

## **Planning Committee**

**28<sup>th</sup> May 2019**

### **Present at the meeting**

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

### **Officers in attendance**

David Oakhill (Head of Planning), Craig Hemphill (Principal Planning Officer), Michelle Payne (Senior Planning Officer), Nick Jonathan (Legal Officer).

### **14. Apologies**

Councillor Cooke – Councillor Savage substituting; Councillor Hegenbarth

### **15. Declarations of Interest**

Councillor Seacome - 18/02053/FUL 48 Swindon Road – is a friend of the applicant. Will leave the Chamber during the debate.

Councillor Barrell – 19/00431/FUL Monkscroft Villas – her son works for CBH but she has not discussed the application with him in any way, and is not even sure if he would have any involvement in it.

### **16. Declarations of independent site visits**

Councillor Savage – Land and Garages at Alfred Way  
Councillor Hobley – 48 Swindon Road

### **17. Public Questions**

None.

### **18. Minutes of last meeting**

Councillor Barnes was not present, but Members were happy for him to sign the minutes as a true record of the meeting.

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

### **20. 18/02053/FUL - 48 Swindon Road, Cheltenham**

#### **Officer introduction:**

DO introduced the application with a short presentation, setting out where consideration of the application was left last month, the key issues, and what has been done since. The proposal is to demolish the existing building and erect nine new dwellings, with bin and cycle storage; no parking is proposed on site. Reviewing April's minutes, Members were concerned with three issues – parking, highway safety, and bike and bin storage.

Regarding car parking, the proposal doesn't include any; it is situated in Zone 11 which has 824 spaces for which CBC has issued 1005 permits – a permit doesn't guarantee a parking space. Bike parking is provided on site. CBC has no parking policy requiring any level of parking on site, and there has been no objection from Gloucestershire Highways, who regard this as a highly sustainable location.

Regarding vehicle manoeuvring on Normal Terrace, the area adjacent to the garages, currently used by residents on site to reverse and turn, is convenient but privately owned, and its use could be limited at any time. Highways officers have raised no objection on safety grounds; the visibility splays were discussed last time, and although the proposed dwellings occupy more of the site and are closer to Normal Terrace, they are also more set back. A verbal discussion with County Highways officers has confirmed that they have no objection to the visibility splays created as a result of the development.

Regarding the bin and bike stores, the bin store has been enlarged since the last planning committee, to provide space for two 1,100l bins. The refuse requirement is one bin for six apartments, so this provision is more than sufficient. With a condition to ensure storage for ten bikes, officers consider bin and bike storage to be adequately covered.

The recommendation is to permit.

### **Public Speaking:**

#### **Neighbour, in objection:**

Members will have read the many objections, including those from a solicitor, a barrister and a town manager. In response to members' concerns last month about visibility and highways safety, highways officers have reiterated a lack of concern. They do not appear to have visited the site, and describe Normal Terrace as a minor road. The case officer stated that the building will be set further back, but it will also be further east, blocking the sight-line and giving pedestrians and drivers less chance of seeing each other. The highways authority has stated that it is not the responsibility of developers to improve matters, just not to make them worse. To say this proposal will have no impact on a small street is ridiculous when it is obvious to any reasonable person that it will; residents will consider judicial review if the application is permitted in its current state.

Regarding loss of amenity, it is clear that the developer has not listened to residents. Last month, the agent assured the committee that the proposal is well designed, but this created a misleading impression, when the conservation officer has objected the scheme, his comments rejecting it taking an entire page of the report. The site is part of the Lower High Street character appraisal area, and in 2008 was considered to make a positive contribution to the area. It is not for the planning officer to regrade it as neutral.

Called upon committee to refuse the application.

#### **Nathan Maddox, of SFP Planning, in support**

Following the debate last month, and further clarification from the highways authority, the applicant is happy to accept the condition for 10 bike spaces. Revised plans

since the last meeting include further bin storage; the provision is now sufficient, and the applicant is willing to accept the condition bin storage

Has heard the public concern regarding access via Normal Terrace, but this is private land, and there is no planning or legal requirement to keep the area free of development.

The demolition of the existing buildings, which are detrimental to the conservation area, will make way for this well-designed scheme – the conservation officer's response confirms that he considers the proposal acceptable. The provision of one, two and three-bed units will help with the local housing supply, in line with the principles of the NPPF, all of which create strong planning justification to support the application.

### **Councillor Brownsteen, in objection**

The application was deferred last month due to parking and safety concerns. The response provided by highways officers was not felt to be detailed enough, and further detail was requested. There are currently not enough parking spaces in the area, and this proposal would add residents without creating any further parking. There are also highway safety concerns, arising from motorists having to reverse out onto Swindon Road, putting themselves, other motorists and pedestrians at risk.

Highways officers have commented that parking permits do not give residents the right to park in front of their houses, although Zone 11 is already oversubscribed. There is no further comment on the road safety issue. It is annoying that no highways officers are present to address members' concerns, and would question whether they have even visited the site, particularly during the rush hour? Were they asked to comment on the safety element? It appears that they didn't read the minutes, because safety concerns have not been addressed, and with no highways officers here tonight, Members cannot consider the matter further. The decision should be deferred again, until highways officers come to the Chamber and explain their recommendation to permit. It is obvious that this will worsen daily lives of local people; met with almost half the residents of Normal Terrace yesterday, and many are present at tonight's meeting. They have the right to expect the council not to make decisions which will worsen their lives. This development will exacerbate problems.

There is insufficient space for existing bins, and to say there will be no adverse effect on local infrastructure is wrong. Residents recognise that this is a valid site to develop; they want it to happen, but not to be detrimental to them.

It is a Catch 22 situation regarding parking and turning on private property; can the committee make a decision which forces people to put themselves in danger? With highways officers not here to defend their comments, would suggest there are at least as many reasons to reject the proposal as last time.

### **Member debate**

**MC:** was present at last month's meeting and raised concerns over highway safety. Understands that DO has been in contact with highways officers, but were they asked to attend tonight? Takes Councillor Brownsteen's comments very seriously – how can Members determine the application fairly and properly if the professional

body requested to be present is not at the meeting? Is minded to ask for further deferral.

**PM:** refers members to Appendix 2, the contribution from highways to the case officer, which appears to give considerable weight to the proposal being a car-free development in a sustainable area. Is curious to know if there is any legislative underpinning for car-free sites? Is it included in the conditions of sale? How is it enforced? If it is enforceable, is bemused as to why highways officers think it has any significance.

Also notes in Paragraph 6.16 on Page 90 of the agenda papers, concerning a different application, consideration of the high standard of amenity to be maintained, with no unacceptable harm being caused to adjoining land users and the locality, and high-quality design secured for existing and future occupants of the land, in line with the NPPF. Why is there no such paragraph in this report, and what is meant by impact on locality?

**DO, in response:**

- highways officers were invited to attend tonight's meeting, but it would not be fair to penalise the applicant because a third party is not present;
- 'Car-free development' is not a technical term; it simply means that no car parking is provided on site and it is therefore free of cars;
- To PM, the NPPF test applies to all applications.

**SW:** shares other members' concern about the lack of provision to get out of Normal Terrace. Realises it is not the job of the applicants to provide a turning point, but feels it wouldn't be impossible for them to have made a small concession to enable this to happen, even if it was basically at the front of the building where there is currently the gateway so people could reverse out. It isn't Committee's job to redesign the application but it wouldn't be impossible to re-jig things.

As a main point, however, as last time, feels this is gross over development - although unfortunately the use of this objection as a valid refusal reason has been taken away over the years. Cannot support the proposal but doesn't have strong enough reasons to vote against - will do if someone proposes good reasons to refuse.

**VA:** is the bin store for general waste or for general waste and recycling?

**DO, in response:**

- space is to be provided for two large bins (or four smaller ones); the space will be for general waste and recycling.

**VA:** two very large bins will not be suitable for recycling as well. Regarding car-free developments, this is forcing people to say they will not have cars when the reality is they will – it is not realistic. The council should be encouraging transport modal shift.

**GB:** when a development is advertised as car free, it assumes that if residents have cars and want to park, they will have to find other places – it is not saying they cannot have a car, just that they can't park outside their home.

**JP:** also has issues with the highways report, not least because it is unprofessional in content. There is a misinterpretation in the highways letter included in the agenda – it states that the development is to be car free as in revision E of the drawing, but the drawing says nothing about car-free development, just that car parking spaces have been removed.

In the latest revision of the drawing, there is space on either side of the semi-detached houses for one car – what will prevent the owners from parking there? Looking at the wider picture, the inclusion of the two semi-detached houses adversely affects the amenity of residents in Normal Terrace – they have no option but to reverse off Swindon Road onto Normal Terrace or to reverse out. Either way is dangerous and should not be contemplated.

Overall, quite likes the look of the apartment block, though there seems to have been a battle between the conservation officer and planning officer over the existing building. Sadly, although the structure of former Enterprise building has historic content, it has been ruined by unsuitable additions over the years - which comes down to planning – and doesn't contribute to the street scene. But the two semi-detached houses have an adverse effect on Normal Terrace residents; cannot therefore support the proposal.

**DB:** agrees; we have to be aware that we are going to lose something which, without modern additions, is a positive building according to the conservation officer. We should take this into consideration. Has major concerns about parking; following the development, it will be necessary to reverse onto the main road. This is a historic problem – the applicant is not responsible for it – but the reality is that this will cause a dangerous situation. Was also hoping GCC would be here, to ask them if they consider reversing out onto busy road to be safe. If actual planning can't have an effect on this dangerous situation, would ask GCC to look at one or two suggestions made in residents' letters – such as introducing traffic lights to help people out, or using land close by for parking. It is a terrible situation and a terrible dilemma. Doesn't want to agree to a proposal which will require people to reverse out, though realises this situation has nothing to do with us. The situation exists, and highways officers should take it seriously.

**BF:** proposed deferral last time and hasn't changed his mind. Highways officers clearly say this is to be a car-free development – but this means nothing, as there is no legislation to enforce it. Understands there is a blue badge holder resident in Normal Terrace. Zone 11 is big, and residents of the nine new properties could all apply for permits – doesn't know whether this is sustainable but the area appears to be oversubscribed by a reasonable amount at peak times.

DO said there are currently 1005 permits and 824 spaces – this is not good – and taking away land currently used for turning and driving out will put people in a position they are not in today. Is thinking about sustainability – the 'golden thread' running through the NPPF - and whether this site can sustain people living in the apartments and in Normal Terrace – doesn't think so.

We need highways officers at the meeting to answer questions. They have provided information on the number of parking spaces, but not about visibility. At Greenhills Road and Kings Welcome on Harp Hill, highways officers objected to the applications because of lack of visibility splay, yet those roads were not as narrow or

as busy as this one – this is inconsistent. We need officers who can answer questions – we rely on their information and have asked important questions yet they have not come back adequately. Would therefore suggest deferral again until the highways officer can be present. With the right information, members can make the right decision, but they are not experts.

**DO, in response:**

- regarding bin storage, there is space for a multitude of different types, though the developer proposes two large ones. Officers are happy with the provision of recycling and general refuse space;
- the description of the development as 'car free' is an unfortunate choice of words; residents may well have cars but they will need to park them elsewhere;
- following last month's deferral, members need to take note of two things: the provision of bike storage – space for 10 bikes is shown – and the applicant is happy for this condition to be added; and the highways response on 23<sup>rd</sup> April highlights the high sustainability of this site, with links to employment areas, regional and national buses and trains – together with the bike storage, these are real alternatives to private cars;
- although GCC officers are not present, they have raised no objection, despite being asked twice to comment on visibility splays. If the decision is further deferred, the applicant could appeal to the Planning Inspectorate for non-determination; this could incur costs and members need to bear it in mind.

**MC:** earlier in the meeting, the officer commented that the applicant cannot be penalised for the failure of highways officers to attend the meeting, but members have to make the correct determination, and they cannot do that unless the officer who can deal with their main objections is present to answer those objections. Members have been talking for over half-an-hour and are going round in circles – coming back to the same questions with no-one to answer them. Members cannot determine the application correctly without the proper officer support to do this. Is minded to defer until highways officers are present to answer members' very valid questions. Members are here to represent the people of Cheltenham in making valid decisions.

**GB:** we cannot force officers to be present; in their view, they have provided an adequate and appropriate response. We could defer and ask them to comment again but this would be going round in circles.

**KH:** agrees the debate is going round in circles, and won't repeat points already made. Like Councillor Brownstein, is a member for St Pauls and knows Normal Terrace quite well – a very attractive and historic street. Would be sad if a decision taken by us or others dramatically changes life for people who live on that street and currently feel ham-strung. Very much senses that colleagues have sympathy with their objections, but are struggling to find legitimate reasons to refuse.

Doesn't feel he can support this application at the moment. Strongly supports new homes – they are needed in Cheltenham, particularly on a brownfield site – and is instinctively torn, but represents the area and its residents, who are very clear about what they think and how their quality of life stands to be damaged if this goes ahead. Something needs to be done with this site, but highways officers have not adequately addressed the issue of turning and reversing onto Swindon Road. Realises the application cannot be turned down on lack of parking – this is not in the Local Plan – but the county response is simply that no-one has the right to park

outside their house – we already know that. Reversing onto a busy road is not safe. Acknowledges the original comments from the conservation officer – as noted by Councillor Payne and also the public speaker – and as members know, historic buildings are his favourite topic; however, any historic significance of this building has been diminished by the passage of time, and this is therefore not a strong enough case to make that argument.

The only way forward is to address the issue of vehicle movement on the site and the current usage of private land as a turning space. What is going on at the moment may not be the residents' right but has become common practice over time; no-one should be penalised for that, but equally the applicant cannot be forced to retain that land because existing residents have been using it in such a way. It may be necessary to appeal to the applicants in the spirit of good will and neighbourliness to address concerns and come up with a design which will allow safe movement for existing and future residents. They can at least show that alternatives were considered, although this must be weighed against the cost of trying to develop an awkward site.

**PB:** congratulates KH on his contribution which hits the nail on the head. It is sad when applicants come forward with schemes which show no sympathy with adjacent neighbours, intent on maximising profit without a care for anyone else. Anyone can see that the impact will be negative, no matter what highways officers say – there is no question. Is it good planning to condone a dangerous highways situation? It is not just residents, but also every visitor/van/delivery vehicle etc which will have to reverse out – it will be an absolute nightmare and an accident waiting to happen. How can the applicants not see that this will happen – has it been discussed with them? If they were to leave a small area to turn – which would be good neighbourly practice - could actively support the proposal.

The concern about highways means that other issues have not been addressed. The Architects' Panel had concerns about the design, in particular the west elevation which is a blank wall. The main road frontage is a sea of windows – the entrance should be there. The design would then be improved, but the comments of the Architects' Panel could be taken on board – conservation is crucial and this was an important building in the town and could be again. Was any attempt made to preserve the building? Expects not, as maximising profit is the main motive; agrees that housing is needed, but at what expense? Is not sure if another deferral is the right thing; the safety issue is the main concern and could be revisited by the applicant, but conservation, loss of amenity and poor design could all be included as refusal reasons.

**BF:** would like guidance on how the person with the blue badge will cope. Are highways officers aware? That person cannot park anywhere in Zone 11, so to say the proposal will cause no harm to living conditions isn't the case, for that resident and for others getting in and out with shopping etc. County Highways hasn't even proposed a 'Keep Clear' sign at Normal Terrace. The environmental health officer is concerned about pollution and noise in Swindon Road – one of the worst areas in town – and the extra traffic will add to this. Calling the proposal a car-free development is ridiculous jargon.

**GB:** senses that Members are moving towards a proposal to defer again; will invite DO to clarify issues raised.

**DO, in response:**

- further deferral is an option if members can agree on specific questions on transport. As stated earlier, officers cannot force highways officers to attend the meeting. If highways concerns are the only key issue, perhaps members can come up with five questions which the Chair and Vice-Chair can take away, and report back to the meeting next month;
- if members have broader concerns, they should remember that the role of the committee is not to redesign a scheme but to decide on what is in front of them. It would not be appropriate to defer for a redesign of the scheme; that work has been done. Deferral would only be appropriate as above but not if concerns are broader.

**GB:** senses that most concerns are around safety aspects and parking, which highways officers have not answered specifically. Does not have the impression that there is general problem with application other than those particular issues. MC proposed further deferral early in the meeting, and it is the officer's suggestion the members formulate some specific questions to be put to county officers, and hopefully get meaningful responses to bring to the next meeting. Failing this, alternative actions can be considered. Are members happy with that suggestion?

**PB:** members should also request that further conversations with the applicants are held before the next meeting.

**MC:** proposed deferral, but the officer's suggestion regarding questions for the county is based on members being happy with every other aspect of the proposal – which they are not. Other concerns have been stifled by transport issues. Is not sure that deferral specifically on highways grounds is the best move; PB has suggested giving the applicants the chance to discuss certain aspects further, and these issues should also be included.

**GB:** we are muddying the waters here; either the application is not worthy of approval because of PB's suggestions of issues separate to parking and safety, or members take the move to defer on the basis of getting the highways information they require. Doesn't want an hour-long debate on whether more issues should be included, and once a decision has been made, we cannot start adding more reasons at a later date.

**PB:** would suggest there are a number of areas to look at; design hasn't yet been discussed. Deferral could be based on specific questions to GCC, and also further discussion with the applicants to see if they will consider amendments in response to residents' concerns, and also address the current design in response to the comments of the Architects' Panel.

**GB:** members are now throwing everything in air and hoping something will come out. We cannot defer to ask applicants to look into various aspects of the proposal – this isn't a proper planning method. We have to make a deferral decision clearly, either requiring answers to specific highways questions, or refuse because the applicants have not supplied enough reason to approve, and look for grounds for that



**DO:, in response:**

- members are talking about two very different things now. One is a set technical questions to the county council, requiring technical advice; the other is straying into a broader field, including subjective issues around design etc. The role of the committee is to determine applications, not redesign them. Deferral on technical issues would be appropriate, but if members are challenging the heart of the application, they need to make a decision.

**PB:** recalls an application at Lansdown Road which was deferred due to the Architects' Panel's concerns about design – the applicants subsequently came back with a better design. Why is it not appropriate? It's better to give the applicants the opportunity to redesign their scheme rather than refuse outright. It seems a legitimate course of action, and if no changes are made, members can consider it again next time round.

**DO, in response:**

- is new to the authority, but speaking from experience, has not seen an application deferred for that range of reasons before. The concerns expressed by committee would need a redesign of the whole scheme;
- to summarise members' concerns: these are the impact on the conservation area of the loss of the original building, design, and the impact on residential amenity. These are significant, and to overcome them would require a redesign of the entire scheme. The role of committee is to determine the proposal in front of them.

**PB:** in this case, will move to refuse on loss of amenity, design issues, and concerns regarding highway safety.

**BF:** would suggest inclusion of sustainability – the NPPF's golden thread. The highways issues make the proposal unsustainable.

**MC:** in view of this, will withdraw his move to defer.

**Vote on officer recommendation to permit**

0 in support  
11 in objection

**2 abstention**

**Not carried**

**PB:** will therefore move to refuse as stated, with the Chair and Vice-Chair to agree with officers the precise wording of the refusal reasons, as discussed at tonight's meeting.

**Vote on PB's move to refuse, as above**

11 in support  
1 in objection  
1 abstention

**REFUSE**

**21. 19/00431/FUL - Monkscroft Villas, Princess Elizabeth Way, Cheltenham**  
**Officer introduction**

CH introduced the application as above, situated in Princess Elizabeth Way in West Cheltenham, currently occupied by a residential two-storey terrace of three empty houses with gardens to the rear, together with some derelict outbuildings (part of an old council depot site) and mature trees and shrubs. It is adjacent to Pinewood Drive, a residential area of two- and three-storey properties, with green space to the south, and Hesters Way Park to the north. On the east side are four-storey flats facing Princess Elizabeth Way. The application proposes demolition of all the existing buildings and construction of two four-storey apartment blocks to the south side (18 x 1-bed and nine 2-bed), and two 2-bed semi-detached houses with car parking to the north. Cheltenham Borough Homes has guaranteed a minimum of 60% affordable units. The application is at committee because CBH owns the lands. Two sets of revised plans have been provided, to address highways concerns and general layout and design issues. The recommendation is to permit.

As an update, having studied the plans at length, a small correction is needed – there is a slight anomaly due to the scale being slightly different. Refers members to the dimensions set out in paragraph 6.8 on Page 62 of the report – 5.8m should be 7m, and 10m should be 13m – setting the building further from boundary.

Similarly, at paragraph 6.16, 5.8m should be 7m, 10m should be 13.4m, 19.5m should be 24.4m.

### **Public speaking**

#### **Alison Salter, on behalf of Cheltenham Borough Homes**

This redevelopment began 12 months as part of a wider programme to make best use of council assets to provide much-needed affordable housing in the borough. There are currently 2500 people on waiting list, 2000 of whom need 1-2 bedrooms. The proposals provide a mixed tenure scheme, of 20 affordable rent flats, five private rented flats, and two shared ownership houses.

There is a significant need for this type of housing, and throughout the pre-app and planning process, CBH has responded to the sensitivities of the site, including the relationship of the proposed flats with existing dwellings, landscaping and parking considerations. CBH has tried to overcome concerns of residents of Pinewood Drive, by amending the plans twice, resulting in the loss of two dwellings, thus allowing the block of flats to be stepped back from Pinewood Drive. Window detailing has also been amended, the roof terrace reduced in size and repositioned to front Princess Elizabeth Way, to retain privacy of adjoining dwellings. Apologises for the errors in the report with the scale of the drawings – will review this with the architect and update the plans accordingly

CBH engaged an arboriculturalist to work with the senior trees officer in reviewing the proposed landscaping strategy. This is currently out to tender for a landscape architect, and a detailed plan will be discussed and agreed with CBC in due course. Concerns with parking provision are noted, particularly in relation to the proximity of the site to GCHQ which causes additional pressure. CBH has a strong housing management presence in the area, and will manage the parking through installation of bollards or a secure controlled vehicular gate to ensure that parking spaces are only used by residents.

Notes that the Civic Society comments in the officer report, but in a separate discussion and presentation, the Civic Society representative praised the scheme for its architecture, flexibility, layout, mixed tenure and environmental provision.

In summary, this is a deliverable, policy-compliant scheme, predominantly for affordable housing, which has the support of the case officer and statutory consultees.

### **Member debate**

**SW:** understands that it is not normal to speak in favour of an officer recommendation, but is very familiar with this site which is situated in his own ward. Members will know that he has commented many times that the Pinewood Drive estate is an excellent example of how *not* to design a site, but by contrast, has always been impressed by the CBH developments in his ward and has total confidence in the applicant. This is really good use of the land, and will therefore be voting wholeheartedly in favour of the application.

**BF:** referring to the details of CH's introduction, on planning view, stood in the garden in Pinewood Drive – had recollection that new building would be 13m from there back?

### **CH, in response:**

- yes, 13.8 m set back.

**PB:** this is a fantastic and much-needed scheme - congratulations to the architect and to CBH. Notes that some trees may be lost which is regrettable, but that there will be a condition to ensure a soft landscaping scheme and replacement trees.

**MC:** agrees that this is a good scheme, likes the design and the addition of much-needed housing in that part of town. Has just one slightly negative point – is concerned about the errors regarding the dimensions and percentages – this is particularly important with regard to affordable housing. Applicants need to be sure to have the correct information before coming to committee to debate.

### **Vote on officer recommendation to permit:**

14 in support – unanimous

**PERMIT**

## **22. 19/00423/FUL - Land and Garages at King Alfred Way, Cheltenham**

### **Officer introduction**

MP introduced the application relating to a site on King Alfred Way, close to Hales Road junction, which until recently accommodated 14 lock-up garages. In 2018, permission was granted for the redevelopment of the site, to provide four 2-bed dwellings with associated car parking and landscaping. This has been implemented and construction is under way. In February this year, an application for a revised scheme was submitted to provide an extra floor of accommodation on Plots 3 and 4 to the rear of the site; permission has been implemented, and provides both dwellings with an additional bedroom and en-suite. The current application is similar, seeking planning permission for a second floor to Plots 1 and 2 at the front of the site. This is the only consideration in this application, and members should be looking at acceptability regarding design. It is at Committee at the request of

Councillor Babbage due to local residents' concerns. Officers are content that it will result in no loss amenity, and the recommendation is to permit, with conditions.

### **Public speaking**

#### **Neighbour, in objection**

The JCS states that the need to integrate new development well with the existing communities, have regard for the character of the area, and cause no unacceptable harm to neighbouring amenity. The objections to the addition of another floor to these dwellings show that this proposal fails to comply with the JCS. The building would loom over and dominate existing homes and gardens; its overbearing height will be oppressive, and it is wrong to say these are not considerations when there is no slide-rule for judging these matters. In addition, the properties stand up a slope from the existing houses, making the additional floor, in effect, at least 3.5 storeys high. The dark render not in place when committee members visited the site – is oppressive. Neighbours have valid concerns about loss of light, although this issue is dismissed by the council.

The visual connect of outdoor and indoor space is a basic principle of good architecture and mental health. To approve plans which block connection to the sky from people's own rear ground floor windows is offensive and an amenity issue. There is a material difference between the former and the current proposals – the gardens are shorter gardens with no natural screening or mature trees. Loss of privacy will be an issue for many residents, and to say this is addressed by frosted glass or a 3-metre tree is derisory. The recommendation cites the council's own regulations for residential alterations as a relevant policy – interestingly these state that the alterations to residential property should be no higher than the original. It also ignores increased pressure of parking and highways safety.

The report notes that the similar proposal has progressed without great objection, but only one week was allowed for neighbour consultation on this significant change, and many neighbours were not included – this is the subject of a separate formal complaint, which is not relevant here, but neighbour experience and objections to the altered Plots 3 and 4 are highly relevant.

Hopes that members will view the matter with judgement and common sense.

### **Member debate**

**LS:** the speech by the neighbour raises the question of a reverse salami-slicing approach to planning applications – developers get permission for one thing, wait until the new build property is being underway, then subsequently apply for an additional floor to the building. This approach is somewhat out of the spirit of the planning process, allowing a development to take in several different iterations. Is uncomfortable with this, and would welcome clarification.

### **DO, in response:**

- it is fairly normal for applicants to make applications in stages – as market conditions change, or they maybe take marketing advice which results in changes to a scheme. This is not out of the ordinary, and there is nothing to stop anyone from doing it.

**LS:** turning to more general comments, agrees with the speaker, having visited the site; height of three storey as existing overbearing, out of keeping, out of character with area. Amenity value – overlooking – entirely legit and well founded.

**DB:** can officers provide clarity regarding privacy and overlooking. Notes that access to the roof area is restricted, and obscure-glazed windows which only open a certain amount are conditioned, but one resident letter says there will still be overlooking in spite of these measures. Is this the case?

**PM:** has some questions in light of comments by speaker: paragraph 6.2 on page 74 of the agenda states that ‘the proposed second floor would be identical to that recently approved on plots 3 and 4, and therefore must be deemed acceptable’. Was not aware that the previous application is the subject of a complaint. Is the statement in the report correct, that this proposal must be deemed acceptable because the previous one has been approved? Where is the complaint. Is it relevant in the determination tonight?

**BF:** understands what the officer has said – has visited this site a lot over the years, and on the last visit, the development seemed reasonable so far. However, this is a piecemeal application, and with the proposal to add a third storey at the front, it’s time to say enough is enough. What the officer said is relevant but we approved what we thought would be built. If the original proposal had been for three storeys, permission may not have been granted.

**MP, in response:**

- to DB, regarding overlooking – officers are satisfied there will be no overlooking from the additional floor. Obscure glazing is required by condition, and the windows at the front are well in excess of the 10.5m to the boundary that officers normally look for;
- to PM, the complaint has just been received, and talks about consultation on the previous application and description not being clear enough, but this shouldn’t have any impact on the decision on this application;
- to LS, regarding the overbearing height and loss of amenity – Hales Road houses have long gardens, and there will be some loss of view of sky and tree but loss of distant view is not reason to refuse. Officers don’t feel the new dwellings will be overbearing.

**JP:** on planning view, saw Plots 1 and 2, and was pleasantly surprised – they are attractive buildings, brick built to a good standard. Then moved round to view the site from a garden in Hales Road and saw the extension on Plots 3 and 4, which are now rendered in a darker shade – even when lighter thought them brutal, and out of keeping with first two. The benefit of seeing what we are considering already built doesn’t normally happen, but having seen it on planning view, it is difficult to support the proposal for Plots 3 and 4 – it will be out of keeping, brutal, and overshadow gardens in Hales Road.

**Vote on officer recommendation to permit**

6 in support

5 in objection

3 abstentions

**PERMIT**

**23. 19/00450/FUL - 8 Giffard Way Leckhampton Cheltenham****Officer introduction**

CH introduced the application for two-storey rear extension and a single storey front porch following demolition of the existing rear extension and garage. The scheme has been revised throughout the application process, reducing the projection of the rear extension and changing the roof to hipped. It is at committee at the request of Councillor Horwood, due to its overbearing nature and for being out of keeping with the area.

**Public speaking**

None.

**Member debate**

**MC:** the semi-detached garage shares a wall with the neighbouring property. Would like reassurance that this will be worked into the application, causing no damage to the garage, with the wall left in situ.

**DB:** was going to ask the same thing - hopes the developers will secure the structural integrity of neighbouring garage.

**CH, in response:**

- the party wall act will ensure a safe and appropriate outcome, and that these matters will be dealt with satisfactorily.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

**24. 19/00634/FUL - 43 Carmarthen Road, Cheltenham - WITHDRAWN****25. 19/00485/LBC - Pittville Pump Room East Approach Drive Cheltenham****Officer introduction**

DO introduced the application to repair the roof of the 1950s addition to rear of the Pump Room, currently used as an office. It is at Committee because CBC owns the land and building. The current roof is asbestos and the skylights are failing. There are no objections, and the conservation officer, who prepared the report, is happy for the work to go ahead. The recommendation is to approve.

**Public speaking**

None.

**Member debate**

None

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

**26. Any other items the Chairman determines urgent and requires a decision****27. Local Government Act 1972 -Exempt Information**

**28. Exempt Minutes**

DO reminded members that at last month's meeting, they delayed approval of the exempt minutes from the meeting held in March, subject to DO finding out whether make clear to public that transport concerns would not be included as a refusal reason. This has been followed up with email which has been circulated to members as an exempt item.

**Vote to agree minutes:** unanimous

Chairman

The meeting concluded at Time Not Specified