

## Planning Committee

6.00 pm, 17 January 2019

### Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Karl Hobley
Councillor Paul Baker (Vice-Chair)	Councillor Paul McCloskey
Councillor Stephen Cooke	Councillor Tony Oliver
Councillor Victoria Atherstone	Councillor Simon Wheeler
Councillor Bernard Fisher	Councillor John Payne
Councillor Dilys Barrell	Councillor Rowena Hay (Reserve)
Councillor Mike Collins	

### Officers in attendance

Joe Seymour, Senior Planning Officer (JS)  
Cheryl Lester, Legal Officer (CL)  
Mike Holmes, Interim Head of Planning (MH)

**At the start of the meeting**, Councillor Barnes introduced Mike Holmes (Interim Head of Planning), and Daniel O'Neill, who has recently joined the planning team. He also welcomed back Cheryl Lester, legal officer, who is covering this month's meeting in Nick Jonathan's absence.

### 35. Apologies

Councillors Seacome, Hegenbarth and Flynn.

### 36. Declarations of Interest

#### 18/01796/FUL 61 Whaddon Road

Councillor Hay – requested the application be brought to Committee and is speaking in objection – will not take part in the debate.

#### 18/02297/FUL 59 Cirencester Road

Councillor McCloskey – knows the applicant – will leave the Chamber.

### 37. Declarations of independent site visits

None.

### 38. Public Questions

None.

### 39. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20<sup>th</sup> December 2018 be approved and signed as a correct record *with the following corrections*:

#### i. 18/01973/FUL Dowty House

Page 17

**PB:** ... At the Axiom development, 12 no spaces are provided and ~~none are used~~ – people living there don't use cars, and anyone buying town-centre properties will appreciate that they cannot keep a car...

#### ii. 18/2137/FUL 3 Harvest Street

Page 21

**PB:** ...Went to the urban design presentation on ~~this nice little development~~ **expounding good- quality design, and it is disappointing that** now, **before completion of this nice little development**, these changes will detract from the overall effect of the street scene...

iii. **18/02097/FUL, 252 Bath Road**

Page 11

**MC:** ...The application **applicant** has no sympathy with the additional traffic **the proposal** will create; Bath Road is already a nightmare...

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

**41. 18/01796/FUL 61 Whaddon Road**

Application Number:	18/01796/FUL		
Location:	61 Whaddon Road		
Proposal:	Demolition of existing bungalow and erection of 6 no. apartments		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	3	Update Report:	None

**Councillor Hay left the member seating area for the duration of this item**

**Officer introduction**

**JS** introduced the application as above, at Committee at the request of Councillor Hay. The officer recommendation is to permit, in line with the reasons set out in the report.

**Mr Deeley, of the applicant, in support**

In response to the ward member's comments and those of some of the neighbours, is highlighting a couple of points re. building heights. There are a number of three-storey residential properties on Whaddon Road - Thames House, 49 Whaddon Road, and the neighbouring 16-apartment complex. Since the officer report, has re-surveyed the building heights, confirming the proposal is 2.2m shorter than neighbouring apartments, and will therefore not appear overly dominant in the streetscene. It is also set a further 4.5m back in the site, which will further diminish its visibility.

The design of the scheme mirrors 49 Whaddon Road, and the applicants have worked closely with officers at both pre-app and application stages to deliver a scheme that maximised its contribution to sustainable development. The scheme represents a positive investment to this part of Cheltenham and is a significant improvement on the dilapidated bungalow currently on the site.

There are concerns about the bin store and emptying the bins, but the proposed store is adjacent to the bin store for Robins Close – these bins are removed without issue, so does not imagine any problems with emptying the proposed bins.

Residents are also concerned with parking, but one space will be provided for each flat, which is better than the existing arrangements; the existing two-bedroomed property has no private off-street parking, thus requiring residents to park on the street – which this proposal will remove. The officer proposes a condition requiring parking to be installed prior to occupation, to ensure no on-street parking as a result of this development. By locating the apartments one mile from the town centre and providing bike storage for each apartment, it

is hoped that future occupants will use sustainable transport. In addition, there are local shops and a bus stop opposite.

Ultimately, the hope is to regenerate this brownfield site and bring it back into a beneficial use.

### **Councillor Hay, in objection**

Originally asked for this application to come to Committee, and although several revisions made since have addressed concerns regarding trees and lights, there are still some concerns remaining. Firstly, the accessibility of the bin store for UBICO vans and workers – there is a maximum distance they will walk to collect the bins. Access for two of the car-parking spaces is through Robins Close, which is owned by a housing association – will permission be given for the new residents to use this private road to reach their parking spaces? Who will be responsible for the maintenance of the road? The three-storey building is out of keeping; Thames House on the corner creates a solid mass, which stands out in the streetscene. Four flats over two storeys would fit in better. The Cat and Fiddle was sympathetically done, and 49 Whaddon Road is a bigger site, which stands alone in open space – this site is more prominent.

The Civic Society is not supportive, and notes that neighbours have valid concerns. Six one-bedroomed flats could mean 12 occupants; a 2006 application for four flats and a bungalow was refused, as the site was not considered sufficient size for buildings and a car park. The same number of bedrooms is now proposed as was previously refused.

Welcomes more housing – but this is overdevelopment, and not in keeping with the grain of the street.

### **Member debate**

**BF:** has a couple of questions for officers: firstly, regarding the location of the bin store, do we have a protocol as to how far from the main highway this can be, and does this proposal comply? Secondly, the size of the apartments – cannot recall if building regulations require a standard minimum size, but if so, do these comply? They look very small.

**SW:** shares BF's concern over access via Robins Close. Is it a private road or simply not adopted? Six car-parking spaces are provided, but is this sufficient? Two of these will be accessed via Robins Close, so drivers will have to reach them via a road that doesn't belong to them – there could be objections, or could they even be banned from using their parking spaces? Also shudders at the size of these one-bedroomed flats. Realises we need units like this, but it gives some cause for concern.

**DB:** has the impression that these are very small but knows we are in desperate need of more housing and some people would appreciate them. Would welcome clarification about the accessibility of the bin store, and also whether the Robins Close car parking spaces will be accessible.

**MC:** echoes DB's concerns about accessibility, and feels there is uncertainty about who is responsible for the road. Considers six one-bedded units a good thing, as is the resolution of the trees issue, but looking at the drawings, at the bottom left corner, there appears to be a bin store but there is nothing there apart from concrete paving – this is where the bins for Robins Close are stored. It is not a true reflection of what is on site. Is unclear about how the bins will be taken out onto Robins Close to be emptied.

**JS, in response:**

- Bromford Housing are the managers of the Robins Close properties, and if the scheme is permitted, residents will be able to access the two parking spaces – the applicant will purchase these from Bromford;
- To MC, the bin store shown on the plan is indicative, and shows where the bin store on Robins Close would be. The concrete slabs area is quite wide; some of the space will be used for two parking spaces, with the residual area as a bin store for Robins Close;
- Regarding the status of Robins Close, the main entrance to the site off Whaddon Road is not adopted; Robins Close is an unclassified highway, but part of the network. Residents would have right of access across it to the parking spaces
- Regarding the size of the flats, this is covered at paragraph 6.10 of the report. They are 45 sq. metres, which is 8 sq. metres larger than the minimum size.

**SC:** is still confused about the bin store and car parking area – it appears space for two parked cars will be taken from the housing association, and if so, how will the bin store be accessed. If cars are parked in the spaces, UBICO won't be able to access the bin store. This doesn't seem very practical. They could go down the side of the house, but this is a long way to go and won't happen – which could lead to difficulties on a long-term basis.

**JS, in response:**

- Their access isn't confined to the red line parking spaces; it's possible to walk between the bin store for Robins Close and the flats. The bin store shown is where it could be situated for Robins Close, but not part of the proposal.

**SC:** so there will be no wall between the bin store at the back of the flats?

**GB:** what will happen if Bromford don't agree to the sale of the land?

**JS, in response:**

- To SC yes, and to GB in planning terms it will be what is known as a ransom strip, and make the application unviable. But the scheme is still acceptable, in planning terms.

**CL, in response:**

- There is a planning condition providing that the new dwellings are not to be occupied until the vehicular parking is provided.

**Vote on officer recommendation to permit**

11 in support

1 in objection

0 abstention

**PERMIT**

**42. 18/02297/FUL 59 Cirencester Road**

Application Number:	<b>18/02297/FUL</b>		
Location:	<b>59 Cirencester Road</b>		
Proposal:	<b>Replacement dwelling</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>5</b>	Update Report:	<b>None</b>

**Councillor McCloskey left the Chamber for the duration of this item**

**Officer introduction**

**JS** introduced the application as above, at Committee at the request of Councillor McCloskey. The recommendation is to permit, in line with the reasons set out in the officer report.

**Public speaking****Mr May, in objection**

Is speaking on behalf of his sister, who lives next door. On Planning View, Members will have seen the Rear terrace behind No. 57, which enjoys a special open aspect, making it an important part of the residential amenity of No. 57. Information provided by the applicant's agent earlier this week states that there will be no problems re. loss of direct sunlight, but the proposed two-storey house would protrude the full length of the terrace and the roof apex would be 7 metres above terrace level. The real issue will be its unneighbourly, overbearing impact on the terrace. In 1995, Planning Committee refused permission for a two-storey extension to the rear of No. 59, which would have been 300mm lower than the building now proposed. It will be most hurtful and irrational if the Committee were now to grant permission for this overbearing development, when planning policies haven't materially changed since 1995. The overbearing effect is unneighbourly, and contrary to policies.

Members will also have noted that there will be a loss of daylight to the dining room, which should be assessed in planning terms, using the 25° rule, as the proposed building directly faces the window. The dining room is already shaded by the existing house, but the large box dormer proposed on the norther side of the house would further reduce this daylight, causing further unacceptable loss of daylight detrimental to residential amenity and contrary to policies.

Also objects to the prolonged noise and vibration nuisance for 5-7 weeks whilst installing auger piling now proposed to a depth of 5 metres on the site boundaries, and further noise when excavating the large pit to contain the foundations of the house.

Urges Members to be consistent in their decision-making and refuse permission for this overbearing, unneighbourly development.

**Mr Northup, on behalf of the applicant, in support**

Is speaking as son-in-law of applicant, having moved with his family into No 59 at Christmas 2016 to support his mother-in-law who has lived there for 43 years. Has approached the need to update with sensitivity and fondness, as long-term and active residents of Charlton Kings. Built a garden annexe in 2016 as the start of the process, and it is now time to upgrade the main property and bring it up to the standards of the eco-annexe. Has a large family, is part of a wider local family which visits frequently, and also needs home offices as both he and his wife work from home. Have explored all options adapting and modernising the existing property, but these have thrown up many issues, the main one being the need to underpin the whole property in order to adapt it, though there are many other issues.

Have finally concluded that the demolish and rebuild would be the far less disruptive and quickest route for everyone concerned, aiming to drastically cut the build time and complete in 9 months rather than multiple phases of work over 18 months. The proposal maximises the elevated position at the front of the site, adding a lower ground floor as a discreet option for additional accommodation. Will not use steel sheet piling, but more the more costly and considerate auger piling. Want to create a home fit for purpose in the long term, where possible exceeding building regs and ecological requirements, aiming for a Code 5 ecological build.

A new-build house will mean a different internal layout in view of the neighbour's large overlooking dormer, and that the children will not need to share reception rooms as bedrooms. The design reflects the existing property and the row of similar houses, matches closely the footprint of the existing house, and maintains the visual appearance from the streetscene. It ensures no overlooking of the neighbours. It is a new, very different scheme from the one proposed 25 years ago, with better access, more floor space, warm, bright, sustainable and aesthetically pleasing. It will use state of the art technologies and materials to ensure the best possible results for the family, the neighbours, the wider area, and the neighbours.

**JS:**

- Forgot to mention in the introduction that there is an error in Paragraph 6.10 in the report – the replacement dwelling is in fact 450mm higher than the existing, not 300mm. The recommendation remains unchanged.

**Member debate**

**DB:** can officers clarify the height of the building in relation to other buildings? Thinks she has read that there has been a change in planning regulations since the 1995 refusal, regarding the line of the back of the houses. Can officers clarify?

**PB:** to DB, this is discussed at Paragraph 6.17 on the report – there have been changes to policy since that refusal; policies evolve over time. Congratulates both speakers on their presentations; it is particularly difficult to make a decision on this, when hearing both sides. Viewed the application site on Planning View, and could see that there will be an impact on No. 57, but the question is whether this is enough to refuse the application. It is a well thought-out scheme, a great design, fit for purpose. It will impact neighbours, but in this day and age, people want to improve their homes. The applicant has done as much as possible to take on board all the recommendations and advice to make this a good design. Is happy therefore to support the application.

**JP:** agrees with PB. This is a really difficult application. On the positive side, the design reflects a modern version of the buildings in the area; it is imaginative, and although the basement may be a bit risky and challenging, it will provide the required extra space. On the negative side, there is concern about the impact on the neighbouring properties, and the need to pile because of the sandy nature of the soil. Would be grateful if the planning officer would confirm whether the 25° and 45° light tests have proved to be satisfactory.

**SC:** also echoes PB. This is a very good quality design, but has every sympathy with the neighbours. Has some concern about the issue of piling – are there any building regulations examples of this? Understands that the sandy soil could be an issue, and the works could cause a lot of disturbance. What impact might this have, and what mitigation measures can be taken to minimise the threat to neighbours?

**JS, in response:**

- PB answered DB's question re changes in the policy since the previous decision. There is no prescription that the rear building line must be the same, which was one of the concerns in the 1995 refusal.
- Regarding the light test, the ground floor side dining room window which faces the property fails the light test at the moment, and the 450mm increase won't make it worse. The scheme passes all other tests;
- Regarding the pile foundations, previous applications have used this method to avoid tree roots – it is quite common, but doesn't know the details of the process or building regulations.

**SW:** if auger piling is used, this will involve drilling with a corkscrew-shaped drill, inserting a cardboard tube and then the concrete – it will not be hammered down. There will be noise from the machinery, but it will not be disturbing the ground as much.

**BF:** confirmed SW's comments re. auger drilling.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

**43. 18/02278/FUL Cheltenham Cemetery and Crematorium**

Application Number:	18/02278/FUL		
Location:	Cheltenham Cemetery and Crematorium		
Proposal:	Retention of single track roadway to the west of Prior's Farm recreation ground, security gated and leading from the recreation ground car park off Imjin Road (retrospective)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	2	Update Report:	None

**JS** introduced the application as above. It is at Committee because CBC is the applicant. The recommendation is to permit.

**Public speaking:**

None.

**Member debate:**

**BF:** was on Planning Committee when the works were first approved, and couldn't understand then why this was only a temporary access – to cope with the bigger machinery, possible vehicle breakdown, and act as an emergency exit. To retain it is common sense; fully supports the application.

**MC:** was also on Committee when this scheme was originally considered, and remembers the challenge to get parking on the site during the construction of the buildings. If people are going in and out of the cemetery to attend funerals, tend graves etc, would rather have a separate access for service vehicles etc. The objectors state that this access was always intended to be permanent, but can't see that this is such a bad idea. Would ask how it will be controlled? It is for service access now, but on Planning View noticed a lot of damage to the existing grass area on Imjin Road. Will this be made good when the construction is complete? It currently looks a mess.

**SC:** to clarify, the purple strip on the drawing represents the proposed road, and the blue road at the top the existing cemetery access road. From the drawings on the wall, it looks like there are two access roads to the cemetery, the blue to Bouncers Lane, the purple to Imjin Road. What is the difference? Is one used more than the other?

**JS, in response:**

- The purple access is controlled by a gate from the Imjin Road side – the owners (CBC) of the site will have control;
- The other access is permanent as part of the previous permission, which is why it isn't being considered in this application.

**RH:** for clarity, the gate is the only thing people will see from Kimberley Walk; what is the height of the gate? The existing gate is as high as the fence. There are some objections, but a number of residents have asked if they can keep the road, or get it across to the top to allow disabled access. The gate is proposed; is there pedestrian access?

**JP:** with reference to SC's point, the blue road is part of the exit road from crematorium, which operates a one-way system. The exit road eventually joins gates at Bouncers Lane and is used by mourners and hearses.

**JS, in response:**

- To RH, the gates don't need planning permission because they are less than 1m high, and will be maintained at this height;
- Doesn't know about any links to pedestrian access at the top.

**RH:** pedestrian access would be beneficial here – at the moment, there is a kissing gate or chicane and no way through. A footpath up from back of the changing rooms to the top of Priors Field would be useful, and it is a shame that it isn't included. Raised this with officers early on, and is disappointed it hasn't been taken forward, to keep the road open and give additional access.

**GB:** as Members know, we are not here to redesign applications, and have to consider what we have before us. Takes RH's point, however, and suggests it can be taken up with officers later.

**SC:** endorses RH's comments – access for pedestrians with prams, bikes etc would be a great public benefit.

**GB:** this can be included as an informative to the applicant.

**Vote on officer recommendation to permit**

12 in support

1 in objection

**PERMIT**

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

Chairman

The meeting concluded at Time Not Specified