

Planning Committee

Thursday, 17th September, 2020

2.30 - 5.45 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Daniel O'Neill (Planning Officer), Chris Chavasse (Senior Trees Officer), Nick Jonathan (Solicitor) and Emma Pickernell (Senior Planning Officer)

1. Apologies

Councillors Cooke and Collins.

2. Declarations of Interest

There were no declarations of interest.

3. Declarations of independent site visits

There were no declarations of site visits.

4. Minutes of last meeting

RESOLVED THAT

The minutes of the meeting held on 20th August 2020 were approved and signed as a correct record.

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

6. 20/00683/OUT Land Adjacent To Oakhurst Rise Cheltenham

The Senior Planning Officer presented the report.

There were 2 public speakers in support of the application- Peter Frampton (on behalf of the applicant) and Alistair Baxter (Ecologist).

There were 3 public speakers in objection: Dave Edwards (Friends of Charlton Kings), Sam Watson (Ecologist) and Councillor Matt Babbage (as Ward Councillor).

The matter then went to Member questions, the responses from Officers are as follows:

- There are clauses within the section 106 agreement that require a full biodiversity management plan to be submitted.. Funding is outlined in the same section 106 agreement, which will require short and long term plans.
- With regards to concerns raised by the Badger Association and indemnity insurance to cover costs of appropriate mitigation works, the ecological adviser had advised that this would not be necessary. The Natural England licensing regime would come into play if badgers were to be relocated. Barriers to protect properties would have to put in place the same time as the construction of the artificial badger sett.
- The conditions required final agreement on boundary matters, however there was a precedent for this and it was important to establish if there were concerns about widespread harm or heritage aspects.
- The turning circle had been removed from the plan as there will now be places to turn closer to the site.

- With regard to the requirement for affordable housing, there was no obligation for the council to reconsider its agreements within 5 years. The site is tied into the current Section 106 agreement.
- There are no details regarding drainage at this point, however they are covered under the Comprehensive Conditions.
- The biodiversity officer confirmed that there is a net biodiversity gain across the whole site and the landscape strategy makes clear where open areas and grass spaces will be.
- There is key consideration to safe pedestrian, cycle and emergency vehicle access in icy and wet weather.
- With regards to the veteran trees and preventing water damage, this has been included in the conditions. The trees officer confirmed that it would be wise to put in deep foundations to reduce negative effects, the trees are relatively far from the development but it was important to err on the side of caution.
- Any person who purchased the site would be subject to the same restrictions and conditions, however a third party buyer could in theory reduce the amount of social housing, but the authority would have the ability to approve or refuse this.
- It was pointed out that Members were not establishing a rigid principle of 43 homes but considering all aspects and weighing up the benefits of the properties versus any harm caused.
- It was acknowledged that highways access was not easy, but this was not necessarily a problem since this would mean vehicles would approach with caution. Highways had considered the access as suitable for the proposed development.
- With regard to the 42% affordable housing issue it was confirmed that the Section 106 is a legal agreement and the authority assumes that this will be complied with in a lawful way.

The matter then went to Member debate:

- Reference was made in the report to the previous appeal which stated that the general point of harm of the application outweighed the benefits. This remained the case in his view. Two inspectors have stated that 25 dwellings were an appropriate number, but it was queried how this number had changed to 43 so quickly? Significant changes to the ecology of area would not be justified. Concern was expressed that the s106 agreement had not yet been signed. The committee should refuse this application, for the reasons previously given.
- Reservations were expressed about the access road and difficult ascent, especially construction vehicles when building the turning circle. However, it was clarified that this was not part of the application being considered.
- There was surprise that the applicant had not considered alternative, more sustainable routes.
- Concern was expressed with regard to habitat erosion and loss of nature. 43 dwellings would be considerably more than the 25 inspectors thought suitable, and would cause far more damage to the surrounding area. The Head of Planning reminded Members of the historical context. In October 2018, the local plan was examined and reported on by officers. The Planning team then responded by preparing modifications to the plan. The word 'minimum' was added before '25' following formal consultation. The Plan then returned to Council in July 2020 and was approved by Members for full adoption.
- One Member had opposed previous applications, but would support it this time subject to key conditions. He emphasised that the housing waiting list in Cheltenham was significant at 1,000 families and this was key in his mind. Previous applications submitted had caused concerns relating to unacceptable biodiversity damage, but this represented a very different application. He was grateful for the advice of independent consultants, who suggested that a net biodiversity gain would result. The section 106 agreement, with all its conditions, makes the application acceptable. He emphasised that any changes must come back to the committee, and if in the future developers altered or removed the affordable housing commitments then it

would be rejected. Two other Members echoed that they would support the application – with mixed feelings about development, but housing provision was key.

- The Trees Officer advised that an advisory notice regarding trees would be more sensible than a condition which may not be achievable.

Vote on officer recommendation to permit :

For: 4

Against: 5

Abstain: 0

The application was REFUSED.

The Chair then asked that Members consider their reasons for refusal.

Members spoke as follows:

- The number of dwellings was an issue, as was the lack of detail in the design and a perceived failure to follow the Local Plan.
- Policy HD4 was key, as were the comments from Historic England.
- Loss of biodiversity was also highlighted.

The Head of Planning advised that Members should be clear on the reasons for refusal to ensure that the decision was sound and consistent with policy. He advised that the number of dwellings would not be a safe reason for refusal, since the Local Plan stated 'a minimum of 25'. Further reasons suggested by Members, such as biodiversity damage, were also unlikely to be suitable reasons for refusal due to the professional advice received.

Members considered the matter of likely harm to heritage assets, including listed buildings, as the grounds for refusal which had also been raised by the inspector in the previous application.

Vote on proposed grounds of refusal as likely harm to heritage assets

For: 5

Against: 3

Abstain: 1

7. 20/01223/CONDIT The Quadrangle, Imperial Square, Cheltenham

The Head of Planning presented the application.

In response to Member questions the Head of Planning responded that annual lease agreements were provided and not enshrined for any permanent period of time.

In the short debate Members welcomed the improvements already made to the existing site, during a time of economic uncertainty.

There were no further points raised and the matter went to the Legal Officer to take the vote.

Vote on officer recommendation to permit :

For: 9

Against: 0

Abstain: 0

PERMIT

8. 20/01041/FUL 4 Moorend Glade, Cheltenham, Gloucestershire

The Planning Officer presented the application.

There was one public speaker (the applicant) spoke in support of the application. He explained to Members why he required the additional space. He added that he had consulted with an engineer about how he could increase the space in the house with only minimum impact on neighbours.

There were no Member questions. Members supported the application.

Vote on officer recommendation to permit :

For: 9

Against: 0

Abstain: 0

PERMIT**9. Appeal Updates**

There were none

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

There were none and the next scheduled meeting is 15th October.

Chairman