

Planning Committee

Thursday, 17th February, 2022

6.00 - 9.50 pm

Attendees

Councillors: Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Paul McCloskey, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler

Officers in Attendance: Andrew Robbins (Interim Head of Planning), Ben Warren (Planning Officer), Claire Donnelly (Planning Officer), Chris Chavasse (Senior Trees Officer), Michelle Payne (Senior Planning Officer), Emma Pickernell (Principal Planning Officer) and Sam Reader (Assistant Trees Officer, Place & Growth)

1. Apologies

Apologies were received from Cllrs. Clark and Oliver.

Cllr. Pineger was not present for 5a, and Cllr. Fifield left after 5d.

2. Declarations of Interest

Cllr. McCloskey declared a non-prejudicial interest in the Charlton House item as a modest shareholder in Spirex Sarco.

Cllr. Payne would withdraw from the Finchcroft Lane item after speaking on it.

Cllr. Baker would withdraw from the Leckhampton Road item after speaking on it.

3. Declarations of independent site visits

Cllr. Baker had visited 5a, 5b, 5c, 5d, 5e, 5f and 5g.

Cllr. Payne had visited all of them except 5f and 6.

Cllr. McCloskey had visited all of them except 5g and 6.

Cllr. Pinegar had visited 5a, b, c, h and 6

4. Minutes of the last meeting

The minutes of the 20th January meeting were approved and signed as a correct record.

5. Planning Applications

5. 21/02675/FUL Burrows Field, Moorend Grove, Cheltenham

The Planning Officer, presented the report, which related to a proposed storage unit on Burrows Field. It had been deferred by the committee at the previous meeting on 20th January so that officers could explore with the applicant whether the proposed building could be reduced in size or provide a justification for the size.

Speaking in objection to the application, Mr Russell Peek thanked the committee for revisiting the plans, and acknowledged that the football club had made real improvements to their application. There was a clear need for storage for playing equipment and he understood the benefits of investment for the community, but speaking on behalf of neighbours he was sure that there were better potential sites around the periphery of Burrows Field with less impact on local residents.

Speaking in support of the application as a trustee of Leckhampton Rovers Football Club, Mr Mark Beaney explained how the revised plan had addressed objections by lowering the building's height by 20% and the overall volume by a third. This brought it down to the minimum height requirement and also moved it away from the boundary. They had done all they could to accommodate neighbours' concerns, and wanted to enable as many people as possible to enjoy a healthy lifestyle.

Speaking in support of the application as Ward Member, Cllr. Nelson noted that Burrows Field was home to the second largest football club in Gloucestershire. The field was currently undergoing a major upgrade, much of the funding for which had come from the club. The club needed space to store sports equipment, the sole use of which would be on the field. The applicant had reviewed their requirements and reduced the size to the minimum necessary, and lowered the perimeter fence to reduce the impact on neighbours. In doing so, they had addressed all objections and fully justified the need for this space.

Speaking in support of the application, Cllr. Horwood reiterated that the applicant had made significant modifications to their proposal to meet the concerns raised at the last meeting, especially with regard to the height and volume. Burrows Field had been a dedicated sports field since the 1930s, and maintenance was a key part of raising it to FA standards. The unit would be for clear practical sporting use, with real value to the club and wider community, and would not be particularly noticeable considering the size of the site.

There being no Member questions, the Chair moved to the Member debate.

One Member noted that they were pleased to see that their concerns about the height at the last meeting had been addressed.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 8

AGAINST: 0

ABSTAIN: 0

PERMIT

5. 21/02148/FUL Land East Leckhampton Reservoir, Leckhampton Hill, Cheltenham

The Planning Officer presented the report, which related to the erection of two dwellings on land east of Leckhampton Reservoir. It was at the committee at the request of Cllr. Horwood due to concerns about access and highway safety, and an objection from the Parish Council.

Speaking in support of the application on behalf of SF Planning Limited, Mrs Becky Brown highlighted that the site had planning permission in principle for three dwellings, with this application comprising two of them. She noted the concerns raised in the letters of objection but did not feel there was a justified planning reason to refuse it. It was a high quality design in keeping with the local style, and while some trees had been removed they were largely overhanging foliage. Considering the need for housing supply in the town, the committee should approve the application without delay.

Speaking in objection to the application as Ward Member, Cllr. Horwood highlighted that the traffic data used to justify the recommendation to permit only covered a 30-minute period, whereas his own traffic data covered several months and clearly showed motorists consistently exceeding the speed limit. The trees removed were not overhanging foliage, but rather the area had been levelled – he suggested that the committee should require them to be replanted should it permit the application. The application was in a dangerous area with

repeated accidents, including one since it was submitted. The stopping distance for a cyclist would far exceed the size of the site, with potentially deadly consequences.

Speaking in objection to the application as Ward Member, Cllr. Nelson noted that it was a stretch of road long identified as a speeding hotspot, by the police and parish council, as cars descended at high speed or accelerated up the hill. The application would make this worse, especially since descending motorists' interest would be drawn to the junctions on their right, so they might not even notice an exit on their left. The data referred to by Cllr. Horwood had been gathered using GCC-accredited equipment in place for up to 3 months at a time, showing that 49% of drivers were exceeding the speed limit at the Old Bath Road junction. The road saw as many as 270 vehicles speeding per hour at peak times. For vehicles going down the hill, the data showed that 35% of drivers were speeding. She was disappointed by the Highways view that the application should be permitted, based on a 30-minute survey with a handheld speed gun. It would be irresponsible to permit this application considering the dangerous location, and access to the site must be via an alternative, safer route.

Speaking in objection to the application as a parish councillor, Mr Adrian Mears agreed that the site entrance would be extremely dangerous. A standard medium-sized car like a Focus would have to poke out by nearly a metre in order for the driver to see oncoming traffic, leading to a high risk of collisions. The trees lining the road would also make accidents more likely to be deadly as a car leaving the road would collide with them. In order to make the exit at all safe, the walls near the road would need to be moved back by at least a metre. He suggested that the 30mph zone should also be extended further up the hill to improve public safety. Even with these mitigations, the application would still be dangerous. He also shared the concern of the Civil Society that the design clashed with the area.

Member questions

One Member noted the claim that it would enhance biodiversity, and asked what the baseline of this was. The applicant had removed the trees, and they surely could not measure biodiversity from a point after they had levelled the site. The Planning Officer responded that this was not within the committee's control. A number of trees were removed, but they were not protected in any way, and it was the applicant's right to do this.

One Member asked how possible changes to the public right of way might affect the property. The Planning Officer responded this would run from east to west, and could run through the site if adopted. The applicant was aware of this and would be legally obligated to either abide by it or apply for a rediversion. It was not a material consideration for Members at this committee.

One Member asked how much data was usually gathered before officers made their recommendation. Stephen Hawley (Highways Officer, GCC) responded that it varied between applications, and stressed that data gathering such as the speed survey captured a snapshot in time. The data presented in the supplementary information largely aligned with the views of the Ward Members. Officers had considered extensive road and accident data to inform their decision and were satisfied in its robustness.

One Member asked what provision there would be for pedestrian access. The Highways Officer responded that there was no dedicated pedestrian access, so it would be shared with the vehicle access.

One Member asked how Highways responded to the public speaker's point about the dangers of the sight line. The Highways Officer directed Members to the supplementary information, where it had been concluded that the available visibility exceeded requirements.

Member debate

One Member suggested that refusing the application on grounds of safety would put Members in a difficult position, since lawbreakers would have prevented a legitimate planning application. What they needed was proper enforcement of traffic laws to prevent speeding. The application complied with all relevant requirements, specifications and policies, and so they would be voting to permit.

One Member added that having driven down the hill many times themselves, it was not hard to see how many drivers failed to decelerate rapidly in time for the 30mph zone. The data provided by Highways was very limited compared to what the Ward Members had provided, and so they were inclined to vote to refuse.

One Member suggested that the data provided could have been better analysed. Average speed data was less useful than knowing the maximum speed, and it would have been helpful to plot it as a histogram. One Member echoed this and noted that the data did not include cyclists who may have been travelling at very high speeds.

One Member praised the diligent work undertaken by Ward Members and the parish council to demonstrate the dangers the application posed. The design of the property also had real issues, and it was hard to verify the applicant's claim that it was 'influenced by the context'.

One Member disagreed about the design, which they found to be rather good. In their view, the committee could not afford to turn it down, as the applicant would just appeal and the Highways officers would be unable to support the council.

One Member suggested that more speed enforcement cameras could alleviate the problem. Andy Robbins, Interim Head of Planning, clarified that this was not within the committee's power to attach as a condition. He advised against deferring it in order to collect further data, since there was already enough technical data to determine whether access was dangerous. He echoed the previous Member's comment that it would be a difficult refusal considering the position of the highway authority, and would likely incur significant costs for the council.

One Member noted that it was always tricky where two different sets of data were concerned, but the Ward Members' data was clearly more comprehensive. The Interim Head of Planning reiterated that the general conclusions of both sets of data were relatively similar. The Highways Officer added that they had not relied on the speed-gun data, but it was rather one aspect of it covering a snapshot in time. The data was there to assist rather than determine the outcome on its own.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 5

AGAINST: 3

ABSTAIN: 1

PERMIT

5. 21/02330/FUL 1 Halland Road, Cheltenham, GL53 0DJ

The Planning Officer presented the report, which related to alterations and extensions of a previously approved scheme. It was before the committee at the request of Cllr. Horwood due to the design, scale and impact on the conservation area, and an objection from the Parish Council.

The applicant, Mr Phillip Marsh, explained that he had purchased his house in 2018 and spent more than £300,000 painstakingly restoring it to be a home for him and his young family. The application had been altered following objections and feedback from the council, and the garage would no longer be built on the boundary with Richmond House. He noted

that planning permission for a two-storey development had been granted to his immediate neighbours, so to refuse this application would be a double standard.

Speaking in objection to the application as Ward Member, Cllr. Nelson suggested that the design, scale and impact on conservation area were adequate reasons to refuse. The flat-roofed extension would clash with the high ceiling style in the area, spoil the symmetry of surroundings and detract from the character of the original building.

Speaking in objection to the application as Ward Member, Cllr. Horwood suggested that it raised questions about what was appropriate in a conservation area. The previous extension and the matching one next door were in keeping with the red brick, pitched roof style and were in proportion with other houses. This extension was mismatched, and differed greatly from the previously approved application. It was significantly higher in order to make it visible from the main road, and would be out of keeping with the rest of the street. In his view, Members needed to reflect on the sensitivity of conservation area and the precedent permitting the application would set.

Member questions

One Member asked why the extension was so high at the back. The Planning Officer responded that the applicant had increased the height to keep the internal floor level the same.

One Member asked whether the extension next door referred to by the applicant had been built yet. The Planning Officer responded that it had only been approved recently and had not been built yet.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 8

AGAINST: 1

ABSTAIN: 0

PERMIT

5. 21/02361/FUL 37 Market Street, Cheltenham GL50 3NH

The Planning Officer presented the report, which related to a proposed side and rear extension. It was at committee at the request of Cllr. Willingham over concerns about the impact on neighbour amenity and possible use as a house in multiple occupation (HMO).

Speaking in objection to the application as a neighbour, Mrs Georgina Herbert suggested that it was a case of overdevelopment since the property had already been extended twice. It was currently run as a four bedroom HMO housing five tenants, with the sitting room and dining rooms let as bedrooms. The proposal before Members would potentially increase the occupancy to six bedrooms, which was not acceptable for reasons of both sanitation (since there was only one small shower and toilet for all residents) and impact on neighbour amenity such as parking on an already overcrowded street. The current site provides substantial light to neighbouring properties, and the application would reduce this, causing particular harm in the winter. Increased overshadowing and reduced privacy would have a significant negative impact on residents, who have the right to peaceful enjoyment of their homes.

Speaking in objection to the application as Ward Member, Cllr. Willingham echoed his constituent's concerns about overdevelopment and highlighted a number of technical concerns. The plans showed four double bedrooms, each containing a double bed, which suggested that the dwelling was intended to accommodate eight people. The sanitation

provision was clearly inadequate for eight people, and would represent unsanitary living conditions. He asked the committee to give due regard to the provisions of Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations of 2006, in respect of toilet provision for HMOs. In terms of policy reasons for refusal, this was covered by NPPF 92.

Member questions

One Member asked whether there were grounds for refusal without appeal. The Chair responded that this was for the committee to decide.

One Member acknowledged that there was no minimum room size standard, but felt that it ought to be refused nonetheless. Could it be refused due to the lack of sanitation? The Interim Head of Planning responded that it could not, since these matters were up to the licensing regime. A HMO licence had a minimum space standard, but this was not a matter for this committee. There were also national space standards, but they only applied to new dwellings and not to extensions.

Member debate

One Member suggested it was unacceptable in the 21st century to be granting permission for properties where people would live like this. They needed more robust enforcement powers, and ought to refuse it on the basis of human rights. Proper accommodation must be provided for people who could not buy a house, but this was not good enough. The Chair noted that this was not an avenue open to the committee.

One Member described it as a shocking application which they would have been embarrassed to submit. They suggested refusal on SD14, which required high quality of development, and challenged the applicant to take it to appeal. Another Member stressed that one shower and toilet for up to eight people was unacceptable.

The Planning Officer clarified that as it was a domestic extension that Members were considering, not a HMO. The Interim Head of Planning explained that if the property were occupied by five or more people, then it would become a HMO and require a license, which it would not receive if the conditions were as bad as Members had suggested. Some of the concerns expressed by Members had been outside the scope of the committee, and were licensing matters.

One Member asked whether overdevelopment would be an adequate reason to refuse. The Planning Officer responded that amenity issues were discussed in the report, and that it both passed the 45 degree light test and benefitted from permitted development rights. She was confident that it would not reach the bar for overdevelopment.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 0

AGAINST: 8

ABSTAIN: 1

The officer recommendation having been rejected, the Chair moved to the vote to refuse on grounds of SD14 and NPPF paragraph 126.

FOR: 8

AGAINST: 0

ABSTAIN: 1

REFUSED**5. 21/02364/FUL & 21/0364/LBC Charlton House, Cirencester Road, Charlton Kings GL53 9NE**

The Planning Officer presented the report, which related to the demolition of a 20th-century wing and the erection of a replacement extension to an office building. It was before the committee at the request of Cllr. McCloskey, due to the level of local interest and objections to the scheme.

Speaking in objection to the application as a local resident, Mr Mark Smith outlined six key concerns with the summary report. The increase in glazing due to the modern design of the extension would have a more significant impact on privacy than the report acknowledged. The Architects Panel had not commented on the application, so there were no formal comments to say that it was a good design, while incorrect information had been submitted and analysed by the Highways Officer. The question of height was open to bias, as it was more of a stylistic point, while inaccurate information had been provided about the top floor plant room. Finally, the objections raised by residents had not been fully taken into account, with one particular representation being excluded from the supplementary information. He suggested that with this in mind, it would be irrational to proceed with the application.

Speaking in support of the application representing Spirex Sarco, Mr Nathan McLoughlin emphasised that they were committed to delivering an outstanding building linked to the council's drive towards carbon neutrality. The current structure was not able to deliver this, and the application aimed at changing this. The objections had been taken into account where possible. He was happy that the officer had balanced social and environmental needs against the heritage impact.

Speaking in objection to the application as Ward Member, Cllr. Boyes sought to outline the wider policy context. The cornerstone of heritage legislation and of NPPF was heritage preservation in a manner appropriate to their significance. The proposed works as submitted did not comply with this, as they would not sustain the listed building and its setting. The initial heritage report submitted by the applicant suggested that any extension would appear subordinate to the main building, but this would not be the case, with a higher roof line by more than six metres in some places. The architect's illustration did not reflect its size, while the planned extension was overly bulky and insufficiently subservient to the existing building. Instead, it needed to complement and respect neighbouring buildings without compromising architectural integrity, while paying attention to character and historical context. This application failed to comply with these principles or take the topology of the area into account. She recognised Spirex Sarco's value as an employer and that the building was past its best, but believed that the application was not suitable.

Member questions

One Member asked whether Heritage England had commented, and whether they were asked to. The Interim Head of Planning responded that there was no requirement to consult them on this type of application, only on Grade 1 or particularly large sites. If they had been consulted, they would have likely sent a standard response about this not being in their remit.

One Member asked about the standards for curtilage. The Interim Head of Planning explained that this was generally dependent on whether it was built before 1948, but it was not relevant to this case.

One Member asked whether the waste management plan was sufficient. The Planning Officer responded that a full waste management scheme had been submitted, and it had been not included in the report as there had been no objections to it.

Member debate

One Member advocated a pragmatic approach. It was always a shame to demolish a listed building, but the merits of the new building appeared to be greater. Another Member echoed this, noting that the council had made an ambitious commitment to enhance the town by moving ahead with new buildings. This building would welcome people to the town and show them that it was modern and up to date.

One Member suggested it was a difficult application, since it was fantastic design that was also too big and in the wrong place. It was right on the edge of a conservation area and very close to smaller houses which would be impacted, so they could not support it. Another Member praised the design, while another Member suggested that the corner and back of it would be ugly and imposing for local residents.

One Member noted that height was a problem, as it would dominate the street and views of the escarpment. They proposed refusal on grounds of JCS SD4, relating to context, character and sense of place. Another Member seconded this and suggested policy SD8 and NPFF paragraphs 16, 197c, 199, 202 and 203 as further possible reasons.

One Member noted that size was not necessarily a disqualifying factor. Another Member suggested that although it was a large building, its orientation meant that it would improve the views without harming the original site, leading to a roughly neutral heritage impact overall.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit and grant.

FOR: 4

AGAINST: 3

ABSTAIN: 1

PERMIT and GRANT**5. 21/02779/FUL 15 Morlands Drive Cheltenham GL53 8LR**

The Planning Officer presented the report, which related to the demolition of an existing garage and the construction of a two storey side extension to include internal works and replacement windows. It had been brought before the committee following an objection from the parish council due to a loss of privacy to properties at the rear.

Speaking in objection to the application as a neighbour, Mr Rob Edmondson highlighted the impact on privacy due to the additional windows directly above his property. The application covered an area less than 20 metres away from his bungalow, meaning there would be a significant impact on evening sunlight. It should be refused on grounds of overdevelopment and harm to neighbours.

One Member noted that the application did not look subservient at all from the back, and was a fairly solid wall of brick. They emphasised with the public speaker's concern that it would constitute overdevelopment.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 5

AGAINST: 3

ABSTAIN: 0

PERMIT**5. 21/02785/FUL 23c Finchcroft Lane Cheltenham GL52 5BD**

The Planning Officer presented the report, which related to the demolition of a single storey dwelling and the erection of a two storey dwelling. It was at committee at the request of Cllr. Payne due to the concerns raised by neighbours.

Speaking in objection to the application on behalf of around 20 neighbours, Mr Stuart Mason cited the loss of visual amenity and natural light that would be caused by an overbearing large building. The application would be an overdevelopment of a bungalow in a sensitive location between rows of gardens and in close proximity to all neighbours. The original planning permission only allowed a single-storey dwelling as it was adjacent to nine neighbouring properties. The neighbours currently received a good amount of sunlight and enjoyed privacy in their homes thanks to their gardens not being overlooked. Increasing the height by a storey and adding double balconies and additional windows would impact on their quality of life, due to loss of privacy and sunlight.

Speaking in objection to the application, Cllr. Payne noted that residents had been concerned by both the original application which was approved and this new one for demolition and rebuilding. The bungalow was currently barely visible and had negligible impact on views, but a two-storey dwelling would change this. The demolition would result in noise and airborne dust, along with the loss of privacy due to the patio doors on the upper floor. These would be set back, creating two small balconies with direct views over private spaces in Finchcroft Court and the properties on Finchcroft Lane. It was hard to quantify the impact of overshadowing as it depended on the angle of the sun, but he had used software to map this and found a significant projected impact on both the longest and shortest days of the year. This marked loss of amenity would be contrary to Cheltenham Plan SD1.

Cllr. Payne left the Council Chamber for the remainder of the item.

Member questions

One Member asked which of the surrounding properties were two storeys tall. The Planning Officer responded that most of them were, as well as a block of flats on Finchcroft Court which was three storeys high.

One Member asked whether it was an exact replica of what was previously approved. The Planning Officer confirmed that it was.

Member debate

One Member wondered what possible grounds for refusal there could be if the committee had already approved an identical plan. They sympathised with the public speaker's concerns but did not feel that the permission already given could be revoked.

One Member noted their concerns about the overlooking balconies.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 7

AGAINST: 0

ABSTAIN: 0

PERMIT**5. 21/02650/LBC Municipal Office Promenade Cheltenham GL50 9SA**

The Planning Officer presented the report, which related to internal alterations to the upper ground floor reception area and corridor. It was before the committee due to the council owning the building in question.

There being no questions or comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 8

AGAINST: 0

ABSTAIN: 0

PERMIT

6. 22/00044/CACN 71 Leckhampton Road Cheltenham GL53 0BS

The Assistant Trees Officer presented the report, which related to the proposed removal of two stone pines, and was before the committee since the applicant was an employee of Cheltenham Borough Homes (CBH).

Speaking in support of the application, Cllr. Baker emphasised the importance of mature trees to biodiversity, which was a key part of the council's climate goals. Replanted trees would take time to contribute to this.

Cllr. Baker left the Council Chamber for the remainder of the item.

Member questions

One Member asked how the trees came to the committee's attention when they did not have a Tree Preservation Order (TPO) on them. The Assistant Trees Officer responded that works relating to trees in a conservation area were automatically brought to the council's attention. The committee needed to decide within six weeks whether to allow the planned work.

One Member asked whether the silver birch between the two stone pines was covered by the report. The Trees Officer responded that it was not under consideration, although there was no guarantee it would survive the loss of its neighbouring trees.

Member debate

One Member noted that despite not being very visible from the street, they were very visible from neighbouring houses, and so public amenity was a concern.

Chris Chavasse, Senior Trees Officer added that the stone pine was an unusual species, and it was possibly not appropriate to have two such large trees in a relatively small garden. One Member agreed that while they were always reluctant to lose trees, these ones were too big for the garden they were in.

There being no further comments, the Chair moved to the vote on the officer recommendation to raise no objection.

FOR: 5

AGAINST: 0

ABSTAIN: 2

NO OBJECTION

7. Appeal Updates

There were none.

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

One Member suggested that in the future, applications relating to trees could be placed earlier on the agenda so that tree officers did not have to wait around for the whole meeting.

The Chairman noted that this was Andy Robbins' last Planning meeting, and thanked him for his work in the role of Interim Head of Planning.

Chair