



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 24 March 2016**  
**6.00 pm**  
**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Diggory Seacome, Bernard Fisher, Colin Hay, Adam Lillywhite, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton, Louis Savage, Malcolm Stennett and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 38)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **16/00071/FUL 166 Cirencester Road** (Pages 39 - 50)
  - b) **16/00086/COU 4 Albert Street** (Pages 51 - 60)
  - c) **16/00161/FUL Wallace House, Buttermere Close** (Pages 61 - 64)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

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# Planning Committee

18<sup>th</sup> February 2016

**Present:****Members (15)**

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Chard (AC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McCloskey (HM); McKinlay (AM); Savage (LS); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

**Present as observers:** Councillor Rowena Hay; Councillor Chris Nelson.

**Officers**

Martin Chandler, Team Leader, Development Management (MC)

Lucy White, Senior Planning Officer (LW)

Michelle Payne, Senior Planning Officer (MP)

Emma Pickernell, Senior Planning Officer (EP)

Michael Glaze, Gloucestershire Highways (MG)

Matthew Panou, Gloucestershire County Council Lead Local Flood Authority [LLFA] (MPan)

Lorna McShane, Legal Officer (LM)

**1. Apologies**

There were none.

**2. Declarations of interest****15/02269/FUL 83 Hewlett Road**

- i. Councillor Fletcher – pre-determination – will leave the Chamber.
- ii. Councillor Savage – lives two doors away from site – will leave the Chamber.

**3. Declarations of independent site visits**

- i. Councillor Fletcher: Pittville School; 83 Hewlett Road; 73 Leckhampton Road.
- ii. Councillor Baker: Pittville School; 83 Hewlett Road; 73 Leckhampton Road.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 21<sup>st</sup> January 2016 be approved and signed as a correct record without corrections.

## 6. Planning applications

Application Number:	<b>15/02065/FUL</b>		
Location:	<b>Burrows Sports Field, Merlin Way</b>		
Proposal:	<b>Construction of BMX pump track</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>202</b>	+	Update Report: <b>Additional representation; photos of site</b>
	<b>two</b>		
	<b>petitions</b>		

**MJC** introduced the application as above, for a BMX track in the southern corner of Burrows Field. It is at Planning Committee because the borough council owns the land, and the proposal has been the discussed in detail with the Parks Team. The recommendation is that planning permission should be granted.

### Public Speaking:

#### **Mr Jim Walker, on behalf of applicant, in support**

Is speaking in support of the application, as the father of four boys, regular user of Burrows Field to walk his dog, and also as the 1000<sup>th</sup> member of Leglag. Considers there are three main issues here. First, safety: Cheltenham is an ideal cycling town, flat, well-connected and accessible, but a recent transport survey at Leckhampton Primary School revealed that 71% of parents drive their children to school, and not one child cycles to school. Cheltenham's MP Alex Chalk is campaigning for more women and children to cycle. Sales of bikes are up, but 67% of cyclists don't feel safe on the roads. This facility will offer a place to learn and acquire skills. The pump track isn't just for one child; it is for all local families to have fun on their bikes.

Secondly, fairness: there is not enough provision for post-toddler children in Leckhampton. There are BMX tracks in Bishops Cleeve and the Forest of Dean, but nothing here, which just isn't fair. Four years ago, local children wanted a track and asked for support; he did not help as the undertaking seemed so daunting. When he heard that another local parent was going to go for it, felt he could support it and help give the children their day, and encourage them to use this public space on daily basis.

Thirdly, the localness of Leckhampton. Residents can get to the hill on foot, walk to town; it is a happy, friendly community but is under threat with new houses being built on its boundaries. This will be local facility for local people, and will help sustain the fields for the future, allowing Leckhampton people to continue to enjoy them for many years to come.

#### **Dr Helen Tomlinson, local resident, in objection**

Speaks as a Cheltenham resident, who has lived within 0.2milies of the proposed BMX track for 30 years, as a doctor and as a mother of a six-year-old child. There is clearly significant level of concern about the proposal, with 200 representations on line of which 117 were in objection. There were also two petitions, 274 signatures against and 184 in support. Within a 0.5-mile radius, 92 people objected and only 8 were in support, with many supporters from as far away as Swindon, London and Leeds.

This is a well-loved, beautiful and peaceful green space, well used, and a place to be undisturbed. It is often a quagmire and the added trauma of BMX bikes will make it worse. There is concern about the visual impact the track will have on the field, being 60x60m in size with ramps up to 2m high; one petitioner with BMX experience has said that this is not a track for beginners but for those with intermediate skills.

As it is to be open and unsupervised, how will the impact of the track on the users of the playing pitches be monitored and moderated? How will cycling be confined to the track? If it extends to the rest of Burrows Field, the playing pitch surfaces could be degraded. The track will inevitably disrupt existing activities such as football and cricket. Many people are concerned about the lack of public toilets, first aid facilities, and the difficulty emergency vehicles may have to access the field due to irresponsible car parking. This is also a problem in Moorend Grove and on the corners of Arden and Peregrine Road. In addition, there is the issue of damage to hedgerows, and harm to wildlife such as bats.

Other similar facilities are locally accessible, at Birdlip and Churchdown, and a small facility has been proposed at Brizen Youth Centre, which has safe cycle routes, hard standing and facilities on site.

On 11<sup>th</sup> January, the Parish Council said: *'The Burrows Field is in regular use as a sports field and for running, walking dog walking with dogs off lead, sitting, relaxing and other activity. This track must not be at the expense of these other uses'*.

#### **Councillor Iain Dobie, in support**

Supports this scheme as County Councillor, where he is spokesperson for Public Health and Communities and Chair of Gloucestershire Health and Care Overview and Scrutiny Committee. It is important to get children active, for both their physical and mental health. We are very lucky in Leckhampton, and Burrows Field is used by many people; the proposal will encourage a wider range of children from Leckhampton to get active. This will not be at the expense of existing users. The Parish Council has acknowledged that Leckhampton is short of facilities for young people, and this will help reduce that shortage. The applicant is a parent at Leckhampton Primary School, and has the support of many other parents and much of the community.

Appreciates the concerns of some members of the community. Played in Burrows Field as a child, and recognises the need to preserve open spaces, but we should be encouraging today's children outside into the open air. Notes that Councillor Nelson has warned that building the track at Burrows Field will be a 'disaster', and believes it should be built at Warden Hill, but Leckhampton is short of facilities for its young people, and local Leckhampton children will be able to cycle easily and safely to the proposed track. If it were in Warden Hill, they would have to cross two large and dangerous roads.

This proposal will be a positive legacy for councillors, and is a worthy local community initiative. Fully supports the scheme and hopes that Members will too.

#### **Councillor Chris Nelson, in objection**

Has always admired Nikki Powell's idea of a BMX pump track in Cheltenham, as it can add real value to a community and help keep young people off the streets. Also agrees with Mr Walker's comments about promoting cycling, but it is important to find the right location and conduct a proper public consultation. It is now clear that over 410 people object and less than 270 support the proposal –

clearly a controversial proposal with a clear majority of people against it. It is not like the Pittville Park scheme which is universally popular and a genuine community-based project; the BMX has limited benefit and is highly controversial in this location.

Members need proper and considered planning reasons to consider rejecting the proposal, and need look no further than the comments of the landscape architect for this: 'The construction of a BMX Pump Track in the southern corner of the field would introduce a raised, incongruous, engineered element into the landscape. It would be out of character with the existing landscape and would intrude into the view of the escarpment'.

Burrows Field is a vital part of Leckhampton's green infrastructure, connected to a network of paths used by up to 400 people every day. The proposed BMX track would be sited right next to the major public right of way into Lotts Meadow, the worst possible location; it will be a disaster. The noise and unsupervised activity at all hours will be completely at odds with the undeveloped beauty of this site.

A much better and cheaper location would be Brizen Young People's Centre, round the corner from Burrows Field, and in control of the borough council and Leckhampton with Warden Hill Parish Council. It may not be the perfect location, but is dedicated to supporting young people, would not interfere with existing users, has better car parking and facilities, and better and safe cycling routes than Burrows.

To conclude, this is a divisive application and should be rejected on the following grounds: contrary to policy CO1, as it compromises the quality and amenity value of the public right of way into Lotts Meadow; contrary to CP4, which requires development to protect existing amenity of neighbouring land users and the locality; contrary to CP3, as it harms the landscape character and outlook and could cause noise pollution seven days a week; and contrary to paragraph 74 of the NPPF which states that recreation areas should only be built on if the need outweighs the loss.

**Member debate:**

**AC:** has a question regarding the Fields Trust charity – have officers heard from them? Would they normally be a consultee?

**MJC, in response:**

- the Fields Trust isn't a statutory consultee and hasn't been approached, as there was no requirement for this.

**KS:** was interested to read the landscape architect's comprehensive comments and wonders why these were not addressed by the officer in his report. Recognises the comments made, relating to the visual impact – these are extremely pertinent, and would like an officer explanation as to why they feel these comments are wrong. The landscape architect considers this the wrong location for the BMX track; the planning officer obviously disagrees, but has not explained why.

**PB:** at last Cheltenham is coming of age for its children. Has lived here all his life and raised three children, and feels the town has not done enough to provide children's facilities – it's all about festivals. It's fantastic that we are now providing a great facility at Pittville Park, and this proposal is fantastic too – is delighted to support it for the reasons given by the two speakers. It will be exciting, vibrant and challenging, and help get children away from their laptops and mobiles and out and about in the fresh air. It's just what they need – a local facility. Knows that open space is finite, and it's imperative that we make best use of it, but this track in this little corner of Leckhampton won't impact



greatly on other users; it will encourage more people of all age groups to use the field. Regarding the noise impact – this will be the noise of children playing! The track will be sited away from houses, and in any case, a certain amount of noise is to be expected in parks, from football and cricket matches. Also, it won't be at all hours of the day – most children will be at school Monday to Friday, so the track will be used at weekends and summer evenings. Can't wait to see this completed, and hopes to take his grandchildren there one day.

**MS:** will support the application. On Planning View, looked across the field and concluded that this proposal won't have an adverse impact on the view to the scarp at the back. Feels there is undue concern about potential noise – it will be less noisy than a football match. It's also wrong to compare this proposal with the BMX track in Pittville Park, which is a steel construction - there will be nothing like the bumps and thumps from that. The only noise will be the sound of children laughing and playing. Feels the track is proposed in the correct position on Burrows Field, where it won't impact on the sports facilities. It will make the field a better place, not just for dog-walking and strolling around. Would not be at all worried about walking his own dogs round this facility.

**BF:** supports the application; it is an excellent idea. Agrees with PB and MS. On Planning View, it was patently obvious that this is the best location for the BMX track, adjacent to the allotments and 100m from the nearest house. Is surprised at the number of objectors. Enjoys watching the kids on the BMX track in Pittville Park – it's good entertainment – and likes to see children playing in parks, which is what they are for, after all. There are concerns about the mud, but a path is going to be laid up to the track, so cyclists won't plough up the grass. This is a Leckhampton facility for Leckhampton kids and is excellent.

**HM:** at the risk of sounding like a broken record, also supports the application. It is important to get children out of the house and exercising, as everybody knows the problems faced by the health service in the future as a result of widespread obesity. Has been on Planning Committee for six years and has never seen so many people in the gallery supporting an application. Her only concern is the size of the car park, but CBC could consider extending this in the future depending on how the use of Burrows Field develops with the BMX track.

**PT:** good points have been made about there being other BMX tracks in Birdlip and Gloucester, but surely this is a good thing as it will mean no one track is overloaded with children, and they will all get a chance to use one of them. They won't need to be driven to Burrows Field – they can ride. It's been said that Brizen would be an easy and safe alternative site for the track, and this may be a good location for a smaller track, but it would not be safe for children to cycle there from Leckhampton along Shurdington Road. We have to realise that parks are made to be used. Played in parks as a child and they were always a safe place for children, but now adults have taken over with football, cricket, and dog walking. It's sad that children have been pushed to one side. Agrees with this proposal, and it should be built. Hopes the local children will enjoy it.

**DS:** regarding the path leading up to the track to avoid cyclists having to ride across the grass, will this be a substantial path? Also, is the track enclosed so that cyclists can't ride off at the sides and into the surrounding area?

**MJC, in response:**

- to KS, feels that the officer report does enough in response to the comments of the landscape architect. Officers were taken aback by the comments, which they felt were disproportionate, but we must remember that hers is a pure view, concerned only with the landscape impact and the view of the scarp. On Planning View, it was clear that the scarp dominates Burrows Field. The

proposed track will be 1.8m high, so struggles with the idea that this will harm the view to the scarp. Cannot say much more than that, but Members can be assured that the landscape architect's comments have shaped the application in other ways, regarding the track and its maintenance. Has also spoken with the urban designer manager about this, who agrees that there will be no impact on the scarp;

- to DS, the path will be of bound gravel from the car park, hugging the tree line to the track. It will be robust and will last well;
- there is no proposal for the track to be enclosed – this is not part of the application – so it is up to Members if they would like to consider this. Feels it would be more intrusive to the field to add a physical barrier, and that fencing around the track is not necessary, but would be interested to hear what other Members have to say on this.

**DS:** does the red line around the track on the drawing not represent enclosure?

**MJC, in response:**

- no, the track is not enclosed, although the landscape gradient forms a natural barrier.

**AC:** feels that quotes from the Parish Council have been used selectively. Is a member of the Parish Council, and confirms that although it likes the idea of a BMX track, it feels this should be moved to Brizen – it isn't a matter of *whether* it should be built but *where* it should be built. Is in favour of additional facilities for children but a better location can be found for an equally large track, which ticks all the boxes. Will vote against this scheme, but would hate to see the idea go away altogether.

**KS:** won't support the application. There is a very big difference between thinking this application in this location isn't right and thinking there shouldn't be any BMX track in Leckhampton. Is all in favour of more facilities for young people and for children of all abilities. Wishes that Members knew this corner of Burrows Fields as well as she does; the beauty of it is that it is so quiet, away from houses, dogs, children playing, football matches. It is a shame that this scheme is proposed here; it is the wrong location. Campaigned for a footpath in Naunton Park on the desire line, but this track on Burrows Field is proposed right on the desire line between the car park and Lotts Meadow. There is no fencing. When football matches take place, families congregate; it is very muddy, and there won't be much room. It is unfortunate that on Planning View, Members didn't walk to the opposite side of the park to appreciate the long views to the application site.

It is regretful that a proposal that is meant to benefit the community is driving the community apart. It's true that a BMX track and facilities for young people are a good thing, but why should young people be more valued than older people? It's important for young people to get out and about – lots already do – but this is the wrong location for a BMX track. Cannot support the proposal here, which is regrettable. We have an ageing population, who use the field for walking, dog walking and socialising – helping to keep themselves out of hospital. This is an important point – the proposed location for the track is the precise spot where dog walkers stop and chat. Is worried about potential conflict between cyclists and dogs. Supports the idea of a BMX track but in another location, and is sorry that her colleagues don't understand the significance of siting it here.

**SW:** agrees with PB's earlier comments, and if the track isn't sited here, then where? Brizen Field has been suggested, but the scenario there is similar – people walking dogs, sitting quietly, joggers, children playing – and Brizen is smaller than Burrows Field. At Brizen, it would mean losing a football pitch; at Burrows there is room for everyone - the proposal doesn't scratch the surface space-wise. The proposed site may be a quiet corner where people congregate, but the field is big enough for everyone to share. BMX isn't outrageously noisy, and if people don't like the sound of children

playing, then maybe they've had their day. DS asked about fencing around the track, but would be concerned if this was included. This is a great scheme. Will vote in support

**JF:** we should remember that Burrows Field is a sports field, not a park. Regarding fencing around the track, dogs are not always kept on their leads, and may have 'accidents' around the BMX track which could pose a health risk to children and is therefore worrying. Can anything be done about this?

**MS:** speaking as a member of the ageing population and also a dog owner, considers having a path to walk down a good thing as it will make the field more accessible. The corner where the track will be situated is muddy, and people can congregate on the path and watch what is going on. Wholeheartedly supports the scheme.

**JF:** was a fence around the track ever considered because of the risk of dog faeces on children's health? This is critical. Children can go blind as a result.

**GB:** there are dog wardens who are concerned with this, but it is a constant problem in all parks. Everyone is aware of the problem, and people are encouraged to clear up after their dogs, but there are some bad dog owners who don't do so, and there is nothing we can do to stop this.

**Vote on officer recommendation to permit**

10 in support

4 in objection

1 abstention

**PERMIT**

Application Number:	<b>15/01162/FUL</b>
Location:	<b>Pittville School, Albert Road</b>
Proposal:	<b>Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping including demolition of two dwellings</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>15</b>
Update Report:	<b>Additional representation</b>

**LW** introduced both application at Pittville School, the first as described above, and the second an outline for 58 dwellings, with access only to be agreed and all other issues relating to design, appearance, layout and landscaping to be considered at reserved matters stage. Access to the dwellings would be via the new estate roads through adjoining Starvehall Farm leading onto New Barn Lane, and also include cycle and pedestrian links to Albert Road and Cakebridge Road. These are stand-alone applications, but were submitted alongside each other and are entirely interrelated, with the residential scheme presented as an enabling project to cover the construction costs and delivery of the new sports facilities. This provides justification for the loss of the playing field which the Council would otherwise not support.

The applications were deferred from the January meeting to allow time to reach agreement on the triggers for phased release and occupation of the housing scheme, to ensure the construction of the sports centre is started before commencement of the housing development, and that the sports facilities are complete and fit for purpose prior to completion of the housing scheme. The construction

of the two sites should run roughly in parallel and the legal agreement delivers this. It has also been confirmed that construction costs of the sports hall will be covered by the value of the residential scheme which will also provide 40% affordable housing.

Officers now have confidence for the proposed delivery mechanisms and the recommendation is therefore to permit both applications subject to conditions and the applicant entering into bilateral legal agreements and a final draft of the S106 agreement now in place and agreed.

A holistic approach has been taken in assessing the two schemes, but two debates and two votes are needed.

**GB:** the sports hall application will be considered first. The County highways officer is present, and also a representative of the Local Lead Flood Authority – Matthew Panou –to answer questions relating to drainage and flood risk.

### **Public Speaking:**

#### **Mr Michael Canning, local resident, in objection**

His and his neighbours' homes are vulnerable to flooding from Wyman's Brook between Prestbury Road and Albert Road, which flooded in 2007 and is officially a high flood risk area in Environment Agency records. The Albert Road culvert is the smallest of local culverts and therefore a bad pinch point, causing the brook to back up and flood, and to make matters worse, water is delivered to this section from local run-off and from tributaries bringing water from further afield. With four new building developments, yet more water could be delivered into this already over-loaded section at times; residents need solid assurance that the sustainable drainage systems will work in practice, and expert opinion on the flood impact on Wyman's Brook of the totality of these developments. One so-called tributary mentioned in the officer report is Albert Road itself; in extreme conditions, water comes down the road's surface water drains, down the road itself, and into the ditch by the school hedge, entering the brook upstream of Albert Road bridge. If the SuDS scheme is inadequate, all extra Albert Road water will take this route, resulting in extra flooding. The Lead Local Flood Authority acknowledged the problem in respect of this development but actually as valid for all four proposed developments, stating that it is 'paramount that the application demonstrates that the development will have no adverse impact in terms of the flood risk to the site or elsewhere', making it clear that there should be no adverse impact on the Wyman's Brook area.

Objects to the proposal as it stands and seeks assurance that the development will not be allowed until the Flood Authority endorses a SuDS solution which takes full account of the capacity and all the demands on this section of the brook. Would like to see this reflected in a condition to any approval that may be granted.

#### **Mr Richard Gilpin, applicant, in support**

Speaks on behalf of Pittville School as its head teacher. Is proud of the changes there: it is now recognised as a good school, with the number of students rising and oversubscribed in Year 7, reflecting an improving reputation across the town. It is right that sporting facilities for students are improved. With a wide and varied catchment, the school strives to provide the best opportunities for its pupils; access to an excellent education should not be a postcode lottery. Child poverty in St Paul's, a main feeder area, is amongst the highest in the country, and the number of disadvantaged children in the school is expected to reach 50% over the next two years. These students and others

deserve access to the best facilities and opportunities; it is the school's moral responsibility and duty to do this

The new facilities will provide opportunities for high-quality teaching and learning, through curricular and extra-curricular programme, supporting students' physical and emotional well-being and hopefully promoting healthy living into adulthood. Sporting provision can also be extended to the wider community, not currently possible given the inadequate and obsolete sports facilities. The sports centres will be used to extend partnerships with feeder junior schools as well as sports clubs and societies. The lack of hockey facilities limits sporting experience for students; there are no dedicated hockey facilities in this part of Cheltenham, and much interest has been expressed. The community use agreement will place Pittville School at the heart of the local community and further strengthen education outcomes for young people in our town.

The school has investigated other funding streams through the local authority, Sport England and the lottery, to no avail. It is being pragmatic in looking at alternative ways to deliver much-needed facilities. There will be additional benefits for students, and as the school grows, the new facilities will free up other space to support the development of other curriculum areas.

The site has challenges and a range of options have been considered, sensitive to ensuring minimal impact on neighbours. Is confident that, by working in partnership with the community, and with careful and sensitive management of the Sports Centre, the young people in the community will benefit. Asks members to approve the joint applications as recommended.

**Member debate:**

**JF:** is worried about flooding. Will the SuDS be adequate to protect the area from further flooding? Hopes the flood official can provide the answer.

**BF:** notes the conservation officer's concerns in the report – she objects to the materials used and the quality of the building – as do the Architects Panel and other consultees. Changes have been made, but there are no further comments from the conservation officer to say that her concerns have been resolved. The site is in the conservation area, and the proposal does not sit well, in the opinion of the conservation officer and of BF. Went on Planning View, and then went back for another look. Noted the football pitches and one rugby facility in use, at the front of the school. If this school is going to grow, it won't only be indoor sports facilities which are needed, but outdoor facilities as well. Played sports as a young man, mostly outdoors. Has serious concerns that Members have not seen any business plan. This is a county-supported school, not an academy, so if the sports centre is not successful, it would have to be supported by the County. There are questions still to answer about the materials used and the view from the conservation area and the GI-listed building.

**PB:** the loss of any playing field is significant both locally and under national planning policy, and there must be serious reasons in its favour if anyone is going to support it. Accepts that land is finite and that we must make the most of it, but is 100% behind this application. It is right that pupils on the north side of town enjoy the same excellent facilities that are currently enjoyed by Bournside and Balcarras pupils in the south. Not long ago, Pittville School was very much out of favour, but this has now been turned round; it is an achieving school, rated as 'good' by OFSTED, with a waiting list to join – despite it serving a more difficult part of town. Yes, the loss of a playing field is concerning, but the new sports centre will provide pupils and the community with excellent sporting facilities. The business plan is not our concern. There is no question that this application should be approved. Looking at the Pittville School website, can see that the school is using performing arts, which will also



be expanded in the new sports centre, to increase confidence, self-esteem, team work and commitment. It is critical that children who may not be academically strong are given to opportunity to achieve well in sports and performing arts. His own children attended Balcarras and St Edwards, where they received superb sporting and arts education, which helped turn out confident, well-rounded adults. This scheme aims to promote education excellence; we should get behind it and support the head teacher's dream.

**PT:** joins JF in her concern about flooding. This site is subject to a double whammy of a sports hall, exacerbating the flood risk with hard standing for parking etc, in addition to the 58 dwellings on the side. It's clear from the letters that local residents are very concerned. Wants to support the scheme but is not comfortable with it.

**CH:** the flooding issue is for debate later on when discussing building houses on the sports field. The sports centre itself won't make much difference. For a SuDS to work, the flood risk has to be no worse than what it currently is. A number of fields around the site have clay soil, which only requires one day's worth of rain to act like concrete. So if the drainage scheme is done right, it should in fact improve the situation rather than exacerbate it.

Regarding the indoor sports facility, we must think about what it will provide for the school, particularly in view of the catchment area which Pittville School serves. It is about Pittville students being offered the opportunity to do other things, such as dance. A lot of children from his ward attend Pittville School and have low self esteem issues, particularly the girls, and their health and mental well-being is a concern. This facility will do a lot of good in this respect, and will provide something very important for this group of people. The application should be permitted.

**KS:** thinking back to her own schooldays at Pates, notes that the south-facing aspect of the proposed building includes a lot of glass, and with the potential for the sun to be shining on these windows all day, it could make it a very hot space for exercise. Is there any way to help keep the inside of the building cool?

**MS:** is happy to support this part of the application. It will provide a 24/7 facility for sport, play and recreation, regardless of the weather, and will be a huge plus. The pictures don't do the building justice; on Planning View, noted that the building would be located behind the University media centre and apartments – it will blend in well and won't be as intrusive as it appears on the plan. Regarding the flood risk, the amount of run-off won't be that significant, but we need to keep alert to the need for water attenuation. A lot of work is proposed for Wymans Brook to slow down the flow from the escarpment, with retaining bunds at Priors Farm, to reduce volume of flow at times of heavy rain. The sports centre will be a real benefit and the making of the school. It has been turned round in the last 3-4 years, and is now a popular school. Has noted that youngsters coming out from the school seem well behaved and respect the area. Will support the scheme.

**AL:** would like to support the school and the application – it is a good scheme – but has reservations about the flooding problem. Has looked up the figures – the site area is 1.3h, and the report claims that only 0.62h is likely to contribute to run-off. Tonight, Members have been told there will be no run-off from multi-use games area, so how much rain will it take before it starts to run off? Will it drain to existing sewer? How much rain falls in Cheltenham in a year? How much rain would this scheme be able to cope with when the ground is saturated. The NPPF says we have to consider climate change. It's clear that climate change is accelerating, as shown by record rainfall in Cumbria this winter. Cannot be happy with the scheme until he understands what amount of rainfall it is able to take without run-off causing Wymans Brook to flood.

**DS:** understands that the two applications are separate but interdependent. Noted on Planning View that there was not much evidence of use of the playing fields, and swapping an underused field for this facility is a no-brainer. More people are likely to exercise in the dry than in adverse conditions on grass. Will support the sports centre development.

**MPan, in response:**

- has reviewed both applications, and recommended for approval, with conditions. The Lead Local Flood Authority (LLFA) started to review the schemes back in April, and required all information to make judgement. For this application, conditioning of the site was deemed feasible, and the drainage could be developed or improved;
- the question has been asked how can the SuDS ensure that the flood risk doesn't increase? The answer is that it doesn't have to - it must ensure that run-off is the same – and in is line with the LLFA's recommendations;
- when originally looked at this application and the surface water discharge location, noted that the connection to the combined system – surface and foul – did not meet planning requirements and a connection to the ditch along Albert Road was not viable. In discussion with the engineer for the site, MPan has recommended a condition requiring that information is submitted demonstrating other discharge locations/types are possible before using the combined sewer network as a discharge point can be agreed;
- what amount of water till run-off is required? As soon as it rains, the area will produce run-off. The drainage system will be designed to accommodate a critical storm for the 1-in-100 year event plus climate change. Any more than this is deemed unnecessary and impractical for this type of development.

**LW, in response:**

- the conservation officer's comments related to the earlier scheme, and largely focussed on the materials to be used and their impact on the character and appearance of the conservation area.. She has no issue with the form, general design and layout of the proposed sports hall in principle;
- the previous design featured timber cladding above a brick plinth, and the conservation officer questioned whether timber was appropriate, the amount of timber proposed and how it would weather, and the orientation of the building. More detail about the cladding was requested and subsequently submitted but after much discussion with the applicant a revised scheme was submitted, with a rendered upper level and stone-clad lower plinth. The revised details have been discussed with the conservation officer and she is happy with these revised proposals.

**PT:** is not sure she has understood MPan. Flood risk is not supposed to be worse than existing. He has said that the SuDS will actually make it better than before but hasn't said by how much. Has seen pictures of the existing flooding. If there is going to be building on the field, this should be addressed, and we should say the situation must be very much better, not just improved.

**MS:** understands that the excess water will be held in an attenuation tank and then spill out gently – this is common practice – but who will maintain the tank, pay for clearing it out etc? Is there any reassurance about this, to ensure that due maintenance will not cause any problems in the future?

**BF:** is delighted that Pittville School is improving and looking after its pupils so well, but these are moral issues, not planning reasons. The comments of the conservation officer are quite clear – the proposal will harm the setting of Pittville Pump Room – this is a planning reason to refuse. Sport England has objected to the proposal and should be listened to. It does not approve of playing fields being sold off for housing; there is a lot of green space in private ownership, and to take it away harms

the ambience of the town. The proposal will harm the conservation area, in contravention of CP7's requirements for high architectural standards which this is not – another planning reason to refuse. The flooding issue remains a concern – another planning issue. The floodlighting will harm the conservation area, the proposal will harm the setting of the listed building – this doesn't comply with planning and heritage requirements. We can ignore the conservation officer's advice but isn't convinced that all she said has been addressed. This is a good school, doing well, with good sports facilities, though maybe not the best, but does not feel this application is right yet and may move to refuse.

**KS:** still hasn't had a reply to her earlier question. This is a nice field, with valuable space to relax away from the school building. It is a shame to build on it, and questions whether what is being proposed will be a really nice facility, not just on design grounds, but with the sun beating down on it and making it uncomfortable.

**AL:** understands from the NPPF that climate change has to be taken into account, and we should therefore be seeking a better solution to the situation we already have. Regarding run-off, the site is 1.3h; flood assessment has considered the run-off from 0.6h. MUGA suggests a lot more of the site will generate run-off, making the Flood Risk Assessment inaccurate in this case. Regarding the 1-in-100 year assessment – what is this for Cheltenham? Would we cope with that? This is a wonderful field to the back of the school – why has it not been used for sport for 10 years?

**CH:** regarding flooding, we should be trying to improve situation, or at least make sure it is no worse. This scheme should improve matters. If it is rejected, the flood situation won't get any better. If it is permitted, it will get better. There are clearly some issues re outlets [as an aside, flood issues are raised on developments throughout the town; some planning training, looking at what is taken into consideration, what can/can't be done, would be very useful.] Would like to understand how much attenuation there would be if a green roof is added to the building? Could it have a significant effect? Some people are saying why not use the field, but rain makes it unusable. An all-weather pitch and indoor sports hall will be a huge improvement for the school. Schools change, times change, and facilities need to change too. The best schools have these facilities, and this schools needs these facilities too; we owe it it the children.

**PB:** it is quite right that a lot of the debate has been taken up by talk of flooding. The resident spoke with experience and sincerity, and obviously people do not want their houses to be flooded. A condition is included to take account of a 1-in-100 year flood event and climate change, to address the flood risk in the area. Disagrees with BF; planning is about looking after the future of our town – and if that's not about educating our children and bringing them forward, what is it about?

**LW, in response:**

- to BF, it's accurate to say that the setting of the Grade I listed building and the conservation area are planning considerations, and there has been much negotiation on the design of the proposed sports hall. Officers and the conservation officer are now satisfied that the proposals achieve a good design, and will not result in harm to the listed building or the conservation area;
- regarding floodlighting, this will apply to the hockey pitch only which is set back 25m from the road and shielded by boundary fencing from the south, and obscured by the University's media building to the north. Environmental Health officer has no concerns in relation to the size and number of lighting columns, and they will only be used during the evenings and at certain times of year;
- regarding Sport England's objection, they were consulted on both applications, and some of their previous concerns have been addressed concerning the proposed sports hall application - size and layout of some internal spaces and terminology used for the hockey pitch. The objection



remains that the applicant's playing pitch assessment didn't cover a wide enough catchment area – a two-mile radius to the north, east and south of Cheltenham. Given that this catchment area in fact covers the majority of Cheltenham Borough and part of the neighbouring Tewkesbury Council, Officers consider this is proportionate to what is proposed, and therefore acceptable;

- there are only two hockey pitches in the catchment area, neither of which are available to the public, and this facility will be available to the community as well as the school. It is very important to note that the proposed sports facilities would primarily be provided for the school, and the community use is a bonus. It isn't a provision solely for the public, but for the school and its students;
- to KS, re. the glazing of the south elevation, this will equally result in heat loss as well as heat gain, and building regulations will be considered here. In addition, timber louvres are proposed at the front and south, which will provide shading to these elevations. A viewing gallery – essentially a passageway rather than a classroom space – is situated immediately behind the louvred sections of the south elevation;
- regarding the flooding issues - the question was whether the proposal could offer a 'better betterment' and certainly not make the situation any worse. It is not for the proposed development to fix existing flooding issues in the area. This scheme represents a betterment, and cannot be required to secure improvements to a wider flooding issue. These are more strategic matters which do not fall within the remit of this planning application or the responsibility of the applicant;
- to MS, re maintenance of the water storage tanks, doesn't know the answer to this question. Will hand over to MPan to discuss further.

**MPan, in response:**

- Members have asked questions about the maintenance of the storage tank, the impact of climate change, the MUGA and surface water run off, and the amount of rainfall experienced annually in Cheltenham;
- tank maintenance falls to the owner, and the LLFA would expect to see a maintenance regime indicating how the tank is cleaned, how often, what checks are carried out etc within the Detail Design. Open attenuation has been suggested so that any failures can be seen and not hidden underground. Tanks are resilient to blockages by nature; it is how they are designed;
- a 20% increase allowance for climate change– the accepted amount for buildings such as this - has been included in the attenuation; this is 20% on top of any other benefit;
- MUGA is intended to be permeable – replicating the rate at which a green field drains. It should be remembered that any surface produces a certain amount of run-off;
- to AL's question re annual rainfall expected in Cheltenham: the design does take this particular statistic into account but the calculation runs in the background information. Cannot therefore provide this figure;
- the calculation is based on a 1-in-100 year event; the flood of 2007 was a 1-in-100-250 year event – it is hard to pinpoint exactly but gives an indication of rainfall and what the SuDS has to manage.

**HM:** in the report, it says that the application will have to go to the National Planning Policy Casework Unit for consideration. Can officers tell Members what powers that unit has? Can it reverse the local authority's approval or alter conditions? Can further representations be accepted?

**KS:** is still worried about the window; a lot of children from her ward in south Cheltenham are now going to Pittville School. The Architects Panel and the conservation officer raised the issue. One side of the building will be cool, with no sun, the other side will be very hot. Is not convinced by the officer's response; with a small design tweak, this could be made a lot better. It is a big project and the last thing we want is to create a sports centre which is not very pleasant for the children using it.

**BF:** also has concerns about the officer response. The hockey pitch has not been moved from the original scheme, when harm resulting from floodlights in the conservation area was mentioned. Planning is about the law, about historic environment, about good practice, about the effect of a proposal on a listed building in the conservation area. If a proposal doesn't comply with planning law, it shouldn't be permitted. Is minded to move to refuse. Sport England isn't in favour. We have to look after the town, and should comply with the NPPF, which some of this application doesn't.

**MJC, in response:**

- to HM, the Planning Casework Unit is a branch of government to ratify decisions made against the advice of a statutory consultee – in this case, Sport England. It is an additional check. The draft decision and officer report is sent there, and could be agreed or not – it is a process which has to be gone through;
- the objection from Sport England is technical. The building functions as it should, Sport England considers the study radius is not large enough, but officers, who know the area, think it is;
- to KS, on the solar gain issue, this is difficult to comment on. As LW has said, building regulations will cover this, and things may well have changed a lot since KS was at the school. We must have faith in the architect; there are all sorts of ways to reduce or lose heat from a building, and the architect will want to create a good building;
- to BF, regarding the conservation officer's comments: these reflect a pure, one-dimensional view, but the planning system and case officers need to balance one view against another. The fundamental consideration with this application is the school, and officers have to consider what is more important. In this case, the benefit to the school of the sports hall has tipped the balance in its favour, as far as officers are concerned. It is up to Members to endorse this view or not, but officers are firmly in support of the application and the school;

**AL:** has not had a response to his earlier question: at what point would MUGA start to allow run-off – straight away, after a short while? Members need to understand. MUGA covers half the surface area of the site and is not being considered in the attenuation plan. Is not happy that the flood scheme takes this into account at present.

**MPan, in response:**

- in the assessment, MUGA considered as a permeable surface (grass), water will infiltrate to the ground as soon as it rains. If grass, run-off will still be produced as soon as rain is on the ground;
- the amount of run-off is what is being looked at. MUGA – amount considered same as grass pitch next to it. Nationally, this is not considered serious amount of run-off – car parks, rooves, and roads are the areas of concern.

**Vote on officer recommendation to permit**

13 in support

2 in objection

**PERMIT**

Application Number: **15/01163/OUT**  
Location: **Pittville School, Albert Road**  
Proposal: **Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved)**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **26** Update Report: **None**

**Public Speaking:**

**Mr Joe Mar, local resident, in objection**

Lives in Pittville Crescent Lane, and in 2007, his and his neighbour's gardens were flooded by the overflow from Wymans Brook. Endorses comments of objector to previous application, and regards it as paramount that these applications do not adversely impact on those living near Wymans Brook, but fears that they will. The heart of the problem is the culvert under Albert Road, the smallest of a sequence of culverts upstream, which creates a bad pinch point causing the brook to back and flood. Tributaries bringing water from the new development will make matters worse, bringing more water to the final section of the brook, particularly the tributary entering the brook at the south east corner of Pittville School playing fields. The brook takes run-off from Pittville School and Starvehall Farm, and will take the run-off from the housing development being considered tonight. Notwithstanding the effects of any future climate change, even the same rainfall as hitherto will result in run-off rate from hard surfaces much faster; in periods of prolonged or heavy rainfall, the tributary will empty into an already overburdened Wymans Brook at a faster rate and compound the situation at the pinch point. Is not anti the development but objects to the lack of consideration for the downstream impact of this and other proposals, and seeks assurance that it will not be allowed until the LLFA endorse a holistic SuDS solution which takes account of the current state and capacity of the brook, and includes the ability to alleviate potential water back-up at the pinch point. Respectfully requests that these concerns are covered by a condition to any proposal the Committee may grant.

**Mrs Sally Tagg, agent, in support**

Speaks as planning consultant for Pittville School. Regarding the principle of development, the proposal is situated in a highly sustainable location – a school playing field, protected unless specific circumstances exist. In this case, the disused grass football pitch would be used for an enabling development to facilitate the provision of new indoor and outdoor sporting facilities. The proposal includes an all-weather hockey pitch to replace the lost playing field, with the advantage of being usable all year round. A playing pitch assessment has been undertaken to evaluate the number and quality of grass pitches in the area, revealing a surplus of reasonable pitches, but a lack of hockey facilities – so the loss of a football pitch to provide a hockey pitch and sports centre is considered acceptable.

In addition, the borough has a housing supply deficit and a need for new affordable housing, and any harm arising from the loss of the playing field will be off-set by the wide-ranging benefits to the school and community. A draft legal agreement seeks to provide triggers to ensure that the housing scheme can't be delivered without the sports development coming forward in full. Regarding planning balance, the playing pitch will be widely beneficial to the school and local community, and the the houses an important addition to the local supply.

This is an outline application with only access for consideration, which have been revised following detailed public consultation with a legal agreement in place between Bovis and Bloor Homes and

Gloucestershire County Council to ensure an access route via the former Starvehall Farm onto New Barn Lane, and pedestrian and cycle links to Cakebridge and Albert Roads. The proposed layout, scale and design of the site and dwellings are reserved for future consideration, but this scheme provides the opportunity for Pittville School to deliver much-needed new and improved sports facilities for existing and future pupils. Asked that Members support the school's vision by approving the applications.

**Member debate:**

**MS:** cannot support this scheme, which will result in the loss of a playing field which Sport England says should be retained. These 58 houses, in addition to the development at Starvehall Farm, will swamp the area, remove a green lung, and result in a vast change to the area. There must be another way to fund the previous scheme for a new sports hall; it should not be at the expense of the playing field. Pittville School will be grateful in time if it keeps the field, as it will need it in the future. It has not been used for 10 years, but this is by design, to justify selling it off for housing. It is not right to approve this proposal, but if it is approved, Members must insist that the reserved matters scheme comes back to Planning Committee for consideration. The Starvehall Farm development is at that stage now, and both MS and Councillor Payne have asked for a committee decision, as they want to understand what exactly is being proposed for the site and what has changed since the outline stage. They want the opportunity to look at this before it is permitted, but are being told by officers that this is not necessary.

**SW:** is concerned about the issue of flooding, and isn't sure that flood alleviation measures have been proposed for this site. Building houses will reduce the ability of the land to absorb water. Can this be alleviated to the level of what is already there. Officers talk about a 100/250 year event; how much rainfall can that piece of land currently cope with. The speaker referred not so much to how much water the land would absorb but how slowly would it reach the stream. Is there any evidence to show that the run-off would be the same as a green field? Regarding building here, it would be nice to keep a green field, but we need houses. This is simply a red line application; can we be sure it will come back as a full planning application?

**LW, in response:**

- this outline application will consider the principle of residential development and with means of access to be agreed. The reserved matters application could come back to Committee for determination.

**SW:** so if more houses are proposed, or some appalling design, Members will have the chance to look at the scheme again? Generally approves of the proposal, but is concerned about the flood issue, and would like assurance that it will be no worse than what it is now.

**PB:** with regard to affordable housing, what percentage is being proposed here, and has it been reviewed by the district valuer? If it is 40% affordable, it is clear a win-win situation – a no-brainer – good affordable housing and improved sports facilities for the school and community. Is staggered that Sport England cannot support the proposal and seems so hung up with the loss of the playing field. The number of people playing football at weekends has gone down; there were six leagues in Cheltenham when he was a young man, but not any longer. Cheltenham is well provided with sports fields and Sport England's comments are nonsense and beggar belief. Regarding the loss of a 'green lung', there will still be a playing field in front of the school; this proposal makes the best use of just a part of the school's field. Regarding the flood risk, we are not experts and have to rely on the advice of the flood agency, and assume that professional officers will come up with a flood alleviation scheme

that will work. Whole-heartedly supports the scheme, and welcomes the level of affordable housing proposed.

**AC:** hates outline applications, but if Members can be assured that the reserved matters application will come back to Committee, can support this one.

**CH:** will support the scheme, but would also like reassurance about it coming back to Committee at the reserved matters stage. Notes the extreme concerns of residents further down the road about flooding, but understands that the scheme would not be allowed without a SuDS in place which will ensure that the flood risk is no greater than it currently is with the playing field. As an aside, suggests that Member training about this would be very useful, to help Members understand what they need to take into account.

This proposal will provide 40% affordable housing, and also S106 money which can be used to improve infrastructure. Notes the speakers' comments about pinch-points in the drainage system further down Albert Road – could S106 money be used to improve that? Would like this to be explored, and suggests that we should have thought about how S106 money can be used to improve infrastructure when looking at the University application.

Regarding the design of the proposal, in his ward, on the Priors Estate, the environment agency has done a lot of retrofitting of green areas with soakaways and rain gardens (which would be good to look at on the Completed Schemes tour in October), attenuating the water flow off the roads and gardens, and filtering the water to improve its quality in the lake. Inclusion of water gardens and water butts at the design stage can make a big difference. It doesn't mean no other attenuation is needed, but can make an important contribution and should be flagged up at an early stage.

**BF:** it's true, Members are not flood experts, but everyone has seen the consequences of heavy rainfall with overspill from Wymans Brook affecting Whaddon, Pittville, Swindon Village and Tewkesbury. The application at Oakley has been permitted, reliant on SuDS, and the strategic allocation of 4,800 houses on Swindon Road will need to be supported by robust SuDS to protect Tewkesbury. The consequences of Wymans Brook flows through town and has done damage to people's property – this is very relevant here. Flood programmes to constrain rivers don't always work; the soil is very clay at top end and SuDS don't work well with clay soil; attenuation tanks have finite capacity. Is worried that the flooding issue has not been properly addressed. We need to remember July 2007 and get a grip.

**KS:** with reference to the Trees Officer's comment, noted on Planning View, a footpath from Albert Road within the red line of the site – how will this sit in relation to the trees? It looks like the footpath goes through the middle of them.

**MS:** Wymans Brook is in fact a main river and the responsibility of the Environment Agency. We should be leaning on them to do something about the culvert under Albert Road. Regarding highways issues, Starvehall Farm was originally for 350 houses and two care homes; this has been reduced to 300 homes, due to the impact the additional traffic would have on the mini-roundabout in the centre of Prestbury, but will these additional 58 houses at Pittville School, the number of new dwellings in the area is back up to 350. How does the Highways Authority account for this?

**CH:** the facts are that where the run-off starts, the soil is clay – as soon as it gets wet, it might as well be concrete. Disagrees with BF that SuDS don't work; are we saying that the experts don't know what they're doing? SuDS schemes are designed to work, often better than the underlying nature of



the land. In 2007, the land was saturated. We should trust the experts to come up with schemes that work. In addition, we should look to S106 contributions to sort out the infrastructure, and introduce additional measures such as rain gardens. All this will help, not make things worse.

**LW, in response:**

- officers can confirm that it will come back to Planning Committee for consideration since there has been Member request during the debate. The previous comment related to the Scheme of Delegation;
- regarding SuDS schemes and flooding, the previous scheme's indicative lay-out included a balancing pond. Rain gardens and water butts can be discussed at reserved matters stage;
- regarding S106 money, there is no reserve fund for further infrastructure improvements which are beyond the remit of this planning application. The proposed scheme represents a betterment;
- to KS, the footpath will run alongside the trees, not through them. A feasibility study of the footpath has been carried out, and a horse chestnut and sycamore tree will need to be removed for access into the residential site, with new tree planting proposed across both sites.

**MPan, in response:**

- to the question how will the run-off not be worse than it currently is, the original application had an indicative plan including a balancing pond. The proposed flood relief strategy, detailed assessment, and modelling including run-off from impermeable surfaces, make it feasible that the run-off from the site will be same as greenfield, and conditions on drainage have been recommended to ensure this;
- it's correct that Wymans Brook is a main river and GCC is looking at a scheme in Whaddon to alleviate the flood risk by reducing load during large events.

**MG, in response:**

- to MS, the applicant has undertaken assessment of 58 dwellings at Pittville School in addition to those already approved at Starvehall Farm. The result shows a 3% increase in link flows on New Barn Lane to 2021;
- regarding the pressure on the highway as a result of the development at Starvehall Farm, late changes meant the amount of traffic using the double roundabout in Prestbury is reduced. This new proposal can take up capacity from the change in development at Starvehall Farm.

**AL:** regarding the flood risk, this seems to be putting sticking plasters on and not tackling the problem. There are four proposed developments in this area, plus building at Oakley, all of which will put additional pressure on the river. What is needed is a hydrological survey on the river, to see if the culvert can be increased in size. Until that information is provided, it is difficult to make a decision on this application.

**GB:** MPan has said that the county council is looking at Wymans Brook to see if the flow can be improved.

**MPan, in response:**

- the water management plan for Whaddon and the east side of Cheltenham aims to reduce the amount of water going into Wymans Brook upstream, resulting in less flood risk downstream.

**PT:** has noted that the drawings show cramped-looking houses – what is the density? Also noticed a pond in the bottom corner of one of the drawings which now seems to have disappeared. Was that an attenuation pond? Members have approved other schemes with SuDS in place, including one in

Charlton Kings and involving big units. Would like to know if these schemes are working satisfactorily or whether there have been any problems with them.

**MJC, in response:**

- would need to know which sites PT is referring to in order to respond;
- MPan has outlined a scheme similar to that at Cox's Meadow, where the water is collected upstream and slowly released downstream;
- Officers have scrutinised the proposal, aware that proper drainage is a fundamental issue. These schemes will be fit for purpose. The developer cannot be expected to fix existing problems through the SuDS – just cannot make the situation any worse;
- other concerns raised are strategic issues which will be covered by the Cheltenham Plan.

**PT:** is concerned about addition of 58 houses to the area. People living in Albert Road are already having to cope with the flood issues. We don't want to make these worse, and cannot undo the new development once it's built.

**Vote on officer recommendation to permit**

9 in support

5 in objection

**PERMIT**

Application Number:	<b>15/02269/FUL</b>
Location:	<b>83 Hewlett Road, Cheltenham</b>
Proposal:	<b>Alterations and extensions to the building and conversion to provide 9 additional flats.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>74</b>
Update Report:	<b>Additional representation</b>

**Public Speaking:**

**Mr Simon Firkins, agent, in support**

The proposal is for the conversion and extension of this vacant and underused building to provide nine additional flats, and has been subject to positive discussions with officers throughout. The principle of converting to residential use is acceptable in this very sustainable location, and the flats will contribute to the borough's housing supply without taking up green belt. The building has been vacant for over a year, and various attempts to rebrand the venue have been unsuccessful and unviable. It has not been let on a proper lease for over four years, despite extension marking, including a site board for two years. It is starting to deteriorate, and this proposal will safeguard the long-term viable future of the property. Times change and people don't use pubs as they used to. The report confirms, as tested at appeal, that there is no local plan policy for the retention of this use, and in any case there are 30 or so licensed premises within 1km walking distance. The conservation officer has also noted that the original use of the building was residential.

In Fairview, The Feathered Fish, the Beaufort Arms and the cricket club all offer similar facilities including function rooms, and the Fairview Community Association advertises its meetings at the cricket club. There are six churches and schools offering space to hire.

Regarding parking, county highways officers have raised no objection, drawing attention to other acceptable uses and the traffic these would generate. The parking survey shows there is more than enough space locally for future occupiers of the flats, including during times of greatest demand. In an area where 70% or so of homes have no car or just one car, car ownership of these small units is likely to be very low. Lack of parking on site will therefore not cause any dangers and is not a reason to refuse the scheme.

Amendments have been made to remove part of the roof extension, with extra detailing added to the elevations. There is no impact on neighbours' amenity. The applicant has a record of careful renovation of historic buildings for on-going commercial use, such as the former Court House for Jamie's Italian. Residential conversion is the logical alternative to commercial use to safeguard the property.

The report provides detailed and robust justification for the proposal, with no objection from the Conservation Officer, Architects' Panel or County Highways. The scheme complies with all planning policy and the case to support it is compelling.

**Mr Gary Stacey, on behalf of local residents, in objection**

Represents the Fairview Community Association, a group of local people who believe that national and local government policy gives people a say in shaping their environment. They are asking Members to reflect and think hard about the impact on the community which this proposal would have. FCA was conceived in a meeting room at the Fiery Angel pub, with the aim of making Fairview a better and smarter place to live. The group organised a Royal Wedding street party, established and maintained flower beds. A community movement made things happen, from monthly litter picks to a successful campaign to update the pedestrian crossing outside the pub. The group has received small council grants.

However, the group now has to use a variety of inadequate meeting venues – residents' houses or the privately-owned cricket club. Regular meetings of 30+ residents and community surveys have identified a desire for a fixed community location. Many residents don't have internet access and rely on face-to-face contact. This is all been reflected within Fairview's contribution to the Social, Sport and Open Spaces Study consultation commissioned by CBC. The constraints of having no community place in a densely populated area of Cheltenham have been highlighted by NCG partner organisations, yet the Fairview population continues to grow since CBC requested the integration of the large community east of Hales Road into Fairview activities. The pub provided a focus and place for social and formal community gatherings, a central meeting hub and a regular chance for locals to meet with the community police officer. The FCA is keen to discuss alternative options for development of the building, but the developer has declined. Five pubs and clubs within walking distance have closed since the Greyhound Pub appeal, yet viable compromises which balance economic and social considerations are appearing across Cheltenham, such as the development of CBH St Paul's Community Hub and the new Russell Arms planning application to create accommodation and retain the pub.

Asks that Members listen to the community, take notice of residents' genuine concerns about parking and road safety, and understand the heartfelt and growing need for social and community space as Fairview builds its identity. The developer could be asked to look and think how he might incorporate community benefit in this major development to offer Fairview new places to live and a community focus as well.



**Councillor Jordan, in objection**

Has two major concerns about this proposal: what is being lost and what is being created. It is beyond doubt that the pub is a community asset for Fairview, and it is essential that this point is aired. This isn't the town centre, but this building is the closest community pub to the town centre, and the community is concerned by its loss. The Fairview Community Association was formed in the pub. It has opened and closed several times over recent years, with the problem that the owners, Enterprise, have put in different managers. The Pub has now been sold to Mr Haskins. There was a bid to list the pub as a community asset – has the CBC commissioning team been consulted about this planning application? Notes the number of comments about the application, particularly those from CAMRA, and references to the skittle alley and function room making it a community facility. The situation was not the same at The Greyhound where an application was granted on appeal. The conservation officer considers it regrettable that the proposal is to use the building solely for residential; agrees with this. Is speaking tonight ward councillor; Members will have read representations from many people, but is putting forward his own concerns in his own words. The FCA has wanted to work with the owner and got talks off to a positive start, but unfortunately communication has broken down. Members will have noted the parking problems on Planning View – it is a big issue in this area. The parking survey was carried out in the week before Christmas when schools were out and students gone home, so was not typical. Noted just six spaces when visiting the area this afternoon, and two cars parked illegally.

The FCA is keen to work with the council and others to build a sustainable community. Fairview is a difficult area to pinpoint, and its work is important to help create an identity and sense of community for its residents. Approval of this planning application would be a kick in the teeth for the aspirations of the FCA.

**Member debate:**

**MS:** has a great deal of sympathy with SJ's comments, and it's unfortunate that this application has come forward before investigation into other usage of the building is complete. Feels the application for nine flats is over development of site. The building would lend itself to some other usage, and needs something done with it, but this is too much. Government advice has been that it is OK to convert buildings into dwellings without parking spaces but it was clear on Planning View that there are no parking spaces in the area and the streets are overcrowded. This proposal is wrong; will not vote for it, and may move to refuse. Suggests CP4 as a possible refusal reason in view of the adverse effect on adjacent land users, and also the loss of a community asset.

**AM:** SJ referred to the application to list building as building of community importance. What stage is that at? If Members decide to approve the proposal tonight, it will be putting the cart before the horse. It is hard to make a judgement.

**MJC, in response:**

- officers don't have much involvement in the community asset process – understands Richard Gibson was consulted six months ago about three pubs, including this one. Doesn't know where this is regarding its status, but it can have no impact on the determination of this planning application;
- PD rights – something could be included in Cheltenham Plan but currently is not therefore this application must be determined on its merits in the current Cheltenham Plan;

**PB:** is also thinking of moving to refuse. Suggests RC1, as it seems a marginal decision by officers. The previous appeal at the Greyhound is not relevant – things have moved a long way since then,

with a number of other pubs closing. The agent mentioned The Feathered Fish and The Beaufort Arms as alternatives, but these are not local to Fairview. We are told that only village pubs can be defended, but Fairview is like a village community, and two passionate local people have spoken about the importance of that community. This used to be a vibrant pub; it is all about ownership, and if a pub which isn't working well can be converted to housing, it brings substantial revenue to its owner. If this is the aim, an owner can make it impossible to run a pub in a vibrant, business-like way. This pub used to be a hive of activity, and can be again. There is nothing to compare with it in this tight-knit community, and it is hugely disappointing that developers just ignore the local community in this arrogant way, make huge changes and then just walk away, without even a conversation with local people. It is disappointing that the community development team wasn't consulted when considering the planning application. This is more than just a pub; it is a skittle alley, a community asset, a meeting place. It would be sad to lose these facilities for the area. A lot has changed since The Greyhound appeal, and officers could make a good case to refuse on these grounds.

**GB:** PB has mentioned policy RC1. Would MS like to add it as a refusal reason?

**HM:** went on Planning View and looked at the drawings, and thought that the developer had done a good job with the outside of the building – the extra storey, and stepping down of the side elevation on Duke Street. But there are just too many flats inside the building. However, if the application is approved, and with regard to Condition 6 and obscure glass for the three windows: can the developer be required to provide samples of the obscure glass to be used for approval? Also, can the standard condition regarding hours of construction be included? Parking is appalling in this neighbourhood and everything should be done to protect residents.

**KS:** likes this building and could live with the additional storey if it prolongs the life of the building. Is also not over-worried about the loss of the pub, but feels that there should be some commercial use of the building on the ground floor at least – maybe a café? – to help other local businesses, by keeping a nice buzz in the area. The loss of the pub makes it harder for other businesses that are left; not so many multiple attractions. Will support the move to refuse – there should be some commercial use of the building, some meeting space on the ground floor. With regard the parking, this is another example of difference between the planning world and the real world. It is very difficult to park in Duke Street. Was councillor for this area for eight years and knows the problems well. Parking problems cannot be ignored. Nine apartments will bring more cars which will make it even more difficult.

**BF:** if this application is approved, has serious concerns about bin storage. For nine apartments, the bin storage is not adequate, and recycling takes up even more space than rubbish. Is all for keeping pubs open. Most large pub chains employ managers or tenants who can be dismissed after two years with no redress.

**CH:** KS mentioned the loss of amenity. There is a cluster of businesses in this area, and immense damage will be done by upsetting the balance. The nature of the area has changed over the years, but if this housing development is permitted, the result will be negative. Regarding the closure of The Greyhound, pub companies run places down – such as The Sherborne – and deliberately put in managers without the necessary experience to make them viable and then close them down. A pub is the hub of many communities, especially in rural areas, and everything should be done to keep them open – such as talking to landlords to see what other community facilities can be accommodated in the pub to invigorate it, such as a library, shop or Post Office. The main thing is to keep the pub in use as a community hub.

Regarding parking, people are more likely to walk to the pub than drive, so the additional cars of nine extra flats will increase the pressure on roads which are already full. There is a residents' parking scheme, but this doesn't apply at night. The loss of the pub will definitely represent a loss of amenity to the neighbourhood, and the least we can do is try to keep some kind of commercial use for the downstairs to help retain the little enclave of local businesses.

**MS:** is happy to include RC1 as a refusal reason.

**EP, in response:**

- concerning the loss of the pub and the inclusion of RC1 as a refusal reason, the Inspector for The Greyhound appeal made it clear that RC1 cannot be used in connection with the loss of a public house. Officers would therefore be concerned about using this as a refusal reason;
- officers have considered a fall-back position with regard to what the pub could be used for without planning permission. We need to be mindful of this;
- MS mentioned policy CP4 and loss of amenity, but this usually means residential amenity – loss of light etc – not an actual amenity for public use, such as a pub;
- to BF regarding bin stores, this has been negotiated with the developer and designed specifically for this scheme. The storage space has been measured up and is considered adequate and in line with UBICO requirements. Individual flats will have their own recycling boxes to store within the flat or the adjacent corridor. There is provision for food waste in the bin store.

**MG, in response:**

- parking is an emotive issue throughout the county – attends planning committees in all six districts. In planning terms, the existing use of the building as a pub generates traffic. The building could be used as a restaurant, as a skittles club, but in parking terms, officers are not looking at how it is used at the moment, but how it could be used in the future;
- The Sherborne Arms was subject of a COU planning application to convert it to residential; Gloucestershire Highways objected to the scheme, it was refused, went to appeal and was lost, with the Inspector awarding the applicant £25,000 costs;
- as Members know, the NPPF refers to proposals having a 'severe impact' on the road network and this is difficult to prove. If the roads are already at capacity, an Inspector would ask how a few extra cars can have a severe impact. It has to be assumed that someone with a car looking to buy a flat wouldn't buy a flat here if they thought that parking would be a problem;
- to summarise, in view of the appeal decision and the NPPF, officers cannot demonstrate that the proposal will have a severe impact, and there are therefore no highways grounds on which to refuse it.

**EP, in response:**

- to HM, Condition 6 can specify the level of obscurity of the glass, and can be amended to achieve this, and a condition can be included regarding the hours of construction.

**PB:** policy RC1 talks about community facility and use. The question is when does a pub become a community facility? The answer must be when it is used by the community. How can that ground therefore not be relevant? In the Greyhound appeal, the Inspector said there were alternative venues nearby, but here there are no like-for-like venues for some distance. Regarding NPPF paragraph 70, this is a valued facility, and this vibrant community group will find itself without anywhere to meet.

**CH:** the bin store is an important issue. Is concerned if the design was done in conjunction with UBICO. Looking at different flats across the town, flat owners do the least amount of recycling. The reason is because it is down to flat owners to have recycling bins in their hallways. Recyclables

should be collected in big bins, not hallways. This doesn't tie in with CBC aspirations for recycling, and goes against what we are trying to do as a council.

**EP, in response:**

- officers followed UBICO's standing advice regarding the dimension of the bins, what each household requires etc. It is considered appropriate to have communal bin storage in situations such as this. UBICO was not consulted specifically;
- the relevant section of the NPPF is referred to in the officer report, and pubs are mentioned. It's true that national advice has changed since the Greyhound appeal, but the Local Plan is still the same, and the appeal decision gives a clear steer about how this should be applied;
- in addition, the NPPF relates more to rural community and multi-functional facilities. It has been shown that there are other places in the area for people to meet, although these may not be on the doorstep; NPPF Paragraph 70 is relevant only where there is nothing else within walking distance.

**KS:** senses the mood of the room is not good but there are no good grounds to refuse. Members want to find good sound reasons to refuse; can officers help? The main concerns are the loss of community facility and lack of parking.

**GB:** this is a difficult question. It is up to the Committee to put forward reasons, and to officer to instruct whether these are helpful or not. It is not for officers to provide information against their recommendations.

**MJC, in response:**

- KS has made a valid point. The loss of the pub is not something which would stand up at appeal. Gloucestershire Highways comments are relevant; permitted development changes are also relevant, and if there was a move to convert the building to retail use, it would not come to planning committee. But the Government is not interested in cases such as this, and there is no Local Plan policy to support Members' views – there is no policy at all at the moment. Members have received strong advice from the highways officer on the fall-back position, so there is not a lot of wriggle room.

**GB:** it is for Members to decide how to vote. Officers are being as helpful as possible. If Members vote against the scheme, they will have to bear the risk that officers have put forward.

**HM:** for the record, Paragraph 70 of the NPPF does refer to public houses.

**Vote on officer recommendation to permit**

3 in support

8 in objection

2 abstentions

**REFUSE**

**MS:** moves to refuse on CP4, RC1, and NPPF Paragraph 70.

**EP, in response:**

- just to clarify, policy CP4 is concerned with unacceptable harm to neighbouring amenity; policy CP7 is concerned with overdevelopment, design and lay-out, and is more appropriate here.

**MS:** on the officer's recommendation, will change CP4 to CP7.

**KS:** is there any planning policy related to the vitality of the shopping area, regarding the loss of the commercial space?

**EP, in response:**

- there isn't, as the application is in an area outside the designated shopping centre.

**GB:** Members should be aware that there is a strong chance of costs at appeal if they vote against this application, but it is up to them.

**Vote on MS's move to refuse, on CP7, RC1 and NPPF para 70**

8 in support

3 in objection

2 abstentions

**REFUSE**

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At this point of the evening, the Chairman, Councillor Barnes, took a vote on whether Members wanted to continue to meeting beyond 10.00pm. They voted unanimously to do so.

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Application Number:	<b>15/02043/COU</b>
Location:	<b>73 Leckhampton Road Cheltenham Gloucestershire</b>
Proposal:	<b>Change of use of the ground and first floor from C3 (residential) use to D1 (dental clinic) use in association with existing D1 use at basement</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>38</b>
Update Report:	<b>Officer report update; transcript of Mr Hayes's speech; map</b>

**MP** introduced the proposal as above, at Committee at the request of Councillor Chard due to high level of local concern about parking and highways safety issues. The recommendation is to permit.

**Public Speaking:**

**Mr Jon Hayes, local resident, in objection**

Represents residents of 59, 61, 63, 65, 67, 69, 71, 75, 77, 79, 83, 100 and 102 Leckhampton Road, who formally object to the application because of adverse impact on parking for immediate neighbours, concerns for safety of all Leckhampton Road users (including dental patients), and loss of a prime residential property setting an uneasy precedent in this residential area. The highways report suggests 16-47 potential parking spaces in the immediate vicinity, but neighbours beg to differ – a map has been provided to show that objections to the proposal come from immediate neighbours, who experience obstructed driveways on a daily basis which can only get worse if the application is permitted. Residents challenge the proposal that only two additional parking spaces are needed and ask why Leckhampton Road and Southcourt Drive should become the de factor car park for Arnica, without concern for other residents, or their friends and family needs. It is not an equitable proposition, and would question whether any consideration has been given to the additional car parking needs of the 33 new dwellings at Leckhampton Place.



Leckhampton Road will become more dangerous for all parties. Long-standing residents question the number of accidents and incidents listed in the highways report – many go unreported and every resident has experienced near misses as a result of obscured vision in accessing Leckhampton Road. Cars parked between houses mean that residents are forced to the opposite carriageway to enter the road, and cars are often seen using the pavement to gain safe access. The dental practice specialises in sedentary work, and sedated patients are often witnessed returning to their cars on the busy main road.

This is not an exercise in NIMBYism, but a genuine concern from all the immediate neighbours that this is an unsafe and unsuitable application. A more suitably located premise with appropriate infrastructure could and should be found.

**Mr Laurence Hale, applicant, in support**

With his partner, has owned and managed the dental business since 2000, treating nervous and phobic patients, including life-changing procedures. Due to government legislation, the business needs to restructure to survive, proving a ground floor surgery for less mobile patients, a recovery room for sedated patients (no sedated patient is ever allowed to drive from the practice), and a dedicated hygienist surgery to reduce waiting times. Started looking for alternative premises two years ago, but found suitable property in the area dwindling at an alarming rate, with a lot of commercial premises being converted to residential. Hired a property consultant to no avail, with landlords reluctant to sign a lease longer than 10 years – which it must be for the business. To buy another property would involve closing the existing one for at least 8 months, with catastrophic effect on the patients and the business.

To address neighbours' concerns, there have been no road traffic incidents or accidents as a result of on-road or patient parking since the business started in 2000. For the past four months, there have been an average of 14 additional contractor cars and vans from the Kier site parked within 100m of the practice, and no traffic incidents have been reported. On Planning view, there were 11 contractor vehicles within 100m, and when the Kier site is complete, at least 12 of these spaces will be freed up. A parking survey has been carried out and Gloucestershire Highways has no objection to the proposal. However, to address neighbours' concerns, two domestic spaces have been freed up for drop-off and pick-up; a considerate parking A-board installed; a considerate parking poster displayed; a parking reminder to all patients via text and email the day before their appointment, and eight staff car-parking spaces negotiated at the Norwood Arms.

In summary, the net increase in vehicles on the road will be negligible. The planning officer supports the application, and if approved, will safeguard a valuable community service and eight existing jobs as well as creating four new ones.

**Member debate:**

**BF:** will support the proposal. Parking has already been discussed tonight. The dental practice he attends does not provide parking; it isn't the dentist's responsibility where patients park. The representations include pictures of cars parked on double yellow line but this is not the dentist's problem. It is more of a parking problem – everyone wants cars, sometimes three per house, and this has nothing to do with the operation of the dental practice. The dentist provides a service, and providing parking is not essential for that. The highways authority isn't aware of accidents or near misses on Leckhampton Road. This application should be approved, and this good dental practice supported.

**PB:** uses a dentist further down Leckhampton Road; attends two or three times a year and has never had any problem parking. As BF has said, it isn't the dentist's problem. This application is a sound proposal for the viability of the business, and as the applicant has said, the alternative is not there. It is a local business for local people. The applicant has also made additional arrangements for staff to park nearby.

**KS:** has sympathy for the neighbours, but no problem with the application. On Planning View, noted a decking area at the rear – will this be accessible for staff? Will obscure glass be used for the doors and windows, to protect both patients' and neighbours' privacy?

**AC:** the applicant has made considerable efforts to address the parking problem, which does exist in this area. Will support the proposal.

**MP, in response:**

- to KS, there is no condition regarding staff access to the decking, and the dentist is proposing blinds at the windows rather than obscure glass. The impact on amenity is not unacceptable.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

Application Number:	<b>15/01208/FUL</b>		
Location:	<b>10 North Place, Cheltenham</b>		
Proposal:	<b>Dropped kerb and hardstanding to facilitate parking area</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**MJC** introduced the application as above, and reminded Members of the long back story set out in the officer report, relating to the Property arm of the Council swapping land with Chapel Spa in order to facilitate the Portland Street development. At that point, it was felt that the harm to the listed building as a result of allowing parking in front of it was outweighed by the advantage of using Warwick Place as a bus node. In view of the strong objection from the Heritage and Conservation team regarding harm to the listed building, a temporary consent is now proposed, with the hope of finding a better resolution in due course. This seems a reasonable way forward.

**Public Speaking:**

**Mr Mena Louka, applicant, in support**

The proposed parking is to the side of Chapel Spa, not in front of it, and will not impact on its setting. Photos provided show a car parked on the left of Chapel Spa between 2003 and 2005, when it was owned by Centre Parks; a Chapel Spa parking area in 2009, fenced off by the council since July 2014; and the applicant's own private car parking before it was fenced off in 2014. Chapel Spa staff cannot afford to pay £10 a day for parking. The business attracted 7610 visitors, 20% from Cheltenham, 19% from London, and the rest from elsewhere in the UK. It employs 20 staff, and in the first year after purchasing Chapel Spa in May 2014, the number of working hours has increased by 16,000 – so increased visitor numbers, increased employment, and improvement to the listed building. Did not originally want a dropped kerb, as owned private parking spaces in the street beside Chapel Spa until

the council fenced it off. Was then persuaded to swap his land for the two parking spaces to the side of Chapel Spa, which the council owned. Feels he has been treated very badly by the council, denying him and his staff access to his private parking spaces. Does not understand why this is happening, and wonders if it is because he is not British.

**Member debate:**

**SW:** considers the speaker's last comment insulting both to officers and the council. It should be withdrawn.

**KS:** doesn't blame the applicant for feeling aggrieved, and has no problem at all with this application. Cars have parked here for many years; it isn't a problem, and the fact that the council was prepared to do a land swap suggests that the listed building isn't all that important. We have to be fair; the land has been fenced off and the applicant can't park his car on his own land. This application should be permitted, without any time limit.

**AM:** agrees with KS, but considers a two-year time limit sensible. Has sympathy with the applicant; the land swap with CBC was undertaken on an understanding that was not honoured. The proposal should be approved.

**BF:** on Planning View, asked why the barrier hadn't been removed. Subsequently asked David Roberts who explained that the Council acquired the land and stopped it up in 2014 - it was originally going to be used as a bus node for Portland Street and was retained as such. Plans for Portland Street have now changed, but the land is still providing a barrier between Portland Street and listed building - why has it remained stopped up? It isn't all CBC's fault that things have happened as they have, but hopes it will be resolved within two years. The application should be approved as it stands.

**LS:** the officer recommendation for temporary approval is correct. Would just repeat SW's comments that the notion that officers determine an application on the nationality of the applicant as absurd as it is insulting - this should be made clear.

**HM:** is in agreement with all that has been said. There is risk that in two years' time we will be no further forward; the applicant should be allowed to ask for an extension at that time at no extra cost.

**MJC, in response:**

- technically this can't be done as the fee is part of a valid planning application, and it's not up to Planning Committee to waive the cost. Officers could discuss the matter with the Property team, and maybe CBC could pay the fee.

**PT:** on Planning View, it was mentioned that the amount of parking belonging to Chapel Spa was just the pavement; in fact it's two times the width of the pavement. The red line doesn't include the pavement, let alone two times the pavement. Can officers clarify where the red line should be?

**MJC, in response:**

- the blue hatched area is the area owned by the applicant.

**AL:** the officer and applicant have talked about entering into a land swap - why is access not allowed to this strip of land if nothing is achieved?

**MJC, in response:**



- does not know the answer – was not party to discussions with Property officers. Can follow up with Property team.

-

**PT:** the applicant shouldn't have to pay for a planning application to access his own land.

**MJC, in response:**

- this is essentially a land dispute. CBC is one half of the dispute. Members can discuss the issue with Property officers if they want to know more.

**AC:** how did the applicant access the land previously?

**MJC, in response:**

- essentially by bumping up and down the pavement. The drop kerb will make it easier

**Vote on officer recommendation to grant temporary permission**

15 in support – unanimous

**PERMIT**

Application Number:	<b>15/02105/FUL</b>
Location:	<b>Land at Garage Site, Rowanfield Exchange, Devon Avenue, Cheltenham</b>
Proposal:	<b>Erection of 3no. dwellings and associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>Officer report update</b>

**EP** introduced the application as above, which will involve the demolition of the remaining garage block on the site. It is at Planning Committee because the council owns the land.

**Public Speaking:**

None.

**Member debate:**

**KS:** cannot support this application – this is not a good place for people to live, with an outlook to the back of the flats. The whole area should be redeveloped, not just this part of it. They are nice houses, and will be nice homes, but not here – anywhere else would be fine. This could be nightmare accommodation, with anti-social behaviour in the area. A more holistic scheme is needed.

**AM:** agrees with KS that the siting of these houses is not perfect, but we all know about the lack of social housing, and these will provide much-needed homes. Starting afresh is not option in the world we live in; this is an acceptable planning application which will provide homes for people who need them.

**Vote on officer recommendation to permit**

13 in support

1 in objection

**PERMIT**

Application Number: **15/02048/LBC**  
Location: **Cheltenham Town Hall**  
Proposal: **Repairs to lampstand pillars and balustrading**  
View: **Yes**  
Officer Recommendation: **Grant**  
Committee Decision: **Grant**  
Letters of Rep: **0** Update Report: **None**

**MJC** introduced the application for alterations to the Town Hall, at Committee because the Council owns the building and is the applicant.

**Public Speaking:**

None.

**Member debate:**

**BF:** Members were told on Planning View that Bath stone may be used for the repairs; it should be Cotswold stone, which contains iron oxide and will age to a golden colour in keeping with the rest of the building. Bath stone will stand out. The planning authority should look after its listed buildings; to deviate would be a crime.

**MJC, in response:**

- there was a debate on Planning View about Bath stone and Cotswold stone. Bath stone is harder and will weather better. There is a suggested a condition that a sample be provided, to ensure a good match, but if Members wish, they can ask for a condition to insist on Cotswold stone only.

**AC:** owns a house in a Regency terrace and was told that only original materials could be used for any alterations. Would therefore propose adding a condition to insist on Cotswold stone.

**Vote on AC's move to include a condition for Cotswold stone**

8 in support  
2 in objection  
2 abstentions

**MOTION CARRIED**

**Vote on officer recommendation to permit with additional condition**

14 in support – unanimous

**PERMIT**

Application Number: **15/02143/COU**  
Location: **Ron Smith Pavilion, Springbank Way**  
Proposal: **Conversion of part of sports pavilion (function room) to \v3 (café)**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **0** Update Report: **None**

**LW** introduced the application to convert half of this building from a function room to a café. The council owns the building which is why it is at Planning Committee. A site notice has been posted, and public consultation expires tomorrow, so if Members are minded to permit, they can delegate authority back to officers for issuing of the final decision.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit, with decision delegated back to officers**

14 in support – unanimous

**PERMIT – delegate authority back to officers to issue decision**

Application Number:	<b>15/02241/FUL</b>		
Location:	<b>Gilbert Ward Court, Croft Road</b>		
Proposal:	<b>Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

Application Number:	<b>15/02242/FUL and 15/02247/FUL</b>		
Location:	<b>Areas A &amp; B, Popes Close</b>		
Proposal:	<b>Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**MP** introduced these applications for mobility scooter stores, made by Cheltenham Borough Homes on behalf of Cheltenham Borough Council.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

**7. Report : Time limitation for implementation of Planning Permissions**

**MJC** introduced this relatively straightforward report, explaining that planning authorities were given the option of granting permissions with a five-year time limit for implementation, rather than the government default position of three years, in view of the economic situation and to avoid being swamped with applications to renew due to non-implementation. The economic situation has now improved and CBC proposes a reversion to three years from 1<sup>st</sup> March.

**PT:** is concerned about this. Lots of developments aren't started within the five years. Is there no stick to make developers start work so we get the houses built more quickly?

**GB:** a three-year time limit is more of a stick than five years.

**AM:** a problem the council has at the moment, with the JCS debate still ongoing, is that the government judges us on how many houses are completed, not granted. 30% of houses are not built within five years; reducing the time limit from five to three years will give more opportunity to put pressure on builders to get on with it, in the knowledge that if they have to renew their planning application, it may be refused.

**DS:** understands that this will only apply to new applications.

**Vote on officer recommendation to reduce time limit for planning permissions from five years to three years, starting on 1<sup>st</sup> March**

14 in support – unanimous

**RECOMMENDATION AGREED**

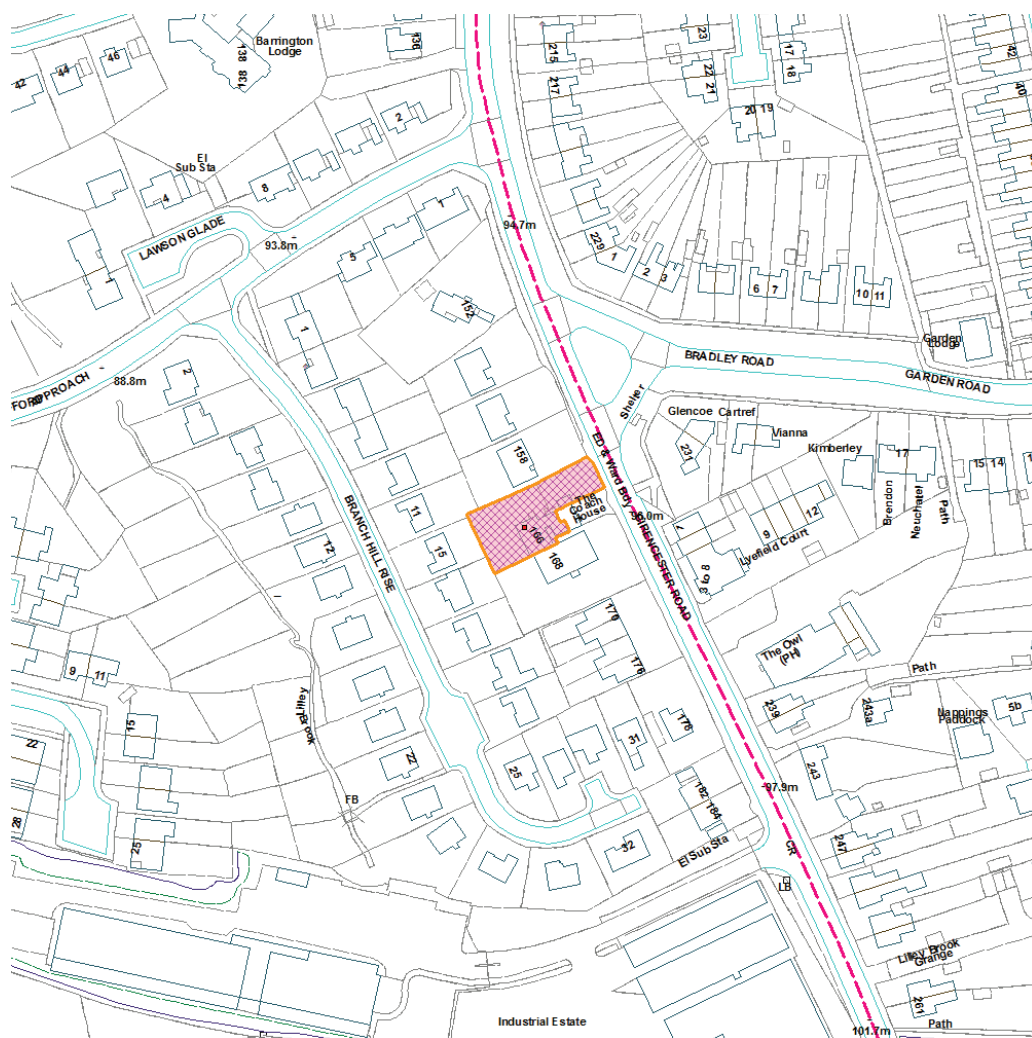
## **8. Any Other Business**

None.

*The meeting ended at 10.40pm.*

<b>APPLICATION NO:</b> 16/00071/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 20th January 2016	<b>DATE OF EXPIRY:</b> 16th March 2016
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr & Mrs David Trendle
<b>AGENT:</b>	Edge Design Workshop Ltd
<b>LOCATION:</b>	166 Cirencester Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Proposed two-storey side extension and refurbishment

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a householder application for the erection of a two storey side extension to 166 Cirencester Road in conjunction with general refurbishment works. The site is located on the western side of Cirencester Road just south of the junction with Bafford Approach, and backs onto properties in Branch Hill Rise to the rear. The site is wholly located within Charlton Kings parish.
- 1.2 The property is set back from the highway behind a Coach House but sits at a higher level. The property has a painted render finish with a shallow hipped roof to the original building and a flat roof with parapet to a later addition. Currently, the principal elevation of the property is orientated to the north but the proposal would change the principal elevation to the east, thereby fronting the highway. Externally, the property is in a poor state of repair and in need of renovation.
- 1.3 The application has been submitted following the withdrawal of planning permission ref. 15/008448/FUL. The extension previously proposed was considered to be “disproportionately large” and “detrimental to the character and appearance of the house and immediately surrounding area”. It was suggested that a more “contemporary approach could allow the evolution of the building to be more easily read and could, if done appropriately, better respect the character and form of the original house”.
- 1.4 The application is before the planning committee following an objection from the parish council. Whilst the parish council acknowledge that the revised plans submitted during the course of the application address some of the subservience issues they continue to view the extension as overbearing and support the comments made by the neighbour at 158 Cirencester Road.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Smoke Control Order

**Relevant Planning History:**

**15/00844/FUL**

**WITHDRAWN**

**7th July 2015**

Demolition of existing garage to front elevation. Two storey side extension, renovation of house, improved highway access and visibility splays

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

#### 4. CONSULTATION RESPONSES

**Architects Panel**

*2nd February 2016*

Design Concept: The panel had no objection to the principle of a two-storey extension in this location.

Design Detail: Refinements to the design are needed before the panel could support the application as follows:

- 1) The proportions of the new elevations do not work with the existing side extension or with the windows proposed. Lining up the parapet and treating the two extensions as a single entity might help. Over-cladding the earlier extension to simplify the design could also be considered.
- 2) Architectural details proposed are not convincing, e.g. recessed *voussoirs* and missing copings or cill details.
- 3) The panel had mixed feelings about the use of white bricks in this context. Concerns were raised that the extension could look incongruous.

Recommendation: Submit revised drawings.

**Tree Officer**

*9th February 2016*

The Tree Section has no objections with this application.

**Parish Council**

*9th February 2016*

Objection: We reiterate our objection to this application. Although we note some changes have been made, the extension remains dominant and overbearing to its near neighbours. There is also an issue of overlooking into number 158 from the proposed side window, resulting in a loss of privacy. In our view the use of white brick in the extension only serves to emphasise the non-subservience and visually makes the new addition jar with the original building. We support comments made by the Architects Panel. We would also like the Tree Officer to review and pronounce on the plans for existing trees and shrubbery as there appears to be a discrepancy between the plans and the current situation. Finally, we request that this application goes before the Borough Council's Planning Committee.

**Parish Council (revised comments)**

*7th March 2016*

Objection: We reiterate our previous comments, but note some of the subservience issues have been addressed. However we continue to view the proposed extension as overbearing and support the latest comments made in early March by the owner of 158 Cirencester Road.



## 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 14 neighbouring properties. In response to the publicity, objections have been received from the resident at no.158 Cirencester Road; the comments have been circulated to Members in full but, briefly, the main concerns relate to:

- Scale, design and proximity of the extension
- Loss of privacy
- Trees

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main consideration when determining this application relate to design and impact on neighbouring amenity.

### 6.2 Design

6.2.1 Local plan policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. The preamble to the policy, at paragraph 4.18, advises that “*extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building...The most important consideration is that an extension should not detract from the original*”.

6.2.2 Additional advice set out within the NPPF at paragraph 59 states that “*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, massing, height and materials of new development in relation to neighbouring buildings*”. Paragraph 60 goes on to say that “*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*”.

6.2.3 The width of the extension now proposed is some 1.5 metres narrower than that originally proposed in the withdrawn application, and its depth at first floor has been reduced by approximately 1.3 metres; consequently, the proportions of the extension in relation to the existing building are now considered to be acceptable. Officers also consider that the revisions that have taken place during the course of the application, to simplify the elevations, go some way to addressing the concerns raised by the Architects Panel.

6.2.4 Additionally, officers consider that the use of white brick in the external elevations would provide a contrasting yet complementary finish to the extension which would still allow the form of the original building to be read. Officers do not share the concerns of the Architects Panel that the extension would look “incongruous” as a result of the use of white brick. A sample of the proposed brick, which is in fact off-white and has a ‘chalky’ matt finish, has been submitted and will be available to see on planning view and at the committee meeting.

### 6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 advises that development will be permitted only where it will not cause unacceptable harm to the amenity of adjoining land users and the locality. In



assessing impact on amenity, the Council will primarily consider loss of sunlight and/or diffuse daylight, loss of outlook and loss of privacy.

6.3.2 Objection has been raised by the neighbour to the north, at 158 Cirencester Road, on a number of grounds. However, whilst the extension would undoubtedly have an impact on this neighbouring dwelling, officers do not consider that any such impact would be so significant as to warrant a refusal of planning permission on amenity grounds.

6.3.3 The extension now proposed would be some 5 metres from the shared boundary with no.158, at its closest point. Whilst this neighbouring property has a first floor window in its side elevation, outlook from this window would not be unduly affected. In addition, a ground floor window proposed to the side of the extension has been omitted albeit blind windows are proposed to add some relief and interest to this elevation. As such, the extension would not result in any unacceptable overlooking or loss of privacy to the neighbouring property.

6.3.4 Furthermore, given the distance of the extension to the boundary, and the existing landscaping, which is to be retained with the exception of the one tree, officers also do not consider that the extension would be particularly overbearing when viewed from the neighbouring garden.

#### 6.4 Other considerations

- 6.4.1** The tree officer has visited the site and in assessing the proposal has raised no objection; however, it is considered prudent to attach a condition requiring tree protection to be installed on site during the construction works.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 In conclusion, the proposed extension is considered to be in accordance with the requirements of local plan policies CP4 and CP7, and the NPPF, and the recommendation therefore is to grant planning permission subject to conditions:

### 8. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 4 Prior to any construction works above ground level, a sample panel of new facing brickwork (with coping detail where appropriate) of at least one square metre shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the development to provide consistency.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to ensure a more satisfactory form of development.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

<b>APPLICATION NO:</b> 16/00071/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 20th January 2016		<b>DATE OF EXPIRY :</b> 16th March 2016	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr & Mrs David Trendle		
<b>LOCATION:</b>	166 Cirencester Road Charlton Kings Cheltenham		
<b>PROPOSAL:</b>	Proposed two storey side extension and refurbishment		

**REPRESENTATIONS**

Number of contributors	<b>1</b>
Number of objections	<b>1</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

158 Cirencester Road  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8DY

**Comments:** 26th January 2016

I examined the detailed plans in your offices this morning.

In considering whether or not to raise any objections, I would first like to clarify one particular point, in case of any misunderstanding on my part, and I would welcome your clarification.

1. My principal objection to the original plans (which were withdrawn last May) was the overwhelming size of the proposed extension and proximity to my property - the proposal was for a side extension of 5.8 metres in width, toward my property boundary.
2. The new plans, in the Design and Access Statement (at para. 3.2) state:- "The width of the side extension has been reduced from 5.8 metres in the previous proposals to 3.6 metres".
3. You confirmed in our conversation yesterday that the drawings are to scale, and hence the dimensions do not need to be shown in the drawings.
4. However, if my measurements are correct, it appears (from The Proposed Ground Floor Plan) that the width of the proposed new side extension is 4.8 metres - i.e. only 1 metre less in width. I would add that the width of the side path and steps (up to the rear terrace of the plans) is an additional 1 metre.

Are you able please to confirm my understanding i.e. that the width of the side extension is intended to be 4.8 metres, and not, as stated at (2) above, 3.6 metres.

Your clarification will determine the nature of any objections I might raise on the new plans.

**Comments:** 15th February 2016

Letter attached.

**Comments:** 14th March 2016

Letter attached.

Tracey Crews  
Head of Planning,  
Cheltenham Borough Council.

9 February 2016

Dear Madam

**Ref 16/00071/FUL - 166 Cirencester Road Charlton Kings Cheltenham**

I object to the proposed extension planning application on the following grounds:-

**1. Overwhelming in size and proximity to my property**

The applicant originally submitted plans for an extension in May 2015 (Ref15/00844/FUL). Following lack of support from the Planning Authority, those plans were withdrawn. These new plans are not materially different from my point of view, particularly regarding the north elevation, which faces my property. It once again means that I will have an enormous wall (of approx. 7+ metres high and approx. 11 metres wide) being erected 6.4 metres closer to my property.

- a. **Width.** The width of the proposed extension is only one metre less than in the original plans and is stated to have reduced from 5.8 metres down to 4.8 metres (I pointed out a material error to the Planning Authority, in that the originally submitted Design and Access Statement at para. 3.2 stated that the width had reduced from 5.8 metres to 3.6 metres. The error has since been corrected in the revised Design & Access Statement).  
While the width of the extension is stated as being 4.8 metres, that is at the eastern end of the property - it will be 6.4 metres closer to my property at the western end.
- b. **Length.** The proposed extension was approximately 10 metres in length in the original May 2015 plans. The new plans appear to show that the length is even longer, at approximately 11 metres.
- c. **Height.** The height of the new proposed extension remains the same, (i.e. aprox. 7+ metres at the lower end - the site is on an incline). The top of the extension will be at the same height as the apex of my property roof. However, being a flat-roof extension, the roof will stand 1.6metres higher than each end of my "inverted V-shaped" roof. I consider this overbearing.
- d. **Precedent Project.** The Design & Access Statement (at para. 3.3) gives details of an extension to a Georgian Terrace in Wapping. In my view, it cannot validly be compared to the proposed extension next door to my property. I attach a "Google" image of the Wapping extension as it gives a much clearer perspective than the planning agent's two accompanying photographs, viz:- it is very clearly subservient to the main building (which is three storeys, not two as may be inferred from the photographs); the floor starts at ground level (the floor of the proposed extension starts higher than ground level); it is at the end of a terrace with no property

next door; it overlooks a public space and car park, beyond which is a sports field; it is situated on a narrow side street; and there is a very high garden wall adjacent to the extension (I would guess of three metres or more), which partly obscures the extension.

**2. Loss of privacy.**

The new plans show a tall window which appears to run from floor level and which, given that the floor level commences above ground level (there are steps up into the property) would result in it overlooking my property, looking into our utility room and over into our garden which, in fine weather, is used daily.

**3. Trees, shrubs and general landscaping.**

I note that the plan drawing for the proposed north, east and west elevations states "Proposed landscaping to be confirmed". I have the following comments:-

- a. The application states that no trees or hedges need to be removed in order to carry out the proposal. In my view this is incorrect – there is at least one tall conifer tree that would need to be removed.
- b. I believe that the positioning of some of the trees shown in the plans is incorrect. There is one tree incorrectly shown as situated in my property.
- c. There is a mature "prunus" tree on the boundary within the applicant's property (at the rear) which, when leaves appear, currently screens the existing property from my rear garden. I would like an assurance that this prunus is left untouched, to provide continued screening – albeit of a reduced amount (given the closer proximity of the proposed extension to my property).
- d. As mentioned at 3a above, at least one tree will need to be removed. I would like the Tree Officer to stipulate that the retained trees on site will be protected during construction, and that the conditions of BSI Standards Publication BS 5837:2012 will be adhered to.
- e. As stated in my objections to the previous planning proposal application, there is a very large sycamore tree just within the property pavement boundary. A very large part of the tree canopy spreads over my property (and over the pavement and road). I am concerned for safety reasons, as rotten branches have been falling in more recent years. I would not object to the tree's removal (subject to a solid retaining structure at our boundary) but I think the sycamore tree should at least be severely pollarded.
- f. The Design and Access Statement (at paragraph 4.1) mentions "a more spacious driveway with improved turning space." Given the difference in ground levels of the applicant's property and mine, I would require an assurance that any groundwork alterations would incorporate an adequate retaining structure so as to avoid potential subsidence at my boundary.

Yours faithfully,





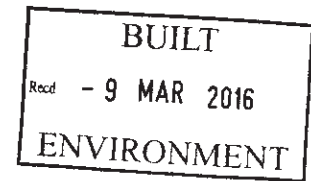


Google earth



ALTERNATIVE VIEW OF THE WAPPING EXTENSION  
REFERRED TO IN THE DESIGN ACCESS STATEMENT (PARA 3.)





Tracey Crews,  
Head of Planning,  
Cheltenham Borough Council  
GL50 1PP

4 March 2016

Dear Ms Crews,

**Planning application 16/00071/FUL - 166 Cirencester Road**

Thank you for your letter dated 25 February relating to the revised plans for the above application, which I have reviewed. While I am pleased to note the removal of the side window overlooking my property, I wish to re-confirm the other objections included in my letter dated 5 February 2016.

I wish to add the following additional comments:-

1. Currently, the north elevation of the existing property is the "front" of the house. It is a comfortable distance from my property, and has a degree of character. It is partly screened from my rear garden by the existing trees and shrubs, and is partly disguised by mature ivy, which reaches the roofline. The proposed north elevation wall, being much closer, will tower above the existing trees and shrubs.
2. The proposed north elevation will be an enormous plain wall, reaching 8 metres high at one end, will overwhelm my property and will be decidedly unpleasant to look at from my rear garden, which is used daily in fine weather. It is worthy of note that the same wall will be barely visible from the applicant's garden.
3. While I hope that the Planning Authority will *not* approve the proposed plans, if it should decide to do so - despite my (and the Parish Council's) current objections - can I ask that as an absolute minimum, some form of disguising of the wall is a condition of approval. The architect's panel suggested cladding. For example, I have viewed the new houses for sale at Barrington Lodge (further down Cirencester Road) and note that the top half of these new houses includes grey cladding, which appears to enhance, and to an extent disguise, the appearance of an otherwise plain wall. I suggest that something similar could be a condition of the north elevation wall of the proposed extension.
4. Finally, may I add that in June 2015, the applicant showed me some draft revised plans, which would have satisfied most of my concerns about the height, which I expressed in my objections to the original May 2015 planning application (and upon which Mr Ed Baker, the planning officer involved at that time, had commented adversely). The applicant's draft revised plans were to build the extension at a lower level (presumably with internal steps down from the existing property into the new), and to incorporate a hipped roof. I assume the applicant decided not to submit those draft plans, preferring to re-submit the current plans, which in terms of height, are similar to the original plans rejected in May 2015.

Yours sincerely, 



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<b>APPLICATION NO:</b> 16/00086/COU	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 23rd January 2016	<b>DATE OF EXPIRY:</b> 19th March 2016
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Stephen Zasikowski
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	4 Albert Street, Cheltenham
<b>PROPOSAL:</b>	Change of use from a residential 2/3 bed property into a 7 person House in Multiple Occupation (HMO) (retrospective)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a mid-terrace property on the west side of Albert Road, within the St Paul's character area of the central conservation area. The surrounding properties are very similar.

1.2 The application proposes the change of use of the dwelling to a House in Multiple Occupation (HMO). The accommodation comprises the following:

Ground Floor – 2 x bedroom, kitchen, living room, bathroom

First Floor – 4 x bedroom, bathroom

Second Floor – 1 x bedroom, bathroom

1.3 The rear garden area is laid to hardstanding and this provides storage for bins and bikes. There is an access lane to the rear.

1.4 The application has been referred to planning committee by Cllr John Walklett who has stated:

*“my and local residents concerns lie primarily in the fact that whilst guidelines suggest a level of 10% HMO's in a given area is acceptable the current level of between 22 and 23% recorded in the core St Paul's ward is unacceptable. In evidence I would quote from the recently agreed Cabinet report on Corporate Strategy for 2016/17 which states CBC objective of considering the feasibility of introducing both extended mandatory HMO licensing and Article 4 directions to combat the already significant case of community imbalance in the ward.”*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Smoke Control Order

### Relevant Planning History:

None

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 2 Residential character in conservation areas  
HS 3 Subdivision of existing dwellings  
HS 8 Houses in multiple occupation  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Central conservation area: St. Paul's Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework

**4. CONSULTATIONS**

**Building Control**

*28th January 2016*

No comment.

**GCC Highways Planning Liaison Officer**

*3rd February 2016*

The proposed change of use from a 2/3 bed house into a 7 person HMO will potentially increase the trip generation of the property, however given that the site is sustainably located within walking distance of the town centre and associated amenities and regular public transport links this will reduce reliance on private vehicle use. According to the application form there is one existing car parking space assumed to be in the back yard accessed from the rear lane and 3 motorcycle and 7 cycle parking spaces. Additional on-street parking is available however this would be limited in availability and subject to gaining a parking permit between 8am and 8pm. It is therefore considered that the opportunities for sustainable modes have been taken up, and given the site location adequate parking provision is available if necessary. Waste storage arrangements would be accepted to operate as per the existing house.

It is therefore concluded that although the HMO may result in an increase in trips and impact on the local highway network this would not be significant or severely affect highway safety and I recommend no highway objection is raised.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development.

It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

**Housing Standards Officer**

*12<sup>th</sup> February 2016*

This is an existing licensed House in Multiple Occupation meeting relevant housing standards and there are no adverse comments on the application/proposal.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>12</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** The application was publicised by way of letters to neighbouring properties, a site notice and a notice in the paper. 6 objections have been received which relate to the following issues:

- Concern about number of HMOs in area
- Impact on community
- Intimidation to neighbours
- Noise & Litter

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

This application seeks permission for the conversion of a house into a 7 person HMO, as described above. The conversion works have already been carried out.

Members need to be aware that the General Permitted Development Order grants blanket consent for houses to switch between use as a dwelling and use as a small HMO without the need for planning permission. The definition of a small HMO is one used by up to 6 occupants.

As such were this property to be occupied by one less individual planning permission would not be required.

Therefore the consideration of this application boils down to the impact of one additional resident within this HMO.

The relevant considerations are considered to be (i) Impact on neighbouring properties, (ii) Impact on Highway Safety, (iii) bin and bike storage arrangements.

### **6.2 Impact on neighbouring property**

The proposal does not involve any extensions to the property and therefore there would be no loss of outlook or privacy. The proposal will be used more intensively than it has in the past, however the 7<sup>th</sup> tenant is unlikely to result in any significant additional impacts in terms of general noise and disturbance. As such the proposal is considered to comply with policy CP4.

### **6.3 Access and highway issues**

As stated above no objections have been received from the Highways Officer. The site is sustainably located and has a rear yard which could be used for parking and bike storage. The Highways Officer concludes that although the HMO may result in increased trips, it would not result in a significant or severe impact on highway safety. The impact attributable to the 7<sup>th</sup> tenant would be even less significant.

As such the proposal is considered to be in compliance with policy TP1.

### **6.4 Bin and Bike Storage**

The proposal has no curtilage on its Albert Road frontage, however it does have a rear yard which has been allocated for bin and bike storage. It may also be possible to accommodate a car if necessary. This would have been the area used for such purposes when the house was in use as a dwelling house. The rear yard is accessible via a back lane meaning it would not be necessary to take bins and bikes through the house.

These arrangements are considered to be adequate.



## 6.5 Other considerations

The concerns raised by Cllr Walklett and many local residents appear to relate to the strategic approach of the Council to HMOs in terms of both planning and licensing. It may well be the case that the Council at a strategic level are considering the possibility of limiting permitted development rights through the imposition of an Article 4 direction. However this is not in place at this present time and as such no weight can be attached to this intention. It remains the case that it is simply the 7<sup>th</sup> tenant that triggers the need for planning permission. The fall back position of the applicant is to have one less tenant. The Officer view is that the impact of 7 tenants is not materially different to that of 6 and as such there are no reasonable grounds for withholding planning permission.

The Housing Officer has confirmed that the HMO has the necessary license already in place.

With reference to the retrospective nature of the application; whilst it is regrettable, members will be aware that it is not an offence to carry out works without planning permission and the proposal needs to be considered on its own merits.

## 7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the application is recommended for approval.

## 8. CONDITIONS / INFORMATIVES

No conditions as application is retrospective.

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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<b>APPLICATION NO:</b> 16/00086/COU		<b>OFFICER:</b> Mrs Emma Pickernell	
<b>DATE REGISTERED:</b> 23rd January 2016		<b>DATE OF EXPIRY :</b> 19th March 2016	
<b>WARD:</b> St Pauls		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Stephen Zasikowski		
<b>LOCATION:</b>	4 Albert Street Cheltenham Gloucestershire		
<b>PROPOSAL:</b>	Change of use from a residential 2/3 bed property into a 7 person House in Multiple Occupation (HMO) (retrospective)		

### REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

41 St Pauls Road  
Cheltenham  
Gloucestershire  
GL50 4ES

**Comments:** 4th February 2016  
7 people in a 2 bedroom house is too many.

The community has been complaining for several years about the number of unsuitable properties being converted to HMOs

CBC have committed themselves to action to limit the number of HMOs in recognition to the problems they often cause to the general community and immediate neighbours

March Mews  
Wellesley Road  
Cheltenham  
Gloucestershire  
GL50 4LD

**Comments:** 13th February 2016  
Although Cheltenham Borough Council has promised action on HMOs (student lets/house shares), limiting future restrictions, and implementing better controls on existing HMOs, they have not yet delivered this. This is a good opportunity to demonstrate community feeling on the issue. The number of HMOs in St Paul's is already too high, and above what is nationally considered to be the tipping point. This has already been recognised as causing problems in the St Paul's area. It has led to a community imbalance, population saturation and a lack of community cohesion. HMOs, especially those housing large numbers of people put a strain on community resources, such as parking, and produce large amounts of noise and rubbish. Due to limited space within the building, they are more likely to do their socialising outside, which disturbs the neighbours and creates litter. The greater number of tenants, the greater the strain on both the community and the tenants.

## Page 56

The application problem is compounded as it appears from the documents that the changes have already been made and that seven students are now in residence. What can the Local Authority do to correct this wrong??

13 St Pauls Parade  
Cheltenham  
Gloucestershire  
GL50 4ET

**Comments:** 10th February 2016

St Paul's residents have been complaining for several years about the effects of HMOs on the area and the community. These effects include a transient community, lack of community cohesion, and saturation of population to a large number of people per dwelling. There is a negative effect on the physical environment of the neighbourhood, as little pride or care is taken in the area by temporary residents who feel they have no stake in the area.

High density of occupation, as when small 2 bed houses are converted to 5+ way lets, leads to increased amounts of rubbish, pressures on parking, an increased level of car ownership and use. It also leads to increased levels of noise and anti-social behaviour. This is because these houses often (as in this application) do not offer the residents sufficient amenity space within the property for socialising. This means a lot of the tenants' socialising is likely to be done outside the property, either in the garden on the pavement, where the noise disturbs the neighbours, and litter such as cigarette butts and drink cans and bottles are often left on the pavement.

Cheltenham Borough Councillors and officers recognise these problems and have done so for some time, and have committed themselves to bringing in better controls of HMOs.

High density of occupation puts a strain on both the tenants of the property and on the surrounding community. The greater the number of occupants, the greater the strain. Seven adults is too high a level of occupation for a small house, which until last summer was a 2 bedroom family home. For this reason, I object to this change of use.

The owner of the house has installed a window on the first floor of the house at the front of the property above the door. This was not there when they bought the house in summer 2015, so the drawing submitted for 'existing plans' was inaccurate. There is no record of a planning application for installing this additional window, despite Albert Street being in a conservation area.

85 Brunswick Street  
Cheltenham  
Gloucestershire  
GL50 4HA

**Comments:** 12th February 2016

The concentration of student housing in St Paul's is becoming unsustainable and ruthless landlords are exploiting students' desire to live in the area.

Converting a 2 bedroom family home into a 7 way student let will not give decent living space and will not enhance the area.

Families are being priced out of the area due to the demand from investors as the returns from student lettings are so good because they can get 7 people into a 2 bed house.

Student lets are not required to register as HMO's which enables the landlords to get away with poor conditions and subvert council rules on concentration of HMO's in areas.

53 Swindon Road  
Cheltenham  
Gloucestershire  
GL50 4AH

**Comments:** 16th February 2016

St Pauls has a surfeit of HMO 's , another is against local and national advisory guidelines . This change of use will have a detrimental effect on local neighbourhood and surrounds.

Also one must be concerned on the humanitarian impact of 7 residents in such a small unsuitable dwelling .

89 St Pauls Road  
Cheltenham  
Gloucestershire  
GL50 4HY

**Comments:** 25th February 2016

I would like to add my support to the comments objecting to this application.

There has been no action on HMOs, no restrictions, and no controls on existing HMOs. In an act of pure cowardice our local MP recently voted against the proposed amendment to the Housing & Planning Bill back in January, citing councils as the ones responsible for ensuring habitation standards are met. Who is going to take responsibility for the safety and security of our residents if our government, MP, council and private sector are either not interested or obsessed with blaming each other?

The number of sardine developments in St Paul's already makes servicing the area unmanageable as evidenced by the need for the recent parking controls and weekly bin collections introduced into the area. There are too many people, not enough space and no control over these regulations.

This 'overdevelopment' issue has been recognised by the community as causing problems in the St Paul's area for a number of years and has been a constant ambience to all the other issues faced by the residents. The problem is not just a political one, but environmentally unsound and socially irresponsible.

As I am having to comment on a retroactive planning application it seems a shame, especially as if permission was not to be granted then the only real victims would be the tenants. By allowing this permission to be granted retrospectively I believe CBC is setting a dangerous precedent for St Paul's whereby developers will see the area, town and council as a soft touch - a place where it is easier to ask for forgiveness than permission.

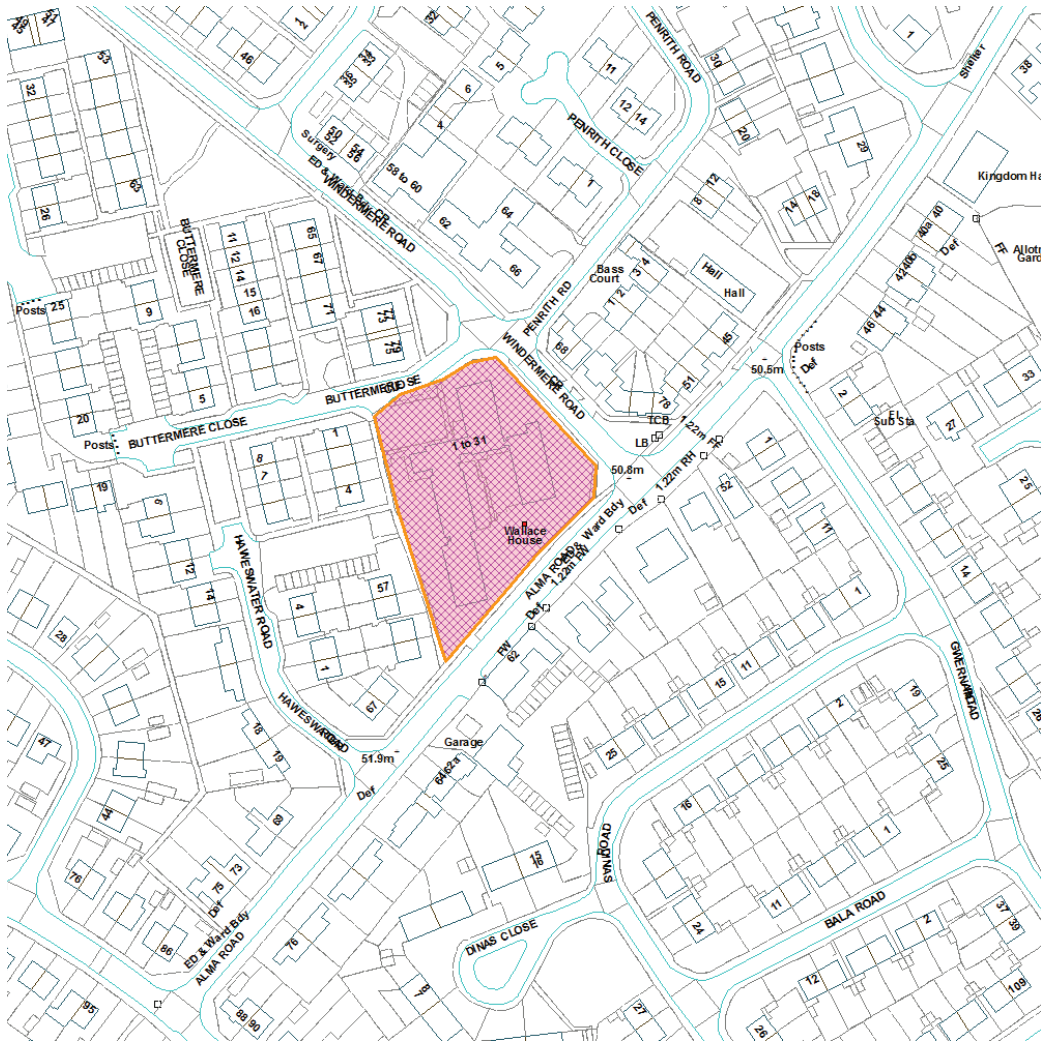
Shame on those involved in this continuing farce of placing profit about people.

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<b>APPLICATION NO:</b> 16/00161/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 16th February 2016	<b>DATE OF EXPIRY:</b> 12th April 2016
<b>WARD:</b> Up Hatherley	<b>PARISH:</b> Up Hatherley
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes
<b>LOCATION:</b>	Wallace House, Buttermere Close, Hatherley
<b>PROPOSAL:</b>	Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points and erection of fencing

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Wallace House is a 1970's Sheltered Accommodation complex located within Up Hatherley parish. The site is managed by Cheltenham Borough Homes and comprises 31no. flats.
- 1.2 The application proposes the provision of a purpose-built mobility scooter store with 6no. individual secure compartments with charging points. The structure would be 1.8m deep by 7.3m wide, and would be vertically timber clad with a curved mono-pitch aluminium clad roof, rising from 1525mm on the boundary to 2100mm within the site. A timber fence enclosure is also proposed.
- 1.3 The store would be sited on a concrete base adjacent to a footpath which runs between Buttermere Close and Alma Road, which is fronted by residential properties. The location of the proposed timber fencing has been amended during the course of the application and would now be installed on the inside of the existing hedging which forms the boundary.
- 1.4 The application sets out that at present mobility scooters are being stored in the communal lounge. This was highlighted as an issue in a Fire Risk Assessment carried out in 2010.
- 1.5 The application is before the planning committee as Cheltenham Borough Council is the applicant, and owner of the land.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None of any relevance to this application

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Parish Council**

*5th February 2016*

We are sympathetic to this application but realise there may be objections in which case please let us know what they say.

## **Wales and West Utilities**

*11th February 2016*

Wales & West Utilities acknowledge receipt of your notice received on 08.02.2016, advising us of the planning application and proposals at: Wallace House, Windermere Road, Cheltenham, Gloucestershire, GL51 3PF

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 34 properties. No representations have been received in response to the publicity.

## **6. OFFICER COMMENTS**

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the design and appearance of the proposed mobility scooter store, and amenity.

### 6.2 Design

6.2.1 The proposed mobility scooter store is utilitarian in appearance and would be located to the rear of the site and enclosed within a new timber fence enclosure; the design and materials of the building are considered appropriate for its function, and in this location. The store would provide a formal solution for the storage and charging of mobility scooters.

### 6.3 Amenity

- 6.3.1 The height and location of the proposed store would not result in any significant harm to the amenity of residents or the wider locality. No objection has been raised by the parish council or local residents.

## 7. CONCLUSION AND RECOMMENDATION

7.1 With the above in mind, the recommendation is to grant planning permission.

## 8. CONDITIONS

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice, the accompanying metroSTOR PSM in-line scooter store specification (PSM-6 Class 3), and the revised fencing detail.

Reason: For the avoidance of doubt and in the interests of proper planning.

## INFORMATIVE

1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.