

Planning Committee

Thursday 18th July
18:00-18:55

Present at the meeting

Councillor Garth Barnes (Chair)
 Councillor Paul Baker (Vice-Chair)
 Councillor Diggory Seacome
 Councillor Victoria Atherstone
 Councillor Bernard Fisher
 Councillor Dilys Barrell

Councillor Karl Hobley
 Councillor Tony Oliver
 Councillor Simon Wheeler
 Councillor John Payne
 Councillor Rowena Hay
 Councillor Mike Collins
 Councillor Louis Savage (Reserve)
 Councillor Roger Whyborn (Reserve)

Officers in attendance

Gary Dickens, Planning Officer
 Nick Jonathan, Solicitor
 David Oakhill, Head of Planning
 Michelle Payne, Senior Planning Officer

1. Apologies

Apologies were received from Councillor McCloskey, Councillor Cooke and Councillor Hegenbarth. Councillor Savage and Councillor Whyborn were in attendance as substitutes.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Councillor Seacome and Councillor Fisher had both visited 35 Libertus Road.

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on the 20th June 2019 were signed and approved as a correct record.

6. Applications

7. 19/00213/FUL Balcarras School, East End Road, Charlton Kings, Cheltenham, Gloucestershire

Officer introduction

MP introduced the application, she advised that the application was seeking planning permission for the installation of a Multi-Use Games Area (MUGA) comprising 4 courts, complete with 3m high twin wire fencing, and floodlighting to 2 of the courts.

She explained that the application was before the planning committee at the request of Councillor McCloskey, and was also the subject of an objection from the Parish Council.

Member Debate

DB: Noted that in the Parish Council submission they had suggested that the lighting be fitted with a time clock so as to prevent lighting being left on through the night. She queried whether a decision had been made on this. She also questioned whether the cumulative lighting effect had been considered by environmental health.

TO: Given the residents concerns he questioned whether it would be possible to condition the use of the 2 pitches nearest to residents so that they could not be used for team sports i.e. basketball as this would cause more disturbance to residents.

JP: Noted that Sport England had requested a management and maintenance scheme be put in place before the courts were brought in to use. He questioned who had oversight of this plan and how would it be monitored.

VA: Noted that one of the residents who backs on to court suggested that the court should be turned 90 degrees in order to maintain a reasonable separation between the MUGAs and the residents of Willow Road, she questioned whether this had been considered.

MP in response:

- She advised that they hadn't imposed a condition regarding the time clock, however, if residents were experiencing issues with the lighting they could report this to the council and it would be dealt with through enforcement action.
- With regards to the cumulative effect of the lighting, she explained that this had been dealt with by environmental health who had advised that the lux levels on neighbouring properties would still be a zero value because of the nature of flood lighting.
- She highlighted that it would not be in their remit to restrict the particular sports played on the pitches, however, it was likely that the courts furthest from the residents would be used in the first instance. As part of the community use agreement they could stipulate that the 2 courts closest to residents be used as a last resort.
- Sports England had requested that they be consulted on the community use agreement and the maintenance plan and so it would be devised in consultation with them.
- They hadn't specified that the court be turned 90 degrees as this would eat in to the existing playing facilities, if turned round it would also be feasible for flood lighting on all 4 courts which would intensify the lighting issue. DO reiterated that if it were to be flipped 90 degrees the piece of land would not be fit for purpose.
- She confirmed that only the 2 courts to the North East were flood lit.

MC: Sympathised with residents whose properties abutted the area, however, noted that other areas within the school already abutted residential properties. He felt that the suggestions put forward by Sports England were extremely positive and agreed that flipping the courts 90 degrees wouldn't work.

Vote of officer recommendation to permit

13 For
0 Against
1 Abstention

PERMIT**8. 19/01044/COU Darleydale 35 Libertus Road Cheltenham****Officer introduction**

GD introduced the application, he informed the committee that the site had been used as a privately owned care home since the late 1980s offering residential care for up to 13 individuals and the applicant was seeking permission to enable the property to be used as a 13 bed house in multiple occupancy (HMO). He highlighted that the application was for generic use and therefore the end use may vary.

He explained that the application was at planning committee at the request of Cllr Holliday due to level of concern amongst neighbouring residents.

Councillor Holliday speaking in objection,

Was in attendance to support the residents of St Marks who were concerned that the change of use would have a detrimental effect on the neighbourhood with regards to the increased vehicles, parking issues, noise disturbances and highways safety. She highlighted that nearby residents had experienced anti social behaviour from 22 Libertus Road which was also an HMO and so had concerns that the same problems would be experienced at number 35.

With regards to the comments from the joint waste team, she felt it wise to have an area that restricts parking to allow crews to pull up safely and empty the bins, however, felt that this would exacerbate the parking problems. She questioned the highway's officers comments that there were 48 available parking spaces within a 200 metre radius of the proposed development site and noted that on street parking was residents only after 8pm. She highlighted that current residents already had issues with parking and were often forced to park on adjacent roads. In her opinion, there appeared to be mixed messages regarding the future tenants and the exact number of occupants. She also sought further clarification on the highways issues and felt that the highways officers need to revisit the site to determine the number of on-street parking spaces over a longer period of time. She suggested that the committee refuse the application or at least defer until answers were sought to residents questions.

Member debate

RW: Had significant concerns about the application, particularly with regards to how narrow the street was and the fact that parking in this area was already heavily restricted due to the recent scheme introduced in an attempt to control car parking around train station. He felt that the scheme would inevitably result in more parking on the road as the parking provisions were insufficient for the number of residents expected. He agreed with Councillor Holliday

that more work was required to demonstrate that parking wasn't going to be a significant problem.

DS: Queried when a HMO becomes a block of flats and what the difference was between them.

BF: Had concerns that they would have no control over whether 13 people actually lived in the HMO. He questioned whether they could limit the number of people who resided there.

MC: He noted that there were 2 parking spaces close to the refuse store and questioned whether residents and the refuse collectors would easily be able to access the store. He acknowledged that they could not add weight to what the future use of the HMO may be.

VA: Questioned the type of people who may be living in the property, she highlighted that HMO's worked extremely well in other countries, however, she had concerns about anti social behaviour and questioned whether a cap could be put on the number of students living in the property.

DB: Questioned whether officers had anymore clarity on the highways safety issues raised by a number of residents. She further questioned whether the refuse vehicle would have to drive in to get the bins and had concerns that 1 bathroom between 4 bedrooms could be fraught at times.

JP: Had concerns as to whether there were current residents in the home and whether appropriate action had been taken to relocate them. Also had concerns about the lack of clarity over the number of people that could be residing in the property and the potential adverse impact this could have on the local community.

KH: Thought that it was an attractive property that added to the street scene and was pleased that a developer wished to retain it, something he felt that the council should encourage. He appreciated the issues that were sometimes associated with HMO's, however reasoned that if the care home was no longer a viable business option they should support the change of use. He disagreed with the earlier suggestion of deferral and felt that they had the information they needed before them in order to make a decision.

SW: Noted that there was an area to the North of the site that could potentially be used for parking. He disagreed with the comments made by the highways authority and he questioned whether there was adequate enough parking for residents, he was unhappy to support the scheme if it exacerbated the parking problem on the highway.

The Gloucestershire County Council's Highways Officer in attendance made the following comments:

- The existing use for the property was a care home and the conversion to a HMO would actually reduce the parking pressures during the day as previously they had a number of staff and visitors coming and going throughout the day.
- From experience of previous HMO applications, car ownership was typically lower, similarly, the property benefits from ease of access by foot, cycle and public transport to all amenities and services within the town centre and so they would anticipate fewer residents with cars. He reiterated that parking was available on site and that lockable

gates were being installed so that tenants were able to park bicycles and motorcycles securely.

- He explained that a night time survey conducted by the applicant had identified that parking pressures would increase, however, the increase was not considered to be extreme. The Highways Authority had therefore concluded that the additional demand would not adversely impact the local area.
- With regards to refuse collection, they had no reason to raise any highways safety concerns on this matter.

GD in response:

- With regards to the difference between a HMO and a flat, he advised that a HMO is when a property has shared facilities i.e. a communal lounge and living – change to kitchen. When a property is self contained that's when it becomes an independent residential dwelling.
- The application is for a 13 bed HMO, if more people were living there then they would be in breach of their planning and licensing conditions.
- With regards to the relocation of residents he was of the understanding that the business had been winding down for a period of time.
- They were unable to condition the demographic of the people living within the property.
- It had been suggested that once the development was complete there could be someone on site to manage it if the intended end user is as suggested.

PB: Whilst he understood residents concerns, he felt it was imperative that all types of accommodation was provided across the town. He felt it would be a good use for the building.

MC: Thought it was a suitable location for such a property, however, they would need to be mindful of the issues caused by too many HMO's in the future.

BF: Was assured by the officers comments that it was only permitted for 13 residents, however, questioned how this would be monitored. He acknowledged the problem many people faced as they could not afford to rent a flat and so a HMO provided a suitable alternative.

GD in response:

- In terms of policing the number of residents it would be more a case for the licencing enforcement team and would be controlled if they had complaints from nearby residents or others residing in the property. He highlighted that the rooms were a certain size and so this restricted how many beds you could physically get in.

VA: Support HMOs as Cheltenham needs more affordable housing, however, she was aware of the problems caused by numerous HMO's in St Peters including dangerous parking, recycling not being taken out and furniture being dumped outside. She questioned what measures could be put in place to prevent this.

MC: Felt it was impractical to determine the number of people allowed in the HMO's as people often had temporary guests i.e. friends and family members staying with them.

GD in response: They would be unable to enforce things such as ensuring that the recycling was taken out, however, issues such as dangerous parking would be dealt with by the police.

Vote on officer recommendation to permit

11 in favour
3 Against
0 Abstentions

PERMIT

8. 19/01110/LBC Cheltenham Borough Council, Municipal Offices, The Promenade

Officer introduction

DO introduced the application, he informed the committee that the proposed works were for four wireless receivers/transmitter boxes which were to be affixed to the exterior rear elevation of the lift shaft on the roof of the Municipal Offices. He explained that the boxes were 5 x 7 metres long and 2 inches deep.

Vote of officer recommendation to permit

13 For (unanimous)

PERMIT

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

10. 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 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).

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

11. Exempt Minutes

The exempt minutes of the meeting held on the 20th June 2019 were signed and approved as a correct record.

Chairman