

Planning Committee

6.00 pm, 20 November 2014

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Andrew McKinlay
Councillor Jacky Fletcher (Vice-Chair)	Councillor Klara Sudbury
Councillor Paul Baker	Councillor Pat Thornton
Councillor Matt Babbage	Councillor Malcolm Stennett
Councillor Diggory Seacome	Councillor Chris Coleman (Reserve)
Councillor Bernard Fisher	Councillor Chris Nelson (Reserve)
Councillor Helena McCloskey	

Officers in attendance

Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Emma Pickernell, Planning Officer (EP)
 Chloe Smart, Planning Officer (CS)
 Ben Hawkes, Planning Officer (BH)
 Cheryl Lester, Legal Officer (CL)

59. Apologies

Councillors Chard, Glucas and Colin Hay.

60. Declarations of Interest

There were none.

61. Declarations of independent site visits

14/01612/OUT Land off Harp Hill

Councillor Fisher looked at this site briefly, including a walk down the drive.

14/01667/FUL 331 Hatherley Road

Councillors Sudbury and Baker both looked at this site from outside.

Members present on Planning View: Councillors Babbage, Barnes, McCloskey, Seacome, Stennett, Thornton, Coleman and Nelson.

62. Public Questions

There were none.

63. Minutes of last meeting

Resolved, that the minutes of the meeting held on 23rd October 2014 be approved and signed as a correct record *without* corrections.

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

65. 14/01317/REM Christ College, Arle Road

Application Number:	14/01317/REM
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Location:	Christ College, Arle Road, Cheltenham		
Proposal:	Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.		
View:	Yes		
Members present for debate:	13		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	9	Update Report:	Officer update re affordable housing contribution

EP introduced the reserved matters application, which follows approval of the outline application at the beginning of the year (considered by Planning Committee August 2013). The outline established the principle of residential development on this former school site, with all matters other than access reserved for future consideration. The same access is indicated in the REM application, with the outstanding matters of appearance, lay-out, landscaping and scale now up for approval. The outline was indicatively proposed for 85 dwellings; following extensive negotiation with the applicant and agent, 90 x two, three and four-bedded houses are now being applied for, which officers consider acceptable. There have been two report updates concerning affordable housing and contributions; the first explaining the clauses, and the second setting out that the applicant has agreed to provide an additional affordable unit, bringing the number up to 18 which equates with the 20% affordable agreed at the outline stage. The recommendation is to approve.

Public Speaking:

Philip Court, Technical Director for Taylor Wimpey Bristol, in support

The reserved matters application is for 90 new family homes with private gardens, together with roads, parking and landscaping. A public consultation was held in June 2013, the feedback was carefully considered, and adjustments were made to the scheme as a result of comments made. The main change was to the properties at the front: the 2.5-storey houses have been reduced to two-storey, to improve the frontage to Arle Road. Of those who responded to the consultation, three were strongly in favour of the scheme, 16 in favour, and three undecided.

The development will provide 18 much-needed affordable housing units, family homes which will be pepper-potted throughout the site and be tenure-blind. Under the terms of the S106 agreement, 17 affordable units were required, which is below the 20% originally required, but Taylor Wimpey has agreed to provide an extra unit.

There will be two parking spaces per dwelling, as well as additional non-allocated visitor spaces; this was influenced by comments made in the public consultation and concerns of residents. The development will enhance Arle Road, and include open space, trees, play areas and wide streets. The developers have engaged positively with the public and with officers to develop the proposal to the scheme before Members today.

Councillor Rawson, as local ward member

There is a lot which is positive about this proposal: officers have worked hard to improve on the outline version; the developers have engaged with local people and taken notice of their comments; the principle of development of this site for housing is acceptable. However, as ward member, there are still a few areas of concern.

An early aim was to ensure that the development fitted in with the existing character of Arle Road, and this has been partly achieved due to the effort of officers – the properties facing Arle Road are now more in character with others around than at the outline stage. However, this has not been fully achieved within the site, where a number of 2.5- and 3-storey houses are proposed. The report states that this is a compromise and is acceptable – but it should surely be better than ‘acceptable’ on a site of this importance.

Notes that 140 parking spaces and 61 garages are provided, but this will only be OK if the garages are big enough to be used for parking cars. There are examples around the town, such as in St Peter's ward, where garages are not big enough to accommodate normal-sized modern cars. Also, in Market Street, this has led to parking problems with overspill to neighbouring roads. We need to do what we can to make sure that the garages are of usable size and fit for purpose.

Would like to be sure that the recommendations of the crime prevention design advisor are followed carefully to minimise the risk of crime, which is a particular issue in this part of town.

Concerns about access to the site have been allayed, but there remain concerns about the end of Arle Road when it joins Grevil Road and Princess Elizabeth Way. This is already a difficult junction, with considerable delays when turning right, causing occasional accidents, some of which are serious. The development won't make a huge impact but it certainly won't make it easier. Is the council flagging this up to Gloucestershire Highways? Asks for it to be given some attention, as he would be failing in his duty as a ward councillor not to do so.

Member debate:

PT: regarding the size of garages, has raised this issue in the past and been told that it isn't in Members' purview to look at the garage situation. Can officers give an update on this situation and advise Members about who they need to speak to regarding the size of garages?

BF: has recently spoken to officers about things we should look at putting in the Local Plan, such as the size of garages, LED lighting, street lighting, fibre optic broadband, raising the standard insulation to triple glazing – these could all be incorporated. If the JCS goes forward, there will be a massive amount of house-building, and we should be building for the 21st century, not the 19th. In the meantime, can the size of the garages be included as a condition? Also, regarding green space at the site, would have liked to see this at the centre, as part of the hub. There is currently very little space for children to play, with no play facilities at the Leap. How close is the nearest play area? Could a condition be added to rectify this?

CN: following on from BF's general comments, on planning view there was an interesting discussion about the affordable housing issue. This comes up regularly in large housing developments; the JCS aspiration is for 40% affordable, so why have we settled for a maximum of 20% on this site? It would be good in the future if, when the viability report is submitted, Members are able to access this – maybe via pink papers or in closed session. There would be value in them having a better understanding of the issue and whether 40% can be achieved.

KS: regarding affordable housing, was horrified to read the update – Planning Committee gave a clear steer in August 2013 and this was not acted upon. Is grateful to the applicant for providing the extra unit but very disappointed at the missed opportunity to look at this again. This is a big issue; it has been discussed on many occasions, concerning brownfield sites where the Committee wants affordable housing to be delivered. The current situation should not have been allowed to happen; the officers have described the situation as 'regrettable' but this is not the right word – it is far more serious than that.

On the subject of traffic, the outline application has already been agreed so there is nothing more to be done regarding access, but the proposed development cannot be considered in isolation. People who live there will use cars and bikes on the existing roads; Princess Elizabeth Way is already a nightmare – any accident there can cause gridlock on all the surrounding roads – and Gloucester Road is busy already and likely to get busier under the Cheltenham Transport Plan. The proposed development will cause a lot of issues in an area which already has a lot of issues. We need to alert our Highways colleagues that something

needs to be done. There could be 4,000 new houses at Kingsditch, plus the new development of NW Cheltenham. What effect will this have on Poole Way, which is already difficult to get round in a car?

Returning to affordable housing, hopes for a proper apology from officers. To say this is regrettable is not enough.

CC: is generally supportive of the application, and the changes between the outline and the reserved matters schemes have made a real difference. The properties on Arle Road are valuable, and was satisfied on Planning View that developer has responded to comments about the area of open space at the back of the development and toned down the houses around it to improve the outlook. Is disappointed at the number of 2.5- and three-storey houses included in the scheme; the developer states that St Peter's is 'littered' with this type of property but that is not accurate – the majority of houses are two-storey – but appreciates that this is not a reason to refuse the scheme.

Has a number of questions regarding the development: (1) garages – can we have any say in what size these are? They must be suitable for cars to live in. The positioning of car parking and garages is included as a condition, so it would be ridiculous if we cannot be satisfied that these will be of the right size; (2) there are issues across the town, particularly on the outskirts, with broadband and the speed of service. Can this be included as a condition? (3) regarding traffic, agrees with what has been said by Councillor Rawson and Councillor Sudbury, and feels the Committee should interact with the County Council to make its concerns known about this site and the junction of PE Way and Grevil Road. Maybe the Chair and Vice-Chair can write a letter to County Highways on behalf of the Committee, if the application is passed and highlighting the concerns of the Committee?

Regarding affordable housing, is also disappointed with the situation but welcomes officers' openness in explaining how it came about and is reassured that officers have explained their difficulties. However, the position has not changed from when the outline application was dealt with – this site was ideal for 40% affordable housing, and cannot therefore get over how this has not been possible. The site is flat, not contaminated, a former school with all the services in place – cannot think of another site better able to cope with 40% affordable dwellings and is sad that this has not been achieved here. As ward councillor, has regularly knocked on doors of people in the area who are worried about where their children will live and has many times referred to this site just around the corner as one with potential for a high number of affordable units. 18 units on a site of this size are not enough. Accepts that on this application that we cannot get more than 20% affordable housing through it, but hopes that other developers don't look at it and think that they can 'get away' with half the affordable housing.

HM: is minded to approve and thanks the developer for taking notice of members' comments at the outline stage and making changes to the playground and the frontage. Like other members, is sad about the lack of affordable housing, but was also sad at the outline stage that the Diocese of Clifton wouldn't consider selling the land at a slightly reduced price to make more affordable housing on the site a viable option – the borough council has done this with some of its land. Is disappointed at how few two-bedroomed houses are proposed on the site, as these are what is needed to help young people get started on the property ladder. Regarding the comments from Wales and West Utilities, would like to see these included as an informative if possible.

EP, in response:

- regarding the size of the garages, this has been increased in size to make sure that they comply with county council guidelines on the minimum size for garages. Members can be confident that they will operate as garages should;
- on green space, items of play equipment are proposed for the central area, and the LEAP will have more. This is felt to be an appropriate location for a play area, close to the sports hall. There are also small areas of green space throughout the site;

- to CN's question about members being given access to viability reports, conversations about the general approach to this issue have been taking place, and these might be included in the future, but in the meantime, members are welcome to approach officers should they wish, who will make sure that the viability reports are available for them to look at;
- to the suggestion that high-speed broadband service should be included as a condition, we have to consider if this would meet the tests of a planning condition – is it necessary to make the scheme acceptable? Officers are not sure that it would meet those tests;
- on highways issues, this is the reserved matters application, so these have already been dealt with at the outline stage. A training session for Members with County Highways officers is planned for early December, and Members may wish to raise some of these issues with county officers then.

TC, in response:

- on the viability issue, training is being organised for officers which will also be open for Members to attend should they wish, to give a better understanding of developer financing, where developers are coming from regarding the issue, and to make officers better equipped to understand the evidence when reading the reports;
- to KS on affordable housing, members can be assured that officers are genuinely apologetic and are very upset by the issue.. It was not overlooked deliberately.

PT: returning to the garages, it isn't so much the size of the doors as the actual size of the garages themselves which can be a problem. In some cases, a car cannot be wholly parked inside the garage with the door shut. Are cars much bigger than they used to be?

MB: on the broadband question, and whether it would be reasonable to include this as a condition, we are moving towards a situation where broadband is almost a necessity, so it would be valid to include it as a condition – would like to see it added. Regarding the block paved area at the entrance and towards the east side of the site, this is a roadway where children are likely to play football etc – has concerns about the safety of the route and whether people will drive carefully.

EP, in response:

- regarding garages, will double-check on the plans about the width of these. The SPD states that they need to be 2.7m wide internally;
- to HM, an informative encompassing the comments from Wales and West Utilities will be OK and easy to add;
- regarding broadband, we have to consider whether including this as a condition meets the test to make it acceptable. It would certainly be desirable but to insist on it through a condition leads to the conclusion that the application would be refused if the condition is not included. There is no policy basis to this – it does not meet the test;
- regarding the block paved area, this has been designed as a shared space. There will be quite a lot of changes in direction for any vehicle passing through which will keep speeds down. It does not have the feel of a main route, and Highways Officers do not have any concerns with it;
- MJC has now checked the width of the garages on the drawings and they are 6m x 3m – this complies with guidelines.

CC: returning to the matter of broadband, this is a massive issue with new developments; residents move in, assuming it will be OK only to find it isn't. The issue needs to be raised. Is there anything that Planning Committee can do about it, to show the developers that this is an issue which they need to sort out? Could it be included as an informative?

CN: would also like to labour the point of broadband. It is ludicrous to think of a new development in Cheltenham without guaranteed access to broadband at a decent speed. These are issues which people have to suffer in rural areas, but it is outrageous in a town such as Cheltenham. We should be looking at advice and testing the boundaries of policy.

Cheltenham needs houses, and it is absolutely essential to have access to high-speed broadband.

JF: what tests are carried out to decide whether or not a condition, such as on concerning broadband, is justified? Would like legal advice on this. CC suggested earlier that the Chair and Vice-Chair might write to the County on behalf of the Committee, expressing its concerns about the junction of Grevil Road with Princess Elizabeth Way. Is happy to do this – members could wait to raise the issue at the training session but it would be good to get their concerns down on paper and signed.

GB: confirmed that he is happy to send the letter with JF.

MS: regarding broadband, cannot see that it is too much to ask the developer to talk to service providers to ensure it is installed, particularly as there would be no cost implication for the developer. Agrees this issue should be included in the Local Plan as part and parcel of future developments. Regarding the junction with Princess Elizabeth Way, agrees that Gloucestershire Highways need to be alerted to Members' concerns, and maybe consider a mini-roundabout or some other measure to improve the situation - this is a very dangerous junction.

KS: looking again at the plans, thinks that the estate may be attractive to buy-to-let landlords and could end up with a lot of houses of multiple occupancy. Is there anything to be done through planning conditions to control this? The character of the area has changed recently giving rise to various issues. Adding more homes will mean more people needing places to park, and we have to be on the ball regarding this possibility, as we are often guilty of not thinking ahead enough.

EP, in response:

- regarding broadband, as MS has said, this is a Local Plan issue, and although it is mentioned in the NPPF and the draft JCS, there is currently no policy requirement. An informative on the matter would be a good idea, to flag up to the applicant the concerns of the committee, but it would have no enforceable weight;
- to KS, on the possibility of restricting the number of HMOs, dwellings can move from C3 to C4 use under permitted development, without the need for planning permission. In order to qualify as an HMO, there needs to be 4-6 unrelated individuals sharing a house. As these properties have a maximum of four bedrooms, it's not anticipated that conversion to HMOs will be a special issue at this site. Officers do not consider there is any need for a condition; it could be regarded as overly onerous on this particular site, when it has not been required elsewhere.

BF: KS is right. Councillor Rawson commented on the number of three-storey properties, and this is a popular area for HMOs, as seen in Arle Gardens. The properties may only have four bedrooms, but they also have two downstairs rooms which could easily be used as bedroom. It could become a problem here.

PB: the officer has commented on two issues which would not be appropriate as conditions, but what conditions would be appropriate? Parking enforcement is a huge issue on estates like this; was there any sort of traffic management scheme at the early stages of this development? There are often problems with refuse lorries, child safety issues etc. Also, what are the arrangements for wheely-bins?

EP, in response:

- to KS and BF, if we try to exercise any form of control over potential HMOs, it would have to be through a condition restricting PD rights for C3 to C4 conversions. Officer advice is that this would not be appropriate, but it is the only way any such control could be introduced;

- regarding traffic issues, the developer has a separate agreement with County Highways, and the site was designed with sufficient off-road parking space to remove the need for residents to park on the roads;
- to PB, all the plots have space for wheely-bin storage, with access through the back gardens. All the roads have been designed to be accessible to refuse lorries.

CL, in response:

- there has been a lot of talk about conditions and when these are or aren't appropriate. National Planning Practice Guidance sets out that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The circumstances in this case do not appear to be exceptional;
- to JF, tests are set out in PPG, which need to be satisfied in order for a condition to be included. They are that the condition is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Members are concerned about broadband and HMOs, but again would suggest that these issues do not pass those tests.

KS: believes there is a strong case for a condition regarding HMOs to be attached. In this location, there is a large number of HMOs, which cause significant parking issues. If anyone wanting to convert a family home into an HMO has to apply for planning permission to do so, at least we can keep an element of control. Officers have talked about testing the reasonableness of a condition, but it is Members who know what is happening in the area. Two parking spaces per house may seem OK, but if it ends up with 4-5 people with cars living in these houses, it will materially harm the quality of life for both new and existing residents. Local knowledge shows that this will not be reasonable. Including a condition relating to this shows that we are forward-thinking, doing what we can to ensure that the situation will work properly. Based on the evidence of the neighbourhood, we could end up with a large percentage of HMOs, and with the change in housing benefits, there is an increasing market demand from single people for a bedroom in an HMO. It would not be unreasonable to adopt this suggested condition and moves that it is included.

PT: supports what has been said. It hadn't previously occurred to her that the three-storey houses look very similar to those in Arle Gardens, with the garage on the ground floor. Has experience of this issue elsewhere in her ward – an additional bedroom is established in the garage under permitted development rights, and then an HMO with six separate units is established, all without planning permission being needed, and subsequently changing the character of the area. It is difficult to keep up with these changes. Is inclined to agree with KS, particularly as this development is in a convenient position for students. In these situations, people usually end up parking their cars across pavements but there are no pavements to park on here. Anything we can do to stop this happening should be done, or the development could end up an absolute mess in two or three years.

GB: there has been a lot of discussion and KS has moved to include an additional condition – to remove PD rights to ensure that houses cannot be converted to HMOs without planning permission. Members will need to vote on this.

EP, in response:

- if Members want this condition, it can be included, but would just remind them of the right of appeal against conditions as well as against refusals to grant permission. The special circumstances test would be very relevant in an appeal situation.

KS: would the specific character of the area, and the high number of HMOs already in Arle Drive and Arle Gardens, be enough to count as special circumstances in this case?

EP, in response:

- officer opinion is that it would not, but if Members want to attach this condition, it can be reflected in the decision notice. If the condition is appealed, it will be up to the Inspector to decide whether or not he agrees with this stance.

BF: is happy to support KS's move to add the condition.

PT: the condition will not affect the developer; it is about the people of the town living in the houses after they have been built.

Vote on KS's move to add a condition restricting PD rights

9 in support

3 in objection

1 abstention

MOVE CARRIED

CN: can a condition concerning broadband be added too?

GB: it has already been agreed that concerns about this are best raised as an informative.

CN: why can't this be included as a condition? The reasons are strong, even though, unlike the HMO condition, it *will* have cost implications for the developer.

CL, in response:

- there is no definitive planning reason for this condition to be included on this application. It has not been used with previous developments of this size and type, so the question would be why is this one any different? To expand on the test of being necessary, the question in the guidance is whether it would be appropriate to refuse planning permission without the requirements imposed by the condition.

CN: broadband delivery is included in the NPPF – this is a planning reason to include it as a condition.

TC, in response:

- the NPPF refers to telecommunications and high speed broadband at Paragraph 43, stating that local authorities should support its expansion when preparing their local plans, but there is no policy relating to this in the current Local Plan. The issue is covered at strategic level in the emerging JCS and will be supported at Local Plan level in due course, but at present there is no policy on which to hang a condition. Supports the advice of the legal officer.

CN: can't the NPPF be used to support the condition?

GB: Members have heard the advice of officers. The issue will be covered by an informative, together with the Wales & West Utilities advice.

Vote on officer recommendation to permit, with additional condition re removal of PD rights, and informatives concerning broadband and Wales & West Utilities

13 in support - unanimous

PERMIT

66. 14/01612/OUT Land off Harp Hill

Application Number:	14/01612/OUT
Location:	Land off Harp Hill, Charlton Kings

Proposal:	Outline application for the erection of 1 dwelling		
View:	Yes		
Members present for debate:	13		
Officer Recommendation:	Refuse		
Committee Decision:	Refuse		
Letters of Rep:	3	Update Report:	Photographs from applicant's agent

EP described the application as above, for outline permission with all matters reserved other than access, at committee at the request of Councillor Babbage. Officers are concerned that the site is too small to accommodate the dwelling. The site is in the AONB. There are highways concerns regarding safety, visibility at the entrance, and the lack of space for passing - a letter from the County concerning the highway situation has been circulated to Members as an update. The officer recommendation is to refuse.

Public Speaking:

Ms Becky Brown of SFPlanning, agent, in support

The report acknowledges that there is no policy to preclude small-scale development of this kind within the AONB, therefore the principle is acceptable. The indicative proposals show how the plot can be successfully developed without any adverse effects; the pattern of local development is organic, varied, and not exclusively frontage development. 3D images circulated to Members show that the proposed dwelling will sit inconspicuously in the site and be barely noticed. Cannot see how it could be regarded as harmful to the AONB when an approved dwelling between The Bredons and The Gray House, directly fronting Harp Hill, was not, and would further obscure the development site from view from the road. The report acknowledges that the site is not widely visible from public vantage points but doesn't mention that the approved dwelling would make it even less visible.

Generous amenity space can be created for the new dwelling without being cramped. There has been no objection from the closest neighbouring property. Design and external appearance will be addressed at the reserved matters stage. The applicant has worked with County Highways to resolve the access and highways issues. The width of access issue has been resolved with the addition of a passing bay, and the visibility splay requirements can be met to ensure safe access to the main road. The Council has used Grampian conditions elsewhere to ensure that the necessary work is done to provide suitable visibility, at Gravel Pit Cottages for example, and can use something similar here to ensure that all work is done until visibility is secured.

If the proposal is as unacceptable as officers suggest, would expect to see more opposition to it, but the Civic Society supports it, the Parish Council has made no objection, and only one out of 20 neighbours consulted has objected to the scheme. Based on the context, cannot see the proposal will harm the AONB, and safe access can be secured via a Grampian condition, and therefore urges Members to support the scheme.

Member debate:

PB: what is a Grampian condition?

EP, in response:

- it is a negatively-worded condition requiring certain works to be carried out before any part of the development can start. In this case, that would mean something along the lines of: 'Before any work starts on site, a scheme for visibility splays must be secured'. This precludes any other works if there is any possibility of the highways work not being carried through.

BF: cannot see much wrong with this proposal. It is in the AONB but there have been no objections from the conservationists, and in any case, permission was given to a large

number of dwellings in the AONB at the GCHQ site. Development is usually acceptable in the AONB as long as it is small scale.

Access is OK and there are no major highways issues. This is an outline application, so design details such as balconies can be discussed at a later stage. As an outline, the proposal is OK, and may consider moving to permit.

MB: in genuinely torn here. The scale of the proposal site is clearly not the same as the surrounding sites, but is tucked away. If the residents of the nearest house, Kings Welcome, had objected, would be inclined to vote against it, but with no objections from neighbours, is more minded to go with the move to approve.

PB: would also support a move to approve. Cheltenham is a town with a finite amount of land and constant pressure to find land for new homes. This proposal will have no negative impact on the neighbours, none of whom have objected. Subject to a Grampian condition as discussed and the parking spaces shown in the drawings being guaranteed, feels OK about supporting this.

EP, in response:

- the garden land SPD relates to layout of a new development, and how it should respond to the vicinity in terms of grain, frontage, building width; this proposal is at odds with the prevailing grain, which is loose-knit, with big properties on large, irregular sites. It's true that it would not be widely visible, but if other little plots of land were to be similarly developed on crammed sites, the semi-rural character of the AONB would be eroded, and officers are concerned about the potential impact of this;
- Members have received the highways officer's advice in the update; there is no reason to disagree with this;
- these are the reasons why officers are recommending refusal.

MS: supports the officer recommendation, as would anyone who was on Planning View – the proposal is totally out of character with the area and neighbouring properties. It's true that we need houses, but if they are crammed into sites such as this, the area will quickly become a series of little estates. Surely it is right that we keep some places special? This is out of character.

PT: can see what is being said about the grain of the area, but it is obvious what has happened on this site, where there are currently four large houses in large plots, but a few yards down the road there are the standard four ordinary-looking houses and gardens, still within the AONB, so the grain situation falls by the wayside here. Is prepared to support the application. On Planning View it was obvious that it is possible to see down the road; it is quite a nasty bend, but people have been living with it for a long time and one more dwelling is not going to make much difference.

HM: supports the officer recommendation due to the statement from Gloucestershire Highways. Planning Committee is often frustrated by highways officers saying that the implications of a small development are not severe enough to have any significant impact; here they are saying that the additional dwelling *will* have an impact, and we should take notice of this and refuse the scheme on those grounds.

JF: the highways officer says that one or two additional cars might make a difference to road safety here. The SPD is in place to control building in back gardens, and states clearly that access should not be shared. Will go with the officers on this one.

BF: regarding the size of the house and plot, the Battledown Estate has a covenant governing this, but Harp Hill isn't part of the Battledown Estate, so is this enforceable here? Notes that one of the letters of objection is from a neighbour who is proposing to build on adjacent land and seems to be saying 'you can't but I might'. Moves to approve.

EP, in response:

- regarding the Grampian condition discussed earlier, in order to comply with this, the applicant will need to get control over third-party land. Officers are concerned about the reasonableness of this. If Members want to approve, the exact wording of the Grampian condition will need to be approved by the Chair and Vice-Chair;
- to BF's comment about the Battledown Estate, is not sure whether this site is covered by the covenant, but it would not be directly applicable to the planning situation in any case.

Vote on BF's move to permit

6 in support

7 in objection (including Chairman's casting vote)

1 abstention

REFUSE

67. 14/01667/FUL 331 Hatherley Road

Application Number:	14/01667/FUL
Location:	331 Hatherley Road, Cheltenham
Proposal:	Erection of entrance porch, two storey side extension and part two storey and single storey rear extension (Following demolition of single storey rear extensions, detached rear garage and side car port)
View:	Yes
Members present for debate:	13
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

CS described the application as above, which is at committee at the request of Councillors McKinlay and Whyborn. The recommendation is to refuse as officers feel the proposal will not be subservient and will have an overbearing impact.

Public Speaking:

Mrs Anna Perks, applicant, in support

Wants to create a beautiful home for her family of three boys in this lovely area, and has worked hard on the plans, reducing the size a number of times. Thought the final submitted version satisfied all the guidance, so it was distressing when the officer recommended refusal for the proposal. In view of the existing single-storey kitchen on the back of the house, it is an over-exaggeration to say that the proposal will be 6.1m from the original rear wall at ground floor level and 4.95m at first floor level. The first floor extension will be 3.5m from the original rear wall, to create a master bedroom with ensuite, and the ground floor extension could be 6m under permitted development. The two-storey side extension, single-storey elevation to the rear, and porch are all considered acceptable by the officer. The proposed first floor extension to the rear will not be visible, will not be oppressive or result in any loss of light to neighbouring properties, and is only 0.5m bigger than a similar extension down the road. There have been no letters of objection, but two letters of support, one from each neighbour. In light of these facts, is struggling to understand how refusal is in public interest, and therefore requests that Members support these improvements to her home.

Councillor Whyborn, in support

One of the functions of Planning Committee is to apply common sense to making decisions, so that we do not end up with 'planning by numbers'. Admittedly, the proposed extension is larger than normal guidelines, but having spoken to neighbours in the last 24 hours, they are happy with it. These semi-detached plots have narrow fronts and very long back gardens. This proposal will extend quite a long way back but neighbours are happy with the state of affairs. The family wants to extend the house in order to continue living there; if they can't,

they will have to move. It is a larger than normal extension, but it passes the light test. Who are we to tell people what is acceptable? Common sense must prevail. There are no objections from the Parish Council. Understands the reasons for the officer recommendation and the need to protect the general principle, but we are often told that every application should be considered on its own merits. This proposal should be a splendid example of that, and not be decided by box-ticking.

Member debate:

MS: feels the same as Councillor Whyborn. On Planning View, walked down the garden and looked back at the houses, noting the number of extensions on adjacent houses – the proposal won't stand out or be particularly noticed. The development at the front will enhance the appearance of the house. Moves to permit.

AM: MS got there first and stole his thunder. The application doesn't look significantly different from others in the road, the neighbours don't object, Up Hatherley Parish Council doesn't object – so one might think there can be nothing wrong with the application.

BF: notes the suggested refusal reason but will support the move to permit.

HM: the applicant mentioned a nearby extension which was approved recently and is very similar. Can officers explain the difference between that and this?

CN: on Planning View, Members thought that this development looked the same as the one nearby, and officers were going to check the details to see if this is the case. Do they have any further information?

PT: was going to ask the same question. Will support the application, but is interested to know about the difference in size between this and the neighbouring developments.

CS, in response:

- the applicant mentioned that there had been two letters in support of the application. For the record, these were submitted with the application, not as part of the neighbour consultation, which is why the two letters are not acknowledged in the representations breakdown in the report;
- regarding similar extensions in the area, No 327 Hatherley Road was granted permission for a two-storey side and rear extension and single-storey rear extension, which is 4m in length beyond from rear wall – this was scaled down by officers;
- the reason for officers' concern with this application is the cumulative effect of the various extensions, even though the impact of these has been scaled down;
- in terms of square meterage, basic calculations show that the original property is 95 sq m, and with the proposed extension it will be 194 sq m – more than double the size;
- the proposals are therefore not subservient, and will overwhelm the original property, which is why officers have recommended refusal.

PB: has viewed the property and understands where officers are coming from, but considers this to be a subjective view. Will this proposal have an impact on the area? No. Will it provide a reasonable family home? Yes. Is therefore happy to support the scheme.

Vote on MS's move to permit

8 in support

4 in objection

1 abstention

PERMIT

Application Number:	14/01812/FUL
Location:	Australia House, Princess Elizabeth Way, Cheltenham
Proposal:	New soil pipes to Australia House and Canberra House
View:	Yes (drive past)
Members present for debate:	13
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

BH introduced this application, for two external soil pipes on flats in Princess Elizabeth Way. It is at committee as the local authority own the site. The officer recommendation is to permit.

Public Speaking:

There was none.

Member debate:

There was none.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

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

There were none.

Chairman

The meeting concluded at 7.50 pm