

Planning Committee

Thursday, 11th February, 2021

2.00 - 3.35 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Daniel O'Neill (Planning Officer), Mike Holmes (Interim Head of Planning) and Nick Jonathan (Solicitor)

1. Apologies

There were none.

2. Declarations of Interest

Cllr Barrell declared an interest in item 5b, being ward councillor for that area.

The Chair stated that with regard to item 5c the applicant was a member of the council and thus unless a member had a particular reason to declare a personal interest it was accepted that members did not have to declare an interest other than to acknowledge it was an application by a Borough Councillor.

3. Declarations of independent site visits

Cllr Cooke had visited the Adey site and passed by Gratton Street.

Cllr Seacome had visited the outside of Gratton Street.

Cllr Barrell had visited the outside front of Gratton Street.

Cllr Oliver had visited the Adey site and Gratton Street, but stated it was impossible to see the area concerned at Gratton Street due to a very high fence.

Cllr McCloskey had visited all three sites.

Cllr Barnes knew the Adey site but had not visited the other two.

4. Minutes of last meeting

The minutes of the meeting held on 21 January 2021 were approved and signed as a true record.

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

6. 20/02249/FUL Adey, Gloucester Road, GL51 8NR

The Planning Officer presented the report relating to the insertion of windows into the building of Adey Ltd, Gloucester Road.

Councillor Willingham as ward member was invited to address the committee and made the following points:

- He did not wish to support a refusal, but to ask the committee to add one extra planning condition, that being to require frosted glass in the windows on the elevations facing Cobblestone Way and The Crescent.

- Every single objection related to being overlooked and loss of privacy and this condition would give due regard to the residents' Right to Privacy and Right to Peaceful Enjoyment.
- Being overlooked and invading privacy, breached residents' basic human rights, but with this simple win-win condition the applicant could have their windows and the residents would have a greater feeling of privacy.

In response to members' questions, the Planning Officer confirmed:-

- The direction of elevation on the plans had been incorrectly annotated.
- The ground floor windows were approximately 16.2m to the rear elevation of The Crescent as it bends and approximately 9.3 m to the boundary wall and just less than 5m to the rear boundaries in Cobblestone Way.
- All ground floor windows were permitted under permitted development rights.
- Comments from the Police no longer appeared in reports due to the reduction in crime liaison officers, so schemes were prioritised, so there was no advice from a security point of view on the type of glass to be used.
- The applicant's building was there when the Travis Perkins site was being re-developed for housing and it was the same business as in 2009 when it was permitted B1 office with light industrial use and again in 2013 upon purchasing car show room on that site it was also permitted B1 usage.
- The windows were being put in for existing office use to provide natural light and outlook. Obscured glass was discussed with the applicant, but the applicant was not forthcoming with this proposal.

During the member debate the following points were made:-

- Concern from a security point of view that glass at ground level needed to be of a different specification and that this security point was not being addressed by the Police.
- The applicant was a good local employer trying to make the working conditions for its employees better with more daylight.
- Internet research highlights the benefits of daylight for office workers, but whether that from clear or frosted windows probably did not matter, and the outlook to a high fence was probably also not that beneficial.
- Important to encourage local employers to stay in town and so needed to balance business and residential needs, ie. nice to look out of an office window verses loss of privacy of nearby residents.
- Frosted windows would still give daylight, maybe with an opening for fresh air and hoped employer would be amenable to this.

There being no further comments or questions the Chair moved to vote on the addition of the extra condition for the requirement for frosted glass.

For : 11

Against : 0

Abstain : 0

Agreed unanimously

The Chair moved to vote on the motion to permit with the added condition as above.

For : 11

Against : 0

Abstain : 0

PERMITTED unanimously

7. 20/02138/FUL 14 Gratton Street, Cheltenham GL50 2AS

The Planning Officer presented the report relating to a single storey rear extension and front basement extension to a mid-terraced property at 14 Gratton Street. The application was at committee at the request of the ward councillor who wished members to consider the impact of the proposed rear extension on No13 Gratton Street.

Members asked the Officer several questions, so the Officer shared the plans again and outlined the proposed new extension and the location of the neighbour's garden. The Officer confirmed it was a single storey extension with a pitched roof.

The Officer confirmed:-

- The depth of the extension was still the same as the original application but the position of the wall had moved in from the shared boundary by 1.8metres but all other measurements were the same.
- The proposal had not failed any light tests to any habitable rooms, but Officers had felt the impact on the neighbours small courtyard was unacceptable in the first application, so the solution was to pull away from the shared boundary to reduce the overbearing impact. The Officer also pointed out that there were steps down from the neighbour's property into the courtyard, which added to the overbearing impact.
- With regard to the front basement extension, there were stairs going down to a courtyard at the front and the applicant proposed to infill that to create the extension but to still retain a light well.
- The garden of No.13 was much less in length than the applicant's garden, it did not run the full length of No.14's garden.
- The courtyard was south facing.
- A member questioned the impact in planning terms on a garden space versus a living space, the Officer stated that originally the impact was too much but by moving the wall in 1.8m this was acceptable.
- The depth of the step from the ground floor of the neighbour's property to the courtyard floor was probably around 400mm. The Officer did not have an exact measurement but said it was not a huge difference.

Members stressed how difficult it was to visualise and understand the site and situation without site visits and as members were finding it difficult to envisage the site the Officer showed the photos again and explained the layout of the neighbour's courtyard garden. Members remarked site visits were vital.

A member suggested viewing the location on Google Earth which the Officer did and this clarified the position to members.

During member debate the following points were made:-

- Appreciate that the applicant had made an effort to move the boundary, but as the extension was going to be the whole length of neighbours garden and the height was still the same, it will still have an overbearing impact on the neighbour's small courtyard with loss of outlook.
- Difficulty in envisaging applications properly when unable to do site visits.
- The rear extension of No 13 has a similar impact on the courtyard of its neighbour but that already built a long time ago.
- Architects had tried to come up with a compromise – was there any room for a further compromise, such as a lower flat roof.
- If considering the garden plot at No.14 in isolation then it was not overdeveloped, think what proposed was reasonable although not ideal. No.13 had put a building in half their garden space, if they hadn't they would have had more garden. A flat roof would also be more ideal.

- Not applicant's fault that neighbour has a small garden.
- Photos on Google Oarth were much better than anything else for illustration purposes when site visits could not be done. Request to include such images in the papers in future.
- Not having seen it find it difficult to endorse – it is the entire length of the neighbour's garden and will have an impact on their amenity and outdoor space.

In response to member's subsequent questions the Officer hoped that they would be able to include Google Earth images in presentations if members so wished but also suggested Members could look themselves prior to committee. He was also not sure if a flat roof would be better or lower because of the existing lean to roof.

There being no further questions or comments, the Chair moved to vote on the substantive motion to permit as per the Officer's recommendation.

For : 6

Against : 5

Abstain : 0

PERMITTED

8. 20/01914/FUL 4 Graduate Court, Cheltenham GL51 8PE

The Planning Officer presented the report relating to the erection of a cat cage. The application is retrospective and was at committee as the applicant is a member of Cheltenham Borough Council.

In response to members' questions, the Planning Officer confirmed:-

- That the cat cage was covered with a waterproof transparent material, like plastic sheeting.
- It was a retrospective application as the applicant had erected the cat cage and a neighbour then contacted planning enforcement. As it was attached to the rear elevation it had to be considered as an extension with planning permission.
- It was not allowed under permitted development rights as it was more than 0.5m in depth than was allowed under permitted development.
- If the cat cage had not been attached to the rear and was more than 50mm away from the rear as a separate out building, the height and scale of the design could have been allowed under permitted development, but as it was bolted to the wall it had to be considered.
- He was unable to confirm the height of dog kennels in other properties, but said it was likely they were permitted development, as they can go up to 2.5m in a separate outbuilding. The cat cage is approximately 2.4m high, however about 0.5m too deep for permitted development, so it had to be treated as an extension.
- On a query as to whether the cage was 0.5 m too high or 0.5 m too deep, the Officer explained that as the structure was bolted to rear elevation the depth / length of it was 3.5 metres so that was 0.5m more than allowed on permitted development. But the height was 2.4 metres and that would be allowed on any extension or out-building.
- The cat cage could be used for human use, but the Officer's consideration was relating to the design and impact on neighbours.

During the member debate the following points were made:-

- Saddened by the comments of the neighbours and was the correct process followed in view of fact applicant was a Borough Councillor. Request that look into how member/officer applications are dealt with by the committee.

- All objections were very similar and felt they might be politically motivated, as similar posts had been made on social media. Shows ignorance and lack of understanding of planning process. Need a process to ensure this doesn't happen when an applicant is a Borough member. Disappointed by comments made but know can't get involved in emotive stuff and need to follow planning guidelines.
- A cage implied an open structure and as it was approx. 6 ft in height and had tables and chairs inside, sceptical that more for human habitation. Another member objected to this as the applicant could sit inside to be with the cats.
- Usually sceptical of retrospective planning applications, but most likely applicant thought this could be done under permitted development.
- There was a comment about the cat cage being illuminated at night time, however the Chair pointed out that lights were not a planning concern.
- What was the significance of it being labelled as a cat cage? The Officer replied this was how the application was submitted and confirmed it could be used for a dog or for storage.

There being no further comments or questions the Chair moved to vote on the substantive motion to permit as per the Officer's recommendation.

For : 9

Against : 0

Abstain : 2

PERMITTED

9. Appeal Updates

There were no appeal updates.

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

There were none.

Chairman