

## Planning Committee

6.00 pm, 20 June 2013

### Present at the meeting

Councillor Helena McCloskey (Chair)	Councillor Peter Jeffries
Councillor Garth Barnes	Councillor Andrew McKinlay
Councillor Chris Coleman	Councillor Malcolm Stennett
Councillor Barbara Driver	Councillor Pat Thornton
Councillor Bernard Fisher	Councillor Simon Wheeler
Councillor Robert Garnham	Councillor Andrew Chard (Reserve)
Councillor Les Godwin	Councillor Klara Sudbury
Councillor Penny Hall (Vice-Chair)	

**Present as substitute:** Councillor Andrew Chard

### Officers in attendance

Tracey Crews, Head of Planning (TC)  
 Martin Chandler, Team Leader, Development Management) (MC)  
 Ian Crohill, Senior Planning Officer (IRC)  
 Wendy Hopkins, Planning Officer (WH)  
 Michelle Payne, Assistant Planning Officer (MP)  
 Cheryl Lester, Legal Officer (CL)

**Present as an observer:** Mike Redman, Director Built Environment (MR)

### 58. Apologies

Councillor Fletcher.

### 59. Declarations of Interest

There were none.

### 60. Public Questions

There were none.

### 61. Minutes of last meeting

Resolved, that the minutes of the meeting held on 23<sup>rd</sup> May 2013 be approved and signed as a correct record without corrections.

### 62. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications

**63. 13/00106/FUL Travis Perkins, Gloucester Road**

Application Number:	<b>13/00106/FUL</b>
Location:	<b>Travis Perkins, Gloucester Road, Cheltenham</b>
Proposal:	<b>Erection of 107 dwellings (class C3) including access and servicing arrangements, car parking, landscaping and associated works</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>19</b>
Update Report:	<b>Recommendation to remove Condition 18</b>

**Public Speaking:****Mr Simon Hoare, on behalf of the applicant, in support**

Thanked Members for their vote in support of the previous application, saying that in order to implement it, Travis Perkins needed to secure permission on this application. Regarding highway safety, said that there were no objections from the county council, and that existing traffic in and out of the site in its current use had been measured against predicted residential use, and shown that there would be 50% fewer traffic movements per day. Local residents considered houses to be a more conducive use of the site. The developer had considered whether it was viable to install a roundabout or traffic lights but with only 107 homes and 50% fewer movements, this was not considered necessary. Regarding the viability of affordable housing, said the success of this scheme was fundamental to the regeneration of the Bonella site, and there was a lot of evidence and peer review demonstrating justification of 15% affordable units on a quid pro quo basis – the site was sustainable and brownfield, would open up the Honeybourne Line, permeable, user-friendly for local residents, and supported by the Civic Society and the Architects' Panel – a very popular initiative. Said great care had been taken with the design and boundary treatments in this location, to protect the existing residential amenity, and the proposed development was both attractive and better for Gloucester Road than what it there at the moment.

**Member debate:**

**PJ:** agreed with these comments and said the proposal ticked many boxes in favour of its approval. Wanted to support the application but had doubts regarding the affordable housing provision. Was concerned about the lack of evidence and information about affordable housing in the Officer report, and with pressure on greenbelt land, and more and more brownfield sites being developed with little or no affordable housing, said there was extreme pressure in town for more affordable housing.

**MS:** wholeheartedly supported the application, and considered it very sensible use of this brownfield site and much better than what is there now. Liked the cottage-style houses, thought these would be excellent homes for people, and had no concern about affordable housing, believing that this needed to be linked to the retention of employment in the Cheltenham vicinity. Said it was important not to constrain the development by insisting on more affordable housing – this was what the government wanted, and if the proposal was refused on that basis and went to appeal, the Council would lose.

**BD:** on the whole agreed with the development but had a few questions. Referring to Para 6.6.1, said there must be a condition for trees and landscaping to make it a good place for families and children. Disagreed with MS and was disappointed not to see more affordable housing included. Said there was a desperate need, and developers had no conscience, by including the very least they could. Regarding the S106 contribution of £30k to public art, said public art was very pleasant but that there was a crying need for a children's play area on the High Street for which no funding was available – thought that priorities were muddled here. Was also concerned about residents of Malvern Road whose gardens would be in shadow for part of the day.

**PT:** referred to the comments from the crime prevention design adviser and the aim to design out crime. Noted that laminated glazing was recommended for glazed door panels and adjacent windows, and that housing association properties were obliged to be built on Secured by Design principles but other houses on the site weren't – thought this a cause for concern. With reference to Page 23, asked about the historic engine shed on the site, as described by the County Archaeologist, which may be significant in the area – thought it a shame to cover it up for ever. Regarding the trees, wasn't sure which tree was which – T2 and T4 are referred to, but only one in the corner seems to be retained - and asked Officers for clarification.

**RG:** had concerns about the proposal - recognised the argument about investment in Tewkesbury Road but thought the price was high. Noted the density of the dwellings on site – three-storey houses, flats, not what he would call 'cottage style', and felt these gave a 'make-do' impression and were not inspiring. Thought the arguments were based entirely on economics, and a multi-national company such as Travis Perkins could afford better. Would support the proposal, recognising the arguments, but did not consider it the best.

**GB:** had looked at the scheme when it was first mooted and asked about affordable housing – was told then that there was no plan to include any because of viability constraints. Considered 16 affordable units a bonus, in view of the viability of the two schemes working together, noting that the other properties weren't exactly mansions, and included terraced houses and flats which could be considered affordable. Overall and on balance, considered this to be a viable scheme which just about cuts the mustard. Thought the opening of access to the Honeybourne Line – taking down the fir trees and opening up the aspect to allow a wider range of people to make better use of its facilities - a huge advantage, and in view of these advantages, was relaxed about the level of affordable housing.

**KS:** thought this a tricky application and really wanted to like it – it was not built on fields and it was good to see Travis Perkins doing well and staying in the town. However, said that this is a precious site and planners should be demanding the absolute best of it for existing and future residents. Realised that it was situated in a dense housing area, but said there was not enough amenity space or parks – wanted to see playspace on the Honeybourne Line, as apart from the tiny park near Lansdown and a play area in Churchill Road, there was nowhere for families to play to make it a viable proposal. Thought the families would be squashed into the development, and considered to design to be grim – traditional but without any quality or inspiration. Thought the designers could do better. Noted the row of garages with a flat over very close to the boundary of a property in Malvern Road; thought this looked awkward on the site, saying the developers had combined the need for parking spaces with fitting in another unit – said this should not be done. Wanted to support the proposal, but did not consider it good enough for this important site.

**CC:** shared a lot of the other comments and concerns, but cautioned against the call for something bolder on the site, saying Members had seen examples of bolder designs just down the road on planning view which did not look good - would like to see this site kept more traditional in design. Liked the opening of the Honeybourne Line, saying it was good for residents and others to know that it would be made more secure. Said his main concern was with the residents of Malvern Road – the proposed flats had been pushed down to that end of the site. On planning view, had noted the site levels and considered that the 2.5 storey houses would have less impact than the Malvern Road residents believed to be the case. Also noted on planning view the boundary fences and walls, trees and greenery on the back gardens of Malvern Road, and said that these should be preserved to ensure security and privacy, both of the utmost importance.

**BF:** noted the crime prevention advisor's comments about secure by design dwellings, and thought it silly to have a large number of houses but only 16 secure by design – thought the standards applied to the affordable units should be mandatory for all the houses. Could not imagine much difference in price between laminated glass and normal glass and thought it

crazy not to include it for all houses, if we want crime to drop – it would save money in the long term.

**AM:** shared similar concerns to other Members. Said part of him really wanted to like the application and that it ticked a lot of boxes. However, considered the design to be bland and uninspired, saying that it won't add to the streetscape of Gloucester Road – the designers could do better. Was very concerned about the justification for 15% affordable housing – Travis Perkins is a multi-national company. Companies don't expect to relocate for nothing, and if the need to relocate was excluded, 40% affordable housing would be required on this site. Understood Para 6.6.5 of the report but said there is a big difference between 15% and 40%, and thought this should be looked at again, together with design and security. Wanted the scheme to be a major success, but thought KS had made a good point – this is an average scheme for an important site – there are not many of these left in the town, and he was not convinced that this proposal was doing to best for it.

**PH:** approved of opening up the Honeybourne Line as this would also improve residents' perception of it, solving several problems in one go. Noted the Urban Design Manager's comments on Page 29 about Unit 44 – the flat over the garages – and thought that this needed further consideration.

**PT:** noticed the transport people agreed with the proposed vehicular access onto Gloucester Road, but pointed out that there are actually five accesses – the main one being a road through the centre of site, with two to the right and two to the left. Thought this would result in a lot of egress onto Gloucester Road, although the smaller accesses were technically lay-bys serving just a few houses with few cars, and wondered if Highways realised they were all there.

**HM:** asked whether the HMO concern about the useable floor area of smaller bedrooms had been redressed.

**IRC, in response:**

- to PJ, concerning affordable housing, said financial information had been submitted confidentially, although Members could see it if they wished. As the authority could not independently assess the financial implications, this was sent to the District Valuation Service, which gives independent advice to the public sector. Their advice back to the Borough Council was that the scheme could be viable with 40% affordable housing. The District Valuation Service was subsequently asked to assess whether, when the figures for the redevelopment of Bonella Works were taken into account, the figures provided were realistic, and whether the reduction to 15% affordable justified to achieve the redevelopment of the Tewkesbury Road site. They considered it was acceptable;
- if this was an independent case, 40% affordable housing would be required, but to realise the Gloucester Road site, Travis Perkins has to relocate. Bonella Works site is ideal – within the borough, brownfield, vacant for some time – and no jobs would be lost;
- however, if permission is granted on the basis of that information and the suggested S106 and the Tewkesbury Road development does not take place, the legal link between the two sites can't be made and the planning permission to develop the Gloucester Road site would fail;
- officers had looked carefully at the two schemes and told Members that it can be tied legally. Insisting on 40% affordable units would result in a totally different scenario, and Members could only determine what is front of them.

**PJ:** fully accepted the independent valuations and thought that Members may take comfort from this, but was still concerned that if the two schemes stood alone, 40% affordable would be required. Was not asking for 40% but for as much as could be afforded, adding again that this is a multi-national company which was clearly working in its share-holders' interest here, not for the residents of Cheltenham. Moved to defer – said there were still many questions to be answered.

**IRC, in response:**

- failed to see what would be achieved by deferral. Said these two applications formed a package, and if Members don't want it or didn't think it will be delivered as a package, the residential development won't take place;
- referred Members to Para 21 of the NPPF, which states that investment in business shouldn't be over-burdened by the combined requirements of planning policy expectations. This is a sustainable development tied to another site; if the link breaks down, the development can't take place;
- if the DVS was re-consulted, it would come up with the same figures in terms of the development package;
- to BD, said landscaping and trees were covered by Condition 15 – there will be a fair amount of good-quality landscaping, with the Trees Officer involved.

**BD:** asked if Members can see this

**HM:** confirmed that it is freely available.

**IRC, in response:**

- said there are many plans concerning landscaping and planting, and the Trees Officer and landscape designer have been involved to ensure a high-quality scheme on Gloucester Road and the Honeybourne Line;
- to BD, regarding shadowing of gardens in Malvern Road, said there was shadowing at 9.00am but at other times of day there is a good range of light, with hardly any shadowing from the garage over the garden;
- regarding S106 contribution to public art, said that this is one of the Council's requirements, and Officers negotiate this contribution in line with the Local Plan, as they do for affordable housing;
- to BF, with reference to the Police Liaison Officer's comments about laminated glass, said Secure by Design is the gold standard for all affordable and social housing, and PLO comments are normally copied directly to the applicants with the planning permission, to make sure that they are aware of what has been suggested. Said this is more an issue for building control than for planning;
- to PT's comments about the engine shed, said there is a standard condition with reference to archaeology, in line with national policy;
- regarding PT's concerns about trees, wasn't sure which trees she was referring to. Confirmed that the majority of trees on Gloucester Road were to be removed, street trees would be retained and supplemented, and a new planting regime all along the Honeybourne Line would be implemented;
- to RG, said the density of 42% wasn't out of keeping with the immediate surroundings, and relates well to the context of the local plan. Said it would be hard to raise an objection on this ground;
- to KS, said there had been a lot of comments relating to the design, and it was true that the applicant had gone for the easy option regarding architecture – complementary to existing buildings in Gloucester Road. Agreed that it was not an architecturally outstanding scheme and there was no WOW factor, but said local residents were happy with it and it reflected what is around the area. Did not consider this a reason to object to the scheme;
- regarding playspace, said all the houses have gardens and the Honeybourne play area is not insignificant and is well used;
- regarding the garages with the flat above, said the Urban Design Manager had been concerned about overlooking of the rear of the flat, but this was now dropped down and had no windows at the back. This issue had therefore been addressed and should not cause any problem;
- in response to CC's concerns about the boundaries of properties on Malvern Road, said there was a condition requiring means of enclosure to be submitted. There is vegetation along the boundary, all of which originates on the residential side – said this is a problem with any residential site and its retention could not be conditioned as it is outside the development site, but it is the duty of the developer to do a good job;

- said the scheme was beneficial from residents' point of view, and new houses will need to be built in a reasonable and acceptable manner;
- to AM's comments about the boring design, agreed that the developer had taken the easy option but well suited to the area;
- regarding the justification for a reduced level of affordable housing, said the real issue Members must realise is that government advice is changing. Said 15% was more than was intended when the applicants first drew up their plans, and the economic benefits made this acceptable;
- to PT's question about access points, said all of these were shown on the drawings which would have been seen by the Highways Officer, but County Highways was concerned about primary access into the site – the central access which serves most of the houses, as opposed to the smaller ones which serve just a few – and was happy that this was a safe option;
- to HM's concern about the size of the small bedrooms, said there would be problems ahead for the developers if they failed to meet standard requirements.

**SW:** asked if all roads were to be constructed to adoptable standards.

**PT:** was going to ask the same question. Asked about hours of work during construction, and what colour the houses would be – said it was hard to tell from the drawings.

**PH:** returning to the flat over the garages, asked how the narrow strip behind it would be used.

**RG:** reiterated KS's concerns about the lack of a playspace contribution. Said the houses may have gardens, but was worried about the flats. Said the proposal should be refused on policy RC6 – lack of amenity and green space.

**BD:** asked if the Friends of the Honeybourne Line had been consulted about the scheme – it would be good to involve them in any discussion.

**AM:** said IRC had emphasised the economic benefits of the linked scheme, but asked how many jobs and how many millions of pounds were at stake here.

**BF:** reminded Members that the Honeybourne Line play area was very easy to access from the site.

**IRC, in response:**

- regarding adoption of the roads, said these are shown on the drawing in a terracotta-brown colour, and covered the bulk of the main access roads into the estate – confirmed that all these roads would be adopted;
- to PT's question about the colour of the houses, said these would be red brick on the Gloucester Road side, lighter elsewhere in the site and facing the Honeybourne Line. There would be gradation through the site, in keeping with the area;
- to PH, said the land at the back of Plot 44 would be in the ownership of the flat above the garage – the land dropped down and it would form a small tight amenity space;
- to BD, regarding the Friends of the Honeybourne Line, said they had been involved in discussion but the problem here is that the Honeybourne Line is outside the site, and the aim of the application is to improve the access rather than the line itself. The proposal gives a direct view through to the line at three access point and would give a lift to this part of the Honeybourne Line;
- to AM's question about economic benefits, said there were no economic constraints but several economic benefits with this scheme, including the redevelopment of a brownfield site, the provision of houses to meet targets, the retention of an employment base in the town, construction jobs during the redevelopment of the site – all this contributed to the economy of the town;
- to RG's suggestion that the scheme could be refused on RC6, said there had been an independent assessment of the viability of the scheme, considering various

contributions – education , libraries, affordable housing, public art. Another financial contribution would have a direct impact on the viability of the scheme, and would therefore be contrary to the advice in the NPPF. Did not consider this sufficient ground to warrant refusal.

**KS:** remained concerned about the issue of design. Thought the scheme to be a wasted opportunity but much more than this as well - boring, unsuccessful and too dense – adding that it was not acceptable for the developer to neither provide any playspace on the site nor contribute to playspace via a S106 payment. Was concerned about the social impact of allowing the proposal to go ahead in this way. Was not too familiar with the play area on the Honeybourne Line, but said 300 new residents would need more space. Considered this a fundamental issue - decent communal areas are really important to the quality of life of a community. Didn't want a bold design but thought the architecture to be cheap and municipal-looking, not right for this development. Said IRC's comments about Plot 44 had not taken her concerns away – it would impact on the gardens behind, looked cramped and awkward in the space, and should be removed to make this corner of the site work better in an urban design way. Regarding affordable housing, felt a bit more easy about this; there is a definite need in the town but felt 15% was acceptable, if pepper-potted throughout the site. Said a scheme of this importance should look good and be a pleasant place to live, and issues surrounding the quality of the design and playspace needed to be ironed out.

**MS:** said it would be wrong to defer this application, and this would place an unfair burden on Officers trying to renegotiate. Thought Members should approve or refuse, and take a chance on an appeal. If the plug was pulled on account of the outside boundary, the town would be left with the Bonella site. It would be wrong to defer on the points raised so far.

**AC:** had two questions: was pleased to hear that the roads will be adopted, but asked who would be responsible for maintenance of the service roads off Gloucester Road. Also asked about access to the flat over the garages, and whether it would be possible to get to it direct.

**GB:** had just noticed pedestrian access - could not see any on the main roadways into the site. Was concerned about the safety of pedestrians and traffic at the junction – people with prams and children – and asked if this had been taken into account.

**PJ:** was in a quandary. Accepted that deferral wasn't the right option and wanted to see the proposal permitted, but thought there were too many unanswered questions. Said again that Travis Perkins is a multi-national company and it was stated that the move would cost them £9m. Did not think enough information had been provided, and although he wanted to support the proposal, would vote for refusal if this was the only option.

**LG:** had been listening patiently and carefully, and considered some excellent comments to have been made. Agreed that the design could be better and had an awful feeling that if the scheme is permitted, Members will be shocked when they walk past the development in the future and realise that this is what they had approved. Said KS had made some excellent points, the comments of the Civic Society and Architects' Panel needed to be looked at more carefully, and so did the size of the rooms, as raised by HM. Was persuaded by Para 56 of the NPPF, which stressed the great importance of design of the built environment, which should contribute positively to making places better for people. Noted too that although the Urban Design Manager accepted the proposal, he suggested the internal lay-out could be reconsidered and improved. Thought the developers could do better with the site, and hoped that when it was finally constructed, it would be a lot better than it was currently. Moved to refuse on policy CP7 – design.

**AM:** had listened to IRC's economic arguments and was now less convinced that previously - the economic benefits without affordable housing and without Travis Perkins would be the same. Accepted the requirements of Para 21 of the NPPF, but said this referred to individual applications. Had been assured this decision was not fettered by approval of the previous application. Accepted the 15% issue on affordable housing was driven by the

desire to make this scheme fund the Tewkesbury Road development, and also agreed that the design is bland and uninspired. Did not think Members should be swayed by Travis Perkins' stated intention to leave Cheltenham if they don't get their permission – thought the worst case scenario would be that they would stay where they are. Thought this was nonsense and that this application shouldn't be decided on spurious ideas of what constituted an economic benefit. Had supported PJ's move to defer, but had been convinced by IRC that this was the wrong decision – would vote for refusal.

**RG:** said this was a difficult case to decide, and for him would have to be an on-balance decision, weighed up against the advantage of the Tewkesbury Road site – this is not developed now, but will provide 25 jobs, which will be an economic benefit. Did not want to know all the reasons why the proposal would be an economic benefit, preferring to trust that Officers had discussed and considered this at length. Agreed that the design was not brilliant, but didn't think this was a reason to refuse - a sound planning reason was needed for that. Said the economic development, opening of the Honeybourne Line, additional jobs, and development of the Tewkesbury Road site were all good. Thought the new houses would be in great demand, and would give a new meaning to *The Railway Children*.

**HM:** asked PJ if he still wanted to move for deferral.

**PJ:** said he did not. Withdrew the move to defer, saying the application should be refused.

**IRC, in response:**

- said RG was right, Officers had discussed at length and given a lot of thought to the implications of the development itself and the economic development of the town;
- was concerned about the move to refuse on design, saying Members needed to say what is actually wrong with the design. In context, it fits well into the Gloucester Road frontage and throughout the site and provides good surveillance over the Honeybourne Line. Said sufficient points would be needed to pursue this as a refusal reason;
- could see Members' point and agreed that the design is not the most exciting – it is a safe option and appropriate in its context. Said the drawings don't show it at its best and it is difficult to get a 3D feeling from them;
- quoted the NPPF Para 49, that there should be a presumption in favour of sustainable development, and this scheme will contribute towards the 5-year supply of deliverable housing sites, adding that although this is crucial, it doesn't mean that Officers will accept whatever is thrown at them and this would lead to problems.

**PJ:** if looking at the application as a stand-alone, asked to add policy HS4 as a refusal reason.

**KS:** said RC6 and RC7 are both useful as refusal reasons – there is not enough on-site play space of public amenity space, and this is a crucial issue.

**AM:** said he had not realised that Para 49 quoted by IRC meant that Members had to accept anything. Pointed out that no-one had said this site wasn't suitable for housing. Realised that there was no 5-year supply but said this didn't mean that planners can't stand by their policies.

**IRC, in response:**

- agreed that it doesn't mean that they have to accept anything that's thrown at them, but if an application is going to be refused, there have to be good reasons for doing so;
- said PJ had referred to this as a free-standing application, but it was made quite clear from the start that it is linked to the other development. The Tewkesbury Road scheme could stand alone, but this is directly linked to it. Officers have written the report on that basis and Members should look at it in this way; if it was to become a free-standing application, it could be looked at again with regard to HS4, and the percentage of affordable housing would be reconsidered;



- said the way in which the application was submitted meant that 15% affordable units is a bonus, over and above what was originally discussed. By agreeing to this, the Gloucester Road site would be developed, and so would the Tewkesbury Road site, which had been undeveloped for years. It was a highly sustainable scheme, albeit not a particularly exciting one - although this was not a reason to refuse and could not be argued at appeal.

**HM:** asked LG if he wanted to flesh out his reasons for refusal on policy CP7.

**LG:** said CP7 (design) and NPPF Para 56 were his suggested refusal reasons, and it was difficult to qualify what was good or bad design. Could argue the external elevations, poor layout, alleyways to access rear gardens, lack of public outside space and lack of public meeting spaces were all relevant. Could also quote the Civic Society and Architects' Panel's lack of support for the proposal, but thought CP7 and the NPPF were sufficient. Said Members are not architects, and can only try to put across what people in the area think about the scheme – it was not incumbent on Members to list architectural errors. Thought the suggested reasons were sufficient and would speak for themselves at an appeal.

**MJC, in response:**

- said that month by month, Members were encouraged by Officers to take a positive approach to planning applications; tonight there were a lot of negatives. IRC had emphasised the good things about this scheme: affordable housing, redevelopment of Bonella Works site, jobs, retention of Travis Perkins. Said at an appeal, these real positives would be weighed against the merits of the design, making it difficult to argue. The NPPF also encourages planners to take a positive approach and look for solutions. Said that there would be a struggle to defend the suggested refusal reasons at appeal.

**GB:** noted that much had been said about the design, and admitted to struggling with this viewpoint. Said the drawings did not give the best picture of what the design would ultimately look like. The houses had been described as bland, but architects weren't out to win a Civic Society award every time. Thought these were decent houses which didn't denigrate the area, and there were no design faults to make them out of place in Gloucester Road. Members could require this or that, but there was nothing to demonstrate that the houses were utterly without hope – they were adequate for what they were required to do, that is, provide housing for a lot of people in the town. Regarding recreation space, did not consider this a real issue, as there is a huge amount of green space to the left of the site – Winston Gardens and the Honeybourne Line. Would struggle to support refusal on design grounds. Would like to hear Officer comment on the pedestrianised areas, but had heard nothing so far which would cause him to vote against the application.

**IRC, in response:**

- said there was a footway on either side of the entrance and thereafter shared surface – this is the way sites are being designed now. There was a major link through the site with a central cross element and shared facilities – this was how the estate design had evolved.

**GB:** asked if there would be conflict between pedestrians and cars.

**IRC, in response:**

- said the scheme had been designed with traffic calming in mind, with changes of direction and materials - this is the evolution of street design. To go back to a traditional 1950s-60s-style estate would be a retrograde step.

**PJ:** in view of this, suggested adding CP4 as a refusal reason, saying there was an almost identical estate in his ward of Springbank, which wasn't safe – in fact it was dangerous, with people being knocked over and council lorries unable to access all the houses. Did not consider this type of lay-out safe or sustainable, given the 90° corners.

**IRC, in response:**

- said this could not be sustained at an appeal – there was a drawing demonstrating the tracking of vehicles round the site, and the Highways Authority was OK with the type, scale and nature of the road lay-out within the site.

**HM:** said HS4 could be appropriate, in view of Para 6.6.3 of the officer report.

**AC:** asked for an answer to his question about the service roads. Thought these could be overrun with weeds and become an eyesore.

**PT:** asked for an answer to her question about construction hours

**RG:** thought Members were making a mess of this debate and making policies on the hoof – they had made little progress after a two-hour discussion. Reminded them that if this was a stand-alone site, it would not be at planning committee – Officers would have sorted it out – but it wasn't a stand-alone, and the NPPF had been brought in to make sure that planning was done well. Said it was the job of Members to weigh up the proposal, and rather than looking for reasons to refuse, they should be looking for reasons to approve, as set out in the NPPF. If the scheme was to be refused, it would need very sound reasons.

**HM:** told PT that the hours of operation during construction were set out in Condition 5.

**IRC, in response:**

- to AC, said the driveways he was concerned about were private, to serve a limited number of houses, and that the development was following a standard approach here.

**TC, in response:**

- wanted to sum up, though said RG had done a good job of this and mentioned all the main factors;
- stressed that these are two very important sites, and said that Members had been dragged into consideration of other issues, looking for refusal reasons;
- reminded them that the current use of the site in Gloucester Road was not appropriate to a residential area, and that the Bonella Works site was empty and in decline;
- the proposal would make more appropriate use of Gloucester Road, and bring Bonella Works back into full use – and this is a key site, on one of the main gateways to Cheltenham;
- said the plan is important to the economy of Cheltenham in the widest sense and in line with the NPPF;
- regarding the suggested refusal reasons RC6 and RC7, said the play area on the Honeybourne Line had recently been improved and increased in size, with better facilities. The new development would have direct access to the Honeybourne Line, which would also provide a cycle route to the wider facilities of Cheltenham;
- acknowledged that HS4 is an important policy, but reminded Members of the input of Officers in negotiating 16 affordable units. Said it should be noted that exceptional circumstances are clearly involved in this case – the retention of a key employer in the town, and the re-use of a brownfield site when the economy is constrained;
- considered the arguments for refusal on CP7 to be exhausted, and the arguments for CP4 to be very weak;
- urged Members to reflect on the arguments before them from an Officer perspective.

**Vote taken on LG's move to refuse on CP7 and the NPPF**

5 in support  
10 in objection  
0 abstentions

**PERMIT**

**64. 13/00111/FUL Former Bonella Works, Tewkesbury Road**

Application Number:	<b>13/00111/FUL</b>
Location:	<b>Former Bonella Works, Tewkesbury Road, Cheltenham</b>
Proposal:	<b>Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>Additional condition</b>

**Public Speaking:****Mr Simon Hoare, on behalf of the applicant, in support**

Said this is an important application which commanded strong support at consultation. Members had visited the site and could see that it is in a poor state of repair and a focal point for anti-social behaviour. This application presents a golden opportunity to regain a brownfield site and put it to good economic use, and puts Travis Perkins in the unique situation of relocating within the town, with all existing jobs retained. The company is an important supplier for small and medium-sized businesses as well as the public, and the proposed location is ideal for all its customers. The investment for the construction and fit-out would be £9m, financed by the sale of the Gloucester Road site, and there were no statutory obligations on this application. Said the proposal had been strongly supported at pre-app stage, and hoped that Members would accept the recommendation for approval as a first course entrée of the two courses on offer this evening.

**Member debate:**

**RG:** thought Members were doing the right thing by considering this Travis Perkins application first, but was alarmed by the blue update which stated that this proposal wasn't strictly dependant on the Gloucester Road scheme being approved. Considered them to be linked and wanted to establish an audit trail, having been in a similar situation before with Kier Construction and needing the weigh one off against the other.

**HM:** agreed that this is an important point and asked the Legal Officer to comment.

**CL, in response:**

- confirmed that the application could be considered on its own merits and as a stand-alone scheme, although the Gloucester Road application was dependent upon this one.

**MS:** will support the scheme. Has a slight concern about the fork-lift trucks which operate in the current Travis Perkins yard with loud buzzers at the back. Asked if a condition could be added to ensure that these are kept as far away as possible from Brook Road and other existing houses, where the noise could be an inconvenience and a nuisance. Asked Officers if there was any way to mitigate against undue noise.

**PT:** asked if Condition 18 could be amended slightly to say that all vehicles should turn right into Brook Road to avoid a lot of cars driving through the residential area as people come to shop at Travis Perkins. Thought this would mitigate the traffic in the estate, which is busy enough already. Said that on Planning View, she had been given to understand the Brook Road site would be built before the Gloucester Road site was developed.

**LG:** said it was difficult to oppose this application, but the update regarding conditions gave cause for concern. Wondered if the wording of the condition will be satisfactory, adding that signs directing drivers in and out of the site don't guarantee that people will abide by them. Said this seems to be an essential point considering the closeness of the development to a residential area. The suggested condition states that drivers of large vehicles should be discouraged from using residential roads, but there was no legal impact if they did. Thought this should be strengthened if possible.

**IRC, in response:**

- regarding the suggested condition, said this referred to drivers in general, not whether their vehicles were large or small, although it was reasonable to assume that a lot of the vehicles on the site would be large;
- to LG, said Brook Road is a public highway, and drivers cannot be prevented from using it – only discouraged. Had spoken to Mark Power about this, and accesses had been designed to allow one-way movement of HGVs through the site. HGVs will not be able to egress into Brook Road, and he doesn't consider that drivers of delivery vehicles would want to, as it takes more time. Said the southern radii onto Brook Road would be reduced to discourage access from this direction. The condition requires access details to be approved, and Mark Power has confirmed that when the details are looked at, he can ensure that a right turn will be very undesirable and drivers will not want to turn right.

**CC:** was pleased that this condition had been added following Planning View and that Members' concerns had been dealt with appropriately. Remained concerned about drivers turning left onto Moors Avenue, and asked if there was any chance of signage to prevent access to the Travis Perkins site from that side. Said drivers of large vehicles will take any route possible, and Moors Avenue is home to many young families, with children likely to be playing outside. Was keen to minimise the risk to them resulting from having this large site on their doorstep, but was otherwise very much in support of the application, which brings a disused site back to life.

**BF:** asked if there was any condition about hours of work. Thought this should be included, though assumed that these would be similar to the Gloucester Road site.

**IRC, in response:**

- said the condition talks about delivery of materials to the delivery yard, and that there were currently no restrictions at the Gloucester Road site. It was felt that deliveries at weekends may cause problems, and they were therefore being limited to Monday-Friday only, but not to any specific time of day;
- to RG, said the difference between this situation and Kier Construction is that the Bonella Works scheme is a stand-alone proposal and the site is already in existing industrial use. If this particular scheme is approved but not implemented, in any event building on Gloucester Road would be linked directly to this approval on Tewkesbury Road; if it is not implemented, it would not comply with the S106 agreement imposed on Gloucester Road. Said the two schemes were sufficiently tied up and there was no need to restrict this application by an S106 agreement;
- to MS's earlier question about mitigating the noise of fork-lift trucks, said there was a problem here as fork-lift trucks make a noise for health and safety reasons, and it was difficult to know whether their usage would increase at the new site.

**RG:** said most of the discussion so far had concerned traffic, and it was good to have heard Mark Power's view, via IRC. Suggested MP should be given the gist of tonight's conversation as an informative before starting work on the travel plan.

**PT:** thought health and safety probably wasn't an issue when the Bonella site was last in use. Asked if the working hours can be restricted – not before 6am or after 6pm or all over the weekend – and what Travis Perkins' working hours are now at the Gloucester Road site. Said that in a fully residential area, work shouldn't start before 8.00 in the morning, and nothing should be put in place which could cause a lot of disruption, saying that a lot of the residents of Brook Road weren't living there when the site was previously in operation.

**MS:** in view of IRC's and PT's comments, said it was rather important to restrict the hours of work to sensible times, and not after 6.00 in the evening.

**AM:** asked for clarification of the legal advice that this application was not linked to the Gloucester Road application, with particular reference to the funding of this scheme by way of the other. Wanted to be assured that by passing this application, Members would not be fettering their decision or altering the scope for response on the other.

**IRC, in response:**

- said that this application could be a stand-alone application. The link would occur with anything granted at Travis Perkins' Gloucester Road site. That site could not be developed unless the development of the current site has been carried out. If Tewkesbury Road is developed in a different form, the permission at Gloucester road could not be implemented.

**CL, in response:**

- said the direct answer to AM's question is that the decision on the Tewkesbury Road application won't fetter any decision on the Gloucester Road application. Members should make their decision on this scheme, and may then want to link the Gloucester Road development to it.

**AM:** asked if this meant Members could link the two schemes if they wanted to but don't have to.

**CL, in response:**

- said Members would most likely want to link them.

**AM:** wanted to be sure that they were not pre-judging the other application.

**KS:** supported the application by and large but was concerned about traffic. Said Travis Perkins are good neighbours, but the traffic associated with them – men in white vans coming and going and often in a hurry – may not be so considerate. Thought they would want to turn right onto Brook Road and was concerned about access – wished the Highways Officer was present to discuss. Said Brook Road should be used for exit only – with children wandering along Tewkesbury Road and the possibility of drivers whipping round the corner, was surprised there had been no objections to it.

**PJ:** spoke as a builder himself, and said it was true that they had notoriously interesting ways of getting to where they want. Echoed other Members' concerns, and hoped that the hours of operation could mirror the residential area and the impact of traffic be mitigated it best it could.

**IRC, in response:**

- noted Members' concern about traffic issues. Said the report was very clear in terms of large delivery vehicles, which would go in one way and out the other; the issue was with smaller vehicles which had caused problems elsewhere;
- the obvious route was left out of the site onto Brook Road, an immediate left onto Tewkesbury Road, and then out of or into town. The other option – to turn right out of the site into Brook Road – can be prevented by design, and Mark Powers cannot see why drivers would want to use such a tortuous route. The left turn is not far from traffic lights, and design of access and signs on site will significantly reduce the potential for anyone wanting to turn right and follow that tortuous route;
- regarding hours of operation, thought it logical to repeat the hours used at the existing premises, but didn't know what these are. Suggested that, in consultation with the Chair and Vice-Chair, he will find out the hours of operation at Gloucester Road and impose a standard condition accordingly.

**PJ:** accepted the argument about turning right when leaving the site, but was concerned about traffic further up. Thought some drivers would avoid Brook Road and come to the site via Moors Avenue.

**AC:** suggested that a stranger following GPS could be taken round Moors Avenue, and asked whether there would be signs directing drivers to the best way into the site.

**LG:** remained concerned about the highways issue. Agreed that logically, turning left was the best way to go, but said that logic doesn't always prevail. Had a suggestion: would it not be sensible for pinch points to be located to the right of the access in Brook Road? This works well in Warden Hill, and would ensure that no lorry would turn right as it wouldn't be able to get through.

**PT:** agreed with PJ, and thought cars and vans would go through Moors Avenue to the other entrance.

**GB:** thought that Moors Avenue could end up as a rat run, unless traffic restrictions were installed and drivers were advised that the road was unsuitable. In that way, anyone using Moors Avenue would soon be discouraged from doing so.

**IRC, in response:**

- reminded Members that the site has an existing industrial use, with exits and entrances already in place. Two of these were to be closed to improve the situation, but whatever happens to the site, access will be from Brook Road, allowing people to get out closer to Princess Elizabeth Way. Said again that these roads are public highways and the bottom line was that people can drive where they want;
- the only other restriction which could be imposed was a weight restriction, but the vehicles in question are not HGVs but builders' vans. Other traffic calming measures, including sleeping policemen, are already in place, and these together with parked cars would ensure that drivers would only go that way only once;
- said that improved signs and careful design of access would be enough to prevent drivers from turning right out of the site.

**BD:** asked whether there will be a condition about hours of delivery.

**HM:** said there would - a standard condition with the agreed hours inserted. Told Members the long, full debate about traffic issues would be recorded in the minutes and available for Mark Powers to consider. Checked Members were happy for the Chair and Vice-Chair to work with Officers on the condition covering hours of operation.

**Vote taken on officer recommendation to permit with additional condition**

15 in support – unanimous

**PERMIT**

**65. 13/00294/FUL 32 St Stephen's Road**

Application Number:	<b>13/00294/FUL</b>
Location:	<b>32 St Stephens Road, Cheltenham</b>
Proposal:	<b>Proposed vehicular access and hardstanding, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>Additional representation</b>

**Public Speaking:**

**Mr Langdon, neighbour, in objection**

Strongly protested about the lack of time for comments on the second amendments to the scheme – was given only five days to consider his response, during which time the planning

officer was on holiday. Also, as the original consultation period ended on 26<sup>th</sup> March, the other complainant could not access the website to lodge his objections, which stated that the time limit had expired. Thought under these circumstances, consideration of this application should have been deferred. Moving on to the proposed development, thought that in the light of policies BE7 and BE12, the scheme should not be considered. The applicant requires direct vehicle access to the road at the front, despite having a garage at the rear of his property, and the Officer report did not acknowledge the many residents who do not have the option of using Inkerman Lane. Said the proposal should be rejected, as by providing a parking space for an individual resident, other residents without their own parking spaces would be deprived of a parking space on the public highway, and prevented from parking on the street as they are entitled to do.

**Mr Bacon, applicant, in support**

Said he had listened to comments and opinions following his previous applications, and felt that the updated application and design addressed all concerns, being fully supported by Highways, Heritage and Conservation, and Planning Officers. Regarding highway safety, said St Stephen's Road already has several properties with driveways – one more would not add to highway safety issues – and with a young son and another baby due, it would be easier to get his family in and out of the car off the highway and away from the traffic. Said the current frontage of his house was predominantly hardstanding, and had been described by the Appeals Inspector as 'not particularly attractive'; the new proposal would provide a far more attractive frontage with lawn, a redesigned wall border and substantially more landscaping, and this was supported by the Officers. Was aware every application should be considered independently, but pointed to numerous examples of dropped kerbs both on St Stephen's Road and in the vicinity. Said the application was at committee because of its planning history and weight of public opinion against the proposal, but said that the Officer's report addressed planning issues, and there had been only two responses to the 30 letters sent to neighbours, Echo advert and site notice. Of the six semi-detached houses on St Stephen's Road, only one neighbour had objected; two already have dropped kerbs, one has written to support the proposal, and two have expressed verbal support. Said he and his wife love the Tivoli area and have no intention of doing anything to spoil it, but with 66% of properties on the road already having a drive of some sort, did not feel his proposal was out of character with the road or area. As previous comments had been addressed and the Officers supported the scheme, hoped that members would follow their advice and vote for approval.

**Member debate:**

**PJ:** appreciated the applicant's comments and understood his concerns for his young family near a busy road, but was concerned about the first speaker's comments about access to information on the scheme and opportunity to comment on amendments.

**MJC, in response:**

- said this is a procedural matter, and as far as Officers are concerned, the information has been accessible – published on the website for anyone with access to the internet, and available to view in the office, as they are every month;
- regarding the consultation following amendments to the scheme, said there were some subtle changes to the gates and small trees, and it was at the authority's discretion to re-consult – the changes could not have generated a different response from neighbours.

**KS:** commented that it is often the small applications which arouse most passion and strong views from neighbours. Thought this a difficult application – anything which might detract from the street scene was not desirable but other houses a couple of doors along already had dropped kerbs and off-street parking. In view of this, could see no grounds to refuse.

**RG:** corrected comments from MJC, regarding papers being viewable online to anyone with access to the internet – this had not been available for periods of time recently, a matter being taken up with the Authority and addressed shortly. Agreed that this is a difficult

application and wondered if it would contravene policy BE7, even though it had the full support of the Heritage and Conservation Officer. Would listen to the debate before deciding how to vote.

**GB:** found it difficult to balance the arguments here, although realised that this is what Members are here for. Realised that access to the front would be beneficial for the applicant from a child safety point of view, and yet the house backed onto Inkerman Lane, which was surely the safest area to offload children. Was concerned about precedent, started by No 38 St Stephen's Road. If the principle had been to avoid hard-standing all along the road, noted that No 38 now had all hard-standing to the front, and there was nothing to stop the applicant from doing the same once permission had been granted, losing the lawn and greenery. Had slight concerns about giving approval on the basis that some greenery would be left, if nothing could be done should the applicant later change his mind.

**BF:** reminded Members that they had been told on Planning View that the whole issue of the application was the dropped kerb – what the applicant chose to do in his front garden was no concern of theirs. Could see no reason to refuse, following on from the Inspector's comments.

**HM:** pointed out to Members that the previous application had gone to appeal, and the current proposal addressed all the Inspector's concerns.

**RG:** said BF was wrong, the planning application does relate to the landscaping of the garden. Asked whether permitted development rights could be removed to guarantee the proposed front garden is kept.

**PT:** as there is off-road parking to the back where children could be put in and taken out of the car in safety, was puzzled by this application and wondered why it was needed.

**MP, in response:**

- said there is access at the rear, but the application must be dealt with on its own merits, and the rear access was not taken into consideration by the Inspector, who stated that the proposal would be acceptable, subject to soft landscaping ;
- said Members needed to consider whether the proposed access is acceptable;
- confirmed that a condition could be included to ensure the retention of the lawn.

**BD:** asked that this is done - will vote for the proposal if this condition is attached.

**PT:** asked about policy BE7 and how the scheme fitted in with that.

**MP, in response:**

- said in his appeal decision, the Inspector made full reference to BE7 with regard to parking on the forecourt, saying that this may be acceptable if some sort of soft landscaping was considered, so that the front garden would not be all hard landscaping – the 'alignment, shape and lay-out of the hardstanding' was the only reason for refusal at appeal.

**PT:** said if BE7 was no longer relevant, maybe it should be removed from the Local Plan.

**MP, in response:**

- said the policy is still relevant but it was felt that soft landscaping would mitigate any harm;
- reminded Members that the scheme is supported by the Heritage and Conservation Officer.

**Vote taken on Officer recommendation to permit with additional condition**

13 in support

2 in objection



**PERMIT**

**66. 13/00527/FUL 131 Cirencester Road**

Application Number:	<b>13/00527/FUL</b>
Location:	<b>131 Cirencester Road, Charlton Kings</b>
Proposal:	<b>Erection of a timber garden/summer house</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**Public Speaking:**

None.

**Member debate:**

**BF:** had no problem with this application, and was surprised to see how well the summer house sits in the garden. Visited the garden next door on Planning View, and noted that it was screened from the neighbours by trees and shrubs. The summer house is well down the garden, and it was only due to the narrow constraints of the plot that the proposal was at Committee – if the garden was wider, it would not have been called in. Thought it had been done very well and that there was no reason to refuse.

**PJ:** fully supported the proposal, and was envious of the applicant's long garden.

**Vote taken on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

**67. 13/00562/FUL 3 Sandhurst Villas**

Application Number:	<b>13/00562/FUL</b>
Location:	<b>3 Sandhurst Villas, Sandhurst Road, Cheltenham</b>
Proposal:	<b>To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>12</b>
Update Report:	<b>None</b>

**Public Speaking:**

None.

**Member debate:**

**KS:** struggled with this application. On Planning View, all had been peaceful with delightful little children playing in the garden, but thought that 17 excited, older children would be very noisy. Didn't see the whole lower floor of the house, and wondered whether it was big enough to accommodate 17 children. Noted that there had been no formal complaints about noise levels, commented again on the beautiful setting and that most people were happy to have children there, but thought five more children might be too many in a semi.

**RG:** had a memory of a similar application for a nursery which limited the number of children who can play outside at any one time – although this may seem a bit draconian, thought it had been done in the past.

**MJC, in response;**

- said the issue of the size of the accommodation for the nursery and number of children was not a planning consideration and was governed by other legislation; Members needed to consider the impact on amenity and parking issues;
- regarding noise, said the Environmental Health team had reviewed the issue, and didn't feel it was necessary to restrict the number of children to 12; in light of the history of no complaints, took the view that an extra five children would be OK;
- told Members that the applicant had stated that she was happy to restrict the number to 12 children at any one time, with 17 places in total if the Committee would allow.

**BF:** noted that nothing was being done to alter the building and yet Members were being asked to make a judgement on the number of children attending the nursery. Did not feel qualified to make the judgement, even though what Members saw on Planning View looked great.

**MS:** thought the proposal would probably work all right, but asked if a time limit of one year could be conditioned, to see if it started going over the top and causing problems.

**RG:** would rather do things the other way round, as issues such as term times and birth rates would affect the outcome. Although it was draconian, suggested a condition allowing only 12 children in the garden at any one time. The applicant could then ask for this condition to be removed after one year.

**SW:** echoed BF's comments, and thought this proposal had nothing to do with Planning Committee. Thought it was a matter for Ofsted, and was surprised that they allowed 17 children, but said if social services and Ofsted were happy, there could be no quibble.

**PT:** said Ofsted make the final decision, but Planning Committee has to consider the effect on local residents. Having run a nursery herself, could not see a problem with this proposal. Said the hours of operation are already in place – 8.00am–5.30pm - and the nursery doesn't just cater for young children but also 5-8-year-olds after school. Had no problem with the proposal, and as Environmental Health had no trail of complaints, could see nothing wrong with the application.

**MJC, in response:**

- said it was right that the planning authority was considering the application and that planning permission is needed;
- said Members did not need to consider the space issue but the impact on the amenity of neighbours and parking considerations;
- regarding the amenity impact and potential noise, said RG's suggestion was appropriate – Condition 3 suggested that the gardens be used only between 9.30am and 5.30pm, Monday to Friday, and an additional condition could restrict the number of children in the garden to 12. The applicant had said that this would be acceptable and she could work with this. If it was not workable, another application could be made after 12 months.

**SW:** in so far that most of the children would be under five years old, said there should be no more than three in the care of each member of staff. However, if the applicant is looking to attract school-age children, it would be the short period at the end of the day when problems with noise may arise.

**KS:** generally supported the proposed condition but thought this should be alongside MS's suggestion of a temporary permission – thought this would be fairer to all parties, and that the nursery would do all it could to accommodate 17 children.

**HM:** said a temporary permission might make it difficult for parents to plan and place their children there.

**PH:** on planning view, had noted small groups of children with each adult, all working well together. Said as these were toddlers, not too many were allowed together without adequate supervision. Any further consideration of this was not the concern of the planning committee.

**HM:** asked MS if he would like a condition included stating that there should be no more than 12 children in the garden at any one time.

**MS:** confirmed that he did.

**Vote taken on officer recommendation to permit, with additional condition**

14 in support

1 abstention

**PERMIT**

**68. 13/00576/FUL Land adjacent to 3 Mead Road**

Application Number:	<b>13/00576/FUL</b>
Location:	<b>Land adjacent to 3 Mead Road, Cheltenham</b>
Proposal:	<b>Demolish existing garage and build new 2 bedroom dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>None</b>

**Public Speaking:**

None.

**Member debate:**

**KS:** hoped that Members would refuse this application. Recalled the long debate on the last application at this site, and the current proposal had not changed significantly or been discussed with residents. There is already extant permission at this site, decided purely on the merits of that application, and this one was so similar to the previous refused one, other than it being sunk slightly in the ground, that it seemed as if the applicant was taking the mickey and causing additional anxiety to neighbours. Asked Members to remember the previous debate.

**BF:** said Members had approved the first application, against Officer recommendation, and it had been the originality of the design that swung it, which had been excellent in regard to the shape and size of the plot. Said the principle that the site could be developed was established, and this design is better than the previous one. Could not find any planning reason to refuse this proposal.

**IRC, in response:**

- said the reason for this application being submitted now was procedural . The 2012 application had been refused and taken to appeal, but turned away as no Design and Access Statement was provided. Therefore a further planning application was needed – it was not ‘just for the sake of it’;
- said the report makes it clear that as far as Officers are concerned, there is already an approved scheme, and although the site is incredibly small, Officers think the current scheme is a better design for this location in Mead Road than the extant permission.

**KS:** moved to refuse for the exact same reasons as last time – there was no change with this scheme other than a small drop in the height of the building.

**IRC, in response:**

- referred Members to 1.1.3 of the Officer report, which listed the previous refusal reasons. Said one of the principle reasons had been the reduction of sunlight to the rear of 3 Mead Road, but said this is a difficult one to argue, as although there was undoubtedly some shadowing in the early morning, this was not different from that found in a traditional street on an east-west axis. Urged Members to look at this in particular;
- said the object of the application was to progress the matter to appeal, and Officers did not think the current application could justify that.

**PT:** asked for confirmation that the applicant wanted a refusal so that he can go to appeal.

**IRC, in response:**

- said he wanted approval, or refusal so he can go to appeal, and in order to progress the matter one way or the other, he needs to get a decision.

**GB:** said there had been some difficult applications this evening. Supported KS although realised this was probably a hiding into nothing. Supported refusal for the same reasons as given previously, as suggested by KS, saying the proposal should not have got permission in the first place.

**HM:** said that we are where we are with this application, and the question Members should be asking was whether this application is better than the approved one.

**PT:** asked for Officers to give a steer.

**IRC, in response:**

- said the recommendation to permit is the steer. Officers do not consider the plot suitable for development but there is extant permission in place already. As to whether the current proposal is better or worse than that which has been granted, said Officers considered it better with regard to mass and proximity to No 3 Mead Road, though it still had a dominating effect – adding that the reference to mass should be taken out.

**GB:** asked if taking this out would strengthen the grounds for refusal.

**IRC, in response:**

- said taking out removes a weakness.

**LG:** said if Members were thinking of refusing the proposal, they would find the answer to some of their problems in the report, at 1.2, 1.4, 1.5 and 1.6. If they went against these comments, they would look foolish.

**PJ:** if the proposal is permitted, asked that the through-colour render be conditioned for the boundary side.

**HM:** asked KS if she wanted to move to refuse with the reference to sunlight taken out. Said the proposal conflicted with policy CP4, as set out in 1.1.1, which is why it had been refused in the past. Thought Members should give a consistent message.

**PT:** asked about policy CP7 in this respect.

**HM:** said Members should look at the refusal reason included in the orange update.

**IRC, in response:**

- said CP4 is the correct policy if Members want to refuse – the impact in neighbours, bulk and position of the proposal, though the reference to removal of sunlight needed to be taken out.

**HM:** said the previous refusal reason talked about mass and proximity, and moved to the vote.

**Vote taken on KS's move to refuse on the same grounds as 12/00859/FUL, with the reference to sunlight removed**

5 in support  
 9 in objection  
 1 abstention  
**PERMIT**

**69. 13/00614/FUL 111 Old Bath Road**

Application Number:	<b>13/00614/FUL</b>
Location:	<b>111 Old Bath Road, Cheltenham</b>
Proposal:	<b>Split level single storey rear extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	

**Public Speaking:**

**Mrs Cooper, neighbour, in objection**

Began by saying she had not tried to prevent her neighbour from having an extension, despite the fact that it would be a great disadvantage to her. Was simply asking for a slight alteration in the building materials to mitigate that disadvantage - these alterations would not affect the neighbour, as they would not be visible to her. Said if the effect of the dark mass of the new building could be lightened with brick-coloured tiles that would merge with the red brick walls of the house and the new side wall coloured to match her own light patio paintwork, this would help considerably. Said it wasn't correct to say that she would not see the slate roof when sitting on the patio – the only way one wouldn't see it was if you was lying on one's stomach on the floor. Thought this request should be a very minor matter to the applicant and the Planning Officer, in view of the loss of sunlight on her patio, lounge and hall, together with the feeling of enclosure in such a vital space, which she would suffer. Had been told that the roof had to be slate because it is in a conservation area and has to be suited to the Victorian building, but did not see how the lower part of the extension – a pleasant modern design with a flat roof – fitted in with the Victorian ideal, adding that this would be visible from most directions. Could not see why brick-coloured tiles, out of sight to anyone but her, would be a problem. Had also been professionally advised brick-coloured tiles rather than slate would not reduce the value of the applicant's house.

**Dr Jelly, applicant, in support**

Was very keen to maintain good relations with Mrs Cooper and all her neighbours, saying that life too short not to do so. Appreciates and respects the fact that Mrs Cooper has lived next door for a long time, and had therefore been sure to involve her in the planned development from the start. Had listened to her comments about the impact of the extension on her garden, and taken regard of this, altering the plans accordingly in the hope of avoiding the present conflict. The planning agent Clint Jones had liaised with the planning department on the overall scheme and its potential impact on the neighbouring garden. Had been happy to listen to the comments and attempt to reduce the impact, but struggled with the request to substitute the slate tiles for terracotta-coloured ones. Thought these would look strange and out of keeping, and told Members that the planning officers could not accept this request either. Said hers was a large property but configured in such a way that the lower ground floor is a separate flat, which means that the living space is relatively modest and an extension is the only solution to enable the family good access to the garden. Had already listened to Mrs Cooper and changed her plans accordingly, and assure

Members that if the proposal was permitted, she would continue to be considerate towards her neighbour.

**Member debate**

**RG:** thought that in the spirit of keeping good neighbourly relations, Members should blame the Officers for this one. Said Members had to take Officers' advice that the materials requested by the neighbour are not suitable.

**KS:** thought this was quite a tricky application, and hated the situation where neighbours want to have good relations and ward councillors wanted to be fair to both parties. Asked if a flat roofed extension had been considered, as the height of the pitch would add to Mrs Cooper's sense of enclosure. Asked why it had not been thought appropriate.

**GB:** was also ward councillor for this application, and faced with the issues, realised that the decision was going to upset someone. Understood Mrs Cooper's concerns, adding that there were many shades of grey – were any of these more suitable than others?

**BF:** understood why materials in conservation areas can't be changed and must be as near to matching as possible. Hoped Mrs Cooper's fears may be pacified when she sees the extension built. Would not object if his neighbours wanted to build it, and as the applicant and her neighbour were two sensible people, thought the outcome would be alright in the end.

**PJ:** was interested to hear Officer comments regarding shades of grey for the tiles.

**MP, in response:**

- to KS, said a flat roof was not considered as part of this application. There had been a lot of pre-app discussion of the scheme with a pitched roof with lowered eaves; said a flat roof would in fact increase the height at the boundary.

**GB:** asked if there was a lighter shade of grey to reduce the impact without compromising the conservation area.

**HM:** asked if slate is one standard colour or whether there are different shades.

**MP:** said there was not a lot of difference in the colour of slate tiles – they are slate grey.

**Vote taken on officer recommendation to permit**

13 in support

0 in objection

2 abstentions

**PERMIT**

**70. 13/00691/COU & LBC Manor by the Lake, Hatherley Lane**

Application Number: **13/00383/FUL**

Location: **Manor by the Lake, Cheltenham Film Studios, Hatherley Lane**

**CONSIDERATION OF THIS APPLICATION WAS DEFERRED**

**71. 13/00383/FUL Manor by the Lake, Hatherley Lane**

Application Number: **13/00691/COU**

Location: **Manor by the Lake, Cheltenham Film Studios, Hatherley Lane**

## CONSIDERATION OF THIS APPLICATION WAS DEFERRED

### 72. Additional item: Officer report on enforcement proceedings at Sandford Dene, Lake Street

#### Agenda Item 6

#### Officer report on enforcement proceedings at Sandford Dene, Lake Street

**CL:** said Para 1.4 in the officer report explained why this item was before Planning Committee tonight. Said Planning Committee has no powers regarding enforcement matters, but the item was on the agenda for their notice, consideration and comments, following their decision regarding the heat pump in January 2012. Said the power to decide and act on this matter was with Officers, delegated to them by the Council not by Planning Committee, and Officers could not delegate this decision back to Planning Committee, only seek their Members' opinion.

**BD:** remembered this application from Planning View, and thought that if the planning authority makes rules, it should stick by them, and if the applicant had done something wrong, it should be removed. Otherwise, the applicant appeared to thumb his nose at the Council. Thought the planners should stand up and be counted, not make decisions under the fear of costs – this was wrong.

**BF:** had read the report. Noted that the fence had been put up, the noise had been measured, and the new fence and trees found to deaden the noise. Had noted the test results at the end of the report and the times that these were taken in the morning – said it all complied with noise regulations. Said there was a lot of noise in the world, and no-one can live in silence. Thought it would be wrong to pursue this enforcement case.

**MS:** took a different view and supported BD. On Planning View had thought the heat pump was not acceptable – it was noisy and produced a cold blast of air. Said it was alien to have this stuck next to a house, especially when it should and could have been installed round the corner. Thought the enforcement team should try to get it removed.

**PJ:** thought the noise was unacceptable. Said an important condition had been ignored, a subsequent condition had also been ignored, and if these were not enforced, asked what message this would give to the building community.

**HM:** said Mike Redman had been waiting to hear views of Members.

#### **CL, in response:**

- said a vote could be taken on whether or not Members thought enforcement action should be taken.

**PT:** asked whether an Inspector would ask for the heat pump to be moved or not.

**GB:** asked if Members' decision was binding or not.

#### **MJC, in response:**

- confirmed that Members' decision would not be binding;
- said the enforcement action would be the removal of the air source heat pump;

- MS had mentioned the cold blast of air, but pointed out that there is now a close-boarded fence in place of the old fence, which prevented the cold air from affecting the neighbours – so one part of the refusal reason had been covered;
- said Officers and Members had had a clear steer from Environmental Health, and if the enforcement action went to appeal, there would not be much chance of success on amenity grounds. The noise levels had been measured with proper equipment and there was no loss of amenity case to answer – the appellant would place a lot of weight on this;
- when permission was granted, PD rights were removed, but Members should remember that air source heat pumps fall within PD rights.

**BD:** asked if it had been suggested that the heat pump be moved further down the wall.

**PT:** said it had been suggested it was moved round the corner.

**MJC, in response:**

- said there had been discussion of this, and he had visited the site on two or three occasions. The applicant was not prepared to move the pump;
- said the enforcement notice would therefore have to be to remove the heat pump, as the applicant had made it clear that he was unwilling to move it round the corner.

**Vote taken on whether Members recommend that enforcement action does NOT proceed**

6 in support

5 in objection

4 abstentions

**Recommendation that enforcement action does NOT proceed**

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

Chairman

The meeting concluded at Time Not Specified