

Planning Committee

Thursday, 20th January, 2022
6.00-8.00pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor Richard Pinegar, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Claire Donnelly (Planning Officer), Emma Pickernell (Principal Planning Officer), Andrew Robbins (Interim Head of Planning) and Gary Spencer (Legal Officer)

1. Apologies

There were none.

2. Declarations of Interest

Item 5b 12 Royal Well: Cllr Seacome has dined at the restaurant.

3. Declarations of independent site visits

Cllr Clark had visited sites 5b – 5e.

Cllrs Pinegar and McCloskey had visited all sites.

Cllr Barnes visited site 5d when considering a previous application.

Cllr Seacome had visited site 5b, and 5d when considering a previous application.

Cllr Oliver had visited sites 5a – 5d.

4. Minutes of last meeting

These were approved and signed as a correct record of the meeting.

5. Planning Applications

6. 21/00847/REM Land at Kidnappers Lane, Cheltenham

The case officer introduced the reserved matters application for 22 new dwellings, including nine affordable units, following the outline application for 25 houses on the site which was granted on appeal. The proposed development at Kidnappers Lane will comprise 13 detached dwellings, with the affordable element made up of four flats and five houses, all of which will achieve 100% zero net carbon emissions. Technical issues, and affordable housing and highways concerns have been resolved, and officers consider the scheme to be high quality, well designed and appropriate. The recommendation is to approve, with conditions as set out in the report.

Public Speakers

Mr Alan Bailey, a local resident, felt that the proposal does not reflect the Cheltenham Plan, as required in the Inspector's report, increasing traffic, and without sustainable transport links. The Highways response was disappointing - no cycle paths or footways through the area or to the centre of Cheltenham, GCHQ or Shurdington, no acknowledgement of the other development along the A46, and worsening pollution at the Moorend crossroads. No additional infrastructure is proposed – the doctor's surgery is full, there are no shops within a mile, the nearest indoor leisure facilities are at Pittville, thus not meeting equality standards.

There is a presumption in favour of sustainable development, but when assessed against all the policies in the NPPF, this proposal does not address Sections 6, 7, 8, 9 and 14.

Mr Craig Cobham, representing Newland Homes, told Members that Newland Homes is an award-winning local company, providing well-designed homes across the south of England, and with a successful record of delivery, especially in Cheltenham. This proposal responds to the unique character of the site and its surroundings, following engagement with the Parish Council, and offers high-standard, carefully-crafted homes which reflect 21st century living, enhance the location and, for the first time in Cheltenham, achieve a zero-carbon rating, outdoing current government targets and going beyond the obligations of local policy.

Councillor Nelson was aware of the site's history, and the significant impact of both parish and borough councillors in getting the proposal to its current state. She said this disused site was crying out for development – the original proposal for 45 houses was refused, the subsequent scheme for 25 houses granted at appeal - and she welcomed this well-presented, rural development proposal for 22 houses, which will provide quality, sustainable, carbon-neutral homes, including nine affordable units, and appropriate tree-planting. It will blend in well with the Leckhampton community and she was happy to support the proposal.

Councillor Horwood, while understanding the concerns of local residents, supported the proposal, reminding Members that Policy MD4 of the Local Plan, for 350 new homes in this area, had been accepted by the Inspector and the Parish Council. Newland Homes had engaged well – modified the design, height and number of dwellings – and, the biggest positive, this is the first zero-carbon rated housing by a commercial developer. As a lifelong campaigner, he drew Members' attention to the IPCC report to Cop26, which stated that rapid, immediate action was required and new homes should not add to the existing problems. He welcomed this proposal and hoped it will be the start of a revolution. Newland Homes should be congratulated, and he urged the Committee to vote in support.

Member questions

In response to questions from Members, the officer confirmed that:

- mention in the report to cladding on party walls referred to the affordable houses;
- the outline application set the principle, and this reserved matters application fills in the blanks – together they are the equivalent of a full planning application;
- CIL will be applied for at the point of commencement, depending on the final scheme; a S106 was agreed at the outline stage, concerned with affordable housing and management of the open space on the site;
- a footpath is scheduled as part of the school proposal, although there is no date at present. This site will join onto the path, and it will be a dual cycle and footpath;
- the nearest bus stop is on Shurdington Road – approximately 10 minutes' walk from the site. The Inspector of the outline proposal felt that this was reasonable.

Member debate

A Member was delighted that Newland Homes have achieved what many builders have said was unachievable and unaffordable – carbon neutral homes, the first commercially available in Cheltenham. This is the only way forward. Another Member commented on how refreshing it was to have an applicant not just out to make money, but actually reducing the original scheme from 25 to 22 dwellings, and engaging with the community. He hoped they would build more homes in the town.

Vote on officer recommendation to permit

10 in support – unanimous

PERMIT

7. 21/01265/FUL & LBC 12 Royal Crescent, Cheltenham GL50 3DA

The case officer introduced the proposal for internal alterations and a single-storey extension, which had undergone a number of changes to overcome Conservation Officer and Historic England concerns about the loss of historic fabric. The changes were now considered acceptable and the recommendation was to approve. The application was at Committee at the request of Councillor Fisher.

Public Speaking

The applicant told Members that he started his business just before the start of the pandemic, and quickly built a successful reputation for fine dining experience. Since the lockdown, he and the landlord had discussed plans to expand and improve the restaurant. The Grade II* listed building has contributed to the success of the venture and retaining its historic significance is important, so the proposed layout had been amended to overcome any constraints whilst providing for the needs of the business. He hoped that Members would agree with the Conservation Officer and Historic England, who now considered the minimal level of harm was outweighed by the benefit of the continued operation and expansion of this successful local business.

Member Questions

There were none, but a member expressed regret that site visits were not routinely carried out as it would have been particularly useful in this case.

Member debate

Councillor Fisher said he had called this application to Committee not out of disrespect to the business, which he hoped will succeed, but to highlight the inconsistency in the way applications of this type are viewed. A similar proposal to create a doorway between two properties in Royal Crescent was refused outright, and the council must be careful in preserving its Georgian heritage. The Chair reminded Members that every case is considered on its own merits, but that policies are consistent.

Another Member congratulated the applicant on his engagement with the planning team in developing his proposal to one which he is now happy to support. He reminded Members that buildings have to evolve to have a viable future life, and this one is being well looked after and restored.

A Member wondered whether it would be appropriate to include a condition or informative to limit the hours of operation for the outside space in summer. The suggestion was considered to be more of a licensing issue, but would be passed on.

Vote on officer recommendation to permit/grant

10 in support – unanimous

PERMIT/GRANT

8. 21/02409/FUL Avenue Lodge, Chargrove Lane, Up Hatherley, Cheltenham GL51 3LD

The case officer introduced the application for a new dwelling to the rear of Avenue Lodge, following a previous refusal. The proposed scheme overcame the refusal reasons – including its size and height, siting, impact on neighbouring properties, and loss of trees – and the recommendation was therefore to approve, with conditions.

Public speaking

The applicant confirmed that the current scheme had been redesigned to overcome and address previous concerns – it was smaller, not as high, centrally sited away from the pond, no trees would be lost, and surface water discharge onto the site would be reduced. The proposal was for one small house in a one-acre garden; there would be no overlooking, and the new dwelling will complement the site. He hoped that Member would accept the officer recommendation to support the scheme.

Member questions

In response to questions from Members, the case officer confirmed that:

- a previous application to reduce the size of the pond – allowed at appeal – required a scheme for compensatory water storage, including an on-site area of swale, designed to flood in a high-water event. This had been looked at by a drainage surveyor, who was confident that it would work, and the neighbouring property would not suffer increased flood risk as a result of this proposal;
- there were no specific proposals to include carbon neutral measures in this application; there were currently no policies requiring any sort of standard over and above Building Regulations;
- although the Architects' Panel comments were discussed with the applicant, no revised drawings were submitted. Officers felt able to support the scheme as presented;
- the site was surrounded by neighbours, which is why the upper windows, particularly on the NE elevation, had been kept relatively small.

The officer agreed with the Chair's suggestion that an informative could be included to emphasise that the council wanted to encourage carbon neutral schemes as far as possible.

Member debate

A Member was concerned that the reduction of the natural pond would continue to cause flooding issues for neighbours, with no SUDS scheme in place. The officer confirmed that the previous application provided compensatory water storage in the form of a swale. There were no proposed changes to the pond as part of this application and any SUDS scheme would deal only with water run-off associated with the new dwelling.

Vote on officer recommendation to permit

5 in support, 3 in objection, 2 abstentions

PERMIT

9. 21/02675/FUL Burrow's Field, Moorend Grove, Cheltenham

The case officer introduced the application for a single-storey storage unit at Burrows Field to store equipment for Leckhampton Rovers Football Club, at Committee because CBC is the applicant. The main issues were the design and lay-out. Officers considered the proposal to be functional but simple, with the nearest property 80m away, and no impact on trees, ecology or drainage, and thus the proposal was acceptable, with conditions.

Public Speakers

Mr Russell Peek said that neighbours understood the desire for more storage but were disappointed at the lack of engagement, and that the storage unit wasn't included in the original plans for improvements at Burrow's Field. He considered the size and location of the unit unjustified, particularly as the council will continue to cut the grass and mark the lines. A mini-tractor with specialist attachments could carry out any enhanced maintenance and the size and excessive height of the unit was therefore unnecessary. The tractor could

be filled directly to avoid the risks of transferring and storing fuel on the field, the unit was on the wrong side of the pavilion for electricity, water and drainage, and there was a risk to the pre-school from contaminated waste water. Additional storage on or near the car park would be more sensible, or better still, on one of the nearby industrial estates. He asked that the scheme be re-considered, following engagement with local residents.

Mr Mark Beaney, speaking on behalf of Leckhampton Rovers, said this well-established and wide-reaching club has committed to Burrow's Field for 21 years, raising £900,000 to improve the pavilion and fields. The storage unit was required to ensure that volunteers can maintain the fields to the high standard required. The proposed location was chosen over many others as it was functional, convenient, accessible, and did not impact playing surfaces, other buildings, trees or wildlife. A tractor with a cab was essential, and would only be used during daylight hours. All relevant legislation would be followed regarding fuel storage, and the club had taken all steps to meet the climate change emergency, as well as forging links to provide more recreational and formal sport at Burrow's Field for the wider community.

Councillor Nelson praised the renewal process undertaken by Leckhampton Rovers at Burrow's Field. She discussed her earlier reservations with the club trustees, and now understood that a convenient and secure unit was required to store the multi-purpose tractor needed to ensure the pitches were properly maintained, and the reasoning for the height, size and location of the unit. She was also reassured that fuel storage would be in a secure, caged area, following stringent rules, that impact on neighbours would be reduced by trees and hedges, maintained by the club, and that the new driveway would enable the tractor to drive onto the field without harming the new footpaths. With these assurances, she was happy to support the officer recommendation.

Councillor Horwood confirmed that Burrow's Field was acquired by the borough council in 1930, from Edgar Burrow, who developed it for the sporting use of employees of his publishing company. He praised the spectacular transformation of the field, supported by Sport England, and congratulated Leckhampton Rovers for developing their club to 35 teams involving hundreds of people. He said the club, and in particular Mark Beaney, had worked enormously hard with the borough and parish councils and the local community to raise finance and make the project happen. The storage unit is essential to the task of maintaining the pitches to the required standard, and although initially alarmed at the unit's size, it is carefully sited and over time, planting will mask its appearance from both inside and outside the field. He agreed that it was unfortunate it wasn't included in the original proposals, but this was on officers' advice. He urged Members to support the proposal.

Member questions

In response to questions from Members, officers confirmed that:

- it should be quite easy to connect to nearby cabling, should an electric tractor be used in the future; an informative could be added, suggesting that cabling suitable for charging the tractor be included at the construction stage;
- the reasons for the size, height and position of the unit have been justified, although some Members may consider these excessive.

Member debate

A Member considered the height of the unit to be excessive, without any reasonable explanation. He said it may be a stock building, but he could not understand the amount of headroom and felt it would be a blot on the landscape. Another Member agreed, and while praising Leckhampton Rovers for its ongoing work and commitment, and acknowledging the support of local councillors, felt that the local resident made good points. He proposed

deferral, pending a thorough investigation as to why this size of building was needed, confirming that he was not, at this stage, seeking a reduction in the size of the unit – just clarity and justification as to why and whether it had to be so large.

Vote on Councillor Baker's move to defer

8 in support, 2 in objection

DEFER

10. 21/02729/FUL 90 All Saints Road, Cheltenham GL52 2HQ

The case officer introduced the application for a rear dormer window, at Committee because the applicant is a borough councillor. The recommendation is to approve, with conditions.

There were no Members questions, and no Member debate on this application.

Vote on officer recommendation to permit

9 in support, 1 in objection

PERMIT

11. Appeal Updates

This had been circulated to Members. There were no questions, but a councillor asked about the progress of the Oakley Farm appeal. The legal officer confirmed that this appeal started in November, but had been adjourned for a variety of reasons. The current date for a site inspection is the end of March.

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

There were none.

Chairman