

## Planning Committee

6.00 pm, 20 February 2014

### Present at the meeting

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

**Present as an observer:** Councillor Diggory Seacome

### Officers in attendance

Mike Redman, Director Built Environment (MR)  
 Craig Hemphill, Senior Planner (CH)  
 Michelle Payne, Planning Officer (MPayne)  
 Emma Pickernell, Senior Planning Officer (EP)  
 Wendy Tomlinson, Heritage and Conservation Officer (WT)  
 Mark Power, Gloucestershire Highways (MPower)  
 Cheryl Lester, Legal Officer (CL)

### 73. Apologies

Councillor Barnes, Councillor Fletcher.

### 74. Declarations of Interest

#### 13/01683/REM GCHQ Oakley

Councillor McCloskey – personal but not prejudicial – is a member of Cotswold Conservation Board

Councillor Garnham – personal but not prejudicial – owns a flat in Phase 2 of GCHQ Oakley.

### 75. Public Questions

There were none.

### 76. Minutes of last meeting

Resolved, that the minutes of the meeting held on 16<sup>th</sup> January 2014 be approved and signed as a correct record without corrections

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

### 78. 13/01683/REM GCHQ Oakley, Priors Road

Application Number:	<b>13/01683/REM</b>
Location:	<b>GCHQ Oakley, Priors Road, Cheltenham</b>
Proposal:	<b>Approval of reserved matters pursuant to Outline Planning permission ref: CB11954/43 and ref:01/00637/CONDIT for the erection of 311 dwellings and associated roads, footways, parking, landscaping, drainage and public open space.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Approval of reserved matters, subject to conditions</b>
Committee Decision:	<b>Defer</b>
Letters of Rep:	19
Update Report:	<b>None</b>

**CH** introduced the application as described above. The outline application was originally submitted in 1999, with an S106 agreement attached, and was followed by an application to extend the time period to 2016. The Phase 1 REM application was approved in 2006, including the supermarket, and Phase 2 in 2007. The proposed dwellings range from one to five bedrooms, and from two to three storeys, with some apartments included. The proposed finish is brick and/or render, with main access via Hales Road, and access to 40 dwellings at the top of the site via Harp Hill.

#### **Public Speaking:**

##### **Mr Darren Beer, agent for applicant, in support**

Told Members a full suite of pre-app discussions took place in May 2013, with CBC, GCC, the Civic Society and the Architects' Panel. CBC urban design team welcomed the design, the Civic Society gave a positive response, and the Architects' Panel is comfortable with the masterplan with regard to principle, density and relationship to the AONB among other things. The design and lay-out of the masterplan has been incorporated, including better connections, but the density has been reduced, with 20dph on land adjacent to the AONB, and 40dph further into the site, averaging at 30dph in total. There is amenity green space for recreation and to assist with surface water, TPO'd trees are retained, an over-provision of car parking, ten car-parking spaces retained for allotments, as required by CBC, and secondary and tertiary streets incorporated. A bus route has been agreed with GCC, there is full access for emergency services, and landscaping and green connections are all in place. The design of the buildings is a mix of traditional, modern and contemporary, using locally requisitioned materials.

##### **Councillor Colin Hay, on behalf of local residents**

Would like some more in-depth answer to questions – the reason he is addressing Committee. The outline permission was given a long time ago and things have moved on since then. Residents of Priors Road are very worried about the impact of the proposal on the junction with Priors Road, in addition to concerns about the impact on the Hales Road/London Road and Priors Road/Prestbury Road junctions. Recalls the decision on the Starvehall Farm application and the objections that this road could end up a London Road to Evesham Road through-route, and this proposal could make it even worse – highways officers need to be quizzed to make sure that this road is up to scratch.

Regarding drainage, the developer has done a lot to get sustainable urban drainage right, using 100 years plus 30% as a criterion – we need to be clear that this will definitely happen. Phase 1 of the scheme was half-way built in 2007 and some of the drainage system was not in place, which led to particular problems for Whaddon Road and Wymans Brook. Sufficient safeguards need to be in place during construction, as this is very worrying for people whose homes were flooded in 2007.

This particular development highlights the issues of an outline permission coming back years later. The problems of the early part of the development have been addressed to some extent, but parking is a major issue, as is the quality of the building. The density has been reduced but is very significant for people living and working in the area, and the under provision of parking will lead to more issues in Battledown Park than in neighbouring Priors Road. There were conditions on density in the earlier applications, and we can see now the problems this caused. The density has been reduced but is still very high, and not right on the outskirts of the town. Realises that he is tilting at windmills but these particular issues need to be raised and we need to be satisfied that we have done all we can.

**Member debate:**

**LG:** Councillor Hay has addressed the main problem here – the highways question and the consequences that flow from that. This was a question raised in the outline permission and an answer to the highway problems associated with the site is expected now. As an add-on to that, there is the question of the number of houses to be built, as set out in the outline permission. On TV now we are seeing people suffering from flooding, and being told that something should have been about it in readiness for what was likely to happen, such as diversion, dredging etc. The roads in Phase 1 and 2 are very narrow – with cars parked down both sides; it was difficult for the planning view bus to get through in the middle of the afternoon when most people would have been at work, and it must be much worse at peak times. 311 additional houses will mean 450-500 more cars on roads which are already over capacity. The roads need to be 20 feet wider. We need to counteract what we know in 2014 and do something about it at this stage. This is the only chance we have to help people living in Phase 1 and 2 – their needs are more important than the new residents.

Regarding suggested Condition 5, asked why the windows need to be *sliding sash or side hung and of timber construction*? Modern housing should be looking at the best way to insulate, with double glazing and uPVC windows – we are going back in time in requiring this as a condition.

**BD:** has a number of issues with this, and agrees with Councillor Hay's comments. On planning view, passed through Phase 1 and noticed that the quality of the houses isn't very good – they look shabby – and there is nowhere to store bins, which are largely kept by the front doors, or for recycling. Does not like outline permissions, this one in particular – 16 years ago when the outline permission was granted, 12% affordable housing was considered acceptable, but the world has changed since then and we need more. To build this development with only 12% affordable housing is totally wrong. We should learn by our mistakes, not compound them. The developers should go back to the drawing board and improve on what they have done. We need housing, and owe it to the people who live there already not to make the same mistakes as 16 years ago, when the scheme was drawn up for profit, not for the poor souls who live there.

**BF:** doesn't disagree with this, and thinks access for emergency vehicles could be a real problem at the top end of the site. GCHQ had a pedestrian entrance on Imjin Road and vehicles could not get up Harp Hill when there was snow on the ground. The narrow roads in Phase 1 are a *fait accompli*, but Phase 3 includes 40 houses in the AONB and others very close to it – it would have been nice to see something about this in the officer report – we should always have a thought for what the site will be like looking in from the outside as well as looking out from the inside.

The biggest concern, however, is the drainage – the known flood risk and what the Environment Agency says. The EA leads on fluvial flood risk, but there is very little in the report about pluvial flood risk, and most of the potential problems are pluvial – the site slopes towards Wyman's Brook, Albert Road, Pittville Park, Leisure@ and Swindon Village. There is little or no indication of what would happen here, as summed up in the last paragraph from the Environmental Agency, which suggests that detailed drainage scheme drawings are

needed. In 1999 there was no NPPF, but now a scheme which provides attenuation for a 1 in 100 year storm standard plus 30% allowance is required - is not confident the drainage system will comply with this. Notes from page 31 of the report private drainage measures will include permeable pavements for some, swales, water butts etc. This is inadequate – his own water butt was full by 2<sup>nd</sup> October, only takes water from half the house, and fills in two days, with surplus water going straight down the drain. The Environment Agency has noted that the balancing pond appears to have been removed. Concerned about this issue – it is fine to say that the outline proposal has been approved but this is no good to the people who could be flooded, and there is enough on the news at present to make us work hard at preventing them.

**MS:** agrees with what has been said so far. It is unfortunate that this part of the scheme is being completed last – it should have been done first, with the developers working down the hill towards Prestbury Road, giving them a better idea of the problems. The narrow roads have already been mentioned, but would also like to question how the heavy earth-moving machinery etc required to demolish and re-level the site will get in and out via these roads? Harp Hill is not very wide either. Would like confirmation that plans are in place to keep disruption of existing residents to a minimum. Also considers the residents have been short-changed on parking and bins storage etc. This is not a good design – we can't do much to help the existing residents but we can help with this one.

**CH, in response:**

- the outline permission granted in 1999 is reflected by the red outline round the whole site, including Phases 1 and 2 – the site was considered as a whole at the time, and although the decision to extend the time to 15 years, to 2016 is not one he has heard of before and is regrettable, this is where we are now with the proposal and what we must consider today;
- regarding density, following on from the earlier permissions, it was expected that the density would be much higher than it is. The urban design officer was heavily involved in the process and feels the density is right, moving up through the site;
- regarding flooding issues, the Environment Agency's comments referred to by BF were made last July, prior to the update. Their comments from November and January confirm that they are now happy that the proposal is in line with NPPF requirements of 100 years standard plus 30%. Issues were considered and dealt with, and are now acceptable to the lead local flood authority

**BF:** the number of houses may have to be reduced if the site cannot cope with the proposed number. Members are told that the number is set in concrete but we should have the detail before making a decision – the lead local flood authority has stated that a balancing pond has disappeared from the drawings, this is a very steep site on clay soil which won't absorb water. Rainwater will flow down the hill – has seen this happen. The 1999 permission was granted before the NPPF, and drainage needs to be right before houses are put in place – anything else would be the wrong way round, like being measured for a suit when you've got it on.

**CH, in response:**

- the Environment Agency has stated it is satisfied that the drainage arrangements can and will work, and there are attenuation measures on site. There are a lot of hard surfaces, and the proposal doesn't currently conform to the 1 in 100 years plus 30% requirement, but this can be achieved. Officers are satisfied that the conditioned details will be submitted, and if the details don't comply, the conditions will not be granted.

**BF:** the report seems to state that the Environment Agency says pluvial flooding is the responsibility of the lead local flooding authority, yet there has been no consultation.

**CH, in response:**

- the Environment Agency has provided detailed, bespoke comments and been involved in the scheme from Day 1. Officers are happy with the strategy, and if conditioned in consultation with the lead local flood agency, this is acceptable;
- regarding LG's comment about the windows, the condition could have been carried over from the 1999 permission, and can be changed to reflect the more modern context.

**MPower, in response:**

- we could talk at length about the problems with the road widths and car parking in the earlier phases, but it should be remembered that these permissions were granted under PPG13, with the intention of encouraging people away from car use. The time to object to these issues was 1998; we would lose an appeal, and have costs against us, if we refused now on these grounds;
- agrees that the planning process is sometimes hard to understand, but the Starvehall Farm application did not ultimately include a through link, and the committed development at Oakley was modelled as part of that application;
- regarding the construction method statement, asks Members to make sure the applicants take this on board – they need to take it seriously ensure that it is fit for purpose, and enforced by CBC;
- regarding the design, internal lay-out, parking etc, it is unusual and unhelpful to have a 15-year gap between the outline permission and the reserved matters, this is where we can comment
- regarding resultant traffic, the principle is also set here and was considered acceptable at the time – and is now accepted..

**CH, in response:**

- MPower has mentioned the need for a detailed construction method statement. This is not currently included in the report, but will definitely be added to the conditions.

**RG:** this application shows what's wrong with the planning process – it should be a partnership. The developer knows it's 16-17 years since the outline permission was granted and that things have changed since then, such as affordable housing– although we're told the percentage can't be changed, the developer could have worked in partnership and offered more in view of today's requirements and with Persimmon sites all over the country. More partnership would have been nice.

Phase 1 and 2 were granted under the last labour government, which relaxed parking and upped density, with the result that there are cars parked everywhere. Is concerned about lorries getting through, and supports the construction method statement, to apply to all roads in Phase 1 and 2.

On a technicality, we are told we can't do anything about the roads in Phase 1 and 2, but we cannot have a REM application without an OUT – one of the reserved matters is associated roads, and roads in Phase 1 and 2 must come under this? The outline permission was for the whole red line site, including Sainsbury's, and CBC could look very stupid if it allows further houses and roads to be added to a scheme which doesn't work now – would appreciate a legal view on this.

Wonders why there is a holding tank at the highest point of the site, and suggests that Condition 9 must be looked at very carefully, with drainage details for the whole site, including Phases 1 and 2, taken into account. We need to see where the water will flow – if towards the Wyman's Brook, this could be a serious matter. The Environment Agency has been involved with the site since 1998 and must be aware of the flash flooding in Whaddon in 2007; it therefore must be very mindful of surface water flow through the estate. Disagrees with BF, as the scheme can't go ahead if Condition 9 isn't satisfied. This, and the construction method statement, need to be strengthened to cover the whole site inside the red line of the outline permission. Regarding the roads within the red line outline, these don't work now and additional houses will make the problem worse, so what is to be done about that?

**CL, in response:**

- there has been a lot of talk about going back to square one and to things already set by the outline permission. As MPower says, if we refuse the reserved matters on this basis, it could be seen as unreasonable by at appeal. Refusing to approve reserved matters when objections relate to issues that should already have been considered at the outline stage is an express example of circumstances which may lead to an award of costs against a planning authority;
- regarding RG's comment about the red line outline of the original site, the 'associated roads' in this reserved matters application will refer to those in respect of to Phase 3 only;
- only the reserved matters – external appearance, siting, design and landscaping – are being considered today.

**CH, in response:**

- to RG's comments on Condition 9, realises this is a hugely contentious item, and the condition can be amended accordingly to pick up on all the points raised.

**RG:** will it refer to the whole site?

**CH, in response:**

- no, only to Phase 3.

**RG:** the construction method statement must show the route through the estate to where the new houses are being constructed.

**HM:** thanked CL for her advice. There are a lot of representations concerned with highways matters and the problems with car parking and road widths. Phases 1 and 2 are being investigated – what is the current state of those discussions? Residents are very keen to hear what mitigation is being suggested. BF's question about consultation with the Cotswold Conservation Board has not been answered. It commented on the outline and should have been consulted on this application too - the developer could have suggested a 20-storey block of flats! CCB should have had the opportunity to comment on the design and lay-out of the site.

Is concerned about emergency access for the 40 houses at the top of the site. In adverse conditions, emergency vehicles cannot get up Harp Hill. Could rising bollards be included, as at Starvehall Farm, to allow emergency vehicles access from one side of the site to the other?

The orange update includes comments from the landscape architect – are these points resolved? Notes that the site has been sparsely used over a number of years, yet there is no GCER report on protected species in the officer report. It is very likely that bats and badgers have entered the site.

**RW:** agrees with what's been said and supports RG's suggestion that Condition 9 should be strengthened. Regarding highways, MPower says the question of access cannot be revisited, but we can revisit the question of the adequacy of the road widths for vehicles, in particular refuse vehicles. Would like this clarified, and suggests the application could be refused on these grounds.

**PT:** is concerned that Members are spending so long talking about things which we're told are set in stone and cannot be changed, and upset that we are being forced to agree to a 15-year-old permission, including many issues which we could not know would have changed so much – we should watch out for this in the future, and not allow such a long gap again.

Regarding the hassle caused by on-street parking, couldn't the developer put down double yellow lines, particularly around the worst bottle-necks, to improve site access? This would improve matters not just for heavy lorries but for the continuous stream of vehicles through the site. Agrees with LG that the windows need to be double-glazed, and regarding the balancing pond, can CH give more information about what sort of protection there is likely to be for this – it is to be a feature in the middle of the site and easily accessible to children, which could lead to complete chaos.

**PJ:** the report states there is no highway objection as is the proposal complies with the NPPF in that the cumulative impact of the additional homes and cars will not be severe. What about the impact on Phase 1 - the roads are unadopted and it's unlikely that Persimmon will ever arrange this - of the heavy trucks using them for Phase 3? These could cause damage the residents have no power to do anything about - the cumulative effect of all three phases could be atrocious. Agrees with RG's concerns about the water flow across the site and doesn't consider we have enough information to make a good decision – this is worrying and will be on his conscience. What can Members do? Is it unreasonable to ask questions? Doesn't think it is, despite being told of the risk of appeal and costs against us. The developer should go back to the drawing board and come back with more information, taking into account the cumulative impact of Phase 3 on the community - a huge concern.

**KS:** shares these concerns, and considers we have been snookered by this. Is worried about access – the road by Sainsbury's is narrow and has a high number of vehicle movements, and was struck on a recent visit by how much of the development is served by one small access. Realises that we cannot revisit the access arrangements, though it is beyond belief that this was allowed in the first place. Regarding the landscaping and the balancing pond, is the maintenance of these to be conditioned and if so, who will be responsible? This is a very sloping site and we need to be clear. This is a brownfield site which needs to be developed, but is concerned that we may not be making the best use of it, and wonders what was going through people's minds when the outline permission was granted.

**BD:** having listened to the debate, it would be ridiculous for Members to approve this application. Concerns have been voiced all round the room, on flooding, roads, quality of life etc. With the last agenda, Members received information about a proposal which officers recommended for approval, Members refused, and was dismissed at appeal. Members should stand up and be counted, not threatened. If there is something wrong, the developer must go back and do something about it.

**BF:** CH has said that rainwater handling will be dealt with by the management company. This may or may not be effective – the Midwinter site is managed through a company, but if problems are not solved, no one will want to buy the houses. MPower said that highway matters were agreed in 1999, but the NPPF has changed the rules – planning law has changed on traffic and highways issues.

**PJ:** forgot to ask a question amid heightened concern – is it possible to add a condition requiring the adoption of the previous roads prior to this proposal going ahead?

**PH:** is getting more and more horrified by the minute. Members are between a rock and hard place: either vote for this appalling application, or go against it risking appeal and unreasonable behaviour. Just how unreasonable would it be to vote against it? With two small accesses, poor state of the roads, heavy plant moving through the site – would an Inspector really consider it unreasonable to refuse on these grounds? Feels a moral imperative here and cannot vote in support.

**LG:** this has been a good debate with serious issues raised. It's clear that if the application site was on level ground it would have been passed by now, but it is part of a phased development. Members' comments show their great concern about permitting something which will be detrimental to others. Asks the legal officer if Members are obliged to permit

this phase of the application when they know that by doing so, it will harm the amenity of people already living there. It would be a disaster, and cannot vote for the proposal if this is the case. Has listened to all the comments, in particular RG and BF, and proposes that the decision be deferred for one month pending further negotiation with those responsible, so that all Members' worries can be taken on board and questions answered.

**CC:** asked Members to think what they would like to achieve by this.

**RG:** was also going to move for a deferral for a number of reasons. Firstly, because Members of the committee are trying to re-write Condition 9 which would better be done by a hydrologist or the applicant. Secondly, the construction method statement needs to be worked through, to cover the surrounding highways network, with the onus on the developer to show how it will work. Thirdly, was reminded by a comment from PJ of Cypress Gardens in Gloucester in 2007 where roads and drains remained unadopted, and the area was severely flooded. If Members can't say no for legal reasons, they should say no to avoid another Cypress Gardens situation. Deferral is right course here.

**AM:** agrees with LG and RG. In view of the concerns raised by officers and other consultees as well as Members, it would be negligent to go ahead with the scheme in its present form. Deferral is the sensible answer – with their questions answered, the committee will be able to go forward.

**BF:** does not think that one month's deferral will be long enough, to give time for the various discussions needed between the developer, the applicant, officers, the lead local flood authority etc.

**RW:** was going to raise the same point, and also whether the developer might consider a re-design of the scheme with fewer houses. Members are concerned about flooding and highways issues: the substantial risk of flooding in Phase 1, 2 and 3, as seen in the flash flooding at Wyman's Brook in 2007, which needs to be fully addressed before the application comes back to committee; and regarding highways, concerns at a basic level – the safety of the public – this is the issue, regardless of the possibility of costs. Members cannot pass schemes with substantial concerns about safety.

**PJ:** affordable housing should also be addressed again, and Members be given assurance of this.

**CC:** the agent is in the room, and will hopefully take away all the comments he has heard tonight. Members would like answers on surface water and flood risk, construction method statement, highways issues, emergency access, the Cotswold Conservation Board, and protected species.

**PT:** and how children will be kept away from the balancing pond.

**AC:** and the windows condition.

**BD:** would like bins and recycling storage written in – this is very important.

**PJ:** and adoption of existing roads issue.

**CC:** is happy that everything has now been covered – there is much work to be done.

**Vote taken on LG's move to defer, pending further information on the above issues.**

15 in support – unanimous

**DEFER**

## **79. 13/01902/FUL 237 Cirencester Road**



Location:	<b>237 Cirencester Road, Charlton Kings, Cheltenham</b>		
Proposal:	<b>Erection of 9no. dwellings, reconfiguration of site access and associated landscaping following demolition of existing building (Little Owl Public House)</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	21	Update Report:	<b>Additional representation (objection)</b>

MPayne introduced the proposal as above, saying that revisions have been sought during consideration which reduced the number of dwellings from 10 to 9. The proposal includes three traditional terraced houses facing Cirencester Road, and three sets of more contemporary semi-detached dwellings within the site. There are seven 4-bedroomed houses and two 3-bedroomed, all of which benefit from extra accommodation at basement level. The application is at planning committee on account of an objection from the parish council.

### **Public Speaking:**

#### **David Jones, agent, in support**

Thanked Members for the opportunity to speak, as planning consultant for the proposal, saying it is a full application for nine dwellings, having undergone a number of revisions after careful consideration of neighbours' objections – reduction in the number of dwelling, increase in parking provision, reduction in the height of the buildings. In view of the well-written report, had not been going to speak at committee, but after seeing Martin Horwood's late objection, regretting the loss of the public house, decided to do so. Refusal to grant planning permission must rely on adopted policies, the SPG of the NPPF. Mr Horwood has cited policy RC1, which is included in the Local Plan to prevent premises or land with community value from being lost, more specifically to prevent churches from being converted to public houses or commercial/entertainment venues. Reminds Members of the Greyhound pub which was converted into five apartments. The Inspector read RC1 and supporting texts and considered it open to doubt the fact that the commercial venues were used for evening classes could mean they fall within the terms of the policy. The Inspector did not consider that RC1 is relevant to commercial establishments, and therefore Mr Horwood's comments do not bear close scrutiny. Hopes Members will support the officer recommendation and vote in support.

### **Member debate:**

**RG:** Martin Horwood's letter arrived very late in the day, and while it's shame that a potential buyer wasn't found at an earlier stage and a pity that the pub is going, it's no surprise if it isn't supported by local people. Are the Trees Officer's comments covered by Condition 10? Wants all angles covered.

**PT:** the opposite side of the coin is that several of the neighbour letters refer to a number of offers to buy the pub, including some over the asking price, but the developer chose not to consider them. We need to look at what they did to sell this pub as opposed to developing the land. Is very sad that so many pubs are going – we should take into account that they are gathering places for local people. Would like to know why the pub was sold – cannot believe that it wasn't a viable concern.

**PJ:** following Mr Horwood's and Mr Jones's comments, would like to hear what officers have to say about policy RC1 – thinks it could be read either way. Understands that there is a big function room at the pub, and wonders how the loss of this will impact the local community.

**BF:** is sorry to see another pub go, but the nation's drinking habits are changing – consider the Whitbread prize for literature is now the Costa prize. Charlton Kings is fairly well off for pubs, unlike his own ward which only has one. The application is nicely laid out and

designed, not trying to cram too much into the site. Is glad to see that the Lombardy poplars are to be kept.

**BD:** the Little Owl wasn't her idea of a pub - more of a decent bar and gathering room. Fashions are changing and wine bars are increasingly the thing. This is a huge piece of ground which will easily take the houses proposed, and there are other pubs not too far away. Considers this a good use of a brownfield site, and we need the houses.

**KS:** has two concerns about the application. Firstly the design: either part of the application isn't bad, but doesn't feel they go together – red brick and Majorcan-style villas – and wonders why the applicant has provided this jarring design, as noted by the Architects' Panel. Secondly, is concerned about parking. Visited the site recently and there were over six cars parked in Cirencester Road around the site, some on the pavement, as well as parked vans, altogether hazardous. Parking provided on site is not sufficient and will add to the problem. Is also sad about the loss of the facility, which is a decent venue for events; Charlton Park does not have many such venues, so this is an important facility for the residents in her ward too.

**HM:** lives in Charlton Kings and has been in the Little Owl many times – it was a good community pub and she is sorry to see it go. Cannot support the scheme, due to the different styles of houses at the front and back of the site. This is not cohesive – agrees with the Architects' Panel.

**SW:** is also disappointed at the loss of the pub, but also concerned about the public footpath which runs through the back of the site. At the December meeting, raised concerns about the stopping up of a public footpath, which are legally protected and should not be built on, overrun, or added to the roadway. These need to be treated in a proper manner.

**MPayne, in response:**

- concerns about the loss of the pub are set out in the report;
- it is true that the decision needs to be met in terms of policy, and has been based on appeal decisions which clearly suggest that pubs are not included in policy RC1. The function room is ancillary to the pub and there is no policy protecting it;
- regarding the design, this wasn't encouraged at the pre-app stage, and it was suggested that pitched roof design should be incorporated throughout to merge the site together;
- the terrace at the front is a traditional form with more contemporary design further back in the site – this isn't an unusual arrangement which is why officers are happy to support it;
- to SW, the footpath is not a material consideration.

**MPower, in response:**

- confirmed that it is not part of the application. The right of way is shown on a definitive map and the applicant has spoken to GCC Public Right of Way officers. There is a slight conflict of line of the Right of Way, and it is a criminal offence to obstruct a highway PROW, but this is outside the planning process. The definitive line on the drawing shows where the right of way is, along the edge. Cannot make any comment there.

**SW:** wants to put down a marker as there has been an abuse of power here. It is illegal to block a public footpath but there are several examples where this has happened. The footpath is there and cannot be incorporated as part of the road – it must remain a separate footpath and not be obstructed.

**RG:** regarding design, would like to strengthen Condition 9, to ensure that where the modern materials join, there will be no staining of render etc as seen elsewhere, to ensure the best standard of contemporary design..

**CC:** this should be a default position.

**PT:** MPower said the footpath issue is outside the planning process, but what is to be done about it?

**MS:** can a condition to maintain the footpath be included? This seems the easiest way. Apart from this, is happy with the design and density of the proposal, and will support it.

**PJ:** if not a condition, maybe an informative can be included, to ensure that the County Council knows about our concerns.

**MPower, in response:**

- this cannot be conditioned because it is covered by other legislation;
- there are already four informatives concerning the public right of way.

**KS:** cannot support this scheme, and is concerned about parking around the site during construction. Even if we condition that construction vehicles are contained within the site, this could be 10-20 vans, and there is bound to be overspill onto the road.

**MPower, in response:**

- asks that Member endorse the highways conditions, and the condition for a construction method statement, which is robust and readily enforceable.

**Vote on officer recommendation to permit**

12 in support  
3 in objection

**PERMIT**

**80. 13/01938/FUL Land adjacent to Wild Perry House, Balcarras Road**

This item was decided under delegated powers and was not considered at the meeting.

**81. 13/02091/FUL 28 Victoria Terrace**

Application Number:	<b>13/02091/FUL</b>
Location:	<b>28 Victoria Terrace, Cheltenham</b>
Proposal:	<b>Erection of a pair of semi-detached dwellings following demolition of existing bungalow</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>12</b>
Update Report:	<b>None</b>

**MP** described the application as above, adding that revised plans have been submitted to address the concerns of the Architects' Panel and Conservation Officer. Two additional off-street parking spaces have been provided. The application is at committee at the request of Councillor Jordan.

**Public Speaking:**

**Mrs Paula Loughlin, local resident, in objection**

The design of the proposed dwellings is out-of-keeping with the character of Victoria Terrace, which is traditional Victorian in style. The proposed flat roof and fibre glass roofing materials are contrary to the Local Plan, para 5.36 – and this, together with the three-storey construction, represents over development and will make the new houses stick out like a sore thumb. Over-shadowing, over-looking and loss of privacy are also concerns for local resident. Parking is another issue – it is already difficult in Victoria Terrace and these additional dwellings will add to the problem. With three storeys and four bedrooms, each

house is likely to bring two extra cars, added to which the two-entrance arrangement to the houses will take away two existing on-street parking spaces. Existing difficulties with manoeuvring in Victoria Terrace will become even worse with the two new properties. Additional considerations are the construction method statement – the time restrictions for development, the unadopted highway and the effect on the road surface. If permission is granted, residents request a condition to ensure that the flat roofs are not used as terraces or roof gardens, which could cause noise and disturbance to neighbours.

### **Councillor Jordan, in objection**

Has no objection to the demolition of the bungalow but is concerned about what is proposed in its place. This site is at the end of the terrace, and although the existing dwelling may have less style than those around it, what is proposed is potential over-development – three storeys high, and completely different from the existing dwellings in style and design. The issue of parking and transport is important – it is already a problem in Victoria Terrace, and although the additional parking spaces for the proposed dwellings is good, there is still the problem of getting in and out. As with Brighton Road, additional space for turning would be helpful. Regarding the highway, a large pothole appeared in the road last June – this is an unadopted road and the issues here are similar to what has been discussed at GCHQ Oakley, only smaller in scale. Asks if anything can be done through a construction method statement - construction vehicles could well damage the road, and would the developer be liable for this? These are the two big concerns of residents – the scale of the development and parking/highway issues.

### **Member debate:**

**SW:** doesn't like the third storey. Councillor Jordan has made a good point about the state of the road and large potholes; commercial vehicles up and down during construction could cause further damage. S106 money should go towards road maintenance in the event of any further damage.

**RW:** this is an appalling design, which is a pity as the principle of building a pair of semi-detached houses here is OK, but not in a style so inappropriate to the rest of the street. The three-storey flat-roofed houses look like Lego. The proposal didn't need to be done like this. Will move to refuse.

**BF:** doesn't like the design. The construction is not in line – would have preferred to see no parking on the front, the building brought forward and the third floor taken off, with an extension to the back if a fourth bedroom is required. This is totally different from everything else in the street, and not supported by the Conservation Officer. The design is the major problem here - car parking is always a problem – and the drawings are deceptive. The scheme should be rejected on CP7 and BE7.

**LG:** the principle of development here is correct but agrees that the three-storey design is alien to this historical part of Cheltenham. Wasn't sure if the Heritage and Conservation comments were made tongue in cheek as set down, stating that improvements 'could be made'. Notes the Civic Society's comment that neither the three-storey houses nor the set-back from the rest of the terrace are appropriate. This proposal is totally foreign to the rest of the terrace, and cannot support it. Agrees with CP7(c) as a refusal reason, and suggests CP7(b) as well.

**BD:** three storeys are not on, but supports the principle as the site will take two houses and the present bungalow has very little to offer. Disagrees with the suggestion that the houses could be brought forward and the parking spaces removed – when the other houses in the street were built there were no cars, but these new properties must be set back in order to get cars in the drive.

**KS:** agrees with what has been said. The three-storey design is contrary to the integrity of the old Victorian buildings with sloped roofs and parapet walls – it is pastiche, with the

appearance of two storeys and an ethereal third storey set behind. The developers need to think about the flat roofs – pitched roofs are more appropriate for our climate; flat roofs are not practical. The properties should be set forward, as setting them back means stealing parking spaces from the rest of the street. Could not drive up the street today, and notices two or three cars outside the bungalow, which wouldn't be able to park there if new driveways are created. It is unfair to give the new properties more space which could be used to make a larger turning circle. Won't support the proposal - a shame as it is almost there, but doesn't respect the neighbouring area.

**PT:** can't support the three storeys. These houses could be brought forward and still have room for four car-parking spaces at the side and back. Has lived in a Victorian terraced street before everyone had cars – it was a nice place, but streets like this are now a mish-mash. The proposal comes close to mimicking the Victorian terrace but the top storey is inappropriate.

**WT, in response:**

- the parapet is a useful device historically to conceal the roof, and it was considered appropriate here to conceal the third storey, which is set back to reduce the bulk of the building;
- officers wanted the buildings brought forward to the building line but as parking was required, the compromise was to set them back and allow parking at the front;
- when the design was amended, the ground floor windows were enhanced to continue the rhythm of the historic terrace and maintain the hierarchy of the upper windows.

**BD:** what the report says about parking and what the drawing shows seem to be different.

**MPayne, in response:**

- the revised plans were submitted after consultation, and the original Heritage and Conservation comments were revised; the set-back was considered to be an improvement;
- to SW, an S106 to improve the road cannot be required, as this is out of the control of the applicant – it is not a material consideration and money cannot be required for an existing road.

**SW:** does not suggest the developer should pay for existing road damage but for damage which may be done as a result of the construction. It is unfair for residents to have to pay for this.

**MR, in response:**

- the difficulty is that this is a private road owned by a number of people, and not in the control of the applicant. What SW suggests would be a private legal matter.

**BF:** following on from WT's comments, suggests that the developers are not obliged to provide parking spaces in schemes such as this, so close to the centre of town.

**HM:** playing devil's advocate, will support of this application, and questions whether BE7 is a suitable refusal reason as it refers to parking in front of historical houses and these will be brand new ones.

**MPayne, in response:**

- BF is right that there is no obligation to provide parking, but officers would seek to obtain it in this type of situation. If none is provided, officers would need to see a car parking audit to show that there is available space.

**BF:** the need to provide parking is what has caused the clash with BE7.

**MPayne, in response:**

- the particular need is to ensure that parked cars don't block historic buildings. BE7 refers to 'introducing' car parking, but there is already parking in front of the bungalow.

**KS:** the bungalow has off-road parking and one driveway. By creating spaces for the occupants of the new houses, existing residents will lose two spaces – it is not right to allow this.

**PJ:** for clarification of MR's point – what is the difference between private and unadopted roads?

**MPower, in response:**

- there are three types of road: (1) private, gated roads with no access to the public; (2) roads maintained by the Highways Authority; (3) roads privately maintained by owners
- this is (3) a privately-maintained road, and if it is damaged by the developer, the owners could take civil action.

**CC:** Ms Loughlin discussed the possibility of a construction method statement which has not been discussed by Members. If the proposal is permitted, can this be added?

**MPayne, in response:**

- yes, it is acceptable to set hours of working – Environmental Health deal with this, and there are details on the website.

**HM:** suggests that if the permission is granted, a standard condition for waste and recycling facilities be added – it is not included at present.

**SW:** for clarification, following the comments about the various types of road, accepts that an S106 would not be appropriate here, but if the residents feel that the developer has created damage to the road, will they be able to claim compensation from the developer?

**MPower, in response:**

- to be specific, the 'owners of the road' can claim for any damage, and these might not be the residents, but yes, it would be a civil action between owners and the developer.

**Vote on RW's move to refuse on CP7(b) and (c)**

8 in support

7 in objection

**REFUSE**

**82. 13/02118/FUL 44 Naunton Park Road**

Application Number:	<b>13/02118/FUL</b>
Location:	<b>44 Naunton Park Road, Cheltenham</b>
Proposal:	<b>Erection of a two storey side extension together with the rendering of the dwelling (revision to 11/01575/FUL)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>Letter from the applicant</b>

**CH** introduced the application, which is exactly the same as the scheme originally submitted in 2011. This was subsequently amended, to achieve a set-back of the two-storey element and a red brick finish, and permission was duly granted. The applicant has now re-submitted the original scheme, which is not in line with CP7 or the SPD on extensions regarding subservience of the extension.

**Mr Collard, applicant, in support**

The information and photographs submitted by SFPlanning highlight that the SPD allows for what is proposed. Has lived in the house for some years – it is detached and a bit scruffy, but he and his wife love the area and would like their children there. Is happy to make a big financial commitment in order to achieve the ideal family home, and is on friendly terms with the neighbours, who all support the proposal. There are two changes from the permission granted: the insulated rendering, rather than red brick, is proposed for practical reasons. The bricks are in poor condition – the render will protect them and also reduce heat loss by 80%, so ensuring lower heating bills. There is a mix of rendered and red brick houses in the Naunton Park area. Regarding the first floor setback, the proposal would have less impact than others, and to set it back would be damaging to the overall design. The aim is not simply to make the house symmetrical, but to build in a properly designed way. There are examples of semi-detached houses extended without any setback in the conservation area, proving that it is not always required. There have been no negative comments from neighbours, and a setback would reduce the amount of space available for the growing family. If Members decide to support the officer's recommendation, requests that there be a separate vote on the render.

**Member debate:**

**SW:** this was the subject of great debate on planning view, with the question asked: if this house was being built from scratch now, would we allow it? The answer is yes, and is therefore struggling with the argument that the extension needs to be set back. Recalls an application which was refused because it extended 1m beyond the garage but was subsequently allowed at appeal. Revisited the house once the extension had been built and noted it was not overbearing as had been stated in the report. This property is currently smaller than the houses on either side and may be slightly larger when the extension is done, but it will fit perfectly. Regarding the render, if it helps with energy conservation, it should be allowed; if it doesn't, it should remain brick. Is happy with the design.

**KS:** will support the application. Has utmost respect for the Conservation Officer and usually agrees with what is written but on this occasion doesn't. This street is in her ward, and she knows it well – it is tree-lined, with Edwardian redbrick houses, but this proposal won't harm that. The house is at the end of a set of three houses. The other two have extensions; a further block to the left will fit in and the render finish is not out of keeping. Regarding the set back for the upper floor, this will make the roofline look cluttered. This is a better scheme than the approved permission. Some of the bricks are look very old and tired, and the extension will be built of new bricks which don't match, resulting in a hotch-potch look – a render finish will remedy this. Although close to the conservation area, the house does not have any architectural merit and is not a part of the town's heritage. We have to allow people to extend and improve their homes to suit their lifestyle and, in this case, improve thermal efficiency. This proposal is the best solution here.

**MS:** agrees with the last two speakers. Regarding the set back, thinks the extension looks better flush, and if he lived in the house opposite would rather look at one integral building. Would not be supportive if this was an Edwardian house, but objecting to this scheme is rather picky. Regarding the render, does not think it will do too much damage, depending on the colour.

**RW:** agrees that the colour of the render is important. This application is unusual regarding the response from neighbours – is used to reading large numbers of objections to proposals. Does not think they are only supportive because they have a good rapport with the applicant, but also because the design is good. Beauty - and design – is in the eye of the beholder, and some designs are a little too clever, but if the neighbours are happy that the proposed scheme will blend in, who are we to say it won't. Was not on planning view, but is happy to vote in support of the scheme on account of what the neighbours and other Members say.

Regarding the render, subject to ensuring that it blends in with other houses in the street, will be happy to support this too.

**PJ:** for various reasons, will move for approval of this application. We can rely on local neighbours to tell us when there are issues, but none have been raised, so we can be confident that the proposal doesn't fall foul of CP4. Understands that setbacks are required for a reason, but disagrees with the officers here, and thinks in this case, the extension as requested will have a positive impact on the building. Is not keen on render as a rule but sees the argument for it here. Moves to approve, with conditions to be drawn up and approved by the Chair and Vice-Chair.

**AM:** supports this move to permit. Considers this scheme superior to the approved one – the setback extension was OK, but this is a step forward on that. The neighbours support it and he will too.

**BF:** will also support it. Regarding the render, what PJ says may be true, but these bricks are 50-60 years old and will be difficult to match. Is amazed that the recommendation is to refuse because of the SPD – that document is for guidance and to be taken into account, but isn't gospel.

**AC:** will also vote in support. This is a good design and development, and the neighbours support it.

**BD:** will vote for it. Suggests a condition regarding the colour of the render – this must be in keeping. Policy on building on and setback seems out of date, and should be discussed at some point.

**PT:** will vote in support of this, but reluctantly. Is not bothered about the setback – was confused but understands that this was required by policy, but thinks it looks OK. However, is concerned about the rendering. There are three rendered houses in the street: one is a big, grey place – a statement on its own – and the others are further back. Would prefer it not to be rendered and is surprised that this is needed for energy-saving – surely the house has cavity walls which can be insulated?

**RG:** in the report, the conservation officer lists 12 reasons why we should stick to policy - everyone likes the proposal but our rule is to enforce policy. If we stick to policy, wonders whether this will conflict with the NPPF paragraph 65 which refers to concerns being mitigated by good design and other benefits. Is normally a stickler – we write the policies and should stick by them – but as there seems to be some conflict here with NPPF 65, may have to make an exception here.

**PH:** thanks RG for raising this – is also a great stickler for policy, and he makes a good point here. Has a huge problem with the render, where all the properties around are red brick, and recalls a house in Charlton Park which was rendered and sticks out like a sore thumb. If it was just for cosmetic reasons, would not vote for it, but for the reasons given by the applicant, hopes it will be OK and will not grate every time she passes the house.

**CH, in response:**

- to be clear, officers look at applications against the written guidelines on extensions, and feel that a very large proportion of the side extension could be achieved with a setback;
- of course, the word 'normally' must be applied, and Members have made their feelings very clear that in this case, the proposal is acceptable to them;
- suggested conditions will include implementation of the approved plan and a sample of the proposed render.

**SW:** regarding the business of set back, do we need to revisit this? It would be a very useful tool if this application was on the other side of the road, and should not be removed altogether, but in this instance, it is not necessary.



**Vote on PJ's move to approve, including the render finish**

13 in support

1 in objection

1 abstention

**PERMIT**

**83. 13/01239/FUL 32 Church Road**

Application Number:	<b>13/02139/FUL</b>
Location:	<b>32 Church Road, St Marks, Cheltenham</b>
Proposal:	<b>Redevelopment of site comprising the erection of 6no. 1 bed apartments and 5no. 3 bed houses</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	19
Update Report:	<b>None</b>

EP reminded Members that there are two schemes with consent on this site for 10 and 7 dwellings, with a different combination of elements approved on each, one with flat roofs and one with mansard roofs. The application is at committee at the request of Councillors Coleman and Holliday.

**Public Speaking:**

**Mr Farmer, local resident, in objection**

On behalf of local residents, said there are two main reasons for objection. The second application, approved in 2012, is preferred by neighbours, as it is the best design and lowest density. People are frustrated with the planning system which allows developers to submit scheme after scheme until they get what they want. Can see the weight of professional opinion and realises that there are two schemes already approved, so residents are pretty much caught in a cleft stick, with the strong impression that this scheme will be approved the CBC or at appeal. The officer has done a good job with the conditions, but three of these could be strengthened. Would like an amendment of Condition 16 or assurances from the Committee that the construction method statement will only be approved after consultation with residents – this would address a number of concerns, such as loss of telephone and internet services when the telegraph pole is removed. Commends the approval of recreational facilities, but would like an amendment of Condition 14 to ensure that these too will only be approved after consultation with residents – a collaborative approach, preferably with the developers, is needed to address local needs. Lastly, regarding Condition 1, considers that five years is too long for implementation – the second application has until 2017, and residents don't want to be kept in limbo for another two years after this, with the possibility of squatters moving into the derelict property. There are further concerns about traffic which Councillor Holliday will address, but his message is that local people will be happier if these conditions are strengthened and they would like to work in collaboration of the council and developer to see this done.

**Councillor Holliday, on behalf of local residents**

Residents are unhappy about the timing of the consultation over Christmas, resulting in some of their comments not being as detailed as they would have liked. Expects Members are frustrated to be considering another application on this site, but while neighbours accept that some development is going to take place, they want to be sure it will be done in consultation with them, in a spirit of collaboration and goodwill. New Dawn Homes have made it clear over the years that they don't want to consult with residents, which is disappointing.

Residents accept the need for the site to be developed, if only to prevent the problem of squatters, but it must be the right development for them. It is concerning that the building sizes haven't been reduced to accommodate the additional property, and residents would like to be consulted in future, particularly regarding conditions outlined in the officer's report. Condition 12 is important as garages should not be converted into living accommodation without seeking planning permission, and Condition 16, regarding the construction method statement, is also important to residents who remember the mess and debris caused by the development at The Hawthorns opposite. Enforcement officers were involved but it took some time for the developers to clean up the site, and local residents do not want to see this repeated. Regarding the re-siting of the telegraph pole, residents are concerned that there should be no interruption to their phone and internet service.

Would like reassurance that the loss of parking spaces at the front of the development will result in enough spaces for residents to part their cars. Newer properties in Market Street have garages but these are too small and residents are not using them for their cars – there are lessons to be learnt here. With regard to highways issues, is concerned that the development will add to parking problems in the area, and has problems with the highways officer's report. Accepts his conclusion and the inclusion of three recommended conditions but has major concerns regarding increased vehicle movements along Church Road, especially in light of the A40 traffic consultation and the impact of no right turn into Tennyson Road. Cannot accept this will not have a significant impact if implemented. Believes this highways proposal is likely to impact many roads in this ward, including Church Road, and has heard of motorist exiting Church Road East, turning left towards Gloucester Road and immediately doing a u-turn into Lansdown Court Drive. This sort of incident could well increase with additional residents in Church Road.

Urges Highways to reconsider their response to this application, which was written prior to the A40 consultation and need to be revisited. Doesn't want to be in a position of saying 'I told you so...' in the future if an accident should occur.

Residents accept that this site will be developed and prefer the 2012 scheme. Commends them for working through Mr Farmer, in conversation with the planning officer, to draw up a sensible approach to this application. Asks Members to take their comments on board, and urges Gloucestershire Highways to look again at the impact of the A40 consultation on the residents of Church Road.

**Member debate:**

**MS:** didn't like the first scheme and was disappointed when the Inspector allowed it. The second one was better, but this proposal is again like trying to fit a quart into a pint pot for one extra flat and one extra car. Had reservations about the previous scheme but couldn't think of any relevant refusal reasons; this scheme is a medley of the first two. Will have to support it, but considers the developer is trying to get too much out of the site. Noted the parking conditions on planning view, and in view of the size of the garages wonders if they will take a 4x4 vehicle.

**BD:** asked about the trees in tubs which appear to be attached to the houses in the drawings.

**RG:** would like legal advice on the three year/five year implementation issue raised by Mr Farmer. The developers are present and will hopefully take note. In his own ward, local residents and the developer of 79-81 The Park built up a good relationship and were able to sort out a lot of problems, once they started to talk. Agrees that Condition 16 should be strengthened, and the developer's contact number acquired so residents know who to get hold of if any issues arise.

**BF:** has sympathy with the residents. Is concerned that there are no set sizes for the garages. Did not like the first application, quite liked the second, but considers the current

scheme brings together the worst bits of both, just to squeeze another unit in. Is looking to see if there are any policies which could be used for refusal – HS2 is shaky, CP7 or TP6 are possible but difficult. As there are already two approvals here, is not sure where to go with this.

**PJ:** can't remember the previous applications, but the developer is very good with local residents – maybe the current developer has a different approach, but agrees with RG that conversations between residents and developers can help. Regarding the design, it may be trying to fit a quart into a pint pot, but quite likes the look of it.

**PT:** asked for some clarification of the drawing on screen, to include the three-storey units. Is also interested to hear legal advice on the three years/five years matter – is never sure why developers are given five years to start work, allowing them to sit on sites as once they have a permission, it's difficult not to give them another. Commented on the size of the garages after the experience of Market Street, but was told that this is not a planning issue – which is stupid, as it is crazy to build a garage which cannot fit a car. Wonders why people buy these houses and let the developers get away with it.

**AM:** on the question of the number of years, isn't it down to the committee to say how long the developer has in which to build? Nothing is set in stone.

**CL, in response:**

- that is quite correct. Five years is a default standard, but this can be longer or shorter if it is reasonable to do so. In this case, with two planning permissions already granted and neither implemented, this would be sufficient reason for the development to be brought forward.

**AM:** has sympathy for Mr Farmer and Councillor Holliday's issues, but Members will struggle to come up with a refusal reason which will stand up at appeal. Is concerned the site is still undeveloped, and suggests that limiting the time for this application to no longer than already granted with the previous one may force the developer's hand.

**RG:** Councillor Holliday says there have been squatters on the site – we don't want this, we want housing. The permission should be for three years, not five.

**PT:** agrees, but is there any way we can force the developer to start building sooner?

**BF:** attended a planning training day in Derby with HM about a year ago, where the question arose of how to make builders build, and understood that a 106 agreement can be used to require completion by a certain date.

**PJ:** supports a three-year time limit on this application.

**CC:** should the Highways recommendation have changed in the light of the A40 consultation?

**MPower, in response:**

- there are some similarities here to the GCHQ Oakley application. There are two extant planning permissions, and the starting point is what the increase in traffic over these will be – one extra flat will not generate any significant traffic, and under the NPPF, permission can only be refused if the impact will be severe

**RW:** Councillor Holliday referred to no right turn into Tennyson Road, which is a recent development.

**MPower, in response:**

- is aware of the traffic consultation and this change, but an extra 0.4 trips per day as a result of the extra flat is not severe.

**PT:** is there any chance of a 106 agreement being used to put a time limit on the development?

**CL, in response:**

- is not sure what training BF was referring to, and maybe what he said could be relevant to very large developments for a variety of possible reasons, but it is not applicable here – developers are entitled to build or not to build as they wish, within the conditioned time limit.

**CC:** can EP facilitate communication between the residents and developers, as suggested?

**EP, in response:**

- would propose informal discussions and is happy to help set this up if required;
- regarding the construction method statement, is happy to let local residents see a copy of this if they would like to;
- the developer must resolve the telegraph pole issue separately from the planning system.

**Vote on officer recommendation to permit with a three-year time limit**

12 in support

0 in objection

3 abstentions

**PERMIT**

**84. 13/02180/FUL 259 Gloucester Road**

Application Number:	<b>13/02180/FUL</b>
Location:	<b>259 Gloucester Road, Cheltenham</b>
Proposal:	<b>Erection of three storey extension comprising 6no flats</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>18</b>
Update Report:	<b>None</b>

**EP** explained that this proposal is for an extension to an existing terrace on Gloucester Road, opposite the train station. The recommendation is to refuse on design grounds, the impact on amenity and lack of parking. There is an update on this third refusal reason – the applicant submitted a parking report yesterday, stating that this is a sustainable location so close to the train station, but officers still recommend refusal for the first two reasons.

**Public Speaking:**

**Councillor Holliday, in objection**

Residents' concerns are well documented in the papers, but would remind Members that the application site fronting onto Gloucester Road is only half of the development site. Development of this site may be a good thing but it needs to be right for the site, and have adequate parking provision and access. On planning view, Members will have seen that parking in Roman Road is a big problem for residents, partly due to its proximity to the railway station – cars are sometimes parked for two weeks while their owners go on holiday – leaving residents unable to park in their own road. Permitting this application with no parking provision would make it even worse. There are concerns about access for emergency and refuse vehicles to the site, and highway safety issues including access and egress to the site by construction vehicles and the danger of the additional traffic to residents and members of the public using the road. Residents and councillors remember too well the dangers cause in this respect by unlicensed car lot whose enforcement to cease trading

went on for far too long. If the applicant had carried out a parking survey as requested, these access and highways issues would have been highlighted. Urges committee to strongly consider residents' valid objections and refuse the application.

**Member debate:**

**MS:** if there is a change to the refusal reasons as stated, with regard to traffic and parking, considers that Members should have a proper update before they make their decision.

**RG:** the NPPF talks about severe impact of new dwellings, but this scheme provides no off-street parking. It may be that none of the occupants will have a car, but if only half of them do, where will they park? The lay-by is full of cars of people going to the shop, Roman Road is full. After 8.00pm there will be nowhere to park. This scheme will have a severe impact on on-street parking, and maybe should be deferred to hear what the developer proposes to do about it.

**RW:** it would be absurd to remove the third refusal reason, as anyone who ever needs to park near the station is well aware of the acute problems there – it is always extremely difficult to park. Would vote against the proposal if this was the only reason for refusal, but there are two other reasons as well – six flats on this space is a serious over-development.

**BD:** lives nearby and suffers from commuters parking on the street. A definite no-no.

**PJ:** Officers don't often support on-street parking, so is happy to go with their recommendation here.

**MPower, in response:**

- this is a sustainable location – next to the station, on bus routes, convenient for cycling and walking - and the NPPF is clear that this is the type of area where development should be;
- in another similar application, where there was even evidence of accidents to back up the case, the Inspector allowed an appeal and awarded costs;
- in this sustainable location, to refuse on parking grounds would have policy support – the other refusal reasons are stronger;
- regarding highway safety, reminded Members of the Sherborne Arms – fly parking, cruising, road safety concerns – but the Local Plan said that no parking provision here was acceptable, and in fact set maximum parking standards;
- understands Members' concerns but is worried about costs at appeal from similar decisions, so his advice is to concentrate on the more substantive refusal reasons.

**CC:** is confused. If an Inspector is likely to support two out of three refusal reasons, why is there concern that inclusion of the third may dilute that decision?

**MPower, in response:**

- all refusal reasons must stand scrutiny independently.

**CC:** it only loses emphasis if the argument to the Inspector is not as strong as it could be.

**MPower, in response:**

- the refusal must be contrary to highway safety

**AM:** fails to understand. If the Inspector agrees that CP7 and CP4 are valid refusal reasons but not TP1, why would this result in costs?

**PT:** thinks this is crazy. Even in a sustainable location, people will still want to have cars – why can't we get this point over to the Inspectors and make them understand? University students have cars which are parked in streets and prevent residents' parking in St Paul's,

Market Street and Bloomsbury Street. Parking is almost as bad at the station. Proximity to the station does not make this a sustainable location.

**KS:** PT has made her point. This is not a sustainable location. People from outside the area use it as a car park. When an Inspector from outside the area makes a decision as to whether this is a sustainable location, this must be taken into account. People need cars for all sorts of reasons, and this development offers them nowhere to park.

**PJ:** locations are described as sustainable to encourage people not to use their cars. This was included in the Local Plan but the no-drive policy has clearly not worked. Is happy for the third condition to be left in and to support officers.

**RW:** also thinks the condition should be left in. If Members or Officers want a highways safety issue to add to this to be more comfortable, they should take a walk down Roman Road, where cars are parked on both sides with nowhere to pass and appalling visibility, resulting in road rage and major danger to pedestrians, cyclists and all other road users. It is a death trap, and a further 3-6 cars will add to this appalling situation.

**EP, in response:**

- if this application is refused and goes to appeal, officers are duty bound to substantiate all refusal reasons. Costs are awarded if the Inspector considers any of the refusal reasons to be unreasonable, and additional consultation advice may be needed if a refusal reason can't be backed up. So even if the appeal is dismissed, there is still a risk of costs.

**PT:** if the Inspector agrees to the extra flats being built, what about access for building materials etc.? The only way is by driving over the pavement.

**EP, in response;**

- developers have various ways to get round this;
- if the application goes to appeal, conditions can be suggested should it be allowed.

**CC:** the officer recommendation is to refuse for the first two reasons in the report. Members would like to include all three refusal reasons. Someone needs to move to refuse on all three reasons, bearing in mind the officer warning that this may give rise to costs against CBC, as Members are basing their argument on extreme local knowledge.

**BF:** agreed to do this.

**Vote on BF's move to refuse on all three of the refusal reasons as set out in the report**

14 in support

0 in objection

1 abstention

**REFUSE**

*The meeting ended at 9.30pm*

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

Chairman

The meeting concluded at Time Not Specified