

# Planning Committee

Thursday, 21st April, 2022

6.00 - 8.30 pm

## Attendees

**Councillors:** Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler

**Officers in Attendance:** Ben Warren (Planning Officer), Nick Jonathan (Solicitor), Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer), Nikita Hooper (Conservation Officer) and Liam Jones (Head of Planning)

## 1. Apologies

Apologies were received from Cllr. Fifield.

Cllr. Pineger was not present for the whole of item 5a and did not vote on it.

Cllr. Clark left the meeting prior to the vote on item 5a and did not return to the meeting.

## 2. Declarations of Interest

Cllr. Baker declared an interest in 5b as ward Member and his intention to withdraw from the item after speaking on it. Cllr. Barnes indicated his intention to do the same. He noted that as both the Chair and Vice-Chair would be leaving the room, a temporary Chair would need to be elected at the start of the item.

Cllr. Clark declared that she was on the board of trustees for the Cheltenham Trust. She had also received an email about the Church Street application (5e) from a resident who was a member of her bridge club, though she did not have a close personal relationship with them. The Legal Officer confirmed that she could still participate in the item.

Cllr. McCloskey noted that with regard to 2 Church Street, he had known the newsagents in the village for a long time, but they did not have a close personal relationship and he had not discussed the application with them.

## 3. Declarations of independent site visits

Cllr. Baker and Cllr. Pineger had visited all the sites.

The Chair noted that Planning View had started up again for the first time since the start of the pandemic.

## 4. Minutes of the last meeting

The minutes of the 24<sup>th</sup> March meeting were approved and signed as a correct record.

## 5. Planning Applications

### 6. 20/01788/FUL Land at Shurdington Road

The Planning Officer, Michelle Payne, presented the report, which related to an application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure. The application had been deferred from the 24<sup>th</sup> March meeting to ensure that the scheme made the fullest contribution possible to the mitigation of climate change, to allow for the lack of a

contribution towards off-site communality facilities and services to be revisited, and to secure a condition in relation to the Moorend Park Road junction improvements. The applicant had submitted an updated statement, and officers were satisfied that the application was in accordance with all local and national planning policies, so the recommendation was to permit.

Speaking in support of the application on behalf of Miller Homes, Paul Hill emphasised the 31% reduction in carbon emissions that he was happy to attach as a condition. It was critical that the proposals remained both viable and deliverable, and he aimed to do this while addressing climate change issues. He stressed that members' concerns from the previous meeting had been fully taken into account.

Speaking in objection to the application as a parish councillor, Adrian Mears suggested that the statement from Miller Homes did nothing to solve the traffic problem. The A46/Moorend Park Road scheme needed to work in order to satisfy the MD4 allocation target, but it could not be delivered because the road width was too narrow. Extra land could be acquired but that could require compulsory purchase. He suggested that GCC Highways were favouring a 'suck-it-and-see' approach of going forward without mitigation and hoping things would turn out OK. The congestion would deter people from commuting into Cheltenham, and the longer driving times on the A46 would cause rat running via Leckhampton Lane. The committee was being asked to override the findings of Inspector Burden on MD4 and to take a gamble that could easily go wrong.

He suggested that Miller Homes were choosing not to provide zero net carbon housing, when they could use high performance heat pumps and high performance solar panels like those at the Newlands development nearby. By building on the valued landscape of areas R2 and R3, they would also compromise the landscape along the smallholding public footpath in the Local Green Space. The Leckhampton Fields were a memorable and feature-full landscape, offering one of the finest views in the country. Building on R2 and R3 would break through what was otherwise a good and sustainable urban edge with high trees and hedges. It was not necessary to allow development on R2 and R3 in order to meet the MD4 allocation target, which was for 350 new dwellings on the land north of Kidnappers Lane. The two smaller developments already had planning permission would provide 34, and the remaining 316 could with a very minimal adjustment fit on the Northern Fields.

Councillor Emma Nelson spoke in objection to the application as ward Member, noting that she had voiced concerns about severe traffic congestion on the A46 at the last meeting, as it was one of the key commuter routes into Cheltenham. There were still no approved plans in place for major works to the Moorend Park Road junction, which would be key to improving traffic flow. A condition in relation to the junction improvements had been one of the reasons for deferral, and yet it had not been addressed at all, and there were no technically agreed plans for the junction in place. The original plans for the junction did not take into account the cumulative impact of additional traffic from the school or the 350 new homes, and were no longer compliant with new cyclist-priority legislation.

She continued by noting that while Miller Homes had agreed to contribute £86k 'towards potential further improvements' over and above the consented Redrow plan, it was not clear exactly what this would cover and whether such works would solve the congestion issue. The town needed more homes, but this area could not support 350 of them. The JCS recommended around 250, mainly in recognition of the severe limitations of the existing traffic network. The fundamental problem of severe congestion on the A46 remained, and this application did not provide adequate mitigation for the impact the development would have on local traffic. She urged the committee to defer the application until such time that GCC Highways, Redrow and Miller Homes could agree a combined revised layout for the junction, incorporating the £86k contribution offered by Miller. This would enable a credible highways assessment to be approved for a critical commuter route into Cheltenham.

Councillor Martin Horwood also spoke in objection to the application as ward Member, emphasising that Miller Homes had made no real changes to any of the issues raised by the committee at the last meeting. Underneath the condition of reducing carbon emissions by

31.9%, they said ‘the proposed specification may change but will achieve a minimum of 19% reduction in carbon emissions’, meaning that the 31.9% was not guaranteed and would not even meet the regulations being enacted in June, let alone the Future Homes Standard that would ban such houses from 2025. The houses were still not zero carbon, still relied on gas and were still mostly without solar panels. The excuse for the lack of solar panels was that the houses faced the wrong way, but as the developer they could change this. There were also no air source heat pumps like at Newlands next door. He highlighted the Future Homes Standard advice that low carbon housing should anticipate UK electricity decarbonising. Fitted with electric air source heat pumps, the homes would become zero carbon, even without solar panels, once the UK grid had decarbonised. Fitted with gas, they would need to be retrofitted, at the expense of residents and taxpayers rather than Miller Homes.

He continued by highlighting that the JCS required ‘the fullest contribution possible to the mitigation of... climate change’. Considering the latest science, the Future Homes Standard on track and viable private sector zero carbon homes with 40% affordable housing right next door, in this location the ‘fullest contribution possible’ had to mean zero carbon. He did not believe that Miller Homes would stop building houses in profitable locations like this when the Future Homes Standard came in. He noted that the lack of mixed use development would pose issues for residents, and suggested that the argument that they were supporting local ministry by paying the church for the land would apply no matter who bought it. Finally, he emphasised that the impact on landscape as the strongest reason to reject or defer the application until fields R2 and E3 were excluded from it. They were green fields in the amber zone, which the JCS inspector had explicitly ruled out for development due to their higher landscape value, and the site was within a locally valued landscape protected by the NPPF. With that in mind, he urged the committee to reject or defer the application.

The Chair moved to Member questions:

- One Member queried the £86k offered by Miller Homes for the Moorland Park Road junction. Stephen Hawley (GCC Highways) responded that this money would be used to improve the junction, and that while he hoped they would end up in a position where it would not be necessary, in any case the public would be protected from having to pay for it. He was conscious that all road works caused some level of destruction, but they would implement a mitigation scheme which the modelling work told them would not result in a severe impact.
- One Member asked when the proposed improvements would be implemented after they were approved. The Highways Officer responded that while he did not have a specific date yet, productive discussions were taking place on this, and there was a mechanism in place to protect the public’s interests.
- One Member asked whether fields R2 and R3 were in protected landscape or not. The Planning Officer responded that while they were not statutorily protected or included in the local green space allocation, they had been identified as having a higher level of landscape value. She noted that the landscape had been significantly altered since the assessment due to the construction of the school. The harm caused would need to be weighed up in the overall planning balance, since to exclude this area would result in the loss of a large number of dwellings.
- One Member asked whether the 31% carbon reduction figure would actually apply or whether the minimum figure of 19% would be permitted. The Planning Officer responded that in their update, the applicant had confirmed the 31% figure.
- One Member asked whether the general rule still applied that traffic congestion issues were seen as pre-existing conditions and thus not for the applicant to solve. The Head of Planning confirmed that this was seen as a pre-existing condition, and it would not be reasonable to expect the applicant to deal with it.

There being no more questions, the Chair moved to debate, where Members made the following points:

- The electric car charging points should be 32 kilowatts rather than 16, and they were concerned that neither revision to the energy and sustainability statement had

addressed this. If the committee was minded to approve the application, they should attach a condition encouraging the developer to implement 32 kW charging points.

- It was a difficult situation, since Cheltenham needed both homes and carbon neutrality. Miller Homes was clearly not concerned with carbon neutrality, with the solar panels being an afterthought. If they had been, the houses would have been orientated very differently. The use of gas was also contrary to CBC's environmental policies. The lack of facilities was a major concern, since it would generate a huge amount of traffic going towards the shops, dentist, schools and so on, causing a significant danger to cyclists and pedestrians on Shurdington Road.
- Miller Homes had responded in a very disappointing way to the discussions at the last meeting. Members had been very critical of the failure to adopt a zero carbon approach, and the applicant had failed to address this in any significant way. The JCS required the fullest contribution possible to tackling climate change, and there was no sense that they had done this. Retrofitting would be incredibly expensive, so they needed to be electric now. The development would not even come close to achieving their strategic objectives or sustainable development. The highways authority needed to step up and work with Miller Homes to present a proper application that addresses these things.
- Housing needed infrastructure to support it, and nothing in this scheme bar the minor contribution to the junction did that. The NPPF social objectives required developments to support the community's health, and there was no evidence of this either. CBC's own Local Plan also referred to community wellbeing, which was not addressed. Affordable housing was sorely needed, but this delivered nothing else.

The Chair asked on what grounds the committee could refuse the application, taking into account the likelihood of appeal.

One Member cited sustainable development as a reason for refusal, considering the council's declaration of a climate emergency and the failure of both local and national planning policies to catch up with this. The development next door at Newlands demonstrated that housing could be built in a sustainable and carbon zero way.

One Member asked about the possibility of adding a condition regarding the enhancement of local facilities. The Head of Planning clarified that this was not possible in this particular case.

One Member noted their uncertainty about policy MP4 with reference to areas R2 and R3, since officers had advised that the value of the two sites had been diminished by the construction of the school, but there were no images to illustrate this.

One Member suggested that they refuse the application on the grounds of NPPF sections 2, 8, 12 and 14. It was important to send a message that while new homes were needed, they still needed to be the right homes.

Another Member suggested that JCS Strategic Objective 6 and NPPF 4, paragraph 8c (achieving sustainable development), were more appropriate reasons. They suggested avoiding reasons regarding design and focusing on climate issues. The previous Member was happy with this and withdrew their proposed reasons for refusal.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit (with the condition of charging points scheme ensuring consistency with national standards):

**FOR: 1**

**AGAINST: 7**

**ABSTAIN: 0**

The Chair moved to the vote on refusing the application on the grounds of JCS Strategic Objective 6 and NPP4, paragraph 8c (achieving sustainable development):

**FOR: 8**

**AGAINST: 0**

**ABSTAIN: 0**

**REFUSED**

**7. 22/00225/FUL Naunton Park, Asquith Road, Cheltenham GL53 7EL**

Cllr. Barnes left the Chamber and as Cllr Baker was speaking as a Ward Councillor Cllr McCloskey was then nominated as the chair.

The Planning Officer introduced the report with the recommendation to permit.

Cllr Baker was then asked to speak he made the following points:

- It would be a wonderful facility for the local community and would mean that disabled people could use the facility all year round.
- There would be no loss of football pitches
- The park would continue to provide a wide range of facilities to all age groups.
- Will also be a biodiverse landscape.

He then left the Chamber.

The matter then went to Member questions – there were none.

The matter then went to Member debate and the following points were made:

- Happy to support as had these facilities installed in Prestbury and been very successful. Noticed on the site visit that the elderly were struggling to walk in the park.
- During the first lockdown was a chosen walk as the ground was fairly boggy at the time – can only support.
- Another Member is looking at these adjustments for the park near him – also as there are Almshouses in the area making it more accessible can only be a good thing
- Similar scheme has been installed in Hatherley park and it was very successful.
- Charlton Kings parish Council refused a similar scheme which is a shame.

Matter went to the vote:

For – 9

Against – 0

Permit.

**8. 22/00340/LBC Pittville Pump Rooms, East Approach Drive, Cheltenham GL52 3JE**

The Conservation Officer introduced the report as published with regard to the maintenance required at Pittville Pump Rooms.

In response to Member questions the planning officer confirmed the following:

- wasn't wholly aware of a definitive plan of ongoing works; however, that there had been various recent works perhaps timed/scheduled with regard to necessity and finances.
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During the Member debate the following point was discussed:

- That it is a real asset that the Pump Rooms exist as at one time it was in such a bad state of repair that there were plans to demolish it.
- There is no choice but to let this work to be done as the property is such an asset to the town.

The matter then went to the vote to grant.

For - Unanimous

### **9. 22/00257/FUL Oakfield House Stables, Oakfield House, Greenway Lane, Cheltenham**

The Planning Officer introduced the report. The recommendation was to permit.

The responses to Member Questions were as follows:

- The Planning Officer confirmed that Cotswold Conservation Board were consulted previously on this application but not on the revised application. When they were consulted they were referred to the Cotswold Management Plan.
- The roof on the application is matt rather than shiny – there was no option for a different kind of roof.
- The permission is not for accommodation but for stables. To apply for the change of use to make the property into accommodation it would require planning permission and therefore a new application would be required.
- The use of an electric fence instead of laurel hedge was questioned with regards to the safety of horses, the Planning Officer confirmed that the agent would be happy with a condition regarding this, but we would consider if this is reasonable. The Head of Planning stated that animal welfare is not a planning issue.

The matter then went to Member debate where Members made the following points:

- The building does not enhance the area at all. Believes that the applicant is trying to prove that the area is developable.
- The suggested refusal reason was harm to the AONB.

The matter went to the vote to permit:

For – 5

Against – 4

Permit.

### **10. 22/00312/FUL 2 Church Street, Charton Kings, Cheltenham GL53 8AR**

The Planning Officer presented the report with the recommendation to refuse.

There was one speaker on behalf of the applicant who made the following points: -

- He was glad that the planning view had taken place as the Members could see the proper view of the building.
- There is an wide variety of property styles in the area.
- He acknowledged that the Councils traditional style of extension would not be suitable for this property. The proposed development provide an opportunity to mitigate against the impact of any more negative elements that may have resulted from past decisions.
- There is a higher ridge on the extension but neither will be visible from the front of the property.
- The proposed first floor extension results in a more symmetrical arrangement to the property.

The matter then went to Member questions of which there were none.

During the Member debate the following points were raised:

- There was clarification from the Member that asked the application to come to committee, the site was a retail outlet that wants to be changed into a home. The site is sufficiently interesting to be seen.
- Although not a lover of subservience the proposal will tidy the building and improve the street view.

- The property has evolved rather than been built but what is proposed definitely improves the street view.
- The Parish Council has made no comment on the application therefore they obviously have no objection as they consider all applications.
- The scheme is definitely an improvement to what they have now.
- The extension looks rather large and possibly didn't enhance the property and believed that the scheme does impact on the area due to size.

The matter went to the vote to refuse:

For – 2

Against – 7

The matter then went to the vote to approve with conditions:

For – 6

Against – 2

Abstentions – 1

Approved.

## **11. Appeal Update**

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

Chair

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