

Planning Committee

Thursday 21st March 2019

18:00 – 19:55 pm

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Alex Hegenbarth
Councillor Paul Baker (Vice-Chair)	Councillor Karl Hobley
Councillor Stephen Cooke	Councillor Paul McCloskey
Councillor Diggory Seacome	Councillor Tony Oliver
Councillor Bernard Fisher	Councillor Dennis Parsons (Reserve)
Councillor Dilys Barrell	Councillor John Payne
Councillor Mike Collins	Councillor Rowena Hay

Officers in attendance

Michelle Payne, Planning Officer
 Claire Donnelly, Planning Officer
 Chris Chavasse, Senior Trees Officer
 Gary Dickens, Planning Officer
 Nick Jonathan, Solicitor
 Joe Seymour, Senior Planning Officer
 Mike Holmes, Interim Head of Planning

1. Apologies

Apologies were received from Councillor Wheeler and Atherstone. Councillor Parsons was in attendance as substitute.

2. Declarations of Interest

1. 18/01320/FUL Hilden Lodge Hotel, 271 London Road, Charlton Kings

Councillor McCloskey - Is quoted at the start of the officer report in a way which seems to suggest he has a closed mind on this application. Would like to state for record that this is not the case; has an open mind, will listen to the speakers and the debate before deciding on how to vote.

2. 19/00088/FUL 16 Rowena Cade Avenue, Cheltenham, Gloucestershire

Councillor Cooke - Noted from the papers that the applicant's name is the same as someone he once worked with, but would state for the record that he has not had any dealings with the applicant or the application.

3. Declarations of independent site visits

Councillor Fisher had visited 18/02547/FUL Glenfall Farm Stables, Ham Road, Charlton Kings on a previous occasion; he had also visited 18/02581/FUL Cromwell Court, Greenway Lane, Charlton Kings.

4. Public Questions

There were none.

5. Minutes of last meeting

GB: Explained that Members had received notification of alterations to the draft minutes from the meeting on the 21st February from the County Highways Officers. He requested that Members approve the draft minutes subject to the changes proposed by the Highways Officers.

MC: Noted that the changes from the original draft minutes and the amended version provided by the highways officer were minimal and as they were non-material changes, he didn't agree with incorporating them.

BF: Felt that what was originally minuted better reflected what was said and considered the amendments to be pedantic.

GB: Agreed that they were fairly minor changes but requested Members vote on whether they were happy to approve the amendments.

Vote on minutes as amended

7 in support
3 in objection
2 abstentions

PERMIT

The minutes of the meeting held on 21st February 2019 were signed as a true record subject to the highway's comments being amended to the following:

Lucas Arinze, Highways Officer, in response:

- To address the comments made by Cllrs BF, JP and MC, regarding the gradient of Oakhurst Rise, Oakhurst Rise is a publicly maintainable historic highway which has served 30+ dwellings and a sub-station for a number of years. There is nothing to suggest that this section of highway is unsafe and there has been no personal injury collisions recorded. Manual for Gloucestershire Streets is only guidance and what it sets out is not absolute values. It provides guidance for developers and tells them what is definitely acceptable. There is nothing to say such gradient wouldn't be acceptable; if all developments had to meet the values contained within Manual for Gloucestershire Streets, many developments in Stroud and the Forest of Dean for example wouldn't be possible.
- To MC, yes, highways officers have visited the site and appreciate the concerns raised;
- To JP, it would be unreasonable to request the developer to re-profile the whole of Oakhurst Rise, and it could make the development unviable;
- Highways officers would look at the gradient of highways within site should the developer choose to have them adopted.

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

7. 18/01320/FUL Hilden Lodge Hotel, 271 London Road, Charlton Kings

Application Number:	18/01320/FUL		
Location:	Hilden Lodge Hotel, 271 London Road, Charlton Kings		
Proposal:	Demolition of existing building and erection of 5 new dwellings, forming of access for parking and landscaping.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	9	Update Report:	None

Officer introduction

JS: Introduced the application and explained that the proposal was for the demolition of the hotel and replacement with five dwellings, as above. He advised that it was at Planning Committee at the request of Councillor McCloskey, and the recommendation was to permit for the reasons set out in the report.

Mr King, agent in support

Advised that he was the agent speaking on behalf of Green Spinnaker, the owners of Hilden Lodge who were fully supportive of Mr Seymour's committee report.

With regards to the exploration for retention, he explained that due to the increase in applications being granted within Cheltenham centre for larger commercialised hotels, along with the rise of Airbnb, the B&B business was no longer viable and as such, had led them to the difficult decision to close the family owned business.

He highlighted that the building itself has been altered and extended significantly in its life, namely in 1987, to consider the needs of a B&B. This has made the capability of converting it back into meaningful residential properties impossible. He reasoned that in order to create something practical and to suitable building standards, the building needed to be demolished.

With regards to the proposals and design, he reported that they had considered all the constraints and opportunities of the site along with the clear need for family housing within Cheltenham. He confirmed that the pre-application proposals were submitted in April 2018.

He explained that they had worked very hard with the planning department and relevant consultees in order to rectify the various concerns raised throughout the process. Whilst chapter 6 of the officer report highlighted the primary issues involved, the greatest consideration and most time consuming element was the architecture for the proposals. He advised that they had initially tried to create a uniformed shell from a relatively standard approach and then repeat it across the site, although he acknowledged, with hindsight, that this wasn't the correct approach.

He noted that the Architects Panel had initially not supported the first or second proposal due to the elevational style. However, this had led to alterations and the proposal was now being supported with a recommendation for approval.

He confirmed that having been a family owned business, the decision to close after 12 years of ownership had been extremely upsetting. However, having worked closely with the Council over the past 12 months on the proposals, he felt there was now an exciting opportunity, as part the Hilden Lodge legacy, that would create some exciting, well considered, truly modern housing for several young families in Cheltenham for years to come.

Member debate:

PM: Acknowledged that it was a family-run business and sympathised with the applicant with regards to the competition from Airbnb and budget hotels who were offering cheap accommodation. He highlighted that 12-roomed hotel such as this has no headroom to cover costs. He did not feel it necessary to keep the existing building and as such was minded to vote in support of the application.

PB: Noted that the proposals were extremely different to the existing structure, however, welcomed the contemporary design. He acknowledged the Parish Council's objection to this development with regards to it being at the gateway to the town, but disagreed and felt that it was stunning architecture, and on balance a good scheme.

DS: Was also in favour of contemporary design but did not feel that this scheme was a good design.

Vote on officer recommendation to permit

12 in support

1 in objection

PERMIT**8. 18/02547/FUL Glenfall Farm Stables, Ham Road, Charlton Kings**

Application Number:	18/02547/FUL		
Location:	Glenfall Farm Stables Ham Road Charlton Kings		
Proposal:	Conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Refuse		
Letters of Rep:	19	Update Report:	None

Officer introduction

GD: Introduced the application which was seeking permission to convert three farm buildings to three dwellings, and to demolish and rebuild the existing farmhouse. He highlighted that there was an additional condition, requiring a landscape scheme and advised that it was at Planning Committee because of an objection from the Parish Council and at the request of Councillor Babbage.

Mr Maloney, in objection

Explained that he was speaking against this application on behalf of the residents of Ham. He stated that the prime objection related to the demolition of a partial Cotswold Stone House, which was good enough to be currently occupied, and replacing it with a relocated modern new build. He highlighted that the site sits on the Lower Slopes of Ham Hill within the Cotswold AONB. He cited policy CO13 of the current town plan which states that;

“The conversion of rural buildings will only be permitted where: the building is appropriately located and suitably constructed and otherwise is suitable for conversion without substantial demolition, rebuilding or extension.”

He highlighted that the Courtyard Farm Buildings, which were originally part of Glenfall Farm, have a development history covering a 200-year period and are shown on Survey Maps of 1859 & 1883. He reiterated that this is the only Courtyard Complex of Cotswold Stone Barns within Ham, and felt that this application would needlessly demolish part of it. He noted that as per policies HEP1, DTP1 & CO3 now SD7 of the AONB and the JCS, such buildings should be preserved whenever possible.

He explained that data extracted from published survey documents provides a comparison between the current dwelling and the proposed replacement and highlighted that the new build would have a footprint 1.4 times bigger, a volume that is 2.4 times larger and a ridge elevation increased by 3.54 meters which is 11' 7" higher. He felt that with such increases, bearing in mind the design, construction materials and position on site, the building would be overpowering and dominate the area to the detriment of the farmstead's history. He felt this was clearly shown by the developer's visualisation, titled "street elevation" dated March 8th.

He highlighted that the previously approved plans demonstrated that all the buildings could be converted without demolition or relocation. Thus, preserving the character of the settlement, he felt there was no justification for the demolition of the existing dwelling, other

than to build a vastly larger, modern structure that does not sit comfortably within the landscape, to the neighbourhood's detriment and urbanisation of the AONB.

Councillor Savage, in objection

He reasoned that the tiny and historic hamlet of Ham is one of the most picturesque and unspoilt areas of Cheltenham, lying outside the principal urban area and within the AONB.

He highlighted that the application site itself is situated at the crossroads between Ham Hill, Ham Road and Mill Lane, and thus is at the heart of this ancient settlement, overlooking the small village green and post box, and visible from many directions. He noted that paragraph 172 of the NPPF states that 'great weight should be given to conserving the landscape and cultural heritage of the AONB', and he felt that both of these would be adversely impacted by permitting this application. He also highlighted that paragraph 172 of the NPPF states that when considering applications in the AONB the committee should consider 3 things:

- The need for the development;
- The scope for meeting the development need in another way; and
- The extent to which the detrimental effects of the development could be moderated or mitigated.

He explained that in considering these three points the committee should be mindful of the fact that in May last year permission was granted to develop the same site in a manner which conserved the existing farmhouse, and did not negatively impact on the landscape or character of the AONB in which the application site sits. He highlighted that the previous application (00633) was not objected to by the Parish Council, nor was it objected to by local councillors or local residents. He felt it was sympathetic to the context and preserved the existing historic building.

He stressed that the replacement dwelling proposed was both significantly larger in terms of footprint and would sit higher in terms of the surround street scene, meaning it would be both prominent and highly visible. He felt that the overall result would be an overbearing development, out of keeping with the surrounding area and be in breach of both national planning policy and the local plan, including SD7 of the JCS which states that development in the AONB should only be in exceptional circumstances, and when it is in the public interest.

He further stressed that the application would not help address our need for affordable housing, nor make a significant contribution to housing supply. It was also evident from the previously acceptable application, that the need for development on this site, such as it is, could be met in a manner sensitive to the AONB. As such, he felt that there were no clear or compelling reasons to depart from national or local guidance by permitting the application.

In summary, he requested that Councillors be mindful of the robust planning reasons for refusal, the strength of local objection from residents, the objection from the Parish Council, and the objection from external agencies including the CPRE when reaching a decision. He highlighted that the AONB is one of this town's most precious resources, enjoyed by residents and visitors alike.

Member debate

BF: Noted that the applicant already had permission and this application was just for a different scheme. He agreed with the comments of Councillor Savage and Mr Maloney. He felt that there was so little AONB in the town and as evidenced by the Council's decision in Local Plan and as per national legislation they have a duty to respect and look after it. He further acknowledged that the application doesn't contribute to the five year land supply and is not in keeping with its surroundings.

PB: Felt that it was a fantastic scheme which combined traditional and contemporary design out of redundant buildings. Was originally minded to support, however, having heard the points made by speakers agreed that the scheme was unacceptable and too big and felt that the applicant should go back to the previous scheme and retain the original building. Whilst he did not feel the existing building was particularly attractive, he reasoned that it was made out of Cotswold stone and appropriate in scale. He noted that the officer recommendation was to permit, however, felt on-balance there were several reasons for refusal, including over-development, the fact that it was not in keeping with the surrounding area and the fact it doesn't respect the AONB, the locality, and the other buildings around it.

RH: Agreed with the points raised by BF and PB.

JP: On planning view had been impressed with the craftsmanship that had been put into the existing farm buildings, but was not impressed with the quality of the farmhouse; and felt that if the farmhouse remained, it would be to the detriment of the current scheme. However, agreed with PB that the proposal is not acceptable in the AONB and would not support the application.

GD, in response:

- Respected and appreciated Members comments, and conceded that his recommendation was an on-balance decision. He highlighted that there was extant permission to convert the barn, stable and farmhouse, and everyone was satisfied with the proposed conversion;
- Noted that the proposal would not increase the number of homes on the site. He confirmed that the proposed new building would be 50 sq metres bigger than the existing farmhouse, but highlighted that there are no policies regarding how big replacements in AONB can be or taking on board how it affects the landscape setting. He explained that given the mix of dwellings on site, and the materials on site and in the vicinity, officers felt that the design was acceptable and would sit well in the site;
- Confirmed that the replacement farmhouse was designed to make the flow of the site better as there were pinch points. He reported that there were concerns that although the house was lived in, it was not of a good standard with regards to insulation and flooding and that by removing the farmhouse and introducing a new dwelling, the site would work and flow better.
- Confirmed that the building in discussion was a stable building for Glenfall Farm which was converted to a dwelling in 1976 for the equestrian business.

PB: Did not agree with the argument regarding the site flow as felt that they could alternate the existing footprint and didn't feel such a big scheme was necessary. He was also disappointed that there were no comments from the Architects Panel.

SC: Questioned whether, if permission was refused, the applicant would revert back to the previous proposal?

GD, in response:

- From looking at the drawing of the approved site plan, he advised that traffic would come up the left hand side and into the site that way. However, there were concerns that this could cause problems for residents and visitors, and that replacing the farmhouse would improve the flow.

GB: Queried whether PB was proposing refusal on the grounds of overdevelopment.

PB: Confirmed that he would suggest refusal on policies SD6, SD7 and paragraph 172 of the NPPF with regards to the impact on the AONB, over development, and design.

Vote on officer recommendation to permit

4 in support
 8 in objection
 1 abstention
NOT CARRIED

Vote on PB’s move to refuse JCS policies SD6 and SD7, and Paragraph 172 of the NPPF

9 in support
 0 in objection
 4 abstentions
REFUSE

8. 18/02581/FUL Cromwell Court, Greenway Lane, Charlton Kings

Application Number:	18/02581/FUL		
Location:	Cromwell Court, Greenway Lane, Charlton Kings		
Proposal:	Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	87	Update Report:	Additional Representations

Officer introduction

JS: Introduced the application for the demolition of the existing house, and construction of eight self-build dwellings. He confirmed that it was at committee at the request of Councillor Babbage, due to concerns about the impact on the AONB. The recommendation is to permit for the reasons as set out in the officer report.

Mr Cassidy, in support

Advised that he owns and lives at Cromwell Court, he explained that he and his wife had a long held ambition to build their own home and building out one of the new homes provided a great opportunity for them to fulfil this ambition. He highlighted that they had great affection for the AONB and as such strived to develop a scheme that is to an architecturally high standard, interesting, unique and sympathetic to the AONB.

He advised that the scheme was landscape led and they had employed a team of experts with significant experience and understanding of working in sensitive landscape locations. Similarly, the design was led by a local landscape architect with extensive experience of working with the AONB board. He highlighted that the sensitive design also extends to the retention and enhancement of existing trees which would be maintained through a long-term management plan. The trees would also assist the site blend with the wider AONB and it was in their interest to protect them in the long-term.

He felt that the site could clearly accommodate a number of homes. The planning officer’s report acknowledges the benefits of introducing additional homes at the site and how this is an efficient use of existing residential and brownfield land. He highlighted that these would be self-build homes which would give other likeminded self-builders the opportunity to realise their own ambitions. He noted that the council had a duty to consent to self-build plots and felt this scheme helped the council meet this requirement.

He explained that the proposal had a central design theme which was key to ensuring the site would be developed sensitively; hence the submission of an application for full planning permission with lots of detail. He highlighted that other self-builders would need to comply with the consented plans to ensure the designs didn't change, and acknowledged that as owners of the site they had control over the contracts of sale. He advised that they had had conversations with many people interested in the units as proposed and was confident that they would be built as shown.

He felt it significant that the proposal had local support, with 75 letters of support, including four from immediate neighbours. He noted that the Parish Council also had no objections. Given the positive nature of the officer's report, he felt there was clearly a strong planning justification in support of the proposal.

Councillor Savage, in objection

Explained that he and Cllr Babbage had referred the application to committee given the level of public interest and the sensitive nature of the application site. He noted that the current building occupying the site is out of keeping with the local area, and acknowledged that the many responses to consulted comments were indeed positive, including from the Architect's Panel and the public. He was, however, mindful of the comments from the Cotswold Conservation Board and the CPRE included in the officer's report. He was concerned that this development, if permitted, would potentially make subsequent applications in this part of the AONB difficult to refuse.

Member debate:

BF: Noted that paragraph 172 of the NPPF gives great weight to conserving and enhancing the landscape and felt that eight buildings would never enhance it. He acknowledged that the dwelling currently there was not the most attractive but had approval for conversion to eight flats already. He noted that whether the applicant built houses or flats, there would be no gain against the five-year land supply, however, felt that with eight separate self-build houses, the landscape would be altered irreversibly. He further stressed that the construction period would cause chaos with up to 100 contractors at any one time. He also had concerns that the individual applicants could come back with altered plans, which could harm the AONB even more.

He felt that the applicant had two alternatives, to continue with the eight flats, which would cause less damage to the landscape, or demolish the existing house and build one dwelling in its place. He noted that there were existing problems at Cromwell Court, including outstanding enforcement issues concerning the erection of a 2m fence and gates, and trees cleared out without planning permission. Whilst he acknowledged that these issues were not material to the application, he felt it showed the applicant's disregard for planning law. He was minded to refuse on the same grounds as used for the previous application.

DB: Liked the scheme, however, felt it important to protect the AONB and was moved by the comments of the Cotswold Conservation Board. She acknowledged their comments regarding NPPF Paragraph 172 and reasoned that there were no exceptional circumstances here to agree to the scheme. She noted that the applicant already had permission for eight flats and felt the application should be refused.

PM: Acknowledged that as stated in the officer report, Cromwell Court is a unique brownfield site, and allowing eight dwellings here wouldn't encourage other landowners to do same. He requested assurance that while Cromwell Court may be classed as brownfield, the same won't apply to other parts of Greenway Lane as this could potentially be very dangerous, particularly given the AONB has the highest level of sensitivity.

He also had concerns regarding the surface run-off water from Harp Hill. He noted that the report had mentioned a culvert and questioned whether a contour map was available. With

regards to Hewlett Reservoir, he questioned where all the water was coming from and noted that the applicant had said this would be detailed in the contracts. However, he was concerned that this would be too big an area to be covered by conditions if the scheme were to be permitted. He had further concerns about the sedum roofs as he noted they often turned brown and suggested that the water run-off be caught by the roofs. Another consideration was the fact that the removal of trees and addition of buildings would increase run-off down Greenway Lane. He had further concerns about how refuse collectors would access the properties and he suggested a proper robust road was needed, to allow ambulances etc. to get to the top.

KH: Felt that the scheme was exciting and noted that it was rare to be presented with a scheme of this quality and kind. He felt that the existing building had little to no merit and was unattractive. In his opinion, sub-dividing the existing house into eight units would be a waste of effort and time and felt that the scheme before them was much more interesting, and would provide far greater amenity to residents. He acknowledged that it is a brownfield site and he had no problem with the principal of building more units on the site as he felt it could clearly accommodate eight units, if not more. He approved of the architecture and felt it was a bold scheme, sensitive, and of high quality. He did, however, have slight concerns that as all eight dwellings were self-build, during the building process self-builders may want to deviate in materials, design code and theme. As such, he questioned whether they were able to place conditions on the application to ensure they were built as presented.

BF: He did not consider this to be a brownfield site, he reasoned that one dwelling in a large garden doesn't make the whole site brownfield. In his opinion, brownfield meant something which had been built on before. He noted that up to two years ago, a lot of woodland hid Cromwell Court from the road, however, the trees had now been taken down and the area was now extremely open. He cited paragraphs 170 and 172 of the NPPF which state that development should enhance the AONB and he felt that building on it did not enhance it. He further noted that swimming pools and multiple cars per household were not environmentally friendly.

PB: Stressed that Cheltenham's surroundings and setting within the AONB were what made it special and that any sites on its edge were extremely sensitive. He felt they needed to be resolute, to avoid setting a precedent. He also had concerns about the site being deemed as brownfield. Whilst he accepted that it was a great scheme, he felt that protecting the town and the AONB was of greater importance. He noted that the scheme would not provide additional housing and felt it important they abide by the Cotswold AONB management plan. He suggested that Policy CE12 of the management plan - development priorities and evidence of need - be used as a refusal reason. He felt that the brownfield site argument referred to in paragraph 117 of the NPPF gave compelling reasons not to support. He explained that he was minded to propose refusal on JCS Policy SD7 10, Policy CE12 of the Cotswold AONB Management Plan, and paragraphs 170, 172 and 117 of the NPPF.

DP: Was mindful that refusing against officer advice and disregarding previously legal activity could result in a successful appeal against the council.

JS, in response:

- Noted that there was evidently a lot of concern about the AONB and impact of the proposed development upon it. It is a judgement for individuals to make as to whether it is harmful or not;
- With regards to concerns about whether the site should be considered as brownfield or not, he confirmed that this is a court of appeal decision that is applicable country wide and not for the council to decide. He explained that there is a loophole in the definition of previously-developed land in the NPPF as it excludes land in built-up areas such as residential gardens if they are not situated in a built-up area;

- With regards to suggestions that the same could apply to any large country estate, he explained that it would only apply to the residential curtilage, and would not open floodgates in that sense. In this site, every part of the red line is the garden of Cromwell Court; the site has development on it, and is therefore classed as previously developed, on account of it not being in a built- up area.
- Regarding the bins, he confirmed that the simple site layout shows one road in, one road out, which is quite common for housing developments of this size. He explained that residents wouldn't have to take bins down to end of Greenway Lane and the access road into the site allows for vehicle turning.
- In response to concerns about the weight of the refuse truck, he confirmed that they would just go up main service road, not each drive;
- Regarding concerns about the built houses not resembling the drawings, he explained this is a full application, not an outline, and confirmed that the houses would have to be built in line with approved drawings. There is a design code for self-builders to adhere to and it has to be agreed first as a basic premise.

SC: Felt that the scheme proposed was better than the application for eight flats, in his opinion it was more elegant, and would enhance the neighbourhood better than a converted mock-Tudor house. However, he had concerns that if the present application leaves a lot of undeveloped land on the site, the applicant would come back with further applications in the future. He agreed that if permitted, the scheme would need to be closely conditioned to make sure it was built like the plan. He had further concerns about setting a precedent for similar applications within the AONB.

PM: If the committee were minded to permit, he suggested a condition be applied to ensure the access for refuse trucks was up to standard. He questioned whether the surface water run-off could be managed as part of an elegant eco-friendly design?

JS, in response:

- Confirmed that there was a condition for sustainable drainage on site, and the green roofs would help in that regard.
- Ensuring the access road was suitable for UBICO and other heavy vehicles was not a particular problem.

BF: Reminded Members that the principal of development of the site for eight dwellings had been agreed, however, the applicant now wanted to build eight totally different dwellings which could change in design. He acknowledged that this would require a further application but felt that the precedent would be set.

Vote on officer recommendation to permit

7 in support [including Chairman's casting vote]

7 in objection

PERMIT

8. 19/00088/FUL 16 Rowena Cade Avenue, Cheltenham, Gloucestershire

Application Number:	19/00088/FUL		
Location:	16 Rowena Cade Avenue, Cheltenham, Gloucestershire		
Proposal:	Single storey rear extension and alterations to front and rear elevations to include Juliette balconies		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	3	Update Report:	None

CD: introduced the application as above, to create a single storey extension to the rear, and Juliet balconies, to a detached residential property. It is at Committee at the request of Councillor Harman. The recommendation is to permit for the reasons as set out in the report.

Public Speaking:

Mr Calvert, neighbour, in objection

Thanked the officers and the committee Members for looking at the proposals from their homes and gardens. He explained that they were pleased the plans had been revised with the omission of the roof terrace and they were fully supportive of the conditions suggested. He explained that they did, however, still have concerns about the impact of the proposed extension, materials and the inclusion of doors and Juliet balconies at first floor level. He stressed that they were not opposed to the principle for the extension and believed overall that it was a good design. However, felt that with a few minor tweaks they could ensure that the amenity and enjoyment to their homes was less impacted.

He confirmed that the extension was 4.2m in depth at the north elevation and would impact on the amenity they had enjoyed for the last 9 years. He highlighted that loss of light, sunlight and an increase in overshadowing to the main living areas, lounge, dining room and patio, would also occur due to the orientation of their home. He acknowledged that one light test had failed when performed by CBC officers. He explained that at the South elevation, the proposed extension was 3.2m in depth and 2.7m high and less than 1m from the joint boundaries between number 16 and number 20, with a difference in the ground level of approx. 0.5m, with number 16 at the higher elevation. He highlighted that the proposal would be in the direct line of sight of the kitchen area of number 20 and so would be overbearing, resulting in a reduction of light into a main living area and therefore the loss of amenity. He felt that a reduction in the depth of the proposed extension would mitigate the effect to both properties, whilst still allowing number 16 to achieve their plans.

He highlighted that in this part of the Park Character Area of the central conservation area, all properties have red brickwork at the rear elevation and therefore, in order to protect the character of the area requested that this condition be applied.

He also had concerns about the balconies at the rear, which overlooked their property and resulted in a loss of privacy. Whilst recognising that this was a compromise to a roof terrace, he felt that their inclusion meant that the doors and balconies would be used. He advised that they had French doors at ground floor level, and unless restrained they swung open and slammed close in any slight wind. He stressed that at first floor level this would happen and would be more of an issue; as such he suggested an amendment or condition be applied.

Member debate:

PM: Questioned whether if this was just a ground floor rear extension, permitted development rights would allow it up to 4m, and as such, they were just discussing the additional 0.2 m?

DB: Noted that one of the letters of objection referred to a 'substantial lantern' 1m above the level of the extension and queried what this was. She also questioned what condition had been applied to the glass doors on the first floor and queried the significance of the failed light test.

CD in response:

- Confirmed that a single-storey extension up to 4m would be acceptable under permitted development rights, however, such rights had been removed for these properties;
- She advised that the lantern was shown on the elevation drawings and was a roof lantern to let in more light;
- There is no condition re. restraining doors, as mentioned in the neighbouring letter;

- Regarding the light test, she explained that these are done on floor plans and elevations and the proposal failed the light test on the floor plan but passed on elevations, and therefore passed overall.

Vote on officer recommendation to permit

13 in support

1 abstention

PERMIT**9. Any other items the Chairman determines urgent and requires a decision****10. Local Government Act 1972 -Exempt Information****The committee voted unanimously to approve the following resolution:-**

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5 , Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information); and

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Refusal Reasons (Update to Members) –18/02171/OUT Land adjacent to Oakhurst Rise

11. A Planning Matter

Members reconsidered the reasons for refusal on the 18/02171/OUT Land adjacent to Oakhurst Rise application and the likely extent of costs should there be an appeal and debated whether to remove the highways reason for refusal.

Vote on PB's move the delete concerns about highways as a refusal reason

12 in support

1 in objection

Highways reason removed

Chairman