

# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 21 September 2023

**Meeting time:** 18.00

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**In attendance:**

**Councillors:**

Paul Baker (Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Tony Oliver, Simon Wheeler and Barbara Clark

**Also in attendance:**

Claire Donnelly (Planning Officer), Victoria Harris (Planning Officer), Michelle Payne (Senior Planning Officer) and Mike Holmes

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## **1 Apologies**

Apologies were received from Councillors Barnes and Seacome.

## **2 Declarations of Interest**

There were none.

## **3 Declarations of independent site visits**

There were none.

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

The minutes of the meeting held on 17 August were approved as a true record and signed accordingly.

## **5 Public Questions**

There were none.

## 6 Planning Applications

### 7 23/00813/FUL 170-172 Leckhampton Road, Cheltenham, GL53 0AA

The planning officer introduced the report as published.

#### Public speaking

The Resident in objection made the following points:

- Residents do not object to the redevelopment of the site or the co-op relocating there.
- The objection relates to the current plan and proposed buildings, size, mass and scale. It is an overdevelopment of the site and out of character for the area.
- The concern is primarily about the impact the development will have on traffic, parking and safety of pedestrians.
- Although the scheme has been revised to reduce the height, the building still remains too large and overbearing and has little relationship to the surrounding area.
- The developer has missed an opportunity to design a group of buildings that would enhance the plot and local area.

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

- The applicant has made changes to the scheme following a public consultation exercise, by making amendments to the building including changing the facing material and reducing its height.
- The layout and landscaping for the site has also been improved.
- The development makes effective use of the site by providing housing and improving the offer of the convenience store, along with parking and well considered arrangements for deliveries.
- Technical consultants are fully supportive of the scheme with no objections raised in relation to environmental health or highway safety.

Councillor Horwood as Ward Councillor made the following points:

- The proposal has 30 objections and 30 in support. There is overwhelming support for co-op to move to new site.
- A positive is that the site is providing 14 new dwellings, 12 of them relatively affordable by Leckhampton standards, there will be biodiversity net gain and the incorporation of renewable energy.
- The site does tackle many of the issues of the current site of the Co-op, such as the delivery bay being separate from the car park and the pedestrian access being separate from both the car park and delivery bay access. Also, the buildings will be further from neighbours' properties than the current garage buildings due to the separation by the car park.
- There are draw backs - the design as is really is not attractive although the applicant has modified it somewhat.
- It is a shame that there isn't enough parking for one space per flat. The objections are really about scale and mass of the development.

- On balance he requested Members to support the application for the following three reasons:

- Benefit over the existing co-op site.
- Overwhelming support in the wider community of Leckhampton for change
- We have to accept more intensive development within the town to offset being able to maintain green fields.

The democratic services officer read out the Parish council's objection which made the following points:

- Scale, mass, height and overdevelopment of the site. Creates a building out of character with its surroundings as well as privacy issues for residents who will be overlooked.
- There is a lack of parking for both the dwellings and the shop. The street parking in Pilley Lane is already chaotic.
- Concerns that the junction of Pilley Lane and Leckhampton Road will become busier and impacting safety and air quality. The predicted increase in two-way journeys during morning and evening rush hour will cause additional congestion, also impacting safety and air quality.

Response to members' questions:

- Highways recommended a condition of how the delivery bay will be used and trust that the applicant will stop people from using the delivery bay for parking.
- Condition 24 relates to hours of opening and deliveries. The planning department do not know how the store will be laid out or what the store will provide.
- The site will have biodiversity net gain. Legislation Environment Act provisions come in to effect in November this year for major sites, which this site may not necessarily fall within. However, local authorities are awaiting guidance of the implementation of the provisions. In terms of minor sites, it will come in next April.
- Planning is not able to attach any conditions to prevent the new apartments (which will be privately owned) from becoming Airbnbs as we do not have any control over properties being used in this way at any location.
- Highways are satisfied that both junctions, Pilley Lane with Leckhampton Road and Pilley Lane with Old Bath Road have sufficient visibility for vehicles at the approach for both junctions there is still stopping sight distance for vehicles. The application does confirm that there will be a maximum of five deliveries per day and they will range in vehicle size from vans to heavy goods vehicles.
- The Co-op are not the applicant, but would be the occupier of the retail store. Planning do not know who the owner of the flats will be as they may be in separate ownership. A management plan for the flats is not something which is required.
- Highways deemed that on balance request for any amendments on the existing infrastructure on the network failed the test of necessity as they are satisfied that both junctions can operate safely.

- Highways is satisfied with the assessment that was carried out with regards to traffic movement.
- There is no lift for the apartments.
- The existing floor space of the buildings is offset against the residential floor space proposed resulting in planning being unable to seek affordable housing.
- Transport statement applicant did state that deliveries will be made through Leckhampton Road, and the egress would be made onto Old Bath Road.
- Planning do not think it would be appropriate to limit the size of the vehicles considering the previous use of the site.
- Any Section 106 needs to be tested, related directly to the development and reasonably related in scale. Highways deemed that the site did not meet those tests to require mitigation, therefore none were requested.
- It would be difficult to enforce a condition for a restriction for deliveries not being made during school times.

#### Member Debate

In debate, Members made the following comments:

- The existing site is a problem for traffic, they do have concerns as there will be consequences for the local community but the overall the benefits outweigh the problems.
- Not sure the traffic will create much of a problem as this is a new site.
- There are other buildings near to the site which are similar in scale, if not larger.
- There were concerns about traffic, parking and road safety issues and think that Gloucestershire County Council and CBC need to work together to improve road safety in the area.
- There were also concerns of overlooking from residents is about a feeling of being overlooked rather than actual reality.
- Given that we need a five year supply of housing and Cheltenham only has 1.7 years, we need these 14 properties.
- Will support scheme as it's a good scheme but concerned more flats being built without lifts.
- Will support the scheme but thinks the applicant could have reduced the height of the scheme, also regrettable that there are no affordable homes in the scheme. Accepts it will be a positive contribution to the wider area.

**Vote on proposal to have an additional condition that construction and deliveries will not happen between arrival and departure times for schools.**

**Carried**

**Vote on officer recommendation to permit**

9 in support - Unanimous

#### **8 23/01324/CONDIT Imperial Garden, Cheltenham, Glos**

The Officer presented the report as published.

The objector then spoke and made the following points:

- He stated that it was a myth reporting that the fuel that was being proposed is better for the environment.
- The report talks about the harm that the fuel will have on the ozone not on local pollution.
- There will be pollution released into Imperial Square.
- The application states that there will be no generators.
- Outdoor ice rinks in temperate zones are not good for the environment.
- The ice rink will burn more than 30000 litres of fuel.

The following responses were provided to member questions :

- There are no experts present who can answer the question as to what bio diesel hydro treated vegetable oil is. We can not condition what exactly it is.
- It was confirmed that there was not enough time to defer the item to the next committee.

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

- The application was refused last year and the matter of electricity in the park was due to be looked into, this doesn't appear to have happened.
- There has been a funfair in Montpellier Gardens burning diesel and the cost of this is not known.
- Bio diesel is made from vegetable oil, tallow and animal fats, it also has the addition of palm oil because of the combustion point. Given all this would move to vote to refuse.
- Another Member agreed as last year when the application came to the committee the committee were unequivocal in its refusal.
- The point was made that the rink was greatly missed when it wasn't there last year. The point definitely does remain that there should be a power source and the environmental issue should be considered, should still support the application as the ice rink does bring a lot to the town.
- There are definitely concerns with regard to the use of palm oil due to the damage it does.
- Power in the parks has been pushed back further and further, unless there can be given a concrete time when there will be power in the parks will not support the application.
- The importance of the rink cannot be underestimated, the excitement that it brings for children and it definitely attracts visitors to the area.
- Propose that permission is granted for one year and this will be the final year unless the power in the parks is resolved.

The matter then went to the vote for refusal which was as follows:

Refusal: 3

Against refusal: 6

The application then went to the vote to grant for one year. The result was as follows:

For: 7

Abstentions: 2

## **9 23/00809/FUL 1 The Grove, Hales Road, Cheltenham GL52 6SU**

The Planning Officer presented the report as published.

The objector then addressed the committee and made the following points:

- The proposal will overlook her garden and conservatory.
- The dormer windows will be less than 10 meters away from her conservatory.
- No amount of screening will provide the light that she believes she is entitled to.
- The objector invited the committee to attend her property to see what the impact of the proposal would be on her property.
- The only objection that she has to the application is the rear dormers.

Cllr Chidley then addressed the committee and made the following points:

- He supports the objector and his objection is not to the whole application just the dormers.
- The dormers would have a big effect on the neighbouring property and would invade the privacy of the neighbour.
- The Council states in SD14 02 that they will apply a 21 metre distance for properties facing each other and whereas these properties do not face each other the application does not meet the requirement of 21 meters.
- It is usual for properties in the area to have velux windows rather than dormers.
- A representation in support of the application has not come from a neighbour as stated but from someone who lives some distance away and her representation appears to be to discredit the objector.
- He requested a condition on the application to use velux rather than dormer windows that will allow privacy and then could support the application going ahead.

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

- The application would be out of time if a visit to the objectors property was arranged.
- A condition cannot be added, the application needs to be determined as it is at the moment.
- Officers have not had a discussion with the applicant to change the application as officers deemed the proposal acceptable.
- Whether the dormer windows are permitted development or not will depend on the material that is used for them,

- Officers did not visit the objectors property as they did not feel that it was necessary.

The interim head of planning explained that there needs to be planning ground reasons to refuse the application. It was also explained that if the item was deferred without a planning reason the applicant could appeal against non-determination which would leave grounds for the applicant to claim costs. Members were reminded to consider the application that had been received.

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

- There appears to be no other choice other than support the application as the element in question could be carried out under permitted development.
- There was a suggestion to refuse based on SD14, however the Interim Head of Planning stated that SD14 says that the new development must not cause harm and that the planning officer has addressed the amenity in the report.
- From the visit to the applicants property on planning view, a Member felt that it was reasonable and would be supporting the application.
- Totally understood the neighbours view although in reality would the neighbour peer in through the window.
- The length of the window seems to be a key issue.

It was proposed to refuse the application based on SD14 – this was not supported.

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

For- 8

Against – 1

## **PERMITTED**

### **10 23/01132/FUL 6 Saville Close, Cheltenham, GL50 4NE**

The planning officer introduced the report as published.

There were no speakers on this item.

Responses to members questions:

- Highways raised no objection on parking or highways grounds to the two parking spaces for both of the five-bed houses.
- The extra bit of green land is excluded from development due to being local green space.
- Garage that is on site at the moment will be retained and the site will be alongside the garage.

The matter went to Member debate, where Members made the following comments:

- support this mainly due to Cheltenham not having a five-year housing land supply.
- As the landowners it would have been nice for a development for Cheltenham Borough Homes and affordable housing.

**Vote on officer recommendation to permit**

9 in support - Unanimous

**11 23/01226/CONDIT Car Park, Chester Walk, Cheltenham**

The planning officer introduced the report as published.

There were no public speakers.

There were no Member questions and no Member debate.

The matter went straight to the vote

**Vote on officer recommendation to permit**

8 in support

1 in objection

**12 Appeal Update**

The appeals update had been circulated and was noted.

**13 Enforcement Update**

The Interim Head of Planning said that since enforcement had come back under the planning banner, he was aware that Members of Planning Committee were not receiving information about the number and scale of complaints being considered. It was suggested that a report would be brought to committee on a quarterly basis in this respect. He acknowledged that it is a difficult area and there will be legal implications which prevent discussion of individual cases, but hoped that sharing this information about cases coming forward and action being taken would be useful and give Members the opportunity to ask questions.

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

There were none.