

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 19 January 2023

Meeting time: 6.00 pm - 7.10 pm

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler

Also in attendance:

Claire Donnelly (Planning Officer), Michael Ronan and Liam Jones (Head of Planning)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

Planning view visited all sites.

Councillor Nelson visited all three sites and Councillor Andrews visited The Swan

4 Minutes of the last meeting

The minutes of the 15th of December meeting were approved and signed as a correct record.

5 Planning Applications

6 22/01473/FUL and 22/01473/LBC The Swan, 35-37 High Street, Cheltenham, GL50 1DX

The Planning Officer, Claire Donnelly, presented the report, which related to the retention of a temporary structure within an enclosed rear courtyard for up to two years. The application was at committee at the request of Cllr. Tailford because the structures would help a local business during a time where help is needed, and the officer recommendation was to refuse.

Speaking in support of the application, the public speaker explained that he had run the Swan since 2012, enjoyed being a part of the Cheltenham community and hoped to continue doing so. The business employed 14 local people and had a strong policy of supporting local businesses and local independent suppliers, in order to build a better, more affluent and more characterful town. The ongoing impact of the pandemic had hit his businesses hard, and they were facing an existential threat for the first time. Another consequence of the pandemic was that some customers were still only comfortable sitting outside. They were not able to sell as much as they could before the pandemic, their costs were considerably higher and they had debts to repay, it is an environment that is very tricky and we need support to continue.

The temporary structures have been a lifeline to the business, enabling it to trade and serve our community in exceptionally difficult circumstance over the last few year. The structures continue to play an invaluable roll in keeping us afloat, providing shelter to 78 covers, when without them we have no outside cover. Without them the business would miss out on trade that the business cannot afford to miss out on, jeopardising the business. Cheltenham has lost around a third of its pubs in my 20 years of trading here and leaving The Swan empty and tenantless now at a time when new capable tenants would be a fool to take it on would be a real risk to its continued existence as a pub, which would politely suggest, is the bigger threat to the heritage of the building and of the town.

The structures that have been put up are temporary and understand the need to remove them in good time and, if they need to be replaced them, it was understood that the applicant would need to go through the necessary planning procedures. The applicant has produced a schedule to this effect. The applicant was asking the council for the time and the commercial space to do this.

The structures themselves are very easy to remove and will leave no mark on the building, it will be as if they never existed. Furthermore the structures are not visible from the High Street and barely visible from St James's car park, my customers, who have chosen to be sheltered by them, will ever see them. They have sheltered us for the pandemic but there is still a need for them.

Councillor David Willingham – speaking as night-time economy champion made the following points:

- Heritage assets are important, but this decision isn't just about that the committee needs to ask what message we want to send out – are we open for business, and willing to support small local businesses?
- It is clear that this is temporary structure.

- Most of the heritage statement is about the façade of the building, the rear is not what we're trying to affect. Need to support Cheltenham's award-winning night-time economy, including Purple Flag status for a thriving and vibrant nightlife. Sends a negative message if businesses are not permitted to do something to maintain their viability.
- GDP figures for November have affected night-time economy, hospitality has a huge part to play in economic recovery but operating costs like heating/fuel are so high, making independent businesses especially vulnerable. Challenging festive period, many businesses don't have the cash reserves to get through early 2023. This application will give them a boost during race week in particular. Small 'p' political decision about what message we want to send to business, and it doesn't do any damage to the heritage asset.

Councillor Willingham explained that he was not addressing the committee as the Ward Councillor but as Champion for the night time economy.

Councillor Izzac Tailford then addressed the committee as a ward councillor for All Saints. He made the following points:

- That essentially a question of public benefit (economic, social, environmental) vs heritage cost. Economic – hugely valuable to the local community, reinvests almost everything they make back into local suppliers and businesses, also encourages people to spend in the Town Centre. Environment - great environmental benefit as they are sourcing everything from the South West rather than internationally. Social benefit – the Swan is a welcoming and safe pub for everyone in the community, having hosted inclusive LGBTQ+ events. Valuable for people all across the town.
- 45% of their covers use this sheltered outdoors area – without it, rain/cold makes this impossible. Also helps people to feel more safe sitting outside as the pandemic continues. Beneficial to public sector equality requirements, inclusive for immunocompromised people or those with other health issues. Without that, we're removing their access to a safe environment. Temporary design, mostly wooden, can be removed easily. They're also basically inoffensive, only really visible from the car park. Not a single public objection.
- Supports council objectives – cultural offer, ensuring residents benefit from gives the Swan the best opportunity to recover from the pandemic and survive as a business.

The Chair moved to Member questions and the responses were as follows:

- The Planning Officer responded that she and the Conservation Officer had met the applicant on-site to discuss if permanent structures could be achieved in the future. The CO confirmed that it could, though full support council not averse to anything going there
- The design as it is now is the concern
- There is scope for other structures on a permanent basis
- The Legal Officer explained that the NPPF material considerations did require Members to give weight to the asset's conservation, but this had to be balanced against the public benefit.

The Chair moved into the debate, where the following points were made:

- The structures are temporary, will be there for no more than two years
- The Town Hall, for example, is a Grade 1 listed building, this hasn't stopped us putting structures up around it. Can be done without compromising it as a heritage asset.
- Key point here is that they are barely visible from the front and not in any way obtrusive.
- Covid restrictions may have ended but the corresponding behaviour changes have not, a lot of people still feel safer eating outside. Real social benefits here which we can weigh heavily against the heritage impact
- No public objections whatsoever to this application
- Owner's business model is clearly something the council should support
- The impact on heritage asset would be more significant if the structures weren't permitted, as this could lead to the business failing
- Always an emotive subject when the survival of a business could be at stake. We are concerned with planning issues, cannot get sidetracked by other factors. Having said that, the request for a two-year extension while they consider options for a permanent structure (which would again have to come to Planning) is very reasonable, and the social aspect of the application is important. The concealment of the structures from the front mitigates any heritage impact. On balance, it would be preferable to allow it for two years, in the understanding that the owners will bring forward any plans

There being no further comments, the Chair moved to the vote on the officer recommendation to refuse.

FOR: 0
AGAINST: 10
ABSTAIN: 1

The Legal Officer clarified that the reason for rejecting the officer recommendation to refuse was that the public benefit of the application outweighed the heritage impact.

One Member proposed that the application be permitted.

FOR: 10
AGAINST: 0
ABSTAIN: 1

PERMITTED

7 22/01743/FUL St Peters and The Moors Big Local

The Planning Officer, Claire Donnelly, presented the report, which related to the erection of a new single-storey Community Sports Hub building, the creation of a new private access road off St. Peters Close, the expansion of the existing carpark and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting. The application was at the committee because the council owned the majority of the site, and the officer recommendation was to permit.

Speaking in support of the application

Councillor Victoria Atherstone spoke as Ward Councillor and made the following points:

- Fully supportive because it will provide many advantages to the local community in St Peters and beyond.
- Planned enhancements are for a dedicated sports club (Saracens FC) and a community space. Area has seen improvements over the years thanks to the club, sincere thanks to them for what they've done in the community. They've waited many years for this application to come to fruition, will provide proper facilities for matches and training. Connects building to wider community.
- The area currently prone to ASB, e.g. joyriding and fires. Dedicated community space will help to reduce this. Hidden gem that it would be great to draw more people to.
- Popular with families, dog walkers and cyclists, will be a safer piece of green space as a result. St Peters Close feels disconnected from the rest of the community due to poor infrastructure, this will connect communities together. Feels like an important moment in time, proud to be able to speak in support. Hugely valuable development for residents.

Also speaking in support of the application Councillor David Willingham echoed his Ward Colleagues words and went on to make the following point:

- This has been a long time and a lot of hard work in coming, negotiating leases and much more. Big Local investment recognised areas of deprivation in need of money to leave a positive legacy. St Peters Close and Square is an isolated community, faces onto Tewkesbury Road with very little access. This is a community hub with a transformational effect on that. We've worked with Saracens FC for a long time and many council departments to bring this to the committee. Really important, please vote to permit as per the officer recommendation.

There being no Member questions, the Chair moved into the debate, where the following points were made:

- Supportive of the application as this will give a chance for Saracens FC to move onto the next level. They provide a real service to the community, with teams for boys, girls and juniors too. Money well invested, generational impact. Excellent scheme.
- Cheltenham is blessed to have fantastic football clubs, like Leckhampton Rovers, Southside, Charlton Rovers, Old Pats. All provide such a focus for the community, so many children and young people getting involved. Not something we ourselves cause as a council, it grows organically within the community, we can just support it. Staggering to see the quality of the pitch and the design of the clubhouse, fantastic looking building. Will be used and respected by the local community. Fantastic project, will get down there and watch a game.
- Looking at the application, you'd be hard-pressed to find a single reason for refusal. It's simple, elegant and appropriate for the area. Clear benefit to the community and local area.

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

FOR: 11

AGAINST: 0

ABSTAIN: 0

PERMITTED (UNANIMOUSLY)

8 22/0186/FUL 27 Hulbert Close, Cheltenham, GL51 9RJ

The Planning Officer, Claire Donnelly, presented the report, which related to a proposed new attached garage on a two-storey residential dwelling. The application was at the committee at the request of Councillor Fisher, due to the impact on the amenity of the neighbouring property, impact on the street scene, and turning a detached property to a semi-detached property, and the officer recommendation was to permit. There were no speakers on the item.

The Chair moved to Member questions and the responses were as follows:

- The Planning Officer confirmed that there was no policy requirement for an electric charging point in the garage.
- The Planning Officer clarified that the proposed doors would be 1.6m wide
- measured existing gap as 2.5m
- distance from neighbouring wall would be 100ml
- plans show that the guttering would go in that gap
- gap between guttering and wall would be very small, but they wouldn't physically touch
- The Planning Officer clarified that while the existing car port was attached to the neighbouring house, the proposed garage would have a gap.
- There was not any way the committee can compel the applicant to do more than just leave a piece of wood up there with pitch on it. The Planning Officer responded that that is not a committee matter but a civil matter.
- The Legal Officer added that building regulations would deal with the suitability and legality of the build. Any 'snagging' would be a matter for the relevant parties.

There being no further questions, the Chair moved into the debate, where the following points were made:

- It is hard to call this a garage when you would struggle to get a car in there, though you could put two motorcycles in there.
- Serious reservations given that no car manufactured today would fit through the door, making it a social issue. Approval for wraparound extension mentions that car parking area will be kept available for such use at all times in perpetuity, to enable car parking availability without affecting the highway. This was a reason for planning acceptance, but it doesn't apply as you can't fit a car in there. Changes the appearance of link detached houses. Maintenance aspect also relevant, as they will need to go via the neighbour's land to access the drains and more. Can refuse this on grounds of design, i.e. changing the street scene, and highway safety, as it will encourage people to park in the road more.
- There is a driveway, so plenty of off-road parking available. Not for us to decide what exactly they park in the garage, if anything. No planning reason to refuse it.
- The design leaves a lot to be desired, but it's very similar to a lot of other houses in the area. Can Legal Officer advise on the point relating to previous planning application? The Legal Officer clarified that this referred to a condition attached to the decision notice requiring parking. This condition did not specify what kind of parking,

and had not been breached in any way. The concern raised would not satisfy public interest test for any enforcement action.

- The application would make maintenance of the neighbouring property almost impossible, would move for refusal on grounds of SD4 and the effect on neighbouring amenity.

The Head of Planning clarified that the application was for a modest extension that would not be out of character with the surroundings. Any issue of maintenance would be a civil matter. Planning View visit showed that there is clear space for parking elsewhere on the site, so this is not a critical issue. Straying into areas of maintenance, which isn't for this committee.

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

FOR: 10

AGAINST: 1

ABSTAIN: 0

PERMITTED

9 Appeal Update

The appeal update was noted. One Member highlighted the inspector's comments in paragraph 2 (Preliminary Matters) about permission in principle, which advised that this was an alternative way for obtaining permission for housing-led development. They asked whether this would enable applicants to dodge coming before the committee.

The Head of Planning clarified that permission in principle was just a different application type, and he didn't see any reason why Members would not be able to bring it before the committee.

The status of the appeals re: the Pump Room café and 131 were confirmed by the planning officer - Pump Room have not appealed (exploring options for a revised proposal) while 131's appeal has been submitted, not sure of a start date yet.

A Member queried whether Brecon House had appealed. The planning officer confirmed that they had and that was a paragraph 80 dwelling, subject to a hearing. The date was not available to the officer at that time but will keep the committee updated.

10 Any other items the Chairman determines urgent and requires a decision

There were none and the meeting closed at 19.20.

Next meeting 16th February 2023.