

Planning Committee

6.00 pm, 17 December 2015

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Andrew McKinlay
Councillor Paul Baker	Councillor Klara Sudbury
Councillor Andrew Chard	Councillor Pat Thornton
Councillor Diggory Seacome	Councillor Louis Savage
Councillor Bernard Fisher	Councillor Malcolm Stennett
Councillor Colin Hay	Councillor Simon Wheeler
Councillor Adam Lillywhite	Councillor Chris Nelson (Reserve)
Councillor Helena McCloskey	

Officers in attendance

Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MJC)
 Chris Chavasse, Senior Trees Officer (CC)
 Cheryl Lester, Legal Officer (CL)
 Ben Hawkes, Planning Officer (BH)
 Michael Doust, Trees Officer (MD)

225. Apologies

Councillor Fletcher.

226. Declarations of Interest

Councillor McCloskey

- i. **15/01676/FUL Land at Ham Close**
 knows the applicant through community work in the ward
- ii. **15/01859/FUL Cheltenham Cemetery & Crematorium**
 has worked on this as a member of the Scrutiny and Cabinet Member Working Group

Does not consider either of these interests prejudicial; will remain in the Chamber and participate in the debates for both these items.

Councillor Stennett

- i. **15/01238/CONF Forden House, Timbercombe Lane**
 Is a friend of the applicant; will leave the Chamber for this debate.

227. Declarations of independent site visits

None.

228. Public Questions

None.

229. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19th November 2015 be approved and signed as a correct record *without* corrections.

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

231. 14/00209/FUL 24 Horsefair Street

Application Number:	14/00209/FUL
Location:	24 Horsefair Street, Charlton Kings, Cheltenham
Proposal:	Erection of 3no. detached dwellings with garages and construction of private access drive following demolition of existing dwelling
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	31
Update Report:	Additional representation

MJC introduced the application as above, reminding Members that it was deferred in July to allow more information on badgers at the site to be collected. The applicant has worked with the County Council to resolve access issues to Horsefair Street, and the County is now satisfied that this is safe. The lay-out has changed slightly since the July report – it is looser, Plot 2 is re-orientated in the site, and Plot 3 altered to reduce the impact on No. 22 Horsefair Street. The recommendation is to permit.

Public Speaking:

Mr Peter Lidgard, neighbour, in objection

Speaking as a former planning officer and executive chairman of an international charity, on behalf of neighbours, feels that Members had been seriously misled by the planning officer, in addition to valid concerns expressed by the Parish Council and local residents. There are two contradictory plans: RM2B, which requires removal of the neighbour's wisteria tree and wall (for which they would never give permission), and M348/03, which leaves the tree but moves the entrance road a metre east and would result in the probable demolition of No. 26 Horsefair Street, leaving an ugly gaping hole in the street scene. The plans are incompatible; do Members know which one they are considering tonight? Why do officers consider narrowing the street will make it safer? Lorries frequently mount the pavement as it is, and the proposed build-out will look like the pedestrian crossing on Cirencester Road, making it unsafe for pedestrians and cyclists. Is the area of permeable block paving going to ensure no increase in surface water run-off from three large houses in place of the existing orchard? There is no mention in the officer report that this site was highlighted as being at high flood risk by the Environment Agency – why? Notes that the badger setts are to be protected, but why hasn't the officer asked for a survey to ensure other protected species aren't living on this site? And why has there been no historic assessment of the two cottages, clearly marked on the 1806 and 1810 maps in Cheltenham Library? This is a conservation area, and the cottages should be protected, not butchered. Anyone who walks or drives through the villages know how congested and dangerous Horsefair Street gets at certain times of day, and the proposal will make it worse. Members should ignore the officer advice and reject the application.

Member debate:

MS: in light of what Members have just heard, can officers comment on the flood risk and status of the cottages?

HM: uses the street at least once a day and confirms that it is extremely difficult to negotiate. Is not convinced that the build-out will improve the situation, with heavy lorries making deliveries to the Co-op on Church Piece. This is also a key route for schoolchildren. Is concerned about road safety here and would welcome officer comment. Is also concerned about the demolition of No 24 Horsefair Street. Looking up Horsefair Street from

Lyefield Road West, the gable end of 24 is a prominent feature of the street, and there is nothing in the plans to indicate what it will look like when it is demolished. The report states that the conservation officer would like more detail about this, but no condition is included; would like one added, if the application is approved. Is delighted that this application has finally made it to Planning Committee; it has been concerning residents for two years, and hopes it will be concluded tonight.

SW: noted the speaker's comments about the wall and tree. Who do these belong to?

BF: on Planning View, it was clear that to gain access to the site, an old wisteria would have to be removed. Is it protected?

MJC, in response:

- to MS, regarding flood risk: the site is in Flood Zone 1, not considered to be particularly prone to flooding, though the differing levels within the site have implications: the surrounding buildings and land are elevated, resulting in flooding implications for the lower land;
- the Environment Agency doesn't require a flood risk assessment for this site, but if the application is permitted, officers will recommend a suitable drainage system be put in place before the site is developed, to ensure surface water run-off on the site as good or better than at present – to replicated run-off on a greenfield site;
- regarding the historic status of the cottage in the conservation area, it has not been sensitively treated over the years, with the additional of tile cladding and barge board. There are elevation details of the site after demolition of the cottage, showing oblique views which tell Members what they need to know; they can make an informed judgement on that basis;
- the comments in the report from the Conservation Officer were made in June; drawings which were missing then have since been produced;
- to HM, a condition regarding the gable end is missing and should be added if Members are minded to grant consent, to ensure sensitive treatment;
- to SW, regarding the wisteria, wall and access, this is an issue planners are faced with on a regular basis; it was thoroughly investigated in the summer, with County Council involvement. The applicant was asked if all the land within the red line was in his ownership, which he confirmed. As officers and the local planning authority, it isn't for us to question that. If the applicant has applied for planning permission for land not in his ownership, he won't be able to implement it;
- regarding the wisteria, the same applies; if the applicant doesn't own it, he does not have the right to remove it.

BF: estimates the wisteria to be 80 years old or more, and it would be a shame to lose it through this development. It isn't just a piece of wood; it is a beautiful specimen, and it is critical that access arrangements are sorted out before anything else.

PT: as regards the site plan, where are the wall and the wisteria?

GB: were on the right hand side as Members walked in on the site visit.

PB: are there two plans, as the speaker said, or only one? Members need to know how the access will work; this is a very busy road, and three additional houses will create extra traffic. Will half a cottage have to be demolished to ensure access? What is the value of these cottages in the conservation area?

AC: the elevation appears to show a door opening straight onto the access road, without any pavement? This would be very dangerous.

CN: reinforces comments about access, the wisteria, and comments from GCC, which seem to be the key issue for this particular site. Is uncomfortable with the proposed access arrangements. In view of Parish Council comments, has there been an environmental study?

SW: accepts MJC's comments about the land within the red line, but as the access is so critical, is concerned that the applicant will insist the land is his until the wisteria has been dug up and the wall knocked down – by which time it will be too late to save them. Surely it's possible to determine exactly what land belongs to the applicant, even if Members vote to approve subject to this information coming forward; then, if the land required for access isn't owned by the applicant, the scheme could not proceed.

MJC, in response:

- to SW, this application is the same as any other, and if it transpires that the applicant doesn't own the land he says he does, he won't be able to implement any permission. Issues such as this have to be resolved outside the planning system, with the landowner challenging the applicant. The planning authority wouldn't involve itself;
- to HM, regarding road safety, Horsefair Street is a busy road, which is why the county council has been so detailed in considering the application. Visibility is poor, and buildings abut the back of the footpath, which is why a build-out and demolition are considered necessary, so that cars can advance further down the road to see traffic coming the other way. The County is satisfied that, subject to a build-out, visibility can be achieved. Condition 11 requires the building and access road to be delivered before any other work on the site;
- to AC, the door in question opens into a space used by vehicles, but is in a recess behind the retained flat roof extension – so not directly onto the road, but to a buffer area;
- regarding the ecological value of the site, there is clearly an active badger sett on the perimeter, and it is well-treed. All applications are screened by the Gloucestershire Centre for Environmental Records; if they are aware of any other species on the site, they will let the planning authority know, but have not responded to this application, suggesting no particular diversity;
- to CN, regarding the wisteria, cannot give any more advice; the applicant has certified that he owns the land in the red line, and the planning authority cannot challenge that.

CN: if the wisteria is owned by someone else who won't allow its removal, would that be critical to allow suitable access?

MJC, in response:

- the wisteria eats into the land which is needed to ensure access to the rear. The applicant says this land is in his ownership.

CL, in response:

- this appears to be a boundary dispute, not a matter for the Council. It's not unknown for someone to say he owns land that he doesn't, and for the other person to take him to court, resulting in costs being awarded. It is at applicant's risk to do work to land not in his ownership as it could well lead to claims against him.
- understands that the wisteria needs to come down to ensure safe access, and if it turns out that the applicant is not the owner and the owner says no, the applicant cannot pursue his planning permission.

CN: if Members agree to the proposal, the applicant has a dispute with the owner of the wisteria who subsequently proves that it is his land, would the council also have a legal claim against the applicant for having claimed it was his land?

CL, in response:

- in some parts of planning law as regards statements made in respect of notices, there are specific provisions as to making fraudulent statements, but this is not one. An incorrect certificate statement can have consequences for an issued planning permission, but this depends on the impact, for example, where it has been to hide the application; here it is obvious the application is known, given the apparent land dispute that is going on.

PT: understood that it is being said that the Gloucestershire Centre for Environmental Records knows the environmental attributes of all sites and gardens, but this can't be so. In this garden, the badgers were not taken into account at first, so what about all the smaller species that might be eradicated in the lust for development? Why are we bending over backwards to allow someone to demolish an old cottage? It doesn't make sense. Please can we make sure that no-one and nothing is being harmed by this. Living standards depend on what is all around us; journeys for school children will be more dangerous, delivery lorries making things more difficult. There seems no sense to consider this as a planning application. Cannot see we can do anything but refuse it.

SW: is not comfortable with this application, but Members have to come up with some acceptable planning objections. Was concerned about Condition 7, regarding wheel washing, loading and parking of vehicles etc, with nothing to say that lorries must off-load on site – that they can't park on Horsefair Street. This must be strengthened to say no site vehicles can park on Horsefair Street, but only on the site.

AM: there are a lot of questionable facts with this application. Doesn't like making decisions without knowing all the facts. It would be better to defer the decision, check the facts, and bring this proposal back to committee at a later date, so that Members' decision can be based on clear and tested facts. Proposes deferral to the January meeting.

PB: can officers comment on the age and value of the cottages in the conservation area?

KS: had a number of concerns about this this application which have not been overcome by the debate so far. In another location, the houses would be quite nice, but we need the right application in the right location – which this isn't. Is troubled that this road is never easy to drive along; the real world is different from the planning world, as demonstrated by the Cirencester Road garage site. Is concerned about access, regarding the wisteria and ownership of land; all that officers have said is true but if this can't be safely engineered, it isn't a good thing to permit as Planning Committee. If the tree can't be removed, what will happen? Can it be TPO'd? Is worried that County officers have told us that highways matters are all okay and officers say conditions can be used to ensure safety, but this isn't okay – this is a narrow street, much-used by the elderly and by children. The property is clearly very old and has been unsympathetically modified – does this make it too onerous to determine its historic status? What sort of message is that? It could be put right and restored, but not if it is demolished. Finds this irritating. Regarding the badgers, there will be three houses on quite a small site; will the new residents want badgers digging up their gardens? We should ensure there is space for wildlife in our town. Will vote against this proposal; it is not the right location for this development, will upset the neighbours, and will not be safe.

MS: had reservations at the beginning of the debate. Accepts the reasoning for AM's move to defer, but considers we will face the same problems next month. Therefore moves to refuse on CP7 (unacceptable erosion of green space), NE1 (regarding the habitat and ecology of the area) and BE1 (regarding development in a conservation area). Would also suggest the proposal is contrary to the NPPF.

HM: to AC's point about the door opening onto the roadway, MJC has said this will be flush with the extension, but someone leaving the house by this door will not be able to see if vehicles are coming until they have come right out of the site, which is not satisfactory. Also, can the Tree Officer comment on whether the wisteria is classed as a tree or a bush?

BF: whether the application is refused, deferred or permitted, the key issue is the access and ownership of the land. Urges the applicant and neighbour to resolve that issue.

AC: the longer he is on Planning Committee, the more he wonders what Gloucestershire Highways do for a living. They said that the Cirencester Road development would be okay –

but it isn't. Cannot see how this cottage can be demolished without vehicles parking on the road during the demolition. The decision could be deferred, as suggested by AM, but personally will not change his mind. Is not in favour of this scheme. It should be refused.

MJC, in response:

- to PT, the Gloucestershire Centre for Environmental Records works on tip-offs from members of the public, and cannot be aware of absolutely everything – although it is always a good place to start;
- PT asked why officers are bending over backwards to permit this development, for which there is no real need – this is dangerous territory for Committee. Members are well aware of the real need for housing and the lack of a five-year land supply. The question of whether this is the right site for housing is what we are discussing today. There is clearly a housing need, and it is the responsibility of the planning authority to ensure that land is used effectively and efficiently. This was the officer position in considering this proposal;
- to SW, regarding wheel washing and construction vehicles, restriction of the use of Horsefair Street is not achievable – it is a public highway, and it is not possible to stop people from parking there, as demonstrated at Cirencester Road. Unless they are causing a public nuisance, the local authority cannot deal with it or be that prescriptive in a planning condition. It would be a struggle to monitor such a condition, and would not suggest changing it to refer to Horsefair Street;
- to AM's suggestion of deferral, it could be helpful for extra clarity if Members could specify what additional information they want officers to produce – just access, or other points as well?
- to PB and KS, regarding the cottage age and status, this is well-addressed in the report, which recognises that the building has been dramatically altered. It is in a conservation area, but important to note that it isn't listed, locally indexed, or recognised as a positive building. Therefore it is difficult to say it has any distinct value in the conservation area;
- the NPPF talks about supporting applications with appropriate documentation, but officers' view is that an Historic Assessment this would be overly onerous in this case and unnecessary;
- to MS's move to to refuse, all the suggested policies are legitimate, but would use the NPPF with caution – the planning minister is saying planning authorities need to be more explicit about how they use the NPPF, so officers would need more to go on here. Considers the suggested Local Plan policies will be enough to tailor a defensible case for refusal;
- to AC and HM re access and safety, this is difficult to argue as advice from County Council is that access is safe. It is the Members' decision whether they want to refuse the application against the backing of the Council's professional adviser;
- regarding the wisteria, will ask the Trees Officer to comment.

CC, in response:

- wisteria is a woody plant; trees are woody, but not all woody plants are trees. Can be a grey area, but ultimately, wisteria is a climber, not a tree, and cannot be protected via a TPO;
- however, the applicant would need the owner's permission to cut it down.

MS: regarding the cottages to be demolished, these aren't protected or considered of any value in the Local Plan, but if they go, it will make a significant difference to the street scene. Can this be fitted in with the refusal reasons in any way? The site may be appropriate for development, but three houses is too many.

GB: also has a concern that this application would be over-development of the site.

CH: was trying not to speak, but one of MJC's comments has caused him concern. He implied that because the cottage has been 'messed around with', it is now of no value? In the 1970s, there was a fad for Cotswold stone cladding on the outside of terraced houses. Cladding can be removed, and the old cottage underneath restored. Is concerned if the

opposite view is being taken – if it is, we could have lost some nice streets, in Tivoli in particular where five or six houses were stone-clad. If these had been demolished, the town would have lost some valuable properties. Would like to hear the officer's comment on that point.

HM: regarding the door on the remaining part of the property, there is no Highways comment about that door either. The front door should be on the front elevation, not the side. Would like to see a revised plan if the proposal is deferred.

BF: if Members vote on MS's move to refuse, paragraph 56 of the NPPF would be appropriate here: *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

KS: wonders how officers reach their recommendations, which are sometimes 'on balance', and how they really feel about this particular proposal. The property is old and officers are saying its value has gone because people have made it ugly, but surely its value is what it looked like originally or could look like with sympathetic alterations. The Municipal Offices is a listed building which has been botched inside, but still has great potential. We should be thinking about the potential of the cottage and how it can be refurbished – it is important to sort this out when looking at planning applications. Officers say this was an on-balance recommendation, but it would be helpful if officers gave more specific reasons as to why and how they reached their recommendation. Takes the point of all they have said, but Members are clearly not happy with their recommendation. Has been on Planning Committee a long time but needs help from officers to produce watertight reasons for refusal.

MJC, in response:

- to MS, the core principles of the NPPF can be added to the refusal reasons to strengthen the case, if necessary;
- to KS and GB, regarding the issue of overdevelopment of the site, MS's move to refusal is based on in-principle objections, stemming from access to the site, harm to the street scene, and unjustified demolition. The inherent value of the site as an undeveloped space has to be considered. There has been a lot of debate, and officers would therefore be inclined to write draft refusal reasons, then ensure that GB and MS are happy it hits the right note;
- regarding the on-balance recommendation, officers always have to consider the NPPF's presumption in favour of development, although MS, KS and BF have come up with enough reasons to craft a strong case for refusal.

GB: does AM want to pursue his move to defer?

AM: yes, pending further information about access, the wisteria, and ownership of the wall, because if the proposal is refused tonight, it will go to appeal based on false facts. We need to have those facts clarified. If they are in question, the appeal could be lost.

CN: would like to add to AM's reasons for deferral: the site is in the conservation area and it would be helpful to have more information about the property, its age etc. Also, the badgers appear to have been discovered by chance, so it would be worthwhile exploring other environmental issues at the site.

MJC, in response:

- if the decision is deferred tonight, not much additional information will be forthcoming from the applicant – it took six months to get the information on the badgers – so it certainly won't be next month or any time soon;
- if officers didn't feel there was enough information to make a decision, the application wouldn't be before Members tonight.

MS: the suggested refusal reasons aren't affected by any of these issues.

AM: happy to add as CN suggests as to the deferral.

GB: will proceed to vote on AM's move for deferral, with CN's additions.

Vote on AM's move to defer, pending further information

4 in support

11 in objection

MOTION NOT CARRIED

Vote on officer recommendation to permit

0 in support

13 in objection

2 abstentions

RECOMMENDATION NOT APPROVED

MS: confirms his move to refuse should include reference to paragraph 56 of the NPPF with the exact refusal wording to be decided in consultation with Councillor Stennett and the Chair.

Vote on MS's move to refuse on CP7, BE1, NPPF Para 56

13 in support

0 in objection

2 abstentions

MOTION CARRIED – APPLICATION REFUSED

232. 15/01048/FUL Land to rear of Nuffield Hospital

Application Number:	15/01048/OUT
Location:	Land to rear of Nuffield Hospital, Hatherley Lane
Proposal:	Residential development of up to 27 dwellings
View:	Yes
Officer Recommendation:	Permit subject to S106 agreement
Committee Decision:	Refuse
Letters of Rep:	6
Update Report:	Officer comments; conditions

MJC introduced the application as above, for outline permission to cover lay-out, access and scale, with appearance and landscaping subject to a reserved matters application. A fundamental consideration for this scheme is Policy EM2, due to the potential loss of employment land, and the applicant has been required to demonstrate that there is no demand for the site for new-build offices. Officers have worked closely with the applicant, and scrutinised the proposal. As the site appears unlikely to be used for B1 development, the on-balance recommendation is that the scheme be supported, with authority delegated back to officers to resolve an outstanding highways matter – the County want road changed shared surface. The update on pink paper summarises the marketing campaign, much of which is included in the report.

Public Speaking:

Mr David Keyte, agent, in support

Outlined the recent planning history and marketing of the site, which originally formed part of a larger 5ha site occupied by Woodward Diesel Systems and Lucan Bryce providing contaminated Class B2 floor space. In 2010 permission was granted for employment generating floorspace for Asda and 7608 square metres of B1 use. Pure Offices occupy 2259 sq m, with consent for a further 3384 for Kier, so the larger site is on course to deliver 74% of the consented B1 and employment floorspace across 90% of the former industrial

site. The application site has been available for sale or to let since 2003; following decontamination, a marketing campaign was started in 2009, which brought Asda to Cheltenham. Robert Hitchins has continued to market to site, via a webpage, brochure, boards and hoardings, plus more recently targeted websites and local commercial agents. It has been offered at realistic rates and has attracted some interest which has been actively pursued, but interest has continually waned due to rental levels, market conditions, the out-of-centre location, lead-in times, or the interested firms not being committed to a move. The site has been available for 12 years and actively marketed for the last seven years, with no firm interest.

Member debate:

LS: the on-going issue here is one which Members have considered before – the shortage of both employment and residential land in Cheltenham won't go away, and the planning authority has to consider the potential of this site for both uses. Members have visited the site twice on Planning View; it is sandwiched between Asda and the Nuffield, close to the A40, so not the most pleasant area for residential development but a fantastic, prime location for employment, with excellent links and long-term prospects. The speaker said there is no likelihood of the land being used for employment in the foreseeable future, but that depends on how far forward we can see. We need jobs for young people, maybe a technical hub for GCHQ – this land should be kept for long-term employment use.

BF: has visited the site a few times, and after the first time, spent just 20 minutes on the internet, during which time found 30k sq metres of employment space available in Cheltenham now, not included Grovefield Way. There is clearly no interest in this land, not even from GCHQ; the pink papers show a massive move would be needed to make it viable in this town. The Pure building still has a lot of floorspace left to rent, as at Windsor Street – though realises this may be a crude measure. We know the town is short of its five-year housing land supply, but no-one has said there is a shortage of employment land – there are brownfield and greenfield sites, such as Alstone Lane and Bonella Switches, which have been available for a long time but no-one wants them. There are other sites, some of a few hundred square metres, some new, some not so new., carrying in rent and price. Members should look at policy EM2, and have a serious debate. The JCS talks about some housing land becoming available through windfall sites such as this, and the Phoenix Works on Leckhampton Road. Employers are working in smaller, tighter spaces nowadays. Has concerns, if a short internet search with just one agent showed 30k square metres. Can see nothing wrong with this proposal.

CH: disagrees with BF. We need to promote employment land in the borough. This land has been actively marketed since 2009, but the country has been in recession; things are happening now with government funding and local enterprise partnerships. This is the wrong time to be losing employment sites such as this. We have no control over the loss of some office blocks, but where we do have control, we should make sure employment land such as this is retained. It would be wrong to start eroding employment land at this time, and give the wrong message about Cheltenham as a place for business relocation.

KS : is curious about what the speaker said about this land not being marketable due to it not being in the town centre, when it seems that every time an employment site becomes available in town – such as Pate Court or the Kraft building – it is turned into residential accommodation for old people. There will soon be no employment space in the town centre. Is concerned about the loss of the employment land, and that the site is being dismissed as not suitable for offices. Can't it be used for something other than offices? Could this site not be used for light industrial units, similar to Mead Road? Can see why, in principle, a developer would want this site for residential, but we have to have somewhere for people to work.

SW: is torn between BF's and CH's viewpoints. Would not want to live on this site, between an office block and a supermarket, but has sympathy with the argument that there are many

square metres of employment land available at the moment, making it very understandable that the applicant wants to put houses on this site. However, would make a plea that, if Members vote to permit the scheme, we should remember that this is only a red line proposal, not a full planning application – and we must insist on at least 40% affordable housing when the reserved matters application comes in. Will be extremely disappointed if this is not the case.

PB: this is the most important application being considered tonight, and the outcome will have a significant impact on the town. Will move to refuse. Not long ago, CBC commissioned the Athey Report, and a number of its observations give credibility to this move, including the net loss of the town's employment land from 1991, the lack of B-class and office space, the fact that 80% of existing stock is less than 500 sq metres, and the lack of quality sites. BF has names some potential sites, but the quality and nature of the sites is critical. There is in particular a sustained demand for premises in excess of 1000 sq metres across the borough. Has spoken with business people and knows there is a crisis in this area. The town has already lost many companies – Chelsea Building Society, Kraft, Spirax, Pate Court, Eagle Star – all good quality and well-located sites – and more could leave the area if no suitable alternative sites are available. There is no better site for employment than the site being considered tonight – close to the M5, GCHQ, car parking, access to supermarket. This site should not be used for residential development. The issue here is not the lack of demand, but money – rates are increasing in Cheltenham, with £20 per sq foot needed for new build, and the Market improving means rents will also increase. We have to be consistent here; the proposals at Tim Fry Land Rovers and Alma Road Garage were refused. The applicant at Alma Road said it was unviable to develop the site for employment, and tonight's applicant is saying the same. This isn't CBC's problem - they knew what the rents would be – and it gives the wrong message to the business community. The applicant has made it clear that there will be no affordable housing on this site. We should take the applicant's comments about actively marketing the site with a pinch of salt - a one-page brochure, board outside and inclusion on a website. It is not about lack of demand; it is about price. This site will go; it is a quality site and we should stick by our Local Plan. On the subject of business rates, is there anything more the borough can do to relax the rates to encourage users? The NPPF may advise against the long-term protection of sites with no prospects, but this site has every prospect of being used; it is crazy to believe it won't ever be developed as a business site. To permit tonight's application would show a lack of consistency, and increase vulnerability to refusing other similar applications.

MJC, in response:

- agrees with PB that this is an important application and confirms that it is the most balanced recommendation officers have made for a long time;
- a lot of PB's comments are very credible, but officers have had to consider the NPPF, which recommends approval of planning permissions wherever possible, and avoidance of long-term protection of sites;
- in view of the length of time this site has been on the market, and the housing supply situation, officers have made what they consider the right recommendation, but could also make this a reason to refuse;
- Member debate tonight has been balanced but if Committee wants to defend Policy EM2 at an appeal, this will be a legitimate decision;
- the applications at Tim Fry Land Rovers and Alma Road Garage were not supported by any degree of marketing; the sites were occupied and the leases artificially terminated. These are different sites with different issues, and cannot be compared;
- officers could have come down on either side with this scheme, and will be guided by Members.

AL: fully concurs with PB, and applauds his passionate argument. This is a prime employment site, and has been the subject of only nervous marketing. We are awaiting forward guidance from the JCS and Cheltenham Plan, and must hold our nerve until then. There is no question that this application should be refused.

MS: equally supports PB, and CH regarding employment sites in the area. This is a prime employment site. Will support the move to refuse.

CN: supports the councillors who have spoken tonight about the importance of this employment site, but a number of issues still need to be considered. BF talked about the need for employment land demonstrated by the Athey Report, and the JCS evidence also shows a shortage of employment land. The Inspector is not producing an interim statement, so now is the time to hold our nerve. There is a lot of policy about to be decided and confirmed. It's true that the town has no five-year land supply and needs houses, but it also needs jobs, to keep the balance. This application is the most important of the night, and appreciates MJC's honesty regarding how officers reached their recommendation. Is underwhelmed by the three-page summary of marketing; if suspicious, might think it a little odd that the marketing campaign started in February and the application was submitted in June. Could question how much the developers actually pushed for this land to be taken up for employment; with the current financial situation and cost of new build and rents, they may well feel residential is the only way to go. Has the B2/B8 issue been explored fully – using the site for industrial/distribution storage?? - the location is perfect for the M5. One final point on the business rates issue raised by PB: the maths don't add up to encourage the developer to go down the employment site route. We need to engage with developers, make business rates more attractive for them to develop land for business and employment. If this application is refused, further work should be done, not just fighting an appeal but also looking at the business rate situation to see how things can be altered to help us achieve what we want.

LS: to BF, not all employment land is equal. He has talked about the glut of employment land available, but the specific merits of the land need to be considered. This country has a fast-growing economy and we need to participate fully and not be left behind. We have to make decisions which will have no adverse effect on future generations, in this case choosing between high-quality employment land and low-quality housing land.

PT: agrees with PB and other speakers, but does not consider SW's plea for 40% affordable housing a very good idea. To have this amount of affordable housing in one location could be detrimental to the area.

BF: no-one has explained why Grovefield Way remained empty for 20 years, before the recession – a greenfield site, with the same sort of accommodation as tonight's site, now being developed as a BMW showroom. If we hold our nerve for ever, there's a chance these sites will stay empty for ever. If Grovefield Way had been developed for houses, they would all be lived in now. GCHQ has no interest in this site, and the JCS has allocated employment land in different locations. It has safeguarded land at Hayden Lane, but the Inspector is asking if it can be brought forward early; if it is, it will cast a shadow on other employment sites; the need for employment land is not unlimited. History shows that there is no demand for this employment land – not one brick has been laid at Honeybourne Place, and an application has now been submitted to turn the top of the Eagle Star building into two luxury apartments. The demand as detailed in the Athey Report is wrong - there are many available areas which will never be used. The early applications on JCS allocations were for housing, not employment. We are kidding ourselves if we think we can buck the market. The reason why businesses aren't moving to Cheltenham or moving away is because the price is wrong. We decided as CBC not to move to new-build premises as we can buy cheaper.

AM: there are two strands to the argument here, specific and strategic. Regarding loss of this employment land, it's true that Planning Committee has approved housing on employment land before, but generally speaking these have been old-fashioned sites, not fit for purpose as employment land. This isn't the case here – this is an ideal business site, close to the motorway, and not particularly suitable as residential land due to its proximity to other uses. The wider issue is that the JCS identifies the need for housing and also for employment land. This site is part of the calculation, and now is not the right time to be

changing its use from employment to residential. The Government proposes changes to NPPF and may change the rules, taking matters out of our control in the future –but tonight’s proposal has to be considered on its own merits, and it isn’t wise to pre-empt by changing the use of this site. In addition, the marketing strategy set out by the applicant is not the best. In conclusion, this application is premature, and there are very good reasons to retain the site as employment land.

AC: agrees with PB. If the application is permitted, there will be 27 families living on an island, nowhere near facilities – schools, medical centres – with nowhere for children to play. And this could be just the beginning; if Kier backs out, we could end up with housing all over the site. Cannot support this proposal in any way.

CN: SW and PT have referred to 40% affordable housing, but we should remember that this is only an aspiration in the JCS; the latest figure of 25-30% is more justifiable. BF has talked about Eagle Star being converted from employment to residential use because of no demand for the office space, but understands that the building currently enjoys 90% occupancy; the owners want to convert to residential use because there is more money in it. Agrees with earlier comments about business rates; if this could only be sorted out, it could incentivise owners to provide employment and residential use.

CH: to BF, what is driving this is not the need to house people but the need to build houses. We need work places and employment land in order to grow; we don’t need another housing bubble. Is not sure that the houses proposed for this site are what are needed at the moment. We need need affordable housing, which this won’t provide. It will fuel the bubble.

MJC, in response:

- if Members move to refuse, they should add a separate refusal reason relating to the lack of an S106 agreement for affordable housing and education. There is no proof that 40% of the housing is achievable, and we would lose the opportunity to fight this at appeal;
- we have to be mindful of what the NPPF says – to be positive and not hold on to sites which the market suggests there is no need for;
- there have been various comments about ‘holding our nerve’ but the Government says we should listen to the market, and if there is no demand for the land for employment, that should determine what is built here;
- it’s true that this may change in two or three years, but we need to assess the evidence in light of the NPPF at this time. This would be a credible argument to defend at appeal if Members want to go down that route.

KS: there is demand for employment land in Cheltenham – B1, B8 - Mead Road units are never empty. Is not satisfied that consideration of other uses for this land has been looked at enough. If there is no market for office use, the developers should look at other types of employment land.

Vote on officer recommendation to permit, subject to S106 agreement

1 in support
14 in objection

RECOMMENDATION NOT APPROVED

Vote on PB’s move to refuse, on EM2, and lack of S106 agreement

14 in support
1 in objection

CARRIED – REFUSE

233. 15/01503/FUL 59 Painswick Road

Location:	59 Painswick Road, Cheltenham
Proposal:	Single-storey and two-storey rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	None

MJC introduced the application as above, which has been amended during consideration, making it more conventional in appearance. It is at Committee as Councillor Harman's request, in view of the objection of the residents' association.

Public Speaking:

Mr Farmer, neighbour, in objection

Lives at No. 61 next door the the application site. The local residents' association considers the plan out of proportion with other three in block, giving elevated views over the gardens of Nos. 61 and 57. Two adjacent houses have single-storey extensions not shown on block plan. Planning officers have supported this scheme, although they did not approve the previous application, although the design and bulk are very similar, though less garden is used. This proposal is taller, obscuring more light light at 61 and 57, and overshadowing their patio and garden. On the site visit, Members have seen the effect of the proposal on the garden room window 61, reducing daylight and sky. If approved, they will look out on a towering blank wall, with no sky. This is a greedy, selfish application, which was submitted without any discussion with neighbours, who didn't know about it until after the plans were submitted. The proposal will detract from original building, and Nos. 61 and 57 will lose daylight - this is unacceptable – and neither will the improve or enhance character of area. Retired to this house in Painswick Road with his wife, and has not made any changes to his home. This proposal will seriously and adversely impact on their lives.

Mr Keatinge, applicant, in support

Is the owner of No. 59, and has made every reasonable effort to balance planning requirements, personal preference, and third party considerations. The original submission has been amended and now approved by officers, with wall facings, first floor scaled back, dormer removed for greater overall balance. Is willing to replace the large tree, which could have impact on No 57, subject to requirement of Committee. MJC has considered all objections to the scheme, as detailed in the report, and still reached his recommendation to permit, with no grey areas or caveats, regarding loss of daylight or privacy. The proposal is also approved by various consultees. At para 6.2.4 of the report, the officer states his view that this is a text-book extension, not dominant, compliant with CP7, not harmful, and well thought through. The intent is to respect and enhance the central conservation area, where he has lived for many years, making a home for his family, and considers he has been more than reasonable in his effort to achieve this.

Councillor Harman, in objection

This is the second time in three-and-a-half years an application at this property has been at Committee, and would like to draw Members' attention to a number of points. They have heard from Mr Farmer at No. 61, but this proposal will impact on No. 57 equally. Members will have visited these properties on Planning View; was himself stunned when he looked from the window of No. 61 and imagined what the impact of the proposal will be. The phrase, 'There is the real world and then there is Planning' hits a note here. Objections have not only been received from neighbours but also from St Philip's and St James's Residents Association (SPJARA) and its chairman Adrian Philips, who raise a number of relevant points. The feeling of residents is that there is insufficient difference between the original and the new application to justify the recommendation to permit. SPJARA's closing paragraph, stating that it does not routinely support objections from neighbours, but considers this proposal to be so out of scale as to raise wider issues about good neighbourliness, and also to set a bad precedent, sums up the main issues here. Hopes

the Committee will seriously consider the validity of SPJARA's comments and refuse the application.

Member debate:

PT: did the extension pass the light test? How tall is the single-storey extension, and how much will it appear above the fence? It looks as if only the single-storey extension is adjacent to No. 61; the two-storey extension is against the driveway.

PB: these sorts of applications are often the most difficult to consider as they are massive for the people concerned on both sides. Finds himself in an invidious position, but following the site visit, feels he will support this application for what is a decent-looking application to create a nice family home. There are no good planning grounds to refuse it.

MJC, in response:

- to PT, yes, the proposal passes the light test on both sides;
- the height of the extension is 2.8m on the boundary; permitted development allows 3m.

SW: can see no reason why the neighbours would object to the single-storey extension. The first floor appears intrusive, but as officers say it passes the light test, it would be difficult to defend at appeal. Sympathises with the neighbour, and if there was any good reason to refuse, would go along with it – but there is not.

Vote on officer recommendation to permit

10 in support
1 in objection
4 abstentions
PERMIT

234. 15/01641/LBC Cheltenham Town Hall

Application Number:	15/01641/LBC
Location:	Cheltenham Town Hall, Imperial Square, Cheltenham
Proposal:	Alterations to rear flat roof to include removal of chippings, installation of new waterproof membrane, re-bed of coping stones, removal of redundant plant and renew 2.no skylights.
View:	Yes
Officer Recommendation:	Grant, subject to ratification by the National Casework Unit
Committee Decision:	Grant, subject to ratification by the National Casework Unit
Letters of Rep:	0
Update Report:	None

MJC introduced the application for minor alterations to the Town Hall. As CBC is the applicant and cannot grant consent to itself, the recommendation is that Members resolve to grant LBC subject to ratification by the National Casework Unit.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant LBC subject to ratification by the National Casework Unit

14 in support
0 in objection
1 abstention

GRANT subject to ratification by the National Casework Unit

235. 15/01676/FUL Land at Ham Close

Application Number:	15/01676/FUL
Location:	Land at Ham Close, Charlton Kings
Proposal:	Erection of stable and barn building together with the retention of access drive
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	7
Update Report:	None

MJC introduced the application as above, which has been revised during determination as the original submission was felt to be over-elaborate. The siting of the proposal has also shifted further east within the site. It is at Committee at the request of Councillor Savage, due to the level of objection from neighbours and the Parish Council.

Public Speaking:

Mr Humphris, neighbour, in objection

Residents in the area of Ham Square are deeply concerned that this peaceful sloping field, used by deer, foxes and badgers, could soon have a large stable block at the end, resulting in traffic passing their gardens at all hours. There are two major problems: the size of the stables, and the track. The stables are massive – 28 x 9.4m, and 4.4m high to the ridge – the size of a large bungalow. Understands that this application will not go away, so suggests as a compromise that the stable recently built in Mill Lane be used as a model, only 2.9m high to the ridge and blending nicely with the surrounding area. The proposal has a roof of dark slate, which would be obvious to walkers on the nearby footpath. A lower roof would also forestall any future attempt to convert the stables into living accommodation. Regarding the track, it is very close to the houses, and would be better moved away to approach to left side of the stables rather than the right, which will be tight for larger vehicles. Ancillary problems include the bright security lights which will light half the field, which is in the AONB, replacing them with intense bulkhead lights, and the stable dung and straw which would have to be removed and not burned on site. The present application allows for the track and stable to be changed, but not for the horses to be allowed anywhere as a separate permission would be needed to change the use from agricultural grazing to equine use. Has known the field for 65 years and only ever seen cattle using it; recreational equine use would be too intrusive on nearby residents.

Mr Oliver Rider, agent, in support

The application highlights all the facts, and addresses residents' and Parish Council comments. The site is in the AONB but policy doesn't restrict all developments within it. Agricultural development is OK, supported in policy as being in keeping, as recognised in the officer report. To say permitting this scheme will set a precedent is unfounded – it is a stable block in the countryside, and has been altered from its original form as a compromise to officers' concerns. It will be constructed of timber, as is typical for stable blocks, and dark brown in colour, consistent with the AONB and sympathetic with the rural surrounding. Local people are resistant to change but the Government recommendation is that planning permission should be granted where there is no reason not to. The proposal is for a simple stable block, for the use of the applicant's four horses –nothing else. There is no intention to use it for housing, and conditions can be included to control this. Space has been included for hay storage and tack room, in keeping with the primary use and not causing extra traffic. Under the NPPF and Local Plan, this proposal is acceptable, and the applicants cannot compromise any further. The stable needs to be big enough to accommodate four horses for the private use of the applicant.

Member debate:

MS: agrees that this does seem overly large for the AONB, and is not convinced that four horses need that sort of space. The Parish Council is right to object to the scheme; will not vote for it. Does not consider it compliant with the NPPF, which places great weight on protecting against changes in the AONB. This proposal is too big for the purpose for which it is intended.

LS: admittedly the revised plans are better than the original plans, but this area is not *technically* AONB, it really *is* AONB, and there is no compelling reason to grant this permission. The borough has a housing crisis for people, not for horses. The primary concern is about access, as with four horses in the stable, there will be a lot of movement of horse boxes up and down what is effectively a track, making it more of a road similar to the one accessing Ham Square. It will have a negative impact on the view, and is inappropriate in the area.

PT: would suggest that there won't be horse boxes up and down the track daily or even weekly. Can officers explain whether or not the use of the field needs to be defined as equine or agricultural? There is no change of use in the application, yet it will be changed from cattle grazing to horse grazing.

SW: can officers respond to concern about living accommodation being added to the stable block, and confirm that the burning of straw wouldn't be allowed? Also, notes there is no comment from the Cotswold Conservation Board – why not? If they have responded, what did they say?

BF: the size of the boxes complies with the minimum standards for horses, and the tack room and store are in keeping with the proposed use. Has owned horses in the past, and there is nothing proposed here that would not be found in an average stable block. The red line area just includes the track and the stable block; the rest of the site is agricultural. There is new planning guidance about the conversion of agricultural buildings to accommodation, but the stable is not an agricultural building. The field itself is agricultural land, enough to support grazing for four horses. Could equally have cattle or pigs there – it is on the edge of farm land, and a location where we would expect to see horses. Can see nothing wrong with this proposal – a decent wooden stable, store, tack room, and somewhere to make a cup of tea.

DS: the stable block as envisaged would put the tatty buildings in the shade, but has a problem with the access road. If this is half-prepared already, and synthetic grass can be used to bolster it up, this would be acceptable; tarmac, however, would not be suitable here. Is concerned about the impact this will have on the houses and the main buildings, and cannot support the proposal for that reason.

MJC, in response:

- the Cotswold Conservation Board was consulted but did not respond, despite having had time to do so;
- regarding the use of the land, officers have been careful to limit the red line site; a stable block comes under equestrian use, grazing land under agricultural use, and the constrained red line indicates only equestrian use for that part of the site;
- to DS, Members have to make a judgement as to whether what is being proposed is acceptable or not.

PT: if the land is used for grazing horses it may count as an agricultural use, but what if the owner puts up fences to exercise the horses etc? Will this be breaking the rules?

CN: was startled by MJC's comment that the Cotswold Conservation Board did not respond to consultation request. We must have a response from statutory consultees – can they be chased up by phone if they do not respond to paper/electronic copies of plans?

MJC, in response:

- the Cotswold Conservation Board is not a statutory consultee, but its input is significant in this area and the system is set up for it to comment on applications of this nature. Unfortunately, there is no resource to chase up if no response is received. Maybe councillors could pursue this with CCB themselves?
- has limited knowledge of rural planning, but believes that 28 days of equestrian activity on agricultural land in one year would be classed as permitted development; if straying beyond this, a change of use planning application would be needed;

SW: as the borough-appointed member of the Cotswold Conservation Board, will chase up this matter to see why it is not responding the consultee requests.

BF: it didn't respond regarding Harp Hill at the top of the GCHQ site either, implying that it has no objection. With reference to DS's comment, green plastic grass is used at the racecourse and holds the root system together.

AC: has nothing against this proposal in principle; it just seems remarkably big for four horses. There is a similar development nearby, not as big or as high. Did officers raise this with the applicant?

AL: agrees that this seems a very large development for personal use, particularly as there are already two stables at the applicant's house. A lot of preparation work has already been done, and given the scale, this does not seem like a simple private building. Facilities such as these do not have to be adjacent to the applicant's home, and there seems no compelling reason to affect the AONB simply for the applicant's enjoyment.

MJC, in response:

- to AC, officers did negotiate with the applicant re size and style. The original submission was rather elaborate, and was toned down along the way, although the footprint remained the same – the applicant was not willing to change that;
- regarding the impact on the AONB, a stable block is typical of the type of building we would expect to see in the countryside;
- it is a question of judgement – what is the impact of this building on the AONB; what is the level of harm? Most people would not bat an eyelid if they saw it in situ;
- officers consider the impact on the AONB is very limited, making it difficult to come up with a refusal reason which could be sustained at appeal.

PB: no Member has come up with a reason to refuse yet.

Vote on officer recommendation to permit

7 in support
5 in objection
3 abstentions

PERMIT

236. 15/01859/FUL Cheltenham Cemetery & Crematorium

Application Number:	15/01859/FUL
Location:	Cheltenham Cemetery and Crematorium, Bouncers Lane, Cheltenham
Proposal:	Proposed change of use of an area of land to the east of the cemetery for burial and cremation purposes and the erection of fencing
View:	Yes

Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

MJC introduced the proposal as above, telling Members that the site is actually outside the jurisdiction of Cheltenham Borough Council, being in Tewkesbury's boundary, but the access is via the existing cemetery in Cheltenham. It is a cross-boundary application, also being considered by TBC. CBC is only being asked to consider access to the site, which is not changing. It is a small parcel of land, and the intensity of use will remain the same. The application is at Committee as CBC is the applicant and the land owner.

Public Speaking:

None.

Member debate:

CH: commented that the Cemetery and Crematorium are in desperate need of updating; this application unlocks it. Is fully supportive of the proposal.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

237. 15/01860/FUL Pittville Park

Application Number:	15/01860/FUL
Location:	Pittville Park, Evesham Road, Cheltenham
Proposal:	Replacement of children's play park and erection of refreshment kiosk
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	6
Update Report:	None

MJC introduced the application as above, at Committee as CBC is the landowner and applicant. Members can see a fly-through of the scheme on screen, but this is not the actual version – it has been slightly refined since, but this is helpful to get a flavour of what is proposed and what the finished project will look like. The recommendation is to approve.

Public Speaking:

Councillor Coleman, in support

About a year ago, had a discussion with Adam Reynolds and Malcolm Wall about an overhaul of the play area in Pittville Park, including budget consultation and what CBC would like to see at the site. It was clear from the start of the process that the play area – the town's central play area – needed a significant amount of updating. Useful views about what could be done with the park led to a project brief, and with expert assistance, useful views of successful developments on similar sensitive sites at Evesham Broadway, Slimbridge, Pontypridd, Worcester, and the Lido at Fort Royal. Most Cheltenham people have happy memories of Pittville Park as the place to go - there is evidence that some of the play equipment is 100 years old – and will recall the huge slide and iron roundabout. These are part of the history of Pittville Park, and although it is still a well-used and much-loved area, it is time to update the play area. In considering this, several factors have been taken into consideration: the significant age range of children using the park – 0-14 years at least – needing a safe environment to play; the increased capacity required; the attraction of visitors to the park, as a destination; and very importantly, the need to make the play area fully

accessible. On the plans, Members can see a wheelchair roundabout, double-width slide, trampolines in the ground, musical play area, an aviary, and 14 different types of swing, all with the full support of Betteridge School, and also fully integrated in the plans so as not to be noticed. The birds and bunnies area will also be rejuvenated, as will the refreshments kiosk. Thanks the professional team and the Friends of Pittville, whose help and approval is reassuring. These plans are significant, ambitious and exciting, and will bring great fun and joy to the children of Cheltenham and further afield for many years to come. If permission is granted, work can start in January, and the new play area be ready for summer.

Member debate:

PT: has looked at all the illustrations and the video for the park, but wonders if any thought has been given to putting the play area on the other side of Evesham Road where there is more space? It seems to be a little bit cramped and crowded at present. Also, a lot of parks now include equipment for older people these days – has any thought been given to something of that sort here? Children have such a lot, and older people need exercise just as much.

KS: this is very exciting and long overdue – some of the equipment has been there for years. Has read the objections and suggestions that it should be positioned on the other side of the road, but considers this the right place – it is more ‘touristy’ and will be huge attraction for the town. Considers the inclusive equipment for all abilities quite brilliant – would like to see this included in all parks. Is only alarmed that it hasn’t been done before, but can foresee lots of fun for generations of people – well done, CBC!

HM: shares KS’s excitement, but has one small problem: the proposed refreshment kiosk seems a bit bland and boring next to everything else. This is an iconic park and deserves better. It could be more fun than a simple wooden hut, and integrate better with the playground. To PT, there will soon be play equipment for older people in Charlton Kings.

BF: this is great, and thanks to SFPlanning for work done on this. The play equipment is good; the kiosk is OK. Modern children have little freedom, so having a safe play area – no big slides or witch’s hat roundabouts – will be so much better.

MS: fully supports this scheme. Regarding the musical element mentioned by Councillor Coleman – will this be mechanical? How will it be generated and at what volume, and will neighbours be affected by it? Also, will appropriate steps be taken to protect the animals and birds in the aviary from the adverse effects of development going on around them

CH: is very supportive of this – it will be an excellent play area for children. Only looking at the drawings now, the thought occurs that in a lot school playgrounds, attention is given these days to areas of shade, and although we haven’t experienced a hot summer for a while, this could be quite an issue. There are trees in the park and more trees being planted but these are only small. This is an important issue these days.

CN: fully supports the scheme. Do we have enough parking for parents in the area, to ensure that it will be successful?

MJC, in response:

- to PT, re the siting of the play area: this is its natural home, a well-established area in Pittville Park for play equipment, well linked to the Pump Room and the Lake. An alternative was not considered. Members need to consider what is before them and consider whether it is suitable. Officers think it is;
- to HM, re the kiosk: this is a valid point, but most of the budget has been spent elsewhere. The kiosk will sit quietly behind the play equipment;
- to MS, re the musical equipment: the birds and bunnies are used to it, and it will be no louder than a screaming toddler!

- to CH, re shade: this has not been a planning consideration. There are trees all around offering dappled shade. Officers feel enough shade will be provided.

PT: on Planning View, MJC made the point that the proposed play area is near a listed building and may detract from it. Some of the equipment is 2m high and will impact on the views of the Pump Room behind. This is why moving it to the other side of the road seems a good idea.

LS: is fully supportive of the scheme. Is concerned only about the aviary, which seems rather outdated. Pittville Park is home to many birds, but keeping them in cages doesn't seem appropriate. Assumes this is not a planning consideration.

MJC, in response:

- to CN, re parking: this is a valid point, and was raised when the application was first submitted, but there is a lot of unrestricted parking in the area, it is close to the town centre and on bus routes. This is not therefore considered a suitable ground on which to withhold permission;
- on Planning View, suggested to Members that one thing to consider was how the proposal would impact on the Pump Room. Looking at it from Evesham Road, it will still be visible, albeit with the play area in the foreground. Officers don't feel the proposal will unduly upset the setting of the listed building.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

238. 15/01628/FUL Garage Site 03, Marsland Road

Application Number:	15/01628/FUL
Location:	Garage Site 03, Marsland Road
Proposal:	Installation of height restriction barrier to former garage site entrance, access gates to car park adjoining flats, solar powered street lighting at access points
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	Officer comments; conditions

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

239. 15/01692/FUL 20 Lynworth Exchange

Application Number:	15/01692/FUL
Location:	20 Lynworth Exchange, Mendip Road, Cheltenham
Proposal:	Installation of replacement extraction ducting
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

240. 15/01796/FUL 1 Dorington Walk

Application Number:	15/01796/FUL
Location:	1 Dorington Walk, Cheltenham
Proposal:	Demolition of brick sheds and replace with prefabricated sheds (Flats 1-25)
View:	
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

241. 15/01238/CONF Forden House, Timbercombe Lane

Application Number:	15/01238/FUL
Location:	Forden House, Timbercombe Lane, Charlton Kings
Proposal:	Confirmation of TPO No. 737 – Forden House, Timbercombe Lane
View:	Yes
Officer Recommendation:	Order is confirmed
Committee Decision:	Order is confirmed

Letters of Rep: 1	Update Report: None
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CC introduced the proposal to confer a TPO of a birch tree at the above address, which the owner would need to remove in order to build a dwelling to the side of his property. The owner objects to the proposal to confirm the TPO, and Members are being given the opportunity to decide whether or not they consider it reasonable.

Member debate:

HM: is glad that the pictures on display show the tree in full leaf. Without leaves, as it is now, it is hard to pictures its positive contribution to the street scene.

SW: this is a beautiful tree. Cannot see that it should be removed.

Vote on officer recommendation to confirm order

14 in support – unanimous

ORDER IS CONFIRMED

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

Chairman

The meeting concluded at Time Not Specified