

Planning Committee

6.00 pm, 20 September 2018

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Karl Hobley
Councillor Paul Baker (Vice-Chair)	Councillor Paul McCloskey
Councillor Diggory Seacome	Councillor Tony Oliver
Councillor Victoria Atherstone	Councillor Simon Wheeler
Councillor Dilys Barrell	Councillor John Payne
Councillor Mike Collins	Councillor Louis Savage (Reserve)
Councillor Alex Hegenbarth	

Officers in attendance

Tracey Crews, Director of Planning (TC)
 Emma Pickernell, Senior Planning Officer (EP)
 Joe Seymour, Senior Planning Officer (JS)
 Victoria Collins, Planning Officer (VC)
 Nick Jonathan, Legal Officer (NJ)

325. Apologies

Councillors Cooke, Fisher and Flynn.

326. Declarations of Interest

18/01326/FUL Ashford Court Cottage

Cllr Barrell – is a member of SPJARA, the residents group which has objected to the application, but has not been involved in any planning discussions with that group.

18/01626/COU 29 Gloucester Road

Cllr Atherstone – is ward councillor for St Peter's, where the application site is situated, but has had no involvement in this application.

327. Declarations of independent site visits

Cllr Payne – visited all sites except **18/01646/FUL Blenheim Villa**, which he visited when the previous application was considered in July.

Cllr Barrell – visited **18/01050/FUL 28 The Avenue**, **18/01326/FUL Ashford Court Cottage**, and **18/01403/FUL 8 Horsefair Street**. Also visited **18/01646/FUL Blenheim Villa** in July.

328. Public Questions

There were none.

329. Minutes of last meeting

Resolved, that the minutes of the meeting held on 16th August 2018 be approved and signed as a correct record without corrections

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

331. 18/01050/FUL 28 The Avenue

With the agreement of members, the Chairman proposed altering the running order of the meeting, to allow applications with public speakers present to be considered first.

Application Number:	18/01050/FUL		
Location:	28 The Avenue, Cheltenham		
Proposal:	Proposed ground and first floor extensions and increase to existing roof height, together with remodelling and alterations to dwelling		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	2	Update Report:	i. Report update ii. Additional representations

GD introduced the application as above, with a recommendation to approve for reasons set out in the report and report update. It is at Committee at the request of Councillor Baker.

Public Speaking:**Mr Harrison, neighbour in objection**

The five main reasons for objection are set out in his letter. Firstly, despite his property being directly overlooked, has not been consulted, nor has a site visit been made, contrary to recommendations in the NPPF. Secondly, the first floor windows will give a grandstand view of his garden; two are 7.5m from the boundary – 10.5m is the prescribed minimum distance – and the overlooking, loss of privacy and visual intrusion will have an adverse effect on his amenity. Notes a condition precluding a potential balcony on grounds of CP4, but this could apply equally to upper floor to ceiling windows and door as to a balcony; this loss of amenity is contrary to National Sustainable Development Strategy, NPPF, JCS, Local Plan, and SPD for Residential Alterations and Extensions. Thirdly, fully glazed gable three times the height of the existing bungalow is not subservient but will dominate, contrary to the SPD. Fourthly, modernist, fully-glazed gables are in marked contrast to the traditional forms and fenestrations of The Avenue, not tailored to the location. The scale, mass and form don't respect the site and its surroundings, and thus is not in keeping with the JCS and Local Plan. Lastly, there is a shortage of single-storey accommodation in Cheltenham, for elderly and disabled, and this conversion would therefore be counter to the County Council's 'Understanding Cheltenham' report and 'Quality of Life' objective of the NSDS. Hopes that Members will apply clear, policy-led principles when making their decision, and respectfully requests that the application is refused.

Member debate:

PB: asked for this application to come to Committee for a decision due to concerns about the potential impact on the bungalow next door. Members will have seen this on site, and can make their own judgement. The speaker lives in Charlton Park Gate, where the houses have staggeringly long gardens and views to the Cotswolds scarp – therefore struggles to take seriously the issue of overlooking. It's true that there isn't the required 10m gap to the boundary, but there is at least 60m from window to window. Cannot see that this will result in loss of amenity or privacy. On Planning View, considered the impact on the neighbouring bungalow to be marginal. There is a garden to the other side, so the proposal is not going to have any severe impact. Regarding design, this is always emotive and subjective. The Avenue is a very nice road to live in; many of the houses have been modified, extended, changed – it's what people do. The road is characterised by good-quality design – the speaker suggested that the proposal doesn't work in this location, but would not agree. It is next door to a very good design, which is a good addition to the street scene; the proposal is

good too, and will work well in this location. Is happy to agree with and support the officer recommendation. Notes the speaker's comment that if a balcony shouldn't be permitted, neither should the large windows, but there is a difference between a balcony, where people sit out for long spells of time, and a bedroom window, from which they will just take a cursory look. Commends the design and is happy to support.

PM: is surprised to note that three of the applications tonight are to convert bungalows into houses. Notes that the report states at Para. 6.17 that there are no specific policies in the JCS or Local Plan relating to the protection of bungalows for the elderly. The elderly will make up 20% of the JCS population by 2031; the figure is currently 13% of the population, so this represents a 50% increase. To ensure older people who may wish to downsize are considered, we need smaller, more accessible accommodation. Building should not just be about new houses; we should have concern for the number of bungalows. Have there been any conversations about policies to preserve bungalows? This is an overarching concern with all three of the applications tonight, though not so much with 8 Horsefair Street, which is not elderly-friendly. This bungalow, however, is eminently suitable for elderly people to retire to, which makes its loss disappointing.

GB: notes PM's comments regarding the protection of bungalows. It is something planning officers may be able to look into ***.

MC: has no particular problem with this application per se, but has one point to raise, which would equally apply to any garden grab development which will have an effect on the highway/footway. In his own ward, a large percentage of case work is concerned with damage to footways etc, caused by contractors, delivery vehicles and similar – and when any attempt is made to rectify this, is told it is nothing to do with Planning, but is a County Highways matter. Would like to explore adding a condition to applications whereby a contractor is liable to make good any damage which results in people not being able to use the footways, not leave it to be mended and paid for out of the public purse.

GB: is MC asking for such a condition on this particular application?

MC: if there is a footway, would ask what sort of plant is likely to be used, and yes, such a condition could be added to this application and a general condition could be worded to add to future applications, to ensure no lasting damage to the highways.

SW: reinforces MC's comments. As county councillor, all his local highways money is spent on repairing footpaths damaged by contractors. This type of condition needs to be included as standard, going forward. Regarding this application, went on Planning View, and would make the same comment for all the applications being considered tonight, converting bungalows into houses. Has sympathy for the resident at No. 27, but not for other complainants who live in two-storey buildings and are concerned about overlooking – they are in effect saying 'it's alright for me to see into your garden but not alright for you to see into mine'.

JP: agrees with all that has been said, particularly with regard to the design of the property. Can officers just give clarification on the question of the distance of the property from the boundary? This property is at an angle in the plot, making it difficult to gauge. Is 10m an average or a minimum requirement from the boundary under the regulations?

GD, in response:

- To JP, a distance of 10.5m to the boundary is a rule of thumb, and 21m from window to window. That distance is 72m in this case, so officers consider that a small amount of leeway on the 10.5m is acceptable here.

EP, in response:

- In response to MC's suggestion of a standard condition to make good the footway in the event of damage by contractors, has some concerns about how enforceable this would be on county-owned land. Will take the suggestion away*** and have a conversation with the County as to whether a standard condition to that effect could be created, although this is not something which we would ordinarily do;
- If there are concerns about construction, we would normally include a construction method statement in the conditions, although this wouldn't usually apply to a householder application. Works can be carried out on a house without planning permission, and it is for the County to take up any issues with whoever has done the work.

GB: so we will not require such a condition in this instance, but officers are happy to have a conversation with the County about the possibility of doing something along these lines in future.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

332. 18/01326/FUL Ashford Court Cottage, 44 Ashford Road

Application Number:	18/01326/FUL
Location:	Ashford Court Cottage, 44 Ashford Road
Proposal:	Construction of first floor to existing bungalow
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	5
Update Report:	None

GD introduced the application as above, for a first-floor extension to an existing bungalow. It is at Committee because of an objection from St Philip's and St James's Residents Association, and at the request of Ward Councillors Barrell and Harman due to neighbour concerns.

Public Speaking:

None.

Member debate:

MC: access to the property for construction work to take place isn't brilliant. What sort of wording would be used to make sure this is done safely and without damage, if the Committee is minded to permit?

DB: is struggling to visualise this proposal. There are two approved schemes for two houses in position at the moment – how do they all fit together? Walking round the outside of the site, it appears that the developer is jamming a lot of houses into a small space. They seem close together, and can imagine will have an overbearing impact on each other. Neighbours are very concerned about the loss of outlook etc. There have been some amendments to address any loss of privacy, but is not sure how these will relate to the other two houses which are yet to be built.

JP: isn't usually enthusiastic about boxes on existing properties, but this is an exception. The design is very useful, and provides reasonable accommodation – although the site itself is quite depressing and surrounded by other properties. The developer realises there could be an issue with privacy and proposes obscure glass in a number of windows. The site is relatively secluded – people will hardly know it's there, set back and surrounded by trees. As a result, the impact will be minimal on other residents. Would like to support this scheme.

KH: agrees with JP. Used to live in a flat overlooking this property so knows the mix of buildings in the area. The design seems sensitive to the site and will contribute more than what is currently there at the moment. Congratulates the applicant on the proposal. Appreciates neighbour concerns but not strongly enough to vote against the scheme.

GD, in response:

- To MC, regarding damage to the highway, as with the application at 28 The Avenue, this is a householder application; can include a construction method statement to alleviate concerns if Members wish;
- To DB, the application to the right hand side – 'The Bungalow' – is for demolition of the existing dwelling and construction of two detached dwellings. This has been taken into account in consideration of this application. The impact on that property is considered to be acceptable.

Vote on officer recommendation to permit

12 in support

0 in objection

1 abstention

PERMIT

333. 18/01332/COU Renault, Mackenzie Way

Application Number:	18/01332/COU
Location:	Renault, Mackenzie Way, Cheltenham
Proposal:	Change of use to builders/roofers merchant and installation of steel palisade fencing and gates and external storage racking
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

VH introduced the application as above, to turn a vacant car showroom into a builders' merchant, including the installation of steel fencing to the side and rear of the site. There is an error in the officer report at Paragraph 6.11 – the proposed external racking will be 5m not 4m high on the western boundary, and 4m not 3m along Manor Road. The scheme provides 17 car parking spaces to the front. It is at Planning Committee as a result of an objection from the Parish Council. The recommendation is to permit.

Public Speaking:

None.

Member debate:

PB: is not opposed to this application, but has one or two observations. On Planning View, wondered if a landscaping condition could be included – this is a prominent site, and some vegetation would be an enhancement and soften the impact of the fencing. Also notes there

is a 60mph speed limit on Manor Road – is concerned about the egress and exit of vehicles onto the road. Again, no highways officer is present at the meeting to answer questions, but is there any possibility of adding double yellow lines along the whole length of the road down to the corner, to stop vehicles parking there, and on the verge. It would be helpful to see if this can be addressed.

JP: supports PB's comments. Swindon Village Parish Council has complained for many years about parking on the verge in this area, and nothing has been done. Double yellow lines and vegetation would help considerably.

VH, in response:

- Regarding landscaping, has spoken to the agent and asked if the racking can be moved slightly closer to the building to allow for this. The agent has stated that there is not room to do this;
- Believes the speed limit to be 30mph on this part of the road;
- Regarding HGV vehicles parking on the surrounding roads, the applicant has stated that these will deliver products and leave the site – they will not be parking in the area.

PB: is concerned about cars parking on the roadside, not HGVs.

VH, in response:

- The scheme provides 17 car parking spaces.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

334. 18/01403/FUL 8 Horsefair Street

Application Number:	18/01403/FUL
Location:	8 Horsefair Street, Charlton Kings, Cheltenham
Proposal:	Alterations and extensions including the creation of first floor accommodation
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

JS introduced the application as above, to also include off-street parking to the front of the property. It is at Committee at the request of Councillor McCloskey, and the recommendation is to permit.

Public Speaking:

Mrs Maguire, neighbour, in objection

Is representing the residents at 81 and 81a Cirencester Road, who strongly oppose the proposal. The application is misleading in its description as 'alterations and extension' to an existing bungalow. This is not a modestly-scaled extension but a complete redevelopment of a bungalow to a two-storey house, with two times the floor space of the existing dwelling. Secondly, the application has incorrectly titled elevations. Thirdly, the application and report fail to acknowledge the 15m tree within falling distance only 6m from the proposed rear wall, and does not provide the required arboreal assessment. This being the case, would question whether the application should have been validated. Fourthly, under permitted development, the bungalow could have been extended by 4 metres and dormer windows

could have been installed, but this would not have caused any invasion of privacy – so to compare the proposed works to permitted development is irrelevant. The proposal is a total redevelopment, with the ridge height increased by 2 metres, and the roof pitch steeper by 10 degrees. The officer suggests that the new roof height will be roughly the same as the dwellings on either side, but it will not – it will be considerably higher than both, and the plans do not take perspective into account. Most importantly, the proposal will result in significant invasion of privacy and loss of amenity, due to severe overlooking from the two large windows, giving an intrusive, direct and uninterrupted view into the most private area of the gardens of both houses, and the living room of 81A. The newly-built large extension at 81A isn't shown on the plans – it is only 19.5m from the rear of the proposed house. Respectfully requests that Members consider refusing permission, as the application contravenes planning policies: it fails the 21m separation rule in accordance with CP4, and contravenes JCS SD4 and SD14 and NPPF Paragraph 127.

Member debate:

PM: wanted this to come to planning committee to allow Members to stand in street and view the site, and also to be aware that what appear to be two buildings in the garden of the adjacent Cirencester Road are in fact a sunken patio with barbecue. 81A Cirencester Road is the bottom house on the drawing, and has a substantial recent extension is not shown on the plan. Was also keen for this to come to committee because there is quite a large tree which isn't getting much attention. It is not TPO'd, but on the question of permitted development, if a 4m extension was allowed, and building extended 4m further into to root system – what would the trees officer think about that? The bigger question is that what can be done under PD would involve damaging the roots of the neighbour's tree. This extension is 2.8m and the trees officer seems to be reasonably content that the root system will be OK, but it is a substantial tree and will be close to the building. We need to consider the properties of existing building and what it will look like extended.

SW: this property is currently a bungalow, and on Planning View, looked to the garden opposite but struggled to see the house with the trees in the way. Yes, a house will be more visible than a bungalow, but people in two-storey houses are complaining about other people wanting something similar to what they have themselves – they already have to advantage of being able to look into the bungalow owners' garden should they wish. The bungalow-owners have now decided to alter their home. If all the neighbouring properties were bungalows, it could be a fair argument, but overlooking two-storey buildings? The house will be not much more visible than the bungalow. Has no arguments against the officer recommendation.

DS: notes that the house next door to the bungalow has parking space in the front, set into the bank. If the ground is excavated for two more parking spaces, is there a guarantee that these won't fall into the void?

PB: it is important to be consistent in planning decisions, but takes a different view with this application compared with the previous one. The window-to-window distance of the previous application was 80m; here it is 20m. The bungalow would benefit from a significant renovation programme – fully supports this. On Planning View, looked to the site from the two gardens on Cirencester Road – this is why Planning View is so important, to stand in the gardens and see the impact. The redevelopment of the bungalow will cause the houses on Cirencester Road to suffer loss of amenity. If Velux windows were being proposed, it would be OK, but this proposal will result in significant overlooking of the gardens and patio on Cirencester Road. These are not massive gardens like those in Charlton Park Gate. The proposal will result in loss of amenity. Will not support it.

PM: it is a shame that the application at 44 Ashford Road isn't being discussed before this – it includes frosted glass at upper windows to prevent any overlooking of neighbouring properties. Won't repeat what PB has said – agrees with his comments. This proposal will

result in a 2.5m increase in the ridge height. It changes the angles where the bottom and top of the window is, and these are significant windows, giving grandstand views to the garden behind. Is minded to refuse.

JS, in response:

- To DS, the excavation to the front will not result in any danger of the neighbour's front garden falling – a retaining wall is to be built;
- The ridge height is increasing by 2m – there is no denying this increase, but the roof height will still be commensurate with the size of dwellings generally, and within the range of dwellings in Horsefair Street;
- There is no uniform style of architecture, and officers do not consider the increase in height to be too high.

Vote on officer recommendation to permit

9 in support

4 in objection

PERMIT

335. 18/01626/COU 29 Gloucester Road

Application Number:	18/01626/COU
Location:	29 Gloucester Road, Cheltenham
Proposal:	Change of use of part of an existing storage building to create a new residential studio flat
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	0
Update Report:	None

EP introduced the application as above, to create a small, self-contained unit in the curtilage of the main building. It is at Committee at the request of Councillor Willingham, who is concerned about the accommodation which will be provided.

Public Speaking:

Councillor Willingham, in objection

Is here to ask Members to refuse this application because he cares about the town and the ward he represents, and to demand better from planning. The town needs houses, but these should be comfortable, well designed and good quality, not garages which were never designed to be homes. We need to demand better for our town. Is surprised and saddened by the recommendation for approval. This is a garage, and its loss and replacement with a dwelling will exacerbate the serious existing parking problems in the area. It is also regrettable that the planning department has such contempt for the local streetscene that the highways officer's requested condition to stop up the existing drop kerb has been dismissed.

In policy terms, the proposal is deficient in many ways: it violates Policy HS2 – the housing density is 120 dwellings per hectare where policy states 30-50 per hectare. It is incompatible with HS3, as it will harm the area by increasing the concentration of subdivided dwellings. The site already has two dwellings and a shop - further sub-division will cause unacceptable harm and overcrowding, and not be compliant with Policy CP4 due to loss of amenity to adjoining land owners. Specifically, that policy requires a minimum of 12m separation between overlooking windows of residential development - here it is less than 4m, giving insufficient privacy.

There are clear policy reasons to refuse, but we also need to think about living conditions for a potential resident. It would be like Harry Potter, living in the cupboard under the stairs - cramped and dingy, with totally inadequate living space. Paragraph 6.9 in the report states that Cheltenham has no standards for size of living space, but there is DCLG guidance from 2015 which sets the standard at 37sq metres for a single-bed, single-person dwelling. This proposal is 20 sq metres, barely half the national guideline, and will be bad for the physical and mental wellbeing of any future occupier. Allowing this proposal would set a dangerous precedent for the back lanes of Cheltenham, not just because of overcrowding, but because in London and other cities, these back-lane garage conversions are creating modern slums that house victims of human trafficking and modern slavery – out of sight and out of mind. This is not what we want, and whether Members use their heart and head, this is a bad proposal. They should demand better for Cheltenham and refuse the application.

Member debate:

JP: agrees with Councillor Willingham, and cannot understand the recommendation to permit. This is a squalid proposal, which fails to meet national standards. Cheltenham has none, and should therefore look to the DCLG guidance which recommends 37 sq metres – this is only 20 sq metres. It has no separate sleeping area, the bathroom appears to be accessed through the kitchen, and doesn't have a hand-wash basin. A bathroom should be 2 sq metres – this is nowhere near. Planning Committee should not support this poor quality development – it is an absolute disgrace.

VA: supports affordable housing, but allowing development such as this is going a step too far. Also agrees with DW. If she was living here, would find the lack of available space depressing. The bathroom is inadequate and has no washbasin. In addition the building is situated on a busy junction. Will not support the proposal.

PB: Councillor Willingham made a powerful and emotional argument to resist this proposal, echoed by JP. On Planning View, there was no question that someone could live there, but their quality of life and the impact of this would be detrimental. We need small-scale accommodation but should not allow this shanty-town proposal. This is simply an opportunity for someone to make more money. As a borough council, we should not support it. The poor quality amenity and lack of privacy are reasons enough to refuse.

DB: has always understood that it is against building regulations to have a toilet opening off a kitchen.

AH: why was this proposal recommended for approval?

SW: on Planning View, thought the site was a bit of a mess but could be redeveloped. Lived in some grotty bedsits in the 1960s, but we are supposed to be moving forward. Was going to support the officer recommendation, but is now ashamed for having thought it was acceptable. There are no windows, no daylight. It is a garage – that's all.

EP, in response:

- Regarding the size and quality of the accommodation, it is an issue in Cheltenham that there is no specific policy on floor space or living standards. Officers felt, having viewed the site, that it had all that is necessary for an independent lifestyle in a self-contained unit – amenity space, kitchen, bathroom – and there is a demand for small accommodation;
- appreciates Members' concerns, but they will need to pin their objections to policies. JCS Policy SD11 set out requirements for housing mix and standards, but states in the explanatory notes, that local authorities need to identify the size and type of housing that

is required. Local policy provides guidance on general amenity and design issues but nothing to require that properties should be x size etc;

- regarding the layout and lack of wash basin, this this comes under building regulations. Is not an expert but building regs officers have been consulted but have not commented – and the proposal would need to comply with building regulations in order to proceed;
- would also remind Members that the layout is not fixed, so they need not over-worry about the lack of a hand-wash basin as this may be resolved later;
- to AH, as to why officers have recommended this proposal for approval, this is because the case officer visited the site and felt that it provided all that is required, albeit small.

GB: echoes earlier comments from SW – lived in some very tiny places in London, without any facilities, compared with which this proposal is a palace – but we have moved on from that time.

DS: if this application is refused tonight, the development is in such a state of advancement, how can we check that the developer has not secretly continued with the scheme and let the accommodation out? How can this be enforced?

EP, in response:

- the building is used as a store-room at the moment – a toilet and staffroom – so there has been no breach yet. If CBC receives any report of work happening, enforcement officers will follow up the case with their usual range of powers.

GB: so is over-development a reason for refusal?

EP, in response:

- it is a bit tricky on its own; needs to be supported with other concerns – such as design and amenity.

KH: there is no way he can vote for this in good conscience – it looks awful. As a subsidiary point, would request from the Chair and officers a discussion about minimum room sizes****? This is regularly raised by residents in St Paul's, and disproportionately affects student houses.

VA: echoes KH's comments. Would welcome measures in terms of minimum sizes for rooms.

PM: agrees with both KH and VA.

GB: suggests that if Members are minded to refuse, they delegate officers to work on the refusal reasons regarding amenity and design, in consultation with the Chair and Vice-Chair, to ensure agreement about refusal reasons.

PB: if permitted, it would result in loss of amenity for the people living in the flat next door, and also for the people working in the shop, losing their washroom etc.

Vote on officer recommendation to permit

0 in support – unanimous

NOT CARRIED

Vote on PB's move to refuse, with refusal reasons to be agreed by officers in consultation with Chair and Vice-Chair

13 in support – unanimous

REFUSE

336. 18/01646/FUL Blenheim Villa, The Reddings

Application Number:	18/01646/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:	44
Update Report:	Representation from Councillor Britter (in place of addressing the meeting)

VH reminded Members that a similar application for two dwellings at Blenheim Villa was rejected at July Planning Committee, on the grounds that it failed to provide safe and suitable access. The current application is unchanged with regard to built form, design, layout and scale, but the access has increased from 4.1m to 5.2m, with a 1.2m wide footpath added to allow pedestrian access to each dwelling. An S106 agreement to cover the long-term maintenance of the hedge has been agreed in draft, making provision for the developer to secure an S142 licence prior to occupation. The application is at Committee at the request of Councillor Britter and The Reddings Residents Association. The recommendation is to permit, subject to the S106 agreement.

Public Speaking:

Mr Zwart, The Reddings Residents Association, in objection

There have been 47 objections from residents, and also from ward councillors, Up Hatherley Parish Council, and The Reddings Residents Association. This new application does not address the safety concerns. Paragraph 110 of the new NPPF states that priority should be given to pedestrian and cycle movements, creating places that are safe and secure, and respond to the local character. The amount of hedge to be removed has been increased for the property owners, and the report glosses over traffic, safety, the dense hedge, the removal of protection policies and noise. An S142 licence is intended for those wanting to cultivate a hedge, not destroy it. It also carries financial and legal responsibilities and a cost in maintaining £5m public liability insurance – none of these issues are addressed by the applicant, and the proposal is therefore in breach of the NPPF – control of the hedge is lost, worsening safety for pedestrians and cyclists.

Is concerned as to how vehicles will turn into the development: delivery vans will have the reverse into or out of the driveway – there is no room for them to turn. Drivers will approach at 40mph – sometimes in the dark – looking for the gap in the hedge, and other motorists will be not be expecting cars to turn in or out. This is a busy pavement and cycleway, used by children and people in disability scooters. The application itself states that the turning provision on site is only suitable for cars, not delivery vans or refuse vehicles. If reversing off, the visibility splays are inadequate. The RRA has a photographic record of a traffic accident on the roundabout. This proposal is unsafe, contrary to public and community interest, and must be refused.

Mr Jones, Evans Jones Partnership, in support

This application seeks full planning permission for two dwellings, and is a re-submission of the scheme refused in July, with further amendments to address Members' residual objections relating solely to highway safety. The officer's unequivocal recommendation is to approve, supported by updated comments from the highways officer included in the report, warranting reconsideration of the scheme, and a favourable outcome. Firstly, amendments to the site access, including widening the access and adding pedestrian footways, will improve safety for pedestrians and also also, crucially, improve cycleway and public footway

visibility. Secondly, officers and CBC's solicitor have agreed on the wording of an S106 agreement to secure long-term maintenance of the hedgerow to maintain cycle and pedestrian visibility splays. The draft S106 agreement is supplemented by proposed planning conditions to further ensure long-term maintenance on the visibility splays in line with current Highways Authority standards. The reference to insurance cover is erroneous, as insurance is required by the contractors undertaking works on highway land, not by the property owners. Would inform Members that an appeal and application for costs against the previous refusal has been submitted, but will be immediately withdrawn if permission is granted tonight.

To reiterate, the application is fully policy compliant, with no objection from any statutory consultees. Officers have stated that the proposals are acceptable in principle, and there are no amenity, ecology, appearance or local character issues objections to the scheme. The revised scheme goes further to ensure has safe access and an S106 agreement to ensure this remains the case in perpetuity. There are no justifiable reasons to withhold consent, and therefore urges Members to support the officer recommendation.

Member debate:

MC: has he misunderstood or have Members just been threatened? The application was refused last time on highways issues, and it is unfortunate that there is no highways officer present tonight to discuss the amendments. The Chairman was not present at the July meeting, so may not be aware that this proposal is 99% the same as the previous one. That was rejected on highways safety issues, which are not addressed here. Is not against two houses on this site, but is against the proposed access and hazards this will cause to Grovefield Way cyclists and pedestrians – the change in access is the only proposed change. Is sympathetic with officers who have to try to find solutions with the S106 agreement and S142 licence, but this misses the point. There is a real highway safety issue here; the problem is not who owns the hedge or lives in the houses or has responsibility for maintaining the hedge. The problem is the hedge itself. The proposed solutions are not enforceable. Highways officers were present at the last meeting, talked about the proposed arrangement being 'alright' and said the access 'may be OK'; it was even suggested that drivers on Grovefield Way could flash their headlights to allow cars to exit the site, which is a ludicrous idea.

Regarding the S142 licence – the owners will ignore it, and who will police it? County Highways? CBC enforcement officers? County Highways don't manage the hedge properly now, and by the time an overgrown hedge is reported, it is already a hazard; the proposed condition will therefore be ineffective and unenforceable. As the issue of highways safety has not been addressed, would like to propose refusal on JCS Policy INF1, and Paragraphs 108, 109 and 110 of the NPPF. The highways report for the previous application was full of errors, not least talking of 'a few' openings onto Grovefield Way where there are none. If this is permitted, a precedent could be set. The objections are very valid and sensible; Councillor Britter's observations must also be taken into account. Proposes refusal for the policy reasons stated.

DB: still feels this is an accident waiting to happen, on this fast road, difficult to cross. With the cycleway and pedestrians, close to a roundabout, and with a 40mph limit – cannot imagine refuse lorries reversing into or out of the properties off Grovefield Way, but there is no room for them to turn round on the driveways. It looks extremely dangerous. The buildings are good, but a different access point is needed.

KH: would be interested to know officers' views on the potential appeal situation – Planning Committee has refused the application once, with an officer recommendation to permit, and now, with the amendments and another officer recommendation to permit, could be looking to refuse again. If that is the case, how will this look at a subsequent appeal? Councillor

Parsons has raised the issue of financial loss to the Council as a result of appeals costs. What do officers say?

SW: between the issues raised by the first speaker, echoed in Councillor Britter's letter and MC's subsequent comments, feels that all the nuts and bolts of this application have been covered. If we look at Grovefield Way, follow it all along to Shurdington Road, there isn't a single property opening onto the road; the only way to join Grovefield Way is by other roads with proper junctions. That is reasonable, and what the road was built for – not as an estate road. It is a very busy road, and the safest time to get in and out of the junctions is when the traffic is built up and slow-moving; at other times, it travels at 40mph. Emerging from a private driveway, which motorists are not expecting to see here, will be dangerous, despite the splays in the hedge – to suggest these take away the danger defeats reason. Is concerned about cyclists and reminded of a recent incident in Redgrove Way where a cyclist was knocked off his bike because he couldn't see an emerging car – it will be a similar here. The only access to Grovefield Way should be via the roads which join it at junctions and roundabouts. Cannot support any application with a driveway opening onto Grovefield Way. Alternatives have been discussed which would work perfectly, but the applicant doesn't seem to be giving them any consideration. Something significant must be done before he can consider supporting this application.

JP: is not particularly impressed with an applicant who threatens Planning Committee in order to get his way. Planning Committee looks at facts, and the fact is that this entrance is dangerous. Highways Officers say it isn't, but local knowledge says it is. Local councillors also confirm that it will be dangerous, and Planning Committee councillors must go with that. Cannot support this or any development on this side of Grovefield Way.

GB: it is a question of interpretation, but does not feel that the comments from the agent regarding an appeal represented a threat; it was more advising Members of the action that may be taken as a result of their decision tonight. Applicants are entitled to put such comments forward, and quite often do.

LS: we all have responsibility to be moderate in our use of language, but did not take the agent's words as a threat. However, cannot support this application. Safe access to the site would depend entirely on the maintenance of the visibility splays. These won't be maintained over time. Has issues of overgrowing hedges in his own ward. As a result, the point of entry and exit is likely to become dangerous; therefore cannot support the application.

DS: realises Members are not meant to re-design proposals on the hoof but the obvious answer is to have the exit down the side of Blenheim Villa, opening onto The Reddings and not onto Grovefield Way.

NJ, in response:

- To KH's question about costs, if the case goes to appeal, an inspector would look at whether the Council acted reasonably. The technical information provided by experts at County Highways states that the proposal is acceptable – no objection is raised – and therefore the possibility of costs against the Council could not be ruled out.

VH, in response:

- Regarding long-term maintenance of the hedge and visibility splays, this will be controlled by an S106 agreement and conditions.

Vote on officer recommendation to permit

0 in support
12 in objection
1 abstention

NOT CARRIED

MC: proposes refusal on the grounds previously stated – JCS Policy INF1, and NPPF Paragraphs 108, 109 and 110.

SW: Councillor Britter has suggested some other reasons. Do officers feel they are relevant?

EP, in response:

- Refusal reasons need to echo the previous refusal reasons. NPPF Paragraph 110 was not previously included, but will be now.

Vote on MC's move to refuse on INF1 and NPPF 108, 109, 110

12 in support

0 in objection

1 abstention

REFUSE

337. 18/00934/LBC Municipal Offices, Promenade
Councillor Savage left the meeting at this point.

Application Number:	18/00936/LBC
Location:	Municipal Offices, Cheltenham Borough Council, Promenade
Proposal:	Remove modern stud partitions to the Urban Room and Agile Area on ground floor (part retrospective)
View:	Yes
Officer Recommendation:	Grant
Committee Decision:	Grant
Letters of Rep:	0
Update Report:	None

EP introduced the application for listed building consent to remove two internal, modern, partition walls in the Municipal Offices. The conservation officer is content with the proposal, and the application is at Committee because the building is council-owned.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant listed building consent

12 in support – unanimous

GRANT

The meeting ended at 7.45pm.

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

Chairman

The meeting concluded at Time Not Specified