

Planning Committee

Thursday, 24th March, 2022

2.00 - 5.30 pm

Attendees

Councillors: Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome, Councillor Simon Wheeler and Councillor Dilys Barrell (Reserve)

Officers in Attendance: Claire Donnelly (Planning Officer), Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer) and Liam Jones (Head of Planning)

1. Apologies

Apologies were received from Councillors Fifield, McCloskey and Pineger. Councillor Barrell attended as a substitute.

2. Declarations of Interest

Item 5a: The Wilson: Councillor Clark is on the board of the Cheltenham Trust. She did not take part in the debate or vote on this item.

3. Declarations of independent site visits

Cllr Payne had visited sites 5b to 5e inclusive, and has knowledge of The Wilson.

Cllr Barrell had visited sites 5c and 5f, and has knowledge of The Wilson the and Land at Shurdington Road site.

Cllr Baker had visited sites 5b, 5c and 5f.

Cllr Clark had visited sites 5b and 5f.

Cllr Seacome, Barnes and Oliver also have knowledge of The Wilson.

4. Minutes of the last meeting

Minutes of the meeting held on 17th February were agreed and signed as a true record.

5. Planning Applications

5. 21/02596/FUL & LBC The Wilson, Clarence Street, Cheltenham, GL50 3JT

The case officer introduced the application, outlining the key considerations.

In response to a Member question, she confirmed that although the proposed works related to the modern part of the building, listed building consent was required in addition to planning permission because the two parts were linked.

There was no debate on this item.

Members then moved to a vote on the officer recommendation to permit/grant. It was approved.

5. 20/01788/FUL Land at Shurdington Road

The case officer talked Members through the application, highlighting the key issues and considerations.

Public Speakers

A local resident, speaking in objection, said the nearest doctors' surgery is full and outdated, the nearest supermarket is over a mile away, and the nearest indoor leisure facilities are at Pittville. The NPPF Section 7 refers to the A46 as vital to Cheltenham's economy, yet there is no sustainable transport plan. Congestion on the A46 is already severe, and will be made worse as traffic leaving the new estate will have priority over A46 traffic. The cycle paths and footpaths don't necessarily connect to Cheltenham centre. With 400 additional houses, 630 cars, and 1200 residents, the carbon footprint will be massive; the GCC transport report should be rejected, as it is at variance with policies in the local transport plan and agreements with the Inspector at the 2016 enquiry. There is a presumption in favour of sustainable development when assessed against all NPPF policies – this proposal does not address policies 6, 7, 8, 9, and 14.

A planning agent, on behalf of the applicant, said the scheme follows extensive engagement with officers, consultees and the community, and will provide multiple local benefits. It is landscape led, with green infrastructure in excess of policy requirements, retaining and enhancing important features, and respectfully designed to protect wider views to and from the site, while optimising urban design principles. Gloucestershire Highways consider the impact of the proposal on the highways network to be acceptable, with impacts fully mitigated by wide infrastructure improvements, as well as commitment to early delivery of improvements to the Moorend Park Road junction. Recognising the council's commitment to climate emergency, revised proposals include a reduction in CO2 emissions 20% beyond current building regs requirements, through a variety of techniques to ensure the scheme is viable. With the inclusion of 140 affordable homes, this is a well-designed, policy-compliant, deliverable scheme, striking the right balance between competing demands and concerns.

A parish councillor, speaking in objection, said it was disappointing that the delay to resolve traffic problems had not resulted in any significant improvement. Planning inspectors have refused previous schemes, and ruled that traffic mitigation on the A46 junction must be shown to work. The proposed mitigation to lengthen the northbound, left-turning lane could improve traffic flow, but will only work if a strip of additional land can be acquired, as the proposed lanes are too narrow for buses and lorries, and could result in accidents. The additional housing and new school will make the traffic situation worse than that considered by the Inspector in 2014, making Shurdington Road a solid, slow-moving queue at peak times. Drivers are likely to use Leckhampton Lane as a rat run at peak times, bypassing two schools, and rejoining the A46 at the new Kidnappers Lane roundabout, thus further stifling traffic flow around the south of Cheltenham. Contrary to the officer's opinion, part of the site is valued landscape, including R2 and R3, which carries high planning weight. The JCS concluded that development should be confined to the northern field only, in order to protect the valued landscape, as well as the view from Leckhampton Hill.

Cllr Nelson commended Miller Homes for upgrading their plans to support sustainable and active traffic, and for their £86k contribution to improvements of the Moorend Park Road junction, but while she acknowledged the need for new homes, but could not support the application as it stands. For the community, residents, and future prosperity of Cheltenham, the impact on A46 traffic cannot be ignored. With hundreds of additional homes, the new school, and the impact of other developments further south on the A46, transport issues are a major concern for local residents. Severe congestion on the A46 is a fundamental problem and a direct risk to Cheltenham's economic recovery, and the authority cannot afford to permit a plan that does not include adequate mitigation for the impact on local traffic. The highways response refers to an already-agreed scheme, but this related to the 2016 Redrow application for 377 homes, and does not take into account the additional 350 homes or new school. Redrow is trying to resolve the conflict between cyclists and left-turning traffic at the Moorend Park Road junction, currently awaiting highways approval, and Miller Homes' £86k contribution is welcome, but it is not known whether any of these works will go far enough to

improve the congestion. Planning committee members should use their judgement and defer.

Councillor Horwood felt that the scheme has some positive elements but also some serious shortcomings. Policy MD4 clearly states that any development on this site must take into account the landscape and highways impact. Even though there was no highways objection to the 2014 application, the committee refused the proposal, as did the Appeals Inspector. The Inspector said then that 650 additional homes would cause severe traffic congestion on Shurdington Road with effective mitigation, yet no evidence of this was given then or now, even though the overall number of permitted or proposed houses has now risen to 761, in addition to the new school. The inclusion of R2 and R3 is against the JCS Inspector's explicit recommendation – it is classed as 'valued landscape', and is therefore protected under the NPPF and should not be built upon. Local policy protects views into and out of the AONB, and R2 and R3 are clearly visible from Leckhampton Hill. The proposal fails to make the fullest contribution to the mitigation of climate change, as required by the NPPF and JCS Policy SO6. Radical reduction in emissions is needed, with emerging local and national standards for zero carbon housing; although this proposal exceeds current building regulations standards by 20%, building homes such as these will be banned by 2025. It makes no provision for community facilities, on or off site, contrary to JCS policy SD4 and NPPF 92. For these reasons, the proposal should be rejected or deferred.

Member questions

In response to questions from Members, officers provided the following:

The case officer confirmed that:

- the affordable housing element will be safeguarded through an S106 agreement – this is standard procedure, to ensure that they will remain affordable and not become investment opportunities, being situated in the primary catchment area of the new school;
- suitable street trees are secure as part of the landscaping condition, and will be planted at a suitable time;
- there is no legal or policy requirement that community facilities must be provided for a certain number of houses, and with a neighbourhood centre within one mile of the site, officers do not feel any special provision is required;
- the position and distribution of the solar panels is dictated by the energy and sustainability statement, but a condition to investigate any further potential can be attached if Members want.

The GCC floods officer confirmed that:

- the balancing pond is intended to restrict rainfall leaving the site and ensure it isn't at a higher rate than pre-development. The volume of surface water entering Hatherley Brook will not be higher than at the moment. The calculations have taken climate change into account, including future rainfall predictions;
- it is recommended that a maintenance condition be applied to any approval, to ensure suitable maintenance arrangements are in place and any future issues can be sorted out by the management company.

The Highways officer confirmed that:

- drawings will show the position of street trees and utilities in the prospective highways, to ensure there will be no conflict between the two;
- regarding mitigation measures for the increase in traffic, the transport assessment is supported with a lot of information. Micro-simulation modelling work, based on the 2016 data, has been carried out, taking in committed and future additions. The modelling looked at a multitude of scenarios, including partial and full use of the new school, and this and future developments, and showed that, with mitigation in future years, the traffic situation would remain broadly neutral. GCC Highways have analysed this work, which was conducted by the applicant, and fully audited, and is considered to be a detailed

technical assessment, in line with government guidance – the highways recommendation is based on this;

- regarding congestion at the Moorend Park Road junction, which was raised in the previous application, the mitigation work was included as a planning condition rather than an S106 agreement, and it is for Redrow Homes to say why this has not been brought forward in a timely manner. GCC Highways is having ongoing discussions and working with Redrow:
- the developer is promising £86k for mitigation work; this cannot be guaranteed, but is in the public arena at the appropriate time and will be looked at very carefully. The world is evolving post-Covid, and there must be material benefits to any proposal rather than multiple disruption of on-going roadworks for minimum benefits;
- a compulsory purchase order (CPO) would not be necessary for this development to ensure the proposed lanes are wide enough for buses and lorries, which is looking to utilise existing highways land, but could be an option for a wider scheme in the future;
- narrow lanes are not uncommon, with large vehicles needing the straddle two lanes. Modelling takes into account the competing demands of multiple users, and active traffic measures must be played off each other. It is not a perfect science, but officers are satisfied the modelling has been done correctly and is as reliable as it can be.

The legal officer confirmed that:

- regarding long-term affordable housing, the S106 agreement will include a standard clause which requires affordable housing to be transferred to a registered provider whose job it is to provide and run affordable housing. There are several layers of affordable housing – social rent, affordable rent, shared ownership- and the aim is to tie the values and properties to local values – local open market and local incomes – and rental levels to local housing needs allowance. There is a raft of different provisions to ensure the cost of the building, rental levels, and sale levels of shared ownership are regulated in relation to local values and income, but right-to-buy system cannot be controlled as it is in place by government legislation – though a new 106 clause is to be introduced which requires profit from a right-to-buy sale is recirculated in the area of the affordable housing.

The Head of Planning confirmed that:

- a Grampian condition could be attached, relating to land outside the red line of the application site and requiring highways improvements at the Moorend Park Road junction to be completed before the scheme is finished, or control could be tightened through an S106 agreement to ensure that the mitigating work is done in a timely manner.

Member debate

Members then moved into the debate, where the following points were made:

- it is very disappointing that a high proportion of roofs face east-west rather than north-south, meaning that retro-fitting of effective solar panels would not be practical;
- it is clear that officers have worked hard over a long period, and the scheme has a lot in its favour, but in the face of the ever-worsening climate emergency, it is appalling that all 350 houses are to be fitted with gas boilers – there is no excuse for this with new-build properties; retro-fitting is costly and difficult, a smaller developer has recently submitted a zero carbon scheme in this area, and this proposal gives the wrong message to other developers. While this is not a legitimate reason to turn the application down, but it does fail to comply with Strategic Objective 6 of the Joint Core Strategy;
- the improvements to the Moorend Park Road junction are essential and should be guaranteed by condition rather than an S106 agreement, as these don't always deliver;
- residents of Warden Hill regret the loss of green land but accept the need for new houses. The issue for most people remains the level of traffic on the A46, which is already horrendous; mitigation measures are essential;
- it is inevitable that more houses will bring more traffic, but public transport, electric vehicles and hydrogen cell vehicles are all encouraged, and the Highways officer, who is the expert, must be believed when he says the overall impact will be neutral;

- there is still concern about building on R2 and R3 – it was recognised by previous inspectors that these two elements in the scheme are outstanding re. view, impact etc. This land could remain protected in this development;
- this is a mixed development – 350 houses are proposed, but no support to the local community – this is disappointing, not least because it will make residents more car-dependant, adding to contribution and pollution. There should at least be a contribution towards community facilities in the neighbourhood;
- the affordable homes are welcome, particularly as a comprehensive range is proposed, including four-bedroomed properties at affordable rent;
- the streets are designed to reduce traffic speed to 20mph, which is also welcomed;
- although the proposed development has much in its favour, there are several areas of concern but apparently no sound grounds on which to refuse – the only option is to approve or defer.

In response to Members' concerns, officers responded as follows:

- the key point to take into account is that this site has been allocated for housing development – the Inspector would have considered highways implications at the time of allocation, and found the plans to be sound;
- the provision of 140 affordable homes is a strong material consideration, due to the housing shortfall in Cheltenham;
- the scheme provides a good level of green infrastructure;
- the scheme could be better re. the council's climate agenda, but Building Regulations has the remit for dealing with carbon energy efficient of homes – planning doesn't have a specific policy to deal with this;
- the applicant looked at the feasibility of including an on-site shop, and carried out an assessment to establish whether there was any need for demand – it found there was not. There is a neighbourhood centre within one mile, and no evidence to suggest a financial contribution is required for off-site provision;
- the allocation specifically refers to a residential scheme and a secondary school; it does not include community infrastructure. JCS Policy INF4 states that where a development creates or adds to need, this will be fully met through policy, but planners are confident that the proposal addresses some of the requirements – the school, open space etc;

Councillor Baker then moved to defer on the following grounds:

- JCS Strategic Objection 6 – the scheme should make the fullest contribution possible to mitigation of climate change;
- the community infrastructure contribution should be revisited;
- a condition for traffic mitigation at the Moorend Park Road junction was needed.

He hoped these relatively minor elements could be dealt with, thus allowing the scheme to go ahead:

The Head of Planning advised Members that the developers were already proposing a scheme which went 20% beyond current building regulation requirements, and the community infrastructure contribution had been met. A condition for highways mitigation could be included in the scheme today, which would have to come back to Committee to be discharged. He advised against deferral.

The Chair invited Members to vote on Councillor Baker's move to defer:

7 in support

1 in objection

MOTION CARRIED

5. 22/00124/FUL 15 Pilley Lane, Cheltenham, GL53 9EP

The case officer introduced the application.

Public Speaking

The agent said the application was to replace a bungalow with a pair of semi-detached dwellings, in a high-density principal urban area, and brownfield site, compliant with both the JCS and the Local Plan. In an area of shortfall in housing requirements, there was an expectation that permission be granted unless it caused harm. Pilley Lane is varied in style, but mostly two-storey dwellings – the bungalow is an anomaly – the officers consider that the proposed dwellings respect the character and style of the area. The Architects Panel consider the site to be capable of accommodating two dwellings. Various design suggestions have been taken on board during the process, including reduction of the roof mass, landscaping to the front, and changes in materials, as agreed by condition. The size has been minimised, and the houses blend in well. Local member and Parish Council comments have been taken into account, the highways officer is satisfied with access and parking arrangements, neighbouring amenity is not adversely affected. The proposal addresses the housing shortfall in a sustainable location.

Cllr Horwood conceded that there is a variety of properties in Pilley Lane, but pointed out that those next to the chapel at the moment are bungalows, giving an open aspect and suitable prominence to a locally listed building. Other two-storey houses in the area are modest in scale. There is concern that this building won't be subservient to the chapel; it will be overpowering, a huge increase in scale – in effect a bungalow making way for a three-storey building. Being so high and so close to the chapel, it is possible that it will reduce light to the chapel windows. A parish councillor has called it 'grossly insensitive', saying the colour was wrong for the area, and calling them 'anywhere houses'. Pilley Crescent residents are also concerned that a precedent may be set with this application which will change the character of Pilley Lane.

Member question

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

- A locally indexed building is one of community interest and its setting should be taken into account. The report states that officers do not consider the impact of the proposal too severe;
- There may be some impact on light to the chapel, but there are also a number of windows which won't be affected, so officers are content that the impact won't be too great;
- Regarding impact on the neighbouring bungalow, the existing bungalow is immediately adjacent to the boundary, so the neighbouring one is already compromised; the new building is taller but set back from the boundary, and the neighbouring windows likely to be affected serve a box/storage room;
- A brownfield site is one which has been previously developed;
- The drawings are to scale and therefore considered accurate;
- The changes to the proposal are an attempt to reduce its bulk. The bungalow had a hipped roof, but there are lots of gables and pitched roofs in the area. What is proposed seemed to be a reasonable compromise, and the Architects Panel considered it to be a positive move.

Member debate

One Member spoke, saying he liked the development, which he didn't regard as overdevelopment of putting additional strain on the infrastructure or amenity of the road. He accepted that the design was different from others in the road, but the general style was pretty eclectic, and it made good use of space, offered variety, and retained a lot of land behind.

Vote on officer recommendation to permit

8 in support

1 in objection

PERMIT**5. 21/02120/FUL Burger King, Gallagher Retail Park, Cheltenham, GL51 9RR**

The case officer introduced the proposal.

Public Speaking

The agent thanked officers for working positively with the applicant. The proposed site is a retail park location, previously the Homebase service yard, and for some years a redundant area of hardstanding. The applicant has had detailed discussions with the highways authority, and officers are happy with the proposals. It is not considered that the proposal will generate additional traffic. The design is contemporary and will fit in well, and the landscaping scheme, including shrubs and grass, will soften the entrance to the retail park. The proposal will bring an economic benefit in the form of 25-30 flexible jobs, and provide additional choice to the existing food and beverage provision along Tewkesbury Road.

Member questions

In response to questions, the highways officer provided confirmed that:

- there are two access points to Gallagher Retail Park, and the siting of the proposed development would suggest that the majority of customers will access it from the Manor Road end;
- the applicant has provided evidence clarifying queue distances at other units, and officers are satisfied that there is enough room to queue. If cars were further displaced, it would be into the car park rather than the road, and there is a lot of queuing capacity on site. Officers don't anticipate any problems with queues on Tewkesbury Road.

Member debate

Members made the following points:

- the question is whether this additional fast food outlet is necessary. It will impact the businesses of existing food traders, but as Cheltenham doesn't have a saturation policy for the number of food businesses, it is difficult to refuse the application on these grounds;
- at peak times, the car park already operates above its maximum capacity, and an extension to the Next store has yet to be built, reducing parking space further;
- the hours of business are stated, but it's hard to believe that within six months there won't be an application to extend these to 24/7 as other local outlets;
- there will be a lot of waste from the outlet, and it would be helpful if the use of recyclable packaging could be conditioned;
- the most likely reason to refuse the application would be on highways grounds – there have been police interventions and security issues with Macdonalds and KFC within yards of this site. This will get worse when the road becomes busier with Junction 10 traffic.

The case officer confirmed that a standard condition regarding waste management would be included, and that the applicants had submitted a waste management strategy; the application is not significant enough to condition the scope of this.

The highways officer confirmed that changes to Junction 10 are still at consultation stage, with various transport modelling work being done, but this proposal, given the diversity of trips to other retailers and the small number of new trips, is considered de minimus with regard to highways volume now or in the future.

A Member suggested that other food retailers had caused issues because of their location next to Kingsditch Lane, but this proposal has a long lead in – cars would have the queue a long way before they impinged on Manor Road and then Tewkesbury Road. If it was to become an issue at a later stage, mitigation measures could be put in place.

Vote of officer recommendation to permit

7 in support
2 in objection
PERMIT

5. 21/02534 Kynance, Swindon Hall Grounds, Church Road, GL51 9QR

The case officer introduced the application.

Public Speaking

A neighbour, speaking in objection, said that the documents associated with the application are factually incorrect - all properties in Swindon Hall Grounds are either bungalows or 1.5 storeys high, including Kynance, referred to as a two-storey dwelling. The proposed building is overbearing and out of scale – a large four-bedroomed house, with a vastly out-of-scale ancillary building which could clearly be used for accommodation in the future. It is mis-positioned, being north facing, towards The Little Manor; it could easily face east, like other properties in the surrounding area. It will cause loss of privacy, light and sound pollution, particularly to The Little Manor, with 11 windows facing that property. The excessive felling of trees will result in nearly half the trees on the site being felled. A smaller footprint, 1.5-storey, east-facing dwelling would remove all objections.

The applicant spoke in support of his proposal, focussing on the context and background. Kynance has been his family's home for 47 years, and having relocated to Cheltenham and been unable to find a suitable property elsewhere, he decided to explore the option of building a family home in the grounds of Kynance. As keen environmentalists, it was important that the new dwelling blend in – this was the architect's brief – and the use of natural stone, cladding and landscaping, together with tireless work with planning consultants and addressing neighbours' concerns, including a turning head which will improve access for all. The result is the best possible proposal. Some of the trees were already due to be felled, and new planting will mitigate their loss and improve the area. He said his sole objective was to put down roots, and to nurture his new home and the land around for decades to come.

Member questions

In response to questions from Members, officers confirmed that:

- the proposal is classed as a self-build scheme, even though it doesn't appear on the register; it will still need to go through the normal process;
- regarding the proposed outbuilding, the red dotted line in the drawings shows what is there now – various outbuildings and sheds – and although the proposed is larger than the existing outbuildings, it has reduced in footprint and height during the process, and now sits comfortably between the houses;
- regarding the trees, some of them need to be felled for this proposal, but others were already due to be felled, as unsound or causing other issues;
- a planning application would be required to change the use of the proposed outbuilding from workshop/garden store to a dwelling; a specific condition to ensure this isn't needed;
- the distances from the new dwelling to its neighbours are set out in the officer report at para. 6.37. These exceed policy requirements.

Member debate

Members made the following points:

- the turning head won't benefit all the neighbours, as stated by the applicant – it will benefit the residents of the new house only;
- this is essentially backland development, and contravenes JCS Policy SD8, which requires new development to make a positive contribution and have regard for the distinctive elements of the historic environment. This does not – it is very large, dominant, will cause additional traffic up a narrow road, plus construction traffic for 12-18 months which will be harmful to the neighbourhood. It also detracts from The Little Manor, which is a listed building;

- it seems a reasonable application, but a smaller scheme, facing a different way would have been more sympathetic.

The officer confirmed that glazing was considered under Condition 15, and that an additional condition could be added to ensure the outbuilding remains ancillary to the dwelling if Members wish.

Vote on officer recommendation to permit, with additional condition

8 in support

1 in objection

PERMIT

5. 21/02594/FUL 76 Pennine Road, Cheltenham, GL52 5HE

The case officer introduced the report, highlighting key planning matters and a summary of conditions.

Public Speaking

A neighbour, speaking in objection, said he had concerns about a number of aspects of the development relating to noise and pollution. The new plan which moved the flats back to fit in with the properties on Pennine Road would result in a reduction in the number of parking spaces from 14 to 12, with rear access to the property via Prescott Walk and an unadopted road - a nine-fold increase in traffic and pollution. There is no indication as to who will be responsible for the unadopted road going forward. Prescott Walk is too narrow to accommodate two vehicles passing, resulting in the footpath being used for parking; there is no footpath on the unadopted road to allow pedestrian access to the new flats as stated. Additional local traffic exiting onto Priors Road from Prestbury Road, could present a serious risk to this busy road, already significantly impacted by the 300 new houses opposite. It is proposed that drainage from the proposed development will run to the rear, across the unadopted road to Prescott Walk and then Prestbury Road. This area is already severely affected by surface water run-off and flooding during heavy rainfall, sometimes making them unusable to pedestrians. The plans include a cycle store and no real mitigation to noise and nuisance for people living behind the property.

The agent, speaking in support, said that one of the reasons the application was called to Committee relates to ecology. An ecologist has worked with residents in relation to a badger sett off site to ensure its ongoing protection and a planning condition will ensure this is ongoing. Another concern is the level of parking, but the proposal includes more spaces than the one per apartment required by the Gloucestershire Manual for Streets, providing 12 in total, plus electric vehicle charging facility and a large cycle store. The application has been revised at the request of officers, setting it further back in the site to respect the building line; the Architects Panel considers it will enhance the area. Officers have confirmed that the proposal is policy-compliant.

Member questions

In response to questions from Members, officers confirmed that:

- the unadopted road is the small strip of land in front of the garages;
- the position of the proposed bike store, to the rear of the property, is a common feature, and shouldn't prove a security issue. There will be no public access to the rear of the site;
- the car parking spaces to the front are part of the landscaping scheme, which includes shrub planting; this, and Condition 15, will ensure that the bin storage space is protected and isn't used for car parking;
- if a drop kerb is required for access, this will be dealt with as a separate application as it falls outside the red line of the site. An informative can be included, to make sure the applicant is fully aware of this.

Member debate

- this is a small but interesting design, which doesn't altogether fit in with the very traditional houses in Prestbury Road;
- the addition of nine flats is to be welcomed.

Vote on officer recommendation to permit

9 in support – unanimous

PERMIT

6. Appeal Update

Information on recent appeals had been circulated in advance of the meeting, and was duly noted.

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

The Chair confirmed that Planning View would be reinstated, starting in April, and scheduled for the Thursday before the meeting from May onwards.

Chair