

# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 16 February 2023

**Meeting time:** 18:00 – 19:30

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**In attendance:**

**Councillors:**

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler

**Also in attendance:**

Michael Ronan, Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer) and Liam Jones (Head of Planning)

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## 1 Apologies

There were none.

## 2 Declarations of Interest

There were none.

## 3 Declarations of independent site visits

The site visits were as follows:

The Members that attended planning view visited Ski Tyres – other site visits were as follows:

Cllr McCloskey visited Ski Tyres  
Cllr Bamford visited Selkirk Street  
Cllr Andrews visited Ski Tyres and Selkirk Street  
Cllr Payne visited Ski Tyres  
Cllr Oliver visited Selkirk St

Cllr Nelson visited Ski Tyres

#### **4 Minutes of the last meeting**

Minutes of the meeting held in January were approved.

#### **5 Planning Applications**

##### **6 22/01441/FUL 10 Selkirk Street, Cheltenham, Glos GL52 2HH**

The planning officer introduced the report as published.

There were 2 public speaker on the application – one in objection and the agent in support. Councillor Tooke was due to attend the committee, however due to ill health could not attend and his speech was then read by democratic services.

The objector made the following points:

- Cheltenham is known as a spacious town with glimpses of gardens and trees.
- The application was until recently a well maintained garden.
- Initially there was no light report
- The application was turned down in 2003.
- It will be an over development of the site
- There will be barely a meter space between the proposed building and number 18.
- It will have no view from the rear and no off road parking.
- It will not be in keeping with the surrounding properties.

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

- The applicant has lived on the street for some time and they have submitted the plan in preparation for their retirement on a street they enjoy living in.
- The level of local animosity for the application has been stressful for the applicant, but they have sought to work with the Council's planning officers and to take into account residents concerns.
- The proposal makes good use of a site within a sustainable location in the PUA.
- The contemporary design is of high quality and supported by the Civic Society, the revisions made during the process address the initial concerns of the architects panel.
- The amenity of neighbours is not harmed.
- There is no danger to highway safety.
- The proposal is compliant with the climate change SPD and includes a number of renewable technologies such as solar panels and an air source heat pumps.
- Care was taken from the outset of the design process to minimise any potential impact on adjacent neighbours.
- Further amendments have been made to take into concern of the neighbours. There has been a chartered surveyor appointed to undertake the assessment over the

potential daylight and sunlight impact, that report concluded that there was no adverse impact.

- The planning officers report covers the matters raised and sets out why there is no reason for planning permission to be refused.
- Objectively speaking this is a high quality scheme, incorporating renewable technology that makes good use of an under utilised plot.
- It is within the principal planning urban area and has been deliberately designed to minimise any potential impact on adjacent properties.

The speech of the Ward Councillor was then read out by a member of democratic services.

He made the following points:

- He believed that the documents had been prepared by disinterested professionals, an independent architect, a former chief town planner (from another county) and a leading light consultancy on light and planning issues.
- The planning department has not visited impacted neighbouring properties and has made a “presumption in favour” of this supposedly sustainable development.
- They have ignored the key points of SPD 2009 with regard to the impact on amenity
- The impacts on amenity are as follows: reduction of daylight to neighbouring gardens and rooms, reduction of sunlight to neighbouring gardens and overshadowing of rooms, the neighbours ability to use their garden space due to overlooking and lack of privacy and an overbearing appearance of neighbouring development in relation to existing gardens and buildings by virtue of its height and position.
- Having visiting neighbouring properties believes that there is unacceptable harm being done for those reasons.
- As it is a small plot the building is inappropriately high and will loom over neighbouring properties and severely impact the light going into Larkspur, 10.10a and 18 Selkirk Street.
- The house will be built so close to neighbouring walls that privacy will be lost and windows will be over shadowed,
- The planning department did not do a light test, if they had the problems with the proposal would have been obvious. A Member requested the light test which led to a last minute deferral of the planning hearing.
- Passing the proposal will mean that one garden will be lost and severely damage another, many gardens have already been lost to hard surfaces in the area.
- There will be loss of valuable green spaces which as driven about 18 complaints, which contravenes SPD 2009.
- The argument that this land is an eyesore only stands as believes that the garden has been allowed to become one.
- Planning approval will bring a substantial gain for a land owner and granting permission will mean that the landowner is inadvertently rewarded, it was once a beautiful and can be so again.
- It could be argued that the property will make a nod to sustainability with the plan, the garden will be paved , when there is a deluge there will be significant run off into the drainage systems and sewers which get overwhelmed and often pump waste into the rivers.
- There is a direct environmental consequence to the removal of our porous gardens and on that side of Selkirk Street.
- Sustainable properties are not just low carbon properties they are properties that increase bio diversity and take into account broader impacts across the ecosystem such as run-off.

- In 2003 the principle of building on this plot was rejected by the planning department due to worries that the overall impact on the neighbourhood and over development.
- Parking is also a consideration with this development as more cars will be added without the provision of additional parking.

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

- The window on the side of the terrace is a stairwell, the other neighbouring property has a bedroom window.
- The applicants agent does not state that it should be given less weight to the lighting statement, as owners they believe that they believe that it should carry more weight.
- There has never been a property on the site of the application.

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

- The issue is the impact on the basement flat at 10a, depending on which report you read the opinions differ. There is no question that this development will take the sunlight from the window at the basement flat.
- The concerns that the residents have raised do not have planning applications ie parking is not a planning concern.
- The gap between the two properties face south east and there is a large tree, the question is how much sunlight is the basement flat getting already. The tree is quite a way down, the angle of the photograph is a bit misleading.
- The difference between 2003 and now is significant as Larkspur was not there. The loss of amenity to the basement flat should be enough.
- The design of the application is ok however the impact on the basement flat will cut their light down considerably. The basement is independently resided in and that's the main concern.

The Head of planning stated the SL1 would be the consideration on the vote to refuse. He also confirmed that SPD2009 is a current document. He also confirmed

**Vote to permit:**

**For: 2**

**Against: 9**

Grounds for refusal policy SL1 paragraph a and SPD 2009 and not just the impact on the basement flat and Larkspur at the rear of the property. Loss of outlook is also a consideration for the property at Larkspur.

**Vote to Refuse on the above grounds**

**For:8**

**Against:2**

**7 22/01585/FUL Ski Tyres, 73 New Street, Cheltenham GL50 3ND**

The planning officer introduced the report.

There were three speakers on the item, an objector, the applicants agent and one of the Ward Councillors for the area.

The objector made the following points:

- The proposed properties will cause a lack of privacy. Where the windows are due to be are contrary to the Cheltenham SPD.
- Obscured glass in the windows of the first floor do not help with the privacy problem.
- The proposed pump will be noisy and the sound will travel.
- The application is over development of the site.
- The properties with their fronts on Grove Street will not have enough space for parking for two cars.
- The application shows no respect for neighbouring properties.
- There have been a sparse amount of complaints against the application by the 4 or 5 properties that will be effected due to the occupiers not having English as their first language.
- There have been no visits to the site except for Cllr. Willingham.
- The request was that the application be refused as it has not been sufficiently investigated.

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

- The principle of the application was to relocate the business and staff elsewhere including the commercial base. The street will no longer be snarled up with lorry drivers.
- There will now be less large vehicles and less commercial activity and noise.
- The applicant has taken into account all the comments that have been made and has worked with them.
- The application is for town houses which are a simple and authentic design.
- The residential amenity will be improved by this application.
- Frosted windows will ensure privacy.
- The Historical Society has commented on the design saying that it is an excellent design.
- The revised development will give visual enhancement and enhance the bio diversity of the area.

Councillor Willingham as Ward Councillor for the area spoke and made the following points:

- He explained the Cllr Atherstone, the other Ward Councillor for this application was unable to attend due to ill health and that she would have speaking in favour of the application as Cabinet Member for Housing.
- There is no dispute in the principle of the application.
- A concern of the residents is that the rear first floor room if used as a living room will cause a loss of privacy to the surrounding properties.
- The application is in breach of SL1.
- Planting would be a pertinent thing to do as a condition.
- Highways have not responded to the request with regard to yellow lines and parking.
- Privacy is a big issue with the application there has been a public duty assessment but no human rights assessment, everyone has a right to peaceful surroundings.
- There is a middle ground to be found in this application.

The responses to Member questions were as follows:

- The chimneys are just a design feature.
- Solar panels could be included as a condition.
- The charging point for the cars is 7kw.

- Gloucestershire highways are satisfied that there will not be a road safety problem with the spaces in front of the houses.
- There is a condition in place for a landscaping scene to be retained for 5 years.
- A 1.8 meter fence wouldn't normally be encouraged, but would argue in this instance that it is appropriate with maybe a scope to increase the height.
- There was confirmation that the report did include landscaping.

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

- Generally the design is nice, however there is concern over parking spaces as existing houses don't have parking. Planting is to be supported as a good idea and won't cause too much over shading.
- Grove Street used to be more commercial than residential it is a very convenient area with lots of amenities.
- Chimneys carry the design better.
- The application is making good use of a brownfield site
- Pleased that there will be solar panels as working to carbon zero is of premier importance.
- The bricks that will be used in the application pick up the design of properties on the other side of the road.
- Air source heat pumps are a bit of a problem, would prefer ground source heat pumps as they are more effective, although it is understood that ground source heat pumps depend on the soil that the property is being built on. It was suggested that as the property will be a new build and highly insulated could a community heat source be put in.

As a result of the debate confirmation was requested that there would be no fireplaces in the houses and it was confirmed that the floor plan confirms that there are no fireplaces.

With regard to the heating it was requested that an informative be attached asking to investigate ground source heating.

Councillor Barnes declared that he had missed part of the item, the legal officer advised that he should not take part in the vote.

The matter then went to the vote to permit and include conditions re solar panels, landscaping and charging points.

**For: UNANIMOUS**

**PERMIT**

## **8 22/02128 Burrows Field, Moorend Grove, Cheltenham GL53 0HA**

The Planning Officer introduced the report.

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

- The drainage officer did not suggest that there should be rain water harvesting from the pavilion.
- The amount of water that drains off could be quite vast.

- There was no mention of irrigation when planning permission was granted.

The Chair stated at this point that he would like to go for a deferral. The planning officer explained that this is a variation to an existing grant of permission.

- The approved storage is out of site but not undercover.
- The scheme should be supplemented by rain water harvesting.

As the Chair was minded to defer the Legal Officer intervened and stated that the application was to vary conditions not to re open development and how the scheme works. Deferral will not change what the application is for.

The question was asked if it was possible to take this application as a learning lesson that any public place should have a mechanism in place to deal with rainwater harvesting to which the planning officer responded that there is rainwater harvesting in place, the request came from the drainage officer.

One Member made the point that the tanks are not moveable with water in and they are a bit unsightly, these matters really need to be considered for future applications.

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

**UNANIMOUS - permitted**

## **9 Appeal Update**

Appeals were noted as published.

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

The Chair wished the committee to note that Liam would be leaving in the next few months and wished to pass on his thanks for all his work and expressed that he was sorry to see him go.

He then went on to talk about the planning peer review and urged Members to reply to the invite and to engage with the planning peer review.

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