

Planning Committee

6.00 pm, 21 June 2018

Present at the meeting

Councillor Stephen Cooke
Councillor Diggory Seacome
Councillor Dilys Barrell
Councillor Karl Hobley
Councillor Paul McCloskey
Councillor Tony Oliver

Councillor Simon Wheeler
Councillor John Payne
Councillor Rowena Hay (Reserve)
Councillor Dennis Parsons (Reserve)
Councillor Klara Sudbury (Reserve)

Officers in attendance

Craig Hemphill, Principal Planning Officer (CH)
Michelle Payne, Senior Planning Officer (MP)
Ben Hawkes, Planning Officer (BH)
Gary Dickens, Planning Officer (GD)
Mike Redman, Director of Environment (MR)
Nick Jonathan, Legal Officer (NJ)

289. Apologies

Councillors Barnes, Baker, Atherstone, Flynn. Hegenbarth, Fisher, Collins.

290. Declarations of Interest

There were none.

291. Declarations of independent site visits

- i. Councillor McCloskey – unable to attend Planning View, so visited all the sites at the weekend.
- ii. Councillor Sudbury – as late substitute, did not go on Planning View, but is familiar with or has previously visited the following sites:
 - Stables, Hyde Lane
 - 68 Sandy Lane
 - 66 Townsend Street
 - Regent Arcade
- iii. Councillor Hobley - unable to attend Planning View, but knows or has previously visited:
 - 66 Townsend Street
 - 46 Queens Road
 - Regent Arcade

292. Public Questions

There were none.

293. Minutes of last meeting

Resolved, that the minutes of the meeting held on 24th May 2018 be approved and signed as a correct record *without* corrections.

NJ: In the absence of both the Chair and Vice-Chair, and under Rule 9 of the Constitution, would invite Members to nominate another Member to Chair the meeting.

RH: nominates Councillor Hobley.

Vote on RH's nomination of Councillor Hobley to chair the meeting

9 in support

1 in objection

1 abstention

CARRIED

DS: has KH had the necessary briefing to act as Chair?

NJ: he has.

DS: in which case, the vote was a coronation rather than an election. With no disrespect to KH, feels this should be dealt with in a different way.

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

295. 17/02460/FUL Playing Field adjacent to 10 Stone Crescent

Application Number:	17/02460/FUL
Location:	Playing Field Adj 10 Stone Crescent, Cheltenham
Proposal:	Erection of 13no. dwellings with associated road and sewers
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Refuse
Letters of Rep:	29
Update Report:	<ul style="list-style-type: none"> - Officer update - Annotated drawings – circulated at applicant's request - Comments from Councillor Holliday

MP introduced this application for 13 dwellings on a parcel of land at the end of Stone Crescent, to include five affordable units. The proposal has been amended re. housing size and lay-out, with the latest revised plans submitted after the Agenda was published. Members will recall the application was deferred from the April agenda, to allow further discussion, but this has not produced a revised scheme which Officers can support. The recommendation therefore remains to refuse, for the reasons set out in the report: 20/4 outline; S106 lead agreement not complete; no decisions/ access. County council application. The application is at Committee due to a previous commitment to Members to bring future applications to Planning Committee.

Public Speaking:

Mr Patel, neighbour, in objection

Represents the views of residents who object to this development, and do not feel that the developer has engaged with or provided them with any assurance that their daily lives will not be negatively impacted, despite claims to have done so. Main objections centre on: significant increases in traffic; negative impact on parking; accessibility issues; health and safety issues increasing the potential for traffic-related incidents to occur; HMOs and the lack of affordable housing; and localised flooding. The development will only be accessible via a

single entry/exit point; the area already suffers high levels of congestion, and this will be heavily impacted by the increase in traffic. There will be fewer car parking spaces available – at least 39 more vehicles, which will increase exponentially if dwellings are HMOs, causing overspill into the existing estate.

With narrow roads, no real turning areas, and overgrown hedges in Wharfdale Square, renowned for blocking drivers' vision, all manner of vehicles currently have a hard time getting round. Construction vehicles will experience the same, causing major obstructions, inconvenience and health and safety issues. Inconsiderable parking by parents on the school run is a daily problem, with residents often forced to drive on the wrong side of the road – another health and safety issue. With no pavements in Wharfdale Square, pedestrians – including young children – often have to walk in the road. 'Near misses' are already a common occurrence, and with the increase in traffic flow, the safety issues will increase.

There are already significant numbers of HMOs in the area, and the type of dwellings being proposed will increase this number; only a token gesture of them could be considered as affordable housing.

The area already suffers from localised flooding, and the development will increase the area covered by impermeable materials, causing an increase in the quantity and rate of surface water and flooding.

To close, the future of the area and its community is very important to residents, and this development will be a massive change, impacting on daily lives. Residents have not been consulted, or given an opportunity to have a meaningful conversation with the developers to discuss these concerns. Would request that developers initiate a public consultation if the planning application is given the go-ahead.

Mr McCreddie, of New Dawn Homes, in support

His company specialises in residential development; this a scheme for 13 houses, including five social houses, on the redundant Rowanfield School playing field. The report is out of date and relates to drawings previously submitted in March. In response to officer concerns, prepared revised lay-out and house types - worked hard and quickly to achieve this, and the urban design officer and planning officer said it would be taken to the July meeting. The new contemporary house type is similar to the award-finalist houses at Village Road, adjacent to New Dawn Homes offices, and additional information on flood risk has concluded that there are no flooding issues that cannot be resolved – to prevent new homes in this sustainable location. Is surprised and astounded that officers decided without notice to bring the superseded application to the July meeting, allowing no time for further consultation on the amendments. The drawings are out of date, and no consultations on the revised plans are included. There is a shortage of new homes, and these comply with planning standards, distances to neighbouring properties are OK, and no HMOs are included. GCC has no specified maximum or minimum parking standards; this scheme provides an average of two spaces and garage per property – feels this is good practice, but can agree to reduce if Members are minded. Willing to accept planning conditions and enter into usual S106 for education and libraries; also committed to five affordable units, plus any other conditions or agreements required. Requests that members permit these much-needed new homes on a sustainable site, close to current schools and amenities.

Councillor Holliday, in objection: speech circulated at meeting and read by Members

Member debate:

KS: the applicant has said that the plans are out of date, so can officers confirm which application Members are deciding tonight? And was it made clear to the applicant why the application is at June committee rather than July?

SW: is very much on the officers' side on this one. To make sure of one issue, which is a big bugbear and mentioned in Councillor Holliday's comments – it appears that there are no footpaths. We have previously been told that people like shared space, but the fact is more that they don't – they just have to put up with it. There are estates with shared space in his ward where cars are parked right on the kerb line, forcing people to walk across 'front lawns' or in the middle of the road. Asks that we get away from this type of design, and provide actual footpaths. Is happy to support the officer recommendation.

PM: is concerned that if there was a previous commitment to bring to application to the July meeting, bringing it to June is not fair on the applicant; suggests a decision should be deferred until July. Is intrigued by the green palisade fence at the end of Stone Crescent; understands that residents paid for the fence and had to install it on their land; is curious about its history, and how this was done. Empathises with the residents concerned about the possibility of sewage reflux – experienced this on a trip to Venezuela. This is a modern development and we cannot be sure how much contingency has been built in or assume that the local network can deal with these extra dwellings. Is minded to take on board the comments of the flood officer.

JP: was quite taken with the lay-out on first viewing – a good location, a wide range of amenities nearby, close to secondary and primary schools etc – but on looking at it in more detail, feels that the developer hadn't taken advantage of the site. Agrees with PM, and would like to know why this application has been brought forward to June with numerous questions unanswered. Have the foul sewer, no-build zones, and flooding issues been resolved yet? Until these are resolved, agrees with the officer recommendation, unless the application is deferred to allow the developer to address those issues.

MP, in response:

- To KS, the plans on the wall and the screen are the latest revision submitted, and these are the plans which will be decided on tonight;
- To explain the decision to bring the application to June committee rather than July: officers originally intended to bring the application to Committee in April, with a recommendation to refuse; the applicant requested a deferral until May, but officers didn't feel this would be long enough to deal with all the issues, therefore requested a three-month extension of time, setting the date by which a decision must be made. A meeting was held with the applicant soon after the deferral in April, but it was five or six weeks before a revised lay-out was submitted. The Urban Design officer and case officer did not feel that this had addressed the concerns. The issues were discussed in the round, and officers considered there was insufficient time to bring the new scheme to the July meeting – further revised plans would be needed, and further consultation. The update includes the response of the LLFA to the latest plans and flood risk – it still objects. If the application was to be deferred again, it would not be ready for the July committee, as there is not enough time for consultation;
- To SW, agrees with his comments regarding the shared surfaces, but highways officer do not object so we cannot insist on pavements. The developer is here tonight and will have heard SW's comments and concerns;
- Regarding the green palisade fence, this has been raised before. It is ultimately outside the remit of planning committee. Doesn't know its history, but it is on land owned by the applicant, and PM is correct that local residents contributed to its installation;
- Regarding sewerage, Severn Trent initially sent a standard response, stating that the sewers were situated towards the north of the site; in a subsequent response, Severn

Trent said the sewers should be located in public space – this is not a usual request, which is more like to require a 3m no-build zone and access allowed.

KH: does PM want to carry on with a move to defer, or are Members satisfied with the response they have received?

(Happy to vote on officer recommendation)

Vote on officer recommendation to refuse

10 in support

0 in objection

1 abstention

REFUSE

296. 18/00590/FUL Stables, Hyde Lane, Swindon Village

Application Number:	18/00590/FUL
Location:	Stables, Hyde Lane, Swindon Village
Proposal:	Erection of dwelling on the site of a former stable block
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	None

MP introduced the application as above, for the erection of a single dwelling on a site in the green belt, with much of the site outside the principal urban area (PUA). Permission was granted in 2016 for the stable to be converted into two dwellings; during the conversion, the walls collapsed, making it impossible for that permission to be completed. This proposal has the same footprint, height and massing, but is in conflict with JCS Policy SD10, as much of the site is outside the PUA. However, in this instance officers consider that the recent grant of planning permission is a material consideration which outweighs this. The application is at Committee at the request of the two ward councillors, Councillor Fisher and Councillor Lucas, and also the Parish Council..

Public Speaking:

Mr Trainor, applicant, in support

Thanked officers for their handling of the matter, working with the applicant throughout, and resulting in a well-balanced report and recommendation to permit. The circumstances leading to this application are set out in the officer report – will not repeat them – but the revised design will have the same footprint, mass and scale as the previous proposed conversion, with a higher quality of design, both of the building and the landscaping. It is supported by the Architects Panel. Will ensure that it is implemented correctly, and respectfully requests that the Committee permit the proposal.

Councillor Lucas, in objection

Councillor Fisher is on mayoral duty – would otherwise be present to join the debate. In 2016 there was an application for the renovation of the existing stable building, which would have preserved the levels of the building, and ensured it was properly constructed in keeping with the green belt; there was, at that time, no JCS. Parish councils, county councils, committees all asked to protect as much of the green belt as possible. The previous application stated that the building was structurally OK to be renovated; an engineer report confirmed this, and it was stated that the slab was to be protected. Some months ago, the application was permitted by a narrow majority, with Members still concerned about its effect

on green belt. Subsequently, Councillor Fisher was in the area, noticed that ground work being done, and that the slab which should have been maintained was ripped up and levels changed. As this was clearly a breach of the planning application, contacted planning officers. The breach of condition was confirmed, and later officers stated applicant would have to re-apply. Is therefore staggered by recommendation to permit this new luxury dwelling.

Paragraph 7 of the objection from the Parish Council is meaningful, concise, and apposite. They consider that the application violates the green belt, and that if it proceeds it will have an effect on other areas of green belt in and around Cheltenham as older buildings become unsustainable – and therefore investment opportunities.

This not only violates the NPPF but also the Cheltenham Plan – the Council has pledged to protect the green belt. We are currently committed to building 10,000 properties in Cheltenham; one or two *not* built in the green belt will protect many, many others around Cheltenham.

With reference to the previous report in 2016, it was considered that the previous proposal didn't contravene green belt regulations. The proposal will. At Elms Park nearby, there is now a commitment to build 4,200 houses. We should protect greenbelt, and protect Cheltenham and its residents for the future.

Member debate:

SW: remembers planning view for the previous application, when Members looked at the barn and many comments that it looked like it would fall down at any moment. They were assured it was OK and sound. The question was asked then – would officers be recommending that scheme for permit if it was a new build? The hedged answer was 'probably not', due to its situation in the green belt etc, prompting Members to wonder what would happen if the barn accidentally fell down...? Everyone knew what was going to happen; the applicant had no intention of rejuvenating the building – and he is now proposing the new build he wanted in the first place. Agrees with Councillor Clucas that this new dwelling in the green belt should not be built.

Also, in the original application, the applicant stated that access would be along the public footpath – but this cannot become a public highway. Can't drive a motor vehicle on public footpath or run a road on one. There would have to be separate access, and there no room for this.

JP: fully supports the views of Councillor Clucas, and is concerned that looking at the process, it is not entirely policy compliant. Regarding the former stable block, policy allows agricultural units to be converted; this was approved, and the structural survey concluded that the building was sound. Is there not a requirement in such cases that residents occupying the building should have a connection with agriculture, to make a living? We are now told that the building collapsed when the work was being done and could not be restored. The remains of the building have now been knocked down, so the planning application can no longer be fulfilled. Now the applicant wants a new building in the green belt. The council has worked hard to create a sound JCS and Cheltenham Plan, and this application needs a robust response. There should be no new build in the green belt; this isn't infilling and is outside the PUA. This has no place in the green belt; cannot support it.

PM: SW spoke about the difference between a footpath and a public right of way. A new access would require a robust bridge over the stream. The main point is that with we are probably looking at this with images of stable, horses grazing, etc, but before it was a stable it was a brick kiln - making this a brownfield site. Walked round whole field and could see remnants of previous industrial uses. Apart from the intriguing fact that this was intriguing

was a brick kiln, it would suggest that there is something adjacent from which to make bricks – most likely clay? This raises the issue of flooding – there is talk about a SUDS scheme, but sooner or later some water will have to soak away – if on clay, won't happen. Continued walking up to the railway line, noting that the application site is low and likely to accumulate water – raising the question of how flood alleviation will work. However, we are where we are with this, and is minded of the the application at The Hayloft, originally a conversion, now a new build. This is a brownfield site and something needs to be done with it; there are many examples in Cheltenham of developers failing the get approval and piles of rubble being left for 20 years.

DB: is also concerned about flooding. Local residents have remarked that the stables were liable to be flooded on occasions. Has this been looked into?

SC: was on Planning View, and several points raised have been well made tonight. This was a building for a stable, planning permission was given for two dwellings, it subsequently fell down. If the stables had been rebuilt as they were, then would the original planning permission for two dwellings would still be in place? Could the developer build two dwellings? If that is the case, aren't we arguing whether he can built two or one dwelling? Planning permission has already been given – would therefore support this proposal as long as the original levels are adhered to and proper flood amelioration measures explored and applied.

DP: is making Planning Committee debut tonight, and finds this application interesting having read the outcomes and details of appeals that have been sent to Members, including detailed reasons for why the appeals were allowed and of costs against the council. One of the points raised was not to take into account previous permissions on the site. There is extant planning permission, now impossible to carry through – and this current application is for a building the same size and height. If it is refused, is the applicant likely to win an appeal and costs be awarded against the council?

KH: is interested in the design of the proposed dwelling – it is of a high standard – and commends the applicant for bringing this scheme to us.

MP, in response:

- To SW's question regarding the public right of way and access, the informatives at the end of the report are suggested by the highways authority and the PROW team. The public right of way would need to be closed during the construction period, and the applicant would have to apply for a license to do this. The future occupant of the dwelling would have to apply for a license too. Highways officers have assessed the situation, and raised no objection to the access. It is the same access as previously served the stables, and is established;
- Regarding flooding, a small part of the site has low risk of surface water flooding. The applicant has proposed a SUDS pond to alleviate this. The matter would be assessed under Building Regulations, but a condition is recommended to implement a SUDS scheme;
- Doesn't know the composition of the soil in this area, but can confirm that there is no more risk for this application than the previous one for two dwellings on site. A levels survey has been done;
- Regarding the potential for appeal and costs, given the previously permitted application, the original stable building has now gone – the applicant would need planning permission to rebuild the building as was. There is now no opportunity to implement the previous planning permission – this is set out in the report.

KS: has a question re the finish and cladding. Are there conditions relating to this? Will samples be submitted to officers? Personally feels that wood cladding can end up looking a

bit ropey. Also the levels – are officers happy with these? Councillor Clucas said that a new building in the green belt would set a precedent, but we are always told to consider each application on its own merit. Is there a precedent being set here?

SW: if permitted, this application will allow new build in the green belt. JP and Councillor Clucas have made the point that it is against all policies, including the JCS, for which Members have worked so hard. The Committee reluctantly agreed to the conversion of the stable; now the stable is no longer there, and this is a fresh application to build in the green belt. That is the crux of the matter. Cannot support this application.

DB: can the legal officer confirm whether this is a brownfield site or greenbelt?

SC: on Planning View, the officer said she might be able to find an image of the original barn – this would be useful.

DP: returning to SW's point, this proposal can only count as new building in the greenbelt if this is a greenfield site – where a building was already in place – so it would not be setting a precedent for building in the greenbelt. The proposed building will have the same mass, and be no loss to the greenbelt. Whether this is justified or not is not what concerns him, but the possibility of costs at an appeal. Has not yet heard from officers what the likelihood is. Without this information, cannot make a responsible decision.

NJ, in response:

- It is very difficult to give a concrete answer on the likelihood of costs at an appeal. The report is balanced in its recommendation, so it would be disappointing if costs were awarded, but it cannot be ruled out. .

MP, in response:

- To KS, there is a condition requiring samples of the materials to be used, to ensure a high quality finish to the building;
- To the question whether, if permitted, this application will undermine JCS Policy SD10 in the future, this is discussed in the report. The weight of the previous decision has to be taken into account. If this was new build in the green belt, officer recommendation would be different but as DP has pointed out, in the appeal decision for The Hayloft, the inspector gave significant weight to the previous decisions even though these could not be implemented. Therefore the only conflict is with the JCS;
- To DB, this is a brownfield site, having been previously developed for equestrian use. Inspector acknowledged previous use was brownfield, although in a green field;
- To SC, apologies but was unable to find a photo of the original building.

JP: the officer said that if this was new build, it would be in conflict with JCS SD10. Future developers looking to build on the green belt will look at the extenuating circumstances of this case and claim the same. This will be a dangerous precedent.

SW: regarding the way we make decisions, DP is concerned about costs, the possibility of an appeal etc, but in all his training over the years has been told we should look at application before us, and not be overly concerned with the ifs and buts and dangers, and what might happen if it goes wrong.

Vote on officer recommendation to permit

8 in support

3 in objection

0 abstentions

PERMIT

297. 18/00594/FUL 46 Queens Road

Application Number:	18/00594/FUL
Location:	46 Queens Road, Cheltenham
Proposal:	First floor rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	6
Update Report:	None

GD introduced the application as above, with a recommendation to permit, for reasons set out in the report. It is at Committee at the request of Councillor Seacome, in view of the high level of neighbour concerns.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

9 in support

1 in objection

1 abstention

PERMIT

298. 18/00681/FUL Regent Arcade

Application Number:	18/00681/FUL & 18/00700/ADV
Location:	Regent Arcade, Regent Street, Cheltenham
Proposal:	18/00681/FUL: Demolition and reconstruction of the Regent Arcade High Street entrance 18/00700/ADV: Individual internally illuminated lettering reading 'Regent Arcade' with supporting 'Shopping Dining Leisure' sign and installation of two projecting glass banner signs
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Refuse / Refuse
Letters of Rep:	1
Update Report:	None

MP introduced the application 18/00681/FUL as above, at Committee because it is not supported by the Architects Panel. The second application, 18/00700/ADV, has been brought to Committee for completeness. There have been various revisions throughout the process and officers feel it is now a better scheme. Their recommendation is therefore to permit.

Public Speaking:

None.

Member debate:

PM: is not so worried about the design but rather more about the conditions, if permitted. The council is about to spend thousands on repairing the High Street; the repairs to the front of the Regent Arcade may interfere with the newly-laid road and pavement surfaces. If the footpath is going to be changed, we should ensure that the road surface is put in afterwards, and thus remains pristine.

KS: it's very good that the Regent Arcade is planning ahead and revitalising its frontage, but is disappointed in the proposed design. It doesn't seem to go together – the bottom panels of glass are shorter than the ones above – is not entirely happy with this and would like to see something better. It doesn't have to compete with John Lewis, and it's a shame the designer couldn't sort out the proportions better and come up with something more harmonious.

JP: the management of the Regent Arcade has been forced into upgrading by other retail development in the town. The whole purpose of any shop front is to attract people in, but this doesn't really do that. It is the *Regent* Arcade – yet there is no reference to this in the design. It is bland and poorly proportioned, and does no favours to the High Street. Can't imagine we won't be back in three years with Version 3. The present façade has not been well-maintained – it is in a terrible state, and doesn't attract people in. This is a missed opportunity - something far more attractive is needed.

SC: understands why the Regent Arcade wants to do this – to attract more people in – and this is to be commended. Is concerned about the large window above the doors; it will look like so many other shopping malls in the country, and doesn't do justice to this prime location in Cheltenham. The existing façade has a classic elegance, and sort of echoes what was there years ago – the Plough Inn. Further along the High Street, the Regency columns of the bank building reflect a design theme appropriate to a Regency town such as Cheltenham. This proposal would be a mistake – just another High Street shopping mall - and is a missed opportunity to refurbish, at considerable cost. We could do much better, and make the High Street much more attractive.

SW: originally didn't really like the design and felt that it doesn't really work, but would accept it – but other Members are exactly echoing his feelings. KS is right – the proportions are wrong. The current detail between the ground and first floor sort of follows the line set by other buildings – but this cuts through it. It is out of proportion; will vote against, it spoils the architectural line of the High Street, doesn't fit, and we should/could do a lot better and require a design that fits in better. Quite liked the original Regency pastiche. Is inclined to vote against.

RH: agrees with KS about the design; would like to see something with better proportions. It is disappointing that the façade has been re-done so recently, but understands why the Regent Arcade feels it has to do this, to keep up with the changing High Street. It would have been great to see the other end of the Regent Arcade come forward for refurbishment, and join more attractively to the Promenade. Will probably support this proposal; can see no planning reason not to do so.

KH: doesn't think this application is any improvement on what is there at the moment, and if the applicant feels that what is proposed will help retailers and tenants, doesn't believe that this will achieve that aim. There are many challenges currently facing the High Street; this will have no impact on them. For the record, doesn't think a pastiche design would be very good either.

MP, in response:

- To PM, the existing doors are recessed on the applicant's own land, and this proposal would be also. There will be no need to disrupt any new paving as part of the redevelopment.

KS: KH said that the current design isn't good, and this won't improve it. Will it attract more people to the Regent Arcade? We all want people to come to shop there. We could be firmer with the arcade – they could do better – there are too many stalls in the middle. But this proposal won't improve on the prime location in the High street. MP has said the door are recessed, but there will be construction vehicles, as in the John Lewis area. What will happen to the paving – it isn't designed for heavy vehicles? How can this be rectified? Will support SW's move to refuse. For the record, doesn't mind pastiche or modern, as long as it looks good.

KH: to clarify, doesn't like either!

SW: if the pavements are damaged, they *must* be put right again.

PM: with regard to the Regent Street entrance to the arcade, the owners put in an application to improve it but wanted the flower seller removed from Ormond Place; when the council declined to do this, the arcade declined to improve its frontage. Outside Planning Committee, some serious conversations are needed with the owners of the Regent Arcade; it is important to Cheltenham.

DP: would like guidance here: at times we seem to move from Planning Committee to Dragons' Den, discussing what is good/not good for business. We should leave businesses to decide what is best, but it is legitimate to say we don't like the design. Agrees with this – it isn't good and doesn't gel. That is our job – to say we don't like the design, not to say what is good for business.

KH: can the officer confirm the height of the doors? There are discussions about aligning them to adjacent doors; Members are concerned about the proportions.

MP, in response:

- Regarding the footpath and highway work, we could attach a construction management statements to avoid any harm to the new pavement;
- Regarding the height of the doors, officers have secured an increase in height, but this was quite nominal. The Architects' Panel picked up on the original submission in which the doors were lower than those on either side – Top Shop and H&M. The doors are now higher;
- Alternative designs have been considered - what is presented tonight is the most acceptable;
- To DP, design is always subjective; the report sets out many different views on the design, and clearly others would approach it differently. Members have only discussed the proportions so far, if they are considering refusing the application on design grounds.

KS: made comments about the design and proportions of the proposal, but is also a customer of the Regent Arcade. Would like to refuse this application. Compared with previous iterations, this is a dramatic departure, not just the proportions but also the way it is treated. Previous versions have had a strong, vertical design, with pillars. This features a strong horizontal line, and the doors are shorter than the ground floor. A vertical lines only go part way through, which is a dramatic departure. Can understand the desire to refresh the entrance and make it more modern, but this doesn't work. Understands that the architect is trying to get away from Regency pastiche and making a more modern façade, but the lowered horizontal line is not harmonious, and doesn't look good. The Architects' Panel

didn't like the design. There must be some way round this, something that sits better. On purely planning grounds, we shouldn't support the proposal because of that.

KH: will move to votes on officer recommendations for the two proposals.

Vote on officer recommendation to permit FUL application

2 in support

8 in objection

1 abstention

NOT CARRIED

Vote on officer recommendation to grant ADV consent

6 in support

4 in objection

1 abstention

GRANT

KH: officers will provide clarity on this unusual situation.

CH, in response:

- The FUL application proposes a scheme for remodelling the entrance to the arcade, and the ADV application is part of this. It cannot be implemented if planning permission for the other scheme is refused.

SW: the reason why he voted as he did is because he understands that the Arcade wishes to advertise, and has no issue with the advertising banners – just doesn't like the design of the Arcade frontage. If the ADV was part and parcel of the FUL application, would vote against it. It is the design he doesn't like.

KH: sees the point that the ADV application is integral and based on the FUL planning permission for the design of the Regent Arcade front.

PM: there was no point having the second vote – the ADV isn't going to happen without the FUL. Can that vote be scrubbed from the record? It would make things a lot more straightforward – planning permission is refused; end of.

KS: there must be a process of voting on two applications that relate to each other. Legal advice on this would be useful. It is an awkward situation.

SC: would not have voted as he did if this had been explained in advance of the vote.

DS: voted against both but imagines some Members voted for the ADV in the event of the planning permission being granted on appeal.

DP: is surprised that the second vote was taken once the first vote for planning permission had fallen; would have expected it to fail.

NJ, in response:

- Ordinarily, Members are expected to vote on individual applications. It appears that Members were not entirely clear on what they were voting for or the relationship between the ADV application and the FUL application. Provided Members are agreeable to do so it would be appropriate to take the second vote for advertising consent again.

KH: in light of this discussion, invites Members to a clarifying vote on 18/00700/ADV

Vote on officer recommendation to permit

0 in support
9 in objection
1 abstention

NOT CARRIED

KH: As RH was out of the room and has now returned, the vote will need to be taken again.

Vote on officer recommendation to permit

0 in support
9 in objection
2 abstentions

NOT CARRIED

KH: we now need grounds in order to vote for a refusal. Invites Members to propose grounds.

KS: suggests it is rejected on design grounds – CP7 of the Local Plan; for impact on the conservation area – the elevations and proportions harm the character/amenity of the area – SD4 of the JCS? Help from officers would be appreciated.

MP, in response:

- JCS Policy SD8 relates to the historic environment, so could be included in line with Members' objections. The application could also be said to contravene design advice in the NPPF.

KS: can construction methodology be included as a refusal reason – the potential damage to the paving during the construction phase? If the applicant can deal with this in a future application, it would be really useful.

Vote on KS's move to refuse 18/00681/FUL on JCS Policies SD4 and SD8, Local Plan Policy SP7, and the NPPF

10 in support
0 in objection
1 abstention

CARRIED - REFUSE

Vote on KS's move to refuse 18/00700/AD on JCS Policies SD4 and SD8, Local Plan Policy SP7, and the NPPF

10 in support
0 in objection
1 abstention

CARRIED - REFUSE

299. 18/00700/ADV Regent Arcade

See 18/00681/FUL, above.

300. 18/00829/FUL 5 Princes Street - WITHDRAWN

301. 18/00846/FUL 66 Townsend Street

Application Number:	18/00846/FUL
Location:	66 Townsend Street, Cheltenham
Proposal:	Two-storey side extension (revised scheme ref: 17/01303/FUL)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

GD introduced the application as above, a revised scheme following the refusal of a previous scheme last November. The recommendation is to permit, for reasons set out in the report, and the application is at Committee at the request of Councillor Hobley, in view of neighbours' concerns.

Public Speaking:

None. Having requested a Committee decision, KH confirmed that he would make some brief comments as ward member.

Member debate:

DS: considers this can only be a good thing for the area – it will tidy up a building in poor condition. We have been assured that, instead of being an additional bedroom for an HMO, the space to the side will be a garage – can there be a condition preventing it from being converted into another bedroom? The proposal is for a three-bedroomed house not a six-bedroomed one. As such, will vote in support.

KH: a number of residents got in touch about this application, raising concerns about this property. Explained to them that a lot of these objections could not be considered as relevant planning grounds for refusing the application, which has been very frustrating for the neighbours and for himself. Neighbours are largely concerned with anti-social behaviour, which is likely to increase if the application is granted – but this is not a planning matter. Has great sympathy with these neighbours in tightly-packed areas, and is concerned that the proposed garage may not accommodate a car. Consideration for this has been made by officers, with a condition that the garage can only be used for a car and ancillary domestic storage. If a condition could be included to prevent the garage from being made into a bedroom, we would need to ensure no internal door between the house and the garage at this stage. Also ask for a committee decision as the neighbours asked for opportunity to speak – although they have chosen not to do so, as is their right. Members also as many know that St Paul's has problems with a proliferation of HMOs, which needs some sort of management. Agrees by and large with DS, that this will be an improvement on what is there at the moment. Has concerns about what will happen in long run but not for Committee tonight.

JP: as a point of education, and having no queries about this particular extension, what is the logic for always requiring that extensions are set 1m back from the pavement, when the space could be better used within the extension? Understands this has something to do with the need to be able to 'read' the original building – which might not be quite so clear otherwise?

KS: regarding a possible garage condition: if we require it is used for parking only, will that be enforceable? How will we know if the occupants are using it for storage or for living space? Looking at the dimensions of the garage and the small space between the houses, it

may not be possible for a car to get in and out, resulting in the loss of a parking space in area where parking is already difficult.

SW: if we don't want the garage converted to living space at a later stage, requiring there to be no door between the house and garage wouldn't work – this is often the case. Is happy for this application to go ahead, but it would work better if the front wall was moved forward a bit. Would be happy to see the frontage all in a line, and the applicant should be allowed to do this if it makes a better line. If we could have a condition that this won't be used for residential – storage/workshop OK, but not a living area – this would suffice for him.

PM: recalls a garage at 24 Horsefair Street where the highway between two buildings required a build-out to allow it to be used. Do we need highways advice on this before moving forward? Is intrigued about who would park in the garage anyway. People are more likely to park in the street, and more likely to need the garage as secure storage for bikes etc. There is history here – the previous application included a bedroom in the basement. Would like a condition to ensure no-one attempts that again. Is minded to approve; agrees with DS that the house is a blot on the landscape as it currently stands. This can't be any worse.

GD, in response:

- To JP's question about set-backs, the Local Plan and Supplementary Planning Documents state that an extension needs to be subservient to the existing house. The SPD ideally requires a first floor set back of 1m. In this instance, the applicant was asked to provide this to ensure subservience, and this is what he came back with;
- Regarding the size of the garage and a possible condition for it to remain a garage rather than be converted to a bedroom, the SPD states that garages are to be wide enough to exit the car from one side, and the proposed garage achieves this; a condition is included to ensure the garage cannot be converted without permission;
- Highways officers were not consulted this time, as this proposal will not make any difference to the existing arrangement in highways terms; a visibility splay could not be achieved here and therefore the existing arrangement would apply;
- Regarding the use of the basement space, this is not part of the application. How it is used is up to the applicant or owner of the property; it cannot be controlled by condition.

KH: the garage is quite small and narrow; not likely to be big enough for a car.

DP: why is it important that the extension should be subservient to the main house?

GD, in response:

- It is our view as a local authority that it is important that extensions don't dominate the original building, or do anything to be detrimental to its character or charm. A large extension could overpower a building, and draw attention away from the existing house. This is why policy and planning guidance is in place.

DP: as GD has explained, this is 'guidance' and should be used on a case by case basis. It is not appropriate here.

KH: we need to determine the application as submitted by the applicant, regardless of what Members may think about the overall policy.

GD, in response:

- Members need to make a judgement call on what is before us, what the applicant has submitted.

Vote on officer recommendation to permit

9 in support

1 in objection

1 abstention

PERMIT**302. 18/00934/FUL 68 Sandy Lane**

Application Number:	18/00934/FUL
Location:	68 Sandy Lane, Charlton Kings, Cheltenham
Proposal:	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	7
Update Report:	None

BH introduced the application as above, for planning permission for changes to a recently-approved scheme, originally a first floor front and single storey rear extension, first floor side extension, and remodelling of the property. Permission for the majority of the works has been granted, and the current application is only concerned with the changes – the increase of approximately 400mm in the height of the first floor, and removal of fascia, guttering and cladding. The application is part retrospective, as the first floor front extension has already been built at the height now being applied for. It is at committee for transparency, as a senior staff member at CBC lives next door. The officer recommendation is to permit, subject to conditions.

Public Speaking:**Mrs Atkins, neighbour, in objection**

Is the owner of the property most affected by these changes, and frustrated to be making formal representations about a development not built to the consent granted. At Committee last year, it was clear that the proposal would have considerable impact, but Members were advised that with careful control over detailed design and materials, a high-quality scheme would be delivered. On this basis, they agreed to permit it. The scheme has not been delivered with the careful execution required. Understands that the new scheme is assessed as a new application, and therefore feel it fails to meet the council's policy requirements as follows: firstly, visual impact – this is an attractive, prominent corner plot, highly visible on a road used by many walkers and residents. The increase of 0.5m results in an over-dominant extension, which detracts from the street scene. The extension becomes the focal point of the plot and breaks the roofline of the existing house. Officers accept that this is an awkward relationship, but Policy CP7 requires a high standard of design, and this falls short of that. Supplementary planning guidance requires extensions to be subservient, not detract, and play a supporting role, but it is clear that the enlarged forward box of this extension is not subservient – policy requirement is therefore not fulfilled, and this is not addressed in the report, although it was highlighted in two other reports of residential extensions on tonight's agenda. Secondly, loss of amenity: on site visit, Members will have noticed that the additional height of the extension has impacted the light entering her kitchen – the obscure-glazed side window is the only direct light source. Through-light from other secondary windows has no impact on the kitchen light. Policy CP4 requires the protection of existing amenity, but the increase in height detracts from it. It is described as an oversight, and stated that building to the approved plan will result in lower internal ceiling heights. But the majority of the structure is a balcony with generous

internal height; achieving consistent internal ceiling height through to a balcony should not be adequate justification to contravene planning policy. Members will probably be told that the additional height is marginal but it is not. Two additional courses of blockwork change the design and appearance of the extension, pushing into the roof, causing additional impact on her home and the street scene. The application is in conflict with local policies CP7 and CP4.

Councillor Harvey, in objection

Is chair of CBC's audit committee and has been struck by the inconsistency in reports and officer advice tonight. For the application at Townsend Street, subservience was clearly expected, so as not to dominate the street scene or change the character of the area. Here we are considering a property at the bottom of an incline towards the AONB, and a proposal for an extension which is clearly not subservient. It's clear that there was a lot of thought from Members when they considered the previous application, and their concerns were largely mitigated with a good set of conditions. This current application sets a poor precedent – if you really want a development, ignore the conditions to protect neighbours, carry on with work – then apply for retrospective permission. Would ask Members to reflect on this, and what message it sends to developers – go along with a thoughtfully-discussed planning permission, then slap in retrospective. This proposal doesn't comply with Policies CP7 and CP4. Members are told to consider each application on its own merits, but there are inconsistencies tonight which could set a precedent. The neighbour has set out reasons why this application should be refused; policies CP7 and CP4 are there for a reason.

Member debate:

DP: a question on detail: does the change between the height of this application and the approved plans make any difference to CP4 and CP7?

SW: remembers the two previous applications at this site; didn't like the first one, but was quite pleased that the second one had addressed a lot of the concerns of neighbours, and the Committee was happy to permit it. The applicant hasn't done a complete switch round – but you don't accidentally put up half a metre of wall. On the concern about inconsistency, this evening there have been arguments about subservience – but the previous application was what the applicant wants and has applied for; this isn't, and this applicant should go back to the last plan as agreed.

DB: a question: if this application is refused, would the applicant have to revert to the last application granted?

PM: was not present at either of the previous two committee meetings when the applications at this property were discussed, but has looked back at the previous minutes, in particular at the comments of Councillor Baker, who would normally speak on this if he were present. He congratulated the architect on the second proposal which, while not subservient, was a better scheme and much improved on the previous one. Looked at the site at the weekend and has read all the paperwork; is shocked at how big the 'box' on the front is – not in line with his definition of subservient. Didn't see round the back of the house, but struggles with this application, and also with the way the applicant has gone about this. A previous adjustment to a kitchen window was needed; the plans were modified in the proper fashion, proving that the applicant knows the proper way to go about it, but the principle here seems to be – in the event of a cock-up, build it anyway, then go to planning department – why not look for practical solutions to make it work? This is not our problem; it is their problem. Is inclined to require them to knock it down.

JP: the key words here are consistency and subservience. The original form was not subservient, and the additional 400mm makes it more dominant; the side element is

unbalanced and ugly. Regarding consistency, recalls a similar situation a few months ago, where the building was put up higher than it should have been. The Committee agreed that it should be taken down, and the same should happen here.

KS: if this application was the original application, what would the officer recommendation be? Are Members considering the difference between this and the extant planning permission or this and the house as it was before? It looks like a new house in its own right – a super-big, modern house. Would it be acceptable re. policies if it was the original application?

KH: would remind Members of the parameters of what they are voting on tonight.

BH, in response:

- The extant permission is the fall-back and still intact – so if this application is refused, the applicant will need to revert to that. It is clear that Members are not being asked to consider the whole scheme tonight, just the difference between the permitted and the proposed schemes, and whether that difference is unacceptable in terms of design and impact on amenity;
- Members have already accepted the original design as acceptable and the impact as not unacceptable; is the increase in height sufficient for them to refuse on either of these grounds;
- Regarding subservience, it should be noted that this is not a traditional extension but part of a wholesale remodelling of the house. This may not have been obvious on the site visit, as works have halted and scaffolding is still in place, but officers have taken the remodelling into consideration.

KH: if this proposal was the original scheme, would officers have recommended it for approval?

BH, in response:

- Yes, the proposal would have the same recommendation. For the current proposal, the question is whether the additional height will cause unacceptable harm to neighbouring amenity and design. Officers do not consider that it will, hence the recommendation to permit.

DP: what is the difference in height between the permitted scheme and the additional 0.4m? What is the proportion of the overall height?

KH: Members have made some important observations on this, and appreciates the way in which those in objection are looking at it, but is not of the opinion that we should refuse. Rightly or wrongly, the applicant has started building the scheme, but things don't always work out as we think they will - he has realised that the original plans are not up to scratch, and is now seeking to redress that. Appreciated the neighbour feeling that this will impact on their light, but the officers state that it will be OK, and not sufficiently impacted to make a difference. Realises it is frustrating for Members if they don't like the approved design, but we are not voting on the whole thing, only on the change. It is important to bear this in mind when making the decision.

BH, in response:

- The current proposed height is 5.65m; the original height was approximately 5.2m.

DP: so the increase is less than 10%. The impact of this will be marginal. Notes the appeal decision at The Hayloft, the legal advice, and the costs decision. This is a no-brainer.

PM: has difficulty with that view. Anyone can come with an application, have it approved, then automatically add on an extra 10%. Is not convinced; felt the tipping point was reached

with the previous proposal – Councillor Baker is minuted as struggling to support it, and being concerned about its lack of subservience.

Vote on officer recommendation to permit

3 in support

7 in objection

1 abstention

NOT CARRIED

CH, in response:

- In the context of the debate this evening, Members would be looking to refuse this application on Local Plan Policies CP7 (design) and CP4 (amenity), and JCS Policy SD4 (design). There are two elements here; are Members of the view that either design or amenity is the more significant issue?

DP: is interested in what an appeal inspector would take into consideration – the overall design or just the changes from what has already been permitted?

CH, in response:

- she/he would only be concerned with the changes from the approved scheme.

KS: regarding the impact on amenity, the neighbour says there will be loss of light from the kitchen; is this classed as a habitable room in planning terms? Is the proposed extension next door contributing to more loss of light to the kitchen? Would like to hear more about that. Considers the design to be the main issue – scale, bulk, mass in this location, and the impact on the area.

DS: if the builders have to alter the heights, at the end of the day will enforcement officers check that they have conformed with tonight's vote?

BH, in response:

- It was enforcement officers who invited the applicant to put in this retrospective application, and they will have to make the decision. The applicant would have the right of appeal, against the decision tonight and any enforcement case;
- Regarding light to the neighbouring property, a kitchen is considered to be a habitable room. The neighbour's kitchen window is currently obscure glazed, and a further light source on the rear element of the property is not impacted by the extension at No. 68. Officers consider that that additional light source compensates for any impact on the obscure-glazed side window.

PM: is vague on policy numbers, but can officers confirm that the concern that the additional 0.5m results in the extension cutting into the roof line of the existing house is included in the refusal? Regarding subservience, the eaves of the existing extension tuck in, but this is now awkward and not consistent with good design.

KH: Members need to decide if the refusal is on design, amenity or both. To recap, the policies currently being put forward are CP4, CP7 and JCS SD4.

CH, in response:

- the design element - CP7 and SD4 - is sorted, but can Members articulate the specifics of the issue of CP4 (amenity)? Is it just light to the side kitchen window or a wider issue?

KS: is not sure we should include loss of amenity as a refusal reason. Design, mass, bulk and scale in this location are the issues here.

KH: the clarity we need is the specific grounds on which we are refusing the application – just design, or design and loss of amenity? For design only, it would be CP7 and SD4.

KS: formally proposes refusal on those grounds only.

Vote on KS's move to refuse on CP7 and SD4

7 in support

3 in objection

1 abstention

MOTION CARRIED - REFUSE

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

PM: notes that every Agenda item tonight has a previous history, and has found it useful to look back at the previous minutes when reading the papers. It is sometime difficult to find the relevant minutes, and would be helpful if these could be included, where proposals have been discussed previously.

DS: agrees that this is a good idea.

SW: there would need to be a reference or link to the previous application.

DP: this won't tell Members where the minutes are.

CH, in response:

- in the body of report, there is always a list of constraints, planning history, reference numbers, dates of decisions which Members can refer to.

KH: a link would be useful for Members using an i-pad, or inclusion of the previous minutes in the report or agenda – just a thought.

CH, in response:

- officers will take this into consideration.

The meeting ended at 8.55pm.

Chairman

The meeting concluded at Time Not Specified