

# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 18 May 2023

**Meeting time:** 6.00 pm - 7.15 pm

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**In attendance:**

**Councillors:**

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

**Also in attendance:**

Victoria Harris (Planning Officer), Michael Ronan, Tracey Birkinshaw (Director of Community & Economic Development), Lucy White (Principal Planning Officer) and Nicole Gillett (Principal Planning Officer)

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## 1 Apologies

Apologies were received from Councillor McCloskey. Councillor Clark was present as a substitute.

## 2 Declarations of Interest

Councillor Payne declared an interest in Agenda item 5a, as Prestbury Parish Council representative on the Liaison Committee at Pittville Student Village.

Councillor Oliver declared an interest in Agenda item 5a, as he has relatives on the management team at Pittville. He said he would leave the Chamber for this item.

Councillor Baker declared an interest in Agenda item 5c - as a trustee, he would speak on the item then leave the Chamber, with Councillor Barnes taking over as Chair for the rest of the meeting.

### **3 Declarations of independent site visits**

Councillors Bamford, Fisher, Oliver and Andrews all independently visited the Lido (Agenda item 5c), and Councillor Nelson visited all three sites. Other Members visited all three sites as part of Planning View.

### **4 Minutes of the last meeting**

The minutes of the meeting held on 20th April 2023 were approved unanimously and signed as a true record.

### **5 Planning Applications**

#### **6 21/01696/FUL Pittville Student Village, Albert Road, Cheltenham GL52 3JG**

Councillor Oliver left the meeting for this item, having declared an interest.

The case officer introduced the report as published, saying the previously-approved proposal had been brought back to Committee as it had not yet been implemented due to a significant delay in the completion of the Deed of Variation. The only matter for consideration was the revised commencement date and any changes in site or neighbourhood characteristics since the original permission was granted in November 2021. The recommendation was to grant.

There were no Member questions and no Member debate.

#### **Vote on officer recommendation to permit**

Unanimous

**PERMIT**

#### **7 23/00345/FUL Glencairn, Greenway Lane, Charlton Kings, Cheltenham GL52 6LB**

The case officer introduced the application as set out in the papers, for a revised scheme, following the grant of three planning permissions in 2022. The proposal is very similar to the most recently permitted scheme, with the front now rendered, porch reduced in size, and detached home office removed. In addition, clear-glazed bedroom and landing windows are proposed, with the works partly carried out. The recommendation is to grant permission, with conditions.

#### **Public speaking**

##### **Neighbour, in objection**

Speaking on behalf of three neighbours, all of whom share a boundary with application site, the neighbour thanked Members for the opportunity to share their concerns, at the end of a long and drawn-out process, and said he appreciated their site visits. To summarise, he said that as a previous single-storey dwelling, it was

always going to be a challenge to maintain privacy for all concerned when adding a storey, but the applicant had previously managed to achieve this, with the previously approved scheme. This new request to change the glass in the rear dual aspect dormer window from obscure to clear glass will impact the privacy of all three neighbours, with direct views into bedrooms, lounges and bathrooms, as well as gardens. Neighbours had hoped the issue was resolved six months ago, when the applicant agreed that the glazing should be obscure to maintain privacy. He appealed to Members to imagine how they would feel in this situation, and asked them to vote to protect the neighbours' private spaces.

### **Applicant, in support**

The applicant said he had worked with planning officers, architects and building control from start to finish when modernising this dilapidated 1960s bungalow, and that the clear glass in the new rear dormers not only complies with and exceeds all planning guidelines, but is in keeping with other properties in the neighbourhood. The angle of his house gave no clear site-line to neighbours' properties. Under permitted development, the dormer extension could be fitted with a wall of glass, which would have a far greater impact on neighbours; the request for two modest, clear windows was therefore reasonable. None of the many windows, French doors and skylights on properties visible from Glencairn are currently obscure-glazed, and all three of the objectors have windows and doors with views into neighbouring gardens. His request is in character with the area and complies with planning guidelines.

### **Member questions**

In response to Member questions, the case officer confirmed that:

- the application is part-retrospective; the majority of the work is complete;
- the bedroom window is currently obscure-glazed, the landing window is already clear-glazed, so the proposal only concerns a change to the bedroom glazing;
- an extension very similar in size, with clear-glazed windows all along the dormer, could be carried out under permitted development;
- the only reason why this proposal isn't classed as permitted development is because the proposed materials do not match the existing roof; there are no limits to the size of windows.

### **Debate**

In debate, Members made the following points:

- the applicant should have complied with the permitted scheme, as previously agreed with neighbours. The revised proposals change the palette and materials, and to say this work could be carried out under permitted development is a red herring;
- converting a single-storey house to a multi-storey one is always going to result in some overlooking, but clear views into neighbouring lounges and bedrooms is not acceptable and represents loss of amenity. If obscure-glazed windows solve the problem, this is the right way to go;
- on Planning View, it was clear that the clear-glazed windows allowed views straight into neighbouring houses; obscure glass would be a compromise and should be retained;

- although overlooking may be an issue here and Members feel sympathy for the neighbours, all policies point towards permitting the proposal;
- regardless of what has previously been permitted, the applicant is entitled to come back with a different scheme, proposing a re-alignment of the lay-out and change of materials;
- although there is no question that some overlooking will result from the proposed changes, there are many hundreds of houses in Cheltenham which overlook each other. This is inevitable with new houses in backland development, and it is unreasonable to expect bedroom windows to be obscure-glazed;
- the difference is that those houses were built like that, but in this case, a situation which has existed for a number of years is being drastically altered. Obscure glazing would make the neighbours happy, and the applicant should be prepared to stick with his original proposal.

The Chair reminded Members that the proposal complies with local and national planning guidelines, and the distances between the windows are significant; clear reasons will be needed to refuse the application to avoid the risk of costs at appeal. He drew their attention to a recent appeal which was lost, with costs awarded against the council, where the Inspector considered their objections on the basis of overlooking were unreasonable. The case officer reminded Members that in all three previous applications, only the landing window was conditioned to be obscure-glazed; the bedroom window was not.

**Vote on officer recommendation to permit**

7 in support

4 in objection

**PERMIT**

**8 23/00479/FUL & 23/00479/LBC Sandford Lido, Keynsham Road, Cheltenham, GL53 7PU**

Councillor Barnes took the Chair.

The case officer introduced the report as set out in the papers, pointing out to Members that although the Conservation Officer had some concerns and considered the solar panels would be an intrusive feature, this is regarded as 'less than substantial' harm which, under NPPF guidelines, must be weighed against any public benefit of the proposal. Officers consider the extensive benefits outweigh any harm, and planning and listed building consent is therefore recommended, with standard conditions.

**Public speaking**

**Applicant, in support**

As CEO of the Lido, the speaker said that she and 12 voluntary trustees took over responsibility for the Lido 27 years ago, and have to date invested £3m, diligently balancing heritage with the need for modern technologies. Many swimming pools are facing closure, largely due to unmanageable energy costs, and in 2022 the trustees

undertook a full-site sustainability audit, the findings of which must now be applied to avoid the Lido becoming financially unsustainable. Some energy-saving findings have been introduced, and the next priority is to install solar panels to capture renewable energy, prior to an increase from 14p to 49p when the electricity contract is renewed later in the year. The original engineering has been protected and refurbished, and is regarded as nationally important, and the panels will help to power the pumps and motors.

The trustees are determined that the Lido will remain viable, by managing operational costs and maximising income; decarbonising the facility and reducing the energy bought it will help it remain affordable, honouring the Mayor of Cheltenham's pledge when opening the Lido in 1935. The Lido community is passionate about its survival and it is at the heart of many lives: it provides a heated season for 28 weeks a year, welcomes 200k visitors and 20 sporting and social events a year, and supports seven sports clubs and eight other charities, as well as offering cold water swimming during winter. Like everyone, it has a role to play in reducing the carbon footprint of the town, and granting permission today will allow it to proceed on its sustainability journey.

### **Councillor Baker, in support**

As a trustee of the Lido, Councillor Baker said he had absolute respect for the comments of the Conservation Officer, who does an excellent job protecting Cheltenham's wonderful heritage, and the views of the Civic Society, whose views are always informed and helpful. However, he felt that we are entering new era of 'pragmatic planning', where we have no choice but to listen to and understand the consequences of the climate emergency and do our best to address those consequences. The appalling increase in energy bills is impacting all sectors of economy, particularly owners of domestic and commercial heritage properties, and to ensure their ongoing viability, we must work with them to help them reduce their carbon footprint and consumption of fossil fuels.

Great weight must be placed on the appearance and historic importance of buildings, and the Lido is a much-loved, iconic facility, far more than just a swimming pool. The trustees absolutely recognise the onerous responsibility of preserving and enhancing its heritage and ensuring that it stays open, but the reality is that increased energy bills will severely impact the viability of business, and there is no question of CBC coming to the rescue. Urgent action is required, and although the trustees would have preferred to present a more comprehensive set of proposals all at same time, if this first phase is permitted and can be implemented today, energy bills can begin to be addressed, and the carbon footprint begin to be reduced.

In an ideal world, Councillor Baker said he wouldn't support the application, but in the real world, he has to be carefully pragmatic. There is no local opposition to the proposal, but significant public support. As a trustee, and passionate about supporting Cheltenham's heritage and viability, he is fully supportive of the

application and also excited by the trustees' vision and plans to ensure survival of this wonderful facility and significantly reduce its huge carbon footprint.

After speaking, Councillor Baker left the Chamber for the remainder of the meeting.

### **Member questions**

In response to a Member's question, the case officer said that she didn't know what percentage of the whole energy bill would be reduced with the introduction of solar panels. She understood they would contribute to energy savings, but specific data and breakdown of costs was not required as part of the planning application.

### **Debate**

In debate, Members made the following points:

- this proposal was, at least, a start, although the biggest energy bill at the Lido was likely to be for gas to heat the large volumes of water;
- more could be done, such as air source or ground source heat pumps in the council-owned park next door. If the boiler is a heritage asset, it belongs in a museum;
- CBC needs to step up, not just supporting this and other wonderful heritage assets in the town morally and with kind words, but also financially;
- thanks to the CEO of the Lido for her relevant and succinct comments; it will be good to see what else is planned to ensure the Lido remains sustainable, but with such strong leadership, great things will happen;
- many Members are realising that, while not ignoring the importance of heritage assets, listed buildings and conservation areas, a re-think is needed and more weight given to renewable energy;
- the proposal fits with the council's policy on climate change.

### **Vote on officer recommendation to permit/grant**

Unanimous

**PERMIT/GRANT**

## **9 Appeal Update**

The Head of Planning ran through three appeal decisions circulated to Members, saying that these should be used as learning experiences:

- one decision was based on a difference of opinion between the case officer and the inspector, and highlighted the need for pragmatic planning going forward, as mentioned by a Member earlier in the meeting;
- the second highlighted a key message around consistency in decision-making, where Members introduced a new refusal reason the second time an application came to Committee, and discussion around issues not related to planning forming a large part of their debate. The recent Planning Peer Review picked highlighted the need for Committee to keep a focus on the rules and regulations;

- the third decision surprised officers in the amount of weight the inspector placed on the impact of a single dwelling on the Cotswold Beeches Special Area of Conservation. They are looking at a joint approach between the development management and planning policy teams, and will bring this back to Committee to help guide them in terms of future applications. Members are welcome to email any further questions.

The Vice-Chair repeated the need for Members to take note of appeal decisions, and hoped that a training programme would soon be in place to help them in the future.

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

There were none.

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## REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

April/May 2023

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written Reps	n/a	22/00112/OUT
Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representations	n/a	22/02190/PRIOR

53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written Representations	n/a	22/02201/FUL
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)		Written Representation (Householder)	n/a	22/02075/PRIOR
201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegate Decision	Written representation	n/a	22/01964/FUL

**Appeals being processed**

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written Representation	Not Decided	Planning ref: 22/00839/FUL Appeal Ref: 23/00002/PP1
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation ( <b>New procedure Change now a hearing date is 4<sup>th</sup> July 2023</b> )	Not Decided	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Not Decided	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade, Cheltenham for a	Committee Decision	Written representation	Not Decided	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written representation	Not Decided	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Not Decided	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3

<p>Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire</p>	<p>Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works</p>	<p>Delegated Decision</p>	<p>Appeal Hearing (Date of hearing 18<sup>th</sup> July 2023 <b>(rescheduled for 12<sup>th</sup> July 2023)</b>)</p>	<p>Not Decided</p>	<p>Planning Ref: 21/02750/FUL Appeal Ref:</p>
<p>10 Suffolk Road</p>	<p>First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representations Householder Appeal</p>	<p>Not Decided</p>	<p>Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1</p>

28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Not Decided	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representations	Not Decided	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representations	Not Decided	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1

## Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1
159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1

3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1
37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1