

Planning Committee

6.00 pm, 19 July 2018

Present at the meeting

Councillor Paul Baker (Vice-Chair)	Councillor Wendy Flynn
Councillor Stephen Cooke	Councillor Alex Hegenbarth
Councillor Diggory Seacome	Councillor Karl Hobley
Councillor Victoria Atherstone	Councillor Tony Oliver
Councillor Bernard Fisher	Councillor Simon Wheeler
Councillor Dilys Barrell	Councillor John Payne
Councillor Mike Collins	Councillor Rowena Hay (Reserve)

In attendance:

- Councillors Savage, Babbage, Britter (as speakers),
- Councillors Jefferies, Boyes and Stafford

Officers in attendance

Tracey Crews, Director of Planning (TC)
 Michelle Payne, Senior Planning Officer (MP)
 Emma Pickernell, Senior Planning Officer (EP)
 Victoria Collins, Planning Officer (VC)
 Chris Morris, Conservation Officer (CM)
 Chris Chavasse, Senior Trees Officer (CC)
 Nick Jonathan, Legal Officer (NJ)

Also present:

Lucas Arinze, David Simmons, Gloucestershire Highways
 David Parrish, LLFA

304. Apologies

Councillors Barnes* and McCloskey

**Councillor Baker chairing the meeting.*

305. Declarations of Interest

18/01216/FUL Pittville Recreation Centre

Councillor Hobley – is a trustee of the Cheltenham Trust, but is likely to have left the meeting by this stage, due to another engagement.

18/00704/FUL Blenheim Villa, The Reddings

Councillor Cooke – is a member of Cheltenham and Tewkesbury Cycling Campaign, which was submitted a late objection to this application. Has not been party to any of the representations submitted by that group.

306. Declarations of independent site visits

Councillor Fisher: had to leave Planning View before getting to **17/00710/OUT Land adjacent to Oakhurst Drive**, so returned to view that site the following evening.

Councillor Seacome: paid a second visit to **17/00710/OUT Land adjacent to Oakhurst Drive** to reinforce what he had seen on Planning View.

307. Public Questions

There were none.

308. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21st June 2018 be approved and signed as a correct record *without* corrections.

309. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule**310. 18/01083/CONDIT Cotswold View, The Reddings**

Application Number:	18/01083/CONDIT
Location:	Cotswold View, The Reddings, Cheltenham
Proposal:	Variation of condition 2 on planning permission ref. 17/01220/FUL to amend the approved plans to allow for the addition of roof lights to the front and rear roof slopes.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	21
Update Report:	Letter from agent

EP introduced the application as above, advising Members that the work has already been carried out, creating an additional bedroom and en suite bathroom in the roof space. If the dwellings were complete and occupied, this work would come under permitted development - this is the fall back position for the applicant and a material consideration in the decision-making process. The application has been called to Committee by Councillor Collins, in view of neighbour objections to the proposal.

Public Speaking:**Mr McKie, secretary of The Reddings Residents Association, in objection**

The Reddings Residents Association welcomes new development which complements the area, by adding amenity and prosperity to The Reddings; the B1 offices in the area are supported, and will hopefully bring some welcome higher-paid jobs. The variation to this planning condition is different; a way of pushing through a scheme which would otherwise have been refused. Looking at the application time line, TRRA, councillors and CBC were only aware of the developer's intentions when an advertising board for 4-bedroomed luxury executive homes, displayed on the fencing soon after building work started. This has now been taken down, but at best the sign was premature, at worst complacent - and the properties are still being marketed as 4-bedroomed on the developer's website. This seems to be this developer's modus operandi – it is not the first time he has adopted this route. In this case he has attributed it to the good weather, which is rather convenient. The roof trusses for an attic room would have to be ordered well in advance, and even the foundation design would be different for this four-bedroomed proposal, rather than the three-bedroomed permissioned one. The developer could have applied for variation a long time ago, and it was only the intervention of the enforcement office and a councillor that made it necessary for him to do so. Three four-bedroomed houses will place further strain on off-street parking; understands that the Council follows a general rule of thumb of two spaces and a garage for a four-bedroomed property; there is not enough room for garages on this site, so where will the cars be parked? This is critical for North Road East, now reduced to one lane only near the roundabout due to parked BMW staff vehicles. Additional parking on The Reddings will further limit visibility, with the ever-increasing through-flow traffic. The chances of an accident will increase. The developer's own traffic survey is full of startling figures and anomalies – cars have been recorded doing in excess of 40, 50, 60mph, even during peak

times; council figures, percentiles and statistics are no comfort to the family of those killed or injured.

The applicant was unable to attend the meeting but asked that his letter be re-circulated with the blue papers for Members to read at this point.

Councillor Britter, in objection

This variation of condition application has created a lot of ill feeling in the area. After the frustration and hostility aroused by the BMW showroom and the Hayloft, this application needs to be carefully considered to avoid any future 'mistakes' and ensure this does not set a precedent for the future. As Members have just heard, TRRA has some serious questions about the suitability of this proposal proceeding any further. Will not reiterate these, but will examine a few in more detail. Firstly, the time line – the developer acknowledged during the early stages of the development, it was recognised that there was capacity for an extra room in the roof space – though he probably realised before the building started on the foundations, as provision was made for the staircase and extra weight. The roof structure would have needed a bespoke plan and the floor plan would have to be amended to allow for a staircase from the first to the second floor. But no variation of condition application for the additional room and two Velux windows was submitted until after the notice advertising the properties as four-bedroomed had gone up.

The drawings for this show the intention of the room extension, but no dimensions or cross sections. There is no application for a roof extension, only for Velux windows. There may be fall back, in speculating what a future occupant may do, but that doesn't mean future occupants would necessarily want to do it – such a conversion would probably cost them £30k and cause a lot of disruption – unlikely that all three new occupants would do so after purchase. Four-bedroomed properties were on the agenda from the beginning.

A larger house will have additional parking requirements, but there is no means to extend, or to include any visitor spaces. Some excessive speeds have been recorded along road, visibility is poor at the roundabout, and the additional traffic is on primary bus route – all this needs careful consideration.

The developer has ignored the sensitivity of local residents, with demolition taking place on Saturday afternoons, scaffolding being erected from 8.00am for three hours on Sunday 1st July. Enforcement offices contacted the developer to say this was unacceptable. Vans are parked on the site at the front of the roundabout – North Road East – forcing traffic onto wrong side of road. There has already been one minor accident, and neighbours' view is restricted in and out of their properties. The developer had time to engage with community prior to construction and during, but has carried on regardless; he finally sent an email to councillors and TRRA last Thursday – but this is too little too late. If planning permission is given, the developer will be enriched.

Member debate:

SW: on a point of clarity, Councillor Britter has commented that he (SW) had been looking to do work on the roundabout; would just say this has nothing to do with the proposal being considered tonight, although this would impact on it. The roundabout is a hazard, and impinges on these properties.

It is a case of 'here we go again' with this proposal. Most Members, especially local Members in the Reddings, were not happy with the loss of the original cottage. On site visit for this proposal, found the new properties to be very overbearing, but they have planning permission so there is little or nothing we can do about that. It is a situation we have come

across so many times: the developer has a plan he wants to put together; he either tries it on and fails and then puts in for a smaller plan, or goes in for the smaller plan, gets permission, then comes back with an alteration to get what he wanted in the first place – resulting in the smaller impact proposal having much greater impact. However, on paper, all we are looking at here is two windows, which could be put in under permitted development rights, and retrospectively. Is not happy with this application; is not happy with what is already there; will not be happy to vote in favour of the proposal but is not sure what refusal reasons could be used.

JP: agrees with SW. This is a cynical use of the planning system. Cannot believe a developer of Mr Le Grand's experience planned 3-bedroomed properties without the intention of creating 4-bedroomed houses from the start. The only reason for doing it this way is that on this site, 3-bedroomed properties with two parking spaces each would not be so controversial, but they were very quickly being advertised as 4-bedroomed dwellings. This will move them out of the reach of many potential customers; with three bedrooms, they may even have been on the verge of being considered affordable. It is a very difficult situation, and the fall-back position makes it difficult to resist. Roof lights and attic conversions should be down to the individual owner. The developer should not use the council to get what he wants.

MC: the starting point here is, *build what you have permission for*. This is an unpopular development, which caused a lot of local interest. The sensible thing for the developer to have done would be to get on with it, and keep his head down. Instead, he gets planning permission for 3-bedroomed houses and goes ahead to build 4-bedroomed houses. His justification is that the building schedule was ahead of itself, due to good weather, and that it was suddenly noticed that there was space for an additional room in the roof space. PD rights should come into force only once a property is occupied; they should not be a means for the developer to get more than he has applied for. This is an experienced developer, well aware of the limitations upon him, and this application is waving two fingers at the planning process. The timeline reeks of double standards; taking advantage of one condition, and not sticking to other conditions too closely – all construction traffic is supposed to be within the confines of the site, with the exception of delivery vehicles, but has witnessed on several occasions six contractor vans parked on the road.

PB: these matters are not relevant to this planning application.

MC: it is relevant to the angry neighbour who called him on Sunday morning – we need to take these things into account with this application.

PB: it has nothing to do with the case.

MC: it is reasonable that a buyer would buy a 3-bedroomed property as he wants it; it is not reasonable to assume that the buyer would immediately want four bedrooms; it is reasonable to say that there will be more traffic from a 4-bedroomed property than a 3-bedroomed one. All this is relevant. Saw the marketing sign for 4-bedroomed properties long before the developer sent his letter. He is manipulating the planning process as much as he can. There *will* be more traffic from four bedrooms than from three. We only have the traffic survey to go on, with all its variations. How can it be relied on? It was seriously flawed and shouldn't be taken into account. At this point, because the developer hasn't kept with what he has planning permission for, he should be told to stick with what he's got. Cannot support this proposal.

DB: echoes off these points. Are there any planning reasons to refuse? Would be grateful for any guidance. Is additional traffic a consideration? Would like to think there are reasons, but is not convinced.

PB: there are no planning reasons, but the officer will explain further:

EP, in response:

- Must remind Members again of the fall-back position – that this proposed work could be done under permitted development rights. Whether or not future occupants would exercise those rights can't be known, but this fall-back position is established through planning law, and is a material planning consideration in the decision;
- Understands Members' and neighbours' frustration at the retrospective nature of the application but this is not an offence, and it would not be appropriate to refuse planning permission to punish this behaviour;
- If Members want to refuse, it needs to be based on the planning merits of the scheme; has not heard any refusal reasons yet. The officer report sets out the relevant planning considerations, and there is no valid refusal reason that will stand up to scrutiny.

PB: endorses all that Members have said about the cavalier nature of the application. It is outrageous but there is nothing to be done. Asks that the officer writes to the applicant to express Committee's disquiet at the way he has gone about this.

SW: going back to the original application – was never happy with that – it was for three 3-bedroomed houses. There was a question at that time over the traffic survey with regard to numbers. Now there are three 4-bedroomed houses, and this has to increase the impact. The only possible objection would be the increased traffic impact.

SC: this is a retrospective planning application, and it might be perceived that the applicant is trying to manipulate the planning system. The fact is that if this work had been done at the end of the build, it would have been permitted development – it will not change the roofline or the volume of the roof space. Has sympathy with Members' comments, and understands why they are so cross, but if this work can be done under permitted development there is nothing to be done. We can criticise the original planning permission and the traffic survey, but these have been and gone, and now these changes can be made quite legitimately. It is indisputable that this application cannot be refused; it is going to happen. It is very annoying, but we have no option but to permit.

PB: will take the vote on the officer recommendation to permit. If this is lost, a Member will need to move to refuse, with planning reasons.

Vote on officer recommendation to permit

10 in support

4 in objection

0 abstentions

PERMIT

311. 18/00704/FUL Blenheim Villa, The Reddings

Application Number:	18/00704/FUL
Location:	Blenheim Villa, The Reddings, Cheltenham
Proposal:	The erection of two dwellings, and formation of new vehicular access
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Refuse
Letters of Rep:	26
Update Report:	Additional representations

VH introduced the application for the erection of two dwellings in part of the rear garden of Blenheim Villa. The dwellings will each have four bedrooms, a double garage and two parking spaces. They will be accessed via Grovefield Way, and will incorporate vehicle

turning space in addition to the four parking spaces. The application is at Committee at the request of Councillor Britter, due to objections from The Reddings Residents Association. A Gloucestershire Highways officer is present to answer highways questions.

Public Speaking:

Mr Martin Zwart, Vice-Chairman of The Reddings Residents Association, in objection

There are a number of reasons why Reddings residents are objecting to this application, but the primary one is the increased risk to public safety. In 1992, when Grovefield Way was built, it was clear that it would sever The Reddings, a village since 1560, with negative impacts, including on wildlife. Tree planting and hedgerows were considered essential, to remove the visual impact, provide a sense of the original village, provide a replacement wildlife haven and mitigate against pollution caused by traffic fumes and noise. Since then there has been a great deal of development in the area; residents were assured that the greenbelt boundary would be preserved and strongly defended along the line of Grovefield Way. It has not - the park and ride, BMW, and further offices have had a severe impact on the tree screening and led to a severe increase in traffic volumes. Traffic now backs up in the mornings, past the application site, creating noticeable fumes and noise pollution – councillors and residents are pressing strongly for pollution monitoring as it is thought to already exceed permissible limits.

If the principal urban area opposite is extended and further development and removal of trees takes place, the barrier protecting The Reddings will be eroded, as this application proposes to puncture it. The hedge at the access to the proposed dwellings is 5m tall and 4-6m deep. It is mostly outside the curtilage of the site, so the occupants will not own or control it. It provides refuge for hedgehogs, foxes, birds and squirrels, adjacent to a national cycleway.

Reddings residents were concerned that there were no notices around the site regarding this application, and that the applicant is proposing to fell and cut into the hedge which they do not own. The drawings don't show the full extent of this – they show 4.1m but it will need to be at least 8.5m wide to meet the pre-application advice of Highways. It needs to cater for incoming and outgoing vehicles, including large vehicles such as refuse lorries, and there will need to be a reduction in thickness over a considerable distance to create visibility splays - Gloucestershire Highways acknowledge the sheer effort involved in maintaining this. There could be devastating consequences if the hedge is neglected even a little, and exiting the site safely will be a challenging manoeuvre even for a skilled driver.

Mr David Jones, agent on behalf of applicant, in support

The applicant seeks full planning permission for two dwellings with new vehicle access. The unequivocal officer recommendation is to permit, subject to S106 agreement to ensure future maintenance of the hedge to maintain cycle visibility sightlines; for motorists, no adjustments are required. There have been 26 comments, which can be summarised as follows: (1) highway danger: the highways authority raises no objection; the access will provide visibility sightlines based on actual recorded speed of traffic on the highway network; no evidence has been presented to suggest that this should be ignored; (2) loss of hedge: a section of hedge will be removed to form the new access, but the impact has been examined by an ecologist, who concludes that the scheme is acceptable; the proposal included ecological mitigation and enhancements to ensure no impact to protected habitats; (3) waste collection: the application is for two dwellings in good size plots, with ample room for bins and recycling; roadside collection will be via Grovefield Way, as is standard practice; (4) the site is not allocated in the JCS: infill sites of this type are not subject to allocation; JCS Policy SD10 confirms that housing development will be permitted where it is infilling within the existing principle urban area of Cheltenham – making this proposal fully policy compliant; and finally (5) loss of amenity: officers have assessed the impact of the proposal on neighbouring properties, and conclude that although the dwellings will be visible from neighbouring

properties, they are far enough into the plot not to give rise to any issues of overlooking, loss of privacy or loss of daylight, and will not be overbearing or oppressive. To conclude, the proposal is fully policy compliant, no objections have been raised by statutory consultees, the site can be safely accessed and the S106 undertaking will ensure that access remains safe in perpetuity. There is no justifiable reason to withhold consent, and therefore urges members to support the office recommendation and approve the application.

Councillor Britter, in support

As Members have heard from the representative of The Reddings Residents Association, there are a number of areas of serious concern with this application. Many residents have continually reported excess speeds on Grovefield Way; a new opening – crossing the fast-flowing distributor road with right turns adjacent to a busy roundabout in considered dangerous. The Manual for Street Design states that cycle trips must be improved or at least not made worse. Vehicles crossing the pavement and cycle path will make them very much worse. Little credence can be paid to the Highways Agency report, especially when it states that the speed limit on Grovefield Way is 30mph when it is in fact 40mph. The anticipated vehicle movements each day are grossly underestimated, given that four parking spaces are being provided for each property. There are also discrepancies with applicant's traffic survey, which cannot be relied on. This application is contrary to Section 7 of the NPPF, and does not contribute to making the area better for people. Rather it will place further strain of traffic infrastructure, foul and storm water drainage infrastructure, and the health of residents, in the form of noise and fumes intrusion.

The landscaping sensitivity is high, and shouldn't be given away so easily for so little return. The proposal is further contrary in relation to garden grabbing, harming the architectural integrity, townscape and environmental quality of the area, by eroding open space around buildings, contrary to JCS Policies SD4b and c. It is also contrary to emerging Local Plan Policy D3, because it removes private space which makes a significant contribution to environmental life. Trees which will have to be removed have a minimum 10-year life expectancy, and should not therefore be removed. The proposal does nothing to enhance ecology, landscape or biodiversity. Policy G12 requires preservation of trees, and does not allow them to be felled for relatively low-value development purposes. Policy G13 states that development which causes harm to trees will not be permitted.

Why is this proposal being suggested for approval with no safety audit and only a preliminary and inadequate ecological report? Both are vital. There is a recommendation for detailed surveys on both as conditions, but this will be too late and unenforceable. Once permitted, the genie will be out of the bottle, opening the area to further unneeded development.

To conclude, with so much publicity regarding the harm of pollution to health, to permit a scheme which requires the removal of a substantial portion of this vital hedge which currently serves to mitigate such harm, in order to service just two dwellings would be a travesty. Members have heard and read the grave concerns of local residents. This proposal will have a profound, devastating, detrimental effect on the local community, and should therefore be refused

Member debate:

MC: the first thing to say is that it was very interesting when visiting the site on Planning View, that the driver couldn't park the minibus near the access point – because it was too dangerous. He had to park next to the existing access for Blenheim Villa. Is not against building houses but Planning Committee's job is to make sure that the right houses are built in the right places, with appropriate access. This doesn't match any of those criteria. Doesn't like the fact that trees and hedgerow will have to be removed. At the proposed access point, there is an overgrown hedgerow, which local Members have asked

Gloucestershire Highways to maintain, but nothing has been done about it. To exit the site onto Grovefield Way, it will be necessary to cross a verge, an unmaintained hedgerow, another verge, a footway, a shared cycleway, another verge, and then exit onto Grovefield Way. Questions whether the Highways officer has actually visited the site. His consultation report has been extensively re-written by objectors, as it had a number of errors, including the wrong speed limit and scant comment about the fact that the access would be cutting across the cycleway. It seems that most of the report is made up with standard, generic comments.

The ecology report is preliminary, giving rise to the question, how will the proposal impact on hedgerow, wildlife, vegetation? The proposal to overcome this concern is another condition – but how would this be enforced? Grovefield Way itself is busy, with a roundabout close to the junction, and BMW on the opposite side. Where is the traffic impact survey? Members had to refer to neighbours for information, who informed them that there has recently been an accident at this junction. The collision resulted in the road being closed for a considerable amount of time. Traffic regularly exceeds the speed limit on Grovefield Way. There is a S142 notice regarding the hedgerow, but this is impractical, unmanageable and unenforceable.

Realises that Members are not here to redesign proposals, but if it was to be rotated 180° and share an access with Blenheim Villa, many of these concerns would be removed. As it is, concerns with highways safety are too great; will not support this application.

DB: with regard to access, on Planning View was struck by how close to the roundabout the proposed access is situated – this could be quite dangerous for cars turning in and out, noting the speed at which cars were coming down Grovefield Way. Vehicles will be crossing the cycleway and pedestrian footpath, possibly at speed. It is vital that the hedgerow is kept trimmed – are the owners going to keep doing this? Was also concerned about refuse vehicles; can see them having great problems. The minibus couldn't stop outside, and if refuse vans are able to do so, they will stop visibility for other road users.

JP: agrees with much of what has been said, so won't go over the same ground. Approves of the design and lay-out of the proposal, but cannot support it, based on the access arrangements. After Planning View, looked at Grovefield Way on Google, and could not see one single other access onto that road. This encourages drivers to exceed the speed limit; it is an accident waiting to happen. A similar proposal on this site was refused in 2002 and nothing has happened since to change that view of the site.

BF: Members should remember that the driver parked the minibus in The Reddings on Planning View because that is where the access currently is; the access to the proposed dwellings on Grovefield Way is not there yet; it wasn't because of the volume or speed of traffic on Grovefield Way - we need to be accurate about this. Also, there is an entrance onto the roundabout from another site – the large development of static homes. Traffic *is* a problem but we cannot make plans for people who don't comply with the law; people do speed – has seen the pictures of the accident, which was probably caused by drivers going in excess of the speed limit. The hedge is a highways hedge, but residents can cut it without the permission of GCC if it is becoming a hazard. It isn't a listed hedge, and the loss of wildlife habitat from a small section of it would be minimal. Cannot see this is a reason to refuse.

SC: this is a nice development – nice houses and nice for whoever gets to live there – but there is a problem with access. Grovefield Way is a busy road, difficult to cross, and there is no similar access anywhere else on that road. Is concerned not just with access but also with the practicality of it. The hedge is an issue – someone might be technically responsible for it but is it actually going to be cut? Will Highways do it regularly? How practical is this? Looking at the layout of the access to the highway, how would it actually work with a car

about to emerge from the new property onto Grovefield Way? The driver will have to nose the car to the edge of the property – which can't be seen over the hedge – then edge forward towards Grovefield Way, blocking the route for cyclists and pedestrians, and will then have to wait for a gap in the traffic to allow the car to move forward. Alternatively, the driver will wait for a gap at the edge of the property and then accelerate over the cycleway when the opportunity arises. This is potentially dangerous – cannot support it at the moment. Looking for a solution, could the new dwellings be accessed through Blenheim Villa and The Reddings?

VH, in response:

- Regarding the hedge, the ecological appraisal confirmed that there are no protected species in the hedge; a mitigation enhancement strategy is proposed, and this can be enforced by enforcement officer.

CC, in response:

- There are a lot of trees on the site, mostly fruit trees, and mostly half-eaten and not worthy of protection – they could be felled tomorrow. A lot of tree replacement has been included in the proposal, with species suitable for the site.

David Simmons, in response:

- When assessing an access point, visibility is the key. The standard distance required is 120m on a 40mph road, which this provides. Accordingly, highways officers do not have any concerns;
- Regarding the cycleway, this will require an additional splay to ensure adequate visibility. Forward visibility is good along the length of the route, allowing cyclists to see a car emerging well in advance;
- The position at the end of the carriageway near to the roundabout will improve visibility, motorists will be slowing down as they approach the roundabout, resulting in drivers only waiting a short time before they can emerge onto the highway. Grovefield Way is a busy road, but there are gaps where it will be possible to pull out – other motorists will probably flash their headlights to indicate that they will wait.

PB: can officers provide further clarity on the S106 agreement? What is its intention and who will it be served on?

VH, in response:

- The S106 is for the long-term maintenance of the hedge. It is the responsibility of the landowner, as highlighted by Land Registry.

PB: so in this case, that is the house owner.

MC: has a few further questions for the highways officers – whom he thanks for attending Planning Committee tonight – this is the first time in his experience this has happened. Is concerned about the tone of the language used – *should, maybe, normal elsewhere in the county*... These terms make him uncomfortable and don't change his opinion. In addition, there is no speed limit for cyclists, and some go very quickly. There are very long queues on Grovefield Way at certain times of the day; traffic can vary between being stationary and travelling at 60mph. If a car is waiting to access Grovefield Way on the cycleway and a cyclist approaches at speed, an accident could result. This is not a solution for getting vehicles on and off the road. If access was on The Reddings, it would do away with all these concerns. There have been issues with speeding on The Reddings too, but there are a lot of parked cars which slow things down, making 30mph a more reasonable estimate than 60mph.

AH: this isn't directly related but the highways officer suggested that motorists may flash their headlights to let vehicles from the new dwellings emerge onto Grovefield Way – this is not in the Highway Code, and this advice should not be given out.

Vote on officer recommendation to permit

4 in support

10 in objection

NOT CARRIED

PB: Members must now come up with a reason for refusal. Does MC want to move to refuse and suggest some reasons?

MC: looking at the list of policies and guidance, could it be refused on Local Plan policies GE2 – private green space; CP4 Safe and Sustainable Living – it won't be safe for people living in the properties emerging onto Grovefield Way; GE3 Development within Extensive Grounds - for the protection of the trees? Would Emerging Local Plan D3 –be appropriate - environmental life? It is difficult. Some people may not feel the hedgerows have value, but he does. Suggests any of the above.

PB: suggests Members should focus on the highways issue, although this is difficult as there is no objection from the highways authority, so who will represent the Council if there is any appeal?

EP, in response:

- If the consensus is around highways issues, we need to look at JCS Policy INF1 – the Local Plan policies on infrastructure have been superseded by the JCS. It is a long policy but the key relevant points here are: developers should provide safe and accessible connections to the transport network; developers will be required to assess the impact of proposals on the transport network to demonstrate travel safety.

PB: also, as a town, CBC is doing as much as possible to encourage cycling. Does MC agree to move to refuse in INF1?

MC: having heard what the officer read out, considers this to fit perfectly as a reason to refuse. Gloucestershire Highways should have looked it up and refused on those grounds along.

Vote on MC's move to refuse on JCS Policy INF1

10 in support

2 in objection

2 abstentions

REFUSE

312. 18/01142/CONDIT 70 Sandy Lane

Application Number:	18/01142/CONDIT
Location:	70 Sandy Lane, Charlton Kings, Cheltenham
Proposal:	Variation of condition 2 (approved documents) on planning permission ref. 17/00691/FUL to infill the rear terrace at first floor and make minor adjustments to the fenestration
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	Amended condition

MP introduced the application as above, for a minor material amendment. Planning permission was granted last year for major remodelling and extension of this house. The proposed amendments do not make a substantial difference to the approved scheme, and will not cause any harm to neighbouring amenity. The application is at Committee for transparency because the applicant is a member of the senior management team at CBC. The recommendation is to permit.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

313. 17/00710/OUT Land adjacent to Oakhurst Rise

Application Number:	17/00710/OUT
Location:	Land adjacent to Oakhurst Rise
Proposal:	Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	316
Update Report:	<ul style="list-style-type: none"> i. Report update ii. Final comments from Friends of Charlton Kings iii. Representation from agent, SFPlanning

MP introduced the application as above, for 90 dwellings, to include 40% affordable, seeking approval for the access, layout and scale, with matters relating to appearance and landscaping reserved for future consideration. A challenging application. Specialist reports. Competing issues – not unusual. Balanced decision – affordable housing tipped the balance. At Committee at request of Councillors Babbage and Savage, and due to objections from the Parish Council and Historic England.

Public Speaking

Mr Trevor Gander, Cheltenham Flood and Drainage Panel, in objection

The key risks for flooding in Cheltenham are surface water run-off and poor drainage, due to old drainage infrastructure. These risks are covered by only two paragraphs in the flood risk assessment with this application. The LLFA and planning officer are telling Members it is OK to approve this proposal on the basis that they will check details later and make sure they are OK. The LLFA actually says a decided SUDS plan *could* be presented – suggesting that the FRA is not fit for purpose. The development at Leckhampton View used the same drainage consultants – Simpson Associates Ltd – who used the same drainage model to calculate the surface water run-off (micro-drainage), and the same inputs for rainfall, which do not reflect the average for Cheltenham or the storm water rainfall we have experience of here. These inputs were not looked at or challenged in the process of approval. CBC

approved the scheme – and subsequently six houses and four sites were flooded. The LLFA reviewed what had happened, and stated that the FRA had not taken account of overland surface water flows, that attenuation was inadequate, and exceedance was not properly controlled. All of this risk is present in the current FRA. JCS Policies INF1 and INF2 say that CBC and the County should ensure that all new development reduces flood risk – that does not happen here. It states that structures such as the one proposed here should be monitored for effectiveness and the drainage tank should be maintained over the lifetime of the development. This has not been requested, and there have been no challenges by the LLFA on the lack of these key details, preferring to leave them offline, beyond the gaze of public scrutiny, for some ‘experts’ to make the same mistakes again. It is time the Council used people like his panel to give an independent view of what is right or wrong. The FR is totally inadequate and unsafe. The application can be refused on Local Plan Policy CP4 and JCS Policies INF1 and INF2.

Mr David Partridge, Simpsons Associates Ltd, in support

Speaks as a chartered engineer with 35 years’ experience, responsible for the flood risk assessment work and detailed management on this site. For the record, in response to the previous speaker, did not undertake critical FRA work at Leckhampton View – his company only became involved on that site after the flooding incidents had arisen. Flood maps show the application site is in Flood Zone 1, and is therefore at the lowest risk of river flooding – this site does not flood. The same maps confirm that the site is at no risk of surface water flooding, and low risk of sewer, ground water flooding, or flooding from artificial sources such as reservoirs. The main consideration is therefore the management of surface water run-off, which will be managed through the use of SuDs, including permeable paving and a pond to ensure water quality improvements and biodiversity enhancements. Drainage design software has been used to calculate the existing run-off rate for the site at 14.1L per second; the surface water from the proposed development will discharge to the public surface water sewer at a discharge rate of 6.3L per second. This is a reduction of more than 50%. Severn Trent confirms sufficient capacity to accommodate surface water flows from the site, and the restricted water will be stored in a below ground tank for all storm events up to and including a 1 in 100 year event plus 40% allowance for climate change, in accordance with the LLFA’s requirements – it has therefore raised no objection. The drainage implementation and maintenance plan will be developed and submitted to the CBC for approval. There will be no increase in flood risk; if anything the situation for residents lower downhill will be better than the existing situation. Finally, would ask Members to note that all the independent professional bodies which advise the Council – the LLFA, Severn Trent, and the Environment Agency – have raised no objections.

Mr Chris Lythgoe, Charlton Kings Residents Association, in objection

Lives in Oakhurst Rise, and speaks on behalf of community. The last application at this site, in 1984, was refused on loss of fine trees, exacerbation of existing flood problems, and inadequacy of local roads for traffic. Michael Heseltine, the Secretary of State, made objections including the harm development would do to the setting of the Grade II* listed building. These constraints are even more valid today, yet the current proposal is four times the size. In April, the Planning Inspectorate ruled that Cheltenham has a credible housing supply for the next five years; this development is not necessary. Many locals, Balcarras, the parish council and statutory consultees have objected. Referring to five points in the NPPF: Paragraph 12 states that development conflicting with the Local Plan should be refused – there is clear conflict here as the Local Plan considers the site can support up to 25 houses; Paragraph 74 states that sports and recreational grounds should not be built on – county level cross country races have been held on this site since 1960, and local athletics clubs have made strong objections; Paragraph 118 states that if significant harm to biodiversity cannot be adequately mitigated, permission should be refused, and that veteran trees should not be lost unless the need outweighs the loss – this plan will sacrifice an

ancient, important hedgerow and 18 protected trees, and those trees which survive will dwarf small back gardens and have uncertain futures. The Woodland Trust, Badger Trust and Natural England object; this is unsustainable development as the loss outweighs the need. Paragraph 123 of the NPPF states that decisions should aim to avoid noise leading to adverse impacts on health and quality of life, and that areas of tranquillity, prized for their amenity value, should be protected. A CBC planner told residents that planning exists to look after the wider public good and not private individuals; his neighbour is housebound, and the amenity of a tranquil cul de sac is vital. She matters and planning should exist for her. There is not time to comment on the flawed traffic, flood and other technical data, but liability from school flooding, subsidence or sewers collapsing could cost CBC in perpetuity. The site was ruled unsuitable in 1984 and it remains unsustainable, unreasonable and unnecessary to develop it today.

Mr Simon Firkins, of SFPlanning, in support

Is not going to argue that this proposal will cause no harm or the site will not change – it will, just as all the houses we live in changed the land on which they were built - but the benefits of this proposal and the a unique opportunity it provides mean that the balance falls in its favour. There is vocal opposition to the scheme, but also a wealth of unspoken support. There are 400 people looking for affordable housing in Charlton Kings yet none has been built there for 40 years; this proposal includes 36 affordable units in the precise mix asked for, and the importance of this, particularly where house prices are so high, cannot be underestimated. Some objectors say the proposal should be refused or deferred, that due process has not been followed, that any decision is legally flawed, that officers are biased and palms have been ‘greased’. Of the valid and planning-related objections, officers have worked extremely hard, in difficult circumstances, requiring all these to be addressed to reach a positive recommendation. The comparison plan shows how the layout has changed to meet officers’ strict requirements, resulting in fewer units and more space.

Significantly, the school supports the proposal, a once-in-a-lifetime opportunity for it to gain full of control of the land and buildings it rents, with just 30 years or so left on its leave. This allows to school to develop new facilities, ensuring its future as a provider of high-quality education, jobs, community benefits. This tips the balance further in favour, and it would be a tragedy if the school and wider community missed an opportunity not likely to be repeated. The school’s future is not currently guaranteed, but this proposal will guarantee it for as long as the school wants.

The site is in the principle urban area, not green belt or AONB. It is allocated in the emerging Local Plan, and policy comments are clear – emerging policy doesn’t restrict development to part of the site, and due to its complexity this is best dealt with through the planning application process. This is what has happened over the last 18 months. Independent experts - highways, drainage and flooding, ecology, trees and landscape – all agree this is acceptable. A safe and suitable access is achieved, along with upgrade works on the A40/Hales Road junction to help an existing problem to benefit all highway users.

Opinion on heritage differs, but all experts agree the harm is less than substantial, particularly in the context of the modern buildings in front of the original house and the site being barely visible from the front of the original building. Any harm is weighed against public benefits, which are covered in the report. The greater and very important public benefits associated with the school becoming master of its own destiny, adds significant extra weight in support, alongside the 36 affordable houses and other benefits.

Understands that supporting this may not be an easy task, but taking all material factors into account, it is the proper decision to make in planning terms, to follow the council’s professional advisers’ highly-considered advice.

Councillor Savage, in objection

Would like to start by thanking officers who have worked extremely hard on this complex and long-running application – even though he must strongly disagree with their conclusions. There are some positives here: 40% affordable housing is welcomed by everyone, but this is the right application in the wrong location. Would like to reiterate but won't repeat the concerns relating to flood risk and impact on local ecology which were raised by previous speakers.

When serving on Planning Committee, members often commented on the importance of Planning View – an opportunity to experience and appreciate the realities of an application site, including the access. On Planning View, Members would have been struck by the tortuous approach to the site – the steep access of Oakhurst Rise. This will be the only access point, including for heavy construction traffic, which could be in operation for many years. Thereafter hundreds of cars each day, plus vans, lorries, refuse and emergency vehicles. Permitting this substantial development with Oakhurst rise as the sole point of access would be completely inappropriate and wholly inadequate; the committee would be transforming a steep, winding cul-de-sac into a major thoroughfare. In addition, the narrow and congested roads of Ewen's Farm already serve as a rat run between the A40 and Hales road; any increase in traffic could mean the roads are simply unable to cope.

The Highway's Officer's report and traffic impact assessment has commented on nearby major junctions, especially Charlton Court Road/London Road, Sixways, Hales Road/London Road/ Cirencester Road, but this misses the point. The traffic burden from this application won't be felt at major junctions but on nearby minor roads, especially Beaufort Road, Oak Avenue, Churchill Drive and Ewens Road. Mitigations proposals in the report do not address or remedy the serious concerns of local residents and councillors regarding the traffic impact of this proposal.

Planning Committee has a commendable record of really listening to the views of local residents, and making reasoned and thoughtful decisions in the best interests of the town. Urges members to consider the flooding and ecology concerns, and the traffic plan which is unworkable and unfit for purpose, and reject the plan.

Councillor Babbage, in objection

Appreciates that there are a number of speakers on this application, so will be brief. There are many concerns, as set out by previous speakers, in particular flooding, access etc. It is clearly not a clear cut decision, as illustrated by the difference of opinion within the planning department. The case officer confirms that the recommendation is an on-balance opinion. Others agree with councillors and residents, that the site should be local green space. The draft Cheltenham Plan considers it suitable 25 dwellings, but even this is too many; it also notes the steep gradient, veteran trees, listed buildings, heritage impact, protection of key biodiversity impact measure to mitigate traffic on site. Members have seen access road – this is a real concern, but the Highways officer report doesn't mention the steep gradient. This must have an impact on the decision. Knows that Members will carefully consider all the issues raised tonight, and the legitimate concerns from residents and the parish council. This is a truly unique site, with its historical trees, hedgerows, badger sett. As said by one of the consultees, 'the inherent loss of green space not easily mitigated...the best course of action to refuse consent'.

Member debate

PB: thanked the speakers for speaking well and to time, and the gallery for respecting the views expressed. Introduced a number of officers, present to answer any more detailed questions: Trees Officer Chris Chavasse; Conservation Officer Chris Morris; Highways officers David Simmons and Lucas Arinze; LLFA officer David Parrish.

DS: having been on Planning View on Tuesday and seen the slope of the site, can see it is a tricky site to develop, with trees and hedges to take into consideration as well. Was appalled, after approaching the site through the school entrance, that Oakhurst Rise is being suggested as the only entrance to the site. A medium-sized van would struggle to get through, with cars parked in a leisurely fashion on both sides of the road. There would have to be a lot of mitigation to make it acceptable. Went back to the site today, to confirm in his mind whether an alternative entrance from London Road, past the alpacas field, was feasible. Concluded it would not be simple but would be possible. To propose Oakhurst Rise only is ridiculous.

DB: finds herself torn with this. The town needs affordable housing, and it would be wonderful to see this delivered, but has many concerns about this application. Flooding is clearly an issue, and there are suggestions as to how this can be alleviated, but has the impression that it is not completely solved. Understands there is some subsidence on the Oakhurst Estate, and instability as a result of springs on the site – has this been properly investigated? Is very concerned about the access, via one narrow road; 90 houses will result in 90+ cars in and out, and lead to great traffic problems. Regarding wildlife on the site, will changing the position of the badger sett work? There are also bats, hedgehogs, and deer to consider. Finds this a very difficult case, and knows that other councillors do as well.

SW: agrees with DS. Has been looking on Google Earth, and thought the same thing about the alternative access to the site. It looks as if it would be feasible, although it would have to cross over third party land. Regarding the current access through Oakhurst Rise – how can Highways officers say this is adequate? DB suggested there might be 90+ additional cars, but with 2.5 parking spaces per dwelling, it will be more like 200+ additional cars. Realises they won't all be driving in and out at the same time, but there is the potential for that, and doesn't think that the housing estate road, designed for one estate, can take that number of vehicles for an estate two times the size.

Has listened to the arguments about the listed building, but struggles with that. Would give it a lot more weight if the owners of the listed buildings hadn't put up some abominable extensions and outbuildings. Regarding wildlife, is very upset about moving the badgers. They will have lived there for hundreds of years, and they don't like to be moved. This development will end up pushing them out; they will be evicted from the site.

There are a number of objections, some of which he can support, some not, but the main concern is access – to which there could be an alternative. Suggests refusing the application so that the applicant can come back with a revised scheme with an alternative access.

MC: all large developments are subject to many different opinions and outpourings of emotion. On Planning View, Members spent more time looking at this site than they have ever done before in his time on Planning Committee. Doesn't like it when a planning proposal necessitates the removal of trees and hedges, but on the other hand, the town needs houses. Wishes the site could be picked up and put elsewhere – this isn't the right place. Is very conflicted. Some people are using to their advantage the school and the listed buildings around the site, but the school is not too worried about this issue – the nursery school and tennis courts have already been added – and the school also stands to make a lot of money from this proposal. Is concerned that any children living in the new houses would want to go to the local schools – most of these have academy status and are full, so there wouldn't be much scope there. The badger sett has already been discussed – agrees with SW's comments on that. A number of mature trees and sections of historic hedgerow would have to be removed - there will be a replanting condition, which he always dislikes, as there is no guarantee it will be acted on as it should be. Is concerned about the water absorption rate of the new trees – it won't match up with that of the removed trees for many

years. There are issues here already. It will be people on the lower edge of the site, in the affordable housing, who will be most affected.

Tried to look at the site from many different angles, including from one of the listed buildings. The residents are concerned that the proposal will affect their view, but equally there are some appalling additions which affect the listed building. Is torn, but moving towards refusal – it is a great design but in the wrong place. Notes the comments of the Environment Agency – worked with the EA for ten years, and isn't sure what they are supposed to do.

BF: the highways report talks about the distribution of the traffic impact. The 2011 census has been used (despite it now being 2018), and goes into great detail – if 51.8% development traffic turns left and 22.1% turns right, towards Ewens Road and then into Charlton Court Road, this will be OK. For something not yet built, this is all speculation. The reality is that the proposal will have a negative effect on Sixways, which is already operating over levels on all scenarios. Highways officers have said that this development won't have much impact on that junction, but it could be the straw that breaks the camel's back. In the morning, there are huge queues at Sixways; how close to a severe impact are we? There have been a lot of changes between 2011 and 2018, as shown by a recent traffic count at Sixways. On Hales Road, traffic queues back to Battledown Approach in the mornings. The A40 is a main route, and residents of the new properties will need to go into or out of town. Would like Highways officers to revisit the proposal, and come back with some more realistic statistics.

Some members have commented on the ugly extensions on the listed buildings, but we shouldn't blame the owners – we should blame the Council who permitted them, and bear it in mind in the future.

There have been references to the benefits of the development for the school, but St Edward's is the only independent 2-18-year-old school in Cheltenham, and this plan won't impact on its future. It is a big outline proposal – detailed designs will come later. 40% affordable housing is promised, but if the site changes hands, we could end up with 20% or less. We can only say yes or no to any outline – agree the principle of development to the tune of 90 houses and the road lay-out.

On a site visit, walked up the bank and noted that the site is viewable from the AONB and many other viewpoints. The design is therefore ultra-sensitive. If it is refused tonight, the applicant should consider coming back with full plans, with designs and traffic management included – facts and figures to make a proper judgement. It will have an impact on views into and out of the AONB. Would want to see a fully designed FUL application.

The listed buildings are important. We are lucky in Cheltenham – it is one of the most well-preserved Georgian towns in Great Britain. Sometimes we have to say no.

SC: would echo some points already made - this is potentially a very attractive proposal, with 40% affordable housing, and the developer has reduced the number of dwellings from 100 to 90 – but understands that this is an outline and there have been cases before when the affordable housing has been scaled back at a later stage. This could be described as a parkland development, and will be a lovely place to live for new residents. With proper planning and planting, the historic aspects of the site need not be lost. There are issues surrounding land, flooding, foundations, but there are also theoretical engineering solutions to all these – though these may not necessarily work out in reality, as happened at Leckhampton View. Amongst the representations, there is a picture of a house at the top of Oakhurst Rise with a flooded patio – indicating that this significant issue needs to be addressed.

The wildlife is also significant, as once it is lost it is lost forever, and degrading of the site would be a pity. Understands there are ways to resettle the badger population, that this is permitted and the proposal ticks all the boxes, though doesn't know how successful such schemes are. It should also be remembered that elsewhere in the county badgers are being culled. This is undoubtedly a tranquil site, however, illustrated by the deer Members saw on Planning View.

The access is a problem –very steep and narrow – and the practicality of construction vehicles accessing the site, and any other vehicles in icy and snowy weather, will be hazardous. Notes that the houses are proposed with cycle parking, but would suggest that the access road is so steep that people are more likely to drive. Also the report states that it is 790m to the nearest shops, but it is more like 1100m, and with the steep access, people will probably drive.

Realises the planning decision has to balance the benefits and the costs, both public and private. In this case, it will be St Edwards, the landowner, and the new residents who benefit. Has read the letter from the Chair of the trustees of St Edwards, so is aware of the benefit to St Edwards and the important work the school does – has great respect for this. The greatest cost will be to the local residential community, principally those on Oakhurst Rise. We have to think about the current community as well as the future.

Due to the steep and narrow access on Oakhurst Rise, will find it difficult to support this application. Realises the importance of the development to St Edwards, but if the school could provide a separate opening to give separate access to the site, it would be a much better way of doing it, rather than via the steep and narrow Oakhurst Rise. Cannot support the scheme as it stands at the moment.

JP: on Planning View officers comments that the recommendation to permit was a balanced consideration, and the papers and site visit demonstrate that this is the case. On the positive side, the JCS and Cheltenham Plan have identified the site as suitable for development, and this proposal is for 90 dwellings, including 40% affordable, which are much needed in Cheltenham. The topography is challenging but the design works with this, to create an attractive development – though is unsure why it can't have green roofs to help with drainage and the apartments at the lower end of the site.

Regarding heritage, and the impact on Charlton Manor and the school, the proposal will have an adverse impact, but the benefits would outweigh the harm. There are already red brick, modern developments at St Edward's, and Charlton Manor has very extensive grounds, no historic connection with the site, and the impact will be lessened by the proposed planting scheme.

There is concern about the trees being removed, including TPO'd trees, but is encouraged that CC has selected the trees to be removed and their replacements. What isn't addressed is the impact of the tree removal of drainage.

Regarding flood risk, is comfortable with the advice that the site is in Zone 1, with a low risk of flooding, but feels that the proposal to deal with surface water is less than satisfactory, and there has not been sufficient investigation by the applicant. Mitigation is suggested but no plans. This is an outline application, and it is necessary for the applicant to provide definitive solution to surface water flooding.

The access is totally unsuitable – steep, narrow and congested, with only 24 dwellings. On-street parking is common, and there are no restrictions. The developer will promote walking and cycling, but with this terrain is not optimistic that many people will choose those options over driving. There are 2.5 parking spaces per dwelling, despite the 2.1 average car ownership per family – this is bound to have an adverse impact.

This is an attractive, much-needed development in the principal urban area, but for him, the very poor access and surface water issues are the real show stoppers.

TC, in response:

- There are a number of issues which can be categorised together, so will ask GCC colleagues to comment on traffic issues, Chris Chavasse to respond to questions about the trees, David Parrish of the LLFA to speak about flooding issues, and then come to Michelle Payne the case officer to deal with any other issues.

DS, in response:

- Regarding access, appreciates that Oakhurst Rise is steep, but there is no evidence from Highways that what is proposed is an unsafe arrangement. The gradient of the access road is determined through the technical design process – and there will be a technical solution. Guidance takes account of the nature of the roads leading into the site;
- There is a lot of traffic on the A40, and a lot of queueing and congestion at peak hours. This is recognised, particularly around Hales Road, but the proposed mitigation is deemed acceptable, by an external, independent review. The traffic signals will be upgraded and an additional lane added;
- New signals will result in more 'green' time, which will have benefits down stream, at the Hales Road junction and all junctions back towards town;
- The Sixways junction is under severe strain. The number of additional trips as a result of this proposal, is worked out through census data – a means of identifying where traffic will go, based on behaviour and movements of existing residents; this suggests there will be 6-7 additional trips an hour, which is not significant. Sixways junction is a problem – Highways are aware of that – but the additional trips will result in a very small percentage increase – 2% at the pm peak, 3% at the am peak.

CC, in response:

- Most councillor comments regarding the trees are general, and also related to subsidence in Oakhurst Rise – there is clay soil in that area. There was a recent application to fell an oak within this site following subsidence allegations to an adjacent property. This was refused but it does demonstrate the nature of the soil;
- Suggested conditions for the reserved matters would be that the foundations of the buildings take account of the clay soil, to avoid claims for subsidence later on;
- There are concerns about the trees and soil, but not enough to warrant refusal, although there is no doubt that the whole nature of the site would be changed if the application were permitted;
- The trees to be removed are of lesser quality than the oaks, which are overwhelmingly retained. There are suggested measures to protect them during construction, to ensure minimal impact on the rooting area;
- Run-off water can also be directed at tree roots, to ensure they are still supplied in adverse weather;
- As said, there is no doubt the site will be changed, but doesn't think that the trees to be removed are of such nature to warrant TPOs. The success of the scheme depends on tree planting and the landscape proposals. It needs to be a landscape-rich development - this is the intention – to retain the best trees, and enable more people to enjoy the trees on site.

David Parrish, LLFA, in response:

- To clarify to Mr Gander's comments regarding Leckhampton, the LLFA was not a consultee but it did instigate the remedy. The LLFA is aware of the flooding issues in Cheltenham;

- The LLFA has looked at the surface water management proposal which is concerned with flood risk to the site from the proposed development, and to provide sufficient evidence to demonstrate at low risk of surface water flooding;
- When assessing the application, engineers have to work on information available – is satisfied applicant has used all information available, and that the prevailing risk is low;
- Starting with the existing greenfield run-off, the question is to what extent does the introduction of permeable surface change that run-off. The applicant has provided accurate appraisal of existing greenfield run-off and sufficient evidence to demonstrate that the proposed scheme will manage run-off to ensure it will not exceed the existing run off and also include an allowance for climate change – with benefits over the next 80 years. This will also incorporate improvement to flood risk management for the existing development in the area;
- The proposal will deliver benefits to flood risk; if left as is, existing development will be at greater risk over the next 80 years;
- This proposal will play a very important part in the future maintenance of the drainage system
- The LLFA will ensure a condition is included requiring a maintenance plan. The LLFA will be consulted on the adequacy of the plan. Maintenance will be very important, and particular care has been taken in assessing this;
- This is an outline plan, and it is not unusual for the future details to be addressed at a later stage;
- At this point, has no doubt this development can support a SUDS;
- In response to JP, the new development and surface water run-off must be to green field rate; the impermeable area has been assessed, with smaller run-off rate; in the revised scheme – applicant indicated area reduced, appropriate control rate has been used.

MP, in response:

- Would just confirm that we are not here to consider alternative access arrangements. If this were to be considered, it would require a completely separate planning application in the future;
- CC has commented on the matter of subsidence, and a condition is included; Paragraph 120 of the NPPF advises that the responsibility rests with the developer/landowner;
- Members have asked questions about what they are considering in an outline application: it is the access from Oakhurst Rise, the scale of the development, and the layout. Matters relating to landscaping, and the appearance and design of the houses would be considered at a later stage;
- Regarding badgers, as the local planning authority we have to refer to standing advice from Natural England. This states that we should seek to avoid harm or mitigate or compensate. One suggested measure is to create a new habitat. The proposal will have an impact on badgers and other wildlife, but Paragraph 118 of the NPPF stresses that planning permissions can only be refused where compensation measures cannot be identified.

NJ, in response:

- Regarding the S106 agreement and 40% affordable housing, the S106 cannot be modified unless it is agreed by the appropriate authority (the local planning authority). If not, there is a right of appeal.

PB: so if the application is approved, subject to an S106 agreement, and the applicant comes back with a viability issue regarding affordable housing, this would have to come back to Planning Committee?

NJ, in response:

- Cannot be certain it would come back to Planning Committee.

PB: suggests we need to check this. It is a huge element of the decision, and Members would want any change to the affordable housing provision to come back to Planning Committee for a decision.

RH: for her, the issue is accessibility, via Oakhurst Rise. It is a very steep hill for someone on a bike. She is also concerned about the loss of amenity – this is a tranquil area. We need affordable housing, but 90 houses is an awful lot – especially when the Local Plan suggests the site is suitable for 25. Accessibility and the number of houses gives her most concern; other issues have already been raised elsewhere.

KH: speaks as a lonely voice in favour of the proposal. Shares a number of concerns with other Members, some of which are entirely legitimate. Has read the officer's very well-written report carefully. Is strongly in favour of new affordable housing in Cheltenham, and would assume that everyone on the Committee feels the same. Is unsure if this is correct site, but it is not in the greenbelt and is not officially in the AONB. It is a very attractive area – would like to live next door to it himself – but we cannot treat it in the same way as an area categorised as such.

Agrees with the officer report that the planning decision is all about balance. On balance, it is regrettable that there will be an impact on heritage buildings, but on balance, this is set off by new affordable housing in the area. It has to come down to individual members' views. Agrees that access isn't as good as it could be and that it could be improved, but the developer has taken officer comments on board. Is less concerned about the welfare of badgers than he is about the welfare of people. There is a shortage of affordable housing in Cheltenham, and we need to cater to that need.

The Civic Society and the Architects Panel both state that the design is lacking and could be better and more in keeping with the prestigious nature of the site. Agrees with this – the design is not worthy of the site.

Will not support a move to refuse, but if other Members feel that way inclined, would only support a refusal on design grounds if the applicant is requested to come back with a better architect.

BF: regarding the 40% affordable house, yes, we need affordable housing, but in this area it could cause problems for people with young families. The schools in the area are oversubscribed, apart from St Edward's. The town needs a new school locally. Traffic will increase with people driving their children to school further away. We need a detailed application, in keeping with the sensitivity of the site.

It's true that the site isn't greenbelt or in the AONB, but if it has an effect on the views from the AONB; wants to see a fully drawn-up plan. The pictures provided are artists' impressions of what could happen. At Grovefield Way, in the greenbelt, planning permission was granted for employment land, but now we have BMW, and an application for a supermarket, coffee shop and nursery. The BMW scheme was won at appeal – so don't believe all you hear.

PB: for the record, could the LLFA officer explain why the LLFA was not involved in the scheme at Leckhampton View?

David Parrish, in response:

- The LLFA only became a statutory consultee in April 2015; that site preceded that date.

NJ, in response:

- In response to earlier question re. affordable housing, the principle of development is established by granting planning permission. Any attempt to modify the planning obligations would be through s106A with a right of appeal.

PB: so there will be no second chance to review the 40% affordable housing provision. Is surprised that there are no more comments on the heritage issues and Historic England's comments. On site visit, saw the Grade II* building and others – these are very precious. There are also some very precious trees. Is disappointed in the Trees Officer. The report includes informed comment from the Woodland Trust – about 15m distance – this application looking at 10m. Worries about the impact of the scheme on trees remaining, and envisages more tree loss in due course.

Regarding affordable housing, the whole country has a problem, as does this town, but we don't need housing or affordable housing on every open space; some open spaces should be protected from development. The Local Plan has set out which sites are available and has found enough to fulfill Cheltenham's housing needs. Affordable housing is needed but there is no argument that we will not be able to provide enough during the plan period – because we will.

Regarding flooding, there is no proposal to which the LLFA can say 'yes, we think we can address the flood issue'. How can we tell if it will be alright? We require the LLFA to provide this certainty; we need more transparency here. There have been a lot of flood problems over the years. If this is permitted and a reserved matters proposal is submitted, we still might need to insist on a detailed flood plan.

DP, in response:

- Is concerned about PB's comments. The applicant has provided properly for management of surface water on the development site. It will not increase the flood risk in the development; it will reduce the flood risk in the development.
- The applicant does not have to provide a flood alleviation scheme for wider area
- To repeat, the applicant has fully met the requirements for management of surface water.

MP, in response:

- Regarding the 25 dwellings on this site suggested by the emerging Cheltenham Plan, this has very limited weight – an assessment has been made that the site could support 25 houses but this has not been tested at examination yet;
- Regarding the design, it is not unusual to not have more detail at the outline stage. It is a two-stage process – the design is reserved, and would come back to Committee. We cannot insist on a full application;
- Regarding school places, this is mentioned in the report, and the contributions required are quite high. The response from the county states that the contributions would secure improvements to Holy Apostles Primary School, and Balcarras or new school.

Vote on officer recommendation to permit

3 in support

11 in objection

NOT CARRIED

PB: Members now need to consider grounds for refusal.

BF: CP3, CP4, CP7, GE2, INF1 and INF3. In detail, CP3 re sustainable environment, traffic, movement of people, lack of schooling, access; CP4 safe and sustainable living, road access not safe; CP7 no design; the site is so sensitive and needs a full design; GE2 private green space – the site is privately owned, but benefits people on adjacent land who look at

it; INF1 Highways have not provided enough detail, re impact on Sixways and the A40; INF3 green infrastructure – trees, hedgerows.

PB: BF needs to be more specific on these points.

JP: access is of real importance, and the one thing that rules it out as a development for him. Which policy covers this? Is it CP4?

DB: it is INF1 again.

PB: it could be CP3 – sustainable environment – not harm landscape character, setting views into and out of site, acknowledged appearance. The four adverse impacts that MP highlighted in her report - loss of trees, harm to heritage assets, badger setts, character - can form the basis of a refusal. Can use Local Policy GE6 regarding trees and development, and NPPF 118 for the loss of veteran trees; also GE5 re. the protection and replacement of trees – it is possible to do development without taking trees down, retaining mature trees and landscaping, and minimising disturbance of significant habitat. Suggests Local Policy CP1 for sustainable development, historic and architectural setting, landscape, and NPPF paragraphs 132, 134 137, re heritage, and JCS policies on Landscape SD8 Historic Environment, SD9 Biodiversity

TO: what about CP5 – sustainable transport – for a non-car driver?

MP, in response:

- Strongly advises against highways refusal reasons. To refuse on INF1 would be contrary to specialist advice. There will be risk attached if it is the will of the Committee.
- Trees, heritage matters, landscape, ecology – can formulate refusal reasons on these grounds, and agree them with the Chair and Vice-Chair.

PB: suggests a separate vote on including highways matters as a refusal reason.

Vote to refuse on heritage, trees and landscape

10 in support

0 in objection

4 abstentions

MOTION CARRIED – Refuse

Vote to refuse on highways issues

8 in support

4 in objection

2 abstentions

MOTION CARRIED – include highways issues as refusal reason

PB: officers will formulate the refusal reasons and agree with chair and vice-chair.

314. 18/01216/FUL Pittville Recreation Centre

Councillor Hobley left the meeting at this point

Application Number: **18/01216/FUL**

Location: **Pittville Recreation Centre**

Proposal: **Installation of new Air Handling unit plant with associated ducts, to splash**

	pool area	
View:	Yes	
Officer Recommendation:	Permit	
Committee Decision:	Permit	
Letters of Rep:	0	Update Report: 0

EP introduced the application as above, at Committee because the Council is the applicant.

Public Speaking:

None

Member debate:

None

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

The meeting ended at 9.25pm.

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

Chairman

The meeting concluded at Time Not Specified