

## Planning Committee

6.00 pm, 19 March 2015

### Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Colin Hay
Councillor Jacky Fletcher (Vice-Chair)	Councillor Adam Lillywhite
Councillor Paul Baker	Councillor Klara Sudbury
Councillor Andrew Chard	Councillor Pat Thornton
Councillor Matt Babbage	Councillor Malcolm Stennett
Councillor Diggory Seacome	Councillor Simon Wheeler (Reserve)
Councillor Flo Clucas	Councillor Jon Walklett (Reserve)
Councillor Bernard Fisher	

**Present as observers:** Councillor John Payne; Councillor Chris Coleman

### Officers in attendance

Tracey Crews, Head of Planning (TC)  
 Martin Chandler, Team Leader, Development Management (MJC)  
 Craig Hemphill, Principal Planning Officer (CH)  
 Michelle Payne, Senior Planning Officer (MP)  
 Ben Hawkes, Planning Officer (BH)  
 Cheryl Lester, Legal Officer (CL)

### 104. Apologies

Councillors McKinlay and McCloskey.

### 105. Declarations of Interest

- i. Councillor Fletcher – personal and prejudicial – knows the applicant. Will leave the Chamber for this debate.
- ii. Councillor Walklett – predetermination – is speaking in objection to the application on behalf of his ward. Will leave the Chamber for the debate.

### 106. Declarations of independent site visits

- Councillor Lillywhite– has visited the CBH sites in the Lakeside area (agenda items 6c, 6d and 6e).
- Councillors Sudbury and Walklett – have visited all the CBC garage sites (agenda items 6b, 6c, 6d and 6e).
- Councillor Fisher – has visited all the CBC garage sites and the bingo hall site (agenda items 6a, 6b, 6c, 6d and 6e).

### 107. Public Questions

There were none.

**108. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 19<sup>th</sup> February 2015 be approved and signed as a correct record *without* corrections

**109. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications****110. 14/01423/FUL 391 High Street**

Application Number: **14/01423/FUL**  
 Location: **391 High Street, Cheltenham**  
 Proposal: **Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking**  
 View: **Yes**  
 Officer Recommendation: **Permit**  
 Committee Decision: **Permit (with amended condition 1)**  
 Letters of Rep: **11** Update Report: **None**

*Councillor Fletcher left the Chamber before the beginning of this item*

**CH** introduced the application for redevelopment of a site within the Central Conservation Area. The building was formerly occupied by Ace Bingo, and there are extant planning permissions for the adjacent site (formerly Widdows Motors and land between the former Widdows Motors and the application site). This application is for 11 x one/two-bedroomed render and red brick apartments fronting the High Street, with the top floor set back, and 3 x two-storey town houses to the back of the site, using similar materials. Car parking for 14 vehicles is provided on site, together with bin and cycle storage. Access is via Milsom Street, Nailsworth Terrace and Hereford Place, with pedestrian access to the rear. The recommendation is to permit.

**Public Speaking****Mr David Keyte, agent on behalf of application, in support**

Won't repeat information in the detailed officer report but will concentrate on matters of vehicular access and parking. The application is for residential use, accessed off a residential street in a sustainable location, with 14 on-site parking spaces proposed. This is one per dwelling, policy compliant, and the same ratio as required on the Widdows Motors site and almost twice that approved on the adjoining site. There have been many pre-app discussions with the Highway Authority, which has carried out a detailed analysis of highways matters and requested two car parking surveys of available spaces in surrounding streets. These both confirm that there are spaces available, and this is referred to in the HA's response – following its robust scrutiny of highway and transportation matters, it has raised on objections to the proposal. As a comparison, the 11,500 square feet of floor space of the existing building could be used as a gym or other D2 use without the need for planning permission, despite such a use requiring up to 52 car parking spaces to be in accordance with the Local Plan. It is clear in this context that there is considerable parking potential in the surrounding streets. Inconsiderate parking provision can cause problems, but this development is policy compliant, in a very sustainable location, better provided that adjacent schemes, and supported by the Highways Authority.

**Councillor Walklett, on behalf of local residents, in objection**

Leaving aside the Civic Society's and County Archaeology's reservations on the uninspiring building and archaeologically sensitive site, is here to protest on behalf of local residents,

concerned with the negative impact of the increased traffic on Hereford Place and Nailsworth Terrace. Does not agree with GCC Highways comments that there is sufficient on-street parking to accommodate overflow parking from the new residents and their visitors. Estimates the Bingo Hall resulted in fewer than six traffic movements a day along Hereford Place, while the potential minimum from the proposed development is thirty. Anyone who has attempted to negotiate these narrow streets, or who lives in this pleasant part of St Paul's, will be appalled by the 5-8-fold increase in traffic. As an aside, if the housing units had been affordable, a reduction in car ownership at the site would have been possible. UBICO already has difficulty providing collection services, and a local supermarket has reservations regarding home delivery to this neighbourhood. Even the bus driver on Planning View chose not to access the site via Hereford Place.

That said, neither he nor the local residents object to the principal of redeveloping this site to provide decent-quality local housing; parking and access are the issues of concern. Appreciates the planning officer's attempts to find a solution with the applicant and agent, as well as adjacent developers, but feels a 'communal' parking and access solution could be found with more time and consideration. Would have preferred this to have been done before the application came to Planning Committee, and would therefore ask that the application is refused on traffic and highway safety grounds, or deferred until an acceptable solution to these problems is agreed.

Councillor Walklett then left the Chamber before the beginning of the debate of this item

**Member debate:**

**PB:** is affordable housing a consideration for this type of development? There is a lot of concern about the loss of employment land in the borough – the economic report alluded to this is an employment site, though he knows it is not, which means we can't use loss of employment land as a refusal reason, even though quite a few people are employed there. In future the Local Plan should re-consider the types of use considered as employment.

**BF:** why is there no police report in view of the earlier comments from the Heritage and Conservation Officer, expressing concerns that access to the site was all from the rear?

**CH, in response:**

- to PB, affordable housing requirements only apply to developments of 15 dwellings or more; 14 is the maximum number that can be accommodated in keeping with the urban grain of this site;
- loss of employment land as a refusal reason would be difficult to defend – policy EM2 defines employment as B1, B2 or B8 uses and does not include D2 use. D2 use doesn't preclude other uses – such as cinema, music venue – and these have to be considered against viability;
- to BF, pedestrian access is to the front of the building for the 11 units, to the rear for the the three town houses. There are two public rights of way around the building to provide additional access.

**BF:** so if residents of the flats park at the back, will they have to walk all round the building or enter the site from the back? If so, would repeat his earlier comments about lack of a police report.

**CH, in response:**

- residents will access the flats from the back;
- the Conservation Officer's concerns were with access from the front which was recessed with no front-facing door to the front. This is no longer an issue;
- initial thoughts from the police were not concerned with the specifics of the scheme as a whole but about the detail as it was built out.

**CHay:** there isn't enough detail about bin storage. Recycling is important; has noted as a resident of the town that where there are communal bin stores, recycling rates seem very low. Is not objecting to the scheme, but thinks we should insist on more detail about bin storage and how recycling will work. Urges negotiation on this, and for all similar applications in the future if details aren't provided.

**FC:** notes the suggested Condition 14 on Page 35 of the report – that refuse storage area should be completed before occupation and thereafter be kept free of obstruction – and also on Page 23, the lack of turning space for refuse vehicles. How can it be ensured that the bins are emptied? Also, on Page 22, regarding the proposed site access, how do officers anticipate the square will remain as a shared space given the narrowness of the access to the premises?

**CH, in response:**

- bin storage and refuse collection is a sensitive issue and has been looked at very closely, in view of residents' concerns and the uniqueness of the site. UBICO has reviewed the plans, and CH met operatives at the site to understand how they can access the back of the site. UBICO is confident there is no problem and that bin storage and recycling can be successfully achieved.

**FC:** the report states there will be a significant increase in vehicular movements at Hereford Place, and the recommendation states that the shared space will be maintained. How will that work?

**CH, in response:**

- the comments on Page 22 are direct quotations from the Highways Officer who analysed the area in question. Anything outside the red line of the application site is outside the control of the applicant. It is used for informal car parking at the moment; this may continue or may be used in a different way, but won't change in appearance.

**MS:** believes the concept of providing 14 homes on this site is good. Access arrangements are less than desirable but we cannot refuse the proposal on those grounds as both Gloucestershire Highways and UBICO have said it is OK. It's a shame we didn't have a development brief for that area, which could have meant better access via Widdows, and a better-designed scheme to accommodate a considerable number of dwellings.

**SW:** regarding the public right of way – where is it and what are the issues we need to stick to in line with CROW requirements?

**AC:** agrees with MS - it would have been better to develop the whole area, including the narrow strip of land to the side, which would have given more car parking and better access. Could the developer be prevailed upon to buy that awkward little strip of land?

**BF:** sees several problems here. Highways doesn't seem to have taken into account the residents' parking scheme coming in Nailsworth Terrace and Hereford Place. The 14 houses in Nailsworth Terrace will be entitled to two parking spaces each – from 8am to 8pm, there will be no parking option for anyone else, yet there is no mention or comment on this in the report. The report also states that UBICO will use a small recycling vehicle to service the new development but those are going to be replaced, possibly with bigger vehicles. Agrees with MS's comments, and there is no guarantee that what has been granted permission will be built. Will access to the Widdows site be from the rear or from Milsom Street – the area is a wilderness at present.

If the number of cars in Hereford Place doubles, the nature of the area will change beyond recognition, contrary to policy CP4. There will be double the number of houses, with Milsom Street treble the number, completely changing the way of life in this area, and not for the better. Milsom Street is a two-way street, but two cars can't pass without one mounting the

pavement. Residents' parking and no additional street parking for this number of houses is ridiculous. Is minded to propose refusal on CP4 and HS1.

**PB:** supports the scheme – it is a good one. Knows the area well having been its councillor in the past. Any development in the town centre area will be difficult with regard to parking. Will every household apply for two parking spaces or is this scare-mongering? The bingo hall would have generated a significant amount of traffic movements when in use. This is a good scheme in a sustainable location, but why are developers allowed five years in which to start work? The site next to this one is empty; it is a prominent High Street site, and housing is needed. The condition should stipulate three years rather than five; would like to propose this amendment.

**CHay:** also supports the scheme – we need housing, and this is the right sort of housing for the town centre – though echoes comments made previously regarding the lost opportunity for a more comprehensive development brief for the whole area. Is disappointed that there is no provision for any commercial use fronting the High Street - this is a missed opportunity to improve the mix of shops in the area. Similar schemes elsewhere have included cafes or shops on the ground floor.

Regarding traffic movements, doubling the number of houses sounds horrendous but the reality is that not everyone will be driving in and out at the same time. Problems anticipated in Tom Price Close and Fairview Road have not materialised. The streets are narrow, but people get used to this and learn how to manage. Fourteen additional dwellings won't generate a huge amount of traffic movements. No scheme is perfect; this could have been better but it uses the site relatively well.

**CH, in response:**

- to SW, the two public rights of way which surround the site will not be affected by the development or changed in any way, so there is no real issue here;
- to the overall question about the two adjoining sites, officers had discussions with the developers about the possibility of linking all three development sites in the area. Two already have planning permission and could come forward at any time. The site being discussed tonight does not have planning permission and needs to be considered on its own merits, though the three developers are aware of the other sites and it's hoped they will work in a joined-up way;
- to PB regarding the five-year condition, the length of time has yo-yo'd between three and five years in line with the government's desire to bring developments forward more speedily, then to allow more time during recession periods. There is scope to give consideration to this. CBC's position is to allow five years across the board, but three years could be conditioned.

**BF:** in response to PB's point about residents' parking, people will be allowed to apply for two permits per household. A similar scheme in St Paul's has reduced the amount of parking available, and there are a lot of HMOs which may have as many as five cars per households - landlords are likely to apply for permits and add it to the rent. Most households have more than one car.

**GB:** does PB still want to propose an amendment to condition in respect of time to start?

**PB:** yes, would like to reduce it to three years - not unreasonable for an important and prominent site.

**CL, in response:**

- the proposal can be taken as an amendment to the officer recommendation to permit with five years. If the move to reduce this to three years is carried, the amended recommendation can then be voted on as a whole.

**CHay:** supports this amendment, as the High Street is in need of regeneration and needs this to be moved along; leaving sites empty will depress improvements to the High Street.

**Vote on PB's move to amend Condition 1 as follows:**

*The development hereby permitted shall be begun before the expiration of five three years from the date of this permission.*

**13 in support – unanimous**

**MOTION CARRIED; AMENDED CONDITION IS PART OF SUBSTANTIVE MOTION.**

**AC:** is not proposing deferral, but if the decision were to be deferred, would there be any chance that the three sites could be considered together? The view is that this would be a much better deal.

**CH, in response:**

- this isn't a reasonable request at this stage; the developers will want their planning permission in place before engaging in any discussions, so as to be equal partners in any discussions.

**Vote on officer recommendation to permit, with amended Condition 1 as above**

10 in support

3 in objection

**PERMIT**

### **111. 14/01676/FUL Garages adjacent to 26 Redgrove Road**

Application Number:	<b>14/01676/FUL</b>
Location:	<b>Garages adjacent to 26 Redgrove Road, Cheltenham</b>
Proposal:	<b>Demolition of existing garage blocks and erection of 3no. dwellings and associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Conditions</b>

Councillors Fletcher and Walklett returned to the Chamber before the beginning of this item

**MJC** introduced this application for three dwellings on a parcel of land formerly occupied by garages, but now redundant and fenced off. It is at Committee because the land is owned by CBH. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**CHay:** welcomes being able to talk on CBH applications and the use of these redundant sites for housing. Has visited a couple of similar developments in his own ward – good schemes, but unfortunately without any their own telephone lines. We must try to ensure that these houses are built with all services that people expect – not necessarily superfast broadband at this stage – so as not to spoil the impact of the development again. Otherwise, these are good quality buildings, a real feather in CBH's cap, using redundant garage sites for desperately needed affordable housing.

**PB:** this is a great scheme, and would again question generally the 5 years condition, though won't ask for a reduction to 3 years here. Hopes CBH will crack on with the scheme very soon.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

**112. 14/01678/FUL Land adjacent to 6 Coniston Road**

Application Number:	<b>14/01678/FUL</b>
Location:	<b>Land adjacent to 6 Coniston Road, Cheltenham</b>
Proposal:	<b>Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>12</b>
Update Report:	<b>Conditions</b>

**MJC** gave an overview of the next three applications to redevelop CBH-owned parking courts in the Lakeside area, which are close geographically with similar themes,. The loss of parking space and implications for the surrounding streets is a major consideration; the applicant has considered mitigation and included a parking survey with the applications, which shows that there is capacity in nearby parking courts to relocate existing tenants. CBH will provide additional parking courts, and there is capacity in the area for more on-street parking. This is consistently the case across all three applications. This first application involves the demolition of six garages and loss of ten parking spaces to accommodate two new houses. The recommendation is to permit.

**Public Speaking:**

**Cllr Regan, on behalf of local residents, in objection**

Is speaking at the request of residents of Coniston and Keswick Roads, who ask that Members note the petition signed by 17 residents. One of the most serious issues is the heavy parking on Coniston Road leaves just a narrow passageway for vehicles to access St Margaret's Community Hall at the end of the cul-de-sac, which is in constant use day and evening. Two more houses with more car-parking needs will increase the problem to a dangerous level and make an intolerable situation worse. Is disappointed in the findings of the Entran car parking survey and questions its validity in view of anti-social parking by some residents which restricts and blocks the flow of traffic in and out of Keswick and Coniston Roads and along Windermere Road. These roads are also used for parking by Paragon Laundry staff. Members should refer to local plan policy TP1(b).

There is also the loss of privacy for Keswick Road residents, who would be overlooked by the new buildings which, from their elevated position, will be overbearing and cause loss of light to the rooms and gardens of the bungalows, most of which are occupied by elderly residents at home for most of the day. This contravenes CP4(a).

People who object are aware that more affordable homes are badly needed in Cheltenham, but the considerable problems this application will bring to their welfare and well-being will

cause much concern. The positioning of the new building should be the first and foremost consideration. Asks that a recommendation be made that the Coniston Road 'B' site is demolished and made a residents-only parking area.

**Member debate:**

**PB:** asked if new car parking spaces will be provided before these are lost?

**JF:** MJC indicated that other parking areas might be made available to compensate for those lost. Has CBH indicated that it would be willing to open up other sites for parking in this area? Has first-hand experience of the problem of parking in this area – it is extremely difficult at night.

**MJC, in response:**

- to PB, re phasing, this is at the discretion of CBH - CBC cannot influence the process – but would think that, as landlord, it would be appropriate for CBH to relocate its tenants as soon as possible;
- to JF, there are a number of parking courts in this area, and CBH is looking at structured demolition to provide more car parking spaces. In connection with the demolitions under consideration tonight, they are looking at another site on Ennerdale Road;
- paragraph 6.2.4 of the report sets out the strategy for garages and cars in the area: there are 48 garages but only 26 in use, hence the plan to demolish garages and relocate car parking spaces;
- the demolition of parking courts does not form part of the planning applications; it is in CBH's gift to mitigate the impact of their loss. Officers' view is that the proposal is acceptable in isolation, and even more so with the mitigation measures. How CBH proceeds is up to them.

**CHay:** hopes that the same applies to the telephone lines mentioned earlier. We have a crying need for more social housing such as this. The garage sites are under-utilised - many people with garages use them for storage – and CBH is looking to refurbish the garages it is keeping to make them more fit for purpose. We should be encouraging the use of underused garage sites for families in need. Regarding the houses to be built, if Members get the opportunity to visit these 'fit for life' houses as they are completed, they should take it. They are robust, built to last, with provision for stairlifts and lifts should tenants need them later – excellent-quality houses in the town, for people who are in desperate need of them. A few less car-parking spaces is a price worth paying.

People's fears may not be realised as was the case at Priors Road. We should be supportive of this scheme. Councillors could write to CBH to make sure that the phasing is right, as this work needs to be done with some care; it's important that Members use their voice here.

**PB:** agrees with all CHay has said. CBH is to be congratulated for looking at its assets and assessing whether they are being best used for the good of the town. Here are opportunities to turn messy areas into desperately needed houses, and it's the best thing CBH can do. Extra car parking is being provided, and any additional car movements is a small price to pay. This is a well-thought-through scheme and has his support.

**MJC, in response:**

- on the services issue, could raise CHay's concerns as an informative.

**CHay:** - okay.

**KS:** has noted one objector's concerns that Paragon Laundry staff park on the surrounding streets. Can anything be done about this? Could a parking scheme be introduced this far out of town?

**MJC, in response:**

- it would be difficult to introduce the Paragon Laundry issue to this planning application and ask CBH to mitigate any impact. This is a well-considered proposal and the traffic survey was carried out when Paragon staff would have been at work and showed there was spare capacity.

**Vote on officer recommendation to permit**

14 in support

0 in objection

1 abstention

**PERMIT**

**113. 14/01681/FUL Land between 24 & 25 Ullswater Road**

Application Number:	<b>14/01681/FUL</b>
Location:	<b>Land between 24 and 25 Ullswater Road, Hatherley</b>
Proposal:	<b>Erection of one detached dwelling with associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>6</b>
Update Report:	<b>Conditions</b>

**MJC** introduced this application for a single dwelling on land currently used for ten car-parking spaces, the garages there having recently been demolished. Again, there is a parking strategy to mitigate the loss of the parking spaces, but again officers' view is that the application is acceptable in isolation. The recommendation is to permit.

**Public Speaking:**

**Cllr Whyborn, on behalf of local residents, in objection**

Firstly, would commend CBC and CBH for moving forward on the principle of much needed social and affordable new homes, and focussing on brownfield sites – this shows forward thinking and addresses the supply side. However, has some reservations of his own, and on behalf of residents, nearly all about parking, but also crime prevention, road safety, and neighbour access issues at Ullswater. Regarding 14/01681/FUL, Ullswater Road has a very narrow bend and cars have to pull into the site entrance when passing. Many of the bungalows around the site are occupied by the elderly and disabled, but would house more car-owners in the future. While acknowledging that the demolition of the Ullswater B garage site will help with regard to the loss of parking, Members should question officers about whether this is enough. Parking on the Lakeside estate is already problematic, exacerbated by displaced parking by Paragon Laundry employees, even though the worst issues are generally in the evenings and at weekends. Members also need to be satisfied that loss of light, overlooking and neighbour access have been adequately considered.

Regarding 14/01700/FUL, is very clear that there is not enough parking proposed here to replace the 13 or more spaces and 13 garages that will be lost. The parking survey suggests the garage occupants can be re-housed elsewhere, but also says that only 3-6 cars which currently park on the hardstanding must be re-parked, which is manifest nonsense. Has observed nine parked vehicles on a Thursday afternoon, ten on a Sunday, with a further five vehicles parked in the turning head – pictures have been circulated. Street parking is limited in Haweswater Road, and it is unrealistic and bad practice to expect residents to park in Alma Road, or to displace parking to nearby estate roads such as Buttermere, Ennerdale and Thirlmere Roads, which are already heavily parked.

Planning officers have mentioned an offer to clear a further garage site - Ennerdale B and Thirlmere have been talked about - but this isn't included in the report. If the Committee is minded to permit the application, provision of parking through demolition of a further site should be a condition, with the choice of site a matter of consultation with local residents.

Finally, neighbours are concerned that positioning Flats 2 and 3 next to No. 5 Haweswater Road and Flats 1 and 2 next to 57 Alma Road will create blind alleyways, which aren't overlooked, contrary to the policy to 'design out crime'. Members needs to be satisfied that this issue has been adequately addressed.

**Member debate:**

**PT:** has reservations about this house. It is a large house, desperately needed for a larger family, but is not utilising the land well, with a lot of extraneous space around it; CBH should leave this site as a parking area and build a detached house elsewhere. Noted on planning view that there were cars parked here, making use of the space. Has some reservations that, without any restrictions, these houses may soon end up ex-CBH properties, having been sold in the open market. How can we retain them as social housing? Can't support this particular scheme as it needs re-thinking.

**KS:** also has concerns with this one. There were a lot of cars and vans parked there at 3.30, and couldn't see where else they could park. We need homes, including affordable housing for bigger families, but have to make sure we use the right sites for them. Is not sure this is right – the house looks awkward in the site, and people won't want to leave their nice cars too far from home. CBH is doing a great job, but there must be a better site for this house. It is clear that this application could cause problems for the garden of one house and a lot of inconvenience for the community.

**CHay:** the houses being built by CBH are not council houses; CBH is a social landlord, so different rules apply, and finance is raised differently. CBH manages Cheltenham's council houses but also builds its own. This house doesn't look fantastic in the plot but fits quite well considering the plot is a funny shape to begin with. The garages, which were small and not fit for purpose, have been knocked down, and free parking provided on the site. Parking provision is being made elsewhere, so all we have to consider is the importance of providing social housing by recycling a redundant garage site.

**BF:** we are losing our way here. This is an application by CBH, not Cheltenham Borough Car Parking. Of course residents want to park outside their houses, but some households have three cars – it is the same problem everywhere. We are in desperate need of affordable rented homes; big developers know they can get out of providing them, but this scheme will provide houses for local people who may never get on the housing ladder. Concern about where to park a third car is a bit off. CBH is the best social landlord for miles around, providing good quality housing for people who need them, not for profit. Cannot see why we are so worried about car parks.

**Vote on officer recommendation to permit**

13 in support

1 in objection

1 abstention

**PERMIT**

**114. 14/01700/FUL Garages at Haweswater Road**

Application Number: **14/01700/FUL**

Location: **Garages at Haweswater Road, Cheltenham**

Proposal: **Erection of 4no flats with associated hard and soft landscaping**

View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>Conditions and photographs</b>

**MJC** this application on a garage court at Haweswater Road is for two buildings each housing two apartments. Thirteen garages and 12 parking spaces will be lost, but a parking strategy and mitigation proposals have been submitted with the application. The recommendation is to permit.

**Public Speaking:**

None. (*Councillor Whyborn had also referred to this application when speaking on application 14/01681/FUL.*)

**Member debate:**

**CHay:** referring to RW's speech, asked about the safety issues and the blind alley – can officers raise the issue to ensure that it is resolved?

**MJC, in response:**

- officers reflected on this point when writing the report. This is currently an unwelcome environment, not overlooked and subject to some anti-social behaviour. The new scheme will place buildings at the front and back of the site, with parking space in the middle. It will mean a couple of gable ends next to each other, but with a 3-metre gap between the buildings, not a tight pinch point. Officers consider this will be a significant improvement on what is currently there.

**Vote on officer recommendation to permit**

14 in support  
1 in objection

**PERMIT**

**115. 14/01810/FUL Mellersh House, Painswick Road**

Application Number:	<b>14/01810/FUL</b>
Location:	<b>Mellersh House, Painswick Road, Cheltenham</b>
Proposal:	<b>New bin store area located by the communal front entrance in Andover Road and drop kerb on Andover Road</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Additional officer comments</b>

**CH** told Members that Mellersh House comprises two linked blocks of flats, set back from the road behind concrete planters and green verges. An internal bin chute has been in use for the upper floors but is now considered a fire hazard. Bins are currently kept on the forecourt, but the proposal is for a bin storage area to house two commercial-sized bins for rubbish and four standard bins for recycling. The report update seeks to clarify some points raised on Planning View. CBH sought help from UBICO when deciding on the number of bins to provide, and two commercial/four standard bins complies with their recommendation; there is a limit on how many bins UBICO will provide. Bins currently on site are always overfull, and CBC is aware of the need to engage with residents of the flats to raise awareness of appropriate waste disposal. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**DS:** Members on Planning View felt that the amount of bin space to be provided is too little to serve 15 residential units. Recalculations are needed to get this right.

**SW:** has seen full bins with unclosed lids, six black bags beside, bottles and cans, with residents saying they haven't got enough bins. This will be a similar scenario on a grand scale. CBC or UBICO need to encourage residents to segregate their rubbish rather than just offer them bigger bins.

**MS:** will support this scheme. Feels a more robust storage area in keeping with the property would have been better, rather than the lightweight ones which will soon look shabby, but realises there are financial implications here.

**AC:** is basically in favour of this, but wonders how long it will take to get the larger commercial bins out to the lorries for collection.

**Vote on officer recommendation to permit**

14 in support

1 in objection

**PERMIT**

**116. 14/02003/FUL Unit 3, Naunton Park Industrial Estate, Churchill Road**

Application Number: **14/02003/FUL**

Location: **Unit 3 Naunton Park Industrial Estate, Churchill Road**

Proposal: **Construction of 2no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14/00566/FUL)**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Defer**

Letters of Rep: **15** Update Report: **None**

**MP** introduced the application, which has been reduced in scale, regarding footprint, eaves and ridge height, and number of units. It is at Committee at the request of Councillor Barnes, in view of the level of concern from residents of Asquith Road. The officer recommendation is to permit.

**Public Speaking:****Mr Stawinski, local resident, in objection**

Local residents have four main objections, compounded by the lack of clear information on what the units will be used for. Number 1 is increased size and height and the design, with reference to CP4 and CP7, which are not in keeping with the adjacent structures or the fact that the site is surrounded closely on three sides by houses and gardens. The proposal is much higher and vertically imposing than the current building and will block light to properties in Asquith Road, especially outside the summer. The exact dimensions are not specified, with the risk it will be higher and larger than the ambiguous drawings suggest. Residents urge that all dimensions should be clearly and publicly specified in advance of construction, so that they can be monitored and adhered to.

Secondly, with reference to CP3, 4 and 5, what is the justification for doubling the number of units, so increasing noise, pollution and traffic, and what will they be used for? The awkward, narrow access doesn't cater for large vehicles implied by the proposed double-height doors; vehicles using the site already block access to the rear of some properties on Asquith Road,

and Churchill Road is almost always double-parked with limited visibility and risk to schoolchildren – this will make it worse. These congested roads can't cope with increased traffic or overflow parking.

Third, with reference to CP4, residents urge the Committee to include the environmental health officer's suggested hours of operation, to protect the balance between residents' amenity and business operation. And finally, with reference to CP6, residents are very concerned that the mature ash tree in the south-west corner of the site is protected. Its crown was significantly damaged before the TPO was put in place, and construction work could destroy the tree beyond recovery. The sycamore tree on the Asquith Road boundary is also a cause for concern.

Residents are not absolutely against the clean-up of this dilapidated site with sympathetic like-for-like development but do not believe the current plans strikes the appropriate balance between supporting local business and the needs of the local community.

**Member debate:**

**SW:** with reference to the tree, there is normally protection for trees included in the conditions, to make sure that the developers don't damage them. If it is right to say not seen the actual sizes of the buildings – the heights should be made available for members of the public to address.

**BF:** is concerned about what we understand as 'light industrial' - a machine shop, a press shop, a printing shop? – all of which cause noise and pollution. Doesn't like mixing industrial units with housing. People living near the Churchill Road site put up with chaos from articulated lorries delivering materials to the small light engineering company there, while Windsor Street has improved greatly since the industrial site has gone. It's strange to use this prime location for industrial purposes.

**AC:** is concerned about the tree. The developer wants to reduce the crown - would object to this most strongly, as there is no reason why the top of this tree should be lowered.

**KS:** has a number of concerns about this application and will move to refuse. On the question of the principle an industrial estate in a residential area, the buildings are old and need to be replaced, but it will cause problems for residents close by. Houses in Asquith Road have short gardens backing on to the site; access roads are narrow and not designed for big lorries. Situating an industrial estate at the end of a narrow access road is like trying to get a camel through the eye of a needle. Welcomes the reduction in size of the units, but is concerned about the size of the roller door. The new occupants will want to utilise the whole building, which will mean a mezzanine level – with the narrow restricted access, there will be safety implications and noise issues for residents backing on. The amendments have not gone far enough, with no account given to the context of the site – an established residential area where people have the right to expect a certain quality of life. This isn't the right solution for the site; a like-for-like replacement of a single-storey building with the same footprint but more modern would be more appropriate. Extractor fans could also be required and should be borne in mind.

Residents want to know the end user of the site. The given hours of operation are good, but as has been seen elsewhere locally, it takes nothing for the occupier to extend the hours and ruin the lives of people living nearby. Residents are not against industrial units here, but it needs care, concern, clarity and transparency to ensure a better scheme and fewer problems for businesses which take the units.

**MP, in response:**

- to SW, the drawings are to scale, and the heights of the buildings are given in the officer report;

- to BF, B1 use is set out clearly at Para. 6.4.5 of the officer report, in line with the Town and Country Planning Act;
- to AC, the tree survey proposes reduction of the crown of the tree and removal of lower branches, with a reduction from 16m to 12m. The Trees Officer acknowledges that works were carried out to the tree before the TPO was made, and that it has already lost some branches, but supports the recommendation to reduce the height to give a balanced, symmetrical tree, which will grow well. The proposed work to the tree would most likely be permitted outside this application.

**GB:** finds this a very difficult application. It was originally quite clearly overbearing and officers have worked hard to reduce its impact, but still has two main concerns. Firstly the tree: normally agrees with the Trees Officer's advice but considers that the proposed reduction will make a big difference to aspect of the area and cannot see any justification for that. Secondly, agrees with KS about the access roads. The double height doors indicate that very big vehicles are expected, and it will be increasingly difficult for these to turn in and out of the site with other traffic in the road.

**PB:** Cheltenham is crying out for purpose-built industrial units. Here an out-of-date, inadequate one is to be knocked down and it's a shame that the applicant hasn't been more sensitive in considering its replacement - the drawings show how much bigger the proposal is than what's there now. It's unfortunate that the applicant hasn't taken on board the importance and significance of the tree. Cannot support the scheme. The principle is OK but not the scale and impact.

**SW:** the top and branches of the tree are one consideration, but the roots must also be protected, to ensure that they aren't accidentally bull-dozed, which could happen during building work.

**MS:** agrees – this tree is at risk. Strongly recommends that the application is deferred to allow the officer to talk with the developer and redress concerns. Otherwise it will be refused outright.

**GB:** is MS proposing deferral, to discuss with the applicant the question of the tree and any leeway to reduce the size of the building?

**MS:** yes, and acknowledging Members' views about access and the heavy trucks going in and out.

**KS:** has moved to refuse – does this not count now?

**CL, in response:**

- the officer recommendation is the substantive motion, in this case to permit; normally this would be voted on first, and if lost, KS's move to refuse would then be voted on;
- however, the move to defer trumps the substantive motion to permit: if it is carried, the application will be deferred; if it is not carried, the substantive motion – the officer recommendation to permit – will be voted on next; if this is lost, KS's move to refuse will then be voted on.

**FC:** in a situation such as this regarding the tree, a condition can be added to the effect that if it is damaged or dies as a result of the works, the developer must replace it with another of equal maturity – probably costing in the region of £50-100k. Could this be done here?

**BF:** there are considerations other than the tree here – in particular the noise levels, and what sort of the light industrial units will be installed.

**CHay:** is not comfortable with this application but provision of more small units in the town is important and this is already an industrial site. Does not agree with other Members' concerns about the use of articulated lorries being inevitable in view of the full height roller

doors. High-top vans can be used, and easily accommodated by the roads in the area. Is concerned, however, about the increase in mass and size –but is this adequate grounds to turn the application down? It would be helpful to have some idea of what sort of noise levels B1 use might mean for local residents. BF’s comments about a machine shop or press shop aren’t relevant as these would not fit B1 use, which has to be acceptable in a residential area, and modern buildings would be built to modern standards with good sound insulation. Businesses which set up here will need to be of the type that don’t need deliveries from articulated lorries. We have to understand how things work in practice, not just consider potential disasters – you can’t run a business without the materials needed. The real concern is the mass of the building and whether this is sufficient grounds on which to refuse.

**JF:** the difference between refusal and deferral is quite clear. If the application is deferred, it gives the chance for officers to liaise with the applicant about the tree, the noise and residents’ worries.

**MB:** considers there are enough reasons to refuse this application and isn’t sure that deferral is the best option. Is concerned that the eaves height of the building will be doubled and will dominate houses several metres away – this is the main issue.

**KS:** has sympathy with the idea of deferral but Members should bear in mind how lengthy consideration and discussions between officers and the applicant have got this application to where it is now. If it is to be deferred, all the issues must be included. Has experience of living behind similar units and is really concerned about sound-proofing, with the roller doors, machinery, radios etc which will have a considerable impact on residents. Wants to be clear on this, and also on access. The tree is important in this residential area, and the effect on parking also needs to be considered. All these issues should be included in a deferral, but doubts any further progress can be.

**PB:** if the proposal is deferred tonight, Members can always refuse it when it comes back to Committee if they aren’t happy with the responses.

**MP, in response:**

- the tree survey is accepted by the Trees Officer and Condition 5 covers root protection during construction; much of the footprint of the building is already in place so not be much additional foundation work will be needed. Protective barriers to British standard are proposed in the site;
- the existing building had unrestricted B1 use, and a high level of sound insulation is proposed for the new development, included double-skin cladding and insulated roller doors;
- as KS has said, this application has been around for a long time. There have already been significant amendments, and consideration of the tree, and there are no objections from Gloucestershire Highways;
- does not therefore see what deferral will achieve – the applicant has already made as many concessions as he is willing to make.

**Vote on MS’s move to defer**

9 in support

6 in objection

**MOTION CARRIED – DEFER**

**117. 15/00058/FUL 9 Copt Elm Road**

Application Number:	<b>15/00058/FUL</b>
Location:	<b>9 Copt Elm Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Erection of single storey dwelling</b>
View:	<b>Yes</b>

Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>29</b>
Update Report:	<b>Officer comments, conditions and additional representations</b>

**MJC** introduced the application as above, which was submitted after a previous scheme was withdrawn in 2014 due to concerns about height, scale, and highway safety issues. The current application seeks to address those concerns; the visibility issues have now been resolved to the satisfaction of the County. The application is at Committee due to Parish Council concerns that it does not enhance St Mary's Conservation Area. Officer recommendation is to permit.

### **Public Speaking:**

#### **Mr Harris, local resident, in objection**

Firstly, the newly-published highways report contains inaccurate and inadequate information, referring to 'good visibility splays' at the junction of Church Walk and Copt Elm Road. Members will be aware from Planning View, there are no visibility splays at this junction, with parked vehicles reducing visibility virtually to nil – a car was written off here during previous building works. In addition, the principal finding of the report – in the applicant's favour – is questionable as he carried it out himself. Officers claim the application is 'sustainable development' and 'environmentally bearable'. The Conservation Officer states that it represents over-development and land-grabbing with no demonstrable public benefit. Being on the edge of the conservation area makes it more important, as if permission is granted, there will be nothing to stop the gradual erosion of the conservation area or developers from moving in with further garden-grabbing applications between Church Walk and Copt Elm Road – with access available, the precedent will have been set.

Planning officers say the historic garden plots are less important than their host houses, but this ignores the fact that the integrity of the conservation area depends on the sum of its distinctive features, and is on par with the Civic Society's one-line comment which does not reference the conservation area at all. On highway issues, the report on an earlier application here holds good, in that it fails to provide suitable access and parking and should be refused. Lowering the boundary enclosure could easily be reversed by a future resident.

This is calculated garden-grabbing in a conservation area, and the only financial interest served is the applicant's own self-interest – and he is moving away from the area next week.

#### **Simon Firkins, agent on behalf of the applicant, in support**

The architect, applicants and agent have spent a lot of time, effort and care in creating a high-quality, well-designed home, sensitive to its context and not in conflict with policy, guidance or any material considerations. Amendments have been made to address officer concerns, and the report deals with the salient points clearly and in detail. The conservation area has many dwellings in similar locations, so this will not be out of character, simply continuing the line of dwellings and achieving an appropriate degree of subservience to the frontage house. The report identifies the key characteristic of this part of the conservation area as the main road frontages, which this scheme will not impact at all. It also explains how the scheme doesn't result in harm to neighbouring amenity, with no overlooking, overbearing or loss of light. There are a number of objections to the proposal, but many of these are from homes a long way from the site. Local objection amounts to a small number of households, and some local residents are unhappy with the number of letter drops and posters against the scheme. Understands that attempts of a minority to derail this thoughtful proposal were demonstrated on planning view, but these views are not shared by a majority of local people.

Vehicle numbers and speeds on the access are low; highways officers have no objection to the scheme, subject to conditions. The applicant owns the lane at the point of access, and

the few cars associated with the proposal will not be harmful. There will, of course, be some change as a result of the scheme, but change does not make something unacceptable. The development is carefully designed to respect its context, neighbours' amenity and other material considerations, and will not set an unwelcome precedent. It is a sustainable form of development, for which there is a presumption in favour

### **Councillor Reid, on behalf of local residents, in objection**

Objections to this application have come from parishioners across Charlton Kings, not just St Mary's Conservation Area, because this peaceful place is highly valued by people who enjoy its special character. As Chair of the local Rights of Way Committee, can attest to the importance of this historic footpath, which has a high footfall serving a desire line for a range of users – children and mothers on route to school, people accessing the shops, dog walkers, and others enjoying the green corridor which is a wildlife haven. It is an important alternative for people to escape the noise and traffic of Copt Elm Road between London Road and the village.

In view of this, it is disappointing that no consideration has been given to the street scene at the rear of the properties, with their distinctive long narrow gardens, characterised by verdant growth and soft boundaries. A proposal to develop land behind Victorian houses in Cirencester Road was rejected because it would have ruined the character of the area, even though it wasn't in the conservation area.

Despite amendments this application does little to redress the original refusal reasons and the corrosive effect it will have on local people's amenity and enjoyment. The design is utilitarian at best and conflicts with existing buildings. And last-minute highways comments that the lowering of the fence addresses the visibility issue doesn't consider that any new occupant will install screening plants which will return the problem. Mums with toddlers and buggies and youngsters on bikes have only one refuge area along this stretch of shared roadway, and additional traffic will be inconvenient and could cause an accident.

Several policies can be used to refuse this harmful development from NPPF paragraphs 126-132, 134 and 53, and local plan policy GE2. The Parish Council has objected strongly, taking on board local residents' real concerns, and citing the SPD on St Mary's Conservation Area which was created to protect the area's historic context and distinctive site features, urban grain and landscape issues. This application does nothing to preserve or enhance the conservation area. The NPPF talks about sustainability and environment, and refusing this application is an important opportunity to sustain and environmentally important area for future generations.

### **Member debate:**

**MS:** supports the views expressed by Mr Harris and Councillor Reid. The lane is at maximum capacity, though this is not a refusal reason in itself. The Conservation Officer's report is very good and lists reasons why the proposal should be refused as totally inappropriate in this location. Is amazed therefore at the planning officer's recommendation to permit. Moves to refuse on NPPF paragraphs 58, 64 and 126, page 36 of the Garden Land SPD and Local Plan Policy GE2.

**PB:** this is one of the worst examples of backland development he has seen – it is obscene. This barren plot must have been a wonderful garden in the past. There is no doubt the proposal will have a severe impact on the area - to describe it as a sensitive scheme is a joke. MS and Councillor Reid have listed many reasons to refuse, to which he would add NPPF paragraph 132 and 134.

**FC:** can't understand how this application is at Committee with a recommendation to permit in view of the points made by the Conservation Officer. Will support the move to refuse.

**SW:** notes a reference to a public right of way. Is this Church Walk? Is it a public right of way on the definitive maps or the Map of Streets?

**MB:** echoes what has already been said. The term garden-grabbing is over-used, but that is precisely what this is. The lane is already busy, but the real issue is that the site is in the St Mary's conservation area and the design out of keeping. As an aside, asks why the running order of Planning Committee meetings isn't rearranged to reflect the public interest in particular applications.

**MJC, in response:**

- some of the comments so far refer to the officer report. The Heritage and Conservation Officer's commentary is a good analysis of the proposal but doesn't consider the wider context. It is her role to look at it in a purist way but the planning officer's role is different, and takes into account the wider context. The SPD comes in handy here, and the site plan shows quite nicely that beyond Copt Elm Road and down Church Walk there is a much looser form and grain of property, and is not in the conservation area. The Conservation Officer's comments have not been dismissed but officers consider the wider area trumps the impact on the conservation area;
- this is reinforced in the recommendation, which concludes that the proposal is not an anomaly given the built form and urban grain of the area, and respects the linear frontage development;
- regarding the suggested refusal reasons, it's very important that the application is refused for the right reasons. Policy GE2 is used a lot as a refusal reason but has little success at appeals. It is concerned with space which makes a significant contribution to an area, which this does not. Considers CP7 more appropriate if Members are concerned about the conservation area;
- is also doubtful about the use of Page 36 of the SPD on backland development, as this relates specifically to the introduction of a new access. There is already access here serving eight dwellings. Maybe the SPD can help in the refusal, but not Page 36;
- CP7 and NPPF paragraph 134 can be part of a reasonable argument against the scheme, but MS's other suggestions are inappropriate.

**MS:** all that MJC has said is fine, but believes his other suggested refusal reasons should be left in. The Inspector will ignore anything he doesn't agree with. Considers them all to be valid, drawing the Inspector's attention to the Committee's thinking, but will add CP7 to the list.

**PT:** is worried that MJC's comments imply that as long as something looks OK from the front, it doesn't matter what goes on at the back – which is awful. This is shameful garden grabbing and quite appalling, encroaching on the public right of way, used by schoolchildren, and a very bad example, wrong in so many ways. We should use as many refusal reasons as possible to turn it down.

**KS:** this appears to be an odd-shaped plot. What is the land outside the red line used for?

**GB:** it is currently owned by someone else, and used as an allotment.

**AL:** if this application is refused, what will happen with the plot? It appears to be derelict, has been carefully sectioned off with the thick hedge ruining the view. Is there anything which can be done to bring it back into use – it is presently quite an eyesore?

**MJC, in response:**

- the public right of way is adjacent to the site, not part of it. There is therefore no need to divert the public right of way.

**SW:** is it a public right of way on the Map of Streets or the definitive map?

**MJC, in response:**

- this is not relevant here.

**SW:** if Church Walk is a public footpath or bridleway, it cannot be used for cars.

**MJC, in response:**

- it is already being used by eight dwellings and the owner of the property to park at the back;
- to AL, the council has no power to encourage the owners of this land to put it back into a garden or anything else. There is no public nuisance, so a 215 notice wouldn't be appropriate here;
- we need to craft a refusal reason which officers can defend. So far, we have CP7 and GE2, Page 36 of the SPD, and NPPF paragraphs 58, 64 and 126.. Suggests adding NPPF para 134 as well;
- to PT's concerns that officers are only concerned with how the proposal looks from the front, this is not what he was implying. It is a sensitive area and certainly not a case of anything goes, but officers need to assess sites in a wider context.

**PT:** Members may not look at the site in its wider context in the same way as officers. Can see and feel what this 'blob' in the middle of the drawing does to the wider context – it is totally out of place.

**Vote on officer recommendation to permit**

0 in support  
11 in objection  
4 abstentions

**NOT CARRIED**

**Vote on MS's move to refuse on CP7 and GE2, Page 36 of the SPD, and paragraphs 58, 64, 126 and 134 of the NPPF**

12 in support  
3 abstentions

**MOTION CARRIED - REFUSE**

**118. 15/00104/FUL 30 Ravensgate Road**

Application Number:	<b>15/00104/FUL</b>
Location:	<b>30 Ravensgate Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Erection of 2 x 1.83 metre wide x 1.87 metre high wooden gates</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**BH** introduced this proposal at a semi-detached bungalow on the corner of Ravensgate Road and Wistley Road. The proposed gates will face Wisley Road. The application is at Committee at the request of Councillor McCloskey, who feels a debate on the wider scene would be useful.

**Public Speaking:**

None.

**Member debate:**

**AC:** understands from Planning View that if the application was for lower gates, it would not need planning permission. It is only the *height* of the gates that is being considered here.

**BF:** can't understand the officer recommendation to refuse. Highways Officers have no problem. Realises that anything over 1m high fronting the public highway needs permission, but this gate is not out of place. There are hedges and fences which are higher in the area. The owner requires these gates for privacy and security. Can see nothing wrong with them.

**MS:** understands the applicant wants to keep a caravan in a secure place. Does not consider the gates would be a visual distraction, with the hedge either side. Will move to permit.

**SW:** understands the property has no back garden, hence the need for a secure front garden. Has no issue with these wooden gates. Cannot support the officer recommendation.

**PB:** understands the officer recommendation – these are big gates in a road where there are currently no big gates – but there is no objection from neighbours or from the Parish Council.

**BH, in response:**

- regarding the height of the gates, these could be up to 1m under permitted development. The recommendation to refuse is not based on highways issues but due to the visual impact – the Beeches area is characterised by low boundaries and frontages.

**GB:** high gates in the middle of a big hedge will look out of place here - supports the officer recommendation.

**Vote on officer recommendation to refuse**

4 in support  
10 in objection  
1 abstention

**NOT CARRIED**

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

10 in support  
4 in objection  
1 abstention

**MOTION CARRIED - PERMIT**

**119. 15/00185/FUL 2 Highland Road**

Application Number:	<b>15/00185/FUL</b>
Location:	<b>2 Highland Road, Cheltenham</b>
Proposal:	<b>Erection of dwelling and single garage</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>4</b>
Update Report:	<b>None</b>

**CH** introduced the proposal for a single two-storey dwelling with front-facing gable in the side and rear garden of 2 Highland Road, a large two-storey detached house with two accesses, one shared with No. 62 Sandy Lane which will form the access to the new dwelling. The

existing garage will be demolished to make room for the proposal, and a new one erected. The recommendation is to permit.

**Public Speaking:**

**Wendy Hopkins, planning agent on behalf of neighbour, in objection**

Neighbours and the Architects Panel are concerned that this application is of poor quality in both architectural and urban design terms. The cramped form of development would compromise the residential amenities enjoyed at 62 Sandy Lane. The immediate locality is characterised by properties with a large footprint set in large plots, individual properties predominantly 20<sup>th</sup> century and brick-built. This site is visually prominent, on the junction of Sandy Lane and Highland Road, and therefore important in the context of the wider area. Members work hard when considering planning guidance documents such as the local plan, the emerging local plan, and the supplementary planning guidance on garden land and infill, to promote a high standard of architectural and urban design. This means proposals should respond to their context and reinforce the sense of place, not filling every gap between every building. It is difficult to find any architectural merit in the proposed dwelling being considered today, being more akin to a light industrial building at a domestic scale, shoe-horned into a gap existing dwellings, gable end onto road, with plastic brown weatherboard and grey uPVC windows – which do not, by any stretch of the imagination, reflect the locality. The NPPF requires high-quality design, and the need for this is a key aspect of sustainable development, indivisible from good planning. Members should consider it would be difficult to support approval of this scheme on policy grounds. The government has announced this week that architecture is to move from the department of culture to the department of communities, to sit alongside planning and housing – a clear indication that high quality design is fundamental to planning.

**Russell Ranford, agent on behalf of applicant, in support**

The design of this proposal is the result of a detailed assessment of the site, and in accordance with the SPD. Members will have seen on their site visit that a 1.5-storey dwelling on this site is a sensible approach, and far from being shoe-horned into the site as has been suggested, it only takes up 10% of the site, unlike other dwellings in the area which take up more than 20% and are therefore more 'shoe-horned'. The plot size is comparable to No. 6 Highland Road, and the plot area and width ratios are 10.2% and 55.4% respectively, lower than others in Highland Road, which have a width ratio of almost 80%. It is disappointing that the Design and Access Statement has not been acknowledged - subjective opinions on the proposed dwelling do not link to the facts and information provided. There have been objections to the gable end design features, but this is comparable to the design and appearance of No. 6 Highland Road. Other elements of the design can be found in the immediate locality, and the new dwelling can be said to respects the local built character. The scheme is in keeping with the local plan and national planning policy. It is a sustainable development, creating a new dwelling without any harm to neighbouring properties.

**Member debate:**

**PB:** realises that design is subjective, but in this case agrees with the Architects' Panel that this is poor. To say that this proposal 'creates no harm' is not a reason to permit it; it should enhance the area. Therefore proposes refusal on Policy CP7 and NPPF paragraphs 56, 64 and 117.

**JW:** is not sure how to interpret the final sentence of paragraph 6.11 in the report – '... loss of sunlight would not be minimal'.

**CH, in response:**

- this is a typo – it should read 'loss of sunlight would be minimal'.

**BF:** supports PB's comments. Does not consider this a decent design.

**KS:** this isn't the right development in this location, and will disrupt the rhythm of the street scene. It will harm the leafy, suburban feel of the area, and result in three very different properties squashed together on a busy junction. This is not good enough. Will support the move to refuse.

**AC:** there is space for another dwelling here but this design is not right – it is awful, appalling. The applicant should go back and think again.

**SW:** on the drawings, it seems to work, but looking at the area on Google is left thinking how it will fit in. If the applicant was planning to demolish No. 2 Highland Road and divide the plot between two properties, this could work, but the current proposal looks like an industrial building, shoe-horned into a small space, and just doesn't work or fit in.

**CH, in response:**

- PB's comments regarding the subjectivity are noted, but if refused, the refusal reasons must be right. PB suggests CP7 but needs to be more specific as to what harm the proposal will cause.

**GB:** before considering refusal reasons, will take vote on officer recommendation to permit.

**Vote on officer recommendation to permit**

0 in support  
13 in objection  
2 abstentions

**NOT CARRIED**

**MJC, in response:**

- PB has suggested CP7 as a refusal reason, and Members have said they don't like the design, but they haven't said why. Officers need their objective analysis about what is wrong with the proposal, when it is clear that there is a variety of architecture in the area.

**PB:** at the end of the day, it is a subjective view. Personally does not like the proposal because it is inadequate, will disrupt the street scene and is a poor quality design. We should look for better.

**CHay:** there are some positive things about the design, but is concerned about the use of materials. The proposal doesn't appear to fit in with other buildings in the area. Sometimes a modern building amid older ones will work, but in other cases it can spoil the character of the road. This area needs something with more character about it; the proposal is quite simplistic with a strange choice of materials. It could work elsewhere but not among the mature buildings on this road.

**GB:** this is still a subjective view. Officers need real issues to help them in an appeal situation.

**BF:** CP7(c) requires development to complement and respect neighbouring development and the character of the locality – this does not, and an Inspector would agree. It may be better if it was ultra-modern, but in its current form doesn't complement or respect the neighbouring locality.

**GB:** officers need clear grounds about precisely why the proposal is to be refused.

**KS:** the key issue is the cramped form of development compared with the houses on either side. No. 6 is a bungalow, not too dissimilar, but should the new house improve the area or

simply replicate what is there just because it is there? Has also looked at Google, and notes the view to the AONB from this site. There is a gap between the two properties, and is not sure what kind of development here would be in keeping. Does not think the right sort of development can be achieved on this site - it is just too small. An ancillary building – e.g. a granny annexe - might work, but the current proposal interferes with the street scene at a prominent location which needs extra special care.

**MJC, in response:**

- is hearing two separate analyses from CHay and KS, concerning different issues;
- CHay is talking about proposed materials, which is helpful but narrow – questions if this would be successful at an appeal;
- KS's comments are different, concerned with whether there should be a dwelling on this site at all.

Officers feel the site can take the proposal. It is not particularly inspiring but there is variety in the area. Is worried about the chances of defending this at appeal;

- officers need to hear more about how to move forward with the refusal reasons.

**KS:** agrees that the materials are an issue, but this could be sorted out by condition if necessary. MJC says officers feel the plot is big enough, but suggests that the mass and scale of the proposed dwelling are inappropriate on this site. There is also the concerns of the residents on Sandy Lane to consider, who will be affected by this.

**PB:** it is clear that no Members like this design. Suggests that NPPF paragraphs 56 and 64 and policy CP7(c) are clear refusal reasons.

**MJC, in response:**

- these are all relevant quotes and can supplement the refusal reason, but Members need to specify why they consider the design to be poor. CHay has said the materials are inappropriate, which could be the nub of the refusal reason;
- had thought the debate would go the way it has, but considers the refusal reasons to be weak.

**BF:** reasons for this refusal are similar to those of the last application considered tonight, where MS suggested leaving in as many as possible – if the Inspector doesn't like them, he will throw them out. The Committee's decision is to refuse, and officers should respect this.

**GB:** officers do respect Members' decision, but want to get as good a refusal reason as possible.

**PT:** suggests a line be drawn under the refusal reasons as they are. If officers can come up with anything that strengthens the case, they can discuss it with the Chair and Vice-Chair.

**GB:** questions whether officers should be concocting refusal reasons outside the meeting.

**FC:** Members have provided a number of refusal reasons which can be put to use. Another not previously mentioned is the sustainability of the cladding. Has significant sympathy with BF's last comment. The Committee view is clearly that this proposal should not go ahead; officers should put their minds to how best to represent this.

**GB:** the Committee is required to give adequate reasons to refuse; officers are not employed to make up reasons. Proper refusal reasons are required from Members.

**FC:** officers should be able to fashion reasons and provide a relevant response for a planning appeal from what has been said.

**GB:** officers will support the reasons Members have given but don't feel they are strong enough for what they need. The message from Committee is that it doesn't want to support the proposal on design grounds and materials.

**KS:** the comments of the Architects' Panel are very clear, stating that the context and design will alienate the proposed dwelling from its neighbours, and not supporting it in its current form. Any dwelling here would have to respect the space better. Suggests spells out reason for refusal.

**PB:** is OK for this view to be incorporated in the refusal reason.

**Vote on PB's move to refuse on CP7(c) (with reference to the comments from the Architects' Panel) , NPPF paragraphs 56 and 64**

12 in support

0 in objection

3 abstentions

**MOTION CARRIED – REFUSE**

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

Chairman

The meeting concluded at 9.35pm.