

Planning Committee

6.00 pm, 19 September 2013

Present at the meeting

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

Officers in attendance

Mike Redman, Director Built Environment (MR)
 Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management) (MC)
 Lucy White, Senior Planning Officer (LW)
 Chloe Smart, Planning Officer (CS)
 Kathryn Sayner, Heritage and Conservation Officer (KS)
 Chris Chavasse, Senior Trees Officer (CChavasse)
 Cheryl Lester, Legal Officer (CL)

21. Apologies

Councillors Sudbury and Fletcher.

22. Declarations of Interest

13/01215/FUL Castle Farm, Ashley Road

Cllr Stennett – personal but not prejudicial – is a friend of the neighbour who is speaking at committee

13/01216/COU 1A Everest Road

Cllr Coleman – personal and prejudicial – lives in Everest Road; knows many of the neighbours who have submitted representations; wife has recently started a business which provides services to nurseries (not yet on register of interests) – will leave the Chamber during this debate.

23. Public Questions

There were none.

24. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22nd August 2013 be approved and signed as a correct record without corrections

25. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

26. 13/00813/FUL Land adjacent to Eagle Tower

Application Number:	13/00813/FUL
Location:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham
Proposal:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

MJC introduced the application, telling Members that it was at committee at Cllr Sudbury's request, due to concerns about the suitability of this site for housing, and the relationship of the proposed flats to neighbouring properties.

Public Speaking:

There was none.

Member debate:

BD: asked about the building which seems to have sprung up on the site – Members saw this on Planning View – and asked whether it would be removed. Also wanted to hear what would be happening about the trees on the site.

MJC, in response:

- said the building seen on the site visit is apparently the bin store for the proposed flats, though was surprised to see it and did not know why it had been built as there has been no planning application for it. Officers will investigate.

CChavasse, in response:

- told Members that when the application first came in, the trees officer had looked at it and noticed there were trees at the end of the garden which would screen the proposed development nicely. However, if the development goes ahead as planned, the trees could become a nuisance and there could be a high hedge issue with the owner required to remove them. Trees officers have thought about TPO-ing the trees, but as they do not contribute to amenity, this would be thin ice in an appeal situation. Had therefore gone back to the developer and re-configured the plans to make it more acceptable for adjacent properties, with reduced shade on the main living area, and leaf guards on the guttering to ensure that needle drop isn't a problem. Considers that the trees and the development can co-exist quite nicely.

GB: remains concerned about the possible impact that the new building might have on the rooting system of the trees. These are important trees – the only green in the Eagle Tower complex – and it is essential that their integrity is maintained. Not convinced that this development is altogether suitable, but realises that it is a brownfield site and that housing is needed.

PT: is puzzled by the lay-out – the proposal is for five units yet there appear to be six.

RG: in addition to a policy against garden grabbing, thinks that there should be one against car park grabbing. Realises the proposal will add to the housing stock, but is worried that this is a commercial site, and the residents of the Edwardian house are used to peace and quiet, and no traffic movements – which won't be the case with this scheme. Is also concerned that space in the Eagle Tower car park will also be constrained – knows he will be told that this isn't a policy matter, but still considers it a pity.

AC: following on from these comments, Eagle Tower provides serviced offices for a lot of small companies. Employees already find it hard to park and use the road outside the site. This scheme will make the situation worse, which is a concern.

BD: added that the Eagle Tower building isn't currently full – fewer car park spaces may jeopardise the renting of the rest of the building.

MJC, in response:

- to RG, regarding the policy position - he answered his own question, and whoever buys the apartments will be aware of their context. Regarding additional traffic movements, the Eagle Tower annexe has already been developed, and residents of the new properties will use the same entrance/exit to Montpellier Parade – it already serves 13 dwellings, and will serve an additional five;
- regarding car parking on the Eagle Tower site, the new dwellings are proposed for the side not used by the site, and five car parking spaces are to be provided for five dwellings, which is considered acceptable. There have been no objections from the Tower, neighbours have been made aware of the proposal, and there are no objections from Highways. The site caters for its own needs, and isn't currently used for car parking.

CH: on a point of precedent: if permission is given for offices with car parking, and then several years down the line the car parking spaces aren't needed any more and the site is built on, the question must be asked whether the permission would have been granted in the first place. Anxious about RG's point, and a decision based on the amount of car parking space at the time. A lot of Eagle Tower is currently empty – if it fills up, the bottom two floors may end up being used as a multi-storey car park.

AC: questions the allocation of one parking space per flat – what about the residents' friends and visitors?

MJC, in response:

- to CH, there is no such thing as precedent in determining planning applications, and if further applications are submitted down the line, they will be considered on their own merits at the time; cannot therefore be too concerned about what may happen in the future;
- regarding car parking provision, there is currently no minimum car parking standard, but this is a town centre site where it's not uncommon to see properties with no parking at all. Five spaces is considered a suitable number, and there have been no objections from Highways – if this was considered to be under-provision, they would have said so.

GB: asked for confirmation that the trees won't be disturbed by the building process.

CChavasse, in response:

- the trees are immature enough for their rooting area not to be disturbed by the development. They have the potential to grow bigger, and there shouldn't be any foundation disturbance provided the trees roots are taken account of during the foundation design.

Vote on officer recommendation to permit

13 in support

2 in objection

PERMIT

27. 13/00921/FUL 26 Albert Road

Application Number:	13/00921/FUL
Location:	26 Albert Road, Cheltenham
Proposal:	Ground and first floor extensions to existing detached garage to provide first floor ancillary accommodation in connection with existing dwelling, following

demolition of existing single garage

View: **Yes**
 Officer Recommendation: **Permit**
 Committee Decision: **Permit**
 Letters of Rep: **1** Update Report: **None**

MJC introduced the application, which was at committee at the request of Councillor Prince. Although no planning reason was put forward for this request, it is understood that Cllr Prince has concerns about the future use of the building, and neighbours have several concerns about the proposal.

Public Speaking:

There was none.

Member debate:

RG: as a point of procedure, proposed that one of the issues the review group should consider is that the councillor who brings an application to committee should be present at the meeting. Cllr Prince and Cllr Sudbury have both asked for applications to be considered by committee today, but neither of them were present.

CC: said this is something for the working group to discuss, but told Members that Cllr Sudbury is absent for good reason.

BD: would only put up her hand for this if it is written in black and white and underlined that this ancillary accommodation won't become a separate house.

MJC, in response:

- it is made quite clear in the report that the accommodation will be ancillary, and is tied back to No 26 Albert Road in Condition 3. Any deviation from this will require a further planning application in its own right.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

28. 13/00934/FUL & LBC Chalfont House, 61 The Park

Application Number:	13/00934/FUL & LBC
Location:	Chalfont House, 61 The Park, Cheltenham
Proposal:	Proposed extension of existing single storey rear kitchen extension
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	0 Update Report: None

LW told Members that this application is for a 2m extension to the existing extension, on a GII-listed building in the conservation area on The Park. Chalfont House is the largest villa on The Park still in single use, and this application is at committee at the request of RG who wanted Members to consider the proposal if the officer recommendation was to refuse.

Public Speaking:**Mrs Blanchfield, applicant, in support**

Said her family is fortunate to live at Chalfont House, and passionate about preserving its character and historical importance. Since 2008, they have carried out sensitive restorative

works, in consultation with special advisers, local historian and extensive research, including repair and restoration of 42 windows and many original features – this was an enormous financial commitment, requiring the family to live elsewhere for a full year while the work was carried out, reflecting their dedication to preserving the historical integrity of their home. Told Members that Grade II-listed buildings do not lend themselves to modern family living, require much on-going maintenance and huge running costs, which is why so many similar houses have been subdivided into flats – only four out of 16 villas on The Park remain as family homes. She and her husband cherish Chalfont, have embraced its historic quirks and adapted their living arrangements to suit it, but to make it fit for modern family living, have added a glass kitchen to create a heart for the family home with a direct link to and aspect over the garden – said this was constructed in good faith, but as she was living off-site, said it wasn't her remit to visit the site and check the measurements, adding that she is intelligent enough to not knowingly run the risk of having to pull down an expensive extension.

The extension is carefully designed and executed, and was short-listed for a civic award. Noted that the submission suggests the kitchen has a ply membrane roof but in fact has a copper roof of the highest quality – is disappointed that for all the fuss that surrounds the application, no one bothered to check on site. Having lived with the kitchen for four years, said that due to its size, it fails on every level to function as a family room, where she can oversee her two boys doing their homework or sit with their grandparents and watch them play in the garden – to all intents and purposes, the kitchen of this five-bedroomed family house serves only as an access point to the garden. Is only asking to bring the kitchen extension in line with the structures on the other side of the house, and sees no other means of improving the shortcomings of the existing building. Said it would be in the public benefit for Chalfont to remain as a single dwelling rather than fall victim of developers and be subdivided into flats because a family kitchen commensurate with the size and status of the house can't be achieved. Is prepared to continue to devote time, effort and extensive financial commitment to maintaining the fabric of this important house in the future.

Member debate:

MS: walked round the house on planning view and looked closely at the building, noting that the extension has been built with great integrity, is well-constructed, and has no effect on anyone else. It would be churlish to refuse. The site lends itself to the proposed development, balancing up that already constructed on the right. Moved to permit.

RG: supports this move. Has argued with the conservation team before over another house on The Park in need of work to make it a viable family home. Realises that this is a listed building, but thinks it better to keep it as a single family dwelling rather than see it divided into flats. The building looks fantastic – though more so from the front than from the back, as with many similar buildings – and turning the corner to see the garden and huge expanse of glass in the contemporary extension is very impressive. Notes that the extension has not been built as stated, and also that the roof is not ply membrane as stated in the report. Cheltenham has many listed buildings, but not so many willing applicants keen to preserve and enhance them. Two extra metres will not make any difference to the proposed contemporary structure. Disagrees with the officer recommendation, and supports MS's move to permit.

PJ: also agrees with MS's move to permit. Modern architecture needs to work with listed buildings, to go above and beyond normal requirements. The conservation officers need to be very explicit about how the proposed changes will affect the conservation area.

BD: supports the move to permit, seeing no problem at all. The proposal adds to the look of the house and the garden is huge and will affect no-one - some permissions are granted which are practically on the neighbour's land. The scheme is well done – it wasn't done properly in the first place, but is done now. Will vote in support.

BF: the nub of the issue is the NPPF statement (Paragraphs 133 and 134) which can be interpreted in so many different ways. Policy documents should be clear – but this is as clear as mud. The NPPF is a new document yet this statement gives no chance of interpretation one way or the other.

KS, in response:

- the house is Grade II listed, and the remit for any work to such a building is to preserve and enhance it, to better reveal the building. The spacious grounds around this house complement and enhance it, making it desirable for occupants. The extension which has been built does not have planning permission, and now the applicants want to extend it further;
- the proposal is visually challenging from the side aspect, and doesn't read well; it is elongated, and the proportions are not good;
- the proposal will not result in a heritage gain, and is purely to suit the functional needs of the current occupants.

LW, in response:

- on the roof materials issue, was not the case officer, but told Members that KR had visited the site pre-app but when the application was submitted may have forgotten the exact roof material. Also, the application form clearly states that the existing roof of the extension is ply membrane, hence where the confusion has arisen.. Said Members were aware from the site visit that the roof is copper;
- permission was granted in 2009 for an extension 5m x 5.5m, but was subsequently built 6.4m x 5.5m. With the proposed new extension and roof overhang, the extension would be 3.5m longer than originally agreed, and not in line with its planning permission.

LG: has listened carefully to the comments, and suggests that if we don't want to see this listed building extended, planning permission shouldn't have been granted in the first place. Recalls hotels and similar buildings where this sort of extension has been considered to be OK, yet it is not considered acceptable for a family's requirements. Members should think seriously what this is all about.

GB: doesn't like to introduce a sour note, but isn't convinced by the current proposal – it is a substantial increase to the property and doesn't sit well. Worried that the 2009 permission wasn't built to plan - the applicant claims to have been unaware of this due to living off site, but surely an increase of size such as this would incur considerable extra cost? This is not the only retrospective application being considered tonight, and this is something that needs to be considered. Planning officers can't check up on every application but building control officers must have been on site and would surely have realised it was being built bigger than permitted? Do officers in different departments speak to each other and work together in a joined-up way? Wonders who will check that the current proposal isn't extended by another metre without the authority knowing, and has no confidence that plans are being built as given. Agrees with the conservation officer that this is an extension too far.

RG: Members have recently considered another application which had been built higher than permitted, and controversy about non-opening windows - there will always be battles about what is being built and what shouldn't be, but the applicant shouldn't be punished because something has gone wrong in the construction. This proposed extension isn't bad, and the heritage gain is the refurbishment of a listed building. Recalls Summerfield House where buildings were permitted within the garden. Policy-wise, there is a mixture of considerations, but the proposal will be out of view, and it shouldn't be forgotten that the work on the house so far has been nominated for a Civic Award.

SW: would be disappointed if the applicant had to remove the work already done, but would be happy to see it stay as it is now. Noted on planning view this is a massive building, outbalanced by the extensions. If we are going to take any notice of conservation officers and conservation areas, this is clearly an example that shouldn't have been allowed to be built at all – so it could be said that the extra 2m won't make much difference. Questions the

applicant's comment that the kitchen isn't big enough for her family needs - he knows of families living in houses with footprints no bigger than the proposed extension alone. It should be left as it is.

PT: will the extension be altered, demolished or what – what is the process when something has been built without planning permission? If the extension is over size, how can it be restored to what it should be? Adding a further extension seems wrong, and the proposal looks poor from the side angle, though not too bad from the front. Can't support the proposal – will vote with the officer recommendation.

LW, in response:

- regarding enforcement action, KR has stated that it wouldn't be expedient to take any action on what has already been built, but if permission is refused, the applicant should put in an application to regularise it;
- reminded Members that the extension would be 9.5m long with the roof overhang, doubling the length of the house.

KS, in response:

- to LG's comment about why development of this property was supported in the first place, it was clear that the family had put a huge amount of effort into its conservation, and officers gave very careful consideration to whether it should be extended at all. After much negotiation to address their concerns, the original permission was granted, as it was a good design, contributed to the conservation of the house as a family home, and was acceptable in scale, form and proportion. The extension was subsequently built larger than permitted, and officers cannot support further development, and ask the question as to where the applicants will stop with this – will the house be continually and incrementally developed and enlarged?

PH: on planning view, wondered what would have happened if the owners had put in an application for a traditional extension – thought the challenge here was the new appearance of the extension, but if it had been more traditional, it would have been called pastiche. Is in two minds about which way to vote, but argues against any action being taken to remove the extension itself – it is there, it looks good, and is a nice challenge between the established building and the new development.

HM: can't support the officers because of the refusal reasons: one of these refers to Paragraph 133 of the NPPF, but when the extension was built, the NPPF wasn't in existence and therefore cannot be relied on; also quotes local plan policy BE9, saying this five-bedroomed house is home to three generations and needs a big kitchen.

LW, in response:

- with reference to BE9, reminds Members that this is an application for an extension to an extension – if the entire extension is taken as a whole and considered against current policy, the NPPF is relevant here.

GB: is not advocating taking down the existing extension, but certainly thinks there should be no more. It was negotiated down in size in 2009, that size was then exceeded, and the applicant now proposes to exceed it even more. This is the pertinent issue here, and should be taken into account when the decision is made.

LW, in response:

- if Members vote to permit, conditions will need to be added concerning roof details, materials etc. These will be similar to the original extension, and can be done in consultation with the chair and vice-chair, if Members are happy with this.

AC: confused by the talk about an extension to an extension – there are two applications to be considered.

CC: confirmed that Members were about to vote on the first of these.

Vote taken on MS's move to permit

10 in support

5 in objection

PERMIT

29. 13/00936/FUL & LBC Chalfont House, 61 The Park

Application Number:	13/00936/FUL & LBC		
Location:	Chalfont House, 61 The Park, Cheltenham		
Proposal:	Proposed extension of existing single storey rear kitchen extension (Alternative Scheme to that proposed under application 13/00934/FUL & LBC)		
View:	Yes		
Officer Recommendation:	Refuse		
Committee Decision:	Refuse		
Letters of Rep:	0	Update Report:	None

LW informed Members that this proposal is for an alternative kitchen extension, adding 2m in length plus a further 1.5m x 5.5m to the side, from the back of the extension towards the house.

Public Speaking:

Mrs Blanchfield, applicant, in support

Thanked Members for listening to her earlier comments, and said she was grateful that her previous application had been permitted.

Member debate:

RG: is the refusal reason based on the previous application or is additional weight given to this application because extends into the garden and is wider than the previous application. Do officers consider greater harm is done by this application?

PT: is confused. Asked for confirmation - this application extends into the garden like the previous one, but has an additional area to the side and roof extensions?

LW, in response:

- confirmed that this application is the same depth as the previous application – 2 metres – but this one is wider; officers consider it does more harm to the listed building, being 7m wide.

KS, in response:

- the extension was originally negotiated to sit within the width of the existing house's projecting section. Officers consider that this proposal to extend that width will be harmful as it will obscure the parent building and have a visual impact on it.

MS: disagrees. Having been on planning view, considers the extension to be subservient to the building, not trying to link on but providing a modern extension to a beautifully preserved building. Officers say it will damage the view of the house, but who will see it? To be pedantic, future residents could remove it should they wish. It would be churlish to demand that, but the family should get the application that they need. Moved to permit – let the family have the building to invest their money in.

GB: to be consistent, agrees with officers, seeing this as an incremental encroachment on the back of the house. Imagines a future application may be made to link the wings with a

massive conservatory. Realises he is in a minority, but in view of the previous permission not being adhered to, asks for proper enforcement to make sure that any further permissions are built to plan.

BF: in view of the background of these applications, hopes this will be built to the drawings and that Building Control will ensure that it is what it is.

RG: to confirm: is the extension to be all glass on three sides? Going back to KS's point regarding the width of the building, can live with it being glass on all three sides, but not quite so sure if the ends are enclosed, like the villas at the University.

LW, in response:

- the extension is glass all round.

AC: should have declared an interest, as he owns a regency building himself and knows the issues involved here. Accepts that the extension is huge, but doesn't consider this a reason to turn it down. The house has been restored at great expense to make a liveable space for the family.

PJ: as a builder, can't condone the extension not being built to plan, but cannot see this additional extension will have any great impact and will therefore be consistent and vote for MS's move to permit.

Vote on MS's move to permit, with conditions to be agreed with CC and PH

7 in support

7 in objection

1 abstention

CC as chairman used his casting vote (in objection)

REFUSE

30. 13/01215/FUL Castle Farm, Ashley Road

Application Number:	13/01215/FUL
Location:	Castle Farm, Ashley Road, Cheltenham
Proposal:	Alterations and extensions to dwelling (retrospective)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

MJC introduced the application for retrospective planning permission, recommended for approval, at committee further to an objection by the parish council. The development was undertaken with a Certificate for Lawful Development, issued in March; it subsequently became clear that this had been issued in error due to discrepancies in the submitted plan regarding ridge height. Although work is almost complete, the parish council objects that this has been done without proper planning permission, and the Chair and Vice-Chair consider a committee decision to be the correct procedure.

Public Speaking:

Mr Long, neighbour

There are lessons to be learnt from the revitalisation of Castle Farm, even though the end result should be a well-built modern family home. Said that after work had started, amendments were made to the original plans, removing three windows from the bedroom above the garage which would otherwise have looked into the neighbour's kitchen and

garden. However, the road to this stage had been rocky and could have been smoother if more timely information had been promulgated and due process applied. Said the developer failed to make contact with neighbours about his intentions; by which time Castle Farm was 60% demolished and the roof removed, Mr Long asked the planning office why immediate neighbours had not been notified – and was told that the work was permitted development and there was therefore no requirement to inform neighbours. Having noted an increase in the roof height, spoke to the compliance officer, who suggested Mr Long meet with the planning officer. No meeting was offered, and Mr Long was subsequently telephoned by a member of staff to say that the developer had been invited to apply for retrospective planning permission which would probably be granted in order to tidy the matter up.

Notes and fully supports the CBC statement that in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development. However, suggests that the committee make a recommendation that although not a legal requirement, neighbours should be notified of permitted development applications, and be given written advice. Said this would expedite the dissemination of information and perhaps alleviate problems before they need solutions.

Member debate:

RG: with reference to the drawings, commented that the proposed drawings look so much nicer, with the roof shaded in and the trees behind, than the existing drawings with no shading or trees.

Vote taken on officer recommendation to permit

13 in support

0 in objection

2 abstentions

PERMIT

31. 13/01216/COU 1A Everest Road

Application Number:	13/01216/COU
Location:	1A Everest Road, Cheltenham
Proposal:	Change of use from residential (C3) to a nursery (D1)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Defer
Letters of Rep:	17
Update Report:	Additional representations

Councillor Coleman expressed a personal and prejudicial interest in this application, and therefore left the chamber. Councillor Hall took the chair for this application only.

CS told Members that this is an application for a change of use from a residential dwelling to a nursery, and was at committee at the request of Councillor Hall and Councillor Sudbury, due to neighbour concerns about highway safety and loss of neighbouring amenity. The recommendation is to approve, with a number of conditions attached covering these concerns.

Public Speaking:**Mr Sam Ashimzai, applicant, in support**

Told Members that Cheltenham does not currently have a Montessori-led nursery, there are long waiting lists for nursery places in Cheltenham, and a national push to open more quality nurseries. To help minimise congestion, a driveway in front of the property will be created to allow an in-out drive-through for parents, along with a 45-minute window to drop off their children. Concerns over cars parking illegally to use the shop on the corner can be monitored by nursery staff, who may be able to help reduce the problem. It is also anticipated the some parents with walk, cycle or use public transport. With opening times from 8.45am-2.00pm, has noted that these times, especially 2.00pm, are very quiet on the roads, and with the additional driveway, anticipates very little disruption to local residents. Said the nursery will have no more that 16 children per day, and according to OFSTED, the space provided will be more than adequate. The applicants will limit the number of children outside at any time to minimise noise, and will also ensure that staff monitor noise levels outside. They aim to create a calm environment where children aged 2-5 learn to do things and think for themselves, and concentration for long periods of time is part of the Montessori approach. This type of nursery is known for being calm and quiet, which will help with keeping noise levels to a minimum. Said Cheltenham will benefit from a calm, caring, safe nursery, is happy to comply with the suggested conditions to keep disruption to a minimum, and hopes that in time, the nursery will be a positive additional to the Leckhampton community.

Councillor Smith, on behalf of neighbours, in objection

Was present at meeting the voice concerns of neighbours, as follows:

- (1) lack of clarity in the paperwork – the application form refers to there being one bedroom, but there is nothing on the drawings to show where;
- (2) the application states that midday meals will be provided but there is no identified food preparation area; ventilation may be required which could affect neighbours' amenity;
- (3) the sketches are misleading – the garage is shown as flush with the front of the bungalow whereas in fact it is set back;
- (4) there is no reference to trees, although there is an apple tree on the boundary, and hedges which should be retained if the application is permitted, to minimise noise and visual impact;
- (5) referring to Environmental Health comments, suggested that the outside space was not sufficient for six children to undertake outdoor activities at a time – two maybe, but not six. The amenity of local residents and their enjoyment of their gardens will be affected; there are five properties sharing a boundary with the garden;
- (6) bin storage has not been fully considered. These need to be lockable, and as they are likely to be used for nappies and food waste, foxes and rats could become a problem;
- (7) keeping the doors and windows closed during noisy activities for 16 children will be impossible to adhere to;
- (8) the comments of the Highways Officer ignore the evidence and the fact that this area is used as a rat run and is very busy during the school run; the county council recognises the evidence that this is a dangerous junction, and additional work could make it more so;
- (9) the application form refers to space for six cycles to be parked on the site, but there is nothing on the plan to show where. With four vehicles parked on site, and the proposed in-out drive, it is difficult to see where the cycle parking might be;
- (10) no consideration has been given to the impact of the local shop and on-road parking;
- (11) the traffic assessment was carried out in August, not during a school term. This is not typical, as school traffic makes a significant difference. The assessment should be re-done during term-time;
- (12) the report says the proposal will comply with policy CP4 if carefully managed, but this should stand on its own right and not be dependant on the vagaries of the day-to-day management of the nursery.

To sum up, considers that there is a lack in clarity of information to determine this application; the traffic assessment is flawed, having been carried out at the wrong time of year; the restraints on the outside space will spoil neighbours' enjoyment of their homes and gardens; the suggested conditions from Environmental Health are unworkable; and there isn't sufficient evidence to suggest that policy CP4 will not be breached.

Member debate:

PT: Cllr Smith raised one of her concerns – rubbish bins. Also, on site visit, the applicant indicated there would be a kitchen area at the top of the room but this is not marked on the drawing. Has the officer anything to add to make this clearer?

BF: concerned about Environmental Health's condition for only six children in the garden at a time, with 16 children in a small inside space for several hours and only 1.5 hours of outdoor time in total. On a hot day, it doesn't seem feasible to enforce what EH wants – we talk about enforcement again and again but nothing changes. Considers the chances of this condition being enforceable are nil, and if it is enforced, how can the applicant run a satisfactory business – 12-16 children with 30 minutes a day to play outside is not right.

BD: this is the right thing in the wrong place. The property is too small, and the garden the size of a postage stamp. There are issues with parking and with neighbours, and although the area may need another nursery, 16 children in a small space with closed windows is not on.

GB: this is a difficult one – there is a need for more nurseries but is concerned that this isn't the right place for it. The plans are inadequate, not properly defined, with nothing to indicate the site's relationship with neighbouring gardens or the access and egress at the front of the house. It would be better and easier to consider with decent plans. The site visit helped but it is impossible to get a true impression of the proposal site and surroundings from the drawings. Access and egress for 16 children plus staff would be difficult, and the impact on local residents could be excessive. On balance, feels this proposal should be refused.

RG: concerned about the detail provided. If there is a food preparation area, vents will be needed to mitigate fumes – or will no food be cooked, as the children will only be there from 9.00am till 2.00pm? Toilets are shown on the plan, but are these for adults or children? Do these have to be separate? Are they special low toilets for children? Has looked in the report to see if this provision complies with OFSTED requirements, but it isn't mentioned. Says a wealth of information is still needed. The Highways assessment says the impact will not be severe, but what is severe? It states that parents will have the opportunity to park safely 200m from the site, but on a cold and wet December morning, they will want to park as close as possible, and the result could be chaos. The application falls here too. There is not enough information.

CS, in response:

- to PT, said the applicant has provided floor plans and site location plan – the internal arrangements are not subject to planning permission, and the application is for the use itself. The internal lay-out, kitchen etc, is subject to building regulations, and the applicant will have to conform with OFSTED requirements in order to run his business. The floor plan provides an idea of the lay-out, but the details are not required for planning permission to be granted;
- to BF's comments about the EH conditions for use of outdoor space, officers feel that the conditions are not onerous, based on the supporting information supplied by the applicant;
- officers have recommended a personal permission tied to the applicant – if he moves on, the building will revert back to a residential use;
- to GB's comments that the nursery is in the wrong location, officers consider that this type of use sits comfortably in a residential area, and in view of the small-scale nature of the proposal, do not consider it to be an issue;

- regarding access and the turning area, the highways officer assessed the application without a turning area, with the conditions of the site at present. Condition 5 on the green update requires further details, but officers are comfortable that the principle is acceptable. Two cycle storage places are also conditioned;
- regarding the bedroom indicated on the application form, the applicant has confirmed that there will be no bedroom – this was a mistake on the form;
- in response to comments that the highways assessment was carried out during school holidays, said that this has no bearing on the application from an officer point of view. The merits of the site, distance from the junction, visibility and width of road were considered, and this is a valid basis whatever the time of year.

PT: asked for a response to the question regarding storage of rubbish bins and nappy bins. Suggests the decision should be deferred to get some questions answered. Is confused about building regulations and planning – who is responsible for the internal lay-out of the building? If there is no bedroom, there should at least be a quiet area for children to lie down. This seems to be a rushed application, not really thought out properly, and would be more comfortable if the report included some OFSTED comments to indicate that it is a reasonable plan.

CS, in response:

- discussion of providing a bed for children to rest is straying outside planning issues, regardless of which Members should remember they will only be at the nursery between 9.00am and 2.00pm;
- regarding building regulations, the internal lay-out is not subject to planning permission – planners are simply considering the change of use; if flues or vents are needed later on for food preparation etc, a further application may be required, but it doesn't need to be considered at this time;
- regarding bin storage, officers are comfortable that this can be achieved within the site, in the garage, but a condition requiring further information can be attached if Members would like.

SW: on planning view, thought that this isn't a suitable property for a nursery, but most of the objections have been covered in the report. Would have suggested the applicant speak with OFSTED regarding sleeping accommodation, cooking facilities etc, but this is not what Members are considering today. There is little to argue against this change of use – it is taking up living accommodation but being converted to communal use, for the nursery only. Most of the concerns are with the nursery use itself, and Members should remember that even if they allow the change of use, OFSTED may say the property is inadequate.

CH: this is a difficult application. Small local nurseries are to be encouraged, and better than large businesses to which parents have to transport their children across the town. Questions the highways advice, as a lot depends on whether or not people observe the Highway Code – some nurseries are a nightmare at drop-off time, particularly if it's raining, when parents take great risks. In this location, it will be difficult. The drive-in-out system seems to work at the nursery on Prestbury Road, but there are other examples where it doesn't work at all. This depends on how the nursery is run, and it should be remembered that parents don't usually just drop off their children and go – they are likely to stop, chat and so on, sometimes leaving their cars parked across driveways. There is not enough detail with this application – cannot vote for it, much as he would like to. Although it is only small, it could mean an extra 16 cars in the area at busy times, which would be really difficult. Feels bad but can't support the proposal because of the traffic implications.

PJ: this is a tough one, and a question of head against heart. Head says the proposal is straightforward and complies with policy; heart says 'would I send my children here?' Agrees with CH about traffic issues – when schools are on holiday, the road network is very different, and would therefore feel better if the highways officer made his inspection during the school term. Not keen on the deferral option, but won't support the application as it stands.

BF: returning to his original point, considers the welfare of 16 children more important than highways issues. Do the conditions regarding outdoor play and closed windows comply with OFSTED requirements – Members should know this before they make their decision. Will be shocked if OFSTED is OK with this.

AC: is in a quandary. Wants to support the proposal but not here, on this rat run road which is sometimes very congested. Worries about introducing an extra 16 cars to a very busy road. Doesn't want to say no and not keen on deferral, but wants more information and further highways assessment.

PT: moves to defer, pending more information and better drawings.

CS, in response:

- to highways concerns, highways officers have produced a very detailed response, based on distances, conditions at the site, junctions, worst case scenario etc – it is irrelevant that this was done in August. Reminded Members that on planning view, there was no problem parking outside at 2.00pm;
- the key issues with this application are the impact on neighbouring amenity, the loss of residential accommodation, and highways issues;
- it would be difficult to refuse on highways grounds as the highways officer considers the proposal to be in line with policy;
- the loss of residential accommodation is dealt with in the report and meets the criteria of policy HS7, as it will be providing a community facility;
- regarding the impact on neighbouring amenity, Environmental Health have recommended a cautious approach and suggested several conditions but not rejected the proposal. It is important to remember that this is a small-scale facility for the community;
- every application needs to be considered on its own merits, and it's worth remembering the recent application for a nursery at Sandhurst Road – there was similar discussion there regarding OFSTED, but this is not relevant to the planning application. The nursery will not be able to operate if it doesn't comply with OFSTED requirements, so lack of information from OFSTED is not a valid refusal reason;
- if Members vote to defer, they will need to be specific about what further information they require and what benefit the additional information will bring. There are already conditions regarding access and parking, and a condition for bin storage can be added if necessary.

BD: can't support deferral – the site won't get bigger or change position. This is the wrong thing in the wrong place, and a clear example of why it is important to go on planning view. The property is tiny, and washing, toilet and garden facilities too small for this use. Deferral won't change anything.

GB: is vacillating about this difficult decision. Not sure what deferral will do, other than put off for a month the evil day when a decision must be made. Members' concerns have been dealt with by officers, and as there is no planning reason to refuse, can see no option but to support the officer recommendation to permit. Considers the amenity of local residents the only issue not fully covered, but there has been no move to refuse – there are no grounds – and therefore feels boxed into a corner to vote for permit.

RG: is asking himself why he should support deferral, as the applicant has rights, and may be working to a timetable. However, is concerned about a potential traffic problem and not happy with the highways assessment being done out of school time - would like to question the highways officer about this. Also concerned that bin storage for 16 children's rubbish, including nappies, will possibly be situated next to a food store. Needs to know more about parking arrangements – there may be space for four cars at the front, but will parents really park 200m away to drop off their children. Therefore supports deferment – wants to know more before agreeing to a commercial use at this site.

CH: has same concerns as RG. There has been a lot of reasoning about why the traffic won't be a problem and the in-out drop-off, but no indication of how this will look. A detailed plan is needed, showing how it will work, and the applicant can also fill in some other information that Members are worried about. Would like the highways officer to be present at the next meeting to answer questions on highways issues, and would like the survey re-done at 8.30-9.00am on a normal school day – holidays make a huge difference to the volume of traffic, though concedes that 2.00pm isn't the school rush hour. Asks if there is any leeway in the drop-off time? It is legitimate to ask for this sort of information before a decision can be made.

PH: asked if the officer has enough information about why Members want to defer.

CS, in response:

- yes – concerns about bins and highways.

PH: as local borough councillor, would also like to ask some questions of the trees officer.

Vote on PT's move to defer

10 in support

3 in objection

1 abstention

DEFER

BD: asks that all Members visit the site before the next meeting.

PT: asks that officers ensure that the highways officer is present at the next meeting.

32. 13/01265/FUL Pinewood, 12 Acacia Close

Application Number:	13/01265/FUL
Location:	Pinewood, 12 Acacia Close, Prestbury
Proposal:	Erection of a detached dwelling (revised scheme)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	7
Update Report:	None

Councillor Garnham left the meeting before the start of this debate.

MJC confirmed that this is an application for a new dwelling adjacent to 12 Acacia Close, and is at planning committee as a result of the parish council objection. Members visited the site, and the officer recommendation is to permit.

Public Speaking:

Mr P Townsend, applicant, in support

Told Members that he has tried to go about things in a professional manner from the start of the project, and listened to all advice given to ensure that everyone is happy. If the application is permitted, all works will be carried out as sympathetically as possible to all concerned.

Member debate:

MS: noted that a previous application in 2012 had been withdrawn, and asked why this was. Thinks it looks very similar to the current application, and if it was withdrawn because the recommendation was to refuse, wonders what has changed now.

MJC, in response:

- has revisited the history of this application, and notes that the previous scheme was for a larger property, and was withdrawn because it was to be recommended for refusal as too large and having too great an impact on the neighbours at Lime Close. The current proposal is smaller, hence the different recommendation;
- Members did not visit the site at the time of the previous application as the application was withdrawn before planning view took place;
- now, with a smaller footprint and reduced height, officers have come to a different conclusion and their recommendation is to permit.

PT: asked how Members can possibly approve something so undersized which doesn't meet the space standards governed by the Housing Act 2004. The room size is not suitable and should be corrected by officers.

GB: has to say from looking at the plan that this appears a very cramped site, and the proposal looks more like a double garage extension than a house. Stumbled through the site on planning view and considers there not to be a large amount of space to build a new property in the context of other buildings. It does not fit in and is inappropriate - can't think of any planning reasons to refuse, other than safe and sustainable living, but is not comfortable with the proposal as it stands.

PJ: asked the officers for clarity – the parish council states that there is no parking provision but the highways officer refers to two parking spaces – which is correct?

LG: notes that this proposal is smaller than the previous one, and that the applicants have deliberately chosen this particular position in the site rather than further back towards Lime Close. Has looked very carefully and, taking into account other permissions in the Prestbury area, can see no reason why a planning inspector would turn this down at appeal. The distances are there and there are no highways reasons to refuse – the authority would be very vulnerable if this application is refused and goes to appeal. Raised his eyebrows at PT's comment about room size – this is taken care of by building control, and he would not put his hand up for something he knows doesn't meet standards.

BD: was not concerned with the threat that if the proposal is refused it will go to appeal and the appeal may be lost. On planning view, noted how tiny and close to other houses this is – it is an over-development of the site, just to make money. Will vote against it for the people she represents, regardless of whether it goes to appeal or not – Members should say no to this nonsense.

CH: looking at the picture, the proposal does seem to be crammed into a tiny space, but looking at the surroundings, it fits – there are a lot of tiny houses in tiny gardens. Cannot see what is wrong with it. Notes that television programmes such as *Grand Designs* are all about people putting houses into small spaces – this works, and goes with the grain of the development.

MJC, in response:

- what Members are discussing is at the heart of the Garden Land SPD – context. In the immediate context of this proposal, there is a huge variation of plots, sizes, gardens, and this is essentially what lies behind the recommendation to permit. The proposal will sit quite comfortably in the site and not compromise the amenity of neighbours;
- to PT, regarding housing space standards, said the plan is for a three-bedroomed property, but there is more than enough space in the property to re-design a two-bedroomed house should HMO have any objections. Officers are comfortable with the footprint of the house, and HMO comments about room size are more significant when

they refer to one-bedroomed flats with no room for manoeuvre – here there is space to play around with, and Members do not need to be concerned;

- regarding parking provision, confirmed that there are two spaces – the property caters for itself.

SW: if the bedrooms are not fit for purpose, do Members need to say so, or is it enough that they are happy with the footprint? Agrees that the proposal doesn't look good on paper, but on site visit it is clear that it works well and fits in with the rest of the estate. Can the applicants be asked to redesign the upstairs?

MJC, in response:

- there isn't much Planning Committee can do about this. The HMO response is included in the report, and the undersized rooms may be subject to enforcement, but Members are being asked to give permission for a detached dwelling. If it is built as shown, the size of the rooms upstairs may be a risk for the applicant, but he is listening and presumably taking all comments on board. He may choose not to comply with space standards, but this is not a planning reason to refuse the proposal.

Vote taken on officer recommendation to permit

10 in support
2 in objection
2 abstentions

PERMIT

33. 13/01268/FUL 1 Moorend Street

Application Number:	13/01268/FUL
Location:	1 Moorend Street, Cheltenham
Proposal:	New railings to front of property
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Officer Chris Chavasse, being the applicant, left the chamber for this item

LW explained that this application for new railings in a sandstone plinth at an end-of-terrace property is at committee purely because the applicant is a member of built environment staff. This is a procedural issue, and officers have no issues or concerns with the scheme.

Public Speaking:

There was none.

Member debate:

There was none.

Vote taken on officer recommendation to permit

14 in support – unanimous

PERMIT

34. Report: Review of Planning Code of Conduct

This item is minuted in the order it appears on the agenda, but was discussed at the meeting before the applications were considered.

Agenda Item 6

Report on Review of Planning Code of Conduct

Councillor Coleman informed Members that a report under Agenda Item 6 would be considered at this point of the meeting rather than the end, and asked the report's author, Mike Redman, to introduce it.

Mike Redman began by apologising to Members that the report refers to the existing Code of Conduct as being attached when it is not, but suggested that Members should have this close to hand in any case, and it is available on the CBC website, in Part 5 of the Constitution. Said this matter is a procedural item, arising out of discussions with Members over the last year or so regarding the constitution of the Planning Committee and changes brought about by the Localism Act and NPPF. Scrutiny Group wants to look at reviewing the protocol – it has not been reviewed since 2006 - and want three volunteers to sit on the review group.

After some discussion, it was agreed that Councillors Garnham, Thornton and Coleman would be put forward (Councillor Jeffries had also volunteered). MR confirmed that the review group would be led by OneLegal and planning officers, and time-commitment will not be too onerous – looking at national guidance, best practice and exemplar committees.

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

There were none.

The meeting concluded at 8.25pm