

Planning Committee

6.00 pm, 17 September 2015

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Klara Sudbury
Councillor Jacky Fletcher (Vice-Chair)	Councillor Pat Thornton
Councillor Paul Baker	Councillor Louis Savage
Councillor Diggory Seacome	Councillor Simon Wheeler
Councillor Bernard Fisher	Councillor Matt Babbage (Reserve)
Councillor Colin Hay	Councillor Rowena Hay (Reserve)
Councillor Andrew McKinlay	Councillor John Payne (Reserve)

Present as an observer: Councillor Flynn

Officers in attendance

Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Chloe Smart, Planning Officer (CS)
 Ed Baker, Senior Planning Officer (EB)
 Karen Radford, Heritage and Conservation Manager (KR)
 Cheryl Lester, Legal Officer (CL)

181. Apologies

Councillors Chard, Lillywhite, McCloskey and Stennett.

182. Declarations of Interest

15/00947/FUL - St Margaret's Hall

Councillor Fletcher and Councillor McKinlay – trustees of the St Margaret's Hall and members of the user group – will leave the Chamber.

183. Declarations of independent site visits

There were none.

184. Public Questions

There were none.

185. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th August 2015 be approved and signed as a correct record *with the following correction:*

15/00646/FUL Belmont, Hyde Lane

Page 7, last paragraph

BF : ...The original dwelling was a very small bungalow with a ~~east~~ corrugated iron roof and one bedroom ...

Councillor Barnes thanked Heritage and Conservation Manager Karen Radford for her great contribution to Cheltenham Borough Council and to Planning Committee over the last ten years – her detailed knowledge and advice has always been extremely helpful to Members. She will be sorely missed.

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

187. 15/00591/FUL Former Garage Site to the rear of 10-26 Hesters Way Road

Application Number:	15/00591/FUL
Location:	Former Garage Site rear of 10-26 Hesters Way Road, Cheltenham
Proposal:	Erection of four dwellings and associated hard and soft landscaping
View:	Yes
Officer Recommendation:	Permit, with added informative in respect of leaf-guards
Committee Decision:	Permit, with added informative in respect of leaf-guards
Letters of Rep: 2	Update Report: Additional information, updated response from the Highways Authority, and additional conditions

EB introduced the application as above, which was originally for five dwellings on the former lock-up garage site. The applicant volunteered to reduce the scheme to four units after discussion with planning officers. It is at Committee because Cheltenham Borough Council owns the land, and Cheltenham Borough Homes is the applicant. There is a report update, with additional information provided by the applicant: there were originally 19 lock-up garages on the site, but these have now been cleared. Three neighbours have right of way across the site, and information about that has been provided. The Highways Authority has also updated its response, with a further explanation of why it has no objection to the scheme. In light of this, however, five additional conditions have been added. Finally, Members should be aware that there is a typographical error at paragraph 6.13 which should read '**3 x three-bedroomed dwellings and 1 x two-bed...**'.

Public Speaking:

There was none.

Member debate:

CH: one of the representations refers to gated access to the back of Home Close, and to problems with anti-social behaviour and drug-dealing in the alleyway. Does not know the area well enough to comment, but if there is an issue here, why wasn't gating considered and is the objector now happy with what is proposed?

SW: when this was a garage site, it was very much enclosed; youngsters got in and got up to no good. Once the site is developed, however, it won't be as attractive for the likes of drug-dealing, rubbish dumping etc. Would have expected to see more properties on the site, and is glad about the lower density. Is also glad about the inclusion of photo-voltaic panels, and would like to see these as standard everywhere.

PB: the highways report states that lines will be used to restrict parking near the junction, but doesn't say what sort of lines. This is a busy junction, near shops, where people are likely to park for short spells. Will there be double yellow lines at the junction to ensure highway safety?

EB, in response:

- to CH, regarding gating, the original proposal involved blocking off the footpath from Ashlands Road to the top corner of the site. The neighbour expressed concern that this would cause a dead-end alley and provide an enclosed space which could attract anti-social behaviour and related problems. In the latest revision, the applicant has removed the gate, and retained this area as an open space. The neighbour's issue has thus been addressed; he has been emailed and provided no further feedback;
- to PB, highways officers have specifically requested a white line rather than double yellow lines, parallel with Hesters Way Road at the top, to highlight to local people that there is an access there.

BF: assumes that there will be public street lighting on the new estate? When the road is adopted by the county council, LED streetlights should be stipulated, compatible with streetlights elsewhere.

KS: this is a useful development, and should improve the area. On Planning View, was concerned about a row of attractive trees adjacent to Plot 4, which could cause potential conflict in the future. Are these in private ownership? How has the design been arrived at with the trees so close?

GB: Members were told on site that the crowns of the trees would be lifted, with the approval of the house owner.

PB: is reluctant to labour the point on parking, but with just a single white line, what will stop people from parking their cars near the corners to go to the shops?

CH: regarding the gating issue, now understands that the alleyway will not be blocked off and takes the view that a housing development may be less likely than a garage site to attract anti-social behaviour. However, the alleyway serves three or four houses, and it may have been better to close it off, with residents of those houses only able to access it. Why wasn't this solution considered?

PT: it was very obvious on Planning View that the alleyway is well-used as a shortcut between Hesters Way Road and Ashlands Road; Members saw mothers with pushchairs and children using it. It certainly didn't look unused.

EB, in response:

- to KS, regarding the trees, this is a group of ash trees referred to specifically in the report. Trees officers were initially concerned about the impact on these trees, but have provided additional guidance and concluded that they can be retained. Crown-lifting will be needed, but the future well-being of the trees will not be compromised. If Members wish, an informative about leaf-guards can be added, to ensure their further protection;
- regarding parking, understands there could be a separate process to be taken whereby a Traffic Regulation Order can be applied for. This would be reactionary rather than pre-emptive;
- regarding the gate and the footpath between Ashlands Road and Hesters Way Road, this is a general access and right of way, not specific to the few houses which back onto it. It is important to keep it open, and the highways authority welcomes the fact that it will remain;
- as an affordable housing scheme, it would have to meet Secured by Design standards, and there is no evidence of the need to close off the alleyway at this stage.

SW: regarding the parking issue, it is an offence to park within 10 metres of a junction, and it is the white line that makes it a junction, so anyone parking on the white line will be committing an offence. People may park there regardless, but he and Councillor Flynn can make sure the police are aware of potential issues here.

DS: are the roads on the site public highway or to be adopted or private land? It could be difficult to impose traffic and parking regulations if unadopted.

EB, in response:

- the site is currently private land, but it is CBH's intention to ask for the roads to be adopted. Gloucestershire Highways expects this to happen.

KS: on Planning View, Members were told that the crowns of the trees would be lifted to protect them and allow the development, but these will grow back and there could be conflict here. Regarding access for emergency services, is there enough space for a fire engine to reach the houses? There is no highway comment about this.

EB, in response:

- there is a condition recommending the requirement of a fire hydrant. Questioned the highways officer about access for emergency vehicles; he confirmed that it is wide enough.

GB: would Members like to include an informative about leaf guards, if approved?

(General response: yes.)

Vote on officer recommendation to permit, with added informative in respect of leaf-guards

14 in support – unanimous

PERMIT

The Chair moved consideration of 15/01405/FUL 2 Highland Road up the agenda, as the only two public speakers present were registered to speak on that application only.

188. 15/00947/FUL St Margaret's Hall, Coniston Road

Application Number:	15/00947/FUL
Location:	St Margaret's Hall, Coniston Road, Cheltenham
Proposal:	Construction of a single storey 'annex' extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	Additional officer comments; suggested conditions and informatives

Councillors Fletcher and McKinlay left the Chamber for the duration of this item.

CS introduced the proposal as above, to extend this multi-functional community facility with an annex to the existing building. Permission was granted for a similar extension in 2003, but not implemented. It is at Committee because Councillor Whyborn is the Chair of the user group (the applicant) and because Cheltenham Borough Council owns the site.

Public Speaking

There was none.

Member debate:

JP: for clarification, noted that the 2003 permission included a condition to ensure that parking was restricted to users of the facilities; there is no such condition with this application. Notes that the management group rents out 12 spaces to the local laundry, but by expanding the facility, demand on car parking spaces could increase and spill out into the local area.

CH: as things change, community facilities need to be more and more available for any number of reasons. Various groups need to use these facilities, and therefore welcomes the notion that they can be increased. JP makes a valid point on car parking, and the group's reliance on income from renting out spaces could lead to conflict, but broadly, we should encourage the increase in the facility, which will enable better diversity of activities.

CS, in response:

- to JP, officers don't consider it necessary to include a car parking condition, as the applicants made clear in their submission that car parking provision is currently under-utilised. Three additional spaces are proposed as part of this application, and the extension will not result in any loss of parking.

KS: with regard to suggested Condition 4, which states that no amplified music shall be played outside the hours of 8.00-23.00, can activities take place before and after those hours with no amplified music? People coming and going, getting in and out of cars etc, make noise, and is concerned about the impact this may have on residents nearby. Otherwise, agrees with the points made by CH.

CS, in response:

- environmental health officers have raised no objection to the proposal, and their records show only two complaints about noise: one in 2002 in relation to car doors being slammed after a bingo evening, and one in 2012, relating to loud music at a party. As EH officers are happy with the proposed hours, there is no need to amend these.

LS: in Planning View, noted the size of the existing building and the size of the proposed extension. Cannot imagine there will be a significant increase in the noise levels as a consequence of the extension. Is also in favour of the proposal.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

189. 15/00954/FUL 79 St George's Place

Application Number:	15/00954/FUL
Location:	79 St Georges Place, Cheltenham
Proposal:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.
View:	Yes
Officer Recommendation:	Permit, with additional informative as regards encouraging the use of LED lighting
Committee Decision:	Permit, with additional informative as regards encouraging the use of

	LED lighting	
Letters of Rep: 1	Update Report:	Officer comments; suggested conditions and informatives

MJC introduced the application as above, on the former Shop Fitters' site, telling Members that it will provide an additional 42 spaces, following demolition of derelict buildings on the site. The recommendation is to permit, and the update clarifies a couple of points: that the Environment Agency has no objections with regard to possible increased flood risk, and that the County Council has no concerns re highway safety. Condition 1 will make it clear that, if granted, the permission will be discontinued on or before 17th September 2020 with restoration to its former condition not including the re-erection of the demolished derelict buildings.

Public Speaking:

There was none.

Member debate:

KS: if the scheme is approved, will there be any documentation of the site and the interesting buildings to be demolished before they go?

BF: noted on Planning View that the listed wall that is remaining needs re-pointing and re-building in places. Is pleased to note that KR's comments have been taken into account .

CH: notes there is a condition about lighting, and suggests that LED lighting be used, as it is cheaper to run and altogether better, being more directional and with less drift, so causing minimal light pollution to adjacent properties. The Civic Society is disappointed that the site won't be redeveloped for five years, but points out that a scheme can be submitted before five years. In the meantime, with the shortage of car parking in the town, this is a good solution and will provide a good income.

AM: reiterating that point, the application is only for *up to* five years and another application can be made in the meantime. The site is not blighted.

MB: why has a five-year limit been imposed anyway?

MJC, in response:

- the five-year period was suggested by the applicant, so that we don't lose sight of the desire to develop the site itself. If left open-ended, it could be said that the car park is working well and should be retained. This way, a degree of pressure on the land-owner will be kept up;
- to KS, there has been no suggestion of the need to document the buildings to be demolished. They are in a sorry state, and this isn't something that would usually be asked for. Conditions relate to essential matters without which the permission would be refused, and this would not be the case here. Ultimately, it is in Members' hands – do-able but not essential;
- CH's point about lighting is valid, but we cannot insist on LED lighting. An informative can be included to encourage the applicant to consider it when complying with Condition 7.

GB: do Members want to pursue KS's suggestion of documenting the buildings?

KS: understands that this cannot be included as a condition. Would do it herself if allowed– did so for the Axiom, through the County Record Office – and realises that there may be nothing of any interest to us now, but it may be of interest to future generations.

KR, in response:

- there is usually a requirement for the recording of listed buildings when they are demolished. These are not listed buildings, and as a good design and access statement was provided by the applicant, it would not be considered necessary in this case.

SW: suggested that the Local History Society may want to do something about it.

GB: is sure that the Council's Property Team will take Members comments on board, and take the appropriate action.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

190. 15/01281/CONDIT 86 Cirencester Road

Application Number:	15/01281/CONDIT
Location:	86 Cirencester Road, Charlton Kings, Cheltenham
Proposal:	Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective)
View:	Yes
Officer Recommendation:	Permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application
Committee Decision:	Permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application
Letters of Rep:	7
Update Report:	Additional officer comments (County Council response) and Additional representation

MJC introduced the application, which seeks to make minor alterations to the approved scheme as set out in the five bullet points in the report at page 58 [of the Agenda], concerning the plant area, disabled parking provision, internal lay-out, the shop front, and drainage. It also seeks variations to some of the conditions set out in the description of the development. It seems complicated but given that some of the original conditions have already been discharged and in light of the cumulative effect of the proposed amendments, officers felt it appropriate to deal with a revised application. If permission is granted, a new planning permission will be granted, with the revised conditions attached. Members need to focus on the five proposed changes, which officers have recommended to permit. Also, and thanks to PB for drawing officers' attention to this, the previous application was subject to an

S106 payment of £25,000 – which has been paid – and it is therefore important that this application also has the same legal agreement attached. If permitted, it should be subject to S106 agreement on the same terms as the original consent which related to a build out, pedestrian crossing, and waiting restrictions if necessary.

Public Speaking:

None.

Member debate:

PB: this has been a contentious application from the start, with the original application refused, and the new scheme hugely better than the previous one. The current application offers mostly improvements, and represents an important opportunity for the applicants to show their good intentions. Cages are to be unloaded at the front of the shop, and replacing the block paving with tarmac will make this a much quieter operation – can this be conditioned? Newspaper deliveries will be very early, and if these can be made through the front access rather than the car park, neighbours will be less disturbed; as a general principle, all deliveries should be through that area. Regarding the S106 contribution, in principle this will cover all the potential problems that the scheme will create and should therefore be implemented before the scheme starts. The highways authority is slow to say that it is at least implementing the scheme. The trigger should always be that any highway improvement scheme is in place before the applicant starts trading. It will be too late in this case, but in future, where there are material changes/highway concerns, why should these not be addressed before the applicant starts trading?

SW: will the vehicles loading and unloading at the front of the shop pull off the road?

JF: has a question regarding the reduced number of disabled parking spaces. How many were originally proposed, and how many are proposed now?

MJC, in response:

- the consented scheme made provision for 16 parking spaces including two disabled spaces; this scheme makes provision for 16 spaces including one disabled;
- these are the requirements of the Local Plan. Parking standards have changed, but this is in line with the Local Plan. The developer offered an additional disabled bay and wider-than-required bays throughout, but the change to the plant has eaten into this, leaving just the standard-sized bays and one fewer disabled bay. This is regrettable but consistent with policy;
- to SW, there is a detailed delivery management plan, requiring lorries to pull into the site and unload from the front; all cages will be unloaded at the front;
- to PB, regarding tarmac rather than block paving at that location, Condition 12 is detailed and refers to hardstanding to be used in accordance with the drawings, which show tarmac in that area;
- regarding the legal agreement, it is important to say that the applicants have complied with all the requirements of the agreement, with prior contribution having been made to the county council. It is now for the county to implement the works, not for the applicants. All we can require the applicants to do is facilitate the works; the county will carry it out at the time when it has the capacity to do it;
- the local authority needs to lobby the county, as a priority. It is not the applicants' fault and they should not be punished because the work has not been done;
- MJC and CL will have a discussion about this with regard to future agreements. It is an important point, but we cannot do anything about it for this application.

KS: has a number of issues with this application, the main one being the reduced size of the parking spaces. If these are smaller, albeit standard size, it may well encourage more people to park on the road, who can't be bothered to park in the bays. The road is a

nightmare and not safe. This is a serious concern, which hasn't been considered fully, and could cause mayhem.

GB: parking is always an issue, but would think the majority of people who using the store will be people in the neighbourhood. It isn't a large supermarket, and although some people will use cars, imagines it will be mostly used for bits of shopping; car parking won't be a particular issue. The NISA store has no parking either and this doesn't appear to cause any concern.

Vote on officer recommendation to permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application

12 in support

2 in objection

PERMIT

191. 15/01339/FUL Unwin Road Garages, Unwin Road

Application Number:	15/01339/FUL
Location:	Unwin Road Garages, Unwin Road, Cheltenham
Proposal:	Resurfacing of access road, marking of six car parking spaces and erection of fixed posts per car parking bay (following demolition of existing garages).
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

CS introduced the application as above, for an area to the rear of 41-51 Unwin Road. The six spaces created will be unallocated and available for anyone in the area to park. The application is at Committee because Cheltenham Borough Council is the applicant.

Public Speaking

None.

Member Debate

CH: Cheltenham Borough Homes has unallocated car parking elsewhere, not part of the public highway, and where SORN vehicles can therefore be parked indefinitely. Can a condition or informative be included to prevent this? What will happen if a car gets dumped there?

JF: agrees that demolition of the garages is essential, but understood that the spaces were going to be marked to correspond with the houses, so that only those residents can use them. Why was it decided not to do this?

CS, in response:

- unallocated spaces allow for more flexibility and greater highway benefit. Some of the residents may not have cars or want the spaces. It is considered counter-productive to allocate them.

Vote on officer recommendation to permit

13 in support

1 in objection

PERMIT

192. 15/01405/FUL 2 Highland Road

The Chair moved consideration of 15/01405/FUL 2 Highland Road up the agenda, as the only two public speakers present were registered to speak on that application only.

Application Number:	15/01405/FUL		
Location:	2 Highland Road, Cheltenham		
Proposal:	Proposed dwelling and garage		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	4	Update Report:	Consultee comments (Architects' Panel and Environmental Health Officer) ; information regarding floor space.

EB introduced the application as above, which is at Committee for two reasons: (1) at the request of Councillor Sudbury, and (2) because a previous application for a house on the same site was refused by Planning Committee in March. The recommendation is to approve, with conditions.

Public Speaking:**Mrs Wendy Hopkins, agent on behalf of neighbours, in objection**

This proposal is for an additional dwelling within the current side garden of No. 2 Highland Road. A similar scheme was refused by Planning Committee in March, due to concerns relating to the architectural design and poor siting of the proposal, which Members felt would be harmful on the street scene. The house is prominently located, on an elevated plot adjacent to a junction. The character of the area is a leafy, residential suburb, with largely detached houses in good-sized plots with gaps in between. This infill proposal will destroy the pattern of the built form in the locality. At the last meeting, Members took great care in considering the scheme, which must be looked at in the context of the Local Plan, the emerging Local Plan and the Garden Land and Infill SPG. Policy promotes high standards of architecture and urban design, and this is what proposals should respond to, not fill in every gap with a new dwelling. The architectural design of this proposal is more pleasing than the previous, but it is shoe-horned into a gap which is important for the local character of the area. The size of the proposed dwelling has increased, and with the harm to the area, and its siting would be overbearing and oppressive to the residents of 62 Sandy Lane. The NPPF requires development to improve the character and quality of the area, and any proposal should support the high quality design requirements of local and national policy. This does not, and it should be refused.

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

Following the previous refusal by Planning Committee, it was difficult to take a clear steer about which way to go with this proposal. Prior to submission, a number of designs were discussed with officers, and that was the one they felt most appropriate. At Committee, the principle of development on this site was accepted by most Members; it was the design they didn't like. Design is always subjective, but the applicant has worked with planning officers to address Members' concerns. As it was not clear exactly what was wanted, an appeal against the previous refusal has been lodged, but this will be withdrawn if the current application is permitted tonight. The objectors have deliberately tried to mislead Members regarding the size and impact of the proposed dwelling; a contextual analysis was carried out, demonstrating the plot area to building width ratio of houses in the area, and that analysis doesn't lie. The previous speaker made unfounded statements in the objectors' interest. It has also been stated that the proposal is too small for its context, but the

Architects' Panel now supports it, it is in accordance with the NPPF and Local Plan, represents sustainable development and will cause no harm to the area. For these reasons, it should be supported, and requests that Members endorse the officer's recommendation to permit.

Member debate:

PB: this application is a good example of planning in action; the previous scheme was refused on design grounds, but this new application is better, more fit for purpose, and in keeping with the street scene. Does not consider the proposed dwelling is shoe-horned in, but that it fits in well. The borough needs housing, and it's inevitable that plots of this size will be built on. It isn't a particularly precious plot, and it's important that land such as this is used properly. Supports the revised application.

BF: the second speaker talked about the size of the plot and how the proposed dwelling fits in with the surrounding area, but the OS map shows the surrounding houses smaller in relation to their plot size than the proposed dwelling will be. In addition, 90% of the houses are open to the front. This proposal doesn't fit the street scene; it is a small plot. The design has been altered but isn't of particularly high standard. Agrees that this is a matter of opinion, but it's wrong to say that the proposed dwelling fits comfortably in with the rest of the street.

JP: is in favour of this application. To clarify, the plot is small but not the smallest on the street – there are two smaller, and the ratio of the plot size to the dwelling is better than quite a few on the street. Accepts that the street is very smart and respectable, and that the proposed dwelling will be the smallest on that road, but it will have very little impact, and is set back from the road. The design is very ordinary, but better than the previous design. It is a sensible proposal, doesn't create any tension between the proposed dwelling and other houses around it, which are large and respectable but otherwise quite ordinary. It sits back from the road, and the impact will be minimal.

KS: is conflicted over this application. Was opposed to the design of the previous scheme at the last meeting; this scheme is an improvement and will sit better in the site. Still has concerns, but isn't sure that these are strong enough to support a refusal. It would be good to retain space between the two properties, allowing long views to the hill for everyone to enjoy. The design is much improved – the previous design proposed too small a site, but is disappointed that the applicant has gone to appeal with the previous scheme, at the same time as making a new application. Appreciates the neighbours' concerns; this will change the street scene a lot, but maybe not enough for her to move to refuse it.

SW: is in support of the recommendation, so not sure he should therefore be speaking, but would say that the architecture may not be a grand design, but not many of the houses in the area are. On Planning View, thought the proposal almost identical to No 3, opposite. Regarding shoe-horning the new dwelling into this space, we are being asked to build a lot of houses; this is not a backland development, but fitting an additional property into the largest site in the area. It is a credit to the architect, who has designed a property which fits well in the plot.

Vote on officer recommendation to permit

11 in support

2 in objection

1 abstention

PERMIT

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

Chairman

The meeting concluded at 7.25pm.