

# Planning Committee

Thursday, 25th March, 2021

2.00 - 4.05 pm

| Attendees                      |  |
|--------------------------------|--|
| <b>Councillors:</b>            | 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 |
| <b>Officers in Attendance:</b> | Mike Holmes (Interim Head of Planning) and Nick Jonathan (Solicitor)   |

## 1. Apologies

There were none.

## 2. Minutes of last meeting

The minutes of the meeting held on 11<sup>th</sup> February were unanimously approved as a correct record.

## 3. Declarations of Interest

Cllr. Barrell declared an interest in item 5c, Bournside Road. She intended to leave the meeting for the duration of the item.

Cllr. Baker declared an interest in item 5d, Hewlett Road, as he was the applicant. He intended to leave the meeting when it came to that item.

Cllr Barnes declared a personal, non-prejudicial interest in item 5d, Hewlett Road. He noted that all Liberal Democrat members would likely have a personal and non-prejudicial interest in the item.

## 4. Declarations of independent site visits

Cllr Baker had visited from the road 45 Bournside Road and 4 Hartley Close

Cllr Oliver had visited all sites externally.

Cllr McCloskey had visited Bournside Road, Hartley Close and Hewlett Road and previously visited the BT site

Cllr Barrell had visited Hartley Close and Hewlett Road

Cllr Cooke had visited Hartley Close and Bournside Road and previously visited the BT Site.

Cllr Payne had visited all sites.

Cllr Collins had visited Hewlett Road.

Cllr Seacome had previously visited the BT site.

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

## 6. 20/01680/FUL British Telecom, Oriel Road, Cheltenham, GL50 1BA

The Planning Officer introduced the report relating to the British Telecom building site seeking planning permission for a new sliding vehicle access gate to Oriel Road,

replacement of existing gate to Vittoria Walk and new metal railings on top of the existing low level brick wall opposite Wolseley Terrace. The application was at committee due to the impact on the conservation area, listed building and design approach. The application had been deferred at the January 2021 planning meeting for further revisions and justification. Revised plans had been submitted and considered, notably these were the boundary facing Oriel Road was now reduced to 1.6m; the sliding gate was now similar to neighbouring property and would be similar height and the brick wall with railings would also be similar to the surrounding area.

Public speaker, Mr Ratcliffe, spoke in objection to the application stating that the unattractive and unsympathetic location, design and appearance of the proposed railings would change the appearance of the Grade II listed Wolseley Terrace and result in visual clutter, contrary to policy MP8 of the conservation area appraisal. He raised the issue of increased flood risk to the lower ground floors of buildings in Wolseley Terrace and contested the application was unacceptable from a security and environmental standpoint. He stated the harm to Wolseley Terrace could be avoided by an alternative location and said that less harmful options had not been explored.

In response to members' questions, the Planning Officer confirmed:-

- The flooding issue was not referred to in the Officer's report because as the proposal was classed as minor development, the impact of flooding is considered under government advice which is that this level of development would not require any risk assessment or have any potential impact, so was not taken into consideration.
- The 74 letters of notification were sent to all properties that joined the boundary to the BT building. As the BT building is large many letters went to properties at the rear.
- Regarding the securing of the underpass, this was slightly discussed but BT did not consider it a viable option and wanted to continue with what was originally proposed.
- Access to the site and Wolseley Terrace for heavy maintenance vehicles and equipment, was wholly up to BT's ownership and was a civil matter.
- The Officer was unsure about an objection in the papers (page 23) with no indication as to whom this related. He suggested it could be anonymous.
- The Officer was not sure what engagement was made between BT and residents of Wolseley Terrace, stating it was up to BT to determine that.
- The reason for deferral was to understand BT's rationale for this and a member wished to know more about the consultation and whether people got a letter from BT. The Officer stated that revised plans were received quite late on and Officers did not feel there was a great deal of difference to what was originally proposed, so a summary was added to the report the day before it's deadline so as not to delay the report further. The BT letter basically stated the reasons for access to the site and reasons why they would like to do it, which predominantly related to security. The Officer was more concerned about the impact of the railings.

During the member debate the following points were made:-

- Did not feel this had progressed very far. This is a conservation area and was this necessary. It should not have a harmful effect or detract from the central conservation and think it does. BT appeared not to have consulted with neighbours.
- In principle think BT's suggestion of the addition of railings on the brick wall not a bad one and as seen by properties nearby they look elegant. Several members had no objections to the railings and agreed this might make the property look better.
- In serious doubt though was the impact on Wolseley Terrace and agree with the objector that the plans will detract from the value of the properties if there was restricted access even though that is a civil matter. BT should move those railings

some distance from Wolseley Terrace, have a social conscience and need to take a more responsible attitude.

- Happy with railings on Vittoria Walk and Oriel Road. Solution is to secure the undercroft and need to take seriously paragraph 194 of MPO with clear and convincing justification for significant harm.
- Problems with this proposal just from point of view of flooding. Where are the gullies in Wolseley Terrace and where would the water go? No planning application should make flooding worse. The question of why the railings would increase flooding risk was also raised.
- A member felt there was not enough information on the flooding issue and would not want to agree to something and there be flooding issues as a result.
- Noted that the Heritage and Conservation people think this acceptable. The railings would make the area look better, the problem was the original building that was not attractive.
- A member queried that if railings on Oriel Terrace and Vittoria Walk were approved, and the railings in Wolseley Terrace not included in the application, could they put up a 1m wall without planning permission?
- A member queried whether there was sufficient justification for 1.2 m fence to be built within close proximity to Wolseley Terrace and whether this would prevent people climbing over anyway. Could end up with a fence that was no good and have no impact on the terrace.
- BT have given no justification for anti-social behaviour issues, the Police have not reported anything and once out of lockdown people may disperse and go further afield which they cannot at moment.

Chair stated there was a clear view from the committee that they were not happy with the situation and that he was also disappointed that BT had not communicated with the residents of Wolseley Terrace which was one of the reasons why it was deferred last time as it would have been an opportunity to talk to each other and come to an arrangement to satisfy everyone and that had not happened. This was a community and neighbourhood issue over which the committee had limited control but there were certain issues that had been raised by members on this and the Chair also had some concerns.

The Planning Officer referred to the couple of questions asked.

- Regarding the flooding he reiterated that as it was such minor development it fell within Government advice as unlikely to cause an increase risk in flooding.
- Regarding height of wall, BT could still incorporate a 1m high fence of any type on top of the wall regardless without planning permission.

Members expressed deep concern about this as they would then have no say and could end up with something worse.

An alternative solution would be to move the railings further away from Wolseley Terrace. The application fell short of the best interests of the town and it was proposed to refuse on grounds of failure to deal with paragraph 194 of NPPF.

There was consensus from the members on the railings on Vittoria Walk and Oriel Road, but concern about the railings facing Wolseley Terrace and even more concern that BT could put up anything up to 1m under permitted development rights.

The Head of Planning could see members' reluctance to refuse but could also understand the unhappiness with the proposal. He therefore proposed to defer again and put members' views to BT and if they did not move then to refuse. By clearly putting to BT what members found acceptable or not, may give the response members would accept.

It was suggested requesting a representative from BT to attend the next hearing.

There being no further comments and on the advice of the Legal Officer, the Chair moved to vote for a deferral in the first instance. If this was not passed, a vote for refusal would follow.

Vote to defer:

For : 8

Against : 3

Abstain : 0

## **DEFERRED**

### **7. 21/00078/FUL 4 Hartley Close, Cheltenham, GL53 9DN**

The Planning Officer presented the application, which related to extensions, alterations and remodelling to form a two storey pitched and flat roof dwelling, as well as existing brick work to be rendered. The application was before the committee at the request of Cllr Baker due to the level of local interest in the item. An application at the same site had been rejected by the committee in December 2020, and this was an updated and amended version. Planning officers had reviewed the revised plans and concluded that the concerns previously raised by members had been properly addressed, so the recommendation was to permit the application.

Mark Godson of SF Planning spoke in support of the application, emphasising that the concerns raised at the committee in December 2020 had been taken into account. While no neighbours were in support of the previous application, 7 were now in support, and while 9 neighbours had objected to the previous design, only 4 objected now. He explained the changes that had been made in greater detail.

In response to a question about the application's environmental impact, the Planning Officer responded that there was not any specific information available on this point, but the standard approach to a dwelling had been taken. A member suggested that in the future, details on environmental impact ought to be automatically included in all planning reports, considering the council's commitments regarding the climate emergency.

Regarding whether the relatively large space up to the road would be treated like a front garden, the Planning Officer responded that the 26m space between the property and the road would be treated as a normal garden. As such, permission would be required for any significant elevated structures, though a boundary fence up to 1m tall would not require this.

A member noted that it was an application of great public interest, both positive and negative and thanked the applicant for going back to the drawing board and reconsidering key aspects of the plan, and presenting it well to the committee. He concluded that he would support the application.

Another member echoed this, suggesting that the applicant had taken the committee's criticism seriously and made the necessary changes to the application in a professional way. A member pointed out that the last design did not fit with the area but the applicant had gone to a lot of trouble this time to ensure it did this time.

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

For: 11

Against: 0

Abstain: 0

## **PERMITTED unanimously**

### **8. 21/00179/FUL 45 Bournside Road, Cheltenham, Glos, GL51 3AL**

The Planning Officer presented the report relating to a two storey side extension, rear single storey extension and loft conversion with rear dormer to a semi-detached dwelling in Bournside Road. The application was before Committee at the request of Councillors Barrell and Harman over design, impact on neighbouring amenity and impact on the wider street scene and because of the nature of the material being used in the dormer extension.

The ward councillor addressed members and drew their attention to the strong arguments put together by local chartered town planner on behalf of the objector. Although recognising that the dormer was permitted development they still believed it contradicted Council's policy. It also had a big impact on the Hatherley Park development and the Friends of Hatherley Park were very much against it. The ward councillor believed this extension would have a considerable impact on the objector and urged members to reject it.

In response to members' questions, the Planning Officer confirmed:-

- Revised plans and drawings submitted on 10 and 16 March did not change the impact or design and therefore did not alter the Planning Officer's consideration and thus the report was still published on 17 March.
- A member asked when permitted development was adopted regarding dormers and whether this contradicted SD4. The Officer replied that the GPDO was altered in 2015 and the residential alterations and extension guides in 2007/8, with the Cheltenham Plan adopted last year. The JCS was adopted in 2017 but was open in design and up to Officers to determine the impact of neighbouring amenity. The member commented that some policies may need to be reviewed if several years old.
- There was no concern over shadowing from the dormer and no loss of light from the 2 storey side extension. There was a significant gap and the 45 degree light test had been carried out.
- The choice of aluminium as the material was up to the applicant who wanted a contemporary design.

During the member debate the following points were made:-

- The design was not good, the rear dormer window spoilt the design of the house and failed on SD4. There had been many rear extension changes in this area, many also of a bad design and did not want to compound it. Suggested refusal on grounds of SD4.
- Concerned about the elevation at the rear of building as it did seem an extremely large dormer window and out of proportion. It would be immediately adjacent to other half of the property and be effectively like an observation tower into the neighbouring garden. The neighbours would feel like they were being continuously watched and it would be a looming presence over the next door semi. Others in the area had smaller dormer windows, with one exception. The member thought this development could be permitted under permitted development and was impressed to read there were grounds to refuse it and not permit just because there were others in the area. He felt inclined to refuse given the effect the dormer window would have on the adjacent property. His grounds for refusal being SD4 and SD1 as in the objection letter.
- A lot of development in this area which could be seen as good use of what is there or as spoiling the street scene. The use of aluminium could also look out of place here. Felt that it was the size of the window that was the issue but the Officer confirmed the size of the window was not restricted under permitted development rights.

A member questioned permitted development rights when the window looked as if it went right to the very edge of the building. The Officer replied that permitted development allowed 200mm from the eaves which is what was proposed in this application. As long as the dormer did not interrupt the eaves and project from the rear elevation it would fall under permitted development regulations.

In response to a further question, the Officer said the Architects Panel may have looked at the application but had not provided any comments.

There being no more questions or comments, the Chair moved to vote on the substantive motion to permit as per the Officer's recommendation, in the first instance.

For : 5

Against : 4

Abstain : 1

### **PERMITTED**

#### **9. 21/00171/FUL 16 Hewlett Road, Cheltenham, Glos GL52 6AD**

The Planning Officer presented the application, which sought to make alterations to the rear of the property to include a first floor balcony with a staircase, replacement door, new first floor window, and rear garden courtyard. The application was before the committee because the applicant was a borough councillor.

It was noted that no objections had been received. A member commented that it was a good use of space and that the balcony would enhance the garden and the dwelling in general.

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

For: 10

Against: 0

Abstain: 0

### **PERMITTED unanimously**

#### **10. Appeal Updates**

There were no appeal updates.

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

The Chair and members of the committee wished to place on record their thanks to Councillor Cooke, who was standing down at the May elections, for his work on the committee. Cllr Cooke had been an exemplary member of the Planning Committee and was thanked for his contributions and deliberations.