

# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 19 December 2024

**Meeting time:** 5.00 pm - 7.10 pm

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**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:**

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michelle Payne (Senior Planning Officer), Michael Ronan (Lawyer), Ben Warren (Senior Planning Officer), Amy McArthur (Environmental Health Officer) and Nicole Golland (Principal Planning Officer)

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## **1 Apologies**

No apologies were received.

## **2 Declarations of Interest**

Councillor Baker declared that he was pre-determined on item 6c and would leave the meeting for this item after speaking in his capacity as a Ward Councillor.

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

Councillor Baker declared an independent site visit to 70 Sandy Lane when the application was originally validated to determine whether there were grounds for a committee referral. He confirmed that he had taken legal advice and was not pre-determined on this application.

Councillor Andrews declared an independent visit to 6a and noted that he was familiar with most locations.

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

The minutes of the meeting held on 17 October were approved and signed as a correct record.

#### **5 Public Questions**

There were none.

#### **6 Planning Applications**

##### **7 24/01730/FUL - 1 Coltham Fields, GL52 6SP**

The principal planning officer introduced the report as published.

The applicant submitted a later representation which was accepted by the Chair and read to the Committee by the Legal officer. The applicant's letter explained they had been priced out of Cheltenham and saw this as an opportunity to return. Their new design would provide better living space than the existing unviable permission. They noted neighbour support and plans to make the home eco-friendly

There were two public speakers on the item: the applicant's representative and a Ward Member.

The applicant's representative addressed the committee and made the following points:

- Refusal was partially recommended on the basis that the previous permission granted in 2022 may still be taken forward. The scheme approved has proved to not be viable financially for the purposes of speculative development. Attempts to market the site on the basis of this permission have received no interest and this permission will expire in 2025. Other permissions granted at Coltham Fields 4 years ago have also not been built due to similar financial pressures.
- The new scheme proposed is only viable due to this being self-builders who are intending to build a home for their own use. They are investing in the land and building rather than developing for profit. The Council has a duty to meet self-build demand on a 3 year rolling basis.
- Whilst concern has been raised that the design fills the plot, this is also true of both historic and more recent dwellings on Coltham Fields.
- The newly submitted application is very different in scale, mass, height and design that the one rejected by the previous inspector. It provides double the parking and more than double the amenity space than the previously permitted design.
- No objections have been received from statutory consultees.

- Seven letters of support have been received from those local to the area who have praised the design, the use of a brownfield site and the positive benefits it will bring to the area.
- The two objections received relate to highways and the loss of privacy but the officer's report has concluded the proposal does not cause harm in these respects.

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

- The revised National Planning Policy Framework 125 states that: "Planning policies and decisions should... c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused."
- The lack of mitigation of impact on the Cotswold Beechwoods Special Area of Conservation (SAC) should be dealt with as a condition of approval rather than a reason for refusal.
- Additional reasons for refusal are subjective judgements.
- The proposal would represent a substantial improvement on the current site which includes a high wall topped with wire and abandoned cars.
- Coltham Field residents who have responded to the consultation have been overwhelmingly positive, with 15 letters of support and only 2 in objection. Responses have praised the design, use of space, improvements to the local aesthetic and positive contribution to the community by making better use of existing land.
- The main objection raised concerns a property being overlooked but the officer's report has concluded that the separation distances largely accord with the recommended distances.
- Rejecting approval on brownfield sites increases the pressure to build on greenfield sites, even within Areas of Outstanding Natural Beauty (AONB). Brownfield site development should only be refused when they are clearly in breach of planning regulations, which is not the case with the current application.

In response to Members' questions, officers confirmed that:

- The two objections came from Hales Road and Rosehill Street.
- It could be a condition that a contribution to the Cotswold Beechwoods SAC be agreed with the applicant via a Section 106 agreement.

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

- It is positive that the scheme takes up the whole plot to make the best use of a small site. The design is attractive with good facilities that overcome a lot of the issues identified by the previous inspector.
- It is remarkable to see so many letters of support from local residents who will be the most impacted by the design.
- Due to the size of the plot creating any more meaningful design will be difficult.

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

For: 0  
Against: 11  
Abstentions: 0

Voted against recommendation UNANIMOUSLY.

Councillor Baker proposed a motion that permission be granted contrary to the recommendation as the Committee believe the design to be acceptable and in compliance with policies D1, SD4 and relevant SPD guidance, and that the building won't be incongruous to the street scene. This permission be subject to an agreed S106 contribution to the Beechwoods SAC and delegation of conditions to be imposed by the Officer in agreement with the Chair and Vice Chair. This motion was seconded by Councillor Wheeler.

The matter then went to the vote on Councillor Baker's motion to permit subject to stated conditions:

For: 11  
Against: 0  
Abstentions: 0

Voted UNANIMOUSLY for permit subject to conditions.

### **8 24/01859/FUL - 9 Welch Road, GL51 0EA**

The senior planning officer introduced the report as published.

There were no public speakers on the item.

In debate, a Member made the point that it would be good to offer privately- owned properties in the same locality an opportunity to have work carried out at the same time for a preferential price.

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

For: 11  
Against: 0  
Abstentions: 0

Voted UNANIMOUSLY for permit subject to conditions.

### **9 24/01435/FUL - East Gloucestershire Club, Old Bath Road, GL53 7DF**

The senior planning officer introduced the report as published.

There were four public speakers on the item; two objectors, a supporter and a Ward Member.

The objectors addressed the committee and made the following points:

- On visiting Bicester Padel Club they were horrified by the scale and imposition on the landscape of these very large courts.
- The council has a stated duty to ensure all developments respect the important views within, into and from the College Character Area. The proposed structures are higher than a two storey house and will have a significant impact of the view over the Cotswold escarpment.
- In a public meeting the East Glos club said that they will discontinue the pay and play scheme as soon as contractual obligations allow, and operate as a private members club in an affluent area. This will reduce the impact of the benefits claimed for sport participation, health and wellbeing.
- The public consultation was carried out as a public announcement activity with little opportunity to impact the decisions that had already been made.
- In a public meeting it was suggested that both East Glos and the Planning Department believed it would be problematic to cover the courts in the centre of the club and in site of the club house. Shifting the covered courts to the perimeter shifts the issues raised to neighbouring properties instead.
- The technical noise report does not match the lived experience of the club's neighbours who find that they can't sit with doors or windows open on a summer evening due to the low frequencies involved. On the 16 November the Financial Times described the "cacophonous wallop" of Padel being played. There have also been significant discussions online about the ineffectiveness of acoustic padels.
- It is a prime responsibility of Planning that developments do not cause unacceptable harm to adjoining land owners or to living conditions in the locality.
- The Croquet Club and East Glos Club have occupied their respective sites for over 100 years as amicable neighbours.
- The proposed structures are 8.5m high and 24m long with no architectural merit and will sit on the boundary of the two clubs, obscuring the view from the Croquet Club towards the Cotswold escarpment.
- The Cheltenham Local Development Framework (July 2008) and Cheltenham Plan (July 2020) set out the measures that Planning must take into account, when considering planning applications within the Central Conservation Area – and in particular the College Character Area – within which both the East Glos and the Croquet Club reside. These both emphasise the importance to Cheltenham of preventing erosion of visual amenity within the Conservation Area. One particular emphasis being on the views out of the area towards the Cotswolds. These are called "Key Views, or Vistas". One of these, shown in the 2008 document, is "View of the Cotswold escarpment over Cox's Meadow with Croquet Club in the foreground". This is the same view as that currently enjoyed from the Croquet Club's club house. This view would be obscured by the erection of the proposed Padel court covers.
- The computer-generated image included within the East Glos application underplays the height of the structure, by taking an elevated viewpoint from the far end of the croquet club's land, looking towards the East Glos club

house. This is in the opposite direction to the Key View in the Local Development Framework. The Croquet Club has prepared an image taken from the club house towards the Cotswolds which illustrates the visual impact of the proposal. This image can be found near the very end of the document "Representations".

The supporter addressed the committee and made the following points:

- The East Glos Club has been in existence since 1883 and has always played a prominent part in the sporting life of Cheltenham. It hosts major racket sports at a county, regional and national level. The Club has over 2,100 members aged between 3 years and 91 years. It is open 362 days a year.
- The club is non-profit making and makes significant contributions to local communities, including outreach work with local primary schools, hosting disability sports, providing coaching on behalf of Tennis in the Park and assisting them with fundraising.
- The club offers discounted membership for those on low incomes and non-members can pay and play any sport and take part in all coaching activities. The pay to play offer is not being reduced or removed.
- Padel was introduced in 2021 and provides an easy introduction to racket sports whilst being very sociable and suitable for all ages and abilities. It is particularly well suited for families. No other courts in Gloucestershire offer an affordable offer to play Padel.
- Whilst Padel can be played outside in all weathers virtually all new courts include some element of cover and this is essential for high level competition.
- The East Glos club tries to be a good neighbour and supports the Croquet Club with car parking and catering at major events, grounds maintenance and allows members to be honorary members of East Glos.
- Two consultation events were carried out with the Croquet Club and two were carried out with local resident associations before the first application was submitted. Designs were adjusted in this application to address the concerns raised around noise and the height of the canopy. Further adjustments were made to reorient the canopy and reduce the height of the structure following objections to the first application.
- The canopy is now at the minimum height required by the sport's governing body.
- Since the introduction of Padel one noise complaint has been received by the club after members began playing before the 8am start time, this has now been resolved. Environmental Health Officers' have received no complaints about the noise. The canopy will reduce noise from existing courts, new courts in the centre of the site are further away from neighbours and acoustic barriers have been added. The Environmental Health Officer's assessment say there will be no increase in current noise levels for the Croquet Club or other neighbours.
- The Conservation Officer and Architect Panel feel the design, shape and height of proposals are in keeping with a sports complex in an urban area and feel it will have little impact on the surrounding area.
- There are benefits for participants of playing sport in a social environment for both physical health and mental wellbeing. It will not just be club members that enjoy this benefit but anyone who plays Padel in Cheltenham.

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

- Both the East Glos Club and Croquet Club are much respected and have a significant history in Cheltenham. It is a shame that a proposal could not be developed working together that would satisfy both.
- I accept the applicant did carry out some engagement and that as result some material mitigations have been incorporated to their credit, in particular the reduction of the height of the canopy from 10.8m to 8.5m.
- The proposed construction can only be described as obtrusive and out of keeping with the conservation area, which is afforded additional protections. It will significantly impact the setting, ambience and enjoyment of the Croquet Club users and impact views into and out of the Cotswold escarpment.
- This is in conflict with a number of policies including:
  - L1 Landscape and Setting – ‘the council is mindful of the need to protect views into or out of areas of acknowledged importance such as conservation areas’.
  - D1 Design – “development will only be permitted where it complements and respects neighbouring development and the character of the locality and/or landscape”.
  - SD4 – “new development should respond positively to, and respect the character of the site and its surrounding”.
  - NPPF, paragraph 130 – “developments should be visually attractive and add to the overall quality of the area”.
  - SL1 – “development not causing unacceptable harm to the amenity of adjoining landowners”.
  - SD14 – says development must not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
  - SD8 Historic Environment – “new developments should complement and relate to its surrounding, not only in terms of its appearance”.
- Accept the need for the club to diversify its offer and respond to modern sporting demands but it is a shame that this development could not be accommodated well within the site reducing the impact on its neighbours.
- Padel is a far more intrusive sport than tennis generating a greater level of noise due to the hard bats and pressurised balls. The replacement of one grass tennis court with 4 Padel courts is a considerable intensification of the current site use. On average during a game a ball is struck every 2 seconds and the Dutch Lawn Tennis Association estimates that typical noise levels reach 91db (the World Health Organisation recommends up to 50db of noise to avoid moderate annoyance).
- This development is likely to have a detrimental impact upon local residents ability to enjoy their homes and gardens. Whilst I respect the Environmental Health’s judgement it will be impossible to understand the true impact until the scheme is built. I suggest that if permitted a condition is applied to reduce the operating hours of the 4 new courts to ensure neighbours can enjoy their gardens in peace.

Councillor Baker left the meeting.

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

- Private views and long distance views aren't protected. Public views have been identified as a concern in the character area appraisal. The primary view affected in this instance is from the Croquet Club which is not considered a public view.
- East Glos Club commissioned a noise report to be undertaken which involved the assessment of an hour long Padel game. This found that the LA Equivalent Continuous Level averaged at 54db, with the LA Max peak level reaching 80db. There is significant variation in noise in any sport depending on the intensity of the game and the level of the people playing, so it is difficult to provide a general picture. Environmental Health were satisfied that the data in the report was sufficient to calculate the noise that would be heard from the nearby noise sensitive receptors. The World Health Organisation (WHO) guideline of 50db relates to a 1m distance from the façade of the nearest noise sensitive premises. The distance between the new courts and residents is around 70m which has been accounted for in the modelling, in addition to mitigation and acoustic barriers being put in place.
- No discussion of alternative locations for the canopied courts was discussed with the Planning Team.
- As no objection has been raised by the Environmental Health Team it would be difficult to justify reducing the hours for the new courts to a different level than those of the existing courts.

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

- Both the Croquet Club and East Glos Club make a significant contribution to the community and to the mental and physical wellbeing of residents. Padel, as a sport that is more interactive and family friendly, brings a significant opportunity to boost mental health through continual physical exercise and by introducing groups who may not have initially been interested in racket sports.
- The nature of the sport means that it would be impractical and dangerous to lower the canopy further.
- Amendments made to the scheme seem reasoned and necessary to continue playing and growing the sport, increasing amenity to members in Cheltenham, and improving residents wellbeing.
- The noise experienced by Members whilst visiting the East Glos Club were not significant whilst stood directly next to the court.
- The designs are not particularly beautiful but this needs to be weighed against the benefit provided to the public in general.
- Members felt it would have been possible to come up with a better proposal for the location of the covered courts.
- Concern was raised that this could lead to additional applications in future years for the addition of more covered courts.

Officers offered the following responses to the Member's debate:

- The Environmental Health Officer reported that noise levels from padel games averaged 54 decibels, with peaks up to 80 decibels. She clarified that WHO guidelines refer to noise levels 1 metre from nearby buildings, not at the source, and that the 70 metre distance to residents was accounted for in modelling



- The materials used are fairly standard for all Padel courts and include similar noise attenuation mesh and canopy cover. It would not be appropriate to specify a condition on the materials without confirmation of alternative options.
- There is not sufficient space to require significant landscaping on the boundary of the Croquet Club and courts.
- Whilst an initial preference was stated by Planning for the canopy to be green this was not possible as it would prevent daylight reaching the courts and require a reliance on flood lighting during the daytime. The eye-level side and end panels will be green to mitigate the impact.
- It is important that the decision made by the Committee is on the proposal submitted and should not be impacted on potential alternatives or concern over future proposals.

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

For: 5

Against: 4

Abstentions: 1

Voted to permit subject to conditions.

Councillor Baker re-joined the meeting. Councillor Allen left the meeting.

## **10 24/01670/FUL - 68 Sandy Lane, GL53 9DH**

The senior planning officer introduced the report as published.

There were two public speakers on the item; the objector and the applicant's representative.

The objector addressed the committee and made the following points:

- They are representing the concerns of 70 Sandy Lane and 1 Hartley Close due to concerns about the disproportionate size of the roof and the adverse impact of the enlarged reoriented balcony.
- Previous planning applications for the addition of a hipped roof on the property were rejected due to issues with subservience and harm caused to the street scene and character of the area. This led to a contemporary design with a 400mm height increase which was also rejected by the Committee during a retrospective application submitted during construction. These decisions robustly tested and set the acceptable extent of development.
- The current proposal will add 3.4m to the height of the roof, increasing the dominance and bulk close to the boundary with 70 Sandy Lane.
- The proposed design will be far larger and more dominant than other properties in the area and will be out of character with its surroundings and in conflict with policy D1.
- The report states that subservience is no longer a consideration as it deems the proposals to be a replacement dwelling rather than an extension or

alteration. However, the footprint, layout and windows remain the same and the application described the proposal as an alteration. This does not meet the requirements of policy H1. Allowing amendments to be considered as new dwellings to avoid policy requirements on subservience risks setting a harmful precedent for future large extensions.

- The proposed balcony will double in size, projecting outwards and reorienting towards Leckhampton Hill. Unlike the existing Juliet balcony this would provide 10m<sup>2</sup> of space to accommodate a table, chairs and a sofa. Enabling the space to be used for socialising will dramatically increase overlooking with direct sightlines into neighbouring gardens. Case law fully supports the principle that if some overlooking exists, reorienting and intensification must be assessed for additional harm. With increased balcony use becoming more frequent, the use of our private patio space will be negatively impacted, which should be protected by policy S1.
- The report misapplies the window to boundary standards to a balcony, which does not align with established planning principles. Case law establishes that balconies cause greater harm than windows, particularly to private amenity spaces. SPD requires a minimum distance of 21m, with a minimum of 10.5m to boundary.
- Whilst we oppose the scheme in the current form we believe it is possible to reach a compromise by reducing the scale of the roof and adding screening methods to the balcony. This would alleviate the harm caused to the character of the area, the conflicts with policies D1 and S1, as well as protecting the privacy and enjoyment of neighbouring properties.

The applicant's representative addressed the committee and made the following points:

- The property was extended in the recent past by the previous owners. Unfortunately this extension was not well constructed leading to the roof and other elements failing, including leaks, the cladding on the parapets coming away and the render on the chimney being blown. The application seeks to resolve these problems by introducing a pitched roof and overhanging eaves.
- The design arguably will improve the appearance of the property and the overall street. Some neighbours have welcomed the proposed design as shown in the representations.
- The footprint of the building has not been changed and whilst the roof height will increase, the slope of the street will keep it in line with the stepped rooflines.
- The hipped roof design means it does not appear bulky and by sloping the roof away from 70 Sandy Lane it will create more visual space for that property. 70 Sandy Lane was itself recently generously extended to within 1m of its other neighbour. The window facing 70 Sandy Lane will be obscured as it is for a bathroom.
- Sandy Lane and other local streets have significant variety in designs and sizes of properties, with many extended or rebuilt. The scheme will unify the design of the existing house and the range of designs locally will mean the proposal is not out of place.
- The existing balcony to the rear of the property is not a Juliet balcony and whilst the proposal increases the depth of the balcony it will also reduce the

width, increasing the distance from 70 Sandy Lane. In that context the amended boundary has no greater impact from the existing and there is no conflict with policy or separation distances as confirmed in the report.

- Whilst Officer's did not require the change, measures to address neighbours' concerns through landscaping are a matter of ongoing communication.
- The report confirms the design is not harmful and complies with relevant planning policies.

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

- The balcony is increasing in depth by 1m but reducing in width and moving further from the boundary with 70 Sandy Lane. Given a balcony is already in place the Officer considered this to be a reasonably modest change.
- At the highest point of the hipped roof the increase will be 3.4m, the increase in the main ridge line running across the property is 0.8m.
- The report does not say that the application is being considered as a replacement dwelling, but replacement dwellings are referenced within the design section to offer the Committee alternative ways that alterations can be considered when remodelling is taking place rather than a more typical extension. Within the design guidance and SPD, subservience is used to consider extensions added to existing buildings, but where the property's appearance is being changed fully it is considered within the street scene instead.
- The Committee will be approving the application as it stands before them so it would not be possible to reject individual elements such as the balcony. If any element is considered unacceptable the whole application would need to be rejected.

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

- The balcony does not add to the visual quality of the design and may be detrimental to the neighbours due to increased use of the balcony space. However, as a balcony already exists the difference to neighbours would not be as extreme as the addition of an entirely new balcony.
- The Committee were frustrated that the applicant had not made greater efforts to resolve neighbours' concerns through the inclusion of a screen at the end of the balcony. The inclusion of a 2.8m fence panel and some proposed landscaping was noted but due to the inability to condition these elements Members felt this was not guaranteed to be to the sufficient benefit of the neighbour.
- The addition of a pitched roof makes sense due to the current roof leaking and would look more in place within the street scene. Overall the design was felt to be acceptable. However, the scale of the roof was felt to be out of proportion with the street and the smaller neighbouring property. Particularly due to the prominence of the site on the corner of the road.
- Committee Members expressed concerns about the balcony changes, noting it would become a usable living space. There was debate about whether the balcony could be considered separately from the rest of the application, though it was clarified the application had to be considered as a whole.

Councillor Baker proposed a motion to defer the application to allow further discussions to take place on the design of the balcony due to the loss of amenity for neighbouring properties. This was seconded by Councillor Clark. Officers noted that they did not feel this would lead to additional amendments from the applicants.

The matter then went to the vote on Councillor Baker's motion:

For: 4  
Against: 4  
Abstentions: 2

The Chair's additional vote went against the motion and the motion was rejected.

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

For: 5  
Against: 1  
Abstentions: 4

Voted to permit subject to conditions.

### **11 24/01650/FUL - Sandford Park, College Road, GL53 7HX**

The planning officer introduced the report as published.

There were no public speakers on the item.

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

- The flagpole will be used to fly the Green Flag awarded to the park.
- The location of the flag is not on the site previously being used by the NHS to land air ambulances.

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

For: 10  
Against: 0  
Abstentions: 0

Voted UNANIMOUSLY to permit.

### **12 24/01697/FUL - 12 Chelt Road, GL52 5QR**

The planning officer introduced the report as published.

There were no public speakers on the item.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to permit.

### **13 24/00667/LBC - Cheltenham Town Hall, Imperial Square, GL50 1QA**

The Head of Development Management, Enforcement and Compliance introduced the report as published.

There were no public speakers on the item.

In response to a Member's question, the officer confirmed that the other two doors at the back of the Town Hall do not require replacement as their condition is acceptable.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to approve.

### **14 Appeal Update**

These were noted for information.

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

There were none.