

Planning Committee

Thursday, 19th August, 2021

6.00 - 8.20 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome, Councillor Simon Wheeler and Councillor Dilys Barrell (Reserve)
Officers in Attendance:	Daniel O'Neill (Planning Officer), Mike Holmes (Interim Head of Planning), Nick Jonathan (Solicitor) and Emma Pickernell (Senior Planning Officer)

1. Apologies

Cllr McCloskey had given his apologies and Cllr Barrell substituted for him.

The Chair welcomed Cllr Clark to her first planning meeting. He also advised members that it was the penultimate meeting for the interim Head of Planning, Mike Holmes, who would oversee the September planning meeting together with the new interim Head of Planning, but then would be leaving.

2. Declarations of Interest

Cllr Barrell declared an interest regarding item 5d, No.7 Park Place, although it would not preclude her from considering the item.

Cllr Baker declared he would have to withdraw from item 5d, 7 Park Place, due to a pre-determination.

Cllr Pineger declared he was now a Non Executive Director for Cheltenham Borough Homes.

3. Declarations of independent site visits

Cllr Oliver had visited all the sites apart from the Cenotaph, which he had visited previously.

Cllr Payne had visited all the sites, but did not get a good view of Waterside.

Cllr Barrell had visited, Waterside, The Co-op and 7 Park Place.

Cllr Baker had visited Clarence Court Hotel.

Cllr Pineger had visited Clarence Court Hotel and Waterside.

4. Minutes of last meeting

Minutes of the meeting held on 17 June 2021 were approved as a true record and signed by the vice chair.

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

6. 21/00193/FUL Waterside

Planning Officer, Emma Pickernell, presented the report relating to the erection of a two storey replacement dwelling and filling in of the swimming pool. The application was at committee at the request of Cllr McCloskey due to the potential impact on neighbour

amenity. The Officer stated the scheme had been revised and considered it to be an acceptable scheme and recommended to permit with conditions.

Members asked the following questions, with the following replies from the Officer:

- Would the pile foundation be hammered piles or board piles? The exact methodology had not yet been finalised. A condition had been attached asking for a piling method statement and the Environment Health team would be consulted when this was received.
- Where would the construction traffic enter the site from and given there are a number of outbuildings between the house and the road, how would construction traffic get in without demolishing one of them? All vehicular access would be from Copt Elm Road and a condition was attached requiring a construction method statement to be submitted clarifying how vehicles would access the site. Some of the outbuildings would be removed and the pool filled in.
- Were there two roof terraces as there only appeared to be a privacy screen for one terrace? The floor plan showed one roof terrace on the first floor and the green areas on the plan were flat roofs which would have sedum planting on them and were not accessible.
- Was the house declared derelict? The Officer was not aware it was derelict.
- Would the pool be filled in with rubble as this could be problematic? A suitable way with drainage would be found and a structural engineer would be on site.
- Regarding the footprint of the new build, it overlapped with the existing one so as not to upset the offset from the river.
- The Officer was not sure about the increase in square meterage, but said there was not a significant difference.

The Chair moved to the debate and members made the following comments:

- A very contemporary design although people in this area may wish to see a more traditional look.
- New design was interesting and exciting.
- Pleased a bat survey would be done before demolition, as supported bio-diversity.
- Why demolishing one building to build another in its place as this was not a green thing to do? The Chair clarified that if that was what the applicant wanted to do they were entitled to ask for planning permission to do this. The Officer also commented that the existing building was dated and probably inefficient from an energy and insulation point of view and that a new build could be more efficient from a sustainable aspect.
- Was the applicant was duty bound to include electric charging points? The Officer replied that there was no specific policy on this and although the Highways Authority had started asking for this, it was not a condition here as this was a replacement rather than a new build. The Chair added though that this could be included retrospectively.

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

FOR : 11

PERMITTED unanimously

7. 21/00279/FUL Co-op, Leckhampton Road

The Planning Officer presented the report relating to the proposed demolition of an existing bungalow to create additional car parking for the Co-op Foodstore on Leckhampton Road. The application was at committee at the request of Cllr Horwood. The Parish Council had also objected to the revised plans. An additional 8 car parking spaces would be created bringing the total number of spaces to 15.

There were no speakers for this item. In response to Member questions, the Officer made the following comments:

- There were no details of any other sites that had been considered for car parking in lieu of just assuming it was alright to demolish the bungalow.
- The comments of the Highways Officer about the increase of 8 parking spaces were in the report.
- The extra cycle storage racks were predominantly for shoppers but there was no reason why staff could not use them and the Highways Officer had put a condition for a minimum of 6 spaces for bikes.
- Regarding other developments nearby which could lead to this shop becoming bigger and more like a supermarket, a member would address this in the debate.
- A member noted that in the current car park, cars were parking on the roots of trees of the next building. The Officer confirmed that there was much concern about cars parking dangerously and on the footpaths and this was one reason why it was at committee.

There being no further questions, the Chair moved to debate and members made the following points:

- Since the Co-op had been rebuilt some 10-15 years ago the car park had become very insufficient and had led to traffic problems and safety issues. Pressure was put on the Co-op to purchase the bungalow by the Parish Council to try and alleviate this situation and this current proposal went some way to doing this and making it safer.
- The question of any new development was irrelevant as this was one of the most heavily driven to Co-ops, a member knew of.
- Could not support the loss of a residential building for 8 parking spaces.
- Unconvinced this would help the traffic situation – felt it would generate even more traffic in and out of the site.
- Be even more vehicles on the pavements endangering pedestrians.
- Proliferation of a commercial development on a residential street.
- No representations from local residents in favour of scheme, most against.
- This was a convenience store and should be used by the locals; increasing parking space will increase the problem, make things worse together with the loss of a good dwelling.
- Arguments on both sides – there is very little parking in that area, with a large development around Kidnappers Lane with a huge number of new houses with very few shops. There is a need for people to use this shop, but also the need to maintain the bungalow which is in a good position.
- Supportive of the increase in cycling provision and if parking area full, people may drive further away to a larger supermarket.
- New developments would outweigh the loss of one bungalow.
- Difficult to support – need housing and should be encouraging people to walk and cycle. Approving demolition of a bungalow for a car park is not going to help climate change and will accentuate car use.
- Proposed to refuse on grounds of HM3 loss of accommodation and SL1 impact on loss of neighbourhood amenity, plus Council's policy on bio-diversity and climate change.

There being no further comments the Chair moved to vote on the substantive to permit.

FOR : 3

AGAINST : 7

ABSTAIN : 1

LOST

Moved to vote for refusal on grounds of HM3 loss of housing and SL1 loss of amenity on neighbourhood.

FOR: 7

AGAINST : 3

ABSTAIN : 1

APPROVED TO REFUSE on grounds as mentioned.

8. 21/00583/FUL Clarence Court Hotel

The Planning Officer presented the report relating to retrospective planning permission for the construction of a pergola. The application was at committee at the request of Cllr. Payne, due to the impact on the amenity of the surrounding residents and wider locality.

David Jones spoke in opposition to the application, summarising the key issues that objectors had put forward. Although the application was for a pergola, the intention was to provide a new outdoor dining area with room for 32 spaces. The justification given for this was based on feedback from customers at the end of the first lockdown, which would have been skewed in favour of outdoor dining due to the circumstances at the time. Allowing up to 32 more people to dine and drink outdoors in the evening would increase noise pollution. He did not object to a pergola of appropriate size and style to enhance the garden, but felt that this one did not do this. It would also compromise neighbours' security, since the frame would provide access to their roofs. He asked that members decline the proposal until a modified scheme could be submitted with suitable limitations on trading hours, noise levels and lighting.

In response to Member questions, the Officer made the following comments:

- The issue of noise may be considered as relevant to the application, but the lighting does not require permission. Any homeowner can put up a spotlight on their property without planning permission, although Environmental Health would investigate anything in contravention of building regulations.
- The closing time for outdoor drinking and dining has been set at 9:30pm, and 9pm on Sundays. The 11pm cut-off referenced by the public speaker refers to indoor drinking and dining.
- The hotel may need to have a specific licence for outdoor dining but this is a question for Licensing.

There being no further questions, the Chair moved to debate and members made the following points:

- The majority of comments in favour of the application are from people who do not live near the hotel and would not be affected by the loss of neighbour amenity.
- The application neither conserves nor enhances a Grade 2 listed building.
- The design of the pergola is not in keeping with a Georgian garden.
- The light and noise pollution would cause significant nuisance in what is a residential square.
- The Civic Society has raised major concerns about the application.
- The front lawn of the hotel already offers allows outdoor dining, so the pergola is not offering anything new.

There being no further comments, the Chair moved to vote on the substantive to permit.

FOR : 0
 AGAINST : 10
 ABSTAIN : 1

LOST

Members discussed the possible reasons for refusal, which included heritage grounds and the impact on neighbour amenity. The Planning Officer outlined the relevant policies, including SL1 from the Cheltenham Plan and JCS policies SD14 and SD8. One Member added that section 16 of the NPPF, regarding conserving and enhancing historic buildings, could be relevant.

There being no further comments, the Chair moved to vote on refusing the application on the following grounds:

1. By virtue of design, scale, layout and form the proposed pergola would lead to less than substantial harm to the significance of the listed building by detracting from its architectural and evidential value. The harm would not be outweighed by the public benefits.

The scheme is contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework (2021) and Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017).

2. The proposed pergola by reason of its use, position and proximity to the neighbouring property would result in an unacceptable impact to the amenity of the surrounding neighbours and the wider locality.

As such, the proposal is contrary to Adopted Cheltenham Plan (2020) policy SL1, adopted JCS policy SD14 and advice contained in the NPPF.

FOR : 10
 AGAINST : 0
 ABSTAIN : 1

APPROVED TO REFUSE on grounds as mentioned.

9. 21/01102/CONDIT 7 Park Place

Planning Officer, Emma Pickernell, presented the report, which related to a partly retrospective variation of conditions and an alteration of an existing Coach House to create a new dwelling.

Mr Andrew Booton spoke in objection to the application on behalf of Cheltenham Civic Society, suggesting that the application failed to preserve or enhance the character or appearance of the building or the area. He suggested that the applicant was seeking to reverse engineer the situation and subvert provisions for heritage assets. Citing NPPF paragraph 135, he warned that the Council could be in breach of its duty to ensure that the quality of approved development was not materially diminished between permission and completion. He also argued that the proposed materials were both uncharacteristic of the conservation area and unsustainable, contradicting the Council's green policies.

Members asked the following questions:

- Would the timber windows in at the moment be changed to aluminium, or the other way round? The Planning Officer clarified that if the application was approved, the front and gates would be changed to timber, while the windows would stay as they are.

- A member asked if the roof change or stay as it is as the tiles currently appeared to be black and shiny and dominate the area, but the photos looked different. The Planning Officer confirmed that the roof was Spanish natural slate, and it would stay as it was.

The Chair moved to debate, where Members made the following points:

- The changes in material improved the application as it would be more in keeping with the character of the building and area.
- The application sought to preserve a meaningful dwelling for someone to live in and that was a positive thing. The Planning Officer clarified that the policy objective was to preserve or enhance dwellings, and this application did the former.
- The application should not be rejected simply because it was not perfect, when a perfect option may not come along.
- The current building was interesting and well-preserved but nothing special, and could be improved.

The Chair moved to a vote on the Officer recommendation to permit.

For: 9

Against: 1

Abstain: 1

PERMITTED

10. 21/01351/LBC Cenotaph

There being no questions or comments from members, the Chair moved straight to a vote on the incising of two new names on the war memorial within the curtilage of the Municipal Offices and the Officer's recommendation to permit.

GRANTED unanimously.

11. Appeal Updates

Noted.

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

None.

Chairman