

Planning Committee

6.00 pm, 16 July 2015

Present at the meeting

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

Present as observers: Councillors Coleman, Nelson and Payne.

Officers in attendance

Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Craig Hemphill, Senior Planner (CH)
 Lucy White, Senior Planner (LW)
 Chris Chavasse, Senior Trees Officer (CC)
 Michael Doust, Trees Officer (MD)
 Cheryl Lester, Legal Officer (CL)

146. Apologies

Councillors McCloskey and Savage

147. Declarations of Interest

15/00517/FUL Hesters Way Baptist Church

Councillor Fletcher – is Vice-President of Cheltenham YMCA. Will leave the Chamber for this item.

148. Declarations of independent site visits

14/01928/FUL Pittville Campus

Councillors Fisher and Walklett

15/00202/FUL 3 Cleavelands Drive

Councillors Fisher and Lillywhite

14/01677/FUL Garages adjacent to 11 Rowanfield Road

Councillor Sudbury

15/00222/FUL The Acorns, Gloucester Road

Councillor Fisher

15/00354/FUL York Place, 47 Swindon Road

Councillor Walklett

15/01086/FUL Garages/Parking at Ullswater Road

Councillor Fisher

149. Public Questions

There were none.

150. Minutes of last meeting

Resolved, that the public minutes of the meeting held on 21st May 2015 be approved and signed as a correct record *without* corrections. (*Note: there was no Planning Committee meeting in June.*)

151. Planning Applications

152. 15/01078/CONF 26 Monica Drive

Application Number: **15/01078/CONF**
 Location: **26 Monica Drive, Cheltenham**
 Proposal: **Confirmation of Tree Preservation Order 15/00725/TREEPO Holm oak to the rear of property**
 View: **Yes**
 Officer Recommendation: **Order is Confirmed**
 Committee Decision: **Order is Confirmed**
 Letters of Rep: **2** Update Report: **None**

Officer introduction:

CC introduced the application to confirm the TPO at 26 Monica Drive. The nearest adjoining neighbour at 12 Cleavelands Avenue objects to the TPO for the reasons set out in the report. Officer responses to these are also given in the report, and the recommendation is to confirm the TPO.

Public Speaking: None.

Member debate: None.

Vote on officer recommendation to confirm TPO

15 in support – unanimous

Order is Confirmed

153. 14/02938/FUL Pittville Campus

Application Number: **14/01928/FUL**
 Location: **Pittville Campus, Albert Road, Cheltenham**
 Proposal: **Erection of a student village incorporating 577 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involves the demolition of existing teaching facilities and the retention and refurbishment of 214 existing student**

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| | rooms. |
| View: | Yes |
| Officer Recommendation: | Permit, subject to S106 agreements |
| Committee Decision: | Permit, subject to S106 agreements |
| Letters of Rep: | 178 |
| Update Report: | None |

Officer introduction:

LW introduced the application for a new student village, as above. It was deferred in January to allow the University an opportunity to address the suggested refusal reasons, relating to architectural design and amenity, in particular off-site noise and disturbance during the evening and night-time, as well as the size of the development, number of students, and ability to manage the site effectively. In addition, the legal agreement regarding highway works and travel plan was not complete.

Since January, the University and everyone else has worked hard to address these concerns : new architects were appointed and the University has engaged more directly with local residents through a Residents Liaison Group which has met six times. The meetings have been constructive and focused on detail of the Operational Management Plan, which is now more consolidated and detailed regarding off-site strategies than previously, and no longer based on assumptions and ideas, with no guarantee of delivery. Fundamental to the officer recommendation to permit is the new S106 agreement which would ensure long-term provision of a late-night shuttle bus, volunteer patrol scheme and continuation of a community liaison group. This and the highways legal agreement are signed and ready for issue.

It is disappointing that the University didn't consider reduction in the student numbers proposed for this site, continuing to put forward the economic argument to meet current and increasing shortfall in student accommodation. This is a material consideration, but the appropriate management of the students is critical, whatever the number proposed. There are now defined and clear strategies to manage off-site student behaviour and reduce potential harm to neighbours' amenity, secured long-term via the S106 agreement.

There is still some criticism regarding design and appearance, but the revised scheme is an improvement, more refined and consistent in approach to materials and elevation treatment. There are no objections from consultees.

The application is now sufficiently advanced for officers to understand and assess the merits of the proposal which, on balance, is considered acceptable. With the presumption in favour of development unless the adverse impacts would significantly outweigh the benefits, the recommendation is to permit subject to the two legal agreements relating to amenity and highway works.

Finally, would add that the new drawings on Council's website replace some of the original drawings which were shown at the wrong scale in relation to paper size. These drawings have been submitted for clarification and reference and there is no change to the proposed design or layout to consider. In addition, the annotation was missing from the Media centre, but there is no change in the design of the building.

GB: there is a model for Members to look at as a visual representation of the site, but this too is not completely to scale, believes it to be out by a couple of millimetres.

Mrs Susan Walker, neighbour, in objection

For local residents, the issue remains the number of students to be accommodated. In January, Planning Committee members exhorted the University to listen to local residents, but they have been ignored regarding the proposed numbers; in an article in the *Echo*, the University suggested the site had previously accommodated 1000 students, but this is misleading, and refers to the maximum number of work stations. A maximum 660 students have previously been accommodated on the site, for residential and teaching purposes, but

this doesn't compare with 800 students living there 24/7. To have any confidence that the student management plan will work, the contractor would need to have a proven track record of managing this number of students, but U-Living does not have any such experience - this is of high concern and should be a show-stopper. The plan will only be as good as the people managing it, and this could well prove an impossible task. The set-up has been compared with UWE's campus at Stoke Bishop, but that site accommodates up to 2000 students on 65 acres and is not situated within walking distance of the town centre, so control of student behaviour is limited to the site. There is no comparable site with the same potential issues as Pittville Campus.

Residents remain concerned about anti-social student behaviour – the University has a poor track record in dealing with this, and the proposed management plan is not sustainable in the long term; about student parking – despite a ban on first-year students having cars, it will cause parking chaos in the surrounding roads; about the design – like a horrible cliff-face, out of keeping with Albert Road; and the adverse impact on the conservation area. All these concerns could be mitigated by reducing the numbers to what the site can reasonably accommodate, and spreading the students across Oxstalls and Park Campus to give a fairer balance.

Urges Members not to accept; the result will be a vast social experiment which will fail, to the detriment of the whole town.

Mr Stephen Marston, Vice-Chancellor University of Gloucestershire, in support

Thanked everyone who has worked with the University over the past six months to develop and improve the revised proposals. Is happy with the officer recommendation and that the S106 agreements on traffic, transport and amenity have now been signed. Objectors' reservations about the earlier proposal have now been addressed as follows: firstly, new architects were appointed after the January meeting, who have developed a new approach to layout, design and materials, with a consensus that the new design is better than the previous and a huge improvement on the old campus buildings; secondly, concern about the numbers – the site is clearly capable of accommodating 791 students, having accommodated 1,300 students and 250 staff as a teaching campus. The University has a large shortfall in accommodation; 15% more students have accepted places this year compared with last year, including 20% more in business and 15% more in computing. There will be a shortfall of 633 beds this autumn, which will rise to over 1,100 beds in two years' time. The NPPF puts responsibility on local planning authorities to plan for sufficient student accommodation.

The third concern is the perceived risk of poor student behaviour. The residents group has agreed a detailed Operational Management Plan for the site, the core elements of which will be made legally binding under the S106 agreement. The University has a good record for managing student behaviour, and police and environmental health officers do not perceive any problems. The decision shouldn't be based on hypothetical fears about what might happen but should rely on clear evidence that the University knows how to manage the site well. In addition, the vast majority of students make a great contribution to the community and the economy.

The proposals will be good for the students and good for Cheltenham, receiving strong support for the Local Enterprise Partnership because it will be key to creating a thriving future for the town. The plans were developed through a rigorous procurement exercise, revised to address previous concerns, and provide well-designed, well-managed accommodation on the right scale.

Councillor Payne, in objection

There have been in excess of 285 letters of representation from local residents who are concerned about this application, but who also support the University, appreciate its

economic worth, and want to see the campus developed. These residents are experts, with experience of living close to Pittville Campus; their opinions should carry weight. Noise and anti-social behaviour from the 250 students living at Pittville Campus is already a fact of life for them, and complaining to the University has proved ineffective. The database is inaccurate, and all but the most persistent residents have given up. The police recommended a system to manage it, but the University declined. It is vital that residents should have confidence in the management of students.

The residents group met six times, but the University didn't move on a single issue of concern to residents. Section 3 of the Operational Management Plan states that U-Living has no experience of managing students, and Appendix 7 shows no management structure in place to cover the day-to-day management of the campus – seven part-time cleaners and three security guards, but no 24/7 cover. The proposal also includes ten resident student wardens, performing a *de facto* management role in return for a 30% reduction in their rent. If he was a Pittville resident, would feel very uncomfortable with this arrangement, which sounds unsafe, inconsiderate, and unacceptable.

Student numbers are at the heart of residents' concerns, yet the University refuses to discuss this issue. 790 resident students on this site is excessive. The austere and bland buildings will be replaced by refined and boring ones of underwhelming architectural design, which sets the proposal in conflict with Section 7 of the NPPF Para 56 and with Section 8. The impact on neighbouring amenity will be significant, with an increase in population around the campus of 300%, distorting the demographic profile of the area. Weak car-parking regulations will make the local roads inaccessible. The retail provision in site will threaten the viability of the local shop. Noise, anti-social behaviour and litter will all increase.

The application remains unfit for purpose, omitting sufficient management information. Urges Members to defer their decision again to address these critical issues and concerns of local residents.

Member Debate

JW: before any discussion of the building and design, would call into question some of the numbers just mentioned, which were astonishing. To say there will be 791 students on site 24/7 is a gross exaggeration; they are at university to learn, and will attend college during the day. As ward councillor for St Paul's, has experience of this, with 3,000 students living in $\frac{3}{4}$ of a square mile. It's true that University rules for first-year students can be difficult to monitor and there are periodic complaints, but over the last two or three years, the University has been first class in monitoring new student car ownership. Pittville is adjacent to St Paul's, and is likely to be dealing with the same type of student with the same temptation to bend the rules, but residents shouldn't think that the area will be inundated with cars all at once.

It's been suggested that student numbers could double at weekends, but experience in St Paul's shows the opposite is true, with more students going away to visit family and friends. The University has got the balance right; 791 sounds like an awful lot, especially as only 200 or so have lived on the campus until now, but the University has worked hard with residents and the S106 agreement enhances the opportunity for students to be well managed.

JF: first thought is 'could do better'. Realises that design will always please some and not others; in this case is worried about the design, which is too imposing. Pittville is a residential area. Was born here, has seen the University grow, and understands the need for progress but the numbers given are over the top for this site. Policy CP4 requires safe and sustainable living, with new development not causing unacceptable harm to an area – this will cause harm, due to the huge increase in numbers. Provision is to be made for security of the site, but by amateurs who aren't really qualified – can they do the job? The size, location and lay-out all give cause for concern. The site is outside Cheltenham centre and there will be additional cars parked on residential roads. Pittville Park area is already at

saturation point – can it take any more? Policy CP7 requires high architectural design, which this proposal is not.

Everyone wants the University to thrive, and to encourage young people to come here to learn, but it has to be right. This isn't; the locality and numbers are wrong. There is also the question of noise and the impact this will have on the health and quality of life of people living near by – covered by paragraph 123 of the NPPF. It is currently a leafy suburban area.

CHay: hopes to allay some of these fears. Regarding the design, the Civic Society's opinion of a proposal is often quoted, and in this case, it is happy with the revised design, considering it a major improvement. Officers take a slightly different view but believe the revised plan is acceptable.

Regarding the numbers, the site housed the art college from the 1960s, with a residential block at Rosehill for 2-300 students, and 1100 using the campus – at peak, many more. This proposal will be a 40% reduction on that, and won't alter the character of the area; college buildings have occupied the site for half a century and are part of the character of the area.

Nearly 800 students are proposed, and the management plan and number of staff devised will work only with this number; any reduction in student numbers will mean a reduction in income and a reduction in the number of staff. The number makes the place sustainable. It allows the students to have a self-contained community which works because of the numbers proposed. And the number is needed because the University is running out of beds.

The Vice-Chancellor spoke about a 15% increase in applications for computing courses and one course is on cyber security. GCHQ is trying to source work locally, which makes this type of course a brilliant idea, but it will be at risk if the University cannot find sufficient accommodation. Diana Savory of Cheltenham LEP has stated that the University supports 2160 jobs in the county, its graduates add £200m to the value of UK economy each year, and its students spend £28.3m annually in Gloucestershire. These are high numbers, and if Cheltenham gives the impression that it doesn't want it, because these are the wrong kind of buildings and not Cheltenham-like, the University will go elsewhere. Cheltenham needs to move its economy on, and the guidance is that we must plan for student accommodation. There is also a letter from Inspector Tim Waterhouse, saying the police have no problem with this application.

Regarding behaviour management, regrets the dismissal of student managers, when it's widely considered OK to take people on for work experience. They will be chosen as the right people for the job, will be managed themselves, and it will be a good example of instilling a sense of community in students at an early stage. It's disappointing that people still have such jaundiced views of students. There has been a lot of talk about the number of complaints about student behaviour - 40 since September 2014, but five the previous year, six the year before that - and we can draw our own conclusions from this. It's also being said that the management plan is not safe, but this is ill-advised – the University wouldn't put forward a scheme that is not safe.

Highways concerns have been covered by the S106 agreement.

AC: asked on Planning View what will happen at the site during the holidays? Will the beds be used for other purposes or left empty – if so, students on site cannot be described as a 24/7 problem.

BF: this is a very difficult decision. Regarding the design, officers say it complies with CP7; it is always subjective, but they are the experts. The Conservation Officer is OK with the proposal, so Members should therefore accept that it complies with CP7.

The site has been used for the art college for many years, though having lived in Cheltenham since he was a boy, can remember when it was a field for horses. In the art college days, there was a high population of students and a student union bar which didn't close until late, not 3.30pm. We don't want Cheltenham becoming a retirement town; the University brings many benefits. 18-year-olds can vote and fight for their country; they should have a say in how their campus is run. They are the most intelligent 5% of the country, and if we show no faith in them, they will go somewhere else where they are acceptable. Many students who come to Cheltenham settle here, and the majority are a credit to themselves and their families, recognising that the only way to employment is through hard work. Some people have closed their minds to this, and their letters of objection are shameful, even though Cheltenham people are usually fair and honest. Some neighbours would prefer housing on the site, but at 1.3ha and with the precedent for flats along Evesham Road, sometimes five storeys, the site would lend itself to this kind of development; it will happen one way or another.

The University has gone some way to conceding to neighbours' concerns; it could have gone further, but another deferral won't achieve anything. The proposed student village will be an experiment to some extent, but a managed experiment. The students in St Paul's contribute to the well-being of the area, but Members have to make an objective decision based on planning considerations. Does not actually consider student behaviour to be a planning consideration.

MS: economic benefit is not a planning issue either, and should not be used as such to approve an inappropriate development. This proposal is an over-development of the site. Accepts that design is subjective, but to him, this looks like an industrial complex, out of character with the local area. With 600 additional students and minimal outdoor amenity area, this is an issue not just for Pittville but for the town as a whole. It is a recipe for conflict with local residents to have this huge number of students living on the site so soon. In paragraph 5.4 of the report, officers agree that local residents will suffer from the additional noise etc; there were already problems with the existing 214 resident students. We shouldn't allow something which will clearly have such an adverse affect on the local residents and completely change the dynamics of the conservation area.

The management plan would be an experiment, and needs to be proved before the development goes ahead. Would support an additional 200 students, allowing the University to apply to increase the number in two years' time, to give the management team the chance to bed in, and local resident and students a chance to bond. 600 extra students in one fell swoop is wrong, and should be refused.

Regarding the building, it is over-development, with the scale, mass and bulk out of keeping with the local area, in conflict with CP4 and CP7. Will move to refuse on these grounds if no-one else does.

PB: congratulates officers on the enormous amount of work and detail, and engaging with the applicant and residents on this significant application. Is not sure which way to go; the decision will be marginal, as officers could have argued for refusal on amenity and design issues, but it's now up Members to make the final decision, which will be popular with some but not with others.

If this were a new greenfield site, would view the proposal differently. Students inhabited this site before most of the local residents moved to the area, so some degree of noise could have anticipated from the outset. There are different views on the numbers, but no doubt that the area has accommodated 800 students over the years, including the UCAS site across the road, and the site plan shows that the site is capable of supporting this number. Having children of his own at university, recognises that this fantastic development will give new students a great first-year experience with their living accommodation. Student accommodation is a massive problem in the town, with properties being snapped up the

moment they become available. There are worries that the students will take over the area, but they have to go somewhere, and it is clearly vital that the University provides more accommodation to ensure its competitiveness. Congratulates the new architect on the improved design; deferment was clearly the right thing to do in January.

However, does have some concerns. A condition allows for refuse and commercial vehicles on site up until 8.00pm – is this necessary? Would have said 6.00pm is late enough. Informative 4 refers to contractors' parking in neighbouring streets during construction – this is unenforceable, as demonstrated at the Cirencester Road development. Can this condition be tightened up, maybe by naming streets where no contractor parking will be permitted?

We have to accept this proposal. It has been described as 'a recipe for conflict' but we should be welcoming students to our town. Two thousand students live in the confined streets of St Paul's without conflict, and the same will apply here. If it can't be accommodated in Cheltenham, the University will move more to Gloucester; would hate to see this happen as we need it to maintain our economy. Continues to have some concerns, but overall feels we should support the application.

KS: has a few points to make. Firstly, re-read the comments made at January committee to remind herself of Members' concerns. Some of these have been resolved – the design and appearance, while not likely to win any architectural awards, is not as dismal as it was. Remains concerned about the number of students, and feels Members who say students are not badly-behaved are missing the point. We are all humans and all capable of being noisy at times, and this is a huge increase in the number of young people in this community, far removed from the entertainment of the town centre. How will it be policed? This isn't only an issue for people in the immediate vicinity. Is not saying all students are bad but doesn't feel that this is the right development in this location. If the University was collegiate, with a diverse mix of 300 or so students and fellows, a common room and dedicated infrastructure on the site, it would sit more easily – but it isn't.

Still has a number of concerns with this application, some of which are not within our control. Appreciates all the work since January, but having read the emails from concerned residents, feels these deserve respect – they have invested in their homes and want the best for the town. Is not against the university, but would like to see less students accommodated on this site. This is not unreasonable. It is regrettable that she cannot fully support the application – wants to see something brilliant for Cheltenham but this is not it.

LW, in response:

- to AC, over the summer months some international students are likely to remain on site and the buildings would be deep cleaned and maintenance work carried out. A condition has been added which requires that the accommodation can only be used by the University of Gloucestershire for student accommodation and for no other purpose within Class C1. The University could not therefore use the buildings for conferences or as single dwellings without requiring planning permission. As far as I am aware, the University doesn't intend to use the accommodation for summer schools but if the Council was approached with this suggestion in the future then it could potentially be that the university could use the site for this purpose but the no car policy would still apply alongside all other restrictions for the site.
- to PB, regarding deliveries to 8.00pm, this was suggested by environmental health officers and is the standard time gap for deliveries to sites of this nature. There is a bar, refectory and shop on site which will require deliveries, but there wouldn't be a convoy of delivery vehicles throughout the day, and refuse collections would likely be carried out during normal office hours. This is not a large scale retail or commercial development requiring large numbers of deliveries. Could consider reducing the end time to 6.00pm should Members wish;
- to PB, regarding contractors' vehicles, Condition 3 includes a Construction Method Statement, requiring space to be allocated on site for operatives vehicles, deliveries, storage of materials and parking during the construction and demolition phases. Some

overspill is inevitable, particularly for a scheme of this size. An informative has been added and the applicants are advised to avoid this as far as possible. Any further restrictions, requiring vehicles to park in named streets for instance, would probably not comply with the NPPG tests for imposing planning conditions.

MB: the officer report is very good; agrees with much of it. The design is not brilliant, but is an improvement on the previous proposal and is OK, but the question over numbers remains, together with lack of absolute clarity as to how many people have used the site previously, what time of day the majority of movements are likely to take place, how many are anticipated, and management of this at night. These are still concerns, and 800 students on this site is too many.

AL: is surprised that despite the meetings with residents, there is still such a high level of objection – suggesting that not many concessions were made. It is clear that we are making a business decision. Feels that this is a missed opportunity architecturally – the density is too great and the geography poor. It will result in too many movements in and out, and the management team will have no experience of managing a site of this kind. With no agreement document, who would take responsibility for any failure of student management? The operational management plan has insufficient teeth, putting the burden of responsibility on the students. Responsibility for the number of students on site, and their transport to and from the site must not be deflected from the operators. There have been meetings between U-Living, the University, local residents and planners, but can find no agreement anywhere as to how any problems with the management plan will be dealt with. It is therefore not possible to make a decision tonight which is clearly a business decision.

FC: was not sure which way to vote when she arrived this evening, planning to listen to the arguments and make her decision accordingly. The report is good and sets out the case fairly, acknowledging residents' concerns and highlighting everything Members need to take into account. The NPPF focuses on the need for development, clearly put at paragraph 5.14 of the report. There has been much play about the number of students and their behaviour - must take issue here. Students will be the life blood of the town and its future, the difference between economic success or not. The number of students proposed here is not huge; the site itself is big enough to accommodate them. So what is the issue? The problem is the perceived difficulties which may arise from people coming and going at night in term time. A community liaison group has been suggested, so to reduce concerns about what will happen if the management plan breaks down, maybe an appeal group could be set up to settle any problems, but ultimately what happens then?

Having listened to the arguments and the debate and read many of the objections, takes the view that this development should go ahead, and will therefore support it. Cheltenham needs students to enrich its future and help it to grow - that requirement won't go away. Members can make a decision to go forward with this application tonight, or allow it to go to appeal, where it will be granted.

AM: FC has stolen his thunder. There has been a lot of talk about the merits of the university, the students and the impact this development will have. The key question tonight is whether this application ticks enough boxes to be approved based on the assumption to approve. It was deferred in January because there wasn't enough information and Members wanted to see some improvements. The officer report sets out the improvements made since January, and members need to ask themselves whether their concerns have been addressed? Maybe not perfectly, but yes, they have been; the applicant has done what we asked, and if the application goes to appeal, it will be lost. So on pragmatic planning grounds, will support the officer recommendation.

CHay: for clarity, a Member earlier said that economic impact is not a consideration in planning applications, but it is. Concerns about student behaviour are all conjecture and not a consideration. This scheme won't work if the numbers are reduced – it would not be economically viable and the management plan won't work. Neither would it work to add

more students each year – this would be very expensive and impractical, and is not worth considering.

LW, in response:

- confirmed that economic considerations are planning matters – the NPPF talks about economic and social aspects when considering sustainable development.

GB: MS has said he will move to refuse on CP4 and CP7, but first the vote will be taken on the officer recommendation to permit (subject to s106 agreements) and if that falls will return to MS.

Vote on officer recommendation to permit subject to s106 agreements

9 in support

6 in objection

PERMIT subject to S106 agreements

154. 15/00202/FUL 3 Cleavelands Drive

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| Application Number: | 15/00202/FUL | | |
| Location: | 3 Cleavelands Drive, Cheltenham | | |
| Proposal: | Demolition of existing dwelling and construction of single block containing 9 apartments, alteration to site access and associated hard and soft landscaping | | |
| View: | Yes | | |
| Officer Recommendation: | Refuse | | |
| Committee Decision: | Refuse | | |
| Letters of Rep: | 100 | Update | None |
| | | Report: | |

Officer introduction:

MJC described the application as above, at Committee at the request of Councillors Prince, Lillywhite and Babbage due to objections about over-development of the site, highways considerations, and amenity issues. The recommendation to refuse is based on contextual analysis of the site and the SPD on garden land development. Officers feel that the proposed building is too large for the site. Members can debate other issues, but they should be aware that the officer recommendation to refuse is based on one issue only.

Public Speaking:

Mr John Gill, neighbour, in objection

On behalf of 100 objectors to this proposal, urges Members to refuse permission. The proposal is out of character with the surrounding area, which comprises low-scale dwellings in mature and mixed landscapes. It does not complement or respect neighbouring dwellings or the area; the design of the apartment block is uninspiring and of poor quality, its size and massing incongruous with adjacent dwellings, and will have a detrimental impact on neighbours' privacy; it has not been shown to be sustainable, apart from being within walking or cycling distance of the town centre; its size, massing and overbearing nature will severely damage the amenity value of adjacent properties; it will lead to on-street parking along Cleavelands Drive, where the road narrows to 5.5m, and The Chestnuts where on-street parking will reduce the road to a single vehicle width; noise and light pollution will increase due to additional traffic and people movements, which will have a detrimental impact on the

amenity of local residents; local services, particularly the drainage system, are already under excessive strain and will be pushed even further; development of the site will impact on the biodiversity of the local environment and erode this valued wildlife corridor; the significant and demonstrable harm of the proposal will outweigh the limited benefit of a small increase in the housing supply. In summary, residents believe the proposal is contrary to the NPPF, the Local Plan and the SPD on garden land. They are not opposed to redevelopment of the site but are against inappropriate development.

Mr David Jones, of Evans Jones, on behalf of the applicant, in support

This application is the second at the site – the first, currently at appeal, was for 14 units, and was refused last December on the following grounds: unacceptable over-development of the site; architecturally uninspiring; impact on neighbouring amenity; unacceptable overlooking; and impact on trees. In response, the applicant appointed a new architect who revised the scheme to address concerns. The officer report confirms that the principle of development is acceptable, a contemporary design is appropriate, neighbouring amenity won't be unreasonably impacted, site access and parking provision is acceptable, and protected trees are not harmed by the proposal. The recommendation to refuse is therefore disappointing as the architects have fully addressed concerns, but a finely-balanced judgement based on grounds relating to the design of the proposed building. Members understand that the NPPF requires authorities to boost the housing supply, and where they are unable to demonstrate a five-year supply of housing land, the presumption in favour of sustainable development should apply. This scheme is clearly sustainable, and should therefore trigger the presumption in favour. Regarding the design, the NPPF encourages authorities not to stifle innovation or originality or refuse applications for sustainable developments because of concerns about incompatibility with existing buildings (paragraphs 60 and 65). In conclusion, this proposal is smaller than the refused scheme, and addresses all the points raised by the officer at pre-app and post-submission discussions. In line with the NPPF, any adverse impact in the approval of this scheme would not significantly or demonstrably outweigh the benefits; therefore urges Members to approve.

Member debate:

MB: understood that Cheltenham now has a five-year supply of housing land, contrary to what the last speaker said.

MJC, in response:

- yes, that is correct.

BF: the officer is recommending refusal as its contemporary design is contrary to policy CP7, yet Members have just permitted an application with a modern design. How does this scheme not comply with CP7? Design is subjective, but we need consistency when applying the policy. This proposal is in a different location, but the policy is the same. Also, the proposal is being considered as a garden land development, but once the house has been demolished, won't the site be considered a brownfield site, not a garden?

KS: is concerned about parking –it looks like the spaces will be very close to the neighbouring house. Considers the design quite nice, but not in keeping with the area or the neighbouring properties. Is concerned about the gradual erosion of the quality of the area. Agrees with the refusal reasons suggested by the officer, but would expand on them. Many of the objectors mention traffic and parking; the site is close to a junction, and although highways officers have not really objected, remains concerned about traffic, neighbouring amenity, and that the proposal is out of character.

MS: agrees with KS - the proposal is out of character with the area, and highways issues unresolved.

AL: on Planning View, was shocked by the mass of the proposed building; it is very high, and located right on the corner. Checked today about how cars would get in and out; the

previous refusal reason assumed an average road width of 6.5m, but it is in fact only 5.5m and Evesham Road/ Huntsbridge Close is a difficult junction, particularly if cars are parked. Cleavelands Drive was busy with deliveries – the planning view bus had trouble getting past – so highway issues are not resolved.

PB: used to live in Cleavelands Close and considers it one of the nicest estates in town, well-designed and maintained;. the houses are well-planned and have stood the test of time. This proposal is inappropriate in scale, the result of the developer's greed, showing little common sense or thought for the people who will be living there. Would suggest potentially adding to the refusal reason suggested by the officer - would say it is not in keeping with the area and will have an adverse impact on neighbouring amenity; it should be thrown out. Accepts that the site will be re-developed at some stage, but would like to see a proposal for three or four dwellings in keeping with the area.

MJC, in response:

- to PB, confirmed that officers considered other refusal reasons but did not find them sustainable to advance, but do not want to 'under refuse' this application;
- to BF, policy CP7 is quite wide-ranging, not just about architecture but also about lay-out and context; it is the policy which the garden-land SPD hangs on. It's true that consistency is important in decision-making but CP7 is broad in what it allows planners to consider. He is correct that if the house is demolished, the site would no longer be garden land, but the SPD refers to garden land and infill sites, and officers use the document in this context;
- officers feel that the site can take a bigger building than what is currently there, and have no concerns about the architecture of the proposed building – there is just too much of it.

GB: do Members have any additional reasons to refuse?

PB: if CP7 covers context, and the proposal is clearly out of context with other houses in the area, is OK to go with that.

BF: the design and location of this dwelling are reminiscent of Albert Road and Pittville Crescent Lane, where a post-war house was demolished and replaced by an apartment block which sits very nicely on the site. This design is not dissimilar. Finds it misleading that some things are acceptable under CP7 and others, which are bland and poor, are refused. Modern design won't move forward unless we are more open-minded.

KS: can highways and amenity issues be used as refusal reasons as well? Not sure that they would stand up at appeal, but the residents clearly think them important.

CHay: isn't over-inspired by this proposal; in lots of ways feels rather neutral about it. It would be useful to have some analysis and understanding of when traffic movements in and out of the proposed development would be expected – they won't all be at 8.30am, but at different times of day, and it's fair to say that Cleavelands Drive isn't always jam-packed. Regarding the size of the proposal, there are apartment blocks further along Evesham Road and on West Approach Drive. The previous application for 14 flats on this site is currently at appeal; the developer has tried to work with officers, appointed new architects, spent a lot of money on the re-design, and there seemed to be a level of agreement that they were working along the right lines. It is a worry if a misunderstanding occurred during pre-application discussions which resulted in the recommendation to refuse.

AL: suggests that highways issues would be a valid reason to refuse and should be included.

MJC, in response:

- highways issues have been considered by officers; highways officers assessed the application and their clear recommendation is that the proposal is acceptable, that the

entry to Cleevelands Drive would retain suitable visibility, and the exit from Cleevelands Drive to Evesham Road would too. They are the experts and planning officers are guided by them;

- it would therefore be a very difficult position to defend at an appeal, with no expert on hand to support our case. Refusing an application against technical advice will be considered as acting unreasonably; without evidence to justify our stance, we would be in a difficult position;
- to BF, it isn't true to say officers have given misleading advice. Each case is judged on its merits, and Pond House sits comfortably on the corner of Albert Road and Pittville Crescent Lane, surrounded by big villas, a very different site from this one. The immediate context of 3 Cleevelands Drive is two-storey detached houses and bungalows with space around them, which led officers to a different conclusion from Pond House. The beauty of the SPD is that it builds on the inherent consistency but allows different conclusions on different sites;
- to CHay, the applicant was advised that this scheme would be unacceptable. It was considered by the Architects' Panel two or three times, and it did not favour it. Planning officers' opinions were split but the overwhelming view was that it was too much for this site. The applicant was informed 3-4 months ago and advised to go back to the drawing board, but chose not to - a commercial decision, and the applicant is understandably frustrated now, but officer advice has not been misleading or inappropriate.

PB: it was clear on Planning View that this proposal on the corner of Evesham Road and Cleevelands Drive would have an appalling impact. There are larger developments along Evesham Road, but this proposal would not front Evesham Road – most of the impact would be on the adjacent residential properties and Cleevelands Drive. Supports the recommendation to refuse.

AC: agrees with PB. On Planning View, felt that flats on this site would be OK but this proposal is one storey too high. Will also support the refusal.

PT: agrees. This proposal is totally inappropriate. There is room for one or two extra houses without altering the fundamental grain of the area, but Cleevelands Drive cannot take a bigger building. There would be no access to Evesham Road, only to Cleevelands Drive, although we are being told that this is not a valid refusal reason. It's a bad design for the area and should be refused.

KS: Members must take care not to miss any other possible refusal reasons, apart from highways issue and loss of amenity. Officers say that policy CP4 would not stand up here, but PB said that it was clear on Planning View what a huge impact the proposal would have on neighbouring amenity. Can CP4 not be added for that reason?

MJC, in response:

- there are different things to consider when looking at loss of amenity. Regarding privacy, the upper floors of the proposal would be the ones to consider, but these are far away from the boundary; there will be some impact, but not an unacceptable impact;
- the proposal passes the light test;
- if Members want to consider amenity, they should concentrate on the overbearing nature of the proposal. This will always be a subjective judgement, but officers consider it sufficiently far from the boundaries not to have a major impact. It is principally two storeys high, the third storey being set well in, which also helps with the privacy and bulk. Officers consider the building is just too big for the context of the site, not that it will have a negative impact on the amenity of adjacent properties.

Vote on officer recommendation to refuse

13 in support

1 in objection

1 abstention

REFUSE**155. 14/00209/FUL 24 Horsefair Street - DEFERRED**

Application Number: **14/00209/FUL**
 Location: **24 Horsefair Street, Charlton Kings, Cheltenham**

This application was DEFERRED pending further investigation of badger activity on the site. It will be considered at a later date.

156. 14/01677/FUL Garages adjacent to 11 Rowanfields Road

Application Number: **14/01677/FUL**
 Location: **Garages adjacent to No 11 Rowanfield Road, Cheltenham**
 Proposal: **Demolition of existing garages and erection of a 4 bed house and associated hard and soft landscaping including parking**
 View: **Yes**
 Officer Recommendation: **Permit**
 Committee Decision: **Permit**
 Letters of Rep: **12** Update Report: **Conditions**

Officer Introduction:

MJC introduced the application as above, which is at Committee because it is CBC-owned land. The recommendation is to grant planning permission, subject to conditions.

Public Speaking: none.

Member debate:

KS: considers this a good and useful little development, but notes the neighbour's complaint about the chain link fence. The site looks overgrown and unkempt, but is a haven for wildlife. How can existing residents' amenity be maintained and the privacy of the new residents assured? How much greenery will be preserved, and why is a wooden fence not proposed, rather than a chain link fence?

MJC, in response:

- the chain link fence will sit inside the vegetation, and is included as a security measure. A close-boarded wooden fence isn't proposed, so that the new residents will also be able to appreciate the vegetation. The on-balance suggestion is to maintain a fence at 1.8m for privacy. It is considered appropriate to the scheme.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

157. 15/00222/FUL The Acorns, Gloucester Road

| | |
|-------------------------|---|
| Application Number: | 15/00222/FUL |
| Location: | The Acorns, Gloucester Road, Cheltenham |
| Proposal: | Two-storey side extension and front entrance porch |
| View: | Yes |
| Officer Recommendation: | Permit |
| Committee Decision: | Permit |
| Letters of Rep: | 7 |
| Update Report: | None |

Officer introduction:

CH introduced this householder application to extend a detached bungalow, situated at the end of a narrow drive, with access from Gloucester Road. The finished dwelling will be rendered, and replacement windows and doors will be installed throughout. The existing is one of six bungalows served by the access road. Land levels fall slightly from north to south, resulting in the properties being built at varying levels. The application is at committee at the request of Councillor Holliday.

Public Speaking: none.

Member debate:

AL: if Members are minded to permit this scheme, will there be any restrictions on the size of delivery lorries using the access road? The drive is very tight.

CH, in response:

- it is a narrow access, as was made clear on Planning View, but this isn't a planning consideration. It is a householder application, and a balance of reasonableness must prevail. The drive can be accessed by appropriate-sized vehicles.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

158. 15/00354/FUL York Place, 47 Swindon Road

| | |
|-------------------------|--|
| Application Number: | 15/00354/FUL |
| Location: | York Place, 47 Swindon Road, Cheltenham |
| Proposal: | Erection of 10no. residential units comprising 5no. one bed flats, 3no. 2 bed flats and 2no. 2 bed houses following demolition of all existing buildings on land at corner of Swindon Road and Brunswick Street |
| View: | Yes |
| Officer Recommendation: | Permit, with further condition added in respect of deterring seagulls |
| Committee Decision: | Permit, with further condition added in respect of deterring seagulls |
| Letters of Rep: | 5 |
| Update Report: | Conditions |

Officer introduction:

CH described the application as above. The site is in the St Paul's Character Area and is currently vacant; it was previously used by a car mechanic and car wash business. There are a number of buildings to the rear of the site, and the boundary to the highway is defined by a 2.4m brick wall, with access from Swindon Road and Brunswick Street. The site is identified in the Townscape Analysis Map as 'a significant negative building/space'. The application is at Committee because the site is owned by CBH, with a recommendation to permit.

Public Speaking: none.

Member debate:

PB: this is a great scheme and a huge improvement on the area. Would just query the railing on the side, and whether we can be sure that the landscaping is maintained.

JW: agrees with these comments - affordable housing on a brownfield site can only be good. Has spoken to some of the objectors, and understands that St Paul's Residents Association, while supporting redevelopment of the site, considers the large size of the block to be out of keeping with the area. In response, would say that there is already a precedent for buildings of this size, with the flats and hotel on the south side of Swindon Road. One neighbour made a complaint about light entry through their window, but officers do not consider this will be the case. We should applaud CBH for making use of this garage site and providing much-needed affordable housing in Cheltenham.

CHay: can officers confirm that there will not be spiked railings around the site?

DS: notes ten apartments and seven parking spaces are proposed. Will the parking spaces be allocated or free for all? From experience in his ward, knows that unallocated spaces can cause grief.

CH, in response:

- to PB, the railings are regarded as a positive element in the scheme, with landscaping retained behind. Condition 10 provides additional information on planting to ensure that it is appropriate;
- to CHay, flat wooden railings are proposed, not spiked;
- to DS, confirmed that parking arrangements are adequate for a sustainable town centre location; the car parking spaces are not allocated, but there are also 10 cycle spaces and car parking available nearby. There have been no objections from the County Highways Officer.

KS: has a few concerns about this application but not enough to vote against it. Agrees with local residents that the area could do with fewer HMOs and flats for a better balance, adding that this site would have been ideal for student accommodation. The design is OK, but not particularly in keeping with other designs along the road; it's a shame that no-one planned for them all to match - the area is a lot better than it was in the 1970s and '80s but it could have been more holistic, rather than defined at the whim of a developer at any time.

CHay: homes built by CBH are usually excellent and built to Code 4. Are these Code 4? Didn't notice any photo-voltaic panels on the roof; it would be a missed opportunity not to include them on a new-build, and on this one in particular.

CH, in response:

- affordable housing requires a high level of design. Solar panels are an aspiration, but cannot be insisted upon at present - there are limited policies concerning this in the current Local Plan.

CHay: these are our buildings. Can we pass on the comment that we would like to see them built with solar panels?

GB: we could include an informative if everyone is happy with that.

PB: noted that the University application included a condition about keeping seagulls away. Is there a condition to prevent them from nesting on this flat roof? They are a huge problem.

KS: agrees that there must be some kind of seagull mitigation, with Matalan and the tip close by.

PT: seagulls are more likely to nest on chimneys than on flat rooves. Regarding solar panels, if CBH can install them elsewhere, can't see why they won't install them here.

CH, in response:

- confirmed that solar panels are actually included;
- confirmed that a condition to discourage seagulls can be added.

Vote on officer recommendation to permit, with further condition added in respect of deterring seagulls

14 in support

0 in objection

1 abstention

PERMIT

159. 15/00517/FUL Hesters Way Baptist Church

Application Number: **15/00517/FUL**
 Location: **Hesters Way Baptist Church, Ashlands Road, Cheltenham**
 Proposal: **Erection of 10 no. YMCA "move on" residential units (revised scheme)**
 View: **Yes**
 Officer Recommendation: **Permit**
 Committee Decision: **Permit**
 Letters of Rep: **7** Update Report: **None**

Councillor Fletcher left the Chamber for the duration of this item.

Officer introduction:

MJC introduced the application for the development of ten 'move-on' units. Planning permission already exists for a similar form of development, grouped around a courtyard; this proposal is for two stand-alone buildings, fronting a communal space. It is at Committee not because the Vice-Chair requested it to be as stated in the report; the Architects Panel objected to it and the case officer asked the Chair and Vice-Chair whether they therefore wanted it to be considered by Committee – which they did. The officer recommendation is to permit.

Public Speaking: none.

Member debate:

AC: considers this a brilliant use of the land, a good piece of work. Fully supports the application.

PT: notes that the Architects Panel liked the extant planning proposal better – agrees with them, but will not vote against the current scheme.

Vote on officer recommendation to permit

12 in support

0 in objection

2 abstentions

PERMIT

160. 15/00840/FUL Telford House Garages

| | |
|-------------------------|---|
| Application Number: | 15/00840/FUL |
| Location: | Telford House Garages (1 to 25), Princess Elizabeth Way, Cheltenham |
| Proposal: | Demolition of existing garages, re-surfacing of the service road leading to garages and marking of service road to create unallocated open car parking spaces. |
| View: | Yes |
| Officer Recommendation: | Permit |
| Committee Decision: | Permit |
| Letters of Rep: | 0 |
| Update Report: | None |

Officer introduction:

CH introduced the application as above, at the rear of Telford House on Princess Elizabeth Way, to create parking spaces following the demolition of an existing row of garages. It is at Planning Committee because the applicant is, via CBH, CBC. The recommendation is to permit.

Public Speaking: none.

Member debate:

BF: this is a good idea and a good scheme.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

161. 15/00895/FUL 12 St James's Street

| | |
|-------------------------|---|
| Application Number: | 15/00895/FUL |
| Location: | 12 St James Street, Cheltenham |
| Proposal: | Construction of new single storey extension with flat roof. Creation of small courtyard area and alterations to boundary walls |
| View: | Yes |
| Officer Recommendation: | Permit |
| Committee Decision: | Permit |
| Letters of Rep: | 1 |
| Update Report: | None |

Officer introduction:

CH described the application as above. The property is mid-terrace, and in the Central Conservation Area. It is owned by CBC which is why it is at Committee. The recommendation is to permit.

Public Speaking: none.

Member debate:

MB: noted on Planning View that the building is in a poor state, and is concerned that CBH is renting it out in that condition.

AC: was also worried about this. Is the property owned by CBC or CBH? Why should taxpayers' money be spent on a private dwelling?

JF: notes the flat roof of the extension – will there be measures to keep seagulls away?

CH, in response:

- as regards a condition in respect of measures to deter seagulls here, would not consider it to be reasonable given the scale of the development

Vote on officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

162. 15/00908/FUL 57 Little Herberts Road

Application Number: **15/00908/FUL**
 Location: **57 Little Herberts Road, Charlton Kings, Cheltenham**
 Proposal: **Proposed extension and refurbishment**
 View: **Yes**
 Officer Recommendation: **Permit**
 Committee Decision: **Permit**
 Letters of Rep: **1** Update Report: **None**

Officer introduction:

CH introduced this application to extend and refurbish a detached house in Charlton Kings parish, adding a front porch, two-storey rear extension, and windows and doors, with pitched roof and facing brick. It is at committee at the request of Councillor McCloskey to consider the design merits of the proposal.

Public Speaking: none.

Member debate:

KS: realises that beauty is in the eye of the beholder but this is the strangest extension she has ever seen. Was surprised when looking at the drawings, not least by the weird-looking concrete roof. Cannot support this scheme – it looks like two different houses stuck together badly, and the whole point of planning is to avoid this kind of thing. Is surprised by the recommendation to permit.

GB: there is often complaints about developments of little boxes, but then also complaints when there is something different .

JF: agrees that this is really odd, and looks like two separate houses. It doesn't do the area any favours. Agrees that it is in the eye of the beholder, but this proposal is not good, to say the least.

PT: doesn't particularly like the scheme but most of the development is at the back – although the front porch also looks a bit odd. Officers have recommended it be permitted, and noted on Planning View that one of the houses close by also looks like it doesn't fit in.

BF: the house as proposed doesn't sit with anything else in the street. It uses a poor mix of medias, includes more flat rooves, and is out of place in the area.

PB: thinks it's great. The house and plot are capable of supporting the development. The applicant has put in the plans and has to live there. It is radical, but almost all the changes are at the back. Will support the proposal.

CHay: agrees that it looks strange but also agrees with PB that in all its oddity, it works. It is unusual; more often we see new bits being added to old houses, but here, modern architecture is to be added to an ordinary house. It is an interesting experiment, but the drawings look good, and hopes that Members get the chance to see it when it's built.

Vote on officer recommendation to permit:

11 in support

4 in objection

PERMIT

163. 15/01086/FUL Garages and Parking at Ullswater Road

| | |
|-------------------------|---|
| Application Number: | 15/01086/FUL |
| Location: | Garages and Parking, Ullswater Road, Hatherley |
| Proposal: | Demolition of existing garages and reinstatement of hardstanding to provide car parking (at Ullswater Road, Thirlmere Road, Grasmere Road) |
| View: | Yes |
| Officer Recommendation: | Delegate authority to officers |
| Committee Decision: | Delegate authority to officers |
| Letters of Rep: | 0 |
| Update Report: | Officer comments and conditions |

Officer introduction:

MJC introduced this application, which builds on schemes considered by Planning Committee a few months ago and is to demolish garage courts, and replace with unallocated car parking spaces. The recommendation is that the final decision be passed back to officers as the statutory consultation period has not yet expired – it will do so in a couple of days – to avoid CBH having to wait another month before they can start work. There have been no complaints or objections to the proposed work to date.

Public Speaking: none.

Member debate: none.

Vote on officer recommendation to delegate authority back to officers

15 in support - unanimous

DELEGATE AUTHORITY TO OFFICERS

164. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

7. LOCAL GOVERNMENT ACT 1972 – Exempt Business

Committee was recommended to approve the following resolution:-

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the

public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Vote to approve the above resolution

15 in support – unanimous

Resolution approved

165. EXEMPT MINUTES OF LAST MEETING

Resolved, that the exempt minutes of the meeting held on 21st May 2015 be approved and signed as a true record *without* corrections. (*Note: there was no Planning Committee meeting in June.*)

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

There was none.

Chairman

The meeting concluded at 8.35pm.