



Notice of a meeting of Planning Committee

**Thursday, 18 July 2019
6.00 pm**

Membership	
Councillors:	Paul McCloskey, Stephen Cooke, Garth Barnes (Chair), Paul Baker (Vice-Chair), Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Karl Hobley, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

- b) **19/01044/COU Darleydale 35 Libertus Road** (Pages 5 - 8)
Cheltenham
[Planning Application Documents](#)

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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APPLICATION NO: 19/01044/COU		OFFICER: Mr Gary Dickens
DATE REGISTERED: 29th May 2019		DATE OF EXPIRY: 24th July 2019
WARD: St Marks		PARISH:
APPLICANT:	Mr And Mrs O'Connor	
AGENT:	Mr Russell Ranford	
LOCATION:	Darleydale 35 Libertus Road Cheltenham	
PROPOSAL:	Change of use of care home (C2) to HMO comprising of 13 bedrooms (sui generis).	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Following publication of the initial report, officers have been provided with information regarding the potential end-user of the site, if permission were to be given.
- 1.2. The applicant is in advanced discussions with an organisation that provides support and care for new mothers. A condition restricting the use of the HMO to this particular end-user would not be appropriate however, as these advanced discussions may not materialise into a contract being signed.
- 1.3. The consideration is therefore whether a change of use to a 13 bed HMO is acceptable.
- 1.4. Members are attention is drawn to an error in the initial officer report. Point 6.11 reads: *"It is considered that a single dwelling changing to a HMO where the concentration of HMOs is not particularly high would give rise to any material increase in anti-social behaviour or cause amenity issues."*
- 1.5. This should however read as: *"It is not considered that a single dwelling changing to a HMO where the concentration of HMOs is not particularly high would give rise to any material increase in anti-social behaviour or cause amenity issues."*

2. CONCLUSION AND RECOMMENDATION

- 2.1 The officer recommendation is still to permit planning permission as the proposal, regardless of the end-user, is considered to accord with relevant local and national policies. The following conditions are suggested if permission were to be granted.

3. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Prior to first occupation of the development hereby permitted, secure and covered cycle storage facilities for a minimum of 13 cycles shall be provided in accordance with the submitted cycle shelter details and as located in approved Drawing No. OCT19.01 04, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up, in accordance with paragraph 32 of the National Planning Policy Framework.

- 5 Prior to the commencement of development (other than site clearance, site preparation and the formation of foundations and trenches), a scheme for the provision of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan. Approval is required upfront because the design of the refuse and recycling storage is an integral part of the development and its acceptability.

INFORMATIVES:-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

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and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant's attention is drawn to comments submitted by the Joint Waste Team in relation to the collection of refuse and recycling from the site and appropriate measures should be taken.

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