

Planning Committee

Thursday 18th April 2019
18:00 – 20:10

Present at the meeting

Councillor Paul Baker (Chair)
Councillor Stephen Cooke
Councillor Diggory Seacome
Councillor Victoria Atherstone
Councillor Bernard Fisher
Councillor Dilys Barrell
Councillor Mike Collins

Councillor Alex Hegenbarth
Councillor Paul McCloskey
Councillor Tony Oliver
Councillor Simon Wheeler
Councillor John Payne
Councillor Rowena Hay

Officers in attendance

Joe Seymour, Senior Planning Officer
Chris Chavasse, Senior Trees Officer
Nick Jonathan, Solicitor
Lucy White, Senior Planning Officer
David Oakhill, Head of Planning
Ben Hawkes, Planning Officer

1. Apologies

Apologies were received from Councillor Barnes and Hobley.

2. Declarations of Interest

1. 18/02053/FUL, 48 Swindon Road, Cheltenham

Councillor Seacome advised he was a friend of the applicant and so would leave the chamber for the duration of the debate.

2. 19/00550/FUL, 103 Linden Avenue, Prestbury, Cheltenham

Councillor McCloskey explained that he knew the applicant and so would leave the chamber for the duration of the debate.

Councillor Payne advised that would be speaking in support of the application and then would leave the chamber for the debate.

3. Declarations of independent site visits

None.

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on 21st March 2019 were signed as a true record, without amendment.

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

7. 18/02053/FUL, 48 Swindon Road, Cheltenham

Application Number:	18/02053/FUL		
Location:	48 Swindon Road, Cheltenham		
Proposal:	Demolition of existing buildings and redevelopment of site comprising 7 apartments and 2 semi-detached houses		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Defer		
Letters of Rep:	10	Update Report:	1. Additional representations

Councillor Seacome left the chamber for the duration of the debate.

JS introduced the applications as above, the proposal was for the demolition of the existing buildings and redevelopment of the site comprising 7 apartments and 2 semi-detached houses. The application was at committee at the request of Councillor Brownsteen due to concerns about parking and highways safety. He further advised that a late representation had been received from a neighbour in objection.

Miss Shill, on behalf of residents, in objection

Miss Shill highlighted that despite the fact the development was on 48 Swindon Road, 75% of the development faced on to Normal Terrace and 100% of the dwellings had access via Normal Terrace. She indicated that this would have a considerably affect on the residents of Normal Terrace, yet no assessments had been conducted, including on the impact of the local infrastructure, safety and residents. Residents key concerns were around highways, reduction in parking spaces and refuse issues. She noted that the development made no provisions for the storage of recyclable waste and had assumed that residents would use the current bins which were already overfilled on a weekly basis. She highlighted that residents on Normal Terrace were already competing for limited car parking spaces and were often required to park on surrounding streets. She felt it unrealistic to assume that because of the developments proximity to the town centre residents would not have a car. She cited further concerns around highway access and pedestrian safety as the development would remove the space in front of the garages that was presently used for turning. As such, residents would be required to reverse out on to Swindon Road and the addition of the flats would further hinder reversing drivers line of site. She reiterated that the residents were not against development, however, felt that the plans were not right for this pocket of town.

Miss Brown, on behalf of the applicant, in support

Miss Brown confirmed that the applicant owns the site at 48 Swindon Road site. She felt that the site was a tired site and in need of investment. She confirmed that the proposals were for the demolition of the existing buildings and redevelopment of the site to include a mix of contemporary and traditional buildings which would remove the elements of the site considered detrimental to the character of the conservation area by the planning officers. She highlighted that the applicant had proactively engaged at all stages of the process in order to achieve a well designed scheme that the conservation officer had not objected to. The development would also create 9 additional much needed dwellings. Whilst there had been no provisions for parking she reasoned that the site was in a highly sustainable location close to local amenities and services. She acknowledged the publics comments regarding parking however noted that it was not the applicants responsibility to readdress additional parking issues in Normal Terrace. She confirmed that adequate bin and cycling storage had been provided within the site so that the proposal would not encroach on to the street. Of note was the fact the County's local highway authority had not objected to the application and that the development accorded with the principles of the NPPF and the development plan.

Councillor Johnny Brownsteen in objection

Councillor Brownsteen's main concerns were around the danger to motorists and pedestrians on Swindon Road and Normal Terrace. He reiterated residents concerns that the removal of the turning space would force residents to reverse out on to Swindon Road and would further narrow the entrance to Normal terrace creating two blind turns. He acknowledged that parking was a problem across Cheltenham, particularly in St Pauls as a result of its proximity to major employers and felt that permitting this proposal would exacerbate these issues. Of note was the fact that half of the residents of Normal Terrace had met with Councillor Brownsteen which highlighted the opposition to the proposal. He advised that residents understood the need for more housing, however, this proposal would adversely affect them and their safety. Whilst he recognised the council's pressures to meet the land supply requirements he felt that the small numbers of dwellings created from this development were not sufficient for this proposal to count towards that target in a significant way.

Members debate

MC: He had concerns with the application, however, welcomed the 9 additional much needed dwellings. His main concern was the fact that the 2 parking spaces had now been removed and residents would have to pull out on to Swindon Road. He acknowledged that Cheltenham Borough Council does not have any adopted minimum parking standards but reasoned that people living in such a location would still have cars. He felt that the plot was unsuitable and there was a great concern for the safety of pedestrians. He noted that a site notice was displayed and the proposal was advertised in the Gloucestershire Echo, however, had concerns as to whether this met the council's responsibility with regards to statutory notices.

TO: Queried whether only 1 Normal Terrace had been notified of the application as per the residents comments. He had concerns that the proposal may generate more demand for residents' parking permits in zone 11 and had contacted Gloucestershire County Council who had advised that there was no limits on the number of permits issued. He felt that they should be lobbying to change the policy on residents parking permits as this was causing problems throughout the town.

JS in response:

- Confirmed that legally the site notice and advert in the Echo does satisfy their statutory requirement. He advised that the Council had met its statutory obligations for planning application notification.

BF: Queried whether the bins store were adequate for rubbish and recycling for every dwelling, had been alarmed on planning view at the number of bins out in the road. Felt that highways should have commented, particularly given the issue of reversing out on to Swindon Road and queried whether they had been notified of the late representation received. He questioned whether all of the area in front of the garages would be built on. He also had concerns regarding parking and felt that people living in the centre of the town would still own cars. He had major concerns about people reversing out on to Swindon Road and suggested that the committee defer the application until further correspondence was had with the County Council as the authority responsible for highways and parking.

SW: Thought that reversing out on to a main road was a criminal offence and in his opinion 9 properties on one small plot of land was over development. He felt it unacceptable that the land presently used for turning would be built on and reasoned that whilst it was a good site for development the current scheme was unacceptable.

PM: Felt the scheme would cause a multitude of problems for residents, particularly with regards to parking. He also raised concerns about the fact that tenants often didn't pass on information regarding applications to landlords and as such, he did not feel the notification process was fit for

purpose. He suggested that the loss of amenity by all of the residents of Normal Terrace be explored as reason for refusal.

JP: Reasoned that the design was imaginative and attractive but in the wrong location. He had concerns about parking and implications for road safety and the obstructed visibility splay. He was further concerned that the Highways liaison officer had no objections to the application.

DB: queried what information officers had on visibility (traffic) and whether any studies had been conducted. Shared concerns about residents on Normal Terrace having to reverse out on to Swindon Road and the impact on their health and wellbeing as a result.

SC: Reasoned that Cheltenham needed the additional 9 dwellings, however, they clearly needed to consider the balance versus effect. Despite the fact it was in a central location, he highlighted that a third of people commute out of town and that the development could see a considerable increase in the number of cars in the road. He also felt that the provisions for bikes and bin storage was inadequate.

JS in response:

- In response to concerns about residents parking permits he reasoned that there was never going to be enough road space for 2 cars per household and it was not for this development to address the existing parking issues.
- The two semi detached properties had access to the rear garden and so could store bins to the side or the rear.
- He agreed that the bin store allocation for the flats was small, however, there was a lot of residual space for bikes and bins.
- With regards to the visibility on to Swindon Road, the demolition of the existing build and the construction of new building would be set back slightly from Swindon Road and so there would be minimal change to the visibility.
- He confirmed that the area currently used as a turning area is private land and so is only used informally as a turning area. He highlighted that there were other areas in Normal Terrace where people were able to turn their cars.

DO: Advised that the council has no parking or bike standards and so doesn't require a certain amount of parking spaces to be provided on each site. He confirmed that the Highways Authority, who are the technical experts for highway matters, had no objections to the proposal and so the committee should be cautious in pursuing highways safety and parking as a reason for refusal. He reiterated that the area currently used for parking is private land and so the committee should also be cautious of using that as a reason for refusal.

PM: With regards to residents concerns he felt that they were in danger of breaching Article 8 of the Human Rights Act, due to the increase in stress that the development would cause to the current residents of Normal Terrace. He also felt that piling more cars in to the street to the detriment of local residents would results in loss of amenity. He also moved to refuse on the grounds of CP4 and SD14.

DO: Advised that he did not believe Article 8 was relevant and could set a dangerous precedent for the council to think of development in that context. He suggested that if they minded to refuse they should focus on the local plan and intentions of that plan.

BF: Had concerns about refusal and proposed deferral until further correspondence with the highways specialist on the obstructed visibility splay and parking concerns.

PB: Agreed that the response from the highways authority was inadequate and agreed with proposal for deferral. He requested more meaningful engagement with highways and suggested they be in attendance at next meeting when the item was to be discussed further.

Vote on proposal to defer

11 in favour

1 abstention

APPLICATION DEFERRED**8. 19/00304/FUL, 99 Painswick Road**

Application Number:	19/00304/FUL		
Location:	99 Painswick Road, Cheltenham		
Proposal:	Erection of two and single storey side and rear extensions and various external alterations to the existing building.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	6	Update Report:	None

LW: Introduced the application as above. She explained that the proposal was for the erection of two and single storey side and rear extensions and various external alterations to the existing building. It was at the committee at the request of Councillor Barrell due to the contemporary design and impact on the conservation area.

In terms of background, she highlighted that the application follows the withdrawal earlier in 2019 of two previous planning proposals for the site following concerns from officers. She explained that officers had assessed the impact on the conservation area, the existing dwelling and neighbouring properties. She acknowledge that it was a large extension, however, she considered the site wide and deep enough to accommodate it. She confirmed that the property is located within the Central Conservation Area and the existing building is an example of a late Arts and Craft style dwelling.

John Clarke, neighbour in objection

Mr Clarke felt that there was no planning gain from the application and felt it was purely a speculative development to add value through the planning system. Additionally, there would be considerable loss to the conservation area. As per the comments by objectors they felt that the extension would detract from the character of the area. He highlighted that the existing site footprint would be almost doubled by this application which he considered to be too large for this sensitive site. He acknowledged that the Parks Conservation Area Plan protects and promotes houses in large open mature garden settings and he felt that this application visibly builds on garden land close to the street frontage and closes down open views to Harefield Road and as such detracts from that objective. He highlighted that the house is one of 6 arts and crafts houses whose street frontages have largely been unchanged over the last 100 years, as such, this development would be a fundamental departure from that principle. He noted that the conservation area seeks to protect buildings of distinction and felt that this development would destroy that. He was also concerned that this would set a precedent for further development of this scale in this area.

Councillor Harman, in objection

Councillor Harman felt that this was a significant application for the future of Painswick Road. He acknowledged the objections from other residents and in particular the objection

from St Phillips and James Residents Association with regards to the excessive enlargement of this property and the alterations to the appearance of the street scene. He felt that the revised application did not address the core issues of concern residents had.

DB: Clarified that she hadn't taken personal view on the application but referred it to committee due to the concerns of residents and the residents association.

BF: Believed that there is a planning gain from the development and this proposal was better than building a separate dwelling in the garden. He reasoned that a number of properties on the street didn't fit in with the arts and crafts style.

CC: Confirmed that it is an arts and crafts property but a very late example. He confirmed that there aren't strict periods of architectural styles they can overlap, and this was an example of modernist architecture coming in. Its an unlisted building with the conservation area and identified in the conversation area as making a positive contribution to the conservation area.

SW : Believed it fits well within the site and is an interesting design.

RH: Concerned on planning view that garden would be substantially smaller, however, she queried whether with the garages coming down the garden would be larger than it is now?

DB: Acknowledged that the whole of Painswick road had different styles and period properties. She further noted that the arts and crafts garage would be coming down and this actually had an apple store above it.

JP: Believed it to be a fascinating house and interesting design that reflects the arts and crafts style. Agreed that it sits well within the plot that is sufficiently large enough not to be overwhelmed.

LW in response:

- Advised that the garden size post development would remain largely the same.

Vote on officer recommendation to permit

11 in support

1 in objection

1 abstention

PERMIT

9. 19/00388/FUL, Berkhamstead School, Pittville Circus Road, Cheltenham

Application Number:	19/00388/FUL	
Location:	Berkhamstead School	
Proposal:	Erection of a timber framed building within the school grounds for use as a 'wellbeing pod'	
View:	Yes	
Officer Recommendation:	<input checked="" type="checkbox"/> Refuse	
Committee Decision:	PERMIT	
Letters of Rep:	9	Update Report: None

BH: Introduced the application as above, he explained that the application sought to erect a timber framed building at Berkhamstead School. It would be located on the land between Hewlett Road and the side elevation of the school that faces on to Cleevew Road. He advised that it would be located in Cheltenham's Central Conservation Area and was intended to be a wellness pod for school students. It was at committee at the request of Councillor Wilkinson and the officer recommendation was to refuse.

Miss Bareham, on behalf of the applicant, in support

Miss Bareham believed that the proposal for a 'wellebing pod' would not impact anyone negatively. She stressed that there would be no noise or visual impact to neighbours and it would be screened from view by existing trees and bushes, that would all remain as the building would be suspended on piles, therefore avoiding tree roots. She highlighted that it would be single storey and next to a busy road, which in itself is not in the conservation area. She advised that they had written to all off the surrounding neighbours and had received no objections. She advised that the building would be high quality design and fully functioning room with lighting and underfloor heating. Inside would be resources to support children's mental health, which she highlighted is vital to the future mental health of Cheltenham and an extremely important priority of the school. SH reasoned that the pod was necessary as an office or classroom can be uncomfortable as it can lead to many interruptions. She informed the committee that the space would also be use as a quiet space at playtime for children with sensory issues and those who find social interaction difficult. She highlighted that the children and parents had raised over £10,000 to fund the pod themselves.

AH: Could not see why they would refuse the application and suggested they move straight to the vote.

PB: Reasoned that officers had made an on balance decision and they should consider the reasons.

RH: Highlighted that the music block which was not aesthetically pleasing and visible from the road and that had been granted permission. Similarly there had been no objection from neighbours and she felt that they had made best use of the site. However, she requested a condition be imposed to ensure that no trees were to be removed.

SW: Agreed that the addition of the wellness pod was a good facility for the school. However, had slight concerns about the size of the plot and the possibility of erecting the structure without removing trees.

BF: Highlighted that the site is already crowded and located in a central conservation area.

MC: Agreed that mental health and wellbeing of young people were vitally important and should be supported, however, from a planning perspective he did not think the structure met the standards that it should.

DS: Queried whether the structure would have water and heating and suggested a condition be imposed to so that it doesn't end up being over developed from what the committee had been presented with.

DB: Agreed that children's wellbeing was vitally important and could see the benefits of the building. Requested assurance that the trees would not be affected given the size of the space available.

PB: Highlighted that there were already 3 buildings of similar size on site and felt this structure was screened by trees. He felt that the positive benefits far outweighed any potential negatives and agreed with a condition being imposed that ensure the trees remain.

AH: Acknowledged that the development is located in the conservation area and there are issues around the retention of trees, however, reasoned that the benefits should be carefully considered.

Vote on officer recommendation to refuse

6 in support

7 in objection

NOT CARRIED

DO: Suggested the following reasons for overturning the officers recommendation:

- The committee found the proposal had an acceptable impact on the conservation area;
- The structure is well screened by existing vegetation; and
- Is of benefit to the school and its community.

He further suggested the following conditions be imposed:

- The number of years the consent is valid for;
- The plans need to be in accordance with;
- The final finish and material details to be provided;
- A tree protection methodology to be submitted and approved by the authority prior to the commencement of works.

Vote on reasons for deviating from officers recommendation

9 in support

3 in objection

1 abstention

CARRIED

10. 19/00550/FUL, 103 Linden Avenue, Prestbury, Cheltenham

Application Number:	19/00550/FUL	
Location:	103 Linden Avenue, Prestbury, Cheltenham	
Proposal:	First floor front extension to provide additional bedroom and conversion of garage to storeroom and habitable space (revised scheme following withdrawal of planning application ref. 19/00196/FUL	
View:	Yes	
Officer Recommendation:	Refuse	
Committee Decision:	Permit	
Letters of Rep:	0	Update Report: None

Councillor McCloskey left the chamber for the duration of the debate.

BH: Introduced the application, he explained that the proposal was for the first floor front extension over part of the existing garage to provide further living accommodation. He advised that it was at committee at the request of Councillor Stennett on behalf of the applicant and the officer recommendation was to refuse due to the poor design and the fact the structure would be at odds with the existing property and locality.

Mrs Mullens, applicant, in support

Advised that the purpose of the application was to bring two households together and adapt the space to accommodate her family of 4 and her elderly father. The application would essentially create a granny flat for her father allowing him to retain his independence and privacy as well as giving them adequate space to bring up a family. It would also prevent her father entering in to the care system.

She highlighted that the extension has the support from all of the neighbours, Prestbury parish council and the ward borough councils. She advised that a lot of time and consideration had been given to the design, considering neighbours on all sides. She further highlighted that the case planning officer had been consulted on two occasions prior to plans being submitted and they believed they had acted upon her advice. They were therefore surprised to see the report submitted to the committee and comments regarding poor design. They believed that the windows and general fenestration were in line with guidelines, however, were more than happy to amend them.

She highlighted that all of the surrounding houses were noticeably different in shape and size with alterations brought about by permitted alterations. She cited a case whereby a neighbouring property was permitted to raise the roof however it was permitted due to the differing designs on the street. They therefore believed that their design was not out of character with other properties in the local area and believed there were a number of less sympathetically designed extensions locally.

She advised that with regards to the design and look of the proposed extension they would carefully select materials that would match with the existing property and use the same coloured window frames and layout the windows as recommended by the planning officer. She noted that all of the extension had been planned within the original footprint of the house and they had ensured the roof design was in line with building regulations.

Councillor Payne, in support

Had concerns in the process that has led to recommendation for refusal, mainly because the plans before the committee were the second iteration of the scheme and the first had been withdrawn following discussions with the Planning Officer. The application before the committee was therefore a direct result of discussions with the planning officers and the current design had been submitted which incorporated suggestions put forward by the planning officer. He noted that changes suggested included changes to the roof height and changes to the fenestration, however, these had now been cited as reasons for refusal. He highlighted that the officer comments regarding poor design and the fact it did not comply with local and national policy were not conveyed to the applicant during discussions. He noted that apart from some light loss to no 1010 due to overshadowing, officers do not consider the extension to have a significant harmful impact on the amenity of the neighbouring residents. He highlighted that there had also been no objections from neighbours on the Prestbury Parish Council. He acknowledged that the extension would be a prominent feature but the impact would be mitigated by the use of materials common to the existing dwelling and that a number of neighbouring properties had extensions that did not detract from the street scene.

Councillor Payne left the chamber for the debate.

DS: Noted that neighbouring properties had similar extensions and as such could not see the issue with the proposal. He further acknowledged the benefits of preventing someone entering the care system.

SW: Agreed that whilst it was not a planning consideration, preventing someone entering the care system is something that should be considered. Felt that the proposed front elevation was more acceptable than the existing and the design would make a much more attractive building.

RH: Had concerns about the central window, however, acknowledged that the house next door mirrors this designs. She also highlighted that architecturally all the houses on the estate were different.

BF: Felt that the garage roof dominates the existing property and the new proposal would actually improve the design.

MC: Echoed comments of committee regarding neighbouring properties and agreed that it was an interesting design.

Vote on officer recommendation to refuse

0 in support

11 in objection

0 abstentions

NOT CARRIED

DO: Suggested the following reasons for deviating from the officer's recommendation:

- That the committee find the proposal compatible with the mixture of styles and designs within the area that are as acceptable and in line with the local plan policies.
- He suggested a condition regarding the time, accordance with the plans and materials be imposed.

Vote on reasons for deviating from the officer's recommendation

11 in support

0 in objection

0 abstentions

CARRIED

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

12. Local Government Act 1972 -Exempt Information

RESOLVED THAT

In accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items 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 paragraph 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

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

13. Exempt Minutes

The exempt minutes of the meeting held on 21st March 2019 were signed as a true record, without amendment.

Chairman