

# Planning Committee

Thursday, 18th August, 2022

6.00 - 9.00 pm

## Attendees

- Councillors:** Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Barbara Clark (Reserve), Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor John Payne and Councillor Simon Wheeler
- Officers in Attendance:** Daniel O'Neill (Planning Officer), Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer) and Liam Jones (Head of Planning), Nikita Hooper (Conservation Officer)

## 1. Apologies

Apologies were received from Cllr Seacome.

## 2. Declarations of Interest

Cllr Barnes declared an interest in item 5f and stated that he would leave the meeting for that item.

## 3. Declarations of independent site visits

Cllr. Fisher had visited Walnut Close and the Hayloft, while Cllr. McCloskey had visited Hales Road and Walnut Close.

## 4. Minutes of the last meeting

The minutes of the meeting held on 14<sup>th</sup> July were approved and signed as a correct record.

## 5. Planning Applications

### 6. 22/00458/FUL 30 Hales Road, Cheltenham, Glos GL52 6SE

The Planning Officer (Daniel O'Neill) presented the report, which concerned the construction of a dwelling in the land to the rear of 30 Hales Road, and was at the committee due to an objection by the Civic Society on the grounds of design and overdevelopment.

## Public speakers

There were three speakers on this item. One in objection, one the agent on behalf of the applicant and a Ward Councillor.

The objector made the following points:

- He believes that it is a serious omission that the considerations are outside the scope of the PIP.
- The application does not preserve or enhance the property.
- The application fails to pay due regard to the area
- The objector believes that it is not a sustainable scheme.
- The proposal has a generally overbearing nature
- There is a significant threat to privacy to the surrounding properties. On the north-western side, the revisions do little to mitigate amenity/ privacy loss to Keynsham St neighbours.

- Overshadowing 34 Hales Road's Arbutus Unedo tree appears to be reduced but we believe that the new build is too close to avoid damaging the root system.
- Overshadow is still unacceptable over the rest of the gardens. We do know that for at least half the year the sun's arc is too low to clear a 5.4m roofline.
- The lane is narrow with no passing places
- There was also concern with regard to the emissions from the proposed wood burning stove pipe.

The agent for the applicant made the following points:

- The property will be a fully sustainable property.
- There will be trees and shrubs planted.
- The hope is that this will be a wildlife haven and wild flowers will be planted surrounding the property.
- With regard to the parking at the property there will be lane access and only the front of the property will be used for parking.
- The property is a retirement property for the owner to enjoy.

Councillor Clark spoke in objection and made the following points:

- With this property there will be less soak away for rain water.
- There are five Keynsham Street properties that back onto this property with small gardens and four of the properties will no longer have trees.
- Instead of trees there will be a three quarters rising sight line of the new building.
- The garden at 34 Hales Road will be effected as it will be overlooked by the new property.
- The parking area plus the other concreted areas combined with the removal of trees are going to have an adverse effect on the soak away of the rain water.
- It is difficult to see how multiple cars can be parked without being outside of the boundary.
- There is no turning point within the road.
- Although the application fits within the JCS allowance it is over development of the site.

### **Member questions**

The responses to Member questions were as follows :

- With regard to the log burner in the plans the planning officer responded that it was an electric flame-effect burner which would act as a decorative feature rather than anything to heat the home. The home would be heated by electric power only.
- With regard to the un adopted lane the planning officer responded that it was a private lane of access and so not within their remit. Other properties nearby used the lane, and any issues would be a civil matter between residents. The question of

ambulance and fire engine access and possible mitigation measures would be assessed by Highways officers.

- It was confirmed that the property is being considered as a private dwelling and a retirement property. People were permitted to have a small business at home without requiring a change of use, although this would be needed if it were deemed to exceed this.
- The planning officer confirmed that the driveway would be fully permeable.

#### **Member debate**

There was none.

#### **Vote on officer recommendation to permit**

**FOR: 9**

**AGAINST: 0**

**ABSTAIN: 1**

#### **PERMITTED**

#### **7. 22/012774/LBC Cheltenham Town Hall, Imperial Square, Cheltenham, GL50 1QA**

The planning officer presented the report as published.

There were no speakers on the item.

There were no Member questions and no Member debate.

The matter went to the vote with the recommendation to permit.

For: 10

Against: 0

Abstentions: 0

PERMIT

#### **8. 22/01117/FUL Imperial Gardens, Promenade, Cheltenham 5c. 22/01117/FUL Imperial Gardens, Promenade, Cheltenham**

The Planning Officer (Victoria Harris) presented the report, which concerned the erection of temporary structures on pedestrian pavement along the Promenade, Imperial Gardens and the Long Gardens in relation to Christmas markets for a maximum of 41 days for two periods in 2022 and 2023. It was before the committee because the council owned the Long Gardens and Imperial Gardens.

#### **Public speakers**

There were none.

### **Member questions**

One Member asked whether the stalls would be in the gardens or on the pavement. The Planning Officer confirmed that they would largely be on the pavement.

One Member asked whether there had been a typo on the final slide suggesting that the site would continue until 2033. The Planning Officer confirmed that this should have read 2023.

One Member asked where the stalls would get their power. The Planning Officer responded that the council would provide an electrical power supply, but some stalls might need to use generators – most likely for hot food, and likely near the Neptune Fountain.

One Member asked whether diesel generators would be used. The Planning Officer responded that they were unsure at the moment as they did not yet know who the operators would be and the specific fuel they would need. They would ideally like to use hybrid generators, as expressed in the sustainability statement, but could not yet confirm what fuel would be used.

### **Member debate**

One Member noted that it would be a vibrant time of year on the Promenade, and so loud generators were undesirable.

One Member suggested adding a condition to ensure that the fuel used was the most environmentally friendly possible biodiesel.

One Member added that the lack of adequate mains power supply was a long-running issue, and it was hard to justify in the context of the council's climate goals.

One Member noted that there was a clear conflict between the council's goals to promote business and bring trade to the town, and its declaration of a climate emergency. They had just become one of the first authorities in the country to produce a Climate Change SPD, and were now suggesting that they could not control the kind of generators used in major events. The event would be good for the town but if they were going to allow diesel generators, it needed to be the last time.

One Member suggested that it should not be allowed with diesel generators, so the options were to either defer it or apply a condition. One Member suggested deferring it until they had greater clarity about who the operator will be and what fuel they will require. One Member suggested applying a condition of using biodiesel, though they acknowledged this was not a perfect solution. It was important to send a message that although they supported the event, diesel generators were unacceptable.

The Chair asked for guidance from officers on possible conditions. The Head of Planning clarified that they could apply a condition requiring hybrid or biofuel generators, as long as Members considered the possible reduced commercial viability as a result.

One Member cautioned against deferring the application due to its time sensitive nature.

One Member noted that one of Cheltenham's key selling points was its reputation as a festival town, but it had also declared a climate emergency and clearly needed proper green electrification of the town centre to prevent issues like this reoccurring.

**Vote on officer recommendation to permit, subject to a condition requiring the use of hybrid or biodiesel rather than diesel generators.**

**FOR: 10**

**AGAINST: 0**

**ABSTAIN: 0**

**PERMITTED**

**9. 2/00764/FUL 1 Coltham Fields, Cheltenham, GL52 6SP**

The Planning Officer introduced the report as published.

There were two public speakers – the agent on behalf of the applicant and Cllr Matt Babbage in objection.

The agent made the following points:

- The proposal makes good use of the land
- It is a high quality contemporary design
- The access is safe as per Gloucestershire Highways
- The roof shows compatibility to the Climate Change SPD
- There have been a few objections to the proposal, however this has been dealt with in the officers report.
- There have also been letters in support received.

Cllr Babbage made the following points:

- That the lane is a narrow lane with no footpath or passing places.
- There is a car parking space in the plan however it is narrow and parking in it may be difficult with the possibility of encroaching on neighbours properties.
- There will be disruption during the building and there is a concern that larger construction vehicles will cause a problem for other residents.
- The site is a small site for the proposed property.
- The site as it is at the moment is described as an eye sore, there is a risk that landowners will let their land fall into ruin just so they can obtain planning permission.

The matter went to Member questions and the responses were as follows:

- One Member was concerned about the construction phase, in particular construction traffic, given the width of the lane. Officer responded that Condition 3 requires the submission and approval of a Construction Management Plan prior to commencement of development. Gloucestershire Highways will be consulted on this. If feasible, the possibility of accessing the site through the industrial estate could be discussed with the applicant.
- Neighbouring properties were consulted on the application. There was no site notice posted because the site is outside a conservation area.

The matter then went to Member debate where the following points were raised:

- A local resident seemed upset as he seemed to think that the property was going to be a HMO which is not the case.
- The proposed building is a nice design for a cramped area.
- The site is a challenging site and the applicant has put forward quite an attractive building.
- Hopes that the relationship with neighbours can be repaired.
- Cheltenham is desperate for new homes and this is an attractive scheme that will enhance the street scene.

The matter went to the vote with the recommendation to permit:

For: Unanimous

## PERMIT

### **10. 22/00749/FUL Hayloft, The Reddings, Cheltenham, GL51 6RL** **5e. 22/00749/FUL Hayloft, The Reddings, Cheltenham, GL51 6RL**

The Planning Officer (Emma Pickernell) presented the report, which related to the conversion of the existing dwelling house into nine self-contained apartments, and associated works. It was before the committee at the request of Cllr. Collins because of the long history connected to the site, the various applications which had been submitted in the past and the high level of local interest.

#### **Public speakers**

The objector made the following points:

- There has been misleading and intimidating behaviour from the applicant.
- The developers plan appears to be incorrect with respect to the car parking – it is not suitable for 10 cars.
- There is not sufficient space allowed for bicycles for the properties in the proposed cycle shed.
- The property is not in keeping with the area at all.

The agent on behalf of the applicant made the following points:

- The applicants previous business partner is no longer involved in the project.
- As the proposed building is not being extended there is no impact on the green belt.
- They are aware of the concerns surrounding parking and traffic however there has been no objections from Gloucestershire Highways.
- There will be as many sustainable qualities as possible incorporated into the property.

Councillor Collins then spoke on objection and made the following points:

- There is disappointment that yet another application has been submitted..
- He believes that this is the application that the developer always intended.
- The application is for a 9 unit monstrosity not a single dwelling
- There are several policy reasons that the committee can use to refuse the application.
- This application does not respect the fact that the property is in a green belt area.
- The developer has never shown any respect to the community.
- The application for a single property was granted on appeal and that is sufficient as the property that has been built is three times the size of the original cottage.

#### **Member questions**

One Member asked whether the building works were completed, and whether the four bedrooms had been occupied since then. The Planning Officer responded that the building works had largely been completed, and one family was living in part of the house referred to as Flat 1, so the other bedrooms were not occupied.

One Member asked whether the field owned by the developer adjacent to the site was part of this application. The Planning Officer confirmed that it was not.

One Member asked for clarification of what exactly the applicant had been granted in the past. The Planning Officer responded that the various consents granted in the past had now expired, so the only material consideration was the most recently granted one.

One Member asked why no enforcement action had been taken when the existing house was demolished far in excess of what was granted to the applicant. The Planning Officer responded that a number of consents had been granted for various extensions. Queries were made in order to tidy up this situation, but enforcement action was not pursued.

One Member asked whether the ten parking spaces had an electric charging point each, or four as suggested in the report. The Planning Officer responded there were four, though they had requested one per dwelling.

One Member asked whether the Planning Inspectorate's ruling in favour of a single occupancy dwelling set a precedent against the applicant coming back to request a change of use. The Planning Officer confirmed that there was nothing stopping them coming back to request an alternative scheme.

One Member asked about a possible supply of gas to the building. The Planning Officer responded that there were no proposals for this.

One Member asked whether a light test had been carried out in a number of the flats. The Planning Officer responded that this was not a routine part of the process, but every room had a window and met the basic livability standards.

One Member asked whether the electric supply would be sufficient if ten vehicles were to turn up and each use an electric car charging point. The Planning Officer responded that this was a technical process which would be handled by building regulations rather than Planning.

### **Member debate**

One Member suggested that the applicant's previous successful appeal to the Planning Inspectorate had been granted on the basis that it was a single dwelling rather than multiple use, making it irrelevant to the application at hand.

One Member suggested that the applicant had repeatedly failed to comply with what the committee had permitted in the past, and was concerned the same would happen again. They suggested that the applicant be required to sign a S106 agreement ensuring full occupancy at the end of the development.

One Member noted that they had been told that much of the development could have been built under permitted development, but this did not apply after the original properties were torn down. In their view, there was a strong argument to refuse due to it being on the green belt, in addition to the ugliness of the property. The Planning Inspectorate gave permission for a single dwelling, but now the application was for nine.

One Member suggested that while they felt it was a grotesque building that the committee was right to reject previously, there were no clear planning grounds to reject it now.

### **Vote on officer recommendation to permit**

**FOR: 2**

**AGAINST: 7**

**ABSTAIN: 1**

**NOT PERMITTED**

Members discussed possible reasons for refusal and the possibility of deferral.

One Member asked whether it was within the gift of the committee to require a S106 agreement that could not be appealed. The Head of Planning explained that a S106 agreement could be used in certain scenarios, but would have to meet the necessary legal tests. There would need to be a clear reason to use one rather than attaching conditions as was standard. There was additional land outside the site plan, but if this were to be developed then a separate application would be required.

The Member suggested that the applicant's track record of failing to do what the committee had agreed was a clear reason. In their view, the nine flats agreed in principle could very easily become nine houses. A S106 agreement would cost relatively little and provide genuine assurance that this would not be the case.

The Head of Planning cautioned that there would not be any outer planning harm if, for example, only five of nine flats were completed. The Member suggested that if granted, nine flats could become nine houses, as happened at Cromwell Court. The Head of Planning emphasised that the application needed to be considered on its own merits rather than as a hypothetical. If there was another application in the future extending the site, then wider considerations regarding visual impact and the green belt would come into play. He noted that while there were clear concerns from Members about the application, they needed to agree on a reason for refusal.

One Member suggested that the green belt factor was key. The Planning Officer clarified that the NPPF included changes of use under 'developments considered to be appropriate in the green belt'. There was no fundamental incompatibility between the application and the green belt – this tended to only apply when a development increased the size of a site.

One Member suggested that the comments from the neighbours indicated that JCS SD14 and Cheltenham Plan SL1, regarding unacceptable harm to the amenity of neighbours, would be appropriate reasons for refusal. The cumulative effect of effectively building a block of flats where there had previously been a single occupant would have a clear adverse impact on neighbouring amenity.

One Member noted that while the site was not changing from a Planning point of view, they would also effectively be building a car park. With this in mind, JCS SD5 (impact on green belt), as suggested in Cllr. Britter's letter, was an appropriate reason for refusal. Another Member agreed that the impact on the green belt would be significant.

The Head of Planning advised that any refusal would likely have to be based on the impact on neighbour amenity rather than the openness impact on the green belt. The Chair agreed that Cheltenham Plan SL1 and JCS SD14 were the most suitable reasons for refusal, due to the harm to the amenity of adjoining land users caused by going from one dwelling to nine.

**Vote on refusal on grounds of Cheltenham Plan SL1 and Joint Core Strategy SD14****FOR: 7****AGAINST: 0****ABSTAIN: 3**



**REFUSED**

**11. 22/01077/FUL Springfield, 9 Walnut Close, Cheltenham, GL52 3AF**

The planning officer introduced the application as published.

There were 2 public speakers on the issue. The applicant and an objector.

The objector made the following points:

- Three properties in the space is excessive as they will be crammed into the available space.
- Two properties would fit perfectly in the space the third plot will be 6.5 meters wide whilst the other plots are an average of 14.5 meters.
- As there are no proposed garages at the new properties cars will park in front of the properties and the feeling of the space will be spoilt. He believed that it will contravene paragraph 5.1 of the Cheltenham plan.
- Three storey houses are not in keeping with the rest of the properties in the road.
- Two detached properties are far more appropriate for the space.

The applicant made the following points:

- He stated that he along with his brother have built 37 homes across 17 sites in Cheltenham in recent years.
- The architects panel has no objection to the proposal.
- The Civic Society confirmed that the plot could easily support 3 houses.
- He confirmed that no trees protected or otherwise would be effected by the plan.
- The Gloucestershire Highways assessment raised no objections to the scheme.
- It will be one of the first new build developments to embrace the new requirements set out in the Climate Change SPD.

The responses to Member questions were as follows:

- There are no garages as part of the application and it is assumed that the electric charging points for vehicles will either be free standing or attached to the property.
- The history of the numbering in the road is not known.
- The energy advisor for the agent advised that two solar panels are sufficient for the properties.
- The details for the air source heat pump have been requested.

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

- This is an elegant road and it is a shame that the property is not listed and will be demolished.
- Three properties are too many for the site and that the lack of garages is a failing.
- There was speculation that two solar panels are enough.
- Commend the developer for previous developments in the town however there was feeling that three properties are excessive for the size of the site.
- As there are no garages there was concern that the front gardens will become car parks and this is not in keeping with Walnut Close.
- After planning view it was more obvious that three properties could fit on the site quite easily. Happy to vote with the officers recommendation.
- There needs to be a sensible approach to maximising use of redeveloping sites as there is no wish for there to be high rise apartments on sites such as this.
- There is room for three decent sized properties and as the plot is set back will be minimal effect on the street.

The matter then went to the vote on the officers recommendation to permit:

FOR: 6

AGAINST: 4

## PERMIT

### 12. 22/01101/FUL Sangria, Ashley Road, Cheltenham, GL52 6QE

The Planning Officer (Michelle Payne) presented the report, which related to a proposed replacement dwelling and revised scheme following a previous grant of planning permission. It was before the committee at the request of Cllr. Babbage due to the level of local concern, and had also been objected to by the parish council.

#### Public speakers

There were three speakers on this item, an objector, the agent on behalf of the applicant and the Ward Councillor for the area.

The objector made the following points:

- There is no question that the property needs updating and although permission was granted for a large dwelling in October which was two stories there is now permission being requested for a three storey property which is 24% bigger.
- The trees to the south of the property are to be removed and the construction of the mezzanine level will allow the properties to be overlooked.
- The extra square footage increases the roof area that will cause flooding lower down the hill.
- Flooding is a huge problem in the area with the flooding of the lower gardens being a regular occurrence.
- 36 neighbours were contacted on consultation and 38 neighbours objected.

The applicant then made the following points:

- He believes that the neighbour canvased the area to gain support for the objection
- Neighbours had asked for the height of the roof to stay the same and that he didn't build too close to the neighbours garden – both requests that he complied with.
- He doesn't think that it is unreasonable to have a four bedroom property on a plot of half an acre.
- As the site slopes the property will be lower than the others in the area
- The proposed property will be eco-friendly with solar panels and will be a low carbon home.
- There has been a problem with flooding and understands that this is a concern – however after a survey it was discovered that there was a collapsed drain on the property which will be repaired.

Councillor Babbage then spoke as Ward Councillor in objection. He made the following points:

- Although this is a large plot it is a very large building that is being proposed.

- There is significant concern as there could be up to three storeys of solid wall facing the neighbour.
- An improved design could mitigate problems..

### **Member questions**

One Member noted that the objector referred to a 24% increase in the area of the site, which did not appear in the report. What were the Planning Officer's figures on this? The Planning Officer did not have a specific figure, though the new mezzanine would increase the floor space.

One Member asked whether it was correct that the parish council had objected to the previous scheme. The Planning Officer clarified that the parish council had objected to a previously withdrawn scheme rather than the updated version that followed.

One Member asked for a summary of what exactly had changed, as it was difficult to visualise the intermediate stage between one house and two. The Planning Officer explained that most of the accommodation would be on the lower ground floor. There would be a 1.4m increase in the depth of the wing running from east to west, and 1m from north to south. On the upper ground floor, there would be a 1m increase in the north-south wing. Overall, these were relatively modest additions, with the mezzanine level being created within the volume of the original approved house.

One Member asked how much concrete would be added. The Planning Officer responded that there would be a limited additional amount, but there was an extant permission for a very similar dwelling to this.

### **Member debate**

One Member praised the applicant for a sensible approach, in particular to the question of energy.

Another Member noted that the applicant seemed to have gone the extra mile in terms of working with neighbours to address their worries. The building was in a dip and even with the new build seemed to be smaller than neighbouring properties. It looked different to other houses in the area, but it did not need to look identical. It would be reasonably well sheltered and low down, and was an exciting new build all round.

One Member agreed with their colleagues that it was an innovative and appropriate design. The plot was to its advantage as it was virtually invisible from the road. The architect and owner had addressed the solar panel issue.

### **Vote on officer recommendation to permit**

**FOR: 9**

**AGAINST: 0**

**ABSTAIN: 1**

**PERMITTED**

**13. Appeal Update**

These had been circulated beforehand and were taken as read. The Chair congratulated the Planning department for winning all the appeals in the update.

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

There were none.

Chair