

## Planning Committee

6.00 pm, 25 May 2017

### Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Chris Nelson
Councillor Bernard Fisher (Vice-Chair)	Councillor Tony Oliver
Councillor Paul Baker	Councillor Louis Savage
Councillor Mike Collins	Councillor Pat Thornton
Councillor Adam Lillywhite	Councillor Simon Wheeler
Councillor Helena McCloskey	Councillor Chris Mason (Reserve)

### Officers in attendance

Tracey Crews, Director of Planning (TC)  
 Martin Chandler, Team Leader, Development Management (MC)  
 Michelle Payne, Senior Planning Officer (MP)  
 Emma Pickernell, Senior Planning Officer (EP)  
 Victoria Harris, Planning Officer (VH)  
 Nick Jonathan, Legal Officer (NJ)

### 131. Apologies

Councillor Seacome, Councillor Hobley.

Note: Councillor Savage apologised for only being able to attend the meeting for the first hour or so.

### 132. Declarations of Interest

#### i. 17/00443/FUL 55A Beeches Road

- Councillor McCloskey – personal – the applicant is a close neighbour – will leave the Chamber
- Councillor Lillywhite – personal – the applicant is a friend – will leave the Chamber.

### 133. Declarations of independent site visits

- Councillor Mason has visited all the sites
- Councillor Baker visited Nos. 68 and 70 Sandy Lane.

### 134. Public Questions

There were none.

### 135. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20<sup>th</sup> April 2016 be approved and signed as a correct record *with the following correction:*

- Councillor McCloskey is marked as being present at the meeting, whereas in fact she was not and had sent her apologies.

### 136. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

**137. 16/02197/FUL 68 Sandy Lane**

Application Number:	<b>16/02197/FUL</b>
Location:	<b>68 Sandy Lane</b>
Proposal:	<b>Two-storey side extension, single storey front and rear extension, application of render and timber cladding and replacements windows and doors</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>Additional representation</b>

**MJC** introduced the application, reminding Members that they deferred the previous scheme for a two-storey side and front extension and remodelling with render and cladding finish at March committee. The applicant has taken stock of the issues discussed – privacy, size, width, space between properties, and suggestion he discuss his proposal with the neighbours. In consultation with officers, a very different proposal has been generated which officers consider to be acceptable and are happy to recommend for approval. It is at Committee because the neighbour is a senior member of CBC staff.

**Public Speaking:**

**SW:** this doesn't very often happen – that a number of Committee requests for redesign and changes have all been taken on board. Is impressed that the applicant has made the changes in line with what Members said, and thanks them for the efforts they have gone to.

**PB:** must congratulate the applicant and architect for taking on board the detailed comments from neighbours and councillors. The proposal is well designed, but still very big – will therefore struggle to support it, as it is not subservient. Having said that, it works with the street scene and the size of the plot. On balance it is a better scheme, and a great example of an application being deferred and sent back, and then coming back to Committee much improved.

**Vote on officer recommendation to permit**

11 in support  
0 in objection  
1 abstention

**PERMIT**

**138. 17/00097/FUL Gallagher Retail Park, Tewkesbury Road**

Application Number:	<b>17/00097/FUL</b>
Location:	<b>Gallagher Retail Park Tewkesbury Road Cheltenham</b>
Proposal:	<b>Planning permission to allow the erection of temporary Class A1/A3/A5 retail pop-up units within defined areas encompassing 276 sqm of the existing Gallagher Retail Park car park</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>

**VH** introduced this proposal for a temporary three-year planning permission to site up to six temporary structures – non-permanent refreshment vans – in three areas of the car park. The number and type of van will vary and change over time – there are examples of the type of vehicle on the Committee wall – but visibility splays must be provided to the front. The

units can operate as A1, A3 or A5 outlets in line with the opening hours of the retail park. Environmental Health, Highways and neighbours have not raised any objections; the application is at Committee because the Parish Council has objected. The recommendation is to grant temporary planning permission for three years.

**Public Speaking:**

None.

**Member debate:**

**MC:** was on site visit on Tuesday, as it was important to look at this site in person rather than just on the plans. Would like a few answers to some questions. Would be more happy if this was a temporary application for the Christmas period – it would have novelty value – but the biggest concern is the fact that they applicant wants flexibility, for any number of uses. This will conflict with other businesses and offers on the retail park. Would be more happy if the units were different in the three areas. At the moment, cannot support the proposal.

**BF:** hears what MC is saying, but his main concern is loss of parking. Planning View took place on an ordinary Tuesday afternoon. Gallagher Retail Park has improved greatly over the years, and is now a popular destination. Parking for Sainsbury's and Whole Foods sometimes spills over onto the Gallagher Retail Park side. Parking spaces will be lost, both for the pop-up units and for the vendors' vehicles. Has been at Gallagher Retail Park when it is virtually impossible to find a parking space, especially around Christmas. The parking survey which accompanied the application was done in February – this is not typical – but for most of Saturday it was over 80% full, which is high for a car park. More and more, staff are unable to park on the site, and have no choice other than to park on residential streets nearby.

**HM:** would reiterate BF's comments. Twenty spaces will be lost for the three pop-up units; on Planning View – Tuesday lunchtime – the car park was very busy, and in fact more than 20 spaces will actually be lost – these areas will have fencing and barriers around them. Drivers won't want to park adjacent to the barriers due to lack of sight line, so at least another five spaces will be lost. Regarding the single unit by the road, on Planning View noted that the hatched line across the plan represents a fence, but there is also vegetation between the road and fence. According the site plan, this will be taken away. Is this the case? If not, what will happen there?

**PB:** is surprised that there are no objections from retailers – a lot of them provide food and drink. What is the resolution about toilets?

**CM:** can officers confirm that the uses are flexible but the spaces aren't? If this isn't the case, could the units be moved to different parts of the car park?

**VH, in response:**

- regarding the demand and impact on existing uses at Gallagher Retail Park, this is not a planning issue;
- to BF, regarding the two parking surveys, these confirmed that the Gallagher Retail Park car park was 90% full at two points on the Saturday, but across the Sainsbury and Whole Foods car parks, there were 146 spaces available at those times;
- to HM, the fencing will be retained within the area as shown, and the agent has confirmed that the landscaping will be retained;
- to PB, provision of toilets is not a planning consideration; it is covered by separate legislation.

**GB:** for confirmation, when the survey states that the car park was 90% full, there were still spaces in the Gallagher Retail Park car park in addition to those in Sainsbury's and Whole Foods's car parks?

**VH, in response:**

- the car park was 90% full at two peak times, but there were still 47 spaces and 45 spaces available respectively in that section of the car park.

**SW:** VH says the agent has confirmed that landscaping will be retained, but how will it be maintained? It is blocked off – how will any vehicle get in? What sort of goods will be sold by the units? Will it be just food and drink? The principle used when the retail park first opened was that it would sell bulky items only; is concerned that if we are now allowing a full range of non-bulky items to be sold in out of tow sites, we will be losing protection for the town centre. Can officers specify what exactly can be sold by these units?

**HM:** shares SW's concerns. In relation to earlier comments, if the landscaping is going to remain, the surely the plan is wrong? Didn't understand the officer's comments.

**BF:** people who work in these units from start of business till close of business will need toilet facilities. It may not be a planning consideration but it is a hygiene consideration.

**AL:** is there are sustainable transport consideration for the loss of parking spaces?

**MC:** there is a licensing element to this application – it is separate but will come before the licensing committee in due course. Regarding the car parking issue, when the site is busy – Sainsbury's, Whole Foods and Gallagher Retail Park – people are told there is space at the end of what is a long, thin car park. Not everyone is guilty, but some people pull up and wait for a closer space to become available, wait for people coming back to their cars. When the car park is busy, this will lead to congestion and with it safety issues. This should be taken into account.

**VH, in response:**

- after Planning View, spoke to the agent who said that ideally they would like to retain the vegetation;
- to SW, regarding bulky goods, the site has undergone a number of changes in recent years, with increasingly varied goods on offer, sub-division of units and creation of additional units. The character of the retail park has changes, and the restriction to bulky goods no longer applies;
- regarding highway safety, a highways officer has looked at the application and not raised any objection; his only suggestion was to ensure visibility splays for pedestrians.

**MJC, in response:**

- VH is correct; permission was originally granted in 1989 for the sale of bulky goods only; this has since changed, starting with Boots in 1999, then Next, and subsequently many of the units picked off with separate planning permissions. The character of the retail park is very different; permission for the units is sought for A1, A3 and A5 use, though they will most likely be selling food and drink. This sort of unit can be seen at retail parks around the country;
- Regarding the parking issue and AL's question re sustainable transport considerations, these units won't generate additional traffic. They will reduce the number of car parking spaces but county highways officers are relatively relaxed about this – would worry if Members push for refusal on that point;
- VH is quite right that welfare facilities are not part of the planning process, but if Members so wish, an informative can be attached to the planning permission requiring the applicant to think about toilet arrangements; this cannot be imposed through the planning system. It is likely that there will be some arrangement with the retailers, but this is not a planning matter.

**HM:** thanks to the officer for the further explanation about the landscaping and the applicant's intention to keep it. Would like to propose a condition to this effect if the application is approved.

**AL:** regarding sustainable transport, the units might not generate additional journeys, but they could increase the length of stay, thus increasing the requirement for car parking spaces. The traffic survey has recorded the car park as 90% at two points of the day – wishes this was the case at the weekends. With 20 less spaces there will be a lot of congestion and tail-backs. There should be some consideration for this; could more bike racks be installed, as the lifting of the bulky goods restriction means that people don't need a car to shop at the retail park.

**PT:** would just point out that these units will result in a loss of more than 20 spaces – more like 24-26 – and if the workers are going to need to park their own cars, it will be even more. Is this really the right thing in the right place?

**GB:** regarding the parking issue, officers have explained the situation – there is space to accommodate these units. Is not sure that we can go further down that particular route.

**VH, in response:**

- The loss of 20 spaces refers just to the site area.

**AL:** it may only mean the loss of 20 spaces, but what account has been taken of the extended stay for each car – the through-put will be longer.

**VH, in response:**

- The highways officer has assessed the proposal and has no objection to it.

**SW:** as far as parking is concerned, this is a commercial situation; if cars can't park, the retailers may lose business. If the owner of the site is OK with the proposal and the loss of 20 spaces, it's alright. Remains worried about the bulky goods – we have let go of a good clause to protect town centre business.

**MJC, in response:**

- This is a valid point, but part of the reason why the bulky goods clause has been relaxed is to do with the health of the High Street – it is performing well, which means that Gallagher Retail Park offer can be relaxed.

**HM:** can the officer comment on her proposal to include a condition to retain the landscaping?

**VH, in response:**

- This should be acceptable to the agent.

**Vote on officer recommendation to permit temporary (three years) planning permission with additional condition re. retaining landscaping**

8 in support

4 in objection

**PERMIT**

### **139. 17/00304/FUL 17 Norfolk Avenue**

Application Number: **17/00304/FUL**

Location: **17 Norfolk Avenue Cheltenham Gloucestershire**

Proposal: **Erection of 2no. semi-detached three bed houses with detached garaging**

	<b>facilities</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>4</b>
Update Report:	<b>None</b>

**MP** introduced the application as above. The proposal is in line with the existing property – scale, height, massing, materials all reflect the existing, and officers consider it an efficient use of the site. It will not harm neighbouring amenity, and there are no highway safety issues. It has been referred to Committee by Councillor Coleman, due to concerns from neighbours about over-development of the site.

**Public Speaking:**

None.

**Member debate:**

**TO:** this is a good development, which will make good use of the site. The only concern is that this is currently a leafy green wasteland which adds to the community. The proposal will mean trees coming down. 17 Norfolk Avenue access will go to the access for cars, a new drop kerb and the removal of a hedge. Would like a condition to put trees in somewhere.

**SW:** looking at the drawings, is concerned about what will happen to the area behind the garages – great if it becomes a garden and vegetable patch, but problems if it becomes a bramble patch. Realises that the application can't be refused on this, however.

**MP, in response:**

- To TO, re the drop kerb and hedge, the application proposed to use the existing access. There was a comment on planning view that a future applicant might want parking for the existing property which would mean widening the drop kerb;
- the trees officer has previously commented on this application, and didn't object to the removal of the trees but suggested general re-planting. There is a condition to cover this, but this could be made more specific to relate directly to trees, if Members wish;
- to SW, the space to the rear is expected to come as part of the landscaping scheme, which is concerned with all hard surfaces.

**TO:** would like the landscaping condition to refer specifically to increasing the number of trees.

**MP, in response:**

- can alter the condition to be more specific.

**Vote on officer recommendation to permit, with amended landscaping condition**

12 in support - unanimous

**PERMIT**

**140. 17/00443/FUL 55A Beeches Road**

*Councillors McCloskey and Lillywhite declared an interest in the following application, and therefore left the Chamber for the duration of this debate*

Application Number:	<b>17/00443/FUL</b>
Location:	<b>55A Beeches Road, Charlton Kings, Cheltenham</b>

Proposal: **Insertion of two dormer windows and ten roof lights to create accommodation within the current roof space**  
 View: **Yes**  
 Officer Recommendation: **Permit**  
 Committee Decision: **Permit**  
 Letters of Rep: 5      Update Report:

**MJC** introduced the application for works to facilitate a loft conversion, as above. The recommendation is to permit. The application is at Planning Committee due to Parish Council objections regarding loss of neighbours' privacy.

**Public Speaking:**

**Marcus Evans, of Evans Jones, in support**

The application has generated a number of comments from local residents and the Parish Council, concerned about amenity levels of neighbouring properties. The officer recommendation is to permit. The proposal is for two dormer windows and roof lights to create accommodation in the roof space of 55A Beeches Road. The proposed roof light in the west-facing roof slope will be obscurely glazed, non-opening, and 1.7m above floor level. A condition is proposed to ensure these windows remain as such. The remaining rooflights will all be 1.7m above floor level – an important dimension as it ensures protection of neighbours' privacy and is consistent with requirements set out in the General Permitted Development Order. As such, there are no concerns that these windows will provide an outlook which will be harmful to the amenity of adjoining neighbours. The proposal complies with CP4 and the SPD for Residential Alterations and Extension. It has been designed to protect the amenities of adjoining residential properties, together with future occupiers of the dwelling. To conclude, there are no local plan or national policies which would support the refusal of planning permission. Urges the committee to support the officer recommendation and approve the application.

**Member debate:**

**MC:** this is a case which proves how invaluable Planning View is to get a proper understanding of the sites being considered. It is very interesting, a good use of the space. There are no problems from a planning point of view, and believes that the proposal won't cause the problems that the objectors think it will. The designer has mitigated any potential issues with use of obscure glazing. Is happy to support the proposal

**Vote on officer recommendation to permit**

10 in support

**PERMIT**

**141. 17/00691/FUL 70 Sandy Lane**

Application Number: **17/00691/FUL**  
 Location: **70 Sandy Lane Charlton Kings Cheltenham**  
 Proposal: **Proposed extension and refurbishment**  
 View: **Yes**  
 Officer Recommendation: **Permit**  
 Committee Decision: **Permit**

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

**MP** introduced this householder application for the remodelling and extension of 70 Sandy Lane. It is at Committee because the applicant is a senior member of CBC staff. The scheme proposes a two-storey side extension and single-storey rear extension, alterations to the bay window at first floor level, and new grey fascia boards. The materials will alter the character of the building, but the extension will be subservient, and not have any impact on neighbouring amenity. As such, the recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**BF:** likes the use of the two-colour brick, which tones down into the colour of the vale. Is a fan of brick-built buildings, and this is an excellent choice of brick – better than block and render.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

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

Chairman

The meeting concluded at Time Not Specified