

Planning Committee

Thursday, 19th September, 2019

6.00 - 7.05 pm

Attendees	
Councillors:	Councillor Dennis Parsons (Reserve), Councillor Louis Savage (Reserve), Councillor Paul Baker (Vice-Chair), Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Tony Oliver, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay
Officers in Attendance:	Claire Donnelly (Planning Officer), Nick Jonathan (Solicitor) and David Oakhill (Head of Planning), Sophie McGough (Minutes)

1. Apologies

Apologies were received from Councillor McCloskey, Hobley, Barnes and Cooke.

Councillor Parsons and Savage were in attendance as substitutes.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Councillor Seacome advised that he had visited 29 Unwin Road independently.

4. Public Questions

There were none.

5. Minutes of last meeting

Councillor Barrell requested a slight alteration to the 2 Bethesda Street application minutes as follows:

Another important issue which has not yet been brought up is that the church is a Grade II-listed asset, and even if the hall is listed, it would seem that it is part of the setting of the heritage asset, and all sorts of things should be taken into consideration when looking at a heritage asset, the impact of the proposal on its significance, and the potential harm – this requires clear and convincing justification.

Subject to the above amendment the minutes of the meeting held on 22nd August were approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

6a . 19/01436/FUL, The Quadrangle, Imperial Square, Cheltenham Officer Introduction

DO: introduced the application, he informed the committee that the application was seeking public realm improvements to the Quadrangle in Imperial Square. The application was before the committee because the planned works were mostly within land the council owns i.e. Imperial Gardens.

Member Debate

DB: Cheltenham Art in the Park had sought reassurance that they could continue with their exhibition in 2020 even if the works were underway.

DO: Confirmed that the Art in the Park exhibition would go in the area between the trees.

PB: Felt it was a really fantastic scheme that would considerably enhance the town centre.

Vote on officer recommendation to permit

13 in support - Unanimous

PERMIT

**6b. 19/01506/FUL and ADV, 138 High Street Cheltenham, Gloucestershire
Officer Introduction**

DO: Introduced the application, he explained that there were 2 applications to consider, one was a full planning application and one was for advertisement consent. The application was before the committee as the council had a property interest in the site. He explained that the application relates to amendments to the existing façade of the retail unit that is currently occupied by River Island. The proposal was seeking to increase the height of the entrance way and the advertisement consent was for pieces of signage including the cash machines.

Public Speaking

Mr Elliott, agent representing Metro Bank

Was delighted that the officer's were recommending approval of the application, he hoped the briefing note circulated gave a background to the proposal and highlighted the extent of engagement undertaken to reach the design. They felt it was in keeping with the modern shop front design in this part of the High Street but also sensitively integrated in order to respect the more traditional frontages. He highlighted that Metro Bank was one of the first banks to open in the UK in 100 years and that they were bucking the trend as numerous other UK banks were closing their branches. The application would create 25 new local jobs, enhance local banking choice, benefit residents with increased opening hours, create significant lending to local businesses and SME's and extensive community outreach and engagement programmes.

Member Debate

MC: Acknowledged that Metro Bank were bucking the trend when compared with other high streets bank and that it added something different to the current offering. Whilst the proposal looked modern he didn't think the application was in keeping with the street scene and whilst it was subservient to the entrance of the arcade he would rather something more traditional.

SW: Preferred the appearance of the original Arcade and did not agree with the inspector's decision, felt that the frontage didn't fit with the street scene and that the glass wasn't in keeping with the town centre.

VA: Felt that it didn't look out of place because of John Lewis positioned opposite which had a similar glass frontage. However, felt that it would be a shame for the whole of the High Street to be glass fronted and questioned whether there was anything they could do to preserve the heritage of the High Street.

AH: Felt that it was in keeping with the rest of the façade, especially with John Lewis opposite and development should be encouraged more. He felt that such proposals made the High Street look lighter and cleaner.

JP: Was also opposed to the previous application regarding the main entrance to Regent Arcade and was concerned that as an elected representative they appeared to have less and less say over how the High Street looked due to the threat of planning appeals. He felt that John Lewis was stylish and of a different quality of design when compared with this application. He also noted that Metro Bank were not in a particularly favourable financial position.

DP: Reasoned that time had moved on and the Regent Arcade façade would inevitably change and so they should consider the application in the context of what the Regent Arcade would look like, not what it used to look like.

DO in response:

- Important to remember that it is within a conservation area but it is a modern building. Most of the buildings that are important to protect are in the conservation area or are listed and that's what affords those the protection as discussed.

PB: Felt it was an exciting development for the town at a time when High Streets were suffering and was pleased that Metro Bank were willing to invest in Cheltenham.

Vote on officer recommendation to permit application 19/01506/FUL

12 in support
1 abstention

PERMIT

Vote on officer recommendation to permit 19/01506/ADV

13 in support - unanimous

PERMIT

6c. 19/01591/FUL, 29 Unwin Road, Cheltenham, Gloucestershire

Officer Introduction

CD: Explained that the application relates to 29 Unwin Road, specifically part of the existing rear garden. The application proposes to subdivide the existing plot and construct a single storey residential dwelling that would be accessed by Unwin Close. She advised that it was a revised application and the previous planning permission had been granted in May under delegated authority. The revision proposed to push the dwelling back by 2m to overcome land ownership issues.

The application was before the committee at the request of Councillor Britter due to the level of local interest.

Public Speaking

Mr Taylor, neighbour in objection

Was speaking on behalf of the residents of Unwin Close who were unanimous in objecting to the planning application. He noted that Unwin Close is a small development different from the surrounding area as it is built of Cotswold Stone and that the council were insistent that the houses were built as such. He explained that it was portioned from the rest of the area by a large 2m hedge and several attempts in the past had been made to gain access to Unwin Close through this hedge, however, the Council had been very proactive in stopping this. This could be evidenced by the redundant dropped kerb. He felt that by approving the application the committee would be going against previous planning policy.

His main concerns were the fact that Unwin Close is a narrow road and just allows the passing of two cars. It serves as an overspill car park for Unwin Road when it is full of cars and commercial vehicles. It is also used as a turning point for vehicles many of which are vans which are driven at speed. He highlighted that there had also been occasions where the refuse collectors had not been able to get their vehicle down the close and had to move the bins by hand. He felt that this planning application would exacerbate this problem. Furthermore, there were concerns that commercial vehicles would be parked on the frontage of this new development or in the road. His main concern was the fact that the owner of 29 Unwin Road had annexed land belonging to Gloucester Highways and had destroyed mature trees in order to facilitate access to his property. He felt that by approving the application the committee would be turning a blind eye to the land encroachment which sets a precedent for future applications. He noted that Gloucester Highways had stated that should planning permission be refused they would initiate proceedings to reclaim their land.

Mr Ranford, agent in support

Reiterated that the application was a resubmission of a recently approved planning application and the requirement for the re-submission purely related to the land ownership matter. He explained that the client had made contact with the highways authority and was advised that it was under the client's ownership, however, a subsequent land registry search identified that it was still under the ownership of the county highways authority.

He acknowledged concerns from objectors who believed that a bouncy castle business was being run from the site and confirmed that his client works full time in another industry. However, explained that he does run a bouncy castle hire service mainly at weekends although this operates from a storage facility in the Tewkesbury area. He also addressed concerns about the bouncy castle being erected in the garden and explained that the applicant's son suffers from severe autism and so the castle helps develop his sensory awareness. He noted that the erection of the bungalow would actually shield the view of the bouncy castle if erected from residents in Unwin Close. In conclusion, there was no material difference to the already granted extant planning permission.

Councillor Britter, in objection

Explained that residents believed the application should be refused because it is contrary to the local plan. The proposal takes place in an established neighbourhood where gardens play an important part in promoting biodiversity through wildlife habitat and are important for the health and well being of the local community. He felt that the proposal was too big for the suggested area because the 1.9m strip had meant the property was too close to the existing property and would create issues of overlooking. Furthermore, the proposed building material was out of keeping with the existing properties and in direct contravention of policies in the local plan. Similarly, it did not respect the local context of street pattern or scale of the surrounding buildings. In particular, he felt that it would be in contravention of SP4 regarding safe and sustainable living. He noted that the council had declared a climate emergency, however, felt that this proposal did nothing to contribute towards those targets. Moreover, he felt that the scheme would adversely harm the amenities enjoyed by the local residents, in particular, the safe road network. He highlighted that the road was narrow and people already continuously parked on the left hand side of the road meaning that vehicles accessing the close from Unwin Close do so blindly, often having to turn in to on coming traffic. He had further concerns about parking and felt that a vehicle turning place should be required to ensure that cars were not reversing into the road or across the pavement.

Member Debate

MC: Had concerns about the application and felt it was important to enforce public faith in the planning process. Also had concerns about the fence erected up against the highway boundary and the removal of trees and hedgerows on land that was not within the applicant's ownership. He felt that the fence should have been removed when the applicant

was told that the land wasn't within his ownership. Furthermore, he felt that the plans were misleading regarding the fence line that was to be retained.

He felt that a 3-bed bungalow had a large footprint on the proposed plot and it would now mean the 2 dwellings were extremely close together. He was of the understanding that family members would be living in the bungalow, however, had concerns for future occupants and suggested that they should impose a condition that the fence between the properties should be erected. He also had concerns about dangerous parking within the Close and questioned why the residents needed 3 spaces for a 3 bed bungalow. Similarly, there had been reports of refuse vehicles not being able to access the Close because of inappropriate parking.

DS: Noted that most, if not all, of the other houses in the close were made with reconstituted Cotswold stone and this application would be in a different form. Whilst he wasn't against mixed development, he felt that in a Close of this size all the houses should conform to the same building material.

BF: With regards to the SPD mentioned in the objections, he noted that the property had its own access and would, therefore, comply to the council's SPD. He thought that it was good use of land and reasoned that people don't want big gardens nowadays. He highlighted that car parking was a problem everywhere you go and there was no planning law about parking or parking on the highway or pavement and so he did not feel the committee could refuse on that ground.

DP: Noted that the application had recently been approved and the only change was the fact that the footprint had been moved 2m towards the existing properties. In response to concerns about overlooking, he noted that number 33 and 37 were exactly the same distance apart as the proposed application and the future ownership of the property was not the council's problem.

PB: Highlighted that the previous application had not come before the committee because it was a delegated decision.

SW: Couldn't see any strong grounds for refusal except for the issue of overlooking. Reasoned that it is a small site and felt that putting two properties in as proposed would be extremely cramped. He also noted that there were currently issues in Unwin Close with parking and lorries unable to get in and out.

TO: Questioned why it had not come before the committee in the first instance given the strength of local opposition.

CD in response:

- With regards to the plan and the existing fence to be retained she explained that this related to the existing boundary fence and the properties to the south.
- The distance between the rear elevation of the proposed dwelling and the rear elevation of the existing dwelling was 19.4m and both were single storey properties so officers didn't deem there to be an element of overlooking. The applicant was also proposing a 1.8m fence between the two properties.
- Have no parking space standards so couldn't refuse due to the over provision of parking.
- In response to Councillor Oliver, she advised that the application wasn't officially called in to committee so was taken as a delegated decision.

MC: Noted that the existing fence line to be retained was in a different place on the approved and revised schemes due to the 2m distance.

CD in response: Explained that the said fence forms part of the boundary of the site to the South, so the fence that had been erected is along the Western boundary which is not on the applicants land.

DO: Clarified that the proposal had already been granted planning permission, however, when the application came in the boundary was incorrectly shown. The applicant had, therefore, altered the proposal by moving the development back into the site by 2m so that they could encompass their entire driveway within their property. Other than that, there was no change to the proposal.

JP: Questioned whether the applicant had authority to cross GCC land and noted that the dropped kerb made it difficult to get 3 cars manoeuvred without infringing on the verge.

DO: Advised that the applicant would require a vehicle crossing permit from GCC to cross that land, and this would presumably be granted as that is the way the majority of people access their property. However, if they were to refuse the application the scheme could not be implemented.

Vote on officer recommendation to permit

10 in support

3 against

PERMIT

6d. 19/01598/CACN, 1 Moorend Street, Cheltenham

Officer Introduction

DO: Introduced the application, he explained that the Conservation Area Notification was to prune a Hazel in the rear garden of 1 Moorend Street, a property situated within the Central Conservation Area. It had been brought before the Committee because a Senior Tree Officer at the Council was the applicant. No objections had been received in relation to the application.

Vote on officer recommendation that no objection is raised to the Conservation Area Notification.

13 in support – unanimous

PERMIT

6e. 19/01779/CONF, 27 - 33 Swindon Road, Cheltenham, Gloucestershire

Officer Introduction

DO: Introduced the application, he explained that an email had been circulated to Members earlier in the day regarding the site and the officer recommendation to defer the application. Since the publication of the Committee Agenda and Member Site Visit, agents for Lidl had been in contact with the council and indicated their desire to negotiate a more appropriate landscaping scheme for the site, taking on board the concern expressed by the Council Tree Officer. That being the case, the officer recommendation to defer would enable negotiations to take place.

Vote on office recommendation to defer

13 in support

Deferred

7. Appeal Updates

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

Chairman

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