

# Planning Committee

Thursday, 17th December, 2020

2.00 - 4.45 pm

Attendees	
<b>Councillors:</b>	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
<b>Officers in Attendance:</b>	Mike Holmes, Michelle Payne, Emma Pickernell, Ben Warren, Claire Donnelly

## 1. Apologies

There were none.

## 2. Declarations of Interest

Councillor Barrell declared a non-pecuniary interest in item 5f, 105 Winchcombe Street, as her son worked for Cheltenham Borough Homes.

## 3. Declarations of independent site visits

Cllr. Baker indicated that he had visited 4 Hartley Close, Crooks Industrial Estate and 24 Charlton Close.

Cllr. Barrell indicated that she had visited 4 Hartley Close, Crooks Industrial Estate, 24 Charlton Close and 5 Glynrosa Road, and clarified that she had viewed all of them from the road.

Cllr. Cooke indicated that he had visited Balcarras School, 4 Hartley Close, 5 Glynrosa Road, Crooks Industrial Estate and 24 Charlton Close.

Cllr. Oliver and Cllr. Payne indicated that they had visited Crooks Industrial Estate, 4 Hartley Close, 24 Charlton Close and 5 Glynrosa Road. Cllr. Payne added that he was familiar with Balcarras School, Winchcombe Street and the Pump Room too.

Cllr. McCloskey indicated that he had visited all the sites.

## 4. Minutes of last meeting

Cllr. Barrell raised a point of accuracy on the previous minutes, asking that the wording be changed from 'from the outside' to 'from the road'.

With the amendment having been noted, the minutes of the meeting held on 19<sup>th</sup> November 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

### 5. 20/01371/FUL Balcarras School, East End Road, Charlton Kings, Cheltenham GL53 8QF

The Senior Planning Officer presented the report, which related to the construction of a new two storey modular building to temporarily accommodate up to 120 year seven pupils from September 2021 to summer 2022, following which the proposed building would be repurposed for educational use by the Balcarras Academy Trust.

The Chair invited public speaker, Mr Dominic Burke, headteacher of Balcarras School to address the committee in support of the application. He explained that due to a delay in the development of the new High School in Leckhampton, there would be an acute shortfall in secondary school places in September 2021. Balcarras, as the sponsor to the new school, agreed to provide a temporary home for the pupils who would be due to start the new school in September 2021. Once the pupils moved to the High School in September 2022, the newly built modular building would be repurposed for use by Balcarras School, who had two 'bulge' year groups of 8 forms rather than 7 and was consistently oversubscribed. Therefore permission was requested for this to be a permanent building. Mr Burke continued that, apart from the extra High School pupils in September 2021, Balcarras had no plans to increase its pupil admission number. The school would do its best to avoid the creation of extra traffic and had negotiated the provision of school buses to transport the Leckhampton pupils.

A member asked about the provision of toilets in the new block, suggesting that six might not be enough for over 120 people. The Senior Planning Officer responded that if the toilets were insufficient, this would be picked up at the building control stage. Another member stressed the importance of the transport arrangements and asked for confirmation that this would not have an unreasonable impact. Matthew Prince (Gloucestershire Highways) suggested there would be an increase, but confirmed that the school travel plan had been adjusted and amended to accommodate the additional pupils and that there were provisions in place to cope with increased traffic, including provision of an additional bus and that their own assessment found them to be sufficient.

Members made the following comments:-

- The County Council had failed in getting the new school up and running in time and this had led to the present situation. Objections to this application were the result of the County's inaction.
- The proposal was not perfect, but it would go some way to solving a crucial issue as it was important to make increased school places available.
- Agreed that the proposal was positive and had to be supported to cover the capacity required. It was the best that could be made of a difficult situation.
- The application was praised for turning a negative into a positive, and for delivering plans for a building with genuine long-term value. There would be a temporary impact, but it would be worth it in the long term.
- Glad the school would be able to keep the building and make use of it on a permanent basis.
- Concern was expressed about parking, particularly at certain times of day, and the suggestion made that the county council should encourage students from Leckhampton to use school buses and to supplement the cost of them.
- Need to ensure school travel plan works properly as there will be increased traffic and need to be mindful of local residents and the objections that they made.
- Following a visit, the children's safety did not appear to be compromised and traffic was moving very slowly.
- Need this extra capacity and very grateful to the Headteacher of Balcarras for taking this on to cover the shortfall.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 11

Against: 0

Abstentions: 0

**GRANTED**

## **5. 20/01031/FUL Crooks Industrial Estate, Cheltenham GL53 0ED**

The Senior Planning Officer presented the report, which related to the construction of two semi-detached dwellings, with associated off road parking and rear amenity space, on a piece of land to the front of the Crooks Industrial Estate off Croft Street in Leckhampton, currently used for car parking. The application was before committee due to neighbouring concerns and an objection from the Architect's Panel and at the request of Cllr Cooke.

A member noted that the access shown on plan covered private ground and asked whether the access would be permanent. The Senior Planning Officer responded that there was a condition attached requiring parking and turning space to remain available, and that taking this away would breach contract. A further question queried whether there would be space within the site for the people who were currently parking there, otherwise cars might end up parking on the road. The Senior Planning Officer responded that tenants had been offered alternative parking elsewhere within the industrial estate.

A member asked why the highways department was now in favour of the application, having previously objected to it. Matthew Prince (Gloucestershire Highways) responded that this was due to the re-alignment and proper provision of off-street parking, making it no longer a hindrance or safety issue for pedestrians.

Another member asked whether the Office Works building already there would be retained. The Senior Planning Officer clarified that they would. In answer to a further question on car parking, the site plan was shown to indicate where any additional parking requirements would be absorbed.

During the debate, the following points were made:

- Acknowledgement that the parking issue was a drawback, but a suggestion that members should go ahead with the assurances given and that it could be effectively addressed, considering the amount of space on the site.
- Comments from a tenant were cited, who raised doubts about the viability of the industrial site if this development did not go ahead and pointed out the employment benefits it would bring. It was felt that the new development design enhanced the street scene.
- The proposal was imaginative and well-designed and it was good to see new residential accommodation in a nice part of the town. Town centre housing was badly needed and would have the additional benefits of reducing travel and boosting the local economy.
- The local ward councillor had received an unusually large number of emails from concerned residents, considering the relative size of the development, and suggested attaching conditions to reduce the impact on local amenities, such as the provision of parking for all residents who currently parked there. The Senior Planning Officer advised that a condition along those lines would be unsuitable as it was private land, which could be closed at any time if the owner saw fit.
- A couple of members stressed that the committee should not prioritise the needs of those who had been parking for free on private land for a long time, and that it was not as though a public car park was being shut down.
- One member felt the hedge added nothing in terms of biodiversity, however another disagreed, suggesting that the hedge offered an added layer of a security for cars parked behind it.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 10

Against: 0  
Abstain: 1

## **GRANTED**

### **5. 20/01907/FUL 4 Hartley Close Cheltenham GL53 9DN**

The Planning Officer presented the report, which related to extensions, alterations and remodelling works to a detached bungalow in a residential area to form a two storey flat roof dwelling. The application was at committee at the request of the ward councillor who raised concerns with the design and its impact on the street scene.

A member asked about subservience, the right to build upwards and the effect of the building on its neighbours and also for clarification on the matter of the windows of the extension looking straight into the neighbour's property. The Planning Officer clarified that the new dwelling was considered 'remodelled', so the principle of subservience was not relevant. The rules regarding additional floors also did not apply to single dwellings. The Officer confirmed that the neighbours had raised the point that their 2 storey building would overlook the extended dwelling on the application site which has a lot of glazing, and added this was not a matter they sought to protect in this particular application.

During the ensuing debate several members stated they could not support the application. There was no objection to the principle of the property being remodelled, but rather to the manner of the remodelling. Many properties in this area had been extended but had maintained the same character but this application was not in keeping with the area's unique identity. Several members were impressed by the plans and design for the new bungalow, which were imaginative and it was a sensible development, but they felt it was not for this site and would have an adverse effect on the overall feel of the area. A design more in keeping with the area was needed and although the design was good, any design had to complement the other houses and not jar with them. It was out of place in this location.

A member suggested that conditions 127B, 127C, 127D and SD41i, all of which related to character, landscape setting and sense of place, were suitable reasons to refuse the application.

Another member acknowledged that it was a different sort of design, but suggested that was common nowadays, and was supportive of the application.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 2  
Against: 9  
Abstain: 0

## **REJECTED**

A vote was taken on the reason for refusal.

Part 127B was removed as no one had objected to it on the grounds of the architecture, layout or landscape.

The reasons cited were parts 127C and 127D of the MPPF, part SD41i of the Joint Core Strategy and part D1 of the Cheltenham Plan Policy.

For: 10  
Against: 1  
Abstain: 0

Application refused on the grounds stated above.

## 5. 20/01946/FUL 24 Charlton Close, Cheltenham GL53 8DJ

The Planning Officer introduced the report relating to a detached bungalow located on a residential cul-de-sac. The application was a revised application to the previously approved scheme for a new carport and garage and to the re-roof and render of the existing property, in that the width of the carport had increased by 1M. The application was retrospective as the works had been completed. The application was at committee at the request of Councillor Harvey due to an overbearing impact, loss of amenity and not building in accordance with approved plans. Letters of objection had been received from six neighbouring properties.

Pictures and diagrams were shown of what has been built. The Officer stated that key planning concerns were the design, the impact on the street scene and the impact on the neighbouring amenity. However having taken all these into account, the recommendation was to permit.

The Chair invited public speaker, Mr Tony Russell, to speak in support of his application. Mr Russell made the following points:

- The garage and carport were well within the building line and referred back to the previous planning application in March.
- The building was done in accordance with the plans, but a mistake was made with the measurement by 1M.
- The carport is 100mm inside his boundary and the garage is 250mm inside.
- The neighbour's property is over building line by 150mm compounding the problem.

Ward Councillor, Councillor Harvey was invited to speak and made the following points:

- Neighbours saw original application and did not object back in March.
- An overhang of 150mm, approx. 6 inches, is very different to the extra on the build of 1 metre (1000mm).
- Neighbours only saw a problem once building work was completed and saw how close it was.
- Gutters actually touch, so maintenance and cleaning of such would be a problem.
- Developers and planning enforcement all agreed building was bigger than should have been.
- Have a retrospective planning application for a plan an extra metre in width.
- Not fair or reasonable on neighbours to have their amenities affected this way.
- Neighbours have articulated C4 and SP7 of the policy as reasons for refusal.
- Based on evidence to hand this should be refused and disappointed enforcement action was not undertaken.
- Asked members to support his move to refuse.

In response to questions from members, the Officer confirmed:

- That the works had been completed so was completely retrospective.
- With regard to the building line, the council did not get involved in boundary disputes.
- The application was a revised scheme to the previously approved scheme to rectify the works that have been built, in that the carport has been built one meter wider than was previously approved.
- If the application had originally been submitted a metre bigger and been built over the boundary this would have shown up in the application and been a boundary issue.

During the ensuing debate, members made the following comments:

- Upsetting for applicant when something built is not to the approved plans. Design is fine but the impact on neighbours is not. So will not be voting with Officer recommendation.
- Previously approved plans on basis of 3.7M, but has been built at 4.7M. This is a big difference and in contravention of original plans so cannot be supported.
- If it is an error by the applicant's professionals they should pay for it to be rectified.

- The impact on neighbours is there for ever. Need to refuse on behalf of neighbours who would probably have objected to the application if they had known the dimension was 4.7M.
- Objective planning view difficult. There were no objections to original application and if it really has been built a metre nearer than proposed, need to see relationship to adjacent property. If refused under loss of amenity, need to know what that is exactly. Is inability to clean gutters a loss of amenity?
- Sympathy with applicant, as during build someone should have realised proximity to neighbours and questioned the measurements.
- Question of how neighbours would clean and maintain their gutters; creates a problem for them and this can be considered a loss of amenity.
- Carport has an overbearing impact and overhangs neighbour's property. Gutters actually look as if impinging on roof slates and the fabric of the house.
- No mention of dimensions on the report, which not seen as a good reflection on planning and building enforcement.

The Interim Head of Planning advised members not to get too involved in a neighbours dispute and must consider this application on its own merits and relevant material considerations.

The Legal Officer clarified that the boundary dispute was a private matter between neighbours and not a planning consideration for members. The Legal Officer further clarified that this was a new application and must be considered on its own merits and not that it was not built in accordance with previous plans from the previous application.

The chair moved to vote on the Officer's recommendation to permit.

For: 1  
Against: 8  
Abstain: 2

Motion to permit **LOST**

Members discussed the reasons for refusal and agreed on loss of amenity, over development and overlarge in scale; design, citing SD4, SD14, D1 and SL1 of the policy.

Upon a vote to refuse for the reasons set out above:

For: 8  
Against: 0  
Abstain: 3

**REFUSED**

## **5. 20/01944/FUL 5 Glynrosa Road, Cheltenham GL53 8QR**

The Planning Officer introduced the report relating to a link-detached property located within a residential area on Glynrosa Road. The applicant was seeking planning permission for a two storey front extension, single storey rear extension and a first floor side extension over the existing garage. The application was at committee at the request of Councillor McCloskey who raised concerns regarding the scale of the proposed development, subservience and the impact on the character of the surroundings. These concerns were also raised in a Parish Council objection.

Pictures and diagrams were shown. The Officer stated that key planning concerns were the design, the impact on the character of the area and the impact on the neighbouring amenity. However having taken all these into account, together with the concerns of local residents,

the Officer considered the proposed development to be compliant with policy and recommended to permit.

Public Speaker, Mr Andy Train, was invited to speak in support of the application and made the following points:

- His family moved to Cheltenham in 2014 and established a successful business employing over 130 staff locally.
- Family consists of 5 members who were outgrowing space in current house.
- No spare room for visitors or for being able to care for elderly sick relatives in the future.
- Cannot afford to move to a larger 5 bed house.
- The current homeworking requirement put extra pressure on space available which proved very difficult in running a large business from home.
- If unable to extend may need to move out of Cheltenham, relocating the business.
- Very much like and want to support the local area and its amenities.
- Fully understand concerns of neighbours and parish council and would work closely with them to minimise disruption during construction, with no wish to impose on their happiness or have negative effects on the local surroundings.
- Feels application in line with other similar extensions in the area.

A member asked if any tests been carried out on loss of light for the neighbours, to which the Officer replied that there were three windows in the side elevation of the neighbouring property. One was a frosted landing window; the other first floor window was a secondary bedroom window which passed the light test, and on the ground floor the third window failed the 25 degree light test but there were two significant openings to the same room that would not be impacted by the development.

A member raised a point of clarification in that he explained that he called the application to committee to allow time for the objections from the Parish Council to be received as the Parish Council had discussed this matter but the comments arrived too late and the Officer was unaware they were coming.

The Chair opened up the matter for debate.

- A member wished to view the photos once more to show that the 10 houses in that road were built in identical style and questioned, from the members' stance in the previous debate, that the proposed extension would not be in keeping with the design of the houses in that road and that consideration should be given to the impact on the neighbouring area.
- Policy D1 was quoted, stating it required extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building and a member felt the extension over the whole garage of an interlinked detached house was not compliant and proposed Policy D1 as grounds for refusal.
- There was a little bit of confusion over drawings as front and back of the houses looked very similar.
- The question of the importance of subservience was asked and the Officer explained that Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions, specifically talks about the need for subservience in relation to semi-detached properties, whilst this property was detached it had still been considered. The officer explained that the extension was set in from the rear and side elevation and the overall roof height of the proposed extension was lower than the existing ridge height, and concluded that officers had considered the proposal to achieve a suitable level of subservience.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 7

Against: 2  
Abstain: 1

**GRANTED**

**5. 20/01509/LBC 105 Winchcombe Street, Cheltenham, GL52 2NL**

The Senior Planning Officer presented the report relating to an application for listed building consent for the installation of two box gutters to the side gable of 105 Winchcombe Street and the fitting of new lead valleys to numbers 105 and 107. Pictures and diagrams of the properties were shown. The Conservation Officer was satisfied that the scheme would not be detrimental to the significance of the listed buildings as their architectural and evidential value would remain. The recommendation was to approve the application.

There being no questions, comments or debate, the Chair moved straight to the vote to grant listed building consent as outlined in the report.

For: 10  
Against: 0  
Abstain: 0

**GRANTED** unanimously

**5. 20/01702/LBC Pittville Pump Rooms, Cheltenham GL52 3JE**

The Senior Planning Officer presented the report relating to an application for listed building consent for an investigative survey to open up three sections of the balcony of the Grade II listed Pittville Pump Room to assess the damage to the fabric as a result of water ingress. Pictures and diagrams were shown. The key issue was the impact of the proposal on the significance of the grade II listed building and the wider setting of the park and garden. The Conservation Officer was satisfied the works would not affect the historic fabric and the works would sustain the heritage assets. The recommendation was to approve the application.

One member wished to point out that Pittville Pump Room was a Grade I listed building and should be treated as such.

There being no further comments, questions or debate, the Chair moved straight to the vote to grant listed building consent as outlined in the report.

For: 10  
Against: 0  
Abstain: 0

**GRANTED** unanimously

**6. Appeal Updates**

There were no appeal updates.

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

There were none.

Chairman