

Planning Committee

Thursday, 22nd September, 2022

6.00 - 7.00 pm

Attendees

- Councillors:** Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
- Officers in Attendance:** Nick Jonathan (Solicitor), Lucy White (Senior Planning Officer), Liam Jones (Head of Planning) and Victoria Harris (Planning Officer)

1. Apologies

Apologies were received from Cllrs. McCloskey and Nelson.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Cllr. Oliver had visited the sites at Imperial Gardens (5b) and All Saints Road (5c).

4. Minutes of the last meeting

The minutes of the 18th August meeting were approved and signed as a correct record.

5. Planning Applications

5. 22/01078/FUL Prince of Wales Stadium, Tommy Taylors Lane, Cheltenham, GL50 4RN

The Planning Officer, Victoria Harris, presented the report, which related to two portable steel containers on existing hardstanding at the Prince of Wales Stadium. It was at committee because the council owned the stadium.

In response to a Member question, the Planning Officer confirmed that the applicant, Cheltenham Country Harriers, would be responsible for looking after the containers.

There being no further questions or debate, the Chair moved to the vote:

Vote on officer recommendation to permit subject to conditions:

FOR: 9

AGAINST: 0

ABSTAIN: 0

PERMITTED

5. 22/01200/FUL Imperial Gardens, Promenade, Cheltenham

The Planning Officer, Victoria Harris, presented the report, which related to the erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens, and was at committee because the council was the applicant.

Speaking in objection to the application, Mr Peter Grimley made the following points:

- there were two reasons to refuse the application, the first being air pollution and the second being the harm it would create.
- the design and access document stated that the operator must not use 100% diesel-powered generators, but must instead use either hybrid or biodiesel sources. In reality, there were no hybrid generators big enough to power an event of this size, so it would have to be biodiesel, probably HVO (hydrotreated vegetable oil)
- last year's ice rink consumed 34,540 litres of red diesel over 42 days, emitting 100 tons of CO₂ – an unacceptable amount by the council's own admission.
- running on HVO for 46 days this year would be equivalent to 40 on red diesel, which surely could not be acceptable if 42 were unacceptable last year.
- the application was based on erroneous or insufficient data, and failed to recognise the limitations of biofuels and their effect on local air pollution.
- in 2013, when the committee granted permission for the current 70 day period, it stated that this was the appropriate balance between allowing use of the gardens to continue while protecting the amenity of the site, the locality and the local community
- more than doubling the permitted event days would destroy that balance and protection and double the harm.
- this proposal ignored previous planning decisions, policies and legislation.
- it was not 75 days but rather 145 of significant harm, and there was no clear and convincing justification for this.
- it ignored the requirement that great weight be given to the asset's conservation.

Member questions

In response to questions from Members, the Planning Officer confirmed that:

- the application form stated that the event would close at 10pm each night, though this would be managed through the land use agreement with the council.
- the applicant hoped a fully electrical power supply would be available next year, but could not guarantee that this would be the last year using generators.
- the 'ancillary Christmas activities' described in the report were still quite vague at this point, though she had asked the applicant to provide more detail.
- the agreement of the Environmental Health Officer was required for the generators to be used, and if he did not approve then the condition requiring his consent could not be discharged until an agreement was reached.
- the application was for the principle of the land, and only limited information could be provided as they did not know the user at this point.

Member debate

In debate, Members made the following points:

- it was unfortunate that the committee did not have any assurances about the use of mains electricity, and a proper mains supply seemed to be some way off.

- the difference between biodiesel and normal diesel was relatively minor, and biodiesel was very expensive.
- the noise of a diesel generator would cause particular harm to hotel guests and affect Cheltenham's reputation as a tourist town.
- the application was contrary to the council's recently agreed Climate Change SPD.
- other venues in the town were more suited to an event of this kind, especially those with mains electricity.
- there was no doubt that the ice rink and Christmas market would be a huge economic boost to the town, but it was important not to contradict the council's own climate change policies by allowing generators to be indiscriminately used.
- the applicant's promise that they would not use 100% diesel generators was not reassuring without greater detail, as this could technically mean 99% diesel.
- they needed to mitigate the environmental impact and judge whether it met their high standards, and this could not be done without a full picture of the situation.
- when the 70 day period was agreed back in 2013, it was clearly stated that this would never increase again, but now they were looking at a further 75.
- generators produced carbon fumes in what was meant to be a carbon neutral town.
- the ice rink damaged the grass in Imperial Gardens.
- it was good to see a large number of visitors to a park that was not used much in December and January, but any negative effects like the damage to flowers and grass needed to be mitigated in compliance with the Environmental Health Officer's requirements.
- residents had been vocal in their concerns about noise.
- there needed to be some assurance that they would not find themselves in the same situation again next year.

The Chair suggested that there were two possible courses of action: deferring the application until they had more information, or approving it with tightened conditions regarding the electrical supply and the length of the permission.

One Member cautioned that deferral might effectively be rejection considering the time pressure, and another Member noted that a provider would not be found unless the application was approved in principle. The Head of Planning added that the Environmental Health Officer had already given feedback on the application, so deferral would be unlikely to bring any greater detail from him. Members' concerns about the future electrical supply could, however, be controlled by condition.

One Member suggested that the key problem was the generators. If Environmental Health were to have a significant objection to them then the plan would not progress. Another Member responded that it was not just about the generators, with other factors including conservation and the damage to the gardens.

Vote on deferral:

FOR: 2

AGAINST: 7

ABSTAIN: 0

NOT DEFERRED

The Head of Planning explained how the specific issues with the application that Members had raised could be solved through conditions. A condition could be imposed ensuring that diesel generators were not used, while another could ensure that generators of any kind were only permitted for one year rather than in the two following years as well. They could also specify a particular type of generator, in consultation with the climate change team.

He suggested amending condition 5 as circulated to require details of what exactly they were approving, in consultation with the climate change team. A condition would also be added which retained the three-year consent but only allowed generators in the first year. The precise wording of the conditions would be delegated to the Chair and Vice-Chair.

Vote on the proposal to permit with tighter conditions applied:**FOR: 7****AGAINST: 2****ABSTAIN: 0****PERMITTED****5. 22/01257/FUL 90 All Saints Road, Cheltenham, GL52 2HQ**

The Planning Officer, Lucy White, presented the report, which related to the insertion of a first floor gable window and the installation of three roof lights to the front and rear roof slopes of 90 All Saints Road, and was at committee because the applicant was a borough councillor.

There being no Member debate or questions, the Chair moved to the vote.

Vote on officer recommendation to permit**FOR: 8****AGAINST: 0****ABSTAIN: 1****PERMITTED****6. Appeal Update**

The appeal update was noted.

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

There were none.

The Chair added his thanks to Nick Jonathan (One Legal) for his hard work during his time as the committee's Legal Officer, and wished him every success in his next venture. Cllr.

Barnes added his thanks to Nick for his advice and generosity during his time as the previous Chair. Michael Ronan was introduced to the committee as his interim replacement.

Chair