

## Planning Committee

6.00 pm, 21 July 2016

### Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Chris Nelson
Councillor Bernard Fisher (Vice-Chair)	Councillor Louis Savage
Councillor Paul Baker	Councillor Diggory Seacome
Councillor Mike Collins	Councillor Pat Thornton
Councillor Colin Hay	Councillor Simon Wheeler
Councillor Karl Hobley	Councillor Chris Coleman (Reserve)
Councillor Adam Lillywhite	Councillor Peter Jeffries (Reserve)

### Officers in attendance

Tracey Crews, Director of Planning (TC)  
 Martin Chandler, Team Leader, Development Management (MJC)  
 Craig Hemphill, Principal Planning Officer (RCH)  
 Michelle Payne, Senior Planning Officer (MP)  
 Emma Pickernell, Senior Planning Officer (EP)  
 Chris Chavasse, Senior Trees Officer (CJC)  
 Nick Jonathan, Legal Officer (NJ)

#### 1. Apologies

Councillors Sudbury, McCloskey and Oliver.

#### 2. Declarations of Interest

**16/00969/FUL** Garage Blocks, Kingsmead Avenue

**16/00971/FUL** Land at Newton Road

**16/00972/FUL** 47 Beaufort Road

Councillors Jeffries – is cabinet member with responsibility for Cheltenham Borough Homes (the applicant) – will leave the Chamber during these items.

#### 3. Declarations of independent site visits

**16/00797/COU** 2 Courtenay Street,

**16/000911/COU** 43 Courtenay Street

**16/00989/FUL** 13 Merlin Way

Councillor Nelson

**16/00972/FUL** 47 Beaufort Road

Councillor Savage

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 29<sup>th</sup> June 2016 be approved and signed as a correct record *with the following correction:*

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~~CH: ...It is helpful that CBC has given a license for this HMO to operate with eight residents, as Members will be able to see the reasons given which will help...~~

to be replaced with:

**CH:** ...It would be helpful if Licensing was to liaise with Planning when giving a license for an HMO to operate with eight tenants, as Members will be able to see the reasons given which will help...

## 6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications and Tree-related applications

### 7. 16/00797/COU 2 Courtenay Street

Application Number:	<b>16/00797/COU</b>
Location:	<b>2 Courtenay Street, Cheltenham</b>
Proposal:	<b>Change of use from a 5-bedroom shared house to a 7-bedroom house in multiple occupation</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>11</b>
Update Report:	<b>None</b>

**EP** introduced the application as above, reminding Members that it was deferred from last month's meeting; the applicant has now withdrawn the dormer window element of the application, which will now be dealt with separately. The additional rooms are created by using the basement and sub-dividing a first floor bedroom. A six-bedroom HMO does not require planning permission; it is the seventh bedroom that triggers this application. The application is at Committee at the request of Councillor Walklett, and the recommendation is to permit.

#### Public Speaking:

##### Mr Norvill, applicant, in support

Purchased the property in March this year. It has always been an HMO, previously let in an unlicensed, unfit and hazardous condition, with dangerous boiler, condemned electrics, and serious damp problems. Intends to refurbish the property to a high standard, making it a safe and properly managed HMO. Has an excellent relationship with the council's housing standards officers, having dealt with them for over ten years; they have visited the property and support the accommodation. The application is for change of use from a six-bedroomed to a seven-bedroomed HMO; realises that consent is not needed for six bedrooms, but this house can easily accommodate seven people, with a spacious lounge, large separate kitchen with plenty of units and worktop, two shower rooms, three toilets, and all bedrooms above minimum size set by housing standards. Is an experienced landlord, managing his properties closely himself and living only five minutes from the property, so can ensure tenants have a hassle-free stay in return for which he expects them to look after the property and respect the neighbours and local community; makes regular visits to ensure this is the case, with parents acting as guarantors for student tenants. Supports community activities and has always had good relationships with neighbours of his properties; is regularly complimented on how well his properties are managed and already knows the neighbours of 2 Courtenay Street who have no objection to this COU. The University of Gloucestershire is expanding and an asset to the town; first-year students will be looking for good-quality second and third year accommodation, which is currently in short supply, and could become a serious issue for the University – last year, some students were forced to take up emergency accommodation due to the lack of private housing. His investment in this property will help keep this part of Cheltenham respectable and presentable, where many properties have become run-down and neglected in the past.

#### Member debate:

**DS:** on Planning View, viewed the top bedroom and was concerned about the ceiling height at the apex; it may comply with standards, but is too low for an above-average height

person. Also remains concerned about how residents would get out in an emergency, particularly from the attic room.

**CN:** commends the applicant on his professional and well-executed pitch. Has similar reservations to DS, but if the dimensions comply with guidelines and officers are happy, will go with the officer recommendation. Notes the number of objectors to this and to the application at 43 Courtenay Street – the body of evidence is to do with the policy issue, and there will be a review of HMOs in the forthcoming Cheltenham Plan. It would be good if all the objections are captured for discussion of the issue for the Plan – hopes this will be done, as there are some very valid observations.

**KH:** also echoes DS's comments. Was not on Planning View this month, but being over six foot tall, thinks some students would find the loft room without a dormer window something of a. Apart from this, still feels that the application as presented represents 'over-massification' of accommodation in a small housing unit. Respects that changes of use occur over time, and the applicant's desire to do what he wants with his property, but the cumulative effect of these types of application is enough to sway him not to support the proposal. Agrees with CN's comments about the letters – there are a significant number objecting to this and the other Courtenay Street application.

**PB:** can see that this application would be tricky to refuse – on what grounds? Commends the applicant – we need more respectable HMO owners around the town; a lot of landlords are not, and HMOs have bolted in St Paul's. Is therefore a reluctant supporter of the proposal, and hopes that officers are taking on board what is happening in the town; most landlords are looking to improve standards, and this one has already done so, but there are many who haven't.

**MC:** echoes other comments. Has heard that this application is in line with current local requirements but is it in line with national university standards. Would like all landlords to comply with the same standards, as set out in the British University Guide.

**CH:** agrees with most of the other councillors who feel that the situation of not having a policy to protect St Paul's will lead to problems. With the slippage of the JCS and the Local Plan, there may be time to address the issue, but the question is whether St Paul's has that time. The application proposes one extra bedroom being created by splitting one larger room, as a result of which the rooms on the left more or less match the rooms on the other side of the house, making it difficult to argue that the rooms are too small. Is in total agreement with other members that St Paul's is suffering from over occupation, but we do not have the policies at the moment to do anything about this. Is therefore minded to permit, as the house could have six tenants without planning permission.

**PJ:** everyone is aware of the ongoing issues in St Paul's, but this applicant has been working with planning officers to find a good way forward. Takes on board KH's point about British University standards, and hopes for a policy regarding HMOs in the Cheltenham Plan. Regarding this application, however, for one additional bedroom, is hoping for reassurance from officers regarding the safety concerns raised.

**GB:** appreciates the need for accommodation, and understands that this meets local requirements. However, regarding the loft space, agrees with DS and wouldn't want to see his child trying to study in that space. It is all about standards – we do enough to meet them but sometimes could do that bit more to make living conditions more comfortable for tenants – and that has not been done here.

**EP, in response:**

- the main point of concern – the loft – is an existing room in this HMO. The two new rooms are the basement and the divided first floor front room;
- regarding the status of the loft room, it has building control approval from 1994, when fire regulations would have been looked at. Licensing officers have been there and on site,

and the housing standards officer went through the proposal and confirmed that all the rooms comply with local floorspace standards;

- in view of this, we would be hard pressed to find a valid reason to refuse.

#### **Vote on officer recommendation to permit**

10 in support

2 in objection

1 abstention

**PERMIT**

#### **8. 16/00911/COU 43 Courtenay Street**

Application Number: **16/00911/COU**

Location: **43 Courtenay Street, Cheltenham**

Proposal: **Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **3** Update Report: **None**

**EP** introduced the application, which was deferred at last month's Committee to allow Members the opportunity to do a full site visit, to include the inside of the house. It has been operating as an 8-bedroomed HMO for seven years, with a license but without planning permission. Officer recommendation is to permit. It is at Committee because officers consider it comparable with the application at No. 2 Courtenay Street.

#### **Public Speaking:**

##### **Mr Cooley, applicant, in support**

Speaks as the owner and applicant for 43 Courtenay Street, which complies with all HMO requirements, has been relicensed three times, complies over and above with fire regulations and with University of Gloucestershire guidelines, and is on the university's list of accredited accommodation, as safe, well-maintained and affordable property, in a safe environment. Many students return for a second year, and there have been no complaints. The planning department's recommendation of refusal relates to the wider issue of the number of HMOs in the street, but has personally been managing houses for ten years, has much experience and has made positive changes, with improved storage, parking and rubbish disposal. Students in the area add to the rich mixed and vibrant community, and have positive relations with the community, together with landlord owners. Retrospective planning permission was granted earlier this year for a seven-bedroomed HMO in Albion Street; his application is not looking to increase the number but to regularise the HMO that has been in place for seven years, and continue to provide good quality, well-managed and affordable student accommodation.

#### **Member debate:**

**SW:** was horrified when he saw the proposed numbers and front of the house last month, but was actually quite pleased when he looked inside the house on Planning View this month – apart from one of the rooms on the ground floor. Does not have too many concerns now, although the basement rooms, even with the windows wide open, still had a damp smell. Was struck that the house is being well-managed, but although students will put up with a lot, an eye needs to be kept on this.

**MC:** it was very useful to look at the inside of the house – was impressed by the well-maintained and mainly acceptable accommodation. Remains concerned with the smallest room, which seems only to be compliant with standards by having cupboard space elsewhere in the house – if this makes it compliant, it is slightly ridiculous.

**CN:** his previous comments on 2 Courtenay Street still apply with reference to the Cheltenham Plan. Is bemused that the property has not had planning permission yet has been licensed for seven years; would have thought that if the landlord has 17 properties, he would have known about the need for planning permission. Where does this type of application sit with the rule that if changes or development have existed for four years without planning permission, there is no need to apply?

**EP, in response:**

- the four-year rule applies to new buildings and use of properties as dwellings. Otherwise, it requires ten years for retrospective applications.

**Vote on officer recommendation to permit**

10 in support

2 in objection

1 abstention

**PERMIT**

**9. 15/02131/FUL Land off Sandy Lane**

Application Number:	<b>15/02131/FUL</b>
Location:	<b>Land off Sandy Lane, Charlton Kings</b>
Proposal:	<b>Construction of a low contoured earth flood bund in the grazing meadow to the south of Southfield Manor Park. Its purpose being to intercept and attenuate out of channel flow from Southfield Brook and overland surface water run-off from the Cotswold escarpment. In addition, a second smaller earth bund is proposed immediately south of properties in Hartley Close. The proposed scheme provides the benefit of reduced flood risk to properties in Southfield Manor Park, Hartley Close and Sandy Lane.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>None</b>

**RCH** introduced the application as above, adding that the site is in the AONB, at Committee because the applicant and proposer is CBC. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**PB:** this is his patch, and YouTube videos of recent heavy rainfall show Sandy Lane like a river, with water coming down from the golf course and the scarp. This scheme will be a real benefit, protecting the homes and gardens of residents. Would like to thank the officers involved, as this has taken a lot of officer time, particularly the second scheme for drainage.

It will be a real improvement, and looks forward to the Lilley Brook Golf site scheme later this year.

**PJ:** also supports the application – any mitigation of flood water is good. Notes that the report refers to planning for a 1-in-100 year flood event, plus 10%, as recommended by the Environment Agency, but we have had two 1-in-100 year events quite close together. Can officers give some clarity?

**BF:** this is a reasonable scheme, but as some residents have commented, we should remember that this is only a way of deflecting the water – it will go elsewhere and could cause further problems. The YouTube video is certainly startling and frightening. There was concern that the bund at Cox's Meadow was not doing its job properly and water was leeching through; the same could happen with this scheme, though the Environment Agency has looked at it, so hopefully it will work properly.

**MC:** anything to prevent flooding is a good thing. Could not have determined this application without going on Planning View, and hopes it will do what it has to do. Notes that CBC is the proposer and applicant; is CBC paying for the work to be carried out? This needs to be public and clear.

**CN:** supports anything which will help stop flooding in Cheltenham, so in principle, it is a big yes for this scheme. Has heard that local residents were affected by a flash flood last month, and following the development of 205 Leckhampton Road in his ward, water rushes off the hill, mitigation measures don't work, and the water affects properties in Collum End Rise. Similarly at Brizen Lane – the TBC development – removal of top soil at the site has caused local flooding. These are just two examples off the top of his head. It would be nice to find a way to improve flood defences and make them more sustainable. The weather is changing and we need to be sure that solutions will work for the area they are designed to protect without having knock-on effects elsewhere. Would like some reassurance from officers on this.

**CH:** councillors need to understand that this is a scheme for flood attenuation – not to re-route the water but to hold it back to allow drains more time to cope. High rainfall in a short time period can cause flash flooding, which will quickly be gone. This scheme aims to hold back the water, no more. The Environment Agency is working to slow down rivers - for example, by allowing little floods and trees to fall across waterways. As long as the alleviation scheme slows down the flow of water, it is doing its job. Is concerned over the ash tree and hopes it will be protected, even though it might later suffer from ash die-back. It would be nice to see some imaginative landscaping around the bunds – Cox's Meadow is quite nice, and although it was a shame to lose that field for the town, the flood alleviation work has saved many houses from flooding, but holding back a huge amount of water. Wonders if willow could be planted rather than a grass bank, to make sure the scheme is done nicely.

**PT:** there is talk of bringing wild beavers back into the north of the country to take down trees to form dams across rivers etc. Planting can also be used to ameliorate and alleviate the effect of water so it doesn't get down as far as it could but stays higher up – though in some areas of severe flash flooding, there isn't much time...

**RCH, in response:**

- to PJ, preparing for a 1-in-100 year event is set out in guidance as a goal for any flood alleviation scheme to achieve, but this scheme is actually modelled on a 1-in-200 year event and would be successful at that level;
- to BF, CH has answered his question – it isn't about deflecting floodwater but about attenuation and slow release when the drains are able to cope;
- to MC, regarding the cost of the work, DEFRA is the largest contributor, with GCC and CBC also sharing the cost. Maintenance will be included in the management strategy and should not be very expensive;

- regarding the ash tree, it could be impacted so a condition could be added to remove and replace it, should Members wish.

**CJC, in response:**

- there is provision for the retention of the tree during the construction period, but it will not like a lot of soil on its root plate;
- as CH has said, it would be vulnerable to ash die-back – has heard that there are cases of the disease at Seven Springs – so maybe the best option would be to replace the ash tree now.

**RCH, in response:**

- to CH, grass meadow is considered the most robust way to maintain functionality and ensure that the scheme operates as it's meant to, but a condition to protect the trees could be added.

**SW:** protection for the ash tree might not work, so would it not be better to remove and replace it rather than spend money trying to protect it?

**CJC, in response:**

- yes, it would. Recommends that the tree is removed.

**Vote on officer recommendation to permit, with additional condition re. ash tree**

14 in support – unanimous

**PERMIT**

**10. 16/00499/FUL & LBC Lypiatt Lodge, Lypiatt Road**

Application Number:	<b>16/00499/FUL &amp; LBC</b>
Location:	<b>Lypiatt Lodge, Lypiatt Road, Cheltenham</b>
Proposal:	<b>16/00499/FUL: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)</b>
	<b>16/00499/LBC: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme)</b>
	<b>Internal refurbishment and upgrading</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

**MP** introduced the application as above, for planning permission and listed building consent. It was deferred in May to allow further discussions on design, size, and additional information on the tree protection. A tree survey has been produced, together with a management statement, and a revised plan which omits the paving near the tree, making the scheme broadly acceptable from a tree perspective. However, the footprint, massing and size of the proposal has not been reduced, and the recommendation therefore remains to refuse.

**Public Speaking:**

None.

**Member debate:**

**MC:** has now visited this property twice and can understand what the applicant is trying to achieve, but does not think this scheme is acceptable. The applicant has received advice from planning officers but not taken this on board. Will not support this application.

**KH:** shares MC's reservations. Visited the site on Planning View; has sympathy with the current use and what the applicant is trying to achieve, and is therefore sad not to be supporting it, but is trying to do the right thing and is not convinced that this is it. Used to live opposite the site, which adds to the amenity of the locale – a very attractive building with an important story to tell, as reflected by its listed status. The existing building tells its story better than it will with the proposed changes in place. We have a special duty to care for buildings of this kind, with significant histories, and the proposal doesn't take account of this. It is disappointing and regrettable that the applicant wasn't able to bring forward a proposal which planning officers felt able to permit.

**PB:** did the Architects Panel and Civic Society comment on the scheme?

**CH:** supported the application last time. Understands what Members have said, but looking at various buildings around town (including the Municipal Offices) the fronts often look fantastic but the backs don't - historically, architects focussed on the fronts. Did not go on site visit, but doesn't think that what is being proposed is so bad, especially as what is currently there isn't brilliant. Understands that the design could be better but feels that providing space for the residents is more important.

**PT:** is minded to support the application. Can see what the applicant wants to do. If the proposal was to stick a big chunk on the back of an untouched house that would be different, but so much has been done already, it's difficult to see how this will make it worse. If anything, the proposal tidies the back up a bit; the south-west elevation will look better than it does now.

**BF:** goes with officer comments, and cannot support the application. A lot has been added to this building over the years, and the car park and paving slabs mean that there is virtually no garden at the back for a substantial Grade II-listed house. The current use of the building is immaterial – it may change – and too much has been done to the building already. The conservatory and stairs at the back look horrific, and the result would not be in line with other properties in Cheltenham. We live off our heritage in this town, and don't want to spoil it.

**CN:** this is a good example of listening to the debate and changing opinion accordingly. It's a shame there is no speaker in support tonight. Has sympathy with MC, BF and KH but has stronger sympathy with PT and CH and is minded to accept. Lives in Tivoli and walks past this building regularly. Likes the front very much, but never actually sees the back. Was touched by the letter of support; BF is right that this building may not always be care home, but if the lives of those currently living there can be improved by these alterations, is minded to approve.

**SW:** is being pulled both ways by the debate. Quite frankly, the back of the building is a total mess and if something is going to be done, agrees with PT to some extent that the proposal will be a marginal improvement – but that is not good enough. Work to a listed building should be more than 'making it not as bad as it was'. Maybe another wing would be more acceptable, but if something is to be done, it should make it better, and balanced. A return to the original building is the best scenario; that cannot happen, but he cannot support the application as it is – it should be substantially better.

**AL:** could easily go either way with this. Quite likes the back of the building, but the issue for him is more that there is no huge benefit for the further erosion of the garden, which could also benefit the residents considerably. A lot of points made tonight balance each other out, but for him the erosion of the garden tips the balance.



**PB:** the applicant spoke passionately last time about the significant benefits to the residents that this proposal will have. All design is subjective; notes that the Civic Society has made no comment and the Architects Panel is ambivalent. Does not consider the objections significant enough to warrant a refusal, and the benefits outweigh them. It will be a good thing if the tree can be saved – this is a benefit of having deferred the decision in May.

**PT:** in the negotiations and conversations, how much change was asked for? As CH has said, historically the backs of buildings were not particularly important. Was the recommendation to refuse on a knife edge?

**CC:** would also like to know the answer to that question, agreeing that there is a difference between the front and back of buildings – the Municipal Offices being a good example. Attended the committee meeting in May as an observer and heard the applicant speak and the detailed debate that followed. Having read the papers, could go either way with this application, but is inclined towards supporting it, in view of the public benefit it will bring. What would we like to see changed in the scheme? If we don't like the back of the building, what would make it better? Members could give 14 different opinions on that. What more can be done? This is his view at the moment: can accept the proposal as he sees the benefits.

**BF:** people are talking about benefits, and saying the residents will have a better standard of life, but this cannot be quantified; all that can be said is that there will be more space in the building. We work to planning guidance and rules. What the building is used for is not a planning reason. It is a Grade II listed building, and what is proposed at the back doesn't sit well with a Grade II listed building.

**PT:** the Architects Panel seems support her view. How much of the design detail has changed on officer advice since the last meeting?

**KH:** at the risk of putting an unpopular view, would like to speak in defence of the existing rear of the building. Leaving aside the current use of the building as mentioned by BF, would say again that architecture is about telling a story, and although the back is not as attractive as the front, there is some attractiveness in what it is. The proposed extension has laudable aims, but would be a piece of pastiche tacked on the back, and we have special responsibility to protect these buildings regardless of what they are being used for.

**MP, in response:**

- negotiated with the applicant's agent. The suggested revisions would not have reduced the usable floor space, but would have been more modern and clearly read, with a flat roofed parapet.

**CH:** at the meeting in May, the applicant spoke about the benefits the proposed changes and extra space would have for people with Alzheimer's. The case was well argued, and to say the proposal is 'just a bit of extra space' diminishes it; the extra space would make a significant difference to residents. Officers are prepared to accept the extra space, but would like a design which would be acceptable to the local authority. Is now in real difficulty; if the application tonight is refused, and the applicant comes round to a design which everyone is comfortable with, is minded to refuse.

**GB:** as officers have said, they are not trying to diminish the size of the extension, just the design.

**CC:** is there any prospect of getting to a point where we have that application before us? Is it worth asking for or not? Agrees with CH in principle.

**LS:** has been at committee meetings where particular consideration has been given to the circumstances of the application – such as modifications for a disabled resident – which all Members thought was OK. Members should give special thought to the interests and

circumstances of the residents of Lypiatt Lodge. Disagrees with the officer recommendation. Supports the application.

**MP, in response:**

- the applicant was at the May meeting and heard the debate and Members' suggestions, but made not attempt to address these. Is not confident that they would make the alterations next time.

**Vote on officer recommendation to refuse**

7 in support

8 in objection (including Chairman's casting vote)

**REFUSE**

**11. 16/00969/FUL Garage Blocks, Kingsmead Avenue**

Application Number:	<b>16/00969/FUL</b>
Location:	<b>Garage Blocks, Kingsmead Avenue, Cheltenham</b>
Proposal:	<b>Construction of 4no. three bedroom houses and provision of 8no. parking spaces with 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>Highways comments</b>

**EP** introduced the application as above, for two pairs of semi-detached houses with parking and gardens on the 5-metre strip to the side of Rhodesia House. The remainder of the site will be landscaped. Officers consider it a good use of the site, and the recommendation is to permit. It is at Committee because Cheltenham Borough Homes is the applicant.

**Public Speaking:**

**Mr Gould, neighbour, in objection**

Lives at No. 5 Kingsmead Avenue, and while having no particular objection to the building of new homes or use of this land – considers it a good addition – has concerns about the boundary treatment. On the western finger of the site, there is currently an 8-foot metal fence between the site and Rhodesia House, for good reason. The plan is to replace this with a 6-foot close board which is not like for like, and gives rise to safety concerns. In addition to this, has had issues with the whole process – Members will have seen his letter – which has been neither transparent or well managed.

**Member debate:**

**SW:** the blue update is slightly confusing – what does 'NMU' stand for, and 'best placed on the left' would be better described as 'north north-east of site'. Other than that, is quite happy with the design. It seems a reasonable number of properties for a plot this size and in a high-density area of the town.

**BF:** supports the application - this piece of land has been empty for years. Very much likes the green wall, which gives life to the area around. We need this sort of housing in the town.

**CH:** will support the proposal but has a couple of issues. The Civic Society has described the scheme as 'uninspired'. There will be more garage sites coming through in the future, and we should try to get this issue addressed – maybe suggest to CBH that it discusses its proposals with the Civic Society to come up with more important designs? This is really

important – it's currently easy to spot council houses, and although a simple design may be cheaper and easier to maintain, a discussion would be useful and help make the town look better. The outside appearance is particularly disappointing as these houses are first class on the inside, built for life.

Secondly, the issue of the fencing. This is a major concern in Oakley – it's like pulling teeth getting CBH to take residents' concerns on board and make any changes. Supports CBH and all it is doing but wishes it was better at discussing issues with its neighbours and tenants. Realises this isn't a planning reason to object.

**GB:** TC has confirmed that she will speak to CBH about this.

**PB:** agrees with CH, and regrets that no-one from CBH is here to hear the comments. The concerns raised by the neighbour must be addressed. To make it clear, his comments related to CBH and its lack of engagement, not to planning officers. Hopes for discussions with the neighbours, and that CBH and planners will consider their concerns.

**CN:** supports CH and PB. It is important to involve the Civic Society more rather than less, to help evolve some more inspiring designs. It's a shame that no-one from CBH is here to hear the comments, and also that PJ has to leave the Chamber during this debate – does not like this approach, as he would gain a great deal if he could listen to what other Members have to say. He can and should contribute to the debate – the Localism Act encourages more involvement from Councillors, and does not like it when expert councillors feel they have to leave the Chamber. Can the legal officer confirm that this is necessary.

**BF:** would just point out that Mrs Salter of CBH is always **16/00971/FUL** in the public gallery when CBH applications are being discussed, listening to the debates and taking note. It would help ensure CBH presence if CBH applications could be considered earlier in the meetings.

**NJ, in response:**

- understands CN's concerns, but PJ took advice, having a 'vested interest' in the CBH applications. Legal advice was that it would be best if he did not take part in the debate, but ultimately the decision was his.

**GB:** the Council approved the Code of Conduct which gives guidance on these matters. PJ has taken note and chosen not to be in the Chamber. This could be looked at again, but is not really relevant to consideration of the applications tonight.

**AL:** supports the scheme, and likes the sense of space and the fact that there is no attempt to cram in too many houses. Agrees that a bit more imagination in the design would be nice. Can we add a condition to make sure that the matter of the fence is dealt with?

**EP, in response:**

- there is currently metal fencing between the site and the amenity space at Rhodesia House. The plan shows timber fencing in that area, with the remainder of the boundary – including the part abutting the speaker's garden – conditioned to remain as it is;
- regarding the height of the fence between the application site and Rhodesia House, a condition is attached to ask for more information;
- officers will ensure that CBH will take Members' comments on board;
- to SW, the NMUs referred to in Highways comments on the blue update are 'non-motorised users'.

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

13 in support – unanimous

**PERMIT**

**12. 16/00971/FUL Land at Newton Road**

Application Number:	<b>16/00971/FUL</b>
Location:	<b>Land At Newton Road, Cheltenham</b>
Proposal:	<b>Construction of 2no. two bedroom flats and 4no. one bedroom flats and provision of 8no. parking spaces with 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>None</b>

**MP** introduced this second CBH application for a three-storey building to create six dwellings, with eight car-parking spaces and bin storage. The site is an unattractive panel of land, with underutilised sheds and bin storage, owned by the Council

**Public Speaking:**

None.

**Member debate:**

**CC:** this application is in Hesters Way ward, but backs on to Elgar House in his own ward of St Mark's. It is an imaginative use of space to provide much-needed accommodation, with no loss of amenity space as a result. The previous speaker mentioned CBH's lack of willingness to engage in public consultation, but would say it has made a good effort here, with a high level of consultation. As ward councillor, would like to pass on grateful thanks on behalf of residents to CBH for its willingness to engage.

**Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

**13. 16/00972/FUL 47 Beaufort Road**

Application Number:	<b>16/00972/FUL</b>
Location:	<b>47 Beaufort Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Construction of 2no. three bedroom houses and provision of 4no. parking spaces with associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>Additional representation</b>

**EP** introduced this third CBH scheme, which involves the demolition of a garage block. The house has already been demolished for the safety of the road. The proposed houses will follow the line of existing dwellings, with parking space and gardens, making good use of the site. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**LS:** this is an excellent proposal. Knows the area well, and the garages here are in a poor state of repair. It is the sort of brownfield site we should be developing. His only concern is the potential loss of parking – Beaufort Road is something of a rat run between London and Cirencester Road to Hewlett and Hales Road – but it is a good scheme and will therefore support it nonetheless.

**CH:** would say the same re the design as previously, but the way in which CBH is developing the site is brilliant.

**SW:** is glad to see parking spaces out in the open. Not long ago, they were always stuck out of the way, which could lead to problems. It is good that in all the CBH schemes tonight, parking has been to the front where residents can see and be seen.

**Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

**14. 16/00888/FUL Unit 1, Naunton Park Industrial Estate**

Application Number:	<b>16/00888/FUL</b>
Location:	<b>Don Waring, Unit 1, Naunton Park Industrial Estate</b>
Proposal:	<b>Construction of 2no. B1 light industrial units following demolition of existing buildings (Units 1 &amp; 2)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>8</b>
Update Report:	<b>Additional condition</b>

**MP** introduced the application as above. Members will remember a planning application for a similar scheme following demolition of Unit 3, in April 2015. The proposed units will have a utilitarian appearance, similar to Unit 3, and the application is at committee at the request of Councillor Sudbury, on account of neighbour concern about traffic and amenity. The recommendation is to permit.

**Public Speaking:**

**Mr Malvern, on behalf of neighbours**

This has been an on-going and long-running planning issue for three years now. Is not opposed to redevelopment of this tatty site, but for the fourth or fifth time of asking, neighbour responses to the various proposals reveal numerous objections and varied strong opposition. This application added to the previous one is out of scale in comparison to the original buildings' scale and height; it will be overpowering and oppressive in relation to the homes on Asquith Road, as Members will have noted on their site visit. Neighbours will have no control over who will use the units; some tenants' operations will clearly disturb the neighbours. If the application is permitted, working time restrictions should be clearly in place in line with Environmental Health recommendations. There was a special additional condition in the previous application to ensure that the large doors are open for deliveries only and at no other times. Prospective tenants should be informed of this by the landowner before they sign the lease – this should be attached to the condition in the planning permission. If approved, can the maximum height and footprint be recorded and published so that small-scale drawings cannot be misinterpreted? It would be appreciated if the planning department can write to neighbours setting out these final details and conditions for

this and the previous application, to avoid any disagreement in the future about what has been permitted.

**Member debate:**

**PB:** KS would speak very passionately about this proposal if she was at Committee tonight, but it is difficult to see any reasons to refuse. There was much debate about scale and opening hours with the last scheme, but we do need modern industrial units and this scheme tidies up an untidy site. The best thing we can do for residents is ensure there are sufficient conditions regarding the hours of use and add as many protections as possible. It is important that residents make sure these are complied with and keep in touch with the enforcement team, who will also do their best to ensure compliance. If this can be guaranteed, will support the application.

**GB:** there is an advisory note about the owner/type of business the site should be used for – can this be made into a condition?

**PJ:** this is a tough one – the balance between residential and industrial/employment land use. It would be good if the two can exist in harmony, although there are usually complications – but we do need employment sites. Do the conditions on today's blue update mirror the other conditions on the site?

**MP, in response:**

- regarding the advisory from Environment Health, this is as suggested last time as a result of the debate;
- regarding type of tenant, the report sets out that B1 use is one capable of being carried out in a residential area without detriment to neighbours' amenity. It is not necessary to know who the end user will be. This will be covered in an informative;
- to PJ, all the conditions which were attached to the previous application will be attached to this one.

**CC:** the speaker suggested that, given the contentious issues and possible problems surrounding the site, the Council could let residents know the precise details of the permission. Would the Council do this – inform neighbours of the outcome, what to do if there are problems etc? It would be beneficial.

**GB:** as ward councillors, he and KS will be involved in notifying the neighbours.

**PT:** agrees with CC in one way but disagrees in another – it could lead to additional work for the planning department which is already stretched. Local councillors can print the details and let local residents know – this won't be too onerous.

**Vote on officer recommendation to permit**

12 in support

1 in objection

1 abstention

**PERMIT**

**15. 16/00989/FUL Chavenage, 13 Merlin Way**

Application Number:	<b>16/00989/FUL</b>
Location:	<b>Chavenage, 13 Merlin Way, Cheltenham</b>
Proposal:	<b>Addition of first floor to existing bungalow (revised scheme)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>

Letters of Rep: <b>3</b>	Update Report: <b>None</b>
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**MP** introduced the application to extend this modern detached bungalow with an asymmetric roof. It is at Committee at the request of Councillor Bickerton. Officers considered the revised scheme to be at odds with the locality and incongruous in the street scene, and the recommendation is therefore to refuse.

### **Public Speaking:**

#### **Mr Brown, agent, in support**

The applicant seeks to develop the property at his own cost with a full planning application, rather than the tile-hung full-length dormer design that would allow similar expansion under PD rights. The vast majority of neighbours want to see this scheme implemented rather than that permitted under PD rights, and their feelings carry great weight in this proposal. Design is always subjective, and the built form respects the character of the estate, the materials emulate those prevalent at the time of construction, and also represent a contemporary form will benefit from a first-floor addition - the simplest and most long-standing form of design. The surrounding estate features another dwelling with an asymmetric roof, so the proposal would not be at odds with the immediate locality. Officers consider a first floor addition may be acceptable in some form. The proposal complements and respects the neighbourhood character; to say the proposal is at odds with the existing character of the building is a moot point as this could be altered under PD rights; but most importantly is carries support of the majority of neighbours, and therefore accords with the requirements of Local Plan Policy CP7.

### **Member debate:**

**CN:** as councillor for Leckhampton, knows the area well. On first sight of the drawings, was in two minds about it; officers did not support it for design reasons – the height issue more than anything else – so wonders why the applicant has refused any further changes as proposed by officers. Thinks the design is not too bad, and looks better than the dormer-type design that could be done under permitted development. The first proposal was widely supported, this is mostly supported, and also has the backing of Councillor Bickerton.

**PJ:** actually quite likes the design. Is there any other reason to go against the officer recommendation?

**PT:** cannot support this application. On Planning View, saw the site and felt that this proposal would destroy the whole look of the area. Only by seeing it is it possible to understand. The owner should not be allowed to mess around with the existing building to this extent. In addition, mature trees would be lost to accommodate these plans, and that would be a great loss to the area.

**SW:** is glad that officers are recommending refusal. Doesn't like the existing building - a bungalow with bits built on the side, and now proposing further building on top. It will look even more of a mess, and can't support it. It would have been better to leave this dwelling as a bungalow.

**PB:** cannot see any reference to the trees in the report.

**BF:** supports the officer recommendation and the refusal reasons suggested.

**AL:** the speaker said an extra floor could be added to the building under permitted development if the windows were different. Is that correct?

### **MP, in response:**

- to CN, the suggestions made to the applicant to improve the revised scheme are set out in the officer reported – reduced footprint, two-storey eaves – but were not forthcoming;

- to PB, the trees were noted on site visit. It appeared that one would need to be removed, but it is not considered particularly significant;
- to AL, this scheme needs planning permission. Under permitted development, the applicant could maintain the existing eaves and ridge line but introduce dormer windows to get additional accommodation.

**CJC, in response:**

- there are two trees on the site: a cypress and a gleditsia. The gleditsia on the left has been reduced heavily in the past but grows back easily. The cypress would have to go, but this is not a show-stopper and could be replaced.

**Vote on officer recommendation to refuse**

12 in support

2 in objection

**REFUSE****16. 16/01138/TPO 35 Redgrove Park**

Application Number:	<b>16/01138/TPO</b>
Location:	<b>35 Redgrove Park, Cheltenham</b>
Proposal:	<b>1) Horse Chestnut in rear garden-crown lift to 5 metres. 2) 3x Larch trees in rear garden-fell</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>

**CJC** introduced the application as above, at Committee because Councillor Mason is the applicant. The proposal is to fell three larch trees and crown-lift a horse chestnut. The TPO applies to all the trees in Redgrove Park which were already there when the houses were built in 1986 – anything older than 30 years is automatically protected – and was a blanket order, whether or not these were appropriate garden trees or not. The larch trees are not suitable garden species, and the occupant will be able to get more use from his garden if they are removed. If Members wish, a condition can be included requiring more trees to be planted to replace those lost.

**Public Speaking:**

There was none.

**Member debate:**

**SW:** has no real objection other than not liking to see trees removed. Cannot argue with CC, but actually loves larch trees and thinks it would be better to remove the horse chestnut! This is a wonderful garden and cannot see that these trees spoil the amenity of anyone but the applicant.

**PJ:** used to live in Redgrove Park and knows about the trees there. Supports CC's recommendation, and would like to see a condition for replacement trees included.

**PB:** would the condition require the lost trees be replaced with the same species? Is worried about setting a precedent here on the estate; there are a lot of trees like this on the estate.

**CH:** was going to make the same point.



**PT:** over the years there have been occasional applications to take down TPO'd trees in Redgrove Park, but this hasn't led to a huge rush of people removing them – there has always been a good reason for doing so. Permission can always be refused if there isn't a good reason.

**CJC, in response:**

- we can condition whatever Members want – trees of appropriate size etc. CC can continue discussions with Councillor Mason to narrow down the options;
- it's true there have been quite a few applications to fell trees in Redgrove Park; officers always try to retain the best, and to replace with more appropriate trees for rear gardens.

**Vote on officer recommendation to permit**

13 in support

1 abstention

**PERMIT**

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

There were none.

Chairman

The meeting concluded at Time Not Specified