

Planning Committee

6.00 pm, 19 November 2015

Present at the meeting

Councillor Jacky Fletcher (Vice-Chair)	Councillor Klara Sudbury
Councillor Paul Baker	Councillor Pat Thornton
Councillor Diggory Seacome	Councillor Louis Savage
Councillor Bernard Fisher	Councillor Malcolm Stennett
Councillor Adam Lillywhite	Councillor Simon Wheeler
Councillor Helena McCloskey	Councillor Jon Walklett (Reserve)
Councillor Andrew McKinlay	Councillor Chris Mason (Reserve)

Officers in attendance

Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Craig Hemphill, Principal Planning Officer (CH)
 Chris Chavasse, Senior Trees Officer (CC)
 Cheryl Lester, Legal Officer (CL)

212. Apologies

Councillors Barnes, Chard and Colin Hay.

213. Declarations of Interest

- i. **15/01171/FUL** Ladies College Swimming Pool
 Councillor Mason – is speaking on behalf of neighbours in objection to the application
 – will leave the Chamber during the debate.

214. Declarations of independent site visits

Councillor Fletcher: Walnut Cottage, Tatchley Lane
 Councillor Mason: All sites on the Agenda
 Councillor Sudbury: Walnut Cottage, Tatchley Lane; 205 Leckhampton Road
 Councillor Walklett: Ladies College Swimming Pool

215. Public Questions

There were none.

216. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22nd October 2015 be approved and signed as a correct record *without* corrections.

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

218. 15/01171/FUL Ladies College Swimming Pool, Malvern Road

Application Number:	15/01171/FUL
Location:	Ladies College Swimming Pool, Malvern Road
Proposal:	Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Erection of floodlighting of external hockey pitch. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	11
Update Report:	i. Officer update – comments & conditions ii. Letter from resident (emailed to Members, 18th November)

Introduction:

MJC introduced the application for works as listed above, with the exception of the floodlighting which, as set out on the blue update, has been withdrawn from the scheme. The proposals stem from a desire to enhance the sports offering at the school, which is not of the quality it would like. There is extant planning permission for improved sports facilities, but this is geared towards elite tennis and has a different design parameter. The current application seeks a multi-use sports hall. It has been thoroughly scrutinised; since being deferred from October Planning Committee, a lot of work regarding the floodlighting aspect of the scheme has been done, but officers still feel it is not ready to be considered by Members, although they consider the rest of the scheme to be compliant with national and local policy.

Public Speaking:

Dr Sally James, local resident, in objection

This planning application has been difficult, protracted and stressful, and without the professional background of some of neighbours, local residents would have struggled or been overwhelmed by it. Is glad that officers have commissioned an independent lighting assessment, and awaits the report with interest. Regarding the proposed sports hall, the increased roof height is not justified; the previously-agreed height was reduced, acknowledging the importance of the view, and in line with local policy. What is the point in having an area plan if it is ignored? Planning decisions should be consistent. The applicant has suggested that the area could/should be re-graded as an E3 zone with regard to light pollution – which could have undesirable consequences on the neighbourhood. Realises that it is important to support local businesses, as emphasised in the NPPF, but is concerned that this application will erode the character of the area.

Ms Eve Jardine Young, principal of Cheltenham Ladies College, applicant, in support

This scheme has been 3-4 years in the planning. The college estate is spread over 23 acres, but its central location means it is land-locked and there are no other opportunities to develop the sports facilities in this proposal for the expansion of the current sports hall and multi-use area. Was appointed as Principal in 2010, and understood the extant scheme to be Phase 1 of few years of further planning applications. Decided to re-examine the whole scheme, and the application as submitted is the result of three years of careful planning,

considering all the alternatives, re-arranging of spaces and changing of timings. Pupils have had an input in the scheme as well. Hopes that Members can support it.

Councillor Mason, on behalf of local residents, in objection

Everyone acknowledges the importance of sport in the curriculum, but this proposal will have an unacceptable negative effect on local properties and amenity. The site is in the conservation area, and the proposal will result in the loss of a key view; Policy CP3 acknowledges the importance of views in and out of the conservation areas; these views are important to residents of Christ Church Road and to visitors to Cheltenham. If these unique and quirky features are to be chipped away, there will be no need at all for conservation areas. The height of the proposed sports hall is a concern; indoor tennis was given as the reason for the proposed height of the extant scheme, yet the current proposal aims to facilitate all sports, which should give scope to reduce the height - though it is in fact 2.3m higher than the approved scheme. We need to ensure the new hall doesn't change the character of the area, and external lighting should not lead to the area being re-classed as an E3 zone. The college's attitude to the planning process has not been ideal, with a lack of community engagement, and the floodlight part of the scheme sneaking in. The floodlight element of the scheme has been withdrawn to ensure the application isn't refused, so hopes that no weasly-worded condition will now be attached which will make it easier to include a floodlit pitch at a later date. Is surprised that these steps need to be taken. The refusal at appeal for floodlighting took on neighbours' comments, and they were led to think that would be the case here. Hopes that the application will be refused as it stands, and that his comments will add to the discussion.

Councillor Mason left the Chamber for the duration of this debate.

Member debate:

KS: doesn't understand the technicalities of the lighting or how the character of the area is considered against the possible lighting impact? If Members approve the proposal as it stands, it may alter the character of the area and make it easier for a future floodlighting application to be approved. Would like some clarity as to whether the decision made today is likely to determine how the future application will be considered.

PB: why does the sports hall need to be so high, when it is no longer primarily for tennis use? The other sports uses could be accommodated in a building of less height.

MJC, in response:

- won't major on the subject of lighting as this aspect of the scheme has been withdrawn. The sports hall will bring ancillary lighting to the area, for safety etc, but won't cause significant light pollution;
- there has been a lot of talk about lighting zones, following the original submission of the proposal, including the floodlights. The applicant has adopted a cautious approach, and defined the area as a semi-rural environment, in which the night sky is considered more precious and light spill more significant – although the case could be made that the area is more suburban than rural in character. As and when a new application for floodlighting is submitted, all information will be available;
- today, Members are being asked to consider the sports hall, with very low key lighting, to be erected in the existing complex of buildings with its own lighting;
- it should be remembered that there is an extant planning permission for a similar use on this site. It has been submitted that lighting is needed to make it viable and safe. This isn't a material consideration to this planning application but will be fundamental as and when any future application comes in;
- for an element of comfort, should Members wish, a condition regarding lighting could be attached – though in the professional view of officers, this is not necessary;
- regarding the height of the proposed sports hall, this is a difficult point. The consented scheme is 2.3m lower overall; it was designed primarily for indoor tennis, which requires maximum height at the centre, over the tennis nets. This multi-use sports hall will be

used for netball, among other things, which requires height at the edge of the courts to accommodate netball poles. This in turn results in higher eaves and higher ridge, thus dictating the overall height of the building, which has been reduced through the application, but is still a taller building than currently permitted, driven by a very different use.

MS: has visited the site on two separate planning views, and in very different weather conditions. Considers the scheme now proposed better than the extant scheme, as it links together the three different buildings, but the height remains a concern. The extant scheme shows the outline of the hills in the background which cannot be seen with present proposal. Is worried about the effect on Christ Church Road residents who will be deprived of the view.

PB: was concerned about the floodlighting, but now this has been removed from the scheme, it's difficult to find any planning grounds on which it can be refused. The Ladies College is a superb local organisation, bringing significant income and benefit to the town. There is an extant permission, and this is not significantly different. Will support the current proposal and reserve judgement on the lighting for when it comes back to Committee.

BF: with reference to MS's comments, everyone knows officer guidance on residents' right to a view – there is no policy to protect this.

MJC, in response:

- Members must be quite careful in how they consider this. The 'right to a view' issue comes up regularly. Planning exists to represent the public interest, but views are often private;
- here, however, the site is in a conservation area, and views to the Malverns, the escarpment etc contribute to the character of the area and can therefore be taken as a material consideration;
- the amount of weight this is given depends on how significant the views are. The NPPF states that if these are 'less than significant', this has to be balanced against the public benefit of the scheme;
- the fact that the applicant is Cheltenham Ladies College is important, and there are strong reasons why the proposal should proceed. Members are being asked to perform a balancing exercise, taking into account the wider economic impact;
- officer view is that the balance tips in favour of the applicant, but Members need to make their own judgement. In this case, loss of the view is a valid consideration.

SW: on balance, is thinking along similar lines to PB. Is glad the two aspects of the scheme have been separated, and Members aren't being asked to deal with the lighting issue tonight. If a villa was proposed in the gap, or a house where the playing field is, there would be no argument – it would not be acceptable. Some of the view to the Malverns will be lost, but there will still be significant views through. Would like to keep the site as a green field, but this isn't possible. The sports facilities are a necessity, and although this will cause some harm, it is not significant enough to refuse.

HM: regarding the view, there was an application at Committee not long ago for housing in Church Street in Charlton Kings, on a site which gave significant views of the AONB escarpment. The application was permitted and the view lost. This site is in a conservation area; Church Street was not. The view should therefore be more carefully considered. The Conservation Area Appraisal states that areas need to be protected from inappropriate development – but what could be more appropriate than a sports hall in school grounds?

AL: if the new sports hall is needed by the school, considering all the potential positions within its estate, imagines that this site will have the least impact on the town.

JF: would Members like to add any extra conditions?

KS: would like to move the lighting condition suggested by MJC, but is not sure how it should be worded.

MJC, in response:

- it isn't unusual to use conditions to understand lighting in car parks;
- there will be bollard lighting, security lighting etc attached to the new building, but these are minutiae;
- officer advice is that a lighting condition is not necessary, but Members may want to include one for an extra layer of comfort.

KS: would like to move to add such a condition, and also to include hours of operation of the lighting.

Vote on KS's move to add a condition to control lighting on the site

4 in support

6 in objection

3 abstentions **MOTION LOST**

Vote on officer recommendation to permit

8 in support

2 in objection

3 abstentions

PERMIT

219. 15/00681/FUL Land south of 205 Leckhampton Road

Application Number:	15/00681/FUL
Location:	Land south of 205 Leckhampton Road, Leckhampton Road, Cheltenham
Proposal:	Erection of 10 houses and associated works (revised scheme)
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to a 106 Obligation (including in respect of education obligations if policy supports this)
Letters of Rep:	2
Update Report:	Suggested conditions

CH introduced the application as above, which was originally scheduled to come to Committee in October but was deferred at the applicant's request in order that the plans might be revised to address the refusal grounds set out by the officer. The determining issues are: principle of development, affordable housing, impact on the AONB, access and highways, impact on neighbouring amenity, drainage and ecology. Refusal was previously recommended as officers felt the scheme represented inappropriate development on boundary of AONB. The scheme has now been revised: the number of dwellings reduced to 10; the height reduced; larger gaps between the dwellings; plots 3 and 8 pulled forward; trees and planting revised; and fencing on the south-west and east boundaries revisited, with the establishment of a management company to maintain the boundaries and landscaped central green area which would be secured by a s106 agreement. All these revisions have been reviewed in the update. Officers consider them to overcome previous concerns, and as a result, three consultees – the trees officer, the landscape officer and Architects Panel - have removed their objections. The recommendation is now to permit subject to an S106 agreement. For information, the drawing numbers are omitted from Condition 2 due to IT issues – these will be updated as soon as possible.

Public Speaking:

None

Member debate:

PB: congratulations to officers on a very thorough and professional job with this application, and also to the developer – the scheme looks fantastic, and will be a great place to live. On Planning View, Members walked 500 yards through a muddy field to see how the site would appear from the AONB, and it was clear that the design will sit very well. Is sad that the ash trees will be lost, but everyone knows the problems with ash trees; if the proposal is supported, they will have to come down, but we can ensure that appropriate trees are replanted in their place. Is happy to support this scheme.

HM: has a question about affordable housing. The 28-house scheme currently being developed is an excellent one; what is the affordable housing provision with this scheme, and how does it relate to this scheme for a further ten houses? The two developments are essentially one larger one, with the same developer, same access etc.

SW: would be interested to hear officer response to HM's comment – is slightly suspicious that the developer seems to be proposing half an estate just under the affordable housing threshold – is there anything we can do to ensure proper provision? Also would like to know if permitted development rights are to be withdrawn? Two houses have been moved forward to avoid impact on the AONB, but the residents might want to build a summer house in the garden and closer to the boundary – we need to keep some control over this.

BF: agrees with SW. What has been done so far is good, as is the build quality, but is concerned about density – lower in this proposal than in the scheme currently being built out. The original proposal for 11 or 12 houses is now reduced to ten. With no five-year land supply, another unit wouldn't be out of place – the town needs them, particularly houses of this quality.

CM: is happy with the development but concerned about the conditions during the construction period. Is there any control over start and finish times, to keep the negative impact on neighbours to a minimum?

KS: this may be a small development, but these are clearly family houses. Is concerned about the shortage of education provision on this side of town – primary schools are very oversubscribed. Has there been any discussion with the local education authority? This should be a consideration for any development in the Leckhampton area – it is already very difficult to get children into local primary and senior schools nearby.

CH, in response:

- to SW, there are two recommended conditions which withdraw PD rights: one for extensions which also covers structures in the gardens and a second, in anticipation - given the levels of the site - that householders might wish to seek to change these to level the gardens so that to do any earth works in the gardens, residents will need to put in a formal planning application;
- to BF, re. density, the original report stated that this proposal is situated on the rural edge of Cheltenham, a sensitive boundary. At this point, where there is a transition from urban grain to a rural context, a larger gap between the houses was felt to be appropriate;
- to HM, re affordable housing, the original scheme of 28 houses carried a requirement for 10% affordable units – lower than policy requires, due to viability issues. The site now being considered was not available at that time. Now, two years later, the land is available; officers have to have regard to the reasonable requirements of the NPPF and consider only the development and red line site in question for any planning application;
- officers have wrestled with this issue and taken legal advice. CL will explain further.

CL, in response:

- this question , as to whether there has been an superficial division of sites, to avoid affordable housing contributions, comes up quite often as Members are quite rightly raising now each case will very much be fact dependent - case law provides for a global view to be taken with the consideration of factors such as ownership, the physical relationship of the sites and the interdependence of the developments in making such a judgement;
- it is clear from the physicality of this site that the original development could be linked to a further one later on;
- however, no single factor is determinative in determining whether there has been a superficial division of the site; the fact that it is the same developer will itself not be determinative , as if it was without further, as regards a site that has become available later on this would be penalising an adjacent developer as against another developer taking the current land for development;
- officers have considered all these issues, and do not consider the developer to have deliberately set out to develop the land in two stages in order to avoid an affordable housing contribution.

CH, in response:

- to KS's question about education provision, Gloucestershire County Council is a statutory consultee, and was sent the application for comment in April. No response has been provided;
- when officers speak to the County about additional firming-up of the S106 and landscape boundary, they can ask again if anything can be brought forward regarding education, should Members wish;
- to CM, regarding times of operation, Condition 8 requires a Construction Method Statement to be in place before work starts, including intended hours of construction operation. An informative can be included should Members wish, from Environmental Health, setting out best practice guidance and directing developers' attention towards it.

JF: there has been some correspondence about wheel-washing and mud on the roads, which should be dealt with by the developers; otherwise it can lead to problems.

CH, in response:

- the Construction Method Statement requires wheel-washing to be carried out in the site. This is an enforceable condition, and officers can speak to the developer if necessary to ensure it is being followed up.

JF: will be grateful if it can be followed up.

CH, in response:

- the recommendation is to permit subject to an S106 agreement regarding landscaping. Members will have to move for an amendment to the recommendation if they want to include discussion about education.

KS: would like to do this. Is ward councillor for the neighbouring ward, and school provision comes up over and over again with constituents concerned about the lack of places. We need more houses, but must ensure that school places are available too and look for contributions from developers to help this happen. This isn't just an inconvenience; it is a social issue. Children in Leckhampton are being offered school places out of Cheltenham or on the other side of town. These houses are designed for families, and we must bear this in mind with any such development. Would welcome some help for the Leckhampton area. Would like to move to amend the recommendation to include education.

CL, in response:

- to confirm, KS's move is to amend the recommendation to require the S106 to cover education obligations, provided that policy supports it?

KS: yes. Would like officers to have a conversation with the County. Is disappointed that county officers haven't come back already with a consultee response.

Vote on KS's move to include education obligations in the S106 agreement, if policy supports this

11 in support

3 in objection

MOTION CARRIED

AM: it's a shame not to have had the chance to speak before this vote. Doesn't disagree with KS regarding education provision, but we have to keep a sense of proportion. This is a development for 10 houses. The County Council was consulted and made no comment. To make a specific case here is unreasonable; the developer could say the local authority is making demands not asked for by the education authority, and not being made on other developments. Considers this amendment to be a serious error of judgement.

JF: KS proposed the amendment because the County has not provided any response; the amendment requires officers to have a discussion only.

KS: would expect any requirement to be in line with policy. If this is looked at and considered unreasonable, would not expect any education requirement to be imposed.

PT: if there was no education requirement on the original site, might this not put extra strain on the smaller site to include it? Agrees with the overall concept, but is concerned that the scheme being considered today is only part of the site. The other site has more than 10 houses; there is surely conflict here?

CH, in response:

- the original application 28 units included an S106 contribution for education.

JW: has done a quick calculation: these ten houses will provide 46 bedrooms, of which ten are likely to be for adults and 36 for children. That represents quite a lot of school demand.

Vote on officer recommendation to permit subject to S106 agreement including obligations in respect of education if policy supports this)

13 in support

1 in objection

PERMIT subject to S106 agreement

220. 15/01048/OUT Land to rear of Nuffield Hospital, Hatherley Lane - DEFERRED

Application Number: 15/01048/OUT

Location: Land to rear of Nuffield Hospital, Hatherley Lane, Cheltenham

Proposal: Residential development of up to 27 dwellings

DEFERRED

to allow further consideration of Local Plan Policy EM2

221. 15/01441/OUT Land off Harp Hill

Application Number:	15/01441/OUT		
Location:	Land off Harp Hill, Charlton Kings		
Proposal:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)		
View:	Yes		
Officer Recommendation:	Delegated Refusal		
Committee Decision:	Delegated Refusal		
Letters of Rep:	7	Update Report:	i. Officer comments ii. Letter from agent (emailed to Members, 18th November)

MJC introduced this outline application, which aims to establish the principle of development on the site and access issues, with other matters to be dealt with under a future reserved matters application. A previous application was refused on two grounds: firstly, it was cramped, inappropriate to the site, and harmful to the AONB; and secondly, due to highways access and visibility issues. The applicant has now provided a transport analysis, which states that the refusal reasons on highways grounds should be removed. As set out in the blue update, there is some confusion around the submitted drawings and relative dimensions: the drawing is annotated with visibility splays 50m to the east and 54m to the west, but the actual dimensions appear to be shorter. **MJC** has spoken to County Council colleagues regarding this, and remains uncomfortable on this point, as visibility is so important, especially here, and could potentially require access to third party land to comply. The recommendation is therefore that Members refuse as set out in the report, and delegate back to officers the power to explore the highway safety issue further.

Public Speaking:

Mr Mike Frost, on behalf of applicant, in support

As a family member of the applicant, would like to explain why they feel harshly treated by the officer recommendation to refuse, particularly as it appears to be a borderline decision. The previous application was refused because it had no support from highways officers, but this application has their full support. Was unaware of the update regarding dimensions, so has no knowledge of any reservations around this. It was also refused because of concerns that any new dwelling on this site would be cramped. This is subjective, and shows inconsistency, as other applications have been permitted on adjacent land, which are more cramped in scale and size relative to plot. The details of the scheme would be set out under reserved matters; the proposed dwelling is for family use, would not be cramped, and would be appropriate to the area. Is asking for consistency here; the Battledown Estate includes many examples of small houses next door to larger ones, and only 300m from the site are four houses side by side. The objections are not balanced; of 13 neighbours consulted, only four have objected, several of whom have already developed their plots. Neither the parish council or Battledown Trustees have any objection, and the Civic Society called the previous scheme exciting, and hoped for something bold at the next stage.

Mr David Jones, of Evans Jones, agent, in objection

Is speaking on behalf of the residents of Kings Welcome, Harp Hill, who have concerns about access via third party land, and object to impact of the proposed dwelling on character of the AONB and the unsafe vehicular access. There have been no highways objection, but neighbours don't agree, and have provided an independent highways report to the local authority. This shows that only 40m visibility to east can be achieved without encroaching on third party land – the Highways Authority says 50m is required. It's true that a condition could be included, requiring the hedging to be removed to aid visibility, but under the NPPG, conditions such as this should only be included where there is a reasonable prospect of the

land in question being available during the life of the planning permission. As the neighbours here will not make the land available, it would therefore be inappropriate to allow such a condition. Regarding the character of the area and cramped nature of the proposal, agrees with the officer recommendation, and believes that Local Plan Policies CP7 and CO2, as well as the SPD on Garden and Infill Sites, are all appropriate refusal reasons. In addition, as the proposed dwelling cannot be safely accessed and visibility splays are insufficient on highways land, suggests conflict here with Policy TP1.

Member debate:

SW: MJC has suggested that Members vote for the final decision to be delegated back to officers once the highways issue has been sorted out. What if Members think development is okay on this land, provided the access is okay? Personally thinks something could be put here – the plot doesn't enhance the area as it is, and a house with a cared-for garden would be an improvement. Would vote in favour of that but if the access isn't safe, there is no option but to vote against it.

BF: supported the previous scheme, and has not changed his mind. The access issue has been dealt with by the highways authority and is considered okay, and after all, two houses have been using the access for many years, and the accident report is minimal. Notes at para. 1.14 of the report that the officer has considered the potential impact of this proposal on the scenic beauty of the AONB. Walks round Cheltenham every week, and made a point of looking down on this site from Aggs Hill/Butterfly Wood. Could not see the site at all, but could clearly see the site where two houses were permitted last month, and not long ago, we gave permission for 14 houses in the AONB, at the top end of the GCHQ Oakley site. The decision today is one of principle – could this site be developed? – and cannot find any reason to say no. Cheltenham doesn't have a five-year land supply, and no-one has the right to a view. Other houses in the area have grown, and this proposal is not a bad change.

PB: considers this a very fine judgement and anticipates another close vote. There is always talk of how finite land is in the borough, and it's clear that this plot could support development. We are desperately short of space for building houses and it's important that we use any land available to maximum potential. Still has a big concern about the access – we're told the visibility splay will need the adjacent land, but the owner is not going to allow it. Can members approve the application knowing this land will not be forthcoming?

LS: has been looking at the refusal reasons from the scheme which was turned down last year. The main concerns were the detrimental effect on the AONB, cramped nature of the proposal, and highways concerns. Noted on Planning View that any dwelling on this tiny parcel of land would be very cramped, with a significant negative impact on neighbouring properties, especially Kings Welcome. There have been no material changes since the last application regarding the rural character of the area and the AONB. Of course it is important that Members are mindful of the need to provide housing, but to suggest that this single dwelling makes any meaningful contribution is not credible. Will vote against it.

AM: struggles with road access as a refusal reason as two properties already use this as their main access and there are no accident reports. It's always possible to argue that it would be nice not to develop or change anything, but as BF says, we have approved similar developments close by. This may be only one unit, but they all add up, and if it was anywhere else in the town, would we have the same view? Can see no reason to refuse.

HM: when Kings Welcome and The Bredons were built, there was no SPD on Garden Land and Infill Sites. If there had been, we would not have allowed them to be built with the same access. Now we have the SPD and we cannot go against policy. If this proposal was elsewhere in the town, we would be refusing it.

MS: agrees with HM. If we approve, we are going against our own policy, and against Paragraph 115 of the NPPF which talks about conserving landscape and scenic beauty in

the AONB. The other houses on the driveway have been there a long time, before the current policy came into play. Supports the officer recommendation.

LS: echoes MS's comments, and would also say there is no similarity between this and the application for two houses considered at Planning Committee recently. They are lower down Harp Hill, and that is all the two schemes have in common.

BF: regarding access, as county councillor has discussed with highways officers situations where people don't keep their hedges trimmed and the highways authority has the right to insist they cut them back to improve visibility. If this scheme is permitted, there can be additional signs, and the ability to improve visibility rests with Highways. Members must bear in mind the permission granted for two houses two months ago, and the 13-14 houses permitted at the top of the Oakley site which change the view dramatically and will stand out far more than anything proposed here. This site cannot be seen from the road, only by walking right up the drive. The only visual impact will be on two houses, including Kings Welcome – nothing else.

SW: the proposal will be of benefit to the area, more than the scrubby bit of land which is there now. If it is approved today, can there be a condition regarding the height of the future dwelling, restricting it to 1-1.5 storeys?

LS: Members are being asked to make a decision in principle today – is it okay to build here? If permitted, we will be saying it is okay to building low-quality dwellings in the AONB, and this is contrary to policy.

KS: given the sensitivity of the site, was the applicant encouraged to provide a full application including the proposed design of the property, rather than an outline application?

PB: why does LS say it will be a low-quality development? This is a highly sought-after area, and the land is capable of supporting a house. Only highways issue remain a concern.

JF: regarding the SPD on Garden Land and Infill Sites, Members fought long and hard with officers to get it, and now are proposing to break it. It should not be set aside.

MJC, in response:

- regarding the highways matter: in the original report, the County Council recommended no objection to the application. After it was published, a number of representations were received from neighbouring properties concerned about the visibility splays, which resulted in further interrogation of the issue;
- the drawings from the transport consultant submitted with the application show a green area at the access point, and the two paragraphs above refer to the requires dimensions for visibility splays as 50m to the right/east and 54m to the west;
- however, the actual measurements on this scale drawing do not stack up – they are short – and hence the discussion with Highways today;
- there may be a genuine reason for this discrepancy, such as the curve of the road, but officers have been unable to check this and cannot therefore be satisfied as to whether this access arrangement is adequate or not;
- officers need more time to explore and discuss the issue with a highways consultant, so are asking Members to delegate the decision back to officers to allow this further discussion. Apologises for any confusion, but feels it is right to explore the matter further;
- it may be that the drawing is correct and access is safe, but would take comfort from ensuring that this is the case;
- in addition, the visibility splays shown in the drawing do not rely on access to third party land, and could be ensured by trimming the hedges back. If the drawing is incorrect, access to third party land may be required;
- regardless of the principle of development, by delegating the decision back to officers in conjunction with the Chair and Vice-Chair, a sound outcome can be ensured.

KS: officers can't make the decision without the Chair and Vice-Chair. Cannot support the proposal as it stands today, but what is the best way to approve/refuse/delegate or defer? Members need a holistic idea; considers a deferral would be the most transparent way forward.

CL, in response:

- there are a number of options here. Officer recommendation was originally to refuse due to the detrimental effect of the proposal on the AONB. Now that there is an extra issue of concern, regarding the visibility splays, officers are asking Members to delegate the refusal back to them, to include the suggested refusal reason regarding the AONB, and if the assurance regarding the visibility splays cannot be provided, to add that as a second refusal reason as well;
- if the drawing is correct, and adequate visibility splays can be provided for, this will not be included as a refusal reason, but the recommendation of officers is still to refuse. The final decision on the inclusion the second refusal reason would be in consultation with the Chair and Vice-Chair;
- Members are required to make a judgement call here as to whether they consider this outline proposal to be appropriate development or not. If they agree with officers, the proposal will be refused. If they don't agree and that motion is lost, there could then be a move to permit, with appropriate conditions – a Grampian condition could be considered here;
- there are various options if Members are minded to permit, but they will have to vote on the officer recommendation to refuse first;
- another option is deferral, but as the issue of concern appears to be a technical one, would question whether this is necessarily the right way forward.

PB: if Members don't agree with the refusal reason as stated but have concerns about the highways issue, they can *not* support the recommendation to refuse and can then move to permit with a Grampian condition.

SW: or they can approve the development subject to the highways issue being sorted out.

BF: highways officers have the right to demand that hedges are cut back to improve visibility. There has been no officer comment about this.

MJC, in response:

- conditions can require hedges to be trimmed when adjacent to the adopted highway, but if visibility splays stray into third party land, a condition would be required to ensure that arrangements are in place to so that hedges on the third party land are also trimmed back.

AL: if both refusal reasons are accepted by Members, and then officers find that the highways refusal reason is not valid, officers will have to make a subjective decision on the land.

DS: there has been no mention of speed on the hill. Would changing the speed limit not solve the problem? Realises that this is not a planning issue, but is sure other residents would welcome a change, which would contribute to highway safety in general.

MJC, in response:

- to AL, the recommendation would remain that planning permission be refused on principle – this is the judgement made by officers, and they are now asking Members to endorse it or not. If they do not, an alternative way forward will be found, but officers have already made their judgement and consider the development unacceptable;

- to DS, speed limits are indeed beyond the planning system. The visibility splays proposed are based on the current speed limits, but it's true that these may be reduced in the future.

Vote on officer recommendation to refuse and delegate the decision back to officers, in consultation with the Chair and Vice-Chair pending discussion with highways officers on the visibility splays

10 in support

4 in objection

DELEGATED REFUSAL

222. 15/01604/LBC Cenotaph, Promenade

Application Number:	15/01604/LBC
Location:	Cenotaph, Promenade, Cheltenham
Proposal:	Conservation of the war memorial to include cleaning of the stonework, carrying out repairs to decayed and fractured stone, repointing, re-cutting and re-filling deteriorated letters, and incising 8no. new names to match original style
View:	Yes
Officer Recommendation:	Grant Subject to Government Ratification
Committee Decision:	Grant Subject to Government Ratification
Letters of Rep:	0
Update Report:	None

Councillor Walkett was absence from the Chamber during the consideration of this item

Public Speaking:

None.

Member debate:

BF: this is an application to restore stonemason's work etching names on the stone. Part of the original application was for stainless steel flashing and there has been a trial of this in one corner. Will that be included in approval, as it is stated as English Heritage best practice for this sort of work. It would prolong life of stonemason's work, and protect it from rain eating into the stonework.

MJC, in response:

- that aspect of the scheme was withdrawn early in the proceedings – the stainless steel flashing was removed following concerns from English Heritage. There may be a future application to incorporate this.

Vote on officer recommendation to grant subject to government ratification

13 in support – unanimous

Grant subject to government ratification

223. 15/01953/CONF Walnut Cottage, Tatchley Lane

Application Number:	15/01953/CONF
Location:	Walnut Cottage, Tatchley Lane, Prestbury
Proposal:	Confirmation of TPO No. 736 - walnut tree to the front of property
View:	Yes
Officer Recommendation:	Order is Confirmed
Committee Decision:	Order is confirmed
Letters of Rep:	2
Update Report:	None

Public Speaking:**Mrs Hibbert, applicant, in objection**

The Senior Trees Officer commented that he had never noticed this tree when driving along Tatchley Lane, which shows that it is only really visible when standing directly opposite the house, and then partly hidden by a laburnum and flanked by conifers – not really of significant amenity value. It is a beautiful tree but only 1.8m from the building. There seems to be no fixed minimum distance for this, though recommendations of 10 metres or 10 paces, and the National House-Building Federation recommends a distance equal to three-quarters the mature height of the tree, to ensure no problems in future – this is significantly more than 1.8m. If this tree continues to grow, it will cause structural damage to the house. The Trees Officer acknowledges the tree has a structurally compromised main trunk and the crown has been reduced in the past to relieve stress. The tree was planted around 1979, but the owners cannot have considered the future problems it could cause when mature. It still a relatively young tree, so now would be a good time to replace it; would be happy to plant a semi-mature replacement – 15-20 years old - in a different position, to give enjoyment for the next 70-100 years. Would not object to a TPO being placed on this replacement tree. If Committee would like, will also remove leylandii hedge to expose original redbrick wall and provide a highly visible and striking backdrop, with glorious amenity value to Tatchley Lane.

Member debate:**CC, in response:**

- the TPO came about following pre-app advice on a change of use application which would involve the removal of the tree. Trees officers feel that it has sufficient amenity value to be worthy of a TPO; the application is at Committee because the owners have objected to the TPO, and officers thought it fair to let Members decide whether or not it should be confirmed.

BF: what age is the tree and what is its life expectancy?

CM: the speaker referred to the structural integrity of the tree – what are officer views on this?

HM: what sort of a root system does a walnut tree have – shallow or deep? Are the roots likely to affect the foundations of the house?

CC, in response:

- the tree is about 50 years old; its life expectancy should be at least the same again;
- the tree has been reduced on a previous occasion – it was done well, providing a nice scaffold for future growth;
- regarding the tree's structural integrity, the main fork is not ideal but not about to collapse. If the order is confirmed, trees officers would support an application to take it back to its pollard points;

- to HM, the roots of walnut trees are usually 50-60cm deep. This tree is growing in a planter, which may push the roots deeper, but not likely deeper than the adjacent building foundations.

PT: looked closely at the tree on Planning View and has listened carefully to CC's comments. The tree is a very nice shape and in good condition. It would be a very simple job to reduce the height, as has been done before, and this would ameliorate the problems. The applicant has commented about walnuts on the ground and the nuisance caused by squirrels crossing the road – this is not relevant and just fudging the issue. There's nothing wrong with the tree itself; it is a feature of the area and can be seen above the wall. Has experience of similar trees at her own garden, and would not be concerned with the root system of this tree if she lived at this house. Would like to see the order confirmed.

Vote on officer recommendation to confirm the TPO

13 in support

0 in objection

1 abstention

ORDER IS CONFIRMED

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

There were none.

Chairman

The meeting concluded at 7.45pm.