

Planning Committee

Thursday, 28th May, 2020

10.30 am - 3.40 pm

Attendees	
Councillors:	Councillor Paul Baker (Vice-Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay
Officers in Attendance:	David Oakhill (Head of Planning), Craig Hemphill (Principal Planner), Emma Pickernell (Senior Planner), Michelle Payne (Senior Planner), Ben Warren (Planning Officer), Daniel O'Neill (Planning Officer), Cheryl Lester (One Legal)

1. Apologies

Councillor Barnes and Councillor Atherstone.

2. Declarations of Interest

Items 5i and 5j: Councillor Barrell her son works at Cheltenham Borough Homes, but she does not know if he was involved in the matters. Has been advised that this is not a prejudicial interest.

Item 5d: Councillor Seacome the speaker in objection is a friend – will not take part or vote for that item.

The Chair then conducted a roll call to confirm that there were no further declarations – there were none.

3. Declarations of independent site visits

Councillor Baker – 303 Cirencester Road, 21 Great Western Road and Chapel Spa

Councillor McCloskey – 303 Cirencester Road

Councillor Oliver – 17A Eldorado Road, 303 Cirencester Road, 21 Great Western Road, 42 London Road and 46 London Road

Councillor Seacome – 21 Great Western Road

Councillor Barrell – Chapel Spa, 303 Cirencester Road and 21 Great Western Road

Due to current restrictions, no official site visits were carried out.

4. Minutes of last meeting

The minutes of the last meeting held on 20 February 2020 were, with the correction of the spelling of Councillor Cooke's name in the declarations of interest approved and signed as a true record by the Chair.

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

6. 20/00365/LBC Municipal Offices

David Oakhill (Head of Planning) introduced the item.

Member Questions

In response to a Member question regarding funding for the building repairs - the Head of Planning confirmed that as this is not his field of expertise and would respond to the Member via email.

There was no debate.

Vote on officer recommendation to grant:

12 in support – unanimous

GRANT

7. 20/00119/COU & LBC Chapel Spa

Michelle Payne (Senior Planner) introduced the item covering both applications.

Public Speaking

Mr Richard Morriss spoke on behalf of the applicant in support of the proposal.

Councillor Parsons, Ward Member, spoke in support of the application. He stated that he believed any further delay could have a derogatory effect on the building as it could take up to 3 years for anything further to be agreed to happen to the building

Member Questions

In response to Members' questions, the Senior Planner confirmed that:

- fire escapes are not a planning issue.
- residents of St Margarets Terrace were consulted.
- The application is for a boutique hotel with limited kitchen facilities.

And the Head of Planning:

- drew attention to paragraph 196 of the National Planning Policy Framework.

Member debate:

- the building clearly has historic significance from the outside and the owner has invested heavily in the exterior.
- Cheltenham Borough Council is trying to recover the town and this should be supported as part of this recovery.
- It is an interesting plan, and although there are no catering facilities this is quite normal in central locations and not a reason to refuse.
- One Member raised some concerns about the interior and exterior and stated was unlikely to support the application.
- If the application is refused the building will not remain a heritage building for much longer – also raised the point that the building had already had one change of use when it stopped being a chapel.
- Buildings evolve over generations and the value is in the exterior that it will be looked after and cared for.

Vote on officer recommendation to refuse the planning application:

For: 2

Against: 9

Abstentions: 1

NOT CARRIED

Vote on officer recommendation to refuse the listed building consent application:

For: 2
 Against: 9
 Abstentions: 1
NOT CARRIED

Councillor Payne moved to permit the change of use and grant listed building consent, subject to conditions in consultation with the Chair and Vice-Chair, as the public benefits outweighed the harm.

Vote on Councillor Payne's move to permit the planning application:

For: 9
 Against: 2
 Abstentions: 1
PERMIT

Vote on Councillor Payne's move to grant listed building consent:

For: 9
 Against: 2
 Abstentions: 1
GRANT

8. 20/00369/FUL Imperial Gardens

David Oakhill (The Head of Planning) introduced the item, confirming that there was already permission for the ice rink in another location, but the location of the ice rink would need to change for one year (2020) due to the building work at the Quadrangle.

Public speaking

- Kevan Blackadder spoke on behalf of the applicant in support and stated that he believes that the increased size of the Christmas market would make it a Christmas to remember and would aid Cheltenham's post Covid-19 recovery.

Member Questions

In response to Members' questions, the Head of Planning confirmed that:

- power will be provided by the Queens Hotel at ground level in Imperial Gardens, with some generators to power the stalls by The Lucky Onion on the Promenade;
- Cheltenham BID will select the stall holders;
- all stalls will be situated on pavement areas, and will not spread out over non-pedestrianised areas;
- the market will connect the town centre to Montpellier, benefitting businesses in both areas;
- concerns about noise pollution for residents in the Broadwalk and Queens Hotel will be covered in the land use agreement;
- the Big Wheel brought approximately 10,000 additional visitors to Cheltenham, and it is anticipated that the ice rink and Christmas Market will bring the same number if not more.

Member Debate:

- a Member expressed concern that the need for generators would have a negative impact on the Council's Climate Change policy;
- a Member felt it wouldn't be prudent to object to anything that will help recovery but - was concerned that a market in this position might take people away from the town centre;
- a Member wondered if residents in the area could be leafleted, to provide a phone contact in case the noise becomes a problem;
- the ice rink and market will be particularly important after this difficult year, and any concerns are outweighed by the need to re vitalise the economy; it will be an important part of the town's recovery, and linking the Promenade and Montpellier is a great thing;
- these are exceptional times and the application should be supported - congratulations to Cheltenham BILD for raising Cheltenham's profile in this way.

Vote on officer recommendation to permit:

For: 12

Against: 0

No abstentions

PERMIT

9. 20/00587/FUL 17A Eldorado Road

Prior to the introduction of this item Councillor Seacome was placed in the virtual lobby as he had expressed a prejudicial interest in this item.

Ben Warren (Planning Officer) introduced the item.

Public Speaking:

Mr Robert Duncan (on behalf of neighbours), spoke in objection, highlighting the negative impact on both his property and the neighbourhood in general.

Mr John Everitt on behalf of the applicant, spoke in support of the application.

Member Questions:

In response to a Member's question, the planning officer explained that though the proposal had marginally failed the light test it was not considered that that the impact would be unacceptable.

Member debate:

- As there has been no site visit it is difficult to take on board loss of light to both 15 and 17 Eldorado Road and 1 Member was likely to abstain.
- The proposal was a good design and would in general enhance the area.

Vote on officer recommendation to permit:

For: 9

Against: 0

Abstentions: 2

PERMIT

10. 20/00229/LBC Phone Kiosks outside 43 Promenade

This application has been withdrawn.

THE MEETING ADJOURNED AT 12.42PM AND RESUMED AT 1.30PM

11. 20/00213/FUL 303 Cirencester Road

Note: Councillor Fisher was absent from the meeting during part of this item due to an internet issue, and therefore did not take part in the vote.

Emma Pickernell (Senior Planner) Officer introduced the item.

Public Speaking

Ms Becky Brown, spoke on behalf of the applicant in support of the proposal, stating that it will not have an adverse impact on the AONB, and that development should be encouraged.

Member Questions

In response to Members' questions in respect of :

- the adequacy of parking provision at the property, suitability of the bin storage, whether the building would enhance the area as an area of outstanding natural beauty, the access point to the property and the provision of trees at the property; The Senior Planner confirmed that:
- that there were recommended enforceable robust conditions including condition 5 requiring the Cirencester Road access under permission 19/01680/FUL to be brought into use prior to commencement of development
- parking, bin storage, tree provision and the impact on the AONB were all considered to be acceptable.

Member Debate

- contractors' vehicles could be parked on Timbercombe Lane during construction, causing problems; they should be consigned to the site only;
- the proposed dwelling looks too different from the neighbouring property;
- the proposal makes good use of a large garden;
- the proposal is situated in the AONB and, if permitted, where will development of this kind stop?

Vote on officer recommendation to permit

For: 6

Against: 5

Abstention: 1

PERMIT

12. 20/00273/FUL 21 Great Western Road

Emma Pickernell (Senior Planner) introduced the item.

Public Speaking:

Mr Callum Wilson on behalf of neighbour, spoke in objection to the application, highlighting the lack of parking provision, the matter of odour in relation to bins and impact on his garden.

Mr Simon Firkins on behalf of the applicant spoke in support of the application, reminding Members that car ownership is low in this sustainable location, and the proposal will make a valuable contribution to Cheltenham's housing supply.

Councillor Willingham, Ward Councillor, spoke in objection to the application, focussing on parking issues the lack of assessments in respect of bin and cycle storage, and the potential impact on bins on the highway on disabled residents. He suggested deferral or refusal.

Member Questions:

In response to a Member's question, the Legal Officer confirmed that:

- while it would technically be possible for a landlord to include a no-cars clause in a tenancy agreement, though this in itself could be seen as discriminatory for example if a disabled person wished to live at the property, but there did not appear to be any planning reasons to their to be such restrictions in respect of the planning application.

The Head of Planning confirmed that:

- GCC Highways Officers were unable to attend the Committee but had provided the Head of Planning with a verbal explanation of parking availability in advance. The Head of Planning confirmed that the number of parking permits issued for this zone by GCC equates to 42% of the total on street parking spaces available in this parking zone. A 'space' is assumed to be 6m in length. GCC calculate the total space available for on street parking in a given zone, divide by 6 (as each car space is 6m) and arrive at a total number of spaces available in that zone.

The Senior Planner confirmed that:

- the condition in respect refuse and recycling storage facilities could be amended to require the submission of details.

Member debate

- a Member wondered if Gloucestershire County Council had taken into account the real parking difficulties in the area, and said it was disappointing that no highways representative was in attendance at the meeting;
- a Member noted that the properties fall into zone 12 - a sizeable zone - and wondered if there is a way that Gloucestershire Highways can tell which of the roads in that zone are the most heavily used and could provide more refined permit distribution accordingly;
- there was some concern about the provision for bins in the bin store and whether there was enough room for the bins to be taken to the front of the house. It was proposed that the impact of the bins on the neighbour be considered as a condition.

- there was a view that Gloucestershire County Council's informative as they had originally proposed should remain
Councillor Fisher moved to defer the application.

Vote on Councillor Fisher's move to defer:

For : 2

Against: 10

No abstentions

NOT CARRIED

Vote on the officer recommendation to permit, with an amended condition in respect refuse and recycling storage facilities to require the submission of details:

For: 8

Against: 4

No abstentions

PERMIT

AS THE MEETING HAD SAT FOR FOUR HOURS A VOTE WAS TAKEN ON CONTINUING THE MEETING WHICH WAS UNANIMOUSLY CARRIED

13. 20/00454/FUL 154 River Leys

Daniel O'Neill (Planning Officer) introduced the item.

Public Speaking:

Mr Ryan Farrell, on behalf of the applicant, provided a speech in support of the application, which was read out to the meeting by a member of Democratic Services

Member Questions

In response to Members' questions, the Planning Officer confirmed:

- that he assumed the applicant and agent were aware of the manhole cover, and that building over or close to it was a building regulations matter;
- that the position of the boiler flue resulted in a minimal impact on the light level for the neighbour.

Member Debate:

- a Member was concerned that the conservatory could have a negative impact on the neighbour's privacy.

Vote on officer recommendation to permit:

For: 11

Against: 1

Abstentions: 0

PERMIT

14. 20/00103/LBC 42 London Road

David Oakhill (the Head of Planning) introduced the item.

There were no Member questions, comments or debate.

Vote on officer recommendation to grant:

For: 12
Against: 0
No abstentions
GRANT

15. 20/00443/LBC 46 London Road

David Oakhill (the Head of Planning) introduced the item.

There were no Member questions, comments or debate.

Vote on officer recommendation to grant:

For: 12
Against: 0
No abstentions
GRANT

16. Appeal Updates

Head of Planning confirmed that an appeal update had been circulated to Members.

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

There were none.

Chairman