

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 20 April 2023

Meeting time: 6.00 pm - 7.15 pm

In attendance:

Councillors:

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

Also in attendance:

Chris Chavasse (Senior Trees Officer), Michael Ronan, Michelle Payne (Senior Planning Officer), Sam Reader (Assistant Trees Officer, Place & Growth) and Liam Jones (Head of Planning), Michael Ronan (Solicitor),

1 Apologies

There were none.

2 Declarations of Interest

Councillor Wheeler sent apologies. There were no substitutes.

3 Declarations of independent site visits

Members declared the following independent site visits:

3 Pittville Crescent Lane: Councillors Fisher and Andrews.

66 Copt Elm Road: Councillors Bamford, Nelson, McCloskey, Payne and Oliver

4 Minutes of the last meeting

The minutes of the meeting held on 23 March 2023 were approved as a true record and signed accordingly.

5 Planning Applications

5a 23/00359/FUL 3 Pittville Crescent Lane, Cheltenham, GL52 2RA

The case officer introduced the report as set out in the papers, for a revised scheme following grant of planning permission earlier this year. It was at committee at the request of Councillor Tooke, and was part-retrospective, the most notable change being that the proposal was now brick-faced rather than rendered, to match the existing dwelling and the single storey extension reduced in size. The recommendation is to grant, subject to conditions.

The neighbour, in objection, made the following points:

- the Town and Country Planning Act includes a statutory requirement to publicly display a planning notice, as happens in other boroughs, yet in Cheltenham is only discretionary. Letters about the original application were only sent to a select group of neighbours, as a result of which she was unaware of the proposals, and delayed over Christmas, giving little time to comment. Ward councillors were told that it was too late to request a committee decision;
- neighbours had no prior knowledge of the plans, despite the applicant living nearby for a couple of years;
- the property was built on a garden plot, and permitted development rights were removed, to prevent over-development and additional windows without express permission;
- the two-storey side extension and front entrance are very dominant; these were amended during the original application and permission was granted;
- a rendered finish was specified in the first application, and red brick in the second, which makes the property entirely out-of-character with its location. There is a mix of styles in the area, and it would be possible, with considerately-designed amendments, to improve a building which currently has a negative impact on its surroundings;
- the part-retrospective application was submitted, with no site notice, for the red-brick finish; this is now a fait-accomplis, and the result is an outlook on an industrial-looking dark, concrete-roofed building, rather than a rendered one which would at least reflect a little light;
- regarding privacy, a proposed clear-glazed first-floor window will overlook her entire garden, living room, first-floor bedroom windows and rear porch;
- the proposal has resulted in an overbearing and dark appearance, impacting on light in her house and garden, and the approved rooflight overlooks her bedroom despite assurances from the planning officer that it would not.

The applicant made the following points:

- the revised application arose from neighbours' concerns about loss of daylight as a result of the side extension – it has been reduced in size and a window removed;

- the two large existing windows in the side extension are being replaced with windows which don't give rise to overlooking the neighbour;
- the window is needed in the fourth bedroom is required for light, ventilation and fire safety purposes; a bathroom window further down will not cause any privacy issues at all;
- a similar style of new-build dwellings are being permitted in the area, and Pittville is dotted with a plethora of different styles and materials;
- they bought the home for its red brick character, with the intention to modernise it, install sash windows, and remove all TV aerials and satellite dishes;
- the removal of tarmac and the store room will increase greenspace and biodiversity, with trees, lawns and hedging, unique for a narrow service road in the greater Pittville area.

Councillor Tooke began by saying that with proper communication between the applicant and neighbours, a committee decision could have been avoided. Planning guidelines support the reasonable concerns of the residents at 11 Pittville Crescent Lane, and it is not reasonable to change the design of a project midway through, or for changes which will have material effects on the surrounding properties to be pushed through. Neighbours felt that the public consultation was not run as it should have been, and that by bringing it to committee, the application will get the public scrutiny it deserves and some modest changes can be achieved. He highlighted the major concerns about the new design:

- it has been changed substantively so that the neighbours at No. 11 will lose privacy, light and sunlight, with two additional first-floor windows now added overlooking their garden, kitchen and living room and bedroom window, in addition to the approved skylight overlooking their second-floor bedroom window;
- proposals that result in unacceptable harm to the amenity of neighbouring dwellings should not be permitted according to the SPD, yet it is clear that 11 Pittville Crescent Lane will lose much of its privacy;
- Cheltenham Plan Policy SL1 states that loss of privacy is a key reason to reject an application, yet the report ignores the newly-positioned windows, not included in the original application;
- the Pittville Character Appraisal management plan from 2008 states includes a paragraph on St Paul's, the adjacent ward, recognising the impact development there can have on the area;
- in the original planning application, the officer considered the rendering of the building important enough to comment on it, saying that Cheltenham Plan Policy D1 requires that new development should complement the local area and that render was therefore wholly appropriate;
- the main request today is that the building should be rendered, as originally supported by the case officer, and the loss of privacy be taken into account.

In response to Members' questions, the Head of Planning gave the following responses:

- although not relevant to the case, the file shows that there were no procedural errors. The legal requirement is for either a site notice to be displayed or neighbour letters to be sent. CBC tend to send neighbour letters but often goes over and above the statutory requirements by doing both;

- permitted development is work that can be carried out without planning permission, so in that respect it does trump planning permission considerations such as privacy, loss of light and loss of amenity. The single storey extension and some of the other works could be done under PD rights, so this is a realistic fall-back position;
- regarding the clear windows on the rear extension, planning permission isn't required for windows on rear elevations. If they were on a side elevation, they would have to be obscure-glazed and/or non-opening;
- the main difference between the current proposal and the permitted scheme is the brick finish replacing the previous render, and the additional windows. The footprint is slightly smaller.

In debate, Members made the following observations:

- the brick used is semi-industrial with stone coining, a design typical of the 1980s, has been well done and is low maintenance and long-lasting. There are examples of rendered buildings around the town with grey/black coming through the render;
- the application being considered is for minor reworks to a previously-granted permission, and has not deviated from policy regarding notification;
- the complex report is very well done, with the issues explained clearly;
- standing out from the neighbouring properties isn't a bad thing, with variety in the street scene to be welcomed; the coins are slightly pastiche, but break up the brickwork so are acceptable;
- in view of the council's commitment to the climate crisis, it would have been good to see some eco-friendly features included, such as solar panels or heat pumps;
- the applicant is relocating the apple trees in the garden which is a positive move;
- there is a lot of render in the area, but also a lot of dark red brick walls, and some other brick dwellings. The mix is quite attractive.

The case officer confirmed that submission of a sustainability statement was sought, but this didn't get any further, and it should be remembered that this is a householder application, with some of the works being classed as permitted development.

With no further comments, the Chair invited Members to vote on the officer recommendation to permit.

9 in support

1 abstention

PERMIT

5b 23/00502/CACN 66 Copt Elm Road, Charlton Kings, Cheltenham GL53 8AW

The case officer introduced the item, which proposed the removal of three trees in a conservation area. He explained that the trees are very close together, and generally in poor condition due to competing for water and light. With poor amenity value, life expectancy of no more than 10 years, and potential risk from dropping dead wood, he considered that two of the trees were not worthy of protection with a TPO and the

other was borderline. He added that the resident is committed to planting a strawberry tree in their place, and transplanting a cedar from elsewhere in the garden to mitigate their loss, although this cannot be enforced.

The resident was invited to speak to support her case, and confirmed the comments from the trees officer, stating that an earlier application to remove five trees was withdrawn following discussion with him. She said that none of the trees had been able to grow and thrive properly, due to their close proximity, and if any one of the trees were to be retained, it would be poorly shaped as a result. One of the sycamores frequently dropped small branches on the road. She proposed felling the trees, replacing them at the corner of the plot with an Atlas cedar, transplanted from elsewhere in the garden and currently about 2m tall. It would be an attractive tree, visible from Lyefield Road and providing year-round screening, and she had also planted other new trees along the boundary in recent years. There have been no objections from neighbours or the trees officer.

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

- if the council raises no objection to the felling of the trees, it cannot enforce new planting, although officers can give informal advice about suitable species etc;
- regarding the proposal to relocate the existing Atlas cedar, he isn't convinced that this will be successful at this stage of the tree's maturity, although it is unlikely to give rise to problems with the cedar in Pittville Park which is considerably old. All trees cause problems eventually, but if this one does thrive – which is questionable - it will be many years before it does so;
- if the two declining trees were removed, the remaining sycamore would get more water and light, but not significantly so.

In debate, Members made the following points:

- there is a very attractive poplar tree in the garden which will be more visible and benefit from what is being proposed. This is a good reason to support the application;
- no objection should be raised as the resident is being very straightforward in her objectives. Moving the cedar will be challenging – she will need to take advice on the best time to do it, and it will need a lot of water to keep it going;
- the strawberry tree will be a nice addition;
- this is an iconic corner of Charlton Kings, seen from every angle, but the sensible and constructive dialogue between the resident and trees officer has resulted in a solution which keeps everyone happy;
- more applications are likely to follow, and it is unfortunate that the form only allows the resident to describe what trees they propose to remove, with nowhere to include a description of proposed replacements or mitigating measures; this doesn't help make an informed decision, and with the emphasis on biodiversity it would be useful to encourage residents to give an idea of their intentions;
- removal of any trees, including these which have probably taken 50 years to achieve their height, should always be challenged, but the resident and trees officer have engaged well to achieve a positive outcome and should be congratulated for this. It is clear from other work in the garden that the resident clearly appreciates the importance of trees;

- trees are an integral part of the street scene, and this copse is currently untidy, detracting from the elegant house. The removal of the three trees and replanting will enhance the visual appearance of this corner and the setting of the house.

The Head of Planning confirmed that the form used was standardised across England, and could not be changed. It was up to officers to assess the trees and work out solutions with the residents.

Vote on officer recommendation to raise no objection
10 in support - unanimous
No objection raised

6 Appeal Update

Information on appeals received, pending and decided had been circulated.

The Head of Planning told Members that the appeal against the last year's Committee decision to refuse 350 houses at Land off Shurdington Road, was originally set for the written representations procedure, whereby reports are exchanged between the local authority and applicant. These have been submitted, but the Inspector has come back requesting a hearing, which will take place in July.

He also flagged the decision at The Hayloft in The Reddings, which the Inspector has allowed. It was refused at Committee due to concern about the impact on neighbours arising from the creation of flats, but the Inspector felt that the level of activity generated by the coming and going of occupants of a family would not be substantially different in scale to that of occupants of the flats, and that the refusal was not justified.

He noted that there several appeals for BT hubs had been dismissed, which was a good outcome.

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

On behalf of all Members of Planning Committee, the Chair thanked the Head of Planning, who is leaving CBC. He said his guidance, support, expertise and professionalism were much appreciated, and wished his well with his future career.