

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 19 September 2024

Meeting time: 6.00 pm - 7.30 pm

In attendance:

Councillors:

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

Also in attendance:

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michelle Payne (Senior Planning Officer) and Michael Ronan (Lawyer)

1 Apologies

Apologies were received from Councillor Allen and Councillor Clark.

2 Declarations of Interest

The legal officer for the meeting explained that members had received correspondence directly from the agent in relation to application 23/01424/FUL & LBC Glenfall House. He confirmed that this did not represent a breach of planning regulation. He noted that members who had read the email had acknowledged the communication to the agent and explained that the decision has not been pre-determined and would be made with no bias and an open mind. He concluded that all members had now received the communication as it formed part of the public report on the application.

Councillor Baker declared a pre-determined position on application 23/01424/FUL & LBC Glenfall House and confirmed that he would leave the meeting during discussion and decision on this item.

3 Declarations of independent site visits

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

4 Minutes of the last meeting

The minutes of the meeting held on 15 August were approved and signed as a correct record.

5 Public Questions

There were none.

6 Planning Applications

7 22/01935/FUL Castle Dream Stud, Mill Lane

The planning officer introduced the report as published.

There was one public speaker on the item; the Ward Member.

Councillor Day as Ward Member addressed the committee and made the following points:

- The proposed transformation of the temporary license granted in 2017 to a permanent license reflects the Council's failure to identify less harmful permanent sites to meet need and fulfil the Council's responsibilities.
- Located within the Cotswold Area of Outstanding Natural Beauty (AONB) the original permission considered that permanent consent would cause permanent harm to the landscape.
- The application does not meet the standards required by policy and does not include the addition of a temporary swimming pool or the 1m+ high fence on Mill Lane. Retrospectively granting planning permission would send a negative message to those who have complied with the rules.
- All public comments received object to the scheme and issues continue to be raised relating to the site in 2024.
- Overflow pipe continues to discharge into the water drain on Mill Lane, impacting those who use the lane.
- Damage carried out to mature hedgerows surrounding the site and very bright and intrusive lighting at night impact both neighbouring properties and local wildlife.

- It would be appropriate to grant a further temporary extension to permission and the council make serious efforts to identify suitable sites within the borough that do comply with planning policy.

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

- Granting retrospective permission would not set a precedent that further properties could be built on this land as the on-balance recommendation is based on the specifics of the case.
- The swimming pool is not included within the planning permission so granting permission would not extend to this structure.
- Permitted development allows a boundary to be erected up to 2m when it is not adjacent to highway and there is no control on the design.
- The permission limits the site to 2 pitches and a specified number of caravans so any further extension into the larger pitch would require additional planning permission.
- To meet the need identified in the Gypsy and Traveller Accommodation Assessment (GTAA) in 2022 4 pitches need to be identified in the borough in addition to the current site.

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

- Issues identified with lighting is a condition to resolve within the application and will be managed by Planning Enforcement.
- The outflow pipe has been addressed previously by Environmental Health and the water was judged to be clear.
- The Council has badly failed to identify suitable traveller sites within the borough which needs to be addressed within future planning.

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

For: 7

Against: 0

Abstentions: 2

Permitted subject to conditions.

8 23/01424/FUL & LBC Glenfall House, Mill Lane

Councillor Baker left the chamber.

The Head of Development Management, Enforcement and Compliance introduced the report as published. He noted that a recommendation to refuse had been issued primarily due the size of the extension which would compete visually with the listed building and not be subservient to it. Two further reasons for refusal related to insufficient details regarding drainage and a lack of financial contribution towards the Cotswold Beechwoods Special Areas of Conservation (SAC). He noted that a water management proposal has been submitted but there has not been adequate time to

review this proposal, and a signed unilateral has been received for the SAC but the legal team have not had time to review and the financial contribution has not yet cleared. He explained that should members be minded to grant permission the final resolution of these two issues could be delegated to officers.

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 applicants have employed a team of highly experienced individuals, including an alternative energy expert, an award-winning architect and a heritage expert, to sensitively restore Glenfall House to its original residential use and put it on a sustainable footing.
- They have worked with officers at every stage and listened to feedback but this has been a protracted and challenging process, particularly due to the changes in Conservation Officers.
- The main house improvements, garden improvements, demolition of later additions, principle of development and the garage and store have all been agreed.
- Four different versions of the proposed new outbuildings have been designed which incorporate the opinion of changing officers' but agreement has not been reached. The first two officers believed that the existing arrangement already competed with the listed building. The new design has a smaller footprint than the main house and existing outbuildings, has been reduced to one and a half storeys, and in the opinion of the heritage expert is in proportion to the main house.
- Officers were asked to consider whether the benefits of architectural and visual cohesion, enhancement of the heritage asset, sustainability, landscape, ecology and tourism gains balance out the harm of the proposal submitted as identified in the report.

Councillor Day as Ward Member addressed the committee and made the following points:

- The application will help preserve and enhance Glenfall House and the income from the holiday lets will help fund the maintaining of the listed property.
- The 5 holiday lets will have a profitable impact to Cheltenham's economy, creating jobs and tourist spending without a loss of residential properties.
- Further benefits include the addition of green measures, a 22% habitat biodiversity gain, a 264% hedgerow gain, insect -friendly lighting, and an agreed financial contribution to mitigate any impact on the Cotswold Beechwoods SAC.
- Most public comments have been supportive, including from a member of family who previously owned the property.

- The proposed use will be less disruptive to local residents than the current permitted use as a hotel.
- The applicants have worked on the application for 2 years with the input of the previous Conservation Officer before their departure, since then 2 contractors have been employed. The current Conservation Officer has not visited the site and their comments and recommendations are the result of a desktop review. Positive feedback on the proposals were received from the previous 2 Conservation Officers, which shows the subjective nature of the judgement.
- Having visited the site the proposals are far superior to the existing, dilapidated structures. The public benefits outweigh the perceived harm of the proposals.

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

- The conversion of the main house back into a residential property means the physical and historic fabric will be in a better state as a heritage asset. The concerns raised by the Conservation Officer relate to the entire proposed rear structure and the impact of this setting on the main house.
- The issues relating to the drainage and the unilateral undertaking are very close to being resolved, so it is suggested that these two issues be delegated to officers to resolve prior to permission being granted, if the committee is minded to approve the application.

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

- The issues raised are balanced against the benefits to the main house and there is a risk of the main building falling into a worse state of repair if permission is not granted.
- The proposals will lead to an improvement in landscaping, with the extension not visible from the better views of Glenfall House from the gardens and front courtyard.
- Strong economic and ecological reasons for approval.

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

For: 1

Against: 7

Abstentions: 0

A motion was submitted by Councillor Wheeler that the full application and the listed building concern application be moved contrary to officer recommendation on the basis that the proposed development, including the demolition of the existing outbuildings and construction of new buildings resulting in less than substantial harm to heritage assets. This harm being outweighed by the significant public benefits, including enhancement of the main listed building, removal of harmful later additions, reinstatement of original features, creation of a more rational layout that enhances the setting of the listed building, the biodiversity net gain in habitats and hedgerows. Further that the issues raised in relation to insufficient surface water drainage strategy and lack of mitigation for recreational pressure on the Cotswold

Beechwoods SAC be delegated to officers for resolution. That subject to these resolutions permission be granted.

The motion was seconded by Councillor Bamford.

The Planning Officer confirmed that a clear direction had been recommended. He recommended that permission be granted with a set of conditions to be agreed between the case officer, the chair and the vice chair. For example, in relation to materials and holiday occupation terms.

The committee voted on the motion and the resolution to approve the application subject to the appropriate conditions to be delegated to officers in consultation with the chair and/or vice chair for the relevant matters which would include but not be limited to things such as holiday accommodation, materials, landscaping, lighting, drainage, Cotswold Beechwood SAC mitigation, and implementation of proposed sustainability measures.

The matter then went to the vote on the motion and resolution:

For: 8

Against: 0

Abstentions: 0

Permitted subject to conditions outlined in the resolution.

Councillor Baker returned to the Chamber.

9 24/00631/FUL 3 Pittville Crescent Lane

The planning officer introduced the report as published.

There were three public speakers on the item; the objector, the applicant and a Ward Member.

The public speaker in objection addressed the committee and made the following points:

- The original planning consent for a fence of wooden construction with a height of 1.40m recognised the nature of the area and crescent but this has been spoilt by the overbearing erection due to the height and quality of the materials used.
- Concerns have been lodged by a number of residents who ask that the fence be replaced by domestic fencing appropriate to the area in adherence with the original planning application.

The applicant addressed the committee and made the following points:

- The material used is a wood look composite material that will not fade, rot or rust, and in appearance is similar to that of a painted fence.

- There are a range of fence types and heights on Pitville Crescent Lane, Prestbury Road and surrounding streets. The fence height matches the original height of the fence on the southern side of the garage and property which was removed to improve the line of site down Pitville Lane and reduce risk of road traffic accidents.
- The property is on a busy corner that is used to access Albert Road and Pitville School, which causes privacy issues for the downstairs areas of the home.

Councillor Tooke as Ward Member submitted a written response to the committee and made the following points:

- The original planning conditions were clear, specific and correct and specified a timber construction of 1.4m without concrete pillars. There have been no material change to the context since the application. It is important that the integrity of the planning process and the authority of the planning officer and committee are upheld.
- The previous fence was low and subservient to the existing building blending harmoniously with the property and surrounding areas.
- The height of the newly constructed fence exceeds the threshold that requires planning consent and is highly visible, disrupting the overall aesthetic harmony of the neighbourhood.
- The council has committed to enhancing biodiversity in the planning process and the Cheltenham Climate Change Supplementary Planning Document (SPD) states that all proposals need to protect existing and enhance future biodiversity value, this should be considered with due regard to proportionality and the scale of development but in all cases high quality, resilient and contextually appropriate ecological and green infrastructure should be the outcome of design. The plastic composite materials are neither environmentally friendly or sympathetic to the natural environment.
- The overwhelming consensus of public comments are opposed to the fence with 14 objections from households in the neighbourhood.

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

- On Planning View only a close inspection revealed that it wasn't wood and it was felt that the property does not offer privacy to the occupants without a tall fence.
- There is a significant difference to the previously permitted height of the fence and it is visually intrusive to the street scene and the edge of the conservation area.
- The development is not in keeping with clause 135 of National Planning Policy Framework (NPPF), policy SD4 of the Joint Core Strategy and policy D1 of the Cheltenham Plan. It was felt that contrary to these requirements this was a prominent and harmful addition and out of character for the local area.

The legal officer reminded members of the cost risk of appeal.

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

For: 1

Against: 6

Abstentions: 2

A motion was submitted by Councillor Baker that permission be refused on policy grounds SD4: Design Requirements 1.i *“New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.”* And NPPF 135 *“Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”*. And the Cheltenham Plan D1 *“Development will only be permitted where it: ... b) complements and respects neighbouring development and the character of the locality...”*

The motion was seconded by Councillor Oliver.

The matter then went to the vote on the motion:

For: 8

Against: 1

Abstentions: 0

Refused.

10 24/01323/FUL 1 Howell Road

The planning officer introduced the report as published.

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

- In the future it may be beneficial to offer owner occupiers in the area of work the opportunity to buy into the work being carried out.

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

For: 9

Against: 0

Abstentions: 0

Permitted.

11 Appeal Update

These were noted for information.

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

There were none.