with a cricket square. Planning permission was required for the engineering works to take place. The principle of the proposal was supported and impact on neighbouring properties, appearance and ecology were all considered acceptable, subject to appropriate conditions. There was an outstanding issue with regard to flooding and drainage, however the Local Lead Flood Authority (LLFA) were in discussion with the drainage consultants and it was anticipated this would be resolved shortly. The application was at committee as the application was made by the council. It was recommended that if members approved the application that the final decision be delegated to the Head of Planning in consultation with the Chair and Vice Chair of the Planning Committee.

The Chair invited Mr Alan Bailey, a member of the public, to speak in support of the application.

Mr Bailey stated he lived in Shurdington Road in flood zone 3B, an area with a high risk of flooding issues. He was in favour of improving the amenities but had concerns about changes to perimeter tracks, which had already been approved, which would result from improvement of the drainage of the playing field as it changed the level and layout of the

pitches. The two sustainable perimeter pathways for cyclists and pedestrians were not fully defined, had been approved without proper consultation and no plans could be found on the Council website. He felt the poor design and material defined could increase flood risk downstream and stated all surfaces needed to be permeable to reduce the risk of flooding. He felt there was a lack of consultation with the Environment Agency, Flood Prevention Officer and Highways and that the cycle track and sustainable pathway route around the area needed up-grading to align with the application to improve the drainage system. Although in favour of the application, he requested to know how the council would manage the standards of the build required and how application 20/00332/FUL concerning the perimeter tracks would progress.

The following questions and points of clarification were raised by members with the Officer:

- The relevance of fields in trust was asked. The Officer was not sure where this was stated but confirmed that the land was the council's responsibility.
- Members asked where did water go now and where would the water go when the field was relevelled and drainage improved? Would the problem be directed elsewhere? Was a SUD system going in or would water go straight into the stream/brook? What methods would be used to stop water going straight into the brook in order to give a drier field? On all these issues relating to excess water, the Officer replied that this ultimately was the issue at hand as the proposals did cause concern that as the field became more waterlogged the water would ultimately be pushed into the stream further away and that was what they were trying to resolve – where it was directed to and how it would be controlled. The Officer referred members to the flooding and drainage section of the report, stating that to avoid instances of waterlogging to the pitches a drainage design had been put forward resulting in runoff from the pitches being conveyed to the watercourse (Hatherley Brook). The assessment also stated that ponds would be provided to increase storage capacity during periods of high rainfall.
- Members asked whether the flooding issue was going to be considered by others and a decision made outside this meeting as it was not really something they felt they could consider at the moment when the Local Lead Flood Authority had not come to a conclusion. A member questioned why this application was being processed when they did not have the conclusion of the flood agents. The Officer explained that there was a funding cut off time line for the works, so a timely decision would allow funding to be secured to enable the work to be carried out. He continued that once a decision from the LLFA had been received, the matter would be deferred back to the Head of Planning and Chair and Vice Chair of the committee for discussion before final approval. He also advised that they were working with a consultant who was advising on flooding issues.

There being no further questions, the Chair moved to debate and the following points were made.

Several members commented that it was a fantastic scheme and had huge support in the community. The football pitch surfaces were poor and it was necessary to improve them and to provide good facilities for local sports people in the community.

Many members acknowledged that flooding was an issue and that everything must be done to ensure that it did not result in homes being flooded. Several felt they could not support it if there was an impact on neighbouring properties, so a cast iron solution was needed if approved.

A member suggested that sound engineering logic was needed and he feared the committee would not get the right advice and would need to be cautious about it, when they did. He referred to previous issues with the LLFA and the consequences that then remained forever.

Another member also expressed not a lot of faith in the local flood authority and would want the input of advice from the council's own flood experts into the alleviation scheme.

A member suggested this put a lot of responsibility, with pressure from all angles, on the Chair and Vice Chair to decide this if approved with delegated authority.

The Chair reminded members that the application had come early to committee in order to secure the funding. He acknowledged members' great concern about the flooding situation and, if approved with the final decision being delegated to the Chair and Vice Chair, he assured members that he supported the comments about not creating flooding issues elsewhere and would check on that.

The ward councillor for the area of the Burrows Field supported the project in principle as it would enable significant quality uplift to a sports field, where the pitches were often water logged, and it was an important community resource. However he was concerned that better drainage might actually increase flood risk elsewhere by more rapid rate of water run-off. He confirmed about the watercourse, spoke about the ponds to increase water capacity and gave some facts and figures about the rainfall amount and recent flash floods in the area. He expressed concern about the lack of information from the Local Lead Flood Authority and wanted clarification on what the engineering solution would be, as if the ground was saturated and the balancing ponds already full there would be little leeway and a flood risk. He proposed that the LLFA and EA should be asked to endorse any solution proposed before proceeding; that what was agreed be explicit and transparent for the public; that conditions include that the engineering solution should mitigate against increased run off, and to ensure that the Council had covered all bases because of the potential unintended consequences downstream. Finally he referred to the conclusion recommendation in the report, stating 'subject to no objection being received' and felt this was not strong enough and that it should be positively endorsed and also urged that the EA be encouraged to give a formal reply that what the council proposed would work and not cause a significant risk. With those caveats he supported the application.

The Officer replied that the EA would not comment if it did not meet their criteria and threshold for comments and that the Council could not force them to do so. However do have consultation with the LLFA and also a flooding consultant that can now turn to. The Officer also referred to the point about 'no objections' stating the likelihood was that will get a comment that says no objection but will more than likely suggest conditions for appropriate solutions or works that need to take place or even maintenance procedures.

A member referred to the historic evidence that the ward councillor had provided on flooding and rainfall and suggested the committee should not be considering that as it affected the field as it was today and it was not job of the applicant to improve the situation, but to ensure it did not get any worse. He said the committee should have all the information, as cannot vote on something that could cause further flooding. However the drainage strategy referring to ponds and engineering methods to slow the water run off down, were more positive. A deferment was suggested, even if it meant losing the funding, as difficult to vote on something that might cause flooding to someone's home.

The Chair agreed to include the ward councillor in the final decision making and reminded members that the committee was being asked to give approval to the Chair and Vice Chair and Head of Planning, on the basis that they will look at the flooding issue as and when the information was received. If members were not happy to give this responsibility to those mentioned, then they would have to vote against the scheme or vote for deferment.

A further member was happy with the debate and what he had heard, particularly with regard to the drainage strategy. He wondered if the funding timeline was forcing the committee's hand, but he was in favour of delegating responsibility.

A member challenged the comment about it not being the job of the applicant to improve the situation, stating he felt that it was, in light of the council's commitment to climate change and wanted to question this with the Planning Officer. Another member stressed that he meant more that the flooding situation should not be made worse.

The Head of Planning replied stating that he had not seen anything in legislation that made it incumbent on local planning authorities to improve a situation, the principle was not to make things worse.

The view was also expressed that the conditions on how flood alleviation would be achieved must be transparent and explicit for the public, when the scheme was approved.

The Officer confirmed that the Council owned the field and that ultimately it was the council's responsibility and that's why the application was at committee, although he felt it would probably have been called in anyway.

The Chair concluded that members could defer, refuse or approve on the basis that the flooding issue would be looked into further and authority be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee, together with the ward councillor.

The Chair moved to vote on the substantive motion of approval with delegated authority to the people mentioned above.

For: 10

Against: 0

Abstain: 1

PERMIT

5. 20/01655/FUL Car Park, Synagogue Lane, Cheltenham, Gloucestershire

The Senior Planning Officer presented the report which related to the provision of a temporary public pay and display car park for an additional period of 3 years (renewal of planning permission 15/00954/FUL). No changes to the existing car park layout, access arrangements, surfacing material, associated lighting or fixtures or opening hours were proposed. The existing temporary car park was an extension of the Chelt Walk town centre car park and Condition 2 of the 2015 planning permission required the use of the land as a temporary car park to cease from September 25th 2020. The application was before planning committee because the applicant and principal landowner was Cheltenham Borough Council.

There were no objections and no issues raised by Environmental Health or Gloucestershire Highways.

The recommendation was to grant planning permission subject to the conditions relating to time limited to 21 January 2024; the approved plans; no new structures or raising of land levels and the submission of flood evacuation plan.

A member asked if this could be extended again in the future or could the land be developed as there would still be a need for this car parking facility. The Officer replied that with regard to EM1 and extending use after 2024, given the current economic recovery and uncertainty as to the situation in 3 years, there could be a further extension, but advised that any future development would include an element of parking, so there should not be a total loss of parking on this site.

Another member questioned if there had been any complaints or representations from the Bayshill Inn about not having access via their back entrance where there were two car parking spaces which they used to unload their supplies. The Officer advised that she was not aware that it was an official back entrance and that they were legally allowed to deliver

from those parking spaces. She suggested it might be an informal arrangement and confirmed there had been no complaints or representations made by the Bayshill.

A member commented that it was good to know that this car park site could be considered for mixed development in the future as it was a very valuable site right in the heart of the town.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to grant planning permission subject to the conditions as set out in the report.

For: 11

Against: 0

Abstain: 0

PERMIT (unanimously)

5. 20/01972/FUL 11 Alstone Croft, Cheltenham, Gloucestershire, GL51 8HB

The Senior Planning Officer presented the report relating to a single storey ground floor rear extension to a semi-detached property located within a residential area on Alstone Croft. The application was before committee as the applicant worked for the Environmental Health team of Cheltenham Borough Council.

No objections had been received and the Officer recommendation was to permit subject to the conditions as set out in the report.

In response to a question from a member, the Officer confirmed that a detached garage needed to be removed to make room for the extension.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 11

Against: 0

Abstain: 0

PERMIT (unanimously)

6. Appeal Updates

There were no appeal updates.

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

There were none.

Chairman