

## Planning Committee

6.00 pm, 19 June 2014

### Present at the meeting

Councillor Andrew Chard	Councillor Helena McCloskey
Councillor Matt Babbage	Councillor Andrew McKinlay
Councillor Penny Hall (Vice-Chair)	Councillor Klara Sudbury
Councillor Diggory Seacome	Councillor Pat Thornton
Councillor Garth Barnes (Chair)	Councillor Simon Wheeler
Councillor Bernard Fisher	Councillor Adam Lillywhite (Reserve)
Councillor Colin Hay	

### Officers in attendance

Tracey Crews, Head of Planning (TC)  
 Martin Chandler, Team Leader, Development Management) (MC)  
 Emma Pickernell, Planning Officer (EP)  
 Lucy White, Planning Officer (LW)  
 Michelle Payne, Planning Officer (MP)  
 Chloe Smart, Planning Officer (CS)  
 Karen Radford, Heritage and Conservation Manager (KR)  
 Lindsey Mulraine, Trees Officer (LM)  
 Cheryl Lester, Legal Officer (CL)

### 117. Apologies

Councillors Clucas, Fletcher and Stennett.

### 118. Declarations of Interest

**14/00415/FUL** Devonshire House  
 Councillor Lillywhite – personal and prejudicial – is a neighbour of the application site.

**14/00681/FUL** 1 Malvern House, Malvern Street  
 Councillor Hay – personal and prejudicial – is a CBH board member.

**14/00736/FUL** The Council Depot  
 Councillor Hay – personal and prejudicial – is a CBH board member.

### 119. Public Questions

There were none.

### 120. Minutes of last meeting

Resolved, that the minutes of the meeting held on 15<sup>th</sup> May 2014 be approved and signed as a correct record without corrections.

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

As new Chairman, GB reminded Members that they only need to speak if they disagree with the officer recommendation. CL explained voting protocol, for the benefit of new Members, as follows:

- if the officer recommendation is to permit, and a majority votes in support of this, the application is permitted; if a majority votes against the recommendation, the application is refused;
- if the officer recommendation is to refuse, and a majority votes in support of this, the application is refused; if a majority votes against the recommendation, the application is permitted;
- there is no requirement for a separate vote to refuse or permit in either of these cases;
- if Members want to defer their decision, an express move to defer is required.

GB reminded everyone present that application 13/02174/FUL 86 Cirencester Road has been deferred and will not be considered at this meeting.

## 122. 14/00297/FUL and 14/00298/FUL 25 Bennington Street

Application Number:	<b>14/00297/FUL</b>
Location:	<b>25 Bennington Street, Cheltenham</b>
Proposal:	<b>Replacement of existing shopfront and door with timber sliding sash window and timber entrance door</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>Officer comment on Cllr Walklett's concerns</b>

### Introduction

**MJC** explained the background of the two applications at 25 Bennington Street, which are back at committee following deferral in April.

The first application, for the removal of a shop front and replacement with a timber sash window and door, was deferred in April to enable the applicant to provide more evidence to justify the removal of the shop front. MJC has had several constructive meetings with the applicant, to furnish Members with the additional evidence. The applicant explained that suggested solutions as to how the shop front could be retained are unviable. The recommendation remains to refuse, as officers don't feel that the matter has been looked at in an exhaustive way, although the application before members tonight is better than the previous one, and includes more evidence.

Members will note from the blue update that Councillor Walklett is disappointed at the way these progressions have been discussed, but unfortunately cannot be at the meeting tonight. If Members are minded to follow the officer recommendation and refuse, JW has asked that they consider a deferral instead to the he can address the Committee next month.

### Public Speaking:

#### **Mr Burnett, applicant, in support**

Was under the impression that he and the officers were going to talk to address a compromise over what could be done, and also that enough information had been provided

to iron out the details. For the meeting today Cllr Ryder became aware application going back on Monday, but Cllr Walklett knew nothing about it then and talks with him never took place. Regarding 25 Bennington Street, this was a house until the 1930s, and as no permission has ever been given for it to be classed as commercial premises, it still is a house. Similar properties with shop fronts have been converted back into houses. The cost and implications of saving the shop window are disproportionate and unaffordable. Has been told that if this work is not done, the Council can move in and take the building over, but he and his family would like to see this matter addressed with a proper conclusion and the property becoming a house in the street scene. Notes other houses in the street have up-and-over doors, uPVC windows opening onto the streets. Will make sure the new windows will be up to specification – sliding sash windows made to a high standard of workmanship. Has tried to do everything right. Repeated that Cllr Walklett didn't know about the meetings taking place until Tuesday.

**Member debate:**

**BF:** having heard what Mr Burnett has said and read the blue update, thinks this application should be deferred. The recommendation is still to refuse, but if Cllr Walklett can attend further discussions between the applicant and officers, there is still the chance of a resolution which is suitable to both sides.

**CH:** has a couple of questions. Notes that what is left of the original shop window is not balanced and doesn't look quite right as part of it has already been taken out. If the window on the left side was the same size as the others on either side, would that require structural alterations to put build up the wall? This would seem a better way forward if possible, but if Members aren't minded to do this and to agree that the shop front can go, has some difficulty with the proposal. The windows in the houses on either side are bigger and off-set. If the shop front goes, the house in question ought to have a window which looks the same as its two neighbours.

**AM:** has looked at this application long and hard over a number of months and wonders how we have got to where we are today. If the move to defer fails, will move to approve. Has had enough of this application – the window may be of high merit and in a conservation area, but one-third of it has already been removed; uPVC windows are not ideal for Bennington Street, but would not be unique. Agrees with CH – it would be a better application if the proposed window matched those in the neighbouring houses – but does not consider that CBC has a strong argument to turn this application down.

**AC:** agrees with AM. The window has already been mutilated and is of little interest to anybody. It is out of place and inappropriate to a residential property – no-one wants a window like that in a bedroom. Will vote in support.

**HM:** if the application is deferred, is it possible to get a structural engineer's report to determine if there is any alternative solution? If Members are minded to approve, is it worth removing the shop window carefully and keeping it in The Wilson or somewhere similar?

**BF:** AM says CBC doesn't have a strong case to refuse but should remember that this case has already been to appeal and turned down. To ignore what a Planning Inspector has said could be dangerous.

**PT:** HM has said what she was going to say – doesn't see why the window cannot be removed and kept, with a note where it came from and what it looked like in situ, leaving Mr Burnett to complete the alterations to his residence. Would not want this bedroom in her bedroom or living room. Realises that KR will not be happy with this suggestion and have reasons why it would not be suitable.

**SW:** echoes HM and CH. Was originally in favour of keeping the shop front but this has already been altered, and we can only consider what it before us today. Realises the option

to install a window to match what is next door on both sides isn't on the table before us but asks this could be dealt with under delegated powers.

**DS:** is normally in favour of keeping and restoring buildings of historic interest but in this case, would favour a single window. Appreciates this would mean the loss of another shop front in the street, but this saga needs resolving - would support replacing the shop front at 25 Bennington Street with a single timber-framed window.

**MJC, in response:**

- to CH's question about finding a different way of keeping part of the window, is not a structural engineer so cannot put any suggestions forward. The idea of rebalancing the window in a different way raises the question of what officers are trying to preserve - not a new shop front but the retention of what is there now;
- it's true that a section of the original shop front has already been removed – this was approved to enable access to the apartment upstairs, and there was never any question of rebalancing the window;
- if Members give consent, officers would like some control over what window goes in – this would need to be good quality, with a suitably-sized aperture, and consistent with the street scene. Officers could work with the applicant to achieve this;
- to HM's suggestion that the window could be moved to The Wilson, this is out of planning officers' control, but removing the window without spoiling it would require careful thought, and a method statement for its removal and re-use. This would need to be discussed with the applicant, with those discussions reported back to the Chair and Vice-Chair if Members are so minded.

**KR, in response:**

- the officer report summarises all the issues well. Members need to keep in mind current legislation, the fact that the property is in a conservation area, and the appeal inspector's clear comments about the value of the shop front to the conservation area – it should be retained but altered to allow the conversion to two flats. These points have played an important part in her interpretation of the current proposal.

**PT:** has two questions. Regarding the lintel above the shop window, could this be removed safely in order to return the shopfront to a residential dwelling, as other houses in the street do not have as lintel? Also, if Members are minded to permit the application, will BF withdraw his move to defer?

**MJC, in response:**

- is not a builder or a structural engineer, but does not think it would be difficult to remove the lintel – there are other examples of this having been done around the town.

**BF:** does not want to withdraw his move to defer. There are still technical issues which need to be settled, and no structural report to support the applicant's comments. One extra month will not make a lot of difference.

**MB:** if a vote on a move to approve is lost, does this mean the application is refused?

**CL, in response:**

- There has been an express move to defer; if this is lost, a Member will have to move to permit or refuse as the officer recommendation. If a majority votes for a move to permit, permission is granted, if not permission is refused.

**Vote taken on BF's move to defer**

4 in support

9 in objection

**Motion lost**

**AM:** moves to permit.

**SW:** MJC has suggested that onus will be with the applicant regarding the size and design of the window if the application is approved.

**CL, in response:**

- suggests that the move should be to delegate approval, to allow conversations between officers and the applicant to take place, with final approval of condition wording agreed with the Chair and Vice-Chair.

**AM:** is proposing approval, with all relevant issues conditioned. A delegated approval leaves the situation in limbo again.

**MJC, in response:**

- Members would be voting to approve, leaving officers to resolve the issues and ultimately sign the application off with the Chair and Vice-Chair. All conditions will be crafted before the decision is issued.

**AM:** that was fine and would be acceptable

**Vote on AM's move to permit**

9 in support  
4 in objection  
**PERMIT**

Application Number:	<b>14/00298/FUL</b>
Location:	<b>25 Bennington Street, Cheltenham</b>
Proposal:	<b>Replacement sliding sash UPVC windows in first floor (front elevation) - RETROSPECTIVE APPLICATION</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>Officer comment on Cllr Walklett's concerns</b>

**Public Speaking:**

**Mr Burnett, applicant, in support**

Thanked Members for their previous decision – will work with MJC and the borough council to make the place as they want it. Is now seeking approval for the upstairs windows, which have been installed to a high standard, with bull-nose edges and set back with only half-an-inch of the frame showing. Could make the bottom windows the same, make them look like wood, and do whatever is needed to make the building look right. Notes that other UPVC windows in the street look bulky and open outwards, which is surprising as they should be sliding sash windows. The windows he has installed are of high quality and look right in the street scene.

**Member debate:**

**AM:** refers Members to his earlier comments. Is in favour of supporting this application, as what is installed is no different from any other windows in the street.

**AC:** agrees. These windows are the same as others and fit in well. Cannot see any reason to change them.

**PT:** moves to approve.

**SW:** doesn't agree with AM, in that these windows don't look like others in the street – they look more like traditional sash windows and it's only possible to tell that they are UPVC when up close. Would go with an approval.

**MJC, in response:**

- would just make the point that Members have approved the previous application for a timber sliding sash window downstairs and are now voting on UPVC windows upstairs in the same building. Members should be aware and bear this in mind.

**KS:** hasn't seen the windows, but thinks they should be the same – either all wood or all UPVC – as it wouldn't be right to have different windows top and bottom. This is a conservation area, and it would not look good on CBC. Planners ask people to jump through hoops when working on buildings in conservation areas and need to be consistent here. The previous application for a timber window has been approved; the upstairs windows look nice too, but the two sets of windows should be matching. We cannot allow two different types of window on one building – otherwise, what is the point of having a conservation area?

**CH:** as a carpenter, would prefer to see wood windows in these circumstances, but looking down this street, which he knows well, notes that these UPVC windows look good. We have to be pragmatic here. There are some ghastly windows along the street, but to insist that one is all-timber is a strange decision. Doesn't like UPVC windows but some are better than others and these are OK.

**KR, in response:**

- it is worth remembering that the original application was for the conversion of a part commercial, part residential building into two flats, and one of the conditions was that windows should be timber. The applicant chose to ignore this and install UPVC, which is why this application is here now. In a conservation area, we need to consider the heritage of the area, and shouldn't forget that these are unauthorised UPVC windows.

**DS:** referring to the previous comment, wants to see authentic windows, rather than a mish-mash of UPVC upstairs and timber downstairs. If the UPVC windows are refused today, suggests delegating the decision for timber windows to avoid the need for the applicant to come back to committee.

**MJC, in response:**

- the applicant already has permission for timber windows upstairs – this was a condition of the original planning application – and to revert to this would not need planning permission.

**MB:** if the decision is delegated to the Chair and Vice-Chair, can this be made to include a change of materials for the downstairs window?

**MJC, in response:**

- as these are two separate applications and each must be considered on its own merits – the two must not be blurred. If permission for this application is refused, the applicant will have to consider how to progress from here. The previous application cannot be reconsidered;
- Members are being asked to consider whether or not the applicant should be allowed to retain the UPVC windows. Officer recommendation is to refuse.

**KS:** wasn't at the previous meeting when these applications were discussed. Why are there two applications for one house? It would be easier to understand if treated holistically.

**MJC, in response:**

- the applications are separate because that is how the applicant made them. Officers cannot require an applicant to make one comprehensive application;
- this was done in anticipation of two different decisions. CBC cannot issue split decisions. This is what has confused the issues.

**Vote taken on PT's move to permit**

6 in support

7 in objection (including Chair's casting vote)

1 abstention

**REFUSE**

**123. 13/02174/FUL 86 Cirencester Road**

Application Number: **13/02174/FUL**

Location: **86 Cirencester Road, Charlton Kings, Cheltenham**

Proposal: **Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)**

Consideration of this application was **DEFERRED** and carried over to a future meeting.

**124. 14/00311/CONDIT Hunting Butts Farm, Swindon Lane**

Application Number: **14/00311/CONDIT**

Location: **Hunting Butts Farm, Swindon Lane, Cheltenham**

Proposal: **Removal of condition (b) on Application Reference Number: 88T/5657/01/02, dated 15/06/1988, to allow the five B & B units to be occupied for permanent residential occupation**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **0** Update Report: **Officer comments; recommended condition**

**MJC** introduced the application as above, explaining that the original 1988 planning application for five bed and breakfast units included a condition to prevent sole residential occupancy. This application is at committee due to an objection from the parish council, which is included in the report. The officer recommendation is to permit.

**Public Speaking:**

There was none.

**Member debate:**

**BF:** is perturbed by this. We are being asked to remove a condition, but there is no evidence as to why the condition was included in the first place, and it shouldn't be removed without a good reason why. At the time of the original application, there were surplus farm buildings, and owners were encouraged to use them to boost employment and tourism – holiday lets encompasses both these things which, as a private dwelling, will be lost. We need tourism and employment in the town, and five bed and breakfast units generates both. Also, there is nothing in the report about access for dustbin lorries – Ubico staff will not drag bins more than 9m to be emptied – and this could become a problem. The buildings are described as 'redundant farm buildings' but this is still called a farm, and if the agricultural land is sold in the future, it could become active again. If this dwelling is in separate ownership, it could be a cause for concern. Is also concerned that this site is in the green belt, and we have already fought an application to build on Hunting Butts Farm. This is a back-door application to get a dwelling in the green belt. The update suggests a condition to remove permitted development rights, but a planning application to expand the property could follow. Does not consider good enough reasons have been put forward to remove the condition, and believes that this property in the green belt should remain as holiday lets.

**MJC, in response:**

- could also flip this to say that the reason for the condition as stated in the 1988 planning permission could have been a lot stronger. At the recent training session, members were told about the tests the conditions have to follow;
- regarding bin collection, the current use as holiday lets already creates waste which has to be disposed of in a suitable manner. This scenario will be no different with the change of use;
- regarding the potential of the land coming back to farming use, yes this is possible though unlikely. The current government position regarding agricultural buildings, allowing barns to be converted into dwellings without planning permission, so to refuse on these grounds would not carry much weight at an appeal.

**AM:** a point of clarification – the application is to turn five bed and breakfast units into one residential dwelling, and the description refers to the main farm house. Does the current application just refer to the stable block?

**MJC, in response:**

- yes, the application relates specifically to the building which houses the five bed and breakfast units. The rest of the complex will remain in current use.

**BF:** there are other holiday lets in the parish, at Home Farm, Deep Street, and Gravel Pit Lane, which could almost become a housing estate. Has great concern that in allowing this to happen, we are letting people acquire houses in the green belt through the back door. Why is there no record of why the condition was included in the first place? We should keep better records.

**CH:** there are no alterations proposed for the buildings here, and if people want to live in a redundant chicken farm without alterations, will watch with interest.

**Vote on officer recommendation to permit**

12 in support

1 in objection

**PERMIT**

**125. 14/00395/FUL 39 Keynsham Street**

Application Number:	<b>14/00395/FUL</b>
Location:	<b>39 Keynsham Street, Cheltenham</b>
Proposal:	<b>Proposed erection of single storey 2 bedroomed dwelling to rear of 39 Keynsham Street</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>8</b>
Update Report:	<b>None</b>

**EP** said the proposed dwelling will have a single access between Keynsham Street and Hales Road. Previous issues with the design have been resolved, there are no amenity or highways issues, and the recommendation is to approve.

**Public Speaking:****Mr Iles, applicant, in support**

Introduced himself to Members as the owner of the property in Keynsham Street – it was left to him by his father in 2010 and has been in the family since 1960. All the family live and work locally. Welcomes the positive recommendation for approval from officers, and notes a



common thread from objectors, that it will set an unwelcome precedent and be the thin end of the wedge, that he owns other property in the street, and is likely to renovate and rent this out. In fact, has no intention of putting in any further planning applications. Originally considered two dwellings on the site, but realised this would be too much and withdrew the application. Has revised the plans over six months, and has the approval of the Architects' Panel and Civic Society. Would not have done this if he was a greedy developer, out to maximise profits. Has worked with an architect and planning consultant to create a sympathetic, modest dwelling. This will not be the first house to be proposed on green land in Keynsham Street – the first was erected in 2006, has not been controversial, and in eight years has created no adverse impact on road safety. His proposal will not mean any change to the level of vehicular access, and there are no highways objections. The lane is tight but it's possible for two cars to pass. It's true that refuse lorries don't enter the lane and residents of the new dwelling would have to take their bins to the end of the lane, but this happens already, here and elsewhere in town.

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

This application was originally for two houses, but has been reduced in number, improved in design, and he has no objection to it in principle. However, is concerned about the unadopted road. A similar application was approved at Victoria Terrace, but there the road was tarmac'd over and looked normal. This is a narrow dirt track, near Hales Road traffic lights. There is already one house there, and the question could be asked as to whether one more will make a lot of difference - the judgement must be based on what the tipping point might be. The road is mainly used by residents of Hales Road to access the backs of the properties. The biggest concern is refuse collection. It may only be one more house but what is the tipping point? Rubbish bins will have to be dragged to the corner and left on the public highway. There are also three flats at the back of London Road which access on to the same lane, and also need to drag their rubbish to the corner. Said again that one more house might not make a lot of difference, but could be the tipping point, and, having spoken to Rob Bell at Ubico, there are many examples of this around the town.

### **Member debate:**

**KS:** has a bit of a problem with this proposal – not with the dwelling itself, but the fact that all the impact will be on the neighbours, regarding parking etc. Sees it as a bit like trying to get a camel through the eye of a needle. The lane is in bad condition and quite rough, and it will be quite a long walk to the junction with Hales Road, to drag a wheelie bin and recycling boxes. This is a town centre location, but there is no street lighting, and it should be more accessible. The proposed dwelling is a bungalow, likely to be lived in by older people, which makes this even more difficult. Regarding traffic, there are always a lot of vehicles travelling north to south along Hales Road, and the traffic lights are busy at all times – it isn't easy to turn right and there is always traffic coming from the left, with no pedestrian crossing. Is concerned this proposal might be a step too far, and doesn't consider this the right location for this type of development – which is the golden rule for approval.

**SW:** also has a few problems with this application. The applicant said he has heard people's comments about this being the 'thin end of the wedge' and said that they don't need to worry. Further applications might or might not come in, but not for consideration at this time. Is concerned future residents may not be able to get their dustbins out – if so, should it be a decision for Planning Committee to allow an extra house to be built? If the application was for two houses, the decision would be a lot more straightforward. The road already exists but is poor quality, with access for motor vehicles. People will have to take their bins out – should this affect members' decision tonight?

**PH:** residents are also concerned about access for emergency vehicles. Knows that ambulances can access far worse roads in the countryside so does not think this would be a problem, but is not so sure about fire engines. Has access been established for this?

**CH:** in view of Councillor Jordan's comments, if Members are minded to approve the application, can officers do anything to assess what level of occupation of the lane is acceptable, to allay neighbours' fears? To be honest, does not see one extra dwelling as a problem and is minded to approve. Regarding emergency services, sometimes it's not possible to get the tender close to a house, but there are other facilities which can be used in this situation – but thinks a fire engine could get down the lane if needed.

**BF:** following on from PH's comments, it would be useful to know the width of the lane. If the proposal is permitted, there will also be construction traffic to contend with, and although this will only be for a short period of time, it could cause mayhem in the area. A property being built in Hatherley Road has led to vehicles parked on the pavements and illegally on the road. If contractors' vehicles use the back lane at Keynsham Street, it could all be quite a muddle for a number of months.

**EP, in response:**

- regarding emergency vehicles, officers always consult on this type of application, and they will have given consideration to this. They have raised no objections in this instance;
- to CH's comments about officers' view on the future capacity of the lane, this would not be required as part of the application, but officers can speak to Highways officers to see if they have a view for future reference;
- regarding construction traffic, a construction method statement can be conditioned if Members want it. The issue needs some thought but isn't insurmountable;
- in response to BF's comment, the width of the lane is 4.5m.

**Vote on officer recommendation to permit**

9 in support  
3 in objection  
1 abstention

**PERMIT**

**126. 14/00415/FUL Devonshire House, Wellington Road**

Application Number:	<b>14/00415/FUL &amp; LBC</b>
Location:	<b>Devonshire House, Wellington Road, Cheltenham</b>
Proposal:	<b>Part demolition of existing outbuildings and rebuilding to provide garaging/workshop/bike store with new ancillary living accommodation at first floor</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit/grant</b>
Committee Decision:	<b>Permit/grant</b>
Letters of Rep:	<b>14</b>
Update Report:	<b>Suggested conditions</b>

**Councillor Lillywhite declared a personal and prejudicial interest and left the Chamber during this debate.**

**MJC** introduced the application for planning permission and listed building consent as above – garage at ground floor, with ancillary living accommodation above. It is at Committee at the request of Councillor Prince, due to concerns about the impact on the conservation area, the effect on neighbouring amenity, and highways concerns. Officer recommendation is to permit/grant.

**Public Speaking:****Mr John Cooper, neighbour, in objection**

Has lived in the property next door for 11 years, and is speaking in objection to this application to turn a garage workshop into two-storey living accommodation. There have been nine objections from neighbours, for whom this is the last chance to stop the construction of a modern building at the bottom of a garden in a conservation area, within the curtilage of a listed building, and adjacent to the house originally built by Joseph Pitt – Pittville House. There was a similar application ten or 11 years ago, which was recommended for refusal and subsequently withdrawn, with the heritage and conservation officer describing it as a pivotal heritage site and highly sensitive. The heritage and conservation officer now describes the application site as private and discreet. The objections from neighbours have not been heard. His family is unclear as to whether the 6m high building will overlook his kitchen, deck, daughter's bedroom and guest bedroom – the plans do not make this clear and further information is required. Neighbours feel that officers have not listened to their comments, and neighbours cannot understand the u-turn from the conservation and heritage officer, concerning this prominent dwelling in the Pittville Estate. From a common sense point of view, it seems likely that this 1950s garage on a back wall is likely to be turned into a residential dwelling via a back door route.

**Ms Lisa Shortland, applicant, in support**

Thanked officers for their hard work and prolonged discussions resulting in the recommendation to grant permission. Has lived at Devonshire House since 1999 and spent 15 years lovingly restoring the neglected building. On site visit, Members will have seen that the house and gardens have been meticulously renovated and maintained to a high standard. It is disappointing that some people have suggested that this proposal will have a negative impact on the conservation area, as they have sought professional advice at every stage, using an historical consultant to research the grounds and building, and working with CBC's conservation officer and planning officers to design an attractive brick-built coach house and garage which will maintain the integrity of the original vision for the house and grounds, as confirmed by council officers and the Architects' Panel. Have aimed to restore the setting of Devonshire House in keeping with its historical origins. Views down Pittville Mews are over car parking, a blank wall, and a modern five-storey development. Recent landscaping and tree planting, and hopefully the reinstatement of the coach house, will improve the outlook not only for residents of Devonshire House but also for other residents in the area, as well as restoring some of the privacy lost when recent developments were built, and create parking, storage and ancillary accommodation, not impacting on the privacy or light of others, and removing parked cars from within and around the grounds. Whilst appreciating the neighbours' concerns, have been mindful of their desire for privacy and light and will happily accept any reasonable conditions to protect this amenity in the future. Regarding earlier comments about a u-turn in advice, this is not the case, and hopes that Members will permit a thoroughly researched and professionally supported proposal.

**Councillor Prince, in objection**

Notes that the consultant employed by the applicant has had a complete change of view – when employed by CBC, vigorously opposed a similar development on this site, and questions why her opinion has changed so much. Also notes that opinions in the report of the Conservation Officer are completely different from those given for the earlier proposal – CBC's conservation policy has not been weakened since then so how can these views change so dramatically? Considers this two-storey building will have a dramatic effect: the view from Pittville House will be lost, with residents looking out on a blank two-storey wall; no consideration has been given to local residents; the effect will be overbearing. Would have no objection if the application was simply to restore the current buildings, but the proposed two-storey building will impact heavily on the area. Officers have asked the applicants to remove the window overlooking the town house – questions why, despite this not being done, the recommendation remains to permit, and wonders if the reason why the applicants do not want to remove this window is because of potential future residential use. If Planning Committee wants to permit this application, asks that two conditions are included: firstly,

that the window overlooking the town house is removed, and secondly, that residential use will not be permitted.

**Member debate:**

**SW:** for clarification, can officers explain which windows are considered to give rise to overlooking?

**PT:** is puzzled. Looking at the existing buildings, notes that the garages have up-and-over doors to access the road, which is much more friendly. This design shows double doors opening at both ends, and thus encroaching on the road, and the drawings show where yellow lines will run close to the garages.

**AC:** was going to say the same. The open doors will obstruct the building next door. Had been going to vote against this application after reading the papers, but after seeing the site on planning view felt it will be OK – but would like to see a change to the garage doors.

**MJC, in response:**

- to SW, the windows in question are rooflights on the north elevation – side on to the rear of Pittville House gardens. There is a condition in the update requiring a sill height of 1.7m, which would prevent outward view downwards. There is also a suggested condition that the building should only be used for purposes ancillary to Devonshire House;
- regarding the garage doors, this is difficult. Would expect for them to open vertically as proposed but this could be conditioned if Members want.

**KR, in response:**

- to the comments that conservation advice has changed from the previous application 10 years ago, her predecessor referred to Devonshire House itself as a highly sensitive pivotal heritage site in its corner plot, and she would agree with this. She referred to the new building at the back of the house as being private and discreet, not the house itself;
- Members have made valid comments about the garage doors. Traditional garage doors open outwards, but as MJC has said, a condition can be included to require up and over doors if this is what Members want.

**SW:** for clarity – was not on planning view – do the doors open on to the highway?

**KR, in response:**

- yes, they do.

**CH:** garage doors are only opened when someone is going in or out, and if they are in somebody's way, they would be shut. It is unlikely that they would be left open for long periods of time as the owners will want to protect what is in the garage and therefore keep them shut. Two outward-opening doors are more traditional than tracked ones, and if they idea is to be sympathetic to the buildings that might have existed here in the past, the current drawings are right.

**PT:** it's all very well going back in time, to when there would have been horses and carts in the coach houses, but looking at the illustration, it appears that the doors open so widely that they will impinge on the neighbour's gate. Up-and-over doors will give a better look to the whole area. If going down the traditional route, there should be no yellow lines, cobbled streets etc. If we are allowing a modern building in the curtilage of an historic one, it should be as simple as possible.

**DS:** cannot see why Members are getting so hung up on the doors. The residents will want to keep them closed, to protect what is in the garage.

**HM:** tracked doors would be an improvement. The existing single storey garage will be brought forward to line up with other garages, and if doors are open, they will impinge on the gate to Pittville House. For one reason or another, people often leave their garage doors open at times.

**PH:** did a quick arms' length measurement on planning view, which clearly demonstrated to AC and PT that the garage doors would impact on the gates of Pittville House. Up-and-over or tracked doors are the sensible option.

**AC:** agrees. In addition, these sort of doors can be operated remotely, allowing the residents to drive up and get away quicker, thus causing less obstruction.

**MJC, in response:**

- if Members are minded to approve, and condition regarding garage doors can be worked out and agreed with the Chair and Vice-Chair before the permission is issued.

**CH:** tracked doors or bi-fold doors would be OK, but objects to up-and-over doors – they are hideous and would spoil the character of the area.

**GB:** officers have got the gist of Members' feelings about the garage doors.

**Vote on officer recommendation to permit, with additional condition re garage doors as discussed**

12 in support – unanimous

**PERMIT**

**127. 14/00523/FUL Gallagher Retail Park, Tewkesbury Road**

Application Number:	<b>14/00523/FUL</b>
Location:	<b>Gallagher Retail Park, Tewkesbury Road, Cheltenham</b>
Proposal:	<b>Proposed erection of retail warehouse unit on car parking adjacent to Unit K Gallagher Retail Park</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**EP** introduced the application as above, adding that it is for use by Majestic Wine. A retail consultant has confirmed that there will be no adverse affect on the town centre, and there are no highways objections. The application is at committee due to an objection from the parish council.

**Public Speaking:**

There was none.

**Member debate:**

**BF:** welcomes the application, but would like a condition included requiring a contribution to the TRO on Manor Road, where the 60mph speed limit and parking restrictions has impacted on Manor Road and Hayden Road, with Jaguar workers parking on Hayden Road. The TRO will cost £5k, and a contribution should be conditioned.

**EP, in response:**

- a contribution such as this would have to be required through S106 and it would need to be proved necessary to mitigate harm. Highways officers do not identify any harm, and therefore there are no grounds to require such a contribution.

**BF:** Highways officers are wrong. They are aware of the impact the scheme is having, and have made a mistake. This new retail unit will attract more people. In is favour of the proposal but wants to do it properly.

**EP, in response:**

- if the condition BF wants is attached to the decision and the applicant goes to appeal, CBC would be severely criticised for attaching such a condition with no grounds.

**BF:** all conditions are appealable. This is much needed, and £5k isn't much for a development on this scale.

**CL, in response:**

- is very dubious about requiring such a contribution. It would have to be through an S106 agreement, and this would have to be delegated. If the applicant goes to appeal, and there is no evidence of any potential highways issues, costs against CBC could be awarded;
- also, if BF wants to add the condition against officer advice, in order to avoid a potential situation where, under protocol, a majority of Members are opposed to the condition but otherwise support the application, and a vote against the recommendation *with* the condition would result in the application being refused, BF must move to amend the officer recommendation with the addition of this condition. A separate vote can be taken on that first.

**PT:** is it possible to include in the recommendation that the issue of a TRO is explored – to leave the gate open, and allow the issue to be looked at behind the scene after the vote?

**KS:** has sympathy with BF's comments but thinks it unfair on the applicant to impose this condition. Would ask, however, that officers to take note of these concerns when considering the Local Plan. This area is very different from ten years ago – a thriving trading estate – but there are issues with the road network which need to be looked at strategically.

**Vote on BF's suggested amendment – inclusion of a condition requiring a contribution to TRO**

1 in support  
11 in objection  
1 abstention

**MOTION LOST****Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT****128. 14/00530/FUL 282 London Road**

Application Number:	<b>14/00530/FUL</b>
Location:	<b>282 London Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Demolition of existing dwelling and erection of two new dwellings</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>None</b>

**EP** described the application, reminding Members that they refused an application for two dwellings at this site two months ago, primarily because they did not like the flat-roofed design. The applicant has now altered this to a pitched roof design, which is acceptable to officers. The application is at Committee due to an objection from the parish council.

**Public Speaking:**

**Mr Gavin Hill, neighbour, in objection**

Lives next door to the application site. This is the third application for two dwellings of contemporary architecture on this site, which lies in the Cudnall Street Conservation Area. The first was withdrawn due to overwhelming objection to its contemporary design; the second was refused by Committee in March. The refusal reason stated that, while the Cudnall Street Conservation Area is generally characterised by traditional dwellings with pitched roofs, and the existing building contributes towards this character and makes a positive contribution, the proposed houses, by reason of design and roof form, would be incongruous and failed to preserve or enhance the character of the conservation area, contrary to Local Plan policies BE3 and CP7. This gives a very clear steer on what is acceptable and what not, but the applicant chose to ignore the refusal reason, added mono-pitched roofs to the design and made a new application four working days after the previous one was refused – a sign of naivety or arrogance. As one Member pointed out at the last committee meeting, this type of design would be more suited to the Costa del Sol. Tellingly, the Heritage and Conservation Officer supported the previous application but recommends refusal of this one. Has no objection in principle to the demolition of the existing dwelling and erection of two new ones, as the site can accommodate these, but he and his neighbours strongly object to the contemporary architecture proposed. Generally likes contemporary architecture provided it is coherent, sits well in its setting and adds to it, but this application does none of these things. The previous refusal reason is equally relevant here. Urges Members to refuse the application on grounds of inappropriate design within the local context.

**Member debate:**

**KS:** to her, the houses look a bit like angry frowning faces, though realises that this is in the eye of of the beholder. Said at the previous meeting the flat-roofed dwellings were not appropriate here and were more suited to a Mediterranean setting than to our wet climate, but was not anticipating the pitched roofs as presented now, which are an insult to the intelligence. This is very disappointing; is not happy to support this application.

**HM:** was not at the March meeting, but looked at the minutes and at the refusal reason and notes that the flat-roofed design was considered inappropriate. Also noted the Conservation officer's concern about the view from Ryeworth Road - the dwellings would be visible 2m above the hedge. This proposal is worse – the dwellings will be visible 3.3m above the hedge. As this was not discussed at the March meeting and refusal on these grounds cannot therefore be proposed, will abstain from the vote.

**BF:** the Conservation Officer's recommendation is to refuse, and Members should follow this advice. Regardless of the hedge, most of the previous refusal reasons still apply. Is not against development of this site, but not what is proposed.

**SW:** was very concerned about the flat roof, and would like to have seen an ordinary pitched roof rather than what is being offered now. Although the corner is quite concealed, the proposed dwellings will not make a great view; would like to see a more traditional house, but has little to put forward as a strong refusal reason.

**PH:** at the last meeting, felt she could support the application – it had merit, and being built on ground much lower than Cudnall Street, very little of it was on show. HM has made an important point, and the proposed roof has exceeded Members' demand for a proper roof –

it doesn't do much for the design of the dwelling or for the site. Will find it difficult to refuse or support this application, so will probably abstain.

**KS:** moves to refuse, based on comments from the Conservation Officer. Was not happy with the flat roof, but was not anticipating this 'angry person' on the corner. The houses need to be shorter if pitched roofs are added. This is not acceptable.

**EP, in response:**

- Members are clearly concerned with the design and taking the previous scheme into account. They should not feel tied by this, and should consider the current scheme afresh, looking at it in its own right;
- if Members are minded to refuse, it is always helpful if they can identify the specific harm they consider it will do.

**PT:** this is a Catch 22 situation. If the application is refused on design, we should say that this is a secluded, attractive corner of the conservation area and these two houses don't fit – proposals can be refused if they don't complement the existing dwellings. Is unhappy that the developer has simply slapped two roofs on the previous design, without giving real consideration to what Members wanted – they are trying to do what is best for the town, yet these dwellings will stick out like a sore thumb. It's true that only a few people will see it, but this doesn't matter – it should still complement the area.

**BF:** the officer has asked for reasons to refuse – all the Conservation Officer's comments are valid here, and also comments made by KS.

**KR, in response:**

- following on from what PT has said, if this application is refused and goes to appeal, how the refusal reason is worded will be critical. The NPPF states that local planning policy and decisions shouldn't impose or stifle certain styles, and should promote local distinctiveness. Keeping this in mind, a refusal based on KR's reasons as set out in the report should be OK and in line with the NPPF.

**HM:** in response to the question of what the harm of this proposal would be, the Conservation Officer's comments say it all.

**EP, in response:**

- if Members want to refuse on the grounds set out in the report by the Conservation Officer, they must be sure to have read the comments preceding her conclusions to make sure they agree with the comments leading to her recommendation.

**Vote on KS's move to refuse on grounds set out by KR in officer report (NPPF, PPS5, CP7 and GE2)**

12 in support

1 abstention

**REFUSE**

**129. 14/00554/FUL 82 Little Herberts Road**

Application Number:	<b>14/00554/FUL</b>
Location:	<b>82 Little Herberts Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Proposed two storey side and single storey rear extension (Following demolition of existing single storey side extensions).</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>



Letters of Rep: <b>1</b>	Update Report: <b>None</b>
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**CS** described the application as above. It is at Committee due to an objection from the parish council. Officer recommendation is to approve.

**Public speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

**130. 14/00660/FUL 16 Greenhills Road**

Application Number:	<b>14/00660/FUL</b>
Location:	<b>16 Greenhills Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>8</b>
Update Report:	<b>None</b>

**MJC** introduced the application, which is at Committee due to a parish council objection as set out in the report. Officer recommendation is to approve, and Members are reminded that they approved a similar application on an adjacent site a few months ago.

**Public Speaking:**

**Mr David Jones, agent, in support**

Is speaking on behalf of the applicant, and this application follows the committee's approval of similar proposal at 17 Greenhills Road in October last year. Officers concluded that that development complied with local and national planning policy, and nothing has changed since that permission was granted, making it a compelling recent precedent. The scheme has been amended in line with the officer's comments and those of the Architects' Panel and is before Members with a clear and unequivocal officer recommendation to approve.

Regarding the neighbour objections: the principle of development in rear gardens in this area has been clearly established with backland developments at Haymens Close, Charlton Gardens and 17 Greenhills Road; there is no common theme to existing development in the area, regarding styles and materials, so this proposal cannot be said to be out of keeping, backed up by Paragraph 60 of the NPPF; the proposal is not too large or high – in fact it is lower in height than the permitted scheme next door, and the floor area is comparable and urban grain consistent with developments already permitted in the area; regarding any impact on privacy, the scheme has been designed to ensure that no overlooking takes place, is 32m away from its nearest neighbour (the nationally recognised window-to-window separation is 21m), and properties backing on to the site have gardens over 50m long; and finally there have been no highways objections and the access has been designed to match that at 17 Greenhills Road. In summary, the NPPF, Local Plan and Garden Land SPD do not seek to prevent appropriate development on garden sites, and the NPPF includes a presumption in favour of sustainable development. This is sustainable development, and compliant with local and national planning policy.

**Member debate:**

**PH:** is the local borough councillor and notes that there have been many comments from concerned local residents, all well-researched and including a wealth of detail to support their cases and urge us to consider them and the Development on Garden Land SPD. Policy CP7(c) clearly states that any new building should complement local development. At the previous meeting about the proposal next door, it was identified that since 2002 there has been a ribbon of development in this area, and the principle of building here has been established and may continue, which means that Policy CP7(c) is all that is left for neighbours to comment on. The report states that a contemporary approach must be considered appropriate. As the local councillor, is concerned about this, and would like to see the application refused.

**MJC, in response:**

- the comment in the officer report has been taken out of context, although he understands Members' frustration here. We have already heard comments from the NPPF about not stifling innovation or imposing architectural styles; there are many different styles in Greenhills Road. If the scale, massing and footprint are right, architecture is a secondary consideration – which is why the report states that this proposal is acceptable;
- there is no defined architectural style in the area, and neither is it a conservation area, so the comment in the officer report is fair;
- neighbours' concerns have been considered and the scheme amended in response to them, so the consultation process was clearly worthwhile.

**BF:** it's a shame when siting and mass makes architecture irrelevant – that's how we ended up with 60s tower blocks.

**KS:** believes MJC's comments hit the nail on the head – the concern is that these houses are being proposed in back gardens where one would expect there to be some subserviency – could they be tweaked a bit to allow this? A holistic view of this area needs to be taken – maybe a masterplan, allowing no more than two properties per driveway? Traffic speed and volume is a real problem to the local community. This proposal is too big and dominant for a back garden development, and refusal reasons could be based around its scale, bulk and mass rather than its design.

**GB:** is KS moving to refuse?

**KS:** yes, though not sure whether CP4 or CP7 is a more appropriate refusal reason.

**PH:** we should be able to use CP7 – the existing houses along the road are all traditional but the proposal is not, and therefore contravenes CP7. If the application Members considered earlier was considered inappropriate in Cudnall Street, this is worse as it is much more out in the open.

**MJC, in response:**

- needs a bit more assistance in forming refusal reasons. KS's analysis is helpful but the substantive issue is the grain of the area. There is helpful advice in the SPD regarding the hierarchy of an area – the existing dwelling achieves this, the proposed dwelling does not;
- considers that refusal on CP7 Could be appropriate, though in this situation, it would not be entirely advisable to major focus on architecture due to the variety in the area;
- between KS and PH, there is the makings of a refusal reason, although officer recommendation is to approve.

**PH:** KS's comment about the proposal needing to be subservient is very important – it is not subservient.

**Vote taken on KS's move to refuse on CP7 and the SPD**

5 in support  
 4 in objection  
 4 abstentions  
**REFUSE**

**131. 14/00681/FUL 1 Malvern House, Malvern Street**

Application Number:	<b>14/00681/FUL</b>
Location:	<b>1 Malvern House, Malvern Street, Cheltenham</b>
Proposal:	<b>Proposed dropped kerb to the side of 1 and 2 Malvern House, Malvern Street</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**Cllr Hay declared a personal and prejudicial interest and left the Chamber during this debate.**

**MJC** described the application, which has been made to aid bin collection by Ubico. It is at Committee because CBC is the applicant. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**AC:** who will pay for this to be done? The tax payer?

**GB:** that is not a planning consideration and officers cannot advise on it.

**Vote on officer recommendation to permit**

11 in support  
 0 in objection  
 1 abstention  
**PERMIT**

**132. 14/00736/FUL The Council Depot, Swindon Road**

Application Number:	<b>14/00736/FUL</b>
Location:	<b>The Council Depot, Swindon Road ,Cheltenham</b>
Proposal:	<b>Proposed installation of variable refrigerant volume (VRV) system to provide air-conditioning to CBH offices at Central Depot Site</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**Cllr Hay declared a personal and prejudicial interest and remained out of the Chamber during this debate.**

**CS** introduced the proposal, which will be installed at the back of the building. It is at Committee because CBC is the applicant.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

**133. 14/00880/TPO and 14/00975/CONF Unit 3, Naunton Park Industrial Estate, Churchill Road**

Application Number:	<b>14/00880/TPO</b>		
Location:	<b>Unit 3 Naunton Park Industrial Estate Churchill Road</b>		
Proposal:	<b>Ash to rear of unit - fell</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Refuse</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>5 + petition</b>	Update	<b>Additional representation</b>
		Report:	

Application Number:	<b>14/00975/CONF</b>		
Location:	<b>Unit 3, Naunton Park Industrial Estate ,Churchill Road</b>		
Proposal:	<b>Confirmation of Tree Preservation Order 14/00720/TREEPO; Twin-stemmed ash on north west boundary with 37 Asquith Road</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Order is Confirmed</b>		
Committee Decision:	<b>Order is Confirmed</b>		
Letters of Rep:	<b>2</b>	Update Report:	<b>None</b>

**LM** explained that these two applications would be considered together as they are linked. The applicant applied to fell the tree; the Tree Section considers it worth protecting so wish to confirm the preservation order. The recommendation is therefore to refuse the application to fell the tree and confirm the TPO. If Members don't agree, they can vote to permit the felling of the tree and not confirm the TPO.

**Public Speaking:**

None.

**Member debate:**

**KS:** wholeheartedly supports the officer recommendation. This tree is very important to residents in the area, who do not want to lose it.

**GB:** as ward councillor, fully endorses these comments from the chair.

**CH:** notes that the tree has been hacked about a bit and looks a mess now. Presumes that it will be tidied up, and the branches will be vertical.

**Vote on officer recommendation to refuse felling of the ash and confirm order**

13 in support – unanimous

**REFUSE FELLING OF THE ASH AND ORDER IS CONFIRMED**

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

**6. Any other business**

There was none.

The meeting ended at 8.40pm.

Chairman

The meeting concluded at Time Not Specified