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Planning Committee

24th June 2010

Present:

Members (15)

Councillors Surgenor, Chair (LS); Barnes (GB); Driver (BD); Fisher (BF); Garnham (RG); Godwin (LG); Jeffries (PJ); McCloskey (HM); McKinlay (AM); Morris (JM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

Substitute: Hall (PH) [for Cllr Fletcher]

Observer: Cllr Whyborn

Officers

Mike Redman, Assistant Director Built Environment (MR); Robert Lindsey, Development Control Manager (RL); Ian Crohill, Principal Planner (IRC); Wendy Hopkins, Senior Planning Officer (WH); Jonathan Noel, Legal Officer (JN), Karen Radford, Heritage and Conservation Manager (KR); Mark Power, Highways Engineer (MP);

Duncan McCallum, retail adviser on the Asda scheme

1. Apologies

Cllr Fletcher

2. Declarations of interest

10/00252/FUL Former Woodward International

- i. **Cllr Barnes** – Personal and Prejudicial – President of Cheltenham Society of Model Engineers, which has use of joint access point. Has used office of President to negotiate improvements to this access with the developers
- ii. **Cllr Garnham** – Personal and Prejudicial – undertakes paid work for Hunter Page Planning Ltd, who have objected to this application
- iii. **Cllr Morris** – Personal and Prejudicial – as cabinet member for the Built Environment, has been and continues to be in negotiation with B2Retail, Coronation Square developers. The Council owns the freehold of Coronation Square. As Civic Pride member, references to North Place compromise his position

10/00540/REM 84 Little Herberts Road

Cllr McCloskey – Personal – as a Charlton Kings parish councillor

10/00469/FUL & 10/00470/LBC 17 Park Place

Cllr Sudbury – Personal and Prejudicial – knows the owner

10/00777/FUL 10 Greenhills Close

Cllr Driver – Personal and Prejudicial – is a personal friend of the objector

Cllr McCloskey – Personal – as a Charlton Kings parish councillor

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10/00826/FUL 15 Newcourt Park

Cllr Garnham – Personal and Prejudicial – know the objector

Cllr McCloskey – Personal – as a Charlton Kings parish councillor

3. Public Questions

No public questions had been received

4. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th May 2010 be approved and signed as a correct record.

5. Planning/Listed Building/Conservation Area Consent/Advertisement applications, applications for Lawful Development Certificate, and tree-related applications

Application Number: **10/00252/FUL**
Location: **Former Woodward International, Hatherley Lane, Cheltenham**
Proposal: **Proposed mixed use development comprising 7,608 sq m of class B1 office space and 6,919 sq m of class A1 food store, petrol filling station, ancillary uses and associated works**
View: **Yes**
Officer Recommendation: **Permit subject to S106 obligations**
Committee Decision: **Permit subject to S106 obligations**
Letters of Rep: **77** Update Report: **Response to email re** Members present: **12**
supermarket at North
Place site

Public Speaking: Mr Bill Scarborough, representing B2Retail, in objection:
Said this was the first opportunity his company had had to speak on the proposal in a public forum. Explained that B2Retail was responsible for promoting the regeneration of Coronation Square, that he had 35 years' experience, and had been involved with similar projects across the country. Said the primary objective was the wholesale regeneration of Coronation Square, not supermarket vs. supermarket, and that social regeneration and Civic Pride were both tied in. Told members that the main problem was the multi-offer nature of Asda, offering household and electrical goods, clothing, chemist goods, toys etc as well as food, which would ruin the regeneration proposals. Said planning officers had acknowledged the detrimental affect the new store would have on Coronation Square, and had received objections from the Co-operative and Morrisons, yet had still recommended approval. Said it was suggested that 1000 jobs would be created as a result of the proposed development, but not all of these would be retail jobs, and the B1 element may never be built. Told members that if this application were allowed to be 'bullied through', it would have serious, irreversible implications for Coronation Square, and pointed out that there was a compromise – a 40,000m² foodstore would be far more suitable.

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Mr David Keyte, agent, in favour:

Said he was part of the team dealing with the Hatherley Regeneration project, working to ensure the proposal was beneficial and of high standard. Reminded members that it was not just for a food store, and that the office section would occupy more than 50% of the proposed built space, with facilities such as a crèche and a gym helping to create a pleasant working environment. Told members that consultation had shown that many residents would welcome an Asda store in Cheltenham; the council's retail consultant had carried out a detailed analysis and concluded that this would have no significant impact on Coronation Square, as the two would serve different markets and could successfully co-exist. Said that, after consultation, there would be no pharmacy included in the Asda store. Explained the enabling element of the mixed use scheme, and that it was inclusion of the food store that allowed investment in the infrastructure, hence making the business park possible. Said that, after consultation, Asda would provide almost £2M towards local highway improvements. Extensive consultation with residents, parish council, police, statutory consultees and council members and officers had resulted in several changes to the scheme, and concluded by saying that this was a viable project which would bring many benefits to Cheltenham.

Member debate:

BD: had given this application a great deal of thought and could picture an Asda store on this site, but had some reservations – said she would not vote for it unless *non*-24-hour trading was conditioned. Was sad that the parking was not underground, and although a crèche was to be included, felt it a shame that a park or something similar was not provided for the whole neighbourhood. Said that despite the extensive consultation process, officers didn't seem to have thought very much about the neighbourhood and the local residents.

MS: like BD, regretted the lost opportunity to include underground parking, to increase capacity and benefit the environment. Asked about dust and noise mitigation measures, particularly with regard to the Nuffield Hospital next door, and how maintenance of the landscaping, which was poor at some other supermarkets in the town, could be ensured. Asked if solar panels had been incorporated, and if not, why not?

BF: said that there had always been 24-hour working and more than 100 employees, at this site – he used to work there himself – so nothing much was changing with this development. Thought this a chance for a good development on this side of town, and restated that Asda was only a small part of the site. Regarding the regeneration of Coronation Square, suggested that it should have been better-maintained in the first place. Said the committee was considering *this* application on *this* site, and shouldn't be asking if it could go somewhere else. Said that sound-proof walls would deaden the noise of delivery vehicles, that lighting would be kept low at night, and that mature trees would be planted to mitigate the effects of noise and light. Pointed out that nobody had objected, and said that members should accept the officer recommendation.

KS: was minded to support the application, although she was also worried about 24-hour trading. Believed that there was room for another supermarket on this side of town, and although she understood B2Retail's concerns, felt that the new store wouldn't directly compete with Coronation Square. If the proposed Tesco Metro was built, this was not where people

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would go for their weekly shopping, but for topping up the shopping. Reminded the committee that both Tesco and Waitrose had been permitted, to the detriment of the Lower High Street – and that this proposal was far less damaging. Concluded by saying that if trading ceased at 8.30 or 10.00pm, she would be more happy with the proposal.

LG: said he, like other members, had been inundated with calls, letters and emails about this application, on balance more in favour than against. The site was a vast chunk of employment land, and CBC had responsibility to bring vacant employment land back into use as quickly as possible. As the Regional Spatial Strategy had been scrapped, the decision on how to do this was with the council. Like other members, was disappointed at the lack of underground parking, particularly as councillors had suggested this as the best option for the site. Was also concerned about potential traffic congestion, in particular access from store and petrol filling station, and suggested that traffic should be forced to turn left when leaving the site, towards the Park & Ride and SW distributor road, as this was a better option than going past front gates in Hatherley Lane. Also raised the question of 24-hour trading which encouraged bad practice – thought this was a big problem with large retail outlets, and said that neighbours backing onto B&Q were disturbed by delivery vehicles arriving before 7.00am, despite conditions stating otherwise. Suggested a condition that delivery vehicles were not allowed on site until at least 8.00am – would be happier to accept this. Regarding B2Retail's objections, felt that Coronation Square was a captive area, and doubted if the residents of St Mark's, Hesters Way and Gloucester Road regularly shopped at Morrisons. Thought the new store may be a blessing in disguise, providing competition for Morrisons. Said that if conditions were included regarding underground parking and 24/7 trading, he would vote in favour; otherwise he would abstain.

PT: had not been going to speak but had changed her mind in view of the debate so far. Told members that if she thought that Coronation Square was going to be badly affected, she would vote against the application. Said she knew the area well and had been trying for years to get acknowledgement of the work needed on it, but was 100% sure that the proposed store would not damage Coronation Square in any way, shape or form. Felt that inclusion of ground source heat pumps and underground parking would have been nice, and wasn't sure about 24-hour trading, but said it probably wouldn't be open that long anyway. Thought that the developers were being co-operative and listening – the noise issues had been addressed, there was to be no pharmacy, additional goods would be restricted. Said that most residents wanted this development, and would like the Asda store, which was only a small proportion of the site. Reminded members that if they voted against the application simply because of the Asda store, they would be turning down the offices and everything else on the site as well.

PJ: couldn't support 24-hour opening, particularly with the hospital next door. Asked if the road network was at capacity before or would be after the improvements, and also mentioned the problem with stray trolleys in his ward – suggested that there should be a scheme to stop trolleys leaving the site.

AM: had no fundamental objection to what was proposed on the site (other than 24-hour opening), and didn't think it would have a significant effect on Coronation Square, but was more concerned about the impact of the site

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on the community. The new store was likely to attract a lot of custom, and the road network was not likely to take the increased traffic. As the Traffic Impact Assessment required £1.96M to address the problem, asked how and where this money would be spent. Said the knock-on effect of the significant increase in traffic would be widely felt, and a traffic plan needed to be put together.

MP, in response:

- had spent a great deal of time and effort with the developers and transport consultants, and had tried to prepare a report which answered all the questions;
- said point 9.4 in the officer report dealt with the issue of 24-hour trading and 24-hour deliveries;
- assured members that a large technical Transport Assessment had been carried out, in accordance with government guidelines; it was a robust assessment, which took into account the worst case scenario, including a large number of travel figures, and **build rate of dwellings** proposed as part of the RSS, which would not now be achieved in the plan period;
- pointed out that when Dowty's owned the site, **traffic levels were high in the surrounding road network;**
- assured members that the effect of more cars could be mitigated; the **SPG** for Transport **would fund** measures to enable its successful delivery, including a scheme for traffic calming to 20mph, a re-assignment proposal to deter rat-running, and cars directed to the A40;
- said the roads, pathways and cycle ways around the area had all been taken into account, as well as the Park & Ride contribution, and also said that more bus lanes would be implemented;
- said that MOVA would be installed to improve traffic flow and increase capacity at Arle Court roundabout, and ensure that the SPG contribution was used in the area;
- told members that the £1.9M would be spent carefully, based on what the public and local stake-holders wanted;
- reminded members that, with regard to the supermarket element of the proposal, people who shopped elsewhere would be diverted to this site, which may be closer to where they live, resulting in the re-assignment of vehicles across the town.

RL, in response:

- regarding 24-hour working, said the applicants had submitted their proposal, but that this was clearly an issue of concern. Asked if members would find shop-opening hours like those of Tesco or Sainsbury's acceptable;
- regarding deliveries outside shop working hours, said Environmental Health had been involved in the design of the loading bay to minimise disturbance; there would be nine deliveries throughout the day and night, mostly during the day, and EH was happy with this;
- said that there had been a huge amount of engagement with local residents, both by planning officers and applicants, and improvements to the scheme had their approval;
- understood that no underground parking was a huge sadness for members, but said there was no policy to enforce this, and the costs were prohibitive – if it was not a requirement, then developers wouldn't

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- include it;
- dust and noise disturbance were dealt with in Condition 11;
- landscaping was dealt with by condition;
- solar panels and other sustainable features all attained BREEAM's *very good* standard for energy use;
- although the applicants had said there would be no pharmacy at the new store, said a condition should be added to ensure this;
- regarding trolleys, again there was no condition, but one could be included with the intention of containing trolleys within the site.

BD: said it was not up to the Council to say if the developer could afford underground parking, and that this was a subject that needed to be discussed at length.

MS: referred to Table 16 Parking Standards in the Local Plan, saying that there was a policy on parking at semi-basement level, despite RL's comments – except where it was impractical or visually undesirable. Believed it could be done if the will was there.

LG: asked if the landscaping proposals could include an extension of the bund, which would help mitigate to noise from the site. Asked MP to comment on LG's earlier suggestion that sixty per cent of traffic should be funnelled to the left. Said that as the biggest source of accidents was vehicles turning right, it made sense to make traffic turn left out of the site, away from Hatherley Lane.

MP, in response:

- said the proposed access was a roundabout, **and** in keeping with **the other junctions on the local network** and in accordance with the SPD; Hatherley Lane **was** nowhere near its capacity;
- for The Reddings and Hatherley Road, a large package of measures was needed, and this was being looked at comprehensively;
- the Arle Court roundabout would be controlled by MOVA, which would **improve** extra traffic **flow**;
- said the mitigation package was very good, safe, and could deliver what local people wanted; the proposed scheme wouldn't impact on buses and the **local** roads **would be** less attractive **for rat-running**.

BF: pointed out that Waitrose was built in a hole, on contaminated land which had been concreted over.

AM: confirming MP's reference to P38 7.3 and P22 extract from MP's report, suggested a list of what could be delivered with what the locals and stake-holders wanted. Could see that the list of traffic improvements was an attempt to please everyone, but was concerned about the pressure on Up Hatherley Way, with no extra safety measures and nothing suggested to ameliorate the traffic dangers along that stretch of road. Concerned that the list seemed quite fixed.

MP, in response:

- said that it wasn't a fixed list. Money needed to be spent in accordance with CBC's SPG, but nothing was off the agenda;
- reminded members that it was important to **deal with on the A40** adding to any congestion on the other side of town, by trying to get more capacity onto **it**;
- said again that a large package of measures would be used, the strategic areas being the SW area, A40, Arle Court (MOVA was part of

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- the package);
- the travel plan would also include buses, cycle paths, and footpaths, starting locally and spreading outwards;
- the Highways department was attempting to manage the problem with huge flexibility, having listened to local residents.

KS: asked about the public art contribution from the developers, and whether officers knew what this might be. Found the Waitrose artwork very irksome, and hoped this would be more appealing, possibly with involvement of the local community and schools, rather than a modern plonk.

LS: said this would be down to the Public Art Panel, which would listen to community views.

RL, in response:

- to LG's question about the bund, said that if the committee approved the application, he would talk to LG and frame a condition regarding the gap. Confirmed that a bund was already in place, and planting was to be installed.

PJ: asked what the opening hours were likely to be, if in line with Tesco or Sainsbury's.

RL, in response:

- listed the opening hours of Tesco at Collets Drive, as follows: Monday 8.00-23.00; Tuesday to Friday 7.00-23.00; Saturday 7.00-23.59; Sunday 10.00-16.00.

Vote taken on officer recommendation to permit

Vote: **12 in support – unanimous**
PERMIT

Application Number: **10/00540/REM**

Location: **84 Little Herberts Road, Charlton Kings, Cheltenham**

Proposal: **Erection of 10no. dwellings and private driveway following the demolition of the existing dwelling (84 Little Herberts Road)**

View: **Yes**

Officer Recommendation: **Approval of reserved matters**

Committee Decision: **Refuse**

Letters of Rep: **29** Update Report: **No**

Members present: **15**

Public Speaking: Mrs Janet Pearson, local resident, in objection:

Spoke on behalf of residents of Ravensgate and Little Herberts Road. Said the style of the proposed mini-estate was completely out of keeping with the area and visually offensive, with too many houses crammed in, which would be obtrusive and overbearing. Believed the reserved matters application deviated from the approved outline in so many ways that it should be treated as a new application, failing which the reserved matters should be considered in accordance with the new Government guidelines on garden grabbing and green space. The removal of a large number of trees and shrubs would leave little room for a landscape plan, and

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replanting was essential to replace the wildlife sanctuary - the area was home to a wide variety of protected species. Said the biodiversity audit was out of date, being over three years old, and urged the council to recommend an extensive ecological survey before any decisions were made.

Mr Simon Firkin, agent on behalf of the applicant, in support:

Was very aware of the long and controversial history of this application, but reminded members that the most controversial issue – the principle of the development of ten houses – had been allowed by the Appeals Inspector, and it was now the appearance, landscaping, layout and scale of the development which was being considered. Reminded members that the current application was very similar design-wise to the earlier outline application, which had not been refused on design grounds and had been accepted by the Inspector. Said the revisions of PPS3 and change in status of garden land were not relevant to this reserved matters application, and although members may not like the idea of this site being developed, this was not a reason to refuse the current application. Stated that all the remaining issues – appearance, landscaping, layout and scale – were all acceptable and in line with adopted policy and current guidance, as the officer report made clear.

Cllr MacLain, in objection:

Did not agree with the Inspector's verdict, but realised that he must accept it. Said this reserved matters application had to be considered in light of the new government advice on garden grabbing, and it failed and fell down on all fronts – appearance, landscaping, layout and scale. Suggested that the appearance and scale were overbearing, especially with regard to 82 Little Herberts Road, and the pitched roof design was intrusive. The parish council had identified the three-storey houses on Plots 2 and 7 as particularly overbearing. Apart from the frontage buildings, this could be a discreet estate, but was in fact visible in a much wider context, in particular from the AONB. Referring to the officer's description of the development as 'distinctive and interesting', said he would say otherwise. Regarding landscaping and layout, referred to the out-of-date ecological bio-diversity assessment, and raised concerns about drainage and potential flooding, saying that Trower Davies's comments must be very carefully read, and stringent conditions applied, if needed.

Member debate:

BF: asked for guidance – the Inspector had given outline approval, but refused the detail. Said the three-storey town-houses were totally wrong and offensive to the view – the guidance said that the view both looking in and looking out of the AONB should not be detrimentally affected. Felt that this was not the right design for the area.

HM: was minded not to approve the application. Considered that the mass and scale failed to conform with policy CO1 of the Local Plan, and also CP7, being more appropriate to an urban setting. Felt that the hard edge boundary with the AONB was inappropriate, and the gated approach was more suited to a suburb of Johannesburg rather than Charlton Kings. The Trees Officer's concerns had not been brought to the Inspector's attention, and if the application were to be permitted, allowance should be made for his recommendations.

KS: had thought of this application as a curate's egg, although was now

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having trouble in finding any good bits. Felt the properties to the rear weren't too bad, although she didn't like the wood cladding, but the design of the town houses was unacceptable and ugly. Thought that the cutting should not be filled in, and regarding the Trees Officer's comments, could foresee a conflict if a future resident wanted to remove any of the trees. Said the design was not of a good enough standard for Cheltenham, and supported HM's move to refuse.

BD: said this was another good example of why she hates outline applications – developers came back with buildings which were out of place and out of character. Warned new planning committee members to take note.

LG: was sad that the Inspector got out the wrong side of the bed the day he made this decision. The proximity to the AONB was critical, and coming in from that direction, the design of the houses had no relationship with the existing houses on Little Herberts Road. Following the Inspector's decision, had hoped the reserved matters application would be more in keeping with the area. Did not like to layout of the site, and gave the developers 3/10 – could do better.

LS: said the Inspector had clearly taken trouble with the reference to the AONB and obviously didn't think it important.

IRC, in response:

- could see that this was clearly a very difficult decision for members, clearly dependant on decisions made in the past, the two refusals, and the public enquiry. Said the Inspector had looked at all aspects of the outline application and concluded that all issues were acceptable, apart from the house adjacent to 82 Little Herberts Road. IRC had looked at points raised in the decision letter, at what the Inspector approved or not, and reflected this in his report;
- regarding the biodiversity assessment, said this was prepared in 2007, at the outline stage of the application, and planning permission was then granted in 2008. As this was less than three years ago, there was no reason or grounds for a new assessment;
- regarding the scale and design of houses, said the indicative detailed scheme had seven houses, and the central houses in the principle run were three storeys i.e. taller than the others; the two houses at the end of the site were now bungalows (these had previously been houses), with a maximum ridge height of 5m. To sum up, said the heights were not the same, but quite comparable to the indicative plan, the design was very similar using similar materials, and the zinc roofs had been replaced with slate;
- said the Inspector had added conditions regarding access, drainage, no additional hardstanding, mitigation measures for possible contamination, and a construction method statement to protect local residents' interests regarding construction noise and disturbance, but had left matters concerning layout, scale, appearance and landscaping with the Council. Said that all conditions must be complied with;
- regarding the changes to PPS3, acknowledged that although three other applications had been deferred from the June planning committee meeting, to incorporate the principle of development on garden land, in this particular case, the decision in principle had already been made and still stood, making changes to PPS3 irrelevant to the application.

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BF: said the appeal scheme refused by the Inspector bore no resemblance to what was on the screen now. Accepted that permission to build dwellings had been given, but stressed that the design had not been approved and had now completely changed. Asked if the REM application could be turned down on design grounds, and the developer asked to come back with a more suitable design.

JM: referring to the Inspector's report, para 33, regarding external appearance and design, and the fact that the Architects Panel and Civic Society considered the design appropriate, said that as the current proposal bore no relation to the previous scheme, the committee would be justified in refusing on design grounds – CO1 and CP7.

KS: agreed with JM, saying that the street scene refused in Appeal A bore no resemblance to current proposal, which was ugly and unappealing. Said the site could be improved by sensitive development, and that the committee should have the bottle to stand up for what it believed in.

RG: said the Inspector's report referred to 'partial infill', and the report to 'total infill' - asked how members should interpret this. Felt that the Inspector had added strength to the current argument by refusing Appeal A on design grounds.

AM: having read the report carefully, three years from the date of the outline permission, felt that the proposal looked big and ugly, and was clearly something the committee should look at carefully.

LS: agreed with CP7 as a refusal reason, but pointed out that the Inspector's report, in paras 8-12 advised against using CO1 as a reason. Was happy to go along with CP7, but thought they would run into trouble with the Inspector if they cited CO1 as a refusal reason.

MS: asked how the Inspector could say the development wouldn't affect the AONB without seeing the design. He could not have known what it would be like.

LS: asked if CP7 along was a strong enough reason to refuse.

LG: asked if the layout had been approved in the outline permission.

IRC, in response:

- said no, but members should note that the Inspector had looked at the detailed scheme as well as the outline, and refused the detailed scheme because of its affect on 82 Little Herberts Road. Said the height of three units in the middle of the layout was different, but suggested that members should not reject the applications in terms of layout;
- reminded members that design was a matter of personal taste, and he thought the design ethos was similar to the previous scheme, using similar materials (brick, timber cladding, zinc rooves); said the fact that the pairs of semis were not mirror images was an attractive feature;
- said the question of scale and height was the only issue to be pursued regarding Policy CP7, not CO1. The Inspector was happy with a scheme that differed in design from the existing houses around it;
- finished by saying he was very concerned not to get into the realms of further appeals and costs, as this had been a very costly appeal.

LS: asked HM if she would be OK with just CP7 as a refusal reason.

HM: confirmed that she would.

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Vote taken on HM's move to refuse on CP7

Vote: **14 in favour, 1 abstention**
REFUSE

Application Number: **10/00470/LBC & 10/00469/FUL**

Location: **17 Park Place, Cheltenham**

Proposal: **10/00470/LBC: First floor side extension and associated alterations**
10/00469/FUL: First floor side extension

View: **Yes**

Officer Recommendation: **Refuse**

Committee Decision: **Refuse**

Letters of Rep: **0** Update Report: **Yes – letter from agent** Members present: **14**

Public Speaking: Diana Jones, agent on behalf of applicant, in support:

Told members that the house was in a terrible state when the present owners moved in, and they were gradually undertaking its sympathetic restoration, and had already won a Civic Society award for an earlier project. Said the owners had a 23-month-old daughter and planned to have more children, but the house had only two bedrooms and a box room on the first floor. The basement was unsuitable for bedroom accommodation, and it would be undesirable to have two floors separating parents and child - the applicants wanted simply to make their home suitable to modern family life. They had employed a historic buildings consultant to examine the property and their proposals, and under PPS5 the scheme was in balance and in keeping with neighbouring properties, most of which had four bedrooms. Said the applicants were proud to protect the historic building in which they lived, and that their proposals would enhance its aesthetic contribution to Cheltenham, as well as improving the quality of life of those living in the house by allowing for the sensitive evolution of the property.

Member debate: RG: disagreed with the officer's recommendation, and asked whether this would have been the same if the application had been put forward when the building was dilapidated. Said the applicants were looking after the building well, and considered the recommendation an unfair judgement on their proposed extension. Moved to approve the application.

PJ: commented on the single storey as it looked now - in a poor state of repair.

IRC, in response:

- said the agent's letter and speech had made great reference to the personal circumstances of the applicants, which should be given very little weight in any planning application, and particularly in one regarding a listed building. Reminded members that it was the impact on the building that they should be considering.

JM: had not been on planning view, and asked if the existing single-storey section was original to the building or an add-on.

Karen Radford, in response:

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- to PJ's comment on the state of repair of the side extension, said it needed new paint and the cornice replaced, but this was quite superficial;
- regarding the age of the building, said the original house was probably built 1820-30, the extension late 19th century – so the extension was historic, but not as old as the rest of the building.

JM: pointed out that the original building had therefore been changed, and suggested that the proposed extension would give balance and, from an aesthetic point of view, do it good. Agreed with RG, and could see no reason to refuse the application – certainly not simply because 'this was the way it was'. Suggested that the proposal represented progression – moving forward, moving on.

PT: endorsed all these comments. Said she had great respect for KR, but there were times when conservation went mad and did no favours to anyone. Thought the extension looked better than what existed and enhanced the whole property.

KR, in response:

- agreed that historic buildings shouldn't be set in aspic, but stressed that developments should respect the history of the building;
- pointed out to members that the left side of the building was symmetrical with the central portico, and that the two houses had been designed together. The front door of No. 17 was subservient and to the side, and the proposed extension would unbalance the original design;
- the proposal would also add a very different roof form, creating a front door without a roof, and said the historic buildings consultant was inaccurate in his report, and unclear whether the roof was historic or new.

LG: had asked officers on planning view about the roof between the chimney and the main building.

IRC, in response:

- confirmed that the roof behind the parapet was pitched.

LG: felt that this made a vast difference.

PT: regarding there being no roof over the front door, said similar situations could be found in Pittville, and suggested that members shouldn't concern themselves too much with that.

AM: was not on planning view, but said he knew the building well, and suggested that as No. 19 was different, altering No. 17 wasn't such a bad thing. Said the proposed design was better than what was there now, and improved on the existing extension, which looked odd.

BD: was also not on planning view, and had changed her mind three times during the debate. Said it would have been useful to see the house next door. Was still not decided.

DS: said he was on planning view, and seeing the house next door reinforced KR's argument.

PJ: thought that the V shape in the roof could cause a problem.

Vote taken on RG's move to approve

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Vote: **5 in favour, 9 against**
REFUSE

Application Number: **10/00520/LBC & 10/00519/FUL**

Location: **The Coach House, Little Eslington, Thirlestaine Road**

Proposal: **10/00520/LBC: Two storey extension with single storey glazed link and internal alterations**

10/00519/FUL: Two storey extension with single storey glazed link

View: **Yes**

Officer Recommendation: **Refuse**

Committee Decision: **Refuse**

Letters of Rep: **4** Update Report: **None**

Members present: **15**

Public Speaking: Mr Tony Knowles, applicant, in favour:

Said he and his wife had lived in Little Eslington for 37 years, that it was the former servants' quarters, arranged over four floors with steep stairs, and that despite appearances, it was only 11ft deep, with one bedroom on the first floor. The Coach House was formerly derelict but, in an earlier change of use application, had been converted into a dwelling. Little Eslington and its garden were not very elderly-friendly, and the applicant hoped to extend The Coach House in order to live there. Suggested that it would be a pleasing feature in the street scene, and retain some similarities to original building. Said the plan showed changes to the windows and doors, made with the council's consent over the last 25 years. The current proposal involved virtually no external changes, and was within local planning guidelines. The Architects Panel had favoured it, as had neighbours, and the extension would be largely obscured by trees. Reminded members that this was not an application for a new dwelling, simply a conversion of an existing one – an eco-friendly, quality dwelling of our time.

Member debate: BF: said to say that The Coach House was unchanged by the proposal was ridiculous – the proposal completely changed the whole aspect. Thought The Coach House was very nice, well-balanced and well-proportioned, and was inside a listed building curtilage. Said he liked modern buildings, but that this was a travesty.

LS: suggested that members had been misled on planning view – had not realised that The Coach House was not a separate dwelling, but part of Little Eslington.

KR, in response:

- explained that this was a legality – the principal listed building was Eslington/Little Eslington, and The Coach House, within its curtilage, was of historic importance. The 1990 act protected buildings within the curtilage – any building built before 1st July 1948 within the curtilage of a listed building, was listed at the same grade as the listed building.

RL, in response:

- apologised to members if they felt they had been misled, and made

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clear that the application was for an extension, not a change of use.

KS: said that when she looked at the plans before planning view, she realised that this a beautiful site which needed sensitive care. Compared the site to one in Christowe Lane, where the extension was far more in keeping with the original house. Felt that the design was not appropriate to this setting, and could be done much better. Supported the officer recommendation.

Vote taken on officer recommendation to refuse

Vote: **13 in support, 2 abstentions**
REFUSE

Application Number: **10/00620/FUL & 10/00621/CAC**

Location: **Sandford Dene, Lake Street, Prestbury**

Proposal: **10/00620/FUL: Erection of replacement dwelling following demolition of existing dwelling**

10/00621/CAC: Demolition of existing dwelling

View: **Yes**

Officer Recommendation: **Defer**

Committee Decision: **Defer**

Letters of Rep: **1** Update **Ref. PPS5, letter from agent, letter** Members **15**
Report: **from applicant** present:

Public Speaking: **None**

Member debate: **RL: asked for members to approve deferment of this application to allow proper assessment of viability in accordance with Policy HE9, following the complex issue of interpretation and application which arose during the hospital car park appeal inquiry.**

JM: asked when the hospital car park Appeal Inquiry took place, which had kicked up this discussion about the interpretation of PPS5.

RL, in response:

- informed members that the issue arose at the second session of the Inquiry, which took place 15th-17th June.

JM: thought it strange to defer at this stage, following the earlier recommendation to refuse. Said that PPS5 was in place when the report was written and decision made to bring the application to committee in June. Demolition on cost base had been looked at before.

LS: asked why this issue had arisen so late, as this was a repeat application.

LG: said he had been told earlier that day that consideration of this application was to be deferred, and had therefore left the relevant papers at home. Said that as a result of the hospital car park inquiry and PPS5, and the implications of what the Inspector had said, CBC had to be careful to avoid a very costly situation.

MR, in response:

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- suggested that KR explain the relevance of PPS5 and HE9.

KR, in response:

- said that PPS5 was published during the hospital car park inquiry in March, and that the inquiry was accordingly deferred until June to allow consideration of its relevance to the hearing. In June, the three barristers, all experts in planning law, found that PPS5 was relevant to the case, leading to a long and detailed discussion of one clause;
- barristers and the Appeal Inspector decided that the Lido, although an unlisted building, was a 'designated asset', a positive building within the conservation area, and therefore protected by policies HE9.1-4. This was relevant to the Sandford Dene application;
- these policies asked for detailed financial information which had not yet been made available, hence the move to defer.

LS: pointed out that Sandford Dene was not locally listed, but the Lido was.

RL, in response:

- said the issue was that Sandford Dene had been identified as a positive building in the conservation area;
- apologised for the deferment at such a late stage, but told members that officers could not make a recommendation without consideration of the latest information; said the applicant had insisted the application be brought to committee so, out of fairness to him, it had been.

AM: said that with these latest the developments, the applicant could claim that the goalposts had been moved, and the council may be leaving itself open to accusations of failure to determine the application.

KR, in response:

- said the applicant would have to submit justification for the demolition of the building, and how the applicants dealt with it was a material consideration.

RG: suggested that the description 'positive building' was confusing the issue, and compared this application to that at 21 St Stephen's Road.

RL, in response:

- said St Stephen's Road was a very different case, as there was no question of it being demolished.

RG: pointed out that the Lido was not going to be demolished either.

RL, in response:

- said that Policy HE9 of PPS5 was concerned with whether a building was unviable in its current state. Asked JN to comment.

JN, in response:

- explained that it had recently been realised that the new policy guidance, PPS5 was relevant to this application. Policy HE9 – an essential part of PPS5 – stated that developers needed to demonstrate that a building was not viable to continue in its present form before it

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could be considered for demolition.

PJ: asked who determined what was or wasn't a positive building. The cost of renovation would be high, and could not see how Sandford Dene could be a positive building – more like a run-down box.

KR, in response:

- quoted from the officer report that the Prestbury Conservation Area Appraisal had quite rightly identified Sandford Dene as a positive building, and that questions provided for guidance, together with answers, were all included. Conceded that Sandford Dene may have modern windows and render, but that all other aspects made it positive.

LS: said that what constituted a positive building needed to be sorted out at a separate meeting.

Vote taken on officer recommendation to defer

Vote: **8 in favour, 3 in objection, 4 abstentions**
DEFERRED

Application Number: **10/00058/FUL**

Location: **11 Moorend Road, Cheltenham**

Proposal: **Erection of a 2 storey semi-detached dwelling to the side and erection of new porch to front elevation of the existing property**

DEFERRED TO ALLOW FURTHER CONSIDERATION OF THE PROPOSAL IN LIGHT OF AMENDMENTS TO PPS3

Application Number: **10/00316/FUL**

Location: **145 Gloucester Road, Cheltenham**

Proposal: **Erection of a detached dwelling**

DEFERRED TO ALLOW FURTHER CONSIDERATION OF THE PROPOSAL IN LIGHT OF AMENDMENTS TO PPS3

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Application Number: **10/00507/FUL**
Location: **21 St Stephens Road, Cheltenham**
Proposal: **Two storey rear extension and single storey side extension with basement and new rooflights**

View: **Yes**

Officer Recommendation: **Refuse**

Committee Decision: **Refuse**

Letters of Rep: **0** Late Report: **None** Members present: **14**

Public Speaking: Mr Johnston, applicant, in support:

Said this application was the culmination of two years of design, application, re-application and appeal, all at huge cost. Said all he wanted was to accommodate his growing family. A previous proposal for a two-storey side extension to blend in with the parent building was derided as pastiche, and its height, mass, width and depth were considered harmful to the character and appearance of the house. The current application was a significant compromise, representing a 48% reduction, and proposing a single storey side extension and a two-storey rear extension, deliberately designed in a contemporary style to avoid pastiche. The rear extension was reduced in height and width, and would not be visible from the road. No neighbours had commented or objected, and he could not see how the proposal could be considered as harmful to the conservation area. The existing two-storey side extension dated from before 1948. The Appeal Inspector had commented that the house was well proportioned and attractive from the street, and the rear extension had been designed to respect to villa form. Said he and his family had been in limbo for two years, and asked the committee to bring the nightmare to a close.

Member debate: RG: said he had brought this application to committee, because it needed a full hearing. Suggested the need to be more pragmatic about what a refusal would achieve. Applicants such as this one were spending money to improve local buildings while living in them. Whether the historic context was conserved or the street scene harmed was questionable. This applicant had compromised with a 48% reduction with the current proposal. There was some debate over the age of the building. By refusing change, the council was dictating who could live in the house.

BF: said that if a family outgrew a house, maybe it was time it moved on. Speculated about how many bedrooms the house may have. Had been on planning view, on the site, and seen exactly what the officers were talking about. Said members should look at it, not just read about it.

RG: said he hadn't been on planning view, but this house was in his ward, and he had been inside it more than once.

RL, in response:

- said the house currently had five bedrooms, and the proposal included four bedrooms, each with a bathroom or shower room, and a dressing room.

Vote taken on officer recommendation to refuse

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Vote: **4 in support, 2 in objection, 8 abstentions**
REFUSE

Application Number: **10/00591/FUL**
Location: **79 Queens Road, Cheltenham**
Proposal: **Erection of a detached dwelling with integral garage on land to rear of 79 Queens Road**

DEFERRED TO ALLOW FURTHER CONSIDERATION OF THE PROPOSAL IN LIGHT OF AMENDMENTS TO PPS3

Application Number: **10/00656/FUL**
Location: **28 Pilford Avenue, Cheltenham**
Proposal: **Erection of a two-storey side and rear extension, a single storey rear extension and replacement front porch.**

View: **Yes**

Officer Recommendation: **Refuse**

Committee Decision: **Refuse**

Letters of Rep: **0** Update Report: **None** Members present: **14**

Public Speaking: Mr Simon Firkins, agent on behalf of applicant, in support:

Informed members that he was speaking on behalf of the applicant, who couldn't be there, and pointed out that the existing house had three bedrooms, not two as suggested in the report. The proposal was for two extra bedrooms, one downstairs, one upstairs. Drew members' attention to the significant extension to the non-attached neighbour's property, and said the applicant appreciated the need for maintaining a decent boundary gap. Said the proposed extensions met the requirements of the SPD in terms of subservience, and a single storey side extension could be constructed under permitted development rights, but this was not the applicant's preferred option. Refuted the officer's view that the extensions would detract from the character and appearance of the parent dwelling, saying it was in keeping with the existing dwelling, the street scene and the neighbourhood. Reminded members that the house was situated in a cul-de-sac, so there would be very little passing traffic to see the side extension from the street, and said that the applicant had gone to great lengths to accommodate the officer's requests. Requested that, in view of the extension next door, the bungalow on the other side, and the subservience of the extensions, this application be granted.

Member debate: PH: said she had brought this application to committee, and had been informed on planning view that the main problem was that the neighbour had built an extension right to the boundary. If the applicant did the same, it would leave a gap of only 1 metre between the houses. Was very sad that this situation had arisen.

RL, in response:

- referring to this last point, said that officers had tried to suggest solutions, and there were many cases where similar properties had

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- been extended successfully, with great potential at the back;
- confirmed that permitted development was a fall-back, but if the side extension was to be more than one storey, it would need planning permission;
- said the current proposals did not meet the principles established in the SPD.

LG: was surprised on planning view at the size of the rear extension – if there on its own, it would be OK.

Vote taken on officer recommendation to refuse

Vote: **11 in support, 3 in objection**
REFUSE

Application Number: **10/00687/FUL**

Location: **2 Dunalley Parade, Cheltenham**

Proposal: **Conversion of existing garage/storage building and first floor and rear extensions to form a new single dwelling unit**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **5** Late Report: **None** Members present: **14**

Public Speaking: None

Member debate: **AM:** said that shoe-horning a tiny dwelling into a heavily developed area, with access via a back alley, surrounded by workshops and storage sheds, gave entirely the wrong message. Said that the arguments against this were exactly the same as those against the proposal at 2 Russell Street. Repeated that the proposed dwelling was tiny, with almost no space for rear access, and no room for bins. Moved to refuse, on grounds of over-development.

JM: continued on the same issue, and was particularly concerned with waste disposal, especially in view of the current move towards multi-waste disposal bins. Said officers must take account of this, and the application should be refused on those grounds. Developments such as this back-garden shoebox were bad for residents of the old dwelling and the new, and simply not acceptable.

KS: felt there was a difference, as the proposal was to develop what was already there. Thought it quite pleasant, a cute little dwelling close to town, and would quite like to live in it herself.

LG: said this would be a planning gain.

RL, in response:

- said that developments such as this could be very successful – in Clarence Square, there was a miniscule house which fitted in well – and the house would be cheap for someone to buy;
- suggested that an increase in the amount of residential presence in the back lane could be viewed as a positive thing.

Vote taken on AM's move to refuse on overdevelopment

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Vote: **3 in support, 9 in objection, 2 abstentions**
PERMIT

Application Number: **10/00777/FUL**
Location: **10 Greenhills Close, Cheltenham**
Proposal: **Erection of single storey side extension**
View: **Yes**
Officer Recommendation: **Permit**
Committee Decision: **Permit**
Letters of Rep: **2** Update Report: **None** Members present: **13**

Public Speaking: Mr Hammond, applicant, in favour:

Said the application was to extend his two-bedroomed bungalow, to accommodate his wife and five-year-old child. It conformed with all planning regulations, and members would have seen on planning view that at 4.5m in length, it was not too close to or overlooking any neighbouring properties, which were all on the same level of land. Said some other extensions in the area were built much closer to boundaries than his proposal. Regarding the objection that the extension would be overbearing, said it was not in direct visual line from the side of the house. Another cause for objection – the high roofline – had been addressed by the architect who had shown that it was in proportion to a scale common with bungalow design. Said it had been suggested that a sloping roof would minimise the impact of the extension, but that Cheltenham's Residential Alterations and Extensions Guide stated that roof extensions should echo original roof in terms of pitch, hip or gable. Said that his extension would not harm the amenity of the neighbour, and although he could have built an extension 4m high and 6m wide under permitted development, he felt the proposal under discussion to be more appropriate.

Mr Foster, neighbour, in objection:

Told members that he lived at No. 7 Greenhills Close, at the centre of the turning circle, and that No. 10 is very visible from his living rooms – the small scale drawings do not give a true impression. Said the bungalows all have a high pitched roof which, together with the fact that No. 10 stood on higher ground, would make the proposed extension very obtrusive. It would be difficult to see the sky from inside his house and from this patio, representing a serious loss of amenity. Asked why the extension had to go eastwards when there was much more space to the south; why it could have a downward sloping roof rather than a high pitched one; and why the window facing his property couldn't be repositioned on the gable end. Felt that the proposal had not been sympathetically thought through and needed a re-think.

Member debate: KS: had asked for this application to come to committee, and having spoken to both parties, understood both sides of the argument and thought it a tricky one to call. Felt that a relatively small amendment to the proposal could solve the problem for the neighbour. On planning view, standing on the neighbour's patio, it was clear that the impact of the roofline of the extension would create a sense of enclosure. Suggested that if the roof shape could be hipped rather than gable-ended, the neighbours would not feel so enclosed. Thought it a shame that the application had had to come

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to committee.

JM: warned of the danger of re-designing by committee. Asked if discussion of a possible hipped roof took place, and if not, why not? Was very concerned about changing a design – said this was not in the committee remit at this stage.

WH, in response:

- said a hipped roof had been discussed and put to the applicant, but had not been acceptable.

KS: pointed out that adjacent properties had hipped roofs, and it seemed a sensible solution. Thought the applicant had originally suggested a hipped roof.

WH, in response:

- said officers sought a design which was fluent and sympathetic to the parent building, and that a hipped roof wasn't suitable.

IRC, in response:

- reminded members that the planning application was submitted by the applicant. Suggestions made by WH had helped reduce the impact. Said that the neighbours would see small section of roof above the hedge.

Vote taken on officer recommendation to permit

Vote: **11 in support, 0 in objection, 2 abstentions**
PERMIT

Application Number: **10/00826/FUL**

Location: **15 Newcourt Park, Cheltenham**

Proposal: **Rear/side extensions and alterations**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **15** Update Report: **None**

Members present: **13**

Public Speaking: Mr Birchmore, applicant, in support:

Said that after his initial idea for a new second floor at his property was dismissed, he had appointed a RIBA award-winning architect to produce an acceptable scheme. Complaints about the proposed extension fell into four categories: size, incompatibility/out of keeping, noise and lack of privacy. Countering these, said that the site was large, and the rear extension 58m² - it could be 16m² larger under permitted development rights; examples of flat roofs, white render, and wood cladding were all evident in Newcourt Park; an organic sedum roof and triple-glazed windows would help dampen and contain noise from the family's use of the house; and that hedges, trees and fences meant that claims about lack of privacy were unfounded. The scheme incorporated many sustainable elements, and several amendments had been included following objections from neighbours, even though the unamended scheme had been in line with planning policy, and recommended for approval.

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Mr Avron, neighbour, in objection:

Said that residents of Newcourt Park and Newcourt Road felt strongly that the proposal was not appropriate to the distinct character of the road, with its 18 red or gold-brick detached houses. Said the development, with white render, sedum flat roofing, wood-clad extension, coloured framed windows and grey slate roof was a significant development of the site, and should be considered as a new build. Suggested that the planning officer, who also considered recent applications at Nos. 12 and 18, was inconsistent in her interpretation of Policy CP7, which required the development to complement and respect neighbouring developments and the character of the locality which, he said, this proposal did not. Said residents did not oppose extending properties – many had done so themselves – but looked for consistency in decision-making, and asked that any extensions were sympathetic to the existing architectural style. Finished by saying that there had been no consultation with residents or even immediate neighbours, and that significant concerns had not been taken into account by the applicant or agent. Suggested that refusal or deferral pending a more acceptable design would be the most appropriate response to this application.

Member debate:

KS: agreed with residents that the character of the house would be changed to a considerable degree, but was more concerned with the extension to the front and the garage rather than the extension to the back. Was not sure where exactly the boundary lay. Said that from the sewing room of the neighbour's house, the view would be of a large white wall. Agreed with residents that the style – rendering, tiling – was not in keeping, but was most concerned with the impact of the neighbouring house. Said she was inclined to refuse the application.

PH: said that KS had done a good job explaining the problems. Thought that the back extension was fine, but the front too 'in your face'. Said Newcourt Park was a very pleasant environment and all the houses complemented each other. As a single house, the proposal was a very good design, but in the close, its effect was rather too striking.

BF: said that the house as it stood was the only one that looked like a bungalow from the front, and making it look like a two-storey house from the front was no different from the other houses in the road – all of them had been altered in some way. Couldn't see what was wrong with the proposal.

KS: said she would move to refuse, based on the proposal's impact on the character of the area, and harm to neighbours' amenity.

IRC, in response:

- said members needed to look carefully at what was proposed and the grounds for refusing it;
- there had been several letters of objection regarding the design, but pointed out that this house already looked different from others in the close;
- regarding the materials used – roofing, timber cladding, render - these could all be changed under permitted development;
- the garage on the side could also be constructed under permitted development, as could the extension at the back, in slightly reduced in size;

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- said that the gable on the front did require planning permission, but it had been looked at according to normal standards – overshadowing, loss of light – and it did not fall foul of these requirements;
- conceded that the extension would obscure the view from the neighbour's sewing room, but reminded members that loss of view was not a planning refusal reason;
- said that the external appearance of the development was not a ground for refusal.

RL, in response:

- said the proposal looked different because the applicant had paid a lot of attention to sustainability. Told members that simply building a brick box was not enough any more, and that they would be seeing a lot of changes such as this in design, which they would need to get used to.

IRC, in response:

- regarding the public speaker's comments about inconsistent decision-making from officers, said conditions had been included in the earlier application, and that what was proposed at the time was common practice that could be imposed. Suggested that members look at what the applicant was proposing, and if they found it acceptable, they should approve.

KS: said she was concerned about the impact on the neighbour's amenity, not simply their loss of view. The proposed front extension came very far forward into a space where, at present, they saw nothing but sky. It would significantly alter the quality of life for the people next door.

Vote taken on KS's move to refuse

Vote: **4 in support, 8 in objection, 1 abstention**
PERMIT

The meeting ended at 9.55pm.