

Planning Committee

Thursday, 22nd August, 2013
6.00 - 8.55 pm

Attendees	
Councillors:	Chris Coleman (Chair), Helena McCloskey, Jacky Fletcher, Garth Barnes, Barbara Driver, Bernard Fisher, Rob Garnham, Les Godwin, Andrew McKinlay, Malcolm Stennett, Pat Thornton, Simon Wheeler, Andrew Chard (Reserve), Jon Walklett (Reserve) and Roger Whyborn (Reserve)
Also in attendance:	Tracey Crews, Martin Chandler, Michelle Payne, Emma Pickernell, Karen Radford, Chloe Smart, Gary Spencer, Mark Power and Kathryn Sayner

Minutes

1. APOLOGIES

Apologies were received from Councillors Hall, Jeffries and Sudbury.

2. DECLARATIONS OF INTEREST

Councillor Driver declared a personal interest in any item relating to Cheltenham Borough Homes and advised she would leave the room for that item.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF LAST MEETING

Resolved, that the minutes of the meeting held on 18 July 2013 be approved and signed as a correct record without corrections.

5. PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS – SEE MAIN SCHEDULE

The chair asked the Team Leader, Development Management, Martin Chandler, to give members an update on the former Odeon cinema and Haines and Strange sites discussed at the last meeting.

The Team Leader confirmed that since the last meeting there had been further discussions with the applicant on the design of both schemes. Officers had been pleased with the outcomes and planning permissions had since been granted. English Heritage had made similar comments to the council's

conservation officers and subsequent negotiations with the developers had gone well and officers were pleased with the improvements that had been made.

The chair announced his intention to take application 5n) before 5i) for the benefit of a number of members of the public in attendance for this item.

Regarding 5a) he referred members to the update from the crime prevention officer which had been circulated to members earlier that day via e-mail. It was noted that members should be given a copy and time to read it before this item was dealt and it would therefore be deferred until 5b) and 5c) had been taken.

6. 13/00911/OUT CHRIST COLLEGE, ARLE ROAD

The Senior Planning Officer, Emma Pickernell, introduced the report regarding the proposal for the outline application for residential development including means of access (indicative layout of 85 dwellings) at the former Christ College site. Officers considered the principle of proposal and the access were acceptable and therefore the officer recommendation was to approve it.

Public Speaking:

Mr Kevin Hunt, applicant's planning consultant, in support

Mr Hunt explained that the application proposed redevelopment of the former Christ College School site following the relocation of the school to the All Saints Academy. The construction of the Academy was funded, in part, by the Clifton Diocese as the owners of the Christ College site. As such there had always been a recognition that following the completion of the All Saints Academy, the Christ College land would be brought forward for residential development.

In his opinion, the redevelopment of the site would have a direct and positive impact on the delivery of new homes in Cheltenham. In turn this would help to reduce pressure on the five-year housing land supply by providing a range of family homes in a sustainable urban location on previously developed land.

In respect of highways matters, the county highways officers had advised that the scheme provided a safe access onto the public highway and that there were no residential amenity concerns. Highways officers had also confirmed that there were no highway safety grounds on which to refuse this application.

In respect of the layout proposed he stressed that it was indicative in nature and simply demonstrated that the number of houses could be delivered in a safe and sustainable manner. It would be for subsequent Reserved Matters applications to define the layout and design of individual buildings and he was sure that officers would deal comprehensively with the design to provide a high-quality scheme based on the principles agreed in this Outline application.

He highlighted that this application would secure the retention of the Sports Hall. His client had entered into an agreement with the YMCA who would manage the sports hall and make it available to the public, a significant advantage arising from this application. The application also included provision for on-site open space including a children's play area and a comprehensive network of paths which would integrate the site into the surrounding community. The scheme offered full education, library and open space contribution in line

with the requirements. In respect of affordable housing, they had undertaken a Viability Analysis, which had been independently verified by the Valuation Office, and which confirmed that the scheme would not be viable if a 40% affordable housing provision was applied. However they had entered into a collaborative process with officers and had agreed to the provision of 20% affordable housing which meant that the scheme would be viable and therefore would be developed to help meet both local market and affordable housing needs.

The officer's report had confirmed that the scheme was fully policy compliant in all other respects including residential amenity, highway safety, ecology, ground conditions and flood risk. Furthermore it was clear that the redevelopment of the site would be to the benefit of the local community and would contribute to the delivery of sustainable housing on previously developed land within the town. He therefore urged the committee to accept the officer's recommendations and approve the application.

Member debate

Councillor Wheeler acknowledged that the application was for outline permission only but he felt this could cause problems further down the line if members then wanted to challenge aspects of the development. He challenged the statement that 40% of affordable housing was not affordable for the developers and commented that this was an argument that the committee had heard many times. In his opinion if 40% could not be achieved on this site it could not be achievable anywhere in the country (county?). He also considered that a density of 33 units per hectare was not a good use of this brownfield land in a prime position for residential housing.

Councillor Driver thought the developers should go back to the drawing board with regard to the design and take on some of the points that police had raised. In particular she was unhappy that the play area was situated on the edge of the site. She thought it should be situated in the middle of the site whereby children could be integrated into the community. She requested that this be fed back to the developers.

Councillor Garnham was happy with the principle of the development but would prefer to see a height limit set of 2.5 storeys in keeping with other buildings in the area which were generally lower than the trees. He also questioned how strong the agreement was relating to continuing investment in facilities at the All Saints Academy outlined in paragraph 6.7.6 of the report.

Councillor Fisher supported the concerns about the low level of affordable housing and he thought it was a contrived design to get the level of affordable housing down. There was a great need in Cheltenham for more affordable housing. He was concerned that the children's play area was in the flood zone.

Councillor McCloskey was happy to support the application as it related to access only but she too was concerned about the low level of affordable housing and the play area being overlooked and sited next to the sports hall which was open to the general public. She was concerned that users of the sports hall could be driving through the development early in the morning and late in the evening and causing disturbance to residents.

Councillor Fletcher was happy with the proposed density of the development of 33 dwellings per hectare (dph), as she thought the quality-of-life for residents was important. She had some concerns about the design and thought the layout needed more thought, particularly the frontage.

In the debate that followed, members raised similar concerns about the low level of affordable housing and thought this needed to be addressed in the next stage of the process. They pointed out that it was a level site with no contaminated land and therefore it was not a difficult site to develop which should keep costs down. Councillor Walklett presented some figures which suggested that Cheltenham had lost out on the potential for a hundred affordable homes over the last three meetings of this committee. Councillor McKinlay felt that the level of affordable housing could be easily increased by increasing the density of the site. He felt the number of houses could be increased to 100 without any significant effects and he was concerned that agreeing the outline proposal might rubberstamp the 85 properties proposed. Councillor Garnham referred members to para 6.6.1 of the report which clarified why the number of 85 had been indicated at this stage as it triggered a requirement for affordable housing. Councillor Godwin felt that committee should not criticise the proposed density which in his opinion supported gardens of a reasonable size, better amenity areas for children and generally more elbow room for residents. He questioned whether the committee had a clear understanding of the definition of affordable housing and asked for an explanation from officers.

There was some discussion about the height limit suggested by Councillor Garnham. Councillor Whyborn suggested that there were quite a lot of three-storey properties in that area so he would encourage this if it enhanced the economics of the development.

Councillor Thornton raised a concern that the access to the site would come out on the zigzags of a pedestrian crossing. She did not think it was appropriate to move the pedestrian crossing and therefore asked the highways officer to comment on whether the access was appropriately sited and why a centralised access was not possible. She suggested that parking courts were not generally popular with residents who preferred to park outside their own property for ease of use particularly with heavy shopping.

The Planning Officer advised that although there was an overall target of 40% of affordable housing, it was important to assess every case on its merits. In this case, the approach set out in the NPPF had been followed and an independent assessment had determined a viable level of affordable housing of 20%. As this was only an outline application, a different mix may come forward at reserved matter stage so there would be an opportunity for members to reassess it. There were particular difficulties with this site as it was bounded by footpaths. Officers considered that the density of 33 dph was within the realms of acceptable limits and not overly low. However there was the option for the committee to add an informative if they felt the density should be higher. Similarly the figure of 85 dwellings was only indicative at this stage and could be reassessed. Regarding the building height, she understood that the intention was for a mix of 2 and 2.5 storey buildings within an area which was generally two-storey. She felt it would be a shame to limit the design at this stage. She advised that the play area was in a reasonable location where it linked with

other facilities likely to be used by children such as the sports hall. An informative could be put in to comment on the positioning of the play area if members felt this was an important issue. The loss of some sporting facilities had been mitigated by the supply of other facilities on land owned by the developers and therefore she did not think it was necessary to add any further conditions. With regard to the access for the site this had been negotiated with the highways department.

The Highways Officer, Mark Power, advised that the access had already been moved in the plans to a safer location away from the bridge and existing junctions. Two local councillors had been keen to retain the pedestrian crossing in its current position and in his opinion it was acceptable for the access to come out onto the zigzags of this crossing.

Head of Planning, Tracey Crews, informed members that officers were currently working on amending the definitions for affordable housing which would include social rented housing and these would be circulated to members shortly. In the meantime, the NPPF offered the most up-to-date guidance.

Members were concerned that future plans for this site should be brought back to this committee and requested that this be noted in the minutes. The planning officer reminded members that it was in the remit of any member of the council to refer the matter to Planning Committee.

The Planning Officer summarised her understanding that members were generally supportive of the scheme but were concerned about the density and the level of affordable housing and the informative will be reworded to take this into account.

Vote taken on the officer recommendation to permit

11 in support

2 in objection

2 abstentions

PERMIT

7. 13/00800/FUL LAND AT CRABTREE PLACE

Councillor Driver left the room for this item having declared an interest.

The Planning Officer, Michelle Payne, introduced the report regarding the proposal for the construction of 56 residential units including 24 affordable units and associated works. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member debate

Councillor Fletcher supported the application but was concerned that there seemed to be lots of loose ends which needed tidying up including a number of highways issues. She questioned why these have not been resolved before coming to committee.

Councillor Walker applauded the work done by the council and Cheltenham Borough Homes on the St Pauls development to date. He supported this application but echoed the comments of Councillor Fletcher.

In response the Planning Officer acknowledged that there were lots of conditions prior to occupation but she would expect all these to be resolved. Asked for his comments, the highways officer advised that it was common to have pre-commencement conditions as these all needed time to be resolved.

Vote taken on the officer recommendation to permit

14 in support - unanimous

PERMIT

8. 13/00605/FUL 13 LANSDOWN PLACE

The Planning Officer, Chloe Smart, introduced the report regarding the proposal for the erection of a single new dwelling to the rear of the existing building facing Lansdown Place Lane. The application had been brought to Planning Committee due to concerns from Councillor Driver. The Planning Officer highlighted the fact that this was a revised scheme following the dismissal of the application in 2010. The design had subsequently been significantly amended but there remained an objection from the Heritage and Conservation officer. Planning Officers had however considered the proposal to be acceptable on balance and therefore the officer recommendation was to approve the application subject to a number of conditions.

Public speaking:

Mr Simon Firkins, applicant's adviser, in support

Mr Firkins explained that the application in 2010 proposed a traditional coach house design. The principle of a new dwelling was accepted, as was parking, although the Inspector dismissed the appeal on design grounds and for overlooking between the coach house and an apartment within 13 Lansdown Place. He explained that the issue of overlooking had been addressed by having both bedrooms to the front facing Lansdown Place Lane, with the only window in the rear elevation at first floor serving a bathroom. As such no overlooking would occur. A site section also showed that there was no loss of light to apartments in no. 13.

Mr Firkins reported that in terms of design, the building was overtly contemporary, similar to many other coach houses that have been constructed to the rear of listed buildings in the conservation area –examples of some those had been provided in a short letter earlier this week. Whilst each proposal was to be judged on its merits, they felt these were useful to show similar successful situations. Two rounds of revisions had been submitted in line with officer's requests. These were detailed in the report, with the main changes being: repositioning the dwelling to line up with the rear wing of no. 13; altering the fenestration and detailing to provide a vertical emphasis; the change of material from render to brick.

Mr Firkins explained that following English Heritage's comments the previous day, the boundary wall had been moved so it is an extra 1.7 metres away from No. 13. This further minimised any impact on the setting of the listed building.

Mr Firkins explained that as members would have seen on planning view, there were a number of 2 storey brick buildings on both sides of Lansdown Place Lane to the rear of Lansdown Place and Lansdown Crescent. Some had pitched roofs; others had flat roofs with parapets like this scheme. In this context the proposal would not be out of place. It would not have an adverse impact on the listed terrace or on this part of the Conservation Area. The brick colour shown on the plans may be a bit dark due to printing quality, but it would not look like that in reality and he offered to submit samples.

No off street parking was provided as the site was in a highly sustainable location close to Montpellier, the Town Centre, public transport routes and the railway station. This had been accepted by an Inspector and officers.

Cycle parking was contained within the private amenity space to the rear and this was covered by a condition. There was no objection from Highways. A concealed bin store was provided at the front of the property.

There had been one letter of comment, which posed a few questions and suggestions rather than objecting to the scheme. The questions were mostly in response to the changes that had been made at the request of officers; changes they felt officers were right to ask for, and which have enhanced the proposal.

Member debate

Councillor Garnham accepted the principle and siting of the development. He recognised that there were concerns from the Heritage and Conservation Officer and in the light of the comments subsequently received from English Heritage he believed the best approach would be for officers to take account of these and work out a design which would fit in with the Planning Committee's role of protecting the character and appearance of the conservation area.

Councillor Driver referred to other developments which had taken place in the same area. Each application should be taken on its merits. She made reference to existing parking problems down that street and if parking was taken away this would cause problems elsewhere. She also expressed concern about the quality of life of residents who were already living in very small flats and particularly those residing in basements. She warned against overdevelopment of areas.

Councillor Fletcher referred to the sound advice provided by English Heritage and said the committee should "listen to the experts". She also recognised the concerns of the Heritage and Conservation officer. She believed that there were other reasons, beyond design to refuse the application and made reference to the advice received from the HMO Division which referred to the fact that the bedrooms, as proposed, appeared to be inner rooms. She was therefore very reluctant to support the application.

Kathryn Sayner, the Heritage and Conservation Officer explained that this application concerned the principal terrace building which was a grade II statutory listed building and the site was wholly within the Central Conservation Area. It was an important backlane containing workshops and garages. The design was in her view poor and in order to comply with the National Planning Policy Framework it should be of high quality to ensure quality development.

The Planning Officer reiterated that having taken account of all responses, including those from heritage and conservation, officers felt that the application should be recommended for approval. The application was a brownfield development, in a highly sustainable location and contributed to the housing supply of the town, albeit on a small scale. With the vertical emphasis of the design the property would sit subserviently to the main terrace.

When asked by Councillor Godwin how the design differed to the one presented in the application in April 2010, the Planning Officer explained that the current application was of a contemporary design whereas the previous one was for a coachhouse. She outlined the concerns expressed on the previous occasion relating to neighbouring amenity, and the obscure glazed window which was visible on the rear elevation. In addition the only outlook in that design was through the rooflight which the inspector had deemed insufficient. The application before members had an obscure glazed window on the bathroom.

Councillor Godwin then asked why the points raised on the current application had not been raised in 2010. In response the Planning Officer explained that the principle of the dwelling had been accepted by the Inspector and by English Heritage in that location. The use was residential and should be looked at in the context of the area. Subdivisions of plots continued along the lane. Changes had been made to the application based on English Heritage recommendations to give more space to a listed building.

Councillor Whyborn said that he was minded to abstain from the vote on this application. He thought the building as a stand alone building was fine, however he took issue with the building fitting in with the listed buildings surrounding it. He recognised however that this was a subjective view.

Vote taken on Councillor Garnham's move to refuse
8 in support
6 in objection
1 abstention

**MOTION WON
APPLICATION REFUSED**

9. 11/01022/FUL MIDDLE COLGATE FARM, HAM ROAD

The Team Leader, Martin Chandler, introduced the report regarding the proposal for the continued use of part of an existing barn as accommodation ancillary to residential accommodation of the farmhouse at Middle Colgate Farm. The matter had been brought to this committee for a decision given the involved history at this site. The officer recommendation was to permit the proposal. He referred members to the additional representation which had been circulated to members at the start of the meeting.

Public Speaking:

Mrs Alice Ross, local resident, in objection

Mrs Ross advised the committee that residents continued to object to the retention and use of the unauthorised living accommodation in this agricultural

barn. She reminded members that in 2008 they had refused an application for established use of the whole barn as a dwelling which was upheld at Appeal in 2009. The Inspector had agreed with the committee that the lawful use of the whole barn was agricultural with no permission for residential use. The property should have reverted to being a barn at that point and this would have been the ideal time for the Borough to enforce removal of the unauthorised accommodation. This did not happen. The applicant did not appeal the decision and so must have known and accepted that there was no certificate of lawful use but despite this allowed his part-time worker to move into the accommodation in May 2010.

She suggested that if the application had been presented to members in 2011 they would have been shocked to find that the unauthorised accommodation was in full use, had been added to and that even council tax was being paid in blatant breach of the committee's and the Inspector's decision. She questioned why in 2013, the officer recommendation was now to approve the application, one of the reasons being that the accommodation will just be for occasional overnight stays or storage. She advised members that this was incorrect and Mr Stanley had confirmed to local residents that it was his worker's home and he intended the worker to continue living there full-time. She also challenged the statement that as the use has continued for nearly 4 years, it was virtually established. She felt this was misleading and only worked if the occupant had managed not to be found out. As officers would be aware, local residents over the years had been in constant touch with them about this matter. If members were minded to approve the application, on behalf of local residents she requested that the following conditions be placed on the permission:

- i. The ancillary dwelling or its plot to remain ancillary and not to be sold independently of the main house
- ii. An agricultural occupancy condition to be imposed on the ancillary dwelling as with the main house

She felt the second condition was very important in order to retain the agricultural link as the recommendation to approve seems to them tantamount to rewarding bad behaviour with the prize of an unrestricted AONB residential planning permission. At some point in the future they could see the barns being demolished and a charming new house erected on the residential footprint.

Mr Simon Firkins, applicant's adviser, in support

Mr Firkins acknowledged that the officer report was detailed and clearly set out what had been quite a long planning history at this site. This application dated from 2011, and was submitted in direct response to the advice and recommendation of officers at that time. Other applications since, as outlined in the report, were also submitted on the written advice of then officers.

The original refusal of a certificate of lawful development was handled by other consultants. Since that time they had been seeking to resolve this situation for the applicant. This has included many meetings with officers and dealing with their suggestions in respect of the various applications that had been submitted.

Considering the history of the site, and the fact that it was accepted that the use of part of the barn (the part to which this application relates) had been for independent residential purposes since at least 2004, the proposal before members to use this area for ancillary accommodation was very logical. It

would clarify the use of the space and ensure that occupation was ancillary to the main house.

He advised that the applicant just wanted the matter resolved. As well as the applications that had been made, the provision of the internal wall also followed officer advice (albeit some officers are no longer with the Council). In addition, the applicant had been paying Council tax on the property for years.

Alongside this, planning policy concerning the re-use of rural buildings had changed significantly in recent times. The NPPF was supportive of proposals to re-use buildings of this nature and does not look for commercial or other uses ahead of a residential use. Other changes now allowed the use of rural buildings for many other purposes without planning permission, such as shops, cafes, hotels, gyms, offices etc. These are likely to have far greater impacts than the ancillary accommodation proposed.

Bearing all this in mind, this application would indeed seem to be the right approach, especially as it also involved enhancements to the appearance of the building. They were aware of the objections from some local people, but as the report identifies, these appear to have missed the point concerning what is actually being applied for now.

They hoped members could agree with the recommendation in the report in the hope that a line could not be drawn under this site.

Member debate

Councillor Garnham was concerned that if someone was living in the barn then the building regulations should be fully investigated. It was also important to tie down the ancillary use to the existing farmhouse. In his view a condition on agricultural occupancy for the barn would be a sensible one if the committee was minded to permit the application. This condition on sole occupancy for an agricultural worker was supported by another member who asked for clarification from officers on whether this condition could be applied.

Councillor Fisher reminded members that when they had granted permission for the extension to the farmhouse, conditions had been applied regarding occupancy by agricultural workers and as this barn was ancillary to the main farmhouse, these same conditions would apply to the barn. He expressed concern that there was no fire officer report in the papers. He was concerned about the fire hazard of a wood burning stove in the barn close to other sections of the barn which were used for storing hay, firewood and a motor bike and a quad vehicle. There was also an open wooden staircase to the second floor. He suspected that the current barn did not comply with building regulations and asked whether the applicant would be making it compliant.

Other members supported this concern regarding building regulations and the fire hazard. Councillor Driver considered the property was dangerous and not fit for human habitation and was concerned that the council had insufficient resources to enforce the necessary building regulations.

Councillor McCloskey raised a point of clarification regarding Mr Firkin's comment that the applicant was keen to draw a line under the history of this site. She noted that the applicant had another pending application regarding

property on the site and asked whether this was dependent on the outcome of this application.

Councillor Whyborn requested clarification regarding how the application had reached this position and what was the reason for the change in officer advice to permit?

Councillor Godwin considered it was very important to apply strong conditions which can then be policed by local people and local councillors. He highlighted the chequered planning history of this site and was concerned that this application was the thin end of the wedge and urged caution.

In response to these points, the Team Leader explained that the application in 2009, which had been dismissed by this committee and at appeal, was a very different application to the one being considered today. The application then was for a certificate to prove that the residential use of the property had been in existence for a specified period of time.

With regard to building regulations, the Team Leader advised that the Case Officer in this case, Ian Crohill, had spoken to officers in the building control team. Building regulations would apply to this property and current indications were that the barn would not comply. However this was not a valid reason for refusing planning permission now but would prevent the property from being sold on at a later date. Fire safety formed part of the building regulations and therefore were covered in his response. He suggested that if members were particularly concerned and minded to permit the application, they could set out their concerns in writing to the applicant and encourage him to comply with building regulations.

With regard to the suggested condition that occupancy of the barn be restricted to agricultural workers, he advised members that the restriction on the farmhouse for agricultural purposes would automatically apply to any ancillary properties. There was no harm in adding a similar condition to the barn if that was members wish. It would be beyond the remit of this committee to impose any further conditions regarding the occupant having agricultural work as their primary income as Councillor Wheeler had suggested.

With regard to the question about the undetermined application, he advised that he had discussed this with the planning officer that afternoon. Officers were minded to refuse the certificate that had been requested as it cannot be proved that use had been established for the necessary time. However the determination of this application was quite separate to the application being considered today.

Councillor McKinlay indicated that he would be more comfortable permitting the application if building control were notified of their concerns and it was then up to them to take any further action. He was not happy that the agricultural use of the barn accommodation was covered by the main farmhouse as there was a risk that this condition on farmhouse could be changed in the future and he would not want this change to apply to the barn which was clearly for agricultural use.

Councillor Garnham referred members to planning policy which encouraged “high quality design and a good quality of amenities for current and future occupants.” He suggested their concern about the state of the building could supply a reason for refusal on this basis.

In response the Team Leader suggested that it would be preferable to strengthen the first condition in paragraph 8 of the report rather than add an additional condition. If members wanted to give some steer to Building Control, he suggested that they could request the chair of Planning Committee to write to the Building Control team setting out their concerns. He would not want this to become the norm but he considered it was acceptable in this case due to its exceptional nature.

Councillor Fisher moved to refuse the application on the basis that it did not conform with policy CP4 regarding safe and sustainable development. He suggested as an alternative, paragraph 17 in the NPPF previously referred to by Councillor Garnham.

The officer advised members that policy CP4 was concerned with potential harm to users of land adjacent to the property and not the property itself. In his view this would not be reasonable grounds for refusal. He advised members that they could refuse the application on the grounds of paragraph 17 but it was not a strong reason for refusal and could be viewed as unreasonable and he cast doubt on its potential success if it went to appeal.

The chair reminded members that they were currently debating the motion from Councillor Fisher to refuse the application. He asked the solicitor, Gary Spencer, for advice on what would happen to the conditions they had discussed if the vote went ahead on refusal. The solicitor advised that if the vote to refuse was lost, the permission would automatically be granted and therefore members should agree any conditions before they took that vote.

Members agreed that if permission was granted they wished condition 1 to be strengthened regarding agricultural occupancy of the barn and the informatives suggested be in place to raise members concerns about building regulations with the applicant and Building Control.

Vote taken on Councillor Fisher's move to refuse on paragraph 17 of the NPPF

5 in support
8 in objection
2 abstentions

MOTION LOST

APPLICATION PERMITTED

10. 13/00637/FUL BRITISH TELECOM, ORIEL ROAD

The Planning Officer, Chloe Smart, introduced the report regarding the proposal for the installation of 6No. Air conditioning units on the southwestern wing of the roof. The works were required to serve accommodation and telecoms equipment on the second floor of the building. It had been brought to committee

at Councillor Sudbury's request who was concerned about the noise levels. The applicant had submitted a noise survey and Environmental Health had raised no objections. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member debate

Councillor Fisher expressed his disappointment that the building had not been replaced as it was a magnificent site in a conservation area. As the building was full of servers it seemed a waste of the land and he was disappointed that BT could not be convinced to move out of town. However he accepted that these were not reasons to refuse the application.

Vote taken on the officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

11. 13/00774/LBC CHELTENHAM CEMETERY AND CREMATORIUM

The Team Leader, Martin Chandler, introduced the report regarding the proposed new and replacement signage at the crematorium. The application had been brought to committee for approval as the council was a landowner. The officer recommendation was to permit the proposal.

Public Speaking:

There were no public speakers.

Member Debate

At the request of a member, the committee were shown pictures of the new signage.

Vote taken on the officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

12. 13/00813/FUL LAND ADJACENT TO EAGLE TOWER

The chair announced that this item had been deferred.

13. 13/00965/FUL 28 RODNEY ROAD

The Senior Planning Officer, Emma Pickernell, introduced the report regarding the proposal for the demolition of an existing garage at the rear of 16 Cambray Place and the construction of a new four storey dwelling at 28 Rodney Road. She highlighted that the side elevation of the building comprised metal standing seam cladding which curved over to form the roof of the majority of the building. The officer recommendation was to refuse the application due to the impact on

the listed building and the size and the design of the building. It was being brought to Planning Committee at the request of Councillor Sudbury.

Public Speaking :

Mr Patel, applicant.

Mr Patel explained that the site had many years of family history. The plot occupied by the garage had always been a separate plot as indicated on the 1820 historic map. He had provided the local authority with a copy of legal documents which confirmed that the plot had been sold and registered as a separate piece of land a number of times. Rodney Road was mentioned in the Montpellier Character Area Appraisal which stated that the intense parking and loss of boundary treatments had had a negative impact on the street, downgrading the west side and stating that the east side was less attractive.

The Conservation Officer was concerned that the proposal would have a negative impact on the setting of 16 Cambray Place. However there would be a greater distance between the rear elevation of the proposed building and 16 Cambray Place than that of neighbouring properties. The proximity between the properties north of the site could be seen on the historic map. From the site visit committee members would be aware that the adjacent building at 26 Rodney Road is closer in proximity to 16 Cambray Place than the proposed building. Unlike the neighbouring properties neither of the rear wings of 16 Cambray Place would have any windows that face the proposed building.

Before submitting the application he had discussed the proposal with neighbours and local residents and it had been well received with extremely positive feedback. Their opinion was that the proposal would be an improvement to the quality and appearance of the road. There had be no letters of objection. His view that the development would enhance the appearance of the Conservation Area was supported by the Architects Panel and the Civic Society.

The east side of Rodney Road already had a variety of different buildings with a modern four-storey building adjacent to the application site and the most recent addition under construction is also a modern four-storey building. Both buildings were either adjacent or behind listed buildings.

In his view the site currently had no visual or architectural merit and its redevelopment presents an opportunity to create a new home in a sustainable location making better use of an underutilised site to provide a much-needed additional home to the town. The building was well designed and imaginative and would integrate well with the street scene and the proposed high-quality materials would add interest to this mixed use area. He hoped that the committee members would support this proposal and enable him to build a home that was adaptable for himself and his family to live in for many years.

Member debate

Councillor Stennett explained that he had reservations about this application having seen the site on Planning View due to the space between the existing property and this proposal. He did however accept that the site should be developed. He would prefer to see something mirrored as opposed to the wrapped around effect of this design and to that end he supported the views of the Heritage and Conservation officer and the Planning Officer.

Councillor Wheeler concurred with the view of officers. He took issue with the fact that the roof would consist of plastic clad metal and this would not be in keeping with the neighbouring building. The Senior Planning Officer clarified that there was no suggestion in the application that the metal would be plastic coated.

Councillor Fisher supported the views of the Architect's Panel and the Civic Society and believed this was an ingenious use of the site.

Councillor McCloskey liked the design, which in her view was exciting and innovative. She believed that the harm caused to the listed building was a subjective view and this did not outweigh the benefits that this design would provide. This was in accordance with paragraph 65 of the National Planning Policy Framework.

Councillor Garnham supported the application and believed that residents would be advantaged in terms of having a better outdoor space than currently. The design was exciting in his view.

Councillor Whyborn noted the divergence in the experts' views. He thought the design was appropriate, however did not believe it fitted in with the surroundings and therefore supported the views of the Heritage and Conservation Officer.

Councillor Thornton highlighted that both the Civic Society and the Architects Panel agreed that this application would be an interesting addition to the streetscape and said that the building was at the back of the listed building and therefore not visible from the front. The issue of the curtilage of the garage was a technicality.

Councillor McKinlay noted that there were a number of modern buildings in that area and therefore thought that this was an innovative design which would not be out of place.

Councillor Driver agreed with the officer recommendation to refuse as she took issue with both the colour and the material proposed.

Councillor Barnes also agreed with officers and believed this would not complement the area and would distract from neighbouring buildings but did acknowledge that the design may be appropriate in a different location. In addition he believed that access alongside the property for residents of the listed building to the shared garden would be miniscule. He therefore was of the view that whilst it was a viable area for development, the property proposed should be in better proportion to the rest of the buildings and not obscure them.

The Heritage and Conservation Officer explained that in addition to her comments outlined in the report she wished to highlight the following: The land concerned was a wedge shape and not parallel to the setting of the listed building. There would be a decreased area for the back gardens of number 16 Cambay Place which had a long rear wing. The principle of a contemporary design in historic settings was not an issue. However in terms of the character of Rodney Road rear plots tended to be front elevations and rear elevations and

blank sides. The proposed building would have a very prominent side elevation with oblique views. She noted that the building next door was very large and unusual but it had front and rear elevation and bank sides. She also highlighted the relationship between the barrow vault roof and the roof line of the new building. The space of the site would be cramped and in her view it was not the right building for the site.

The Senior Planning Officer clarified that if members were minded to approve the application it should seek delegated approval to agree on appropriate conditions. He also clarified that the proposal did not include 'plastic clad metal' but instead standing seam metal.

Vote taken on officer recommendation to refuse

8 in support

6 in objection

1 abstention

MOTION WON

APPLICATION REFUSED

14. 13/01020/FUL CEYLON HOUSE, PRINCESS ELIZABETH WAY

Councillor Driver was absent for the rest of the meeting having declared an interest in any issues relating to Cheltenham Borough Homes.

The Senior Planning Officer, Emma Pickernell, introduced the report regarding Ceylon House, Princess Elizabeth Way, Cheltenham. The proposal was for a new external soil stack to replace the existing internal pipes. The matter had been brought to committee since it was a council owned site. She explained that an identical request was being made for the subsequent 4 applications on the agenda.

As there were no questions or comments from members, the chair moved to a vote and advised that a separate vote would be held on each of the subsequent applications.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

15. 13/01021/FUL DURBAN HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

16. 13/01022/FUL NEW ZEALAND HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

17. 13/01023/FUL AUCKLAND HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

18. 13/01026/FUL RHODESIA HOUSE, PRINCESS ELIZABETH WAY

The proposal was for a new external soil stack to replace the existing internal pipes.

Vote taken on the officer recommendation to permit

14 in support unanimous

PERMIT

19. 13/01055/FUL 3 WOODGATE CLOSE

The Senior Planning Officer, Emma Pickernall, introduced the report regarding the proposal for a single storey rear extension and two-storey side extension including a single storey link to the garage. The officer recommendation was to permit the proposal.

Public Speaking:

Dr Julian Richards, neighbour, in objection

Dr Richards said the key determining factors for their objection was the visual impact, impact on neighbouring properties and the impact on parking availability.

Regarding precedents, he did not consider that the earlier conversion of the garage to living accommodation at No.7 was a relevant precedent since the integrated garage was a constituent element of the original build and there was no change to the front elevation or dimensions of the property. The proposed plans for no.3 represented a new precedent of linking a detached garage to the house, with a flat roof for the linking portion. This would be an architectural development not in keeping with the existing builds in the close, where all rooflines are of pitched design, and could lead to a number of similar applications. The design and layout also represented a new precedent in terms of its being subservient to the main ridge line and front elevation, in two respects and he went on to give details. He highlighted a further factual error in paragraph 1.2 of the report which described the existing single storey portion of no.3 as an extension which was in fact part of the original build of the property.

He went on to comment on the size of the proposed development. Whilst individual parts of the plans were described as "modest" by the planning officer, he challenged the view that the original combination of the separate

components of the plan can be described as modest, since the plans represented an increase in the footprint of no.3 by a substantial percentage. The position of the property in a prominent position as one enters the close would mean that it would have a high visual impact on the general architecture in the close. The size and close proximity of the wall to the boundary of the house at no.1, and the angle at which the two neighbouring properties were aligned, would mean that an extended no.3 would have a somewhat squashed in appearance and would structurally affect the street scene. This was something that Woodgate Close and most of its residents do not want to see and the parish council, amongst others, was particularly adamant about this point. It was also worth noting that previous applications for extensions around the close had not generated anything like the level of disquiet in the neighbourhood that has been generated by this application.

He also challenged the judgement that the plans would not have a harmful impact on light at the neighbouring property at no.1, since the readings had been taken in high summer. The situations in other seasons would be very different, especially as the side extension is only just within the minimum distance of 0.9 m from the boundary line, and rises up just a few metres away from the side of no.1 to its southeastern corner.

Mr Andrew Davis, the applicant in support.

Mr David said that a number of councillors had been lobbied by local residents to call the original proposal into Planning Committee. However, the request for this to go to committee was subsequently withdrawn following the submission of their revised plans. He understood it had been brought to committee tonight as a result of an objection from the Parish council.

As the newest residents of Woodgate Close, having moved in only a few months ago, he appreciated that many people do not like change, especially when they have lived in their house for many years. However, there were a number of good reasons why they had decided to apply for planning permission to extend their house, which had not previously been extended. Mr Davis explained that he was a home worker and needed the extra space for his office and he was keen for each of his three young sons to have their own bedroom. The link to the garage was a practical consideration to improve the amenity and would not be visible from the road at the front of the house and therefore, would not affect the street scene.

He had taken account of his neighbours concerns (and others who didn't live in Charlton Kings) and as a result had removed the room over the garage in the plans. He was pleased that the planning officer had recommended that permission be granted for this development so they could benefit from extending their home like many of their neighbours had already. He hoped his neighbours could now accept the planning officer's recommendation. The reason for the application was to future proof his house and to provide a long-term home for his family due to their desire to stay in Charlton Kings.

Member Debate

Councillor McCloskey suggested that a condition should be added to ensure that the parish council has sight of the building materials before commencement

so they could satisfy themselves that the material would blend in with existing buildings.

Councillor Fisher suggested that permitted rights should be removed on the property as there would be little room for any further development on the site if this proposal was accepted.

Councillor Garnham commented on the angular nature of the site and the proximity of the extension to the neighbouring property at No 1 and questioned whether it complied with light tests for that property. He noted the loss of garden but accepted that that was an issue for the applicant and not for this committee.

In response the planning officer advised that the light tests carried out had assessed the general daylight at the adjoining property and she confirmed that the scheme did comply with the test results. She advised that it was not appropriate to withdraw permitted rights for the property as this would introduce an unnecessary level of control. Under the new development rules for extensions there was a procedure which could be applied regarding materials but in her opinion it would not be justified in this case.

Vote taken on the officer recommendation to permit

12 in support

1 in objection

1 abstention

PERMIT

20. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There was no urgent business.

Chris Coleman
Chairman