

Planning Committee

Thursday, 16th December, 2021

6.00 - 7.27 pm

Attendees	
Councillors:	Councillor Paul Baker (Vice-Chair), Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pinegar, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Ben Warren (Planning Officer), Nick Jonathan (Solicitor), Michelle Payne (Senior Planning Officer) and Andrew Robbins (Interim Head of Planning)

1. Apologies

Apologies were received from Cllrs Barnes, Clark and Fifield. In Cllr Barnes absence the Vice Chair Cllr Baker chaired the meeting.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Cllr Oliver visited the Andover Road site and Lypiatt Road
Cllr Baker visited Andover Road and the Minster
Cllrs Pinegar, McCloskey, Payne and Seacome had visited all sites.

4. Minutes of last meeting

The minutes of the last meeting held on 18 November were agreed and signed as a true record.

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

6. 20/01788/FUL Land at Shurdington Road

The Chair explained that this item had been deferred to a future meeting, as since being published it had raised a huge amount of interest locally, generating much correspondence and various questions. The Interim Head of Planning felt it better to answer those questions and amend the report, making it more comprehensive and leading to better decision making. The report would potentially be heard at February's committee.

7. 21/01447/FUL Lypiatt House, Lypiatt Road

The Senior Planning Officer introduced the report relating to a single storey car port building at Lypiatt House, stating that this item was deferred from the last meeting in order for the applicant to make additional design changes. The concerns mainly related to the timber doors which had now been removed in their entirety and the timber posts would be painted white to match the render finish on the rest of the building.

In response to a member question on the definition of a car port, the Officer stated that a door would not be expected on a car port and that this revised application related better to the conservation area with the doors removed, giving it a less rural feel. The Officer was satisfied that the proposed changes met the requirements.

A member commented that it was not ideal or perfect but that the applicant had gone a long way to meet the requirements, so would support it.

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

FOR : 8

AGAINST : 0

ABSTAIN : 0

GRANTED unanimously

8. 21/02019/FUL St Marys Church, Well Walk

The Senior Planning Officer introduced the report relating to various external works within the grounds of Cheltenham Minster in connection with the Minster Exchange regeneration project. The application was at Committee as Cheltenham Borough Council was the applicant.

Mark Sheldon, Director of Corporate Projects Cheltenham Borough Council, spoke in favour of the application stating that the grounds around the Grade I listed Minster were subject to anti-social behaviour and vandalism and were not a place where people wished to spend time. The application proposed significant repair and improvement to the public realm in the churchyard respecting the sensitive space around the church. Seating would be provided, CCTV installed and tree maintenance would provide a lighter space. New planting would enhance the biodiversity of the area and pathways would be upgraded making it accessible for all with improved vehicular access. It would have a positive impact on The Wilson, the library and businesses in the area and would reconnect the space with the High Street and Clarence Street. The regeneration would provide a positive, economic and social impact transforming the area into a more welcoming environmentally friendly space where people would want to spend more time.

In answer to member questions, the Officer confirmed that:

- Bollards would be installed to regulate vehicular access and prevent tyre damage to the area.
- The comments about enhancing the historic lamps would be passed on to the relevant people.
- The brass markers in the pavement would be retained.

The Chair moved to debate and the following comments were made by Members:

- The ambition of the Council to enhance the Minster has to be supported. It is an isolated intimidating space that needs to be enhanced, the designs are good and innovative.
- Concerned that the area currently suffers from much anti-social behaviour and graffiti and not sure these plans will totally alleviate that.
- Needs to be a good maintenance programme for the perennial planting.
- All about ownership – always felt it a threatening space. Need to encourage families to visit the space, take ownership of it and this would change the balance of the feel of the area and highlight the architectural importance of the Minster.
- Anti-social behaviour was down to enforcement, other areas of the town had overcome this problem. If families use the area the anti-social people will move on. The plans will enhance the Minster.
- Need to ensure suitable vehicular access for people with mobility problems attending the church as well as for support services delivering, for example flowers, to the church and area needs to be well maintained once completed.

The Chair concluded by saying this was an area of Cheltenham not to be proud of and that had been let go over the years and that this scheme was a very positive enhancement to the town and would become a great place to spend time. He congratulated the Officers involved in this and gave it his full support.

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

FOR : 8
AGAINST : 0
ABSTAIN : 0

GRANTED unanimously

9. 21/02385/FUL & LBC 76 Andover Road

The Planning Officer introduced the report relating to changes in the revised plans of two previously granted applications for a new garage annexe building to the rear of 76 Andover Road. The changes in plans related to the partial demolition and re-building of two sections of existing garden wall located between properties at 74 and 76, and 76 and 78 Andover Road. The application was at committee at the request of three councillors who were mainly concerned about the heritage asset of the wall.

The Chair invited Objector, Cathy Presland, to address the Committee. She stated she did not oppose the development, but wished to point out that this change was not a proposal for a rebuild or a repair, but for a full demolition and loss of part of a listed wall, which was purely for the convenience of the developer to enable foundations for a two storey building. She said this was not allowed under the law and due process had not been followed. The report did not describe the harm to the listed asset and did not provide any evidence for a lawful decision. Mrs Presland continued that they did want a decision and had consulted with a heritage expert to provide the evidence and he had concluded it would be contrary to published guidance to approve this application. There was no justification for demolition and no public benefit. She concluded she wanted the development to go ahead but wanted the proposed change refused.

In reply to Member questions, the Planning Officer gave the following replies pointing out that in the absence of the Conservation Officer who was unwell, he would not be able to comment as fully on the heritage aspects.

- The information on whether the wall was at risk of collapsing or not, had been supplied by the neighbour.
- Regarding whether proceeding would be unlawful – this had been discussed and the correct process had been followed. The Legal Officer confirmed that he did not have any concerns.
- There were two walls in question in this application, one between 74 and 76 and a smaller section between 76 and 78.
- The matter of ownership of the wall was not a planning matter. It was a shared party wall and the applicant had to adhere to regulations around that.
- The 2 previous applications were not for building inside the historic walls but for over the top and clearly that would not support an additional annexe, hence this application to demolish and rebuild.
- The Conservation Officer would have looked at all documentation including the NPPF and description of heritage assets and made his decision based on those.

The Chair confirmed that if members had conservation questions that could not be answered at the meeting, then in the absence of the Conservation Officer, members could move to defer.

The Interim Head of Planning further explained to members the complicated history to this application. In summary, he stated it related to the heritage value of the wall to be demolished. The original approval was to retain the wall and build up on top of it. The applicant had said this was not structurally possible and whether that was the case or not, the matter was the rebuilding of the wall with the existing stones in traditional format with the

modern part being built off it. The question for members to consider was the historical significance of the wall.

In reply to questions about the historic bricks and if they still had them, the Officer confirmed that the condition stated it should be rebuilt with the salvage bricks but if they did not have the bricks, then agreement from the planning authority would be needed.

Photos showed that some of the historic wall had already gone and the Officer clarified that the wall between 76 and 78 would be integral to the two permitted annexe buildings whereas the wall between 74 and 76 would have an exposed side.

The Chair moved to debate and the following points were made:

- It was a heritage asset, thus the wall should be preserved and be there to be seen. Two applications on the annexes and garage had been granted but should be built without touching the heritage wall. Not happy that now want to knock the wall down and not incorporate it into a new build, thus the heritage asset will have gone. The applicant can build what they want without knocking the wall down and build slightly smaller but the maintenance of the wall was subject for both parties. Would move for refusal.
- Having been advised that the wall was sound and could remain as it was, would support refusal.
- Wall still in place at 30 Tivoli Walk, where there were 5 listed villas.
- Innovative architecture but heritage aspect would be lost as well as any benefit from it, so would support refusal.
- Difficult application, also would not support but need to look at reasons for refusal, possibly NPPF para 194 harm to or loss of significant heritage asset and also SD8 para 3.

Before going to the vote the Officer gave some final comments, stating that some of these points had come up in discussion with the Conservation Officer and he read out the Conservation Officer's comments which included that no harm had been identified and as no harm was perceived, there was no requirement to consider against public benefit.

The Interim Head of Planning clarified that it was part demolition of part of the wall and hoped he had not misled members earlier and reiterated the Conservation Officers view that this was not harmful development. The scheme proposed was to dismantle and rebuild a section of the wall. The wall had lost its uniformity due to past repairs and was leaning and could not be incorporated into the side annexe of the building. Rebuilding using current brick would be legible as part of the boundary wall.

The Chair concluded by saying that harm was subjective and that section 194 of the NPPF stated harm or loss should be exceptional and he could see no justification for the loss of the boundary wall. Benefits should outweigh harm and there were no benefits and development could go ahead without the wall being touched.

The Chair moved to the vote on the Officer recommendations.
Firstly, on the Officer's recommendation to permit the planning application.

FOR : 1
AGAINST : 7
ABSTAIN : 0 **NOT CARRIED**

Secondly, on the Officer's recommendation to grant the listed building consent application.

FOR : 1
AGAINST : 7

ABSTAIN : 0 NOT CARRIED

The Chair then moved to the vote on the motion for refusal on both the planning application and the listed building consent application on the grounds of heritage harm contrary to the NPPF and policy SD8, with the exact refusal reason wording in consultation with the Chair and Vice Chair.

Motion to refuse the planning application:

FOR : 7

AGAINST : 0

ABSTAIN : 1

CARRIED – APPLICATION REFUSED

Motion to refuse the listed building consent application:

FOR : 7

AGAINST : 0

ABSTAIN : 1

CARRIED – APPLICATION REFUSED

10. Appeal Updates

Noted.

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

There were none.

Chairman