

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 13 June 2024

Meeting time: 6.00 pm - 7.20 pm

In attendance:

Councillors:

Frank Allen, Glenn Andrews, Paul Baker (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Andy Mutton, Tony Oliver, Simon Wheeler and Suzanne Williams

Also in attendance:

Chris Gomm (Head of Development Management, Enforcement and Compliance), Victoria Harris (Planning Officer), Sam Reader (Tree Officer), Michael Ronan (Lawyer) and Ben Warren (Planning Officer)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

Councillor Clark visited the tree.

Councillor Andrews visited 6a, 6b and was familiar with 6c.

4 Minutes of the last meeting

The minutes of the meeting held on 30 May will be considered at the next meeting.

5 Public Questions

There were none.

6 Planning Applications

6a 24/00814/TREEPO Opposite 22 St Margaret's Road

The tree officer introduced the report as published.

The matter then went to Member questions and the responses were as follows:

- The estimate is that the tree is decades old, possibly 50 years.
- The criteria for what is a tree of high value is one that makes a significant contribution and has a safe life expectancy of at least 10 years.
- The tree sits within the red line of development and would be a private tree. If highways at GCC adopted that part of the pavement they would maintain the tree.

The matter then went to Member debate where the following points were raised:

- It is a valuable tree and would support the TPO.
- The developers only objection appeared to be that the tree has damaged the pavement, and this is true of many trees in Cheltenham.

The Head of Development, Management, Enforcement and Compliance clarified that there are exemptions to the TPO. For instance, if planning permission were granted where it requires a tree to be felled in order to facilitate the permission or proposed layout, the planning permission would overrule the TPO. Therefore, the protection of the TPO would be lost if planning permission were granted.

The matter then went to the vote on the officer recommendation to confirm the TPO:
For: Unanimous

6b 24/00471/FUL Little Duncroft, Evesham Road

The planning officer introduced the report as published.

There were two public speakers on the item; the agent on behalf of the applicant and a Ward Member.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The ultimate purpose for the building is to provide space for the applicant's mother to reside in her later years. This is not the case currently and the applicants wish to use the space as an Airbnb and short term let. There are currently several similar properties across the town being used as Airbnb's.
- It is confirmed in the report that the use of the garage for residential purposes does not cause amenity concerns and that the principle of a residential property on the site is acceptable.

- The objection to the scheme is a subjective view that the layout does not conform to the character of the area. However, when considering a new application for a dwelling 30 metres from this site, officers found there to be no prevailing local character. The plot with the converted garage is equivalent to neighbouring plots.
- This application seeks to retain the existing boundary fence on Evesham Road, which is only 30cm higher than the existing permission for 1.5m. This section of Evesham Road has a varied street scene which includes some boundary walls of up to 2m. The 1.8m fence has benefits of preventing trespassing and littering in the applicants property. The timber fence is softened by mature trees behind it and is appropriate with the street scene. There will be no visual benefit to the street scene by reducing the height of the fence.
- It is acknowledged that when the garage was built parts of it did not align with the original permission. The applicant has fully engaged with the council's planning enforcement team and this application is sought to rectify the areas of misalignment.
- It is important to note that planning officers did not find that the building breached policies in terms of the dimensions or its relationship with neighbouring properties and considered their amenity protected.

Councillor Tooke as Ward Member was then asked to address the committee and made the following points:

- When a version of this building which bears limited relationship to what was built was granted planning permission, the conditions of the planning permission were explicit including condition 8 which stated the outbuilding hereby permitted shall not be occupied other than for purposes ancillary to the residential dwelling, Little Duncroft. The reason for this was that use of the outbuilding as independent residential accommodation and resultant subdivision of the plot are inappropriate due to size and configuration of the site and the potential harmful impact on neighbouring amenity, having regard to the provisions of the Cheltenham Plan 2020 and the Joint Core Strategy 2017.
- The scale and position of the building had been negotiated with the applicant prior to application to ensure that was used as a garage and gym. Officers raised concerns with the applicant to remove the first floor residential element and reduce the scale of the outbuilding and to reposition the building closer to the main house. The applicant confirmed that the proposed building would remain ancillary to the main dwelling and would not be occupied separately or independently from it.
- Officers were right to be concerned about the potential for the building to be converted into a self-contained main residential unit in the future as this was ignored and a significantly larger building was built and is being rented as an Airbnb.
- He stated that he would support the officer recommendation to refuse the application and would go further that the existing approval and conditions should remain in their entirety. The use of the building should remain restricted to being ancillary to the main dwelling and should exclude short term rentals. The building should conform with the scale and finishes

approved and the planning conditions previously imposed including those relating to fencing and hedgerow should be actioned.

- This would still permit use as a garage with gym and storage and will reduce the potential for unapproved use and help with amenity impact on neighbouring properties.
- The recent approval at 3 Cleavelands Drive is irrelevant as the building is not similar in design as it is single storey building and has a flat roof.
- Planning permission should be refused and planning enforcement should enforce the original conditions.

The matter then went to Member questions and the responses were as follows:

- Previous planning decisions are important material planning considerations in terms of the structure and the principle of that structure in that location. The proposal is larger than previously approved, as is the footprint and it is higher and used different materials.
- Permission was granted for a fence of 1.5m with vegetation behind to encourage it to grow over the fence to try and mitigate the harsh impact.

The matter then went to Member debate where the following points were made:

- Minded to follow the officer recommendation to refuse.
- Mixed feelings about the scheme and mindful that we do not have a five year land supply. On balance between lack of five year land supply and against the damage of the development. There were no objections from the highways authority and do not consider that there is an impact on neighbouring amenity. Although not the most attractive building it does fulfil climate change requirements. The neighbour to the right of the development has not objected.
- Concerned about the ugly fence due to its impact on the street scene as it is mainly hedgerows. If we were minded to approve would like to condition for the height of the fence reduced to 1.5m as previously approved.
- Concerned that there would also be a loss of amenity to Daneway House if this building is used as an Airbnb. As this is a completely different use to a garage which was originally approved.

The matter then went to the vote on the officer recommendation to refuse:

For: 8

Against: 2

Abstentions: 1

Refused.

6c 24/00519/FUL Leckhampton Reservoir, Leckhampton Hill

The planning officer introduced the report as published.

There were three public speakers on this item; the agent on behalf of the applicant, Parish Councillor and Ward Member.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The proposed development has had two years positive engagement with both planning officers and GCC as the highways authority. Feedback from this engagement has resulted in the number of dwellings being reduced and the removal of any above ground structures.
- The proposed development will involve the removal of the existing lid of the tank and the erection of the dwelling within the existing concrete structure. The dwelling will not be above the height of the reservoir lid and the existing concrete base will be used for the foundations which will alleviate any need for excavation. Due to the nature of the underground structure there will be openings needed to allow for natural light and air circulation. However, these will be limited primarily to the east and west elevations and use internal courtyards to assist with this.
- The redevelopment of previously developed land does not have an impact on the openness of the green belt land and is a form of development that is supported in both national and local planning policy.
- The underground nature of the scheme ensures that the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) is unaffected.
- Despite no requirement for biodiversity net gain at the time of submission of the application, the applicants have sought to do this through native hedgerow planting, wild flower green roof, tree planting and a pond.
- The scheme has sought to its environmental impact through the use of both heat pumps and solar panels. The majority of the development will be constructed from sustainable timber such as the framework, partitions and roof structures.
- The highways authority have raised no objection to the application. Official accident data through the Crashmap website identified that there had been only four minor accidents within the vicinity of the junction of Leckhampton Hill and Old Bath Road this with none recorded in the last 8 years. The site access points achieves the required visibility distances and that the additional car journeys from change of use from storage to residential use would not be severe.
- This is a high quality scheme which incorporates renewable technology that makes good use of a brownfield site within a sustainable location and has been designed to minimise any potential impact on the greenbelt and AONB.

The Parish Councillor was then asked to address the committee and made the following points:

- Leckhampton and Warden Hill parish council planning committee discussed this application in April and unanimously rejected it. Submitted an agreed response that the parish council objected to the application and requested that it be called in to committee.
- The proposed development is on greenbelt AONB and is outside the principle urban area.
- Concerned about safety of vehicular access and the protection of industrial archeology of the site along the footpath.
- Object to the matter of residential development on the site of the disused reservoir as it is outside the principle urban area, it is greenbelt AONB land and the site is highly visible from rising land viewed from public footpaths.

- Concerned about poor visibility of the highway on Leckhampton Hill. Adding an entrance to driveway to the junction will impact the safety of that junction.
- The NPPF section 13 government aim of greenbelt policy is to prevent urban sprawl by keeping land open, the essential characteristics of greenbelt land is the openness and permanence.

Councillor Horwood as Ward Member was then asked to address the committee and made the following points:

- It is an exciting design and appreciate the efforts made to adapt to both the setting and landscape of the site.
- However, serious concerns that windows on the proposed development will impact privacy of number 8 Leckhampton Rise.
- Main objection relates to road safety as this development and the two neighbouring properties have access onto the steep junction of Leckhampton Hill, Leckhampton Road, Old Bath Road, Undercliff Terrace and Undercliff Avenue. Sports bikes and cars descend the hill very fast and there have been multiple accidents here, even if the County Council are unaware. Severn Trent used banksman to guide their vehicles safely out of this site.
- Final concern is permission being granted to build on what appears to be a green field within greenbelt AONB and outside of any planned housing location and surrounded by green space on all sides. It is also adjacent to a historically important and wooded public right of way footpath which cars will have to cross should the permission be granted.
- The officer report acknowledges that this development conflicts with policy SD10 and consider this to be dismissive of policy on greenbelt and AONB. Greenbelt policy SD5 is designed to protect open countryside between urban areas and requires the protection of the openness of the landscape. It is questionable to replace what appears as a field with a house and retain the open character.
- Policy SD7 states that all development proposals in or within AONB must conserve and enhance its landscape not damage it and then mitigate it. Developments must be consistent with the Cotswold AONB Management Plan which prioritises the natural beauty of the Cotswolds, tranquillity and emphasises the special quality of the escarpment that rises immediately above this site.
- Policy CE1.2 of the management plan states that proposals that are likely to have an impact on or create change in the landscape should have regard to the scenic quality of the location, its setting and ensure its views including those into and out of the national landscape are conserved and enhanced.
- Policy CE4.1 states that proposals that are likely to impact on the tranquillity of the landscape should have regard to it by seeking to avoid or where it is not possible should seek to minimise noise pollution and any other oral or visual disturbance. Whilst the development is low lying the sharply rising hillside means that the dwelling, its light, cars, swimming pool, outside dining area and any amplified media or music would all be visible and audible from that hillside. The architect's panel also shared this concern and withheld their approval.
- Important to recognise the recommended conditions in the officer report to prevent the development from changing into something else at a later date, once change of use has been agreed. If the committee is minded to approve

please emphasise importance of conditions 3, 4, 5, 11 and 12 to the landscape. Would suggest the additional of conditions relating to sound and light in order to act in accordance with the AONB management plan.

- Would also draw attention to the informatives of public rights of way designed to protect the public footpath which marks the line of the original Leckhampton tramway and is popular route.

The matter then went to Member questions and the responses were as follows:

- The footpath is a formally adopted right of way and the development itself will not affect it. The only impact will be by vehicles and pedestrians crossing it as access to the site.
- The finish of the external wall be the same as the existing as there is no proposal to finish it in any other material.
- The policy context is the same as when the committee approved two houses on the same site. The NPPF has been updated although minor and wouldn't affect this application.
- There is already a condition on lighting.
- The access is already there and serves the reservoir by Severn Trent vehicles. There is no proposal to change the access as the suitability of it has already been approved. The increased use of the access by another property is a consideration.
- Additional signage on the road is not something controlled by planning and the highways authority have not required any extra signage in their response to the application.
- There is a condition attached to require further details regarding the green roof to ensure it is kept and maintained.
- A general landscaping and layout proposal received and a condition has been attached to require the submission of a full set of details in order to understand the planting and species of plants. This is then reviewed by planning officers along with tree officers and if the scheme is not acceptable it would be negotiated as part of the discharge condition application process.

The matter then went to Member debate and following points were raised:

- A Member felt that this was a superb scheme and commended the officers and applicant for the work on the scheme as it is a sensitive site. Considered it a good use of a previously developed site as it would retain the concrete infrastructure that is there already. Environmentally and sustainably would struggle to see how the scheme could be improved.
- Several Members were fully supportive of the officer recommendation to permit given the permission previously granted for two properties at the location and that no objection was received from the highways authority.
- It is a good use of a brownfield site. However, when looking at the site from the north it is quite an ugly structure at the moment.

The matter then went to the vote on the officer recommendation to permit:

For: Unanimous

7 Appeal Update

Appeal details were noted for information.

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

There were none.