

# draft minutes

## Planning Committee

16<sup>th</sup> January 2014

**Present:**

**Members (14)**

Councillors Coleman, Chair (CC); Hall, Vice-Chair (PH); Barnes (GB); Driver (BD); Fisher (BF); Fletcher (JF); Garnham (RG); Godwin (LG); Jeffries (PJ); McCloskey (HM); McKinlay (AM); Stennett (MS); Sudbury (KS); Thornton (PT);

**Substitutes:** None

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Wendy Hopkins, Planning Officer (WH)  
Karen Radford, Heritage and Conservation Manager (KR)  
Lindsey Mulrairie, Trees Officer (LM)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies:** Councillor Wheeler.

**2. Declarations of interest**

**5a: 13/01459/COU Castle Dream Stud**

- Councillor McCloskey – *personal but not prejudicial* – is a member of the Cotswold Conservation Board; application site is in AONB.

**5b: 13/01694/FUL Land adjacent to Dunalley Primary School**

- Councillor Driver – *personal and prejudicial* – NSC was one of her mayoral charities
- Councillor Sudbury – *personal and prejudicial* – has friends who are staff of NSC

*(Councillor Barnes confirmed that his interest in the previous application on this site was due to his connection with St Vincent's, which is not relevant here.)*

**5d: 13/02026/FUL 9 Sandy Lane**

- Councillor Hall – *personal and prejudicial* – has personal friendship with the applicant's family and neighbour over and above being ward councillor

**5e: 13/02055/LBC Phone Boxes, Promenade**

- Councillor McKinlay – *personal* – is cabinet member for the Built Environment and CBC is the applicant, but has not been involved in this particular project; is also a member of Cheltenham Task Force.
- Councillor Garnham – *personal* – is a member of the Cheltenham Task Force, but has not been involved in this particular project.

**5f: 13/02049/CACN Grounds, St Mary's Church**

- Councillor Driver – *personal and prejudicial* – is a member of the Friends Committee which is organising the regeneration of the church grounds.

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- Councillor Barnes – *personal but not prejudicial* – makes an annual contribution to the Friends of St Mary's but has no other involvement.

### 3. Public Questions

There were none.

### 4. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21<sup>st</sup> November 2013\* be approved and signed as a correct record *without* corrections.

[\*NB: there was no Planning Committee in December 2013.]

### 5. Planning applications

Application Number:	<b>13/01459/COU</b>
Location:	<b>Castle Dream Stud, Mill Lane, Charlton Kings</b>
Proposal:	<b>Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>26</b>
Update Report:	<b>Informative</b>

WH introduced the application: the site is currently occupied on a temporary basis by a single gypsy/traveller family. The officer recommendation is for a personal temporary permission, subject to the conditions set out in the report

#### Public Speaking:

##### Mr Humphris, local resident

Many residents agree with the officer recommendation for a personal temporary three-year permission, in the name of 'Mrs Cox', not 'a traveller family'. They would like the original conditions of the Planning Inspector to be adhered to – allowing only two caravans on site, one static, one tourer for a dependant child – legally up to 16 years old, or 16-18 year old in full time education, but not 16-18 years old with spouse or children. Three large caravans are not needed and could result in unauthorised accommodation and too much intensification of development at the site.

On the matter of drainage, the 2011 Inspector was satisfied with site drainage, but the stable annexe with toilet and washing machine have since been added, and particularly in the summer grey water runs into an open drain in Mill Lane and often into an adjoining field full of sheep. Three caravans exacerbate this problem, and an ancient pond nearby has been filled with hardcore which adds to the overflow in wet weather.

The brick day room should be the subject of a separate application; questions whether it would still be needed, bearing in mind the stable annexe. A condition forbidding any further development of building or access to the site and obviating the need for retrospective vexatious applications would be appreciated. The emerging JCS Policy C4 deals with gypsy and traveller sites, and one criterion for their location states that any development is not within area of sensitive landscape. To date, CBC has

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maintained and protected the character of the local AONB, and residents urge it to uphold this record by allowing Mrs Cox a temporary permission for three further years and upholding the Inspector's recommendations and conditions to protect AONB site until the situation regarding gypsy and traveller sites in the JCS area becomes clearer.

### **Member debate:**

**BD:** these comments sum up the problem well. Concerned that the family are not really 'travellers' – if they were, they would stay just a few days and move on – so having trouble in squaring the circle in this respect.

**HM:** as a general comment, letters concerning the revised plans were sent out over the Christmas period and didn't give residents much time to respond. As it happened, the changes were minor and the drawings more accurate, but it would be good for the planning department to bear this in mind in future – if revisions are received during the Christmas holidays, residents should be allowed extra time in which to comment.

**PT:** looked at the site on planning view and noted that it is well kept, clean and tidy, but is concerned about the comment regarding sewerage – said Environmental Health should be contacted if this happens again. Regarding the three caravans, there was talk on planning view about limiting the number of days additional caravans can stay, such as for 30 days over a one-year period. Asked if officers have had any further thoughts about this.

**BF:** the Inspector made it clear that a temporary permission was all he was prepared to give, due to the sensitivity of the AONB and intrusion onto it. Is surprised Mrs Cox is applying now when the original permission still has almost a year to run. At the Appeal, great play was made about the breeding of horses, but suggests that most horses manage perfectly well on their own, and in any case, this site is no longer used as a breeding stud.

Having heard on the radio today (*Thursday 16<sup>th</sup> January*) that Eric Pickles, Secretary of State for Communities and Local Government, will be making a statement tomorrow (*Friday 17<sup>th</sup> January*) about traveller sites in Britain and in the AONB, is minded to ask for deferment until his views are known – there is still plenty of time, as the current permission doesn't expire until September. This move would be out of fairness to the parish council, neighbours, and the applicants themselves, who have spent a lot of money on the site and want to continue to improve it, and could find themselves having to pay to put it back as it was – replace the pond, remove fencing and the day room etc. This is a sensitive area, very visible from many points, and must be handled with great care. Therefore moves to defer until we know where we are going, following Mr Pickles' speech.

**MS:** could go along with BF's move to defer, but if this is lost, feels quite confident with the application and recommendation as stated. Would only ask that a condition be included requiring the proposed day room to be of similar construction to the stables, to match in with the two buildings making it less of an eyesore from the Cotswold Way. Also suggests that the siting of the two caravans should be behind the existing stables, not viewable from the top of the hill. If this can be achieved, people won't see much more than three wooden buildings when viewing the site from surrounding areas.

Members and CBC are between a rock and a hard place with this application, as we are short of additional traveller sites at present. This may change with the JCS, so a three-year permission is imperative – things can change in that time. The site is big enough to accommodate what has been applied for, and the work can be done discreetly, with the right conditions.

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**JF:** also agrees with the idea of deferral, and isn't sure why this application is here now, with a year still to run on the current permission. Is nervous about granting another temporary permission – what will happen after three years? Another temporary permission? We are talking about the AONB, which is very special. Realises that travellers have got to have somewhere to go, and understands that the site is well run, but has read all the letters of representation for and against and is still uncomfortable with this application – feels it will be back to haunt us again.

**RG:** asked for the officer to give a response on the speaker's comments about drainage – it is important to get this matter sorted. There is talk about allocating land for travellers in a different place, but there are no G7 sites identified in Cheltenham. This site had been tidied up and is well run, and the applicant is seeking planning permission in the proper way, and is making an application now as her circumstances have changed – as is her right. Councillors are going to have to choose somewhere in Cheltenham as a traveller site in the future, and wherever that may be, it will cause harm to someone or some landscape. The recommendation for this application is not for permanent permission as the JCS will have to provide sites and could find somewhere better. The only issue he would like clarified is the drainage – does not support deferral based on what Eric Pickles might say. We have our own local plan and an emerging JCS to base decisions on. Minded to support a temporary use for three years.

**HM:** Will support BF's move to defer, as things may change fundamentally in the near future. Notes that the fencing on Mill Lane is more than 2m in height and therefore needs planning permission – did the applicant apply for permission for this? Agrees with PT's suggestion of limiting the number of days additional caravans can remain on site.

**PJ:** RG stole his thunder – would like to hear from the officer about drainage, and does not support deferral pending any changes which may be announced. This is an on-balance decision – as MS said, between a rock and a hard place – but suggests that having travellers settled on a site they care about could be more appealing than directing them to go where they want to go. Said the applicant is a traveller, and on balance supports the application, pending the officer's comments.

**PT:** won't support deferral, agreeing with RG that Members should make up their own minds, rather than wait to hear what Mr Pickles might or might not say. The situation with this family has changed – they are breeding horses, and have become part of the system. Horse-breeding is a country pursuit, needing fields and grass – this site is ideal. Regarding the fences referred to by HM, they are not overly intrusive and are covered by a substantial hedge for much of the time, thus not causing a great deal of harm to the AONB.

**BD:** for clarification, asked if the three-year permission start at the end of the current permission (*September*) or straight away? If the proposal is permitted, how can we stop other people from buying properties in the AONB and getting on-going temporary permissions to do work – this is the thin end of the wedge.

**LG:** as the recommendation is for a temporary permission, took the view that it would run for three years from now, though a cynic's view is that it could be added on the end making it a four-year permission. Encourages Members to support the application as it stands, but would like to hear a response from officers to Mr Humphris's presentation - came to committee certain which way to vote and speak, but he has raised several questions which need answers. Would be happier voting once he has heard what the officers have to say, as there may be a good case for deferral, depending on what their comments. Asked for TC to give an update on the JCS position on the selection, allocation and permission for gipsy and traveller sites for Gloucester, Cheltenham and Tewkesbury, and for Gloucestershire – this would be helpful before moving to the vote.

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## WH, in response:

- regarding deferral, is not sure what this will achieve. Regardless of what Mr Pickles might say, policy takes a long time to evolve and be adopted; in addition, the applicant could go to appeal for non-determination. Officer advice is therefore not to defer;
- regarding the status of the applicant, confirmed that Mrs Cox has established gypsy status – this is not in question at all;
- regarding drainage on site, the appeal Inspector felt that drainage provision was adequate for the site; if problems have arisen since, officers are not aware of it, but any issues can be secured via a condition;
- the number of caravans and the duration of their stay can also be conditioned;
- to MS's request that the caravans be sited behind the stable buildings, does not think that this would be physically possible, but can check to be sure;
- to comments that the site is no longer used as a breeding stud or for horses, the Inspector at the appeal gave permission for temporary residential occupancy for Mrs Cox and her partner at the time – any other use is not relevant to the application;
- to MS's comment about the finish on the day room, part of the previous appeal conditioned that facing materials should be render and tar, but this can be conditioned as timber akin to the stables on the site if Members so wish;
- to concerns about one temporary permission leading straight on to another, it is clear that this temporary permission doesn't allude to a permanent permission, so Members need not be too concerned about this. The temporary permission allows time to find more suitable sites. The Inspector gave great weight to the fact that we have to find a 5-year provision of sites, based on the established need of the district. This has been done, and we know that we must find two pitches between 2013 and 2031: one site between 2012 and 2017 and a further pitch 2028-31. So we need to find two pitches, not taking into account the duty to cooperate between districts if a neighbouring district can't fulfil its needs. A temporary permission is therefore good, as it gives us time to find other, less harmful sites;
- HM referred to the height of the fencing, also referred to by the appeal Inspector. There was already 2m fencing in existence on the site, installed by the previous owner. This has since been replaced by fencing which is very slightly higher than the original and which should benefit from planning permission, being over 2m in height. However, as this is only a temporary permission, so the question must be whether the slight increase in height over 2m can be considered harmful to the AONB for the duration of the temporary permission;
- regarding neighbours' concerns, Mr Humphris stated that neighbours generally support the officer recommendation, which allows the district time to find less harmful sites.

## TC, in response:

- to LG's comments, said the JCS does two things: it identifies the quantum of need for gypsy/traveller sites, and establishes the criteria for identifying those sites – the Local Plan will deal with the allocation of the sites. The JCS won't do this, unless it becomes part of the strategic allocation; for example, a permanent pitch could be part of the North West Cheltenham development – there is a clear argument for this and it is large enough to accommodate a site – discussions are on-going;
- this application relates to a particular family which is unusual, but Cheltenham has a very small need for sites and the council knows who it is that requires them. The council has responsibility to respect the culture of gypsies and travellers and how they choose to live, and to provide sites for them, but Cheltenham is not yet at that stage;
- regarding BF's suggestion of deferral, we do not know what Eric Pickles will say tomorrow, but whatever this is, there will be no change in policy within one month. In addition, in one year's time, we won't have the Local Plan in place. A temporary

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permission is therefore the right approach; in three years' time, we should have decided if this is an appropriate site or whether other, more appropriate sites have been identified.

**BF:** WH didn't answer the question as to whether the temporary permission would start now or when the current permission expires.

**WH, in response:**

- confirmed that the three years will commence from the date of the decision.

**BF:** there have been articles in the press about the removal of traveller status from travellers who don't travel, and to discount what the Secretary of State may say could be dangerous. Recalls the decision to allow offices to become residential accommodation – when it happens, it can happen very quickly.

**LG:** following TC's comments, asked whether this site with its temporary permission be one of a number of sites to be considered as a permanent site under the JCS? It might be an assurance to neighbours and Members to know whether we are dealing solely with a temporary period and a permanent site at this location doesn't come into the equation, or else that it does – local people deserve to know this.

**TC, in response:**

- all options to accommodate gypsies and travellers will be looked at, including this temporary site. It will be considered as part of the strategic assessment, alongside normal housing, and each possible site will be weighed up against the others.

**PJ:** with reference to any potential change in government policy which may be announced tomorrow: if Members make a decision today and there is a change in policy with a negative outcome, would that come into effect when the temporary permission lapses?

**MS:** moved to add conditions regarding materials used for construction of the day room and the siting of the caravans, as mentioned previously.

**WH, in response:**

- repeated earlier comment, confirming that the applicant, Mrs Cox, has established gypsy status;
- confirmed that if there is any material change in policy, any subsequent application in three years time will be considered against this;
- to MS, confirmed that there is no problem in conditioning the use of timber for the day room;
- regarding the siting of the caravans, thinks it will be very difficult to achieve what MS is asking for, and is not sure that we can achieve siting which would cause any less harm to the AONB. At the moment, the two caravans are parked gable-end on to the road, and it would take a great deal of engineering work to get them behind the stables. This would cost a lot of money, and as this is only going to be a temporary permission, it would not be reasonable to ask the applicant to do this. Therefore, cautions Members against this suggestion.

**CC:** asked BF if he still wanted to move for deferral or to withdraw that move.

**BF:** had listened to Members' and officers' comments, and realised that his proposed move would not be carried. Said Members should go straight to the vote on the officer recommendation.

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**GB:** said the question of considering the length of time any additional caravans can stay on site hadn't been answered. Asked if this is something we can consider.

**WH, in response:**

- doesn't know what would be reasonable or normal here, and therefore proposes speaking to the applicant about her preferences, and also looking at other sites in neighbouring districts and asking what they do in those instances, then report back to the Chair and Vice-Chair for their approval.

**CC:** thinks this is sensible, suggesting the time limit could be anything from 30 days a year to holiday home conditions of 11 out of 12 months. We should have clarity here before agreeing.

**Vote on officer recommendation to grant temporary permission for three years, with additional conditions on (a) materials used for day room, and (b) length of stay for additional caravans**

11 in support

1 in objection

2 abstentions

**PERMIT**

<b>Application Number:</b>	<b>13/01694/FUL</b>		
<b>Location:</b>	<b>Land adjacent Dunalley Primary School</b>		
<b>Proposal:</b>	<b>Provision of residential accommodation for people with disabilities, with associated care learning and activity facilities (Use Class C2)</b>		
<b>View:</b>	<b>Yes</b>		
<b>Officer Recommendation:</b>	<b>Permit</b>		
<b>Committee Decision:</b>	<b>Permit</b>		
<b>Letters of Rep:</b>	<b>67</b>	<b>Update Report:</b>	<b>None</b>

***Councillor Driver and Councillor Sudbury left the Chamber for this debate (see above)***

MJC introduced the application, and reminded Members of the recent history of the site: there is an extant permission for development by St Vincent's, but this is an altogether different scheme

**Public Speaking:**

**Mr David Ellis, Chief Executive of National Star Foundation, in support**

Introduced himself to Members, and is speaking personally in support of this application, because it is so important. The report is thorough and clear, explaining the background, the existing permission, and how this scheme is a great improvement on it – a well-considered solution for a sensitive site, next to Pittville Park and in the conservation area. National Star has worked carefully with consultees, designers, users and stake-holders, and proposal is fully compliant with planning policy. Explained why this proposal is so important to the wider social benefit of those people with disabilities who use NSF's specialist provision. National Star is a Gloucestershire-based charity, established over 45 years ago, and providing specialist education, personal development, residential and other services for young people and adults with complex disabilities and severe disabilities. Its work is excellent and nationally significant, judged in 2012 to be outstanding by OFSTED, and recognised by the Care Quality Commission for its quality and standard of services. The work and plans for this site have been endorsed by the Education Funding Agency on behalf of the Department of Education, through the exceptional commitment of £2.2m towards this specialist facility. It will provide a safe and supported environment for young people with disabilities to practice and develop essential skills for their future adult lives, including access to education, employment for training, or simply to

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communicate, gain freedom, and manage everyday tasks, which promote equality and allow them to be active members of society.

Compared with the previous scheme, the two-storey element to West Drive is in line with street scene, with a smaller overall footprint and mass; smaller buildings, more dispersed throughout site, improve the view through the site, and landscaping acts as a transition between the school, park and surrounding residential area. The proposal will meet highly-specialised requirements, and provide an outstanding resource, enabling young people and adults with disabilities to be embraced as part of their community. The life-enhancing outcomes will be widespread, from the proximity to Pittville Park and ease of access to the town centre and wider facilities on offer in Cheltenham. Is grateful for feedback, time and advice received, and hopes Members will support the scheme.

### **Member debate:**

**JF:** applauds all the work done by the National Star College, but voted against the previous application on this site, which was opposed by the Conservation and Heritage Officer and by English Heritage. This proposal is better, but English Heritage is still against it. Expects it will go through, but will vote against it and wants to state her position: it is adjacent to the listed Pittville Park and opposed by English Heritage; while applauding all the work done by the NSC, her objection is to the siting of this proposal, not to the applicants themselves.

**RG:** cannot agree with JF, and would like to see a condition making it compulsory for residents to take advantage of Pittville Park. It is so busy, even at Christmas, and the more people who use it, the more diverse they are, the better. Urges CBC and NSC to make access to the Park as easy as possible and encourage residents to use it.

**BF:** has read all the letters of support, and believes that Cllr Rawson's letter sums up all the reasons why Members should support this application. He (Cllr Rawson) has been involved with this site from the beginning, when the land was turned into a wildlife garden for Dunalley School. The previous application was for a very good cause, and this is an ideal place for people to live, giving them easy access to town and the chance to integrate in society, rather than be isolated. With the Park on the doorstep, this is a good 21<sup>st</sup> century design – not Georgian in style, but suitable for the area. It is an excellent application.

**PH:** voted against the previous proposal and was dismayed when it went through – the wildlife garden was enchanting, the back of the proposed buildings backed on to the Park, the service areas were visible from the Park, and it was altogether too intrusive. However, the principle of building on this site is clearly established, this scheme is a great improvement, and the NSC does such worthwhile work. Will vote for the proposal – Dunalley School has established a new wildlife garden, and although sad to see the land that was allotments years ago go, this scheme is excellent.

**PJ:** the application is good, and the best outcome for the community in the area. The report gives clarity of the Heritage and Conservation Officer's position. Agrees with RG that access to the Park should be all-inclusive.

**LG:** looked at all the letters of representation, which were pretty much 50/50 for and against – so not much help to Planning Committee Members. Voted against the previous application on the basis that Pittville Park is very well known and listed, and would suffer because of the construction nearest to the Park, but was in favour of the single-storey buildings. This application is for two-storey buildings, and is mindful of KR's objections and recommendation to refuse the previous application – great play was made of the prominent location of the proposal, its visibility from the Park, its proximity to the pathways, and effect on long-distance views. These were all reasons for refusal on single-storey



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buildings, so is surprised that there is no update on these matters in this report. Realises that there will be something built on this site, but does not feel two storeys are the best idea.

Another issue for objectors is the question of noise and whether the amenity of the residents of West Drive will be affected once the building is up and running. Notes there are quotations from the NPPF in the report, but not to Paragraph 123, which states that steps should be taken to avoid noise from giving rise to any significant adverse impact on the health, tranquillity, recreational and amenity value of an area.

Having considered these objections, has looked back to the 50/50 representations, noting many in support of the NSC and its work. Understands and admires the College and what it does, but the fact that it does worthwhile work for people with disabilities and learning difficulties should not be the point on which we take a decision. The same argument was made for the YMCA, when the possibility of the problem of noise was taken into account and conditions attached. There is a suggested condition for external users of the facility, but it could be difficult to extricate external users from residents, so why not have a set cut-off time for all users? If the condition only applies to someone hiring the room out, residents could continue till 1 o'clock in the morning. Does not feel the issue of noise has been properly grasped. Officers may say that, until the building is up and running, the potential noise issue cannot be assessed, but this isn't right.

Will vote against the proposal on account of the two-storey construction and the noise issue, unless the debate convinces him otherwise.

**AM:** disagrees with LG. Planning permission has already been granted on this site, for a similar use and a similar number of people. Voted in support last time and will do so again. If this proposal is turned down today, what will have been achieved? The original application can still be built. The standard noise considerations which apply to any residential unit in the area will apply here, so there is no advantage in turning it down on noise grounds. On the question of whether this scheme is an improvement on the previous one, says yes, it is: it makes better use of the environment, the relationship with Pittville Park is improved, there are more breaks in the buildings, more greenspace looking through the site. Will support this proposal with more enthusiasm than he supported the previous scheme.

**PT:** is amazed at the concentration on the issue of noise. Is there a noise problem with St Vincent's School, or with children playing outside at Dunalley School? This application is for residential accommodation for disabled people, and if there is any problem of noise from the communal room, Environmental Health officers will intervene, as they would if any resident of West Drive had a noisy party. Has read all the letters of representation carefully, and thinks some of the comments are crazy. This scheme is a huge improvement on the previous one, slightly sunken into the ground, further back from the road, making use of the downward slope of the land. Does not consider it will cause any problem. Will vote in support.

**BF:** is amazed that people are preoccupied by the prospect of a modern building adjacent to Pittville Park. Leisure@ is close by, as are several modern blocks of flats. Dunalley School holds events in its hall which generate noise, Pittville Pump Room is an events venue, and noise from events at the racecourse can be heard all over Cheltenham – this is part of living in an urban area. Lives adjacent to Bournside School, and experiences both noise and light pollution at times.

**RG:** wants to be forceful in his support of this application, as some Members are saying they will not vote for it, or abstain. Yes, there will be some times when there is more noise – on a summer evening, for example – the view from Pittville Park will be affected, and life will change in the area, but will this be so bad that the proposal should be refused? Is sure the NSC will be horrified if noise

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becomes an issue, and has undoubtedly considered the matter. In situations where opinion is divided 50/50 and Members find it difficult to make up their minds, considers they should follow the officer's advice – this is why we pay them. There is no great deal with noise here – if it becomes a problem, Environmental Health will get involved. Will be proud to approve the scheme; enjoys the Park and wants disabled people to be able to enjoy it too. We should support the proposal.

**MS:** voted against the previous scheme, but this is infinitely better – will vote in support this time. Is quite relaxed about the two-storey buildings - they are facing other two-storey buildings and won't compromise the Park. Had concerns about the communal room similar to LG's, and thinks conditions should be included, for an 11 o'clock close-down, though would prefer that this be purely for residents' use, and not hired out to external bodies.

### **KR, in response:**

- referring to her recommendation on the previous scheme, confirmed that she was opposed to the principle of building here and to the details of the design, but the proposal was approved and due attention must be given to that;
- doesn't recall if English Heritage officers commented on the design of the previous scheme – an inspector from English Heritage had been in Cheltenham on another matter, walked round the site with KR and given the proposal some consideration, but does not think those comments were recorded;
- parks are listed like buildings, and Pittville Park is a Grade II listed park. English Heritage did not consider it would be much harmed by the previous proposal, but have now reorganised and only comment on Grade I listed parks;
- the principle of building here has been established, and the design of this scheme is much better than the previous. Had some reservations about the two-storey element, but Paragraph 134 of the NPPF states that where a development will cause 'less than substantial harm' to a heritage asset, this must be weighed against the public benefits of the proposal – and the particular use of the proposed building is very much a public benefit;
- in view of there being an extant permission, and the current proposal being better than that, is in support of the scheme.

### **MJC, in response:**

- regarding the issue of noise, Block B is essentially a common room for users of the site, its size and footprint very much an ancillary part of the development. It is roughly the size of a triple garage – not huge – and although there has been a lot of concern locally about noise, the Environmental Health team has been involved at length, leading to the decision to include a condition restricting its use for external users, but in view of its size and position, do not feel it necessary to restrict its use for residents on site. Condition 12 relates to outside groups, restricting use from 9am to 11pm;
- it is quite common for school halls to be used by external groups and is up to the applicant to manage this. The suggested condition is reasonable, precise, enforceable, and can be monitored. Noise levels should not be a problem, due to the small-scale nature of the building and its position on the site;
- the use of Paragraph 123 of the NPPF would be out of context here, as it is concerned with the natural advise – would advise caution about using it;
- Local Plan policy CP4 deals with amenity, and the question to ask is whether this proposal will cause unacceptable harm to neighbouring amenity. Environmental Health do not consider it will and it would be very difficult to demonstrate;
- this is set out on Page 114 of the officer report, at point 7.4.

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**JF:** has listened to everyone, and now accepts that this is a different application to the last, and that the principle of building on this site has been established. Has been persuaded – will vote in support.

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

11 in support

1 in objection

0 abstentions

**PERMIT**

Application Number:	<b>13/01461/OUT</b>
Location:	<b>81 New Barn Lane, Prestbury</b>
Proposal:	<b>Outline application for the erection of a new dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

MJC introduced the proposal, an outline application with all matters reserved, other than access. A similar application on this site was refused by committee some months ago; the main difference between that application and the current one is that the site is now larger. It has been consulted on in the usual way, and the recommendation is to permit, subject to a condition to guide the applicant at the reserved matters stage.

## **Public Speaking:**

None

## **Member debate:**

**MS:** disappointed that this application is back again so soon, and the fact that it is now on a larger bit of land does not make any material difference to the previous refusal reasons. This is over-development, in conflict with the SPD which is very clear about backland development's visual connection to the existing street. Planning Committee did the right thing last time in refusing. Policy CP7 is still applicable, residents of 83B New Barn Lane are concerned about the impact on their property, and the proposal is too crammed in – a quart in a pint pot. Moves to refuse for same reasons as used last time.

**RG:** supports this move. A house has already been legitimately constructed in the garden of 81 New Barn Lane, and now the applicant is trying to squeeze in another, with the only difference between this and the previous application being a little rectangle of land behind 82B. This is not enough to make any difference to the previous refusal reasons. The new application includes a shed and hardstanding, but the effect on 83B will be the same. The addition of the extra land does not win him over. The applicant may have the right to reply, but this doesn't mean the Committee has to agree.

**HM:** doesn't like outline applications. The elevational drawings are very bland - the officer says these will not be binding, but is unhappy with them and would like to see something with more imagination. The proposal still conflicts with policy CP7 and the SPD. Agrees with MS's move to refuse, but wonders why officers have changed their minds.

## **MJC, in response:**

- to HM's question (and covering several other points at the same time): officers haven't actually changed their minds, as the recommendation for the previous application was

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- also to permit. The Committee gave its view very clearly, and officers are now defending their refusal reasons at appeal – statements of case have been submitted;
- however, this application is materially different. The additional land overcomes the previous refusal reason that the proposal was cramped and overcrowded – with more land, the applicant has freed up what can be done with the development. The lay-out is only indicative, and the building could be moved to the south, in line with 82B, still leaving a reasonable amount of garden and space around, and not appear too cramped;
  - regarding the Garden Land SPD and policy CP7: officers always give the same answer to Members on the SPD – it gives key themes and proposals, but officers and Members need to understand and consider the context before deciding if a proposal is acceptable. From the site plan it is clear that this area comprises a variety of buildings, plot sizes and so on – the proposed dwelling would not be noticeable on this site plan. Officers use Nolli diagrams as a good way to understand the grain of an area, showing dwellings and buildings as small black blobs, and demonstrating that the grain here is indeed very varied and could take another dwelling;
  - the flaws with the design and lay-out drawings have been acknowledged, but the applicant doesn't have to submit elevational detail at this stage – the main consideration in the relationship to 83B. There are ways to make the scheme meet requirements at the reserved matters stage;
  - officers consider the proposal to be compliant with CP7 and the SPD, hence their recommendation to permit.

**MS:** MJC has spoken about the grain, but Members who don't know the area should be aware that the regular black dots on the left side of the site plan are mobile homes. Looking at these, it may appear that one extra dwelling doesn't matter, but it does.

**BD:** was not on planning view, unfortunately, but having looked at the drawings, asked where the extra land to the right is coming from? If it's from 83B, that property will be completely squashed.

**MJC, in response:**

- the extra land is owned by the applicant. The garden of 83B is shown on the drawing, and the additional land is taken from the garden of 81A.

**Vote on MS's move to refuse, on CP7 and the Garden Land SPD**

11 in support

0 in objection

3 abstentions

**REFUSE**

Application Number:	<b>13/02026/FUL</b>
Location:	<b>9 Sandy Lane, Charlton Kings</b>
Proposal:	<b>Proposed refurbishment of property and erection of side and rear extensions (following demolition of existing garage)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

*Councillor Hall left the Chamber for this debate (see above)*

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WH described the application as above, with the officer recommendation to approve.

## **Public Speaking:**

None.

## **Member debate:**

**PT:** asked for an illustration of the existing house (*displayed on wall*). Cannot support this proposal. At the moment, it is an 'old-fashioned' house, in keeping with the street scene. Taking off the roof and turning the house into a modern edifice is not appealing – cannot support it in any way, shape or form. If it was a modern extension on the side or rear of the house, that might be OK, but taking the roof off will destroy the symmetry of the street.

**KS:** agrees with PT, and considers this application a travesty. This is a pretty house which fits in well with the street scene. Does not consider this approach appropriate here – 1970s houses aren't the most appealing, but this is pretty and in a prominent site. Has nothing against modern architecture but considers it the wrong approach here. A variety of architectural styles is good, and maybe a modern extension at the back of a property, but this proposal is not right in this location. There is a modern extension next door, but it is only a single storey and not visible from the street. The proposed scheme is very substantial, very noticeable, and will change the character of Sandy Lane. Cannot support it.

**PJ:** takes the opposite view and cannot refuse it. The character of Sandy Lane has been changed by previous applications, and this proposal is like a mini-Grand Design. The house is pretty, but it could be demolished and completely rebuilt. There is enough space front and back for the proposed scheme. Doesn't usually like modern designs, but likes this one.

**BD:** personally thinks the proposal looks horrible – but will support it anyway. Asked for clarification of the picture, in which the house next door is not visible from the road.

**HM:** like PJ, likes the application. The existing house is very solid but tired, and would need considerable restoration. The proposed scheme is exciting. Sandy Lane has many different styles of architecture, and there are other modern houses further up the road.

**GB:** on balance, will support the proposal but is concerned that on site, the 1.5-storey conservatory seemed to be very close to the neighbouring building on the right side - worried by this, but not enough to vote against it. There will be an impact on No. 7 – is there anything to be done to ameliorate this?

**RG:** this is a prominent site and the new building has to be right with materials and finish. Thinking about some of the schemes Members saw on the completed schemes tour, and the Condition 4, requiring approval of facing and roofing materials, urges officers to make an example of this proposal in enforcing that condition, so that it doesn't just look great on Day 1 but also five years down the line. The conditions are there, and need to be enforced to make sure the scheme looks right and stays so, unlike some new-build properties in Pittville which are already beginning to look tatty. Would like to see officers given the muscle to really enforce the conditions.

**BD:** supports this – it is so important that the building doesn't start looking tired and tatty.

## **WH, in response:**

- to comments about the character of the street scene and whether the proposal is in keeping with this, Sandy Lane is a residential street with very mixed architectural style. There is a modern, flat-roofed dwelling next door to the application site. Some people

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appreciate contemporary designs, and some don't, but Paragraph 60 of the NPPF states that planners should not attempt to impose architectural style or taste, or stifle innovation but should seek to promote and reinforce local distinctiveness. Planners shouldn't be 'architectural police' – there are always a number of approaches which will work;

- regarding the 1.5-storey element and its proximity to No 7 Sandy Lane, a light test has been undertaken and passed, and adequate daylight to the adjoining property is not an issue;
- regarding the prominence of the site, RG has picked up the matter of details, which is very important. If Members want to condition any particular details to be produced at greater scale, or more detailed drawings of any particular element, this could be requested;
- officers are in negotiation to promote and encourage more details to come forward as part of planning applications, as the devil is in the detail and they want to ensure that developments look good now and in five years' time;
- there is no specific condition for any particular detail at the moment, but Members can propose one if they like, or leave it to be agreed between officers and the Chair and Vice-Chair.

**RG:** is particularly concerned about where the different surfaces meet and how this will weather. Happy for this to be agreed with the Chair and Vice-Chair.

### Vote on officer recommendation to permit

9 in support

4 in objection

0 abstentions

**PERMIT**

Application Number:	<b>13/02055/LBC</b>
Location:	<b>6 Telephone Kiosks outside 23 Promenade, Cheltenham</b>
Proposal:	<b>Refurbishment of existing phone boxes to be used for temporary display of art installations: 6 kiosks outside 23 Promenade 4 kiosks outside 43 Promenade</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Grant</b>
Committee Decision:	<b>Grant</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

MJC introduced the application, at committee because CBC is the applicant. In accordance with this, if Members grant planning consent, it will be need to be ratified by the government to ensure the Council isn't abusing its power.

### Public Speaking:

None.

### Member debate:

**KS:** supports the application – considers it an innovative idea, and the phone boxes need to be used (although when she tried to use one recently, her money got stuck). It's good that they will stay in the Promenade, and this application is to be welcomed.

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**BD:** pointed out that the proposed signs regarding the nearest working phone boxes shown on the drawing on the wall are incorrect – there is another one a lot closer on St George's Road. Would like to see a picture of what the finished phone boxes will look like. Hopes they will still look like phone boxes, as visitors like to take pictures of them.

**PT:** is intrigued that one of the phone boxes will house a metered electrical supply. Also thinks it a good idea to keep one working phone.

**MJC, in response:**

- the electrical supply is to aid the markets on the Promenade – they will be able to hook up, and not have to rely on generators; thus the phone box will serve a dual use;
- regarding working phone boxes, there is a requirement to provide a certain number of these, but this is not part of the planning requirement. There are other working phone boxes in the town centre, functioning and accessible;
- the phone boxes will still be red and look as they do now, but will be completely refurbished, with doors re-hung, re-glazed etc; they will still read as red phone boxes, but in better condition;
- there will be signs on the phone boxes, stating that they are now managed by The Wilson, and directing people to the nearest public phone box.

**BD:** asked if these signs will be on the outside.

**MJC, in response:**

- this is described clearly in the report – they will be on the inside.

**HM:** asked for confirmation that they will still be red – they should be, as befits their iconic status.

**BF:** said the proposal was a novel idea and would be better than 'dead' phone boxes.

**RG:** is glad the phone boxes are being taken away in stages and not all at once.

**GB:** when they are used for art exhibitions, will people still go inside them to look at the art, and will they be locked at night? People have been known to use phone boxes for anti-social purposes.

**MJC, in response:**

- they will be used for art installations, and this most likely means people will go inside them to appreciate the art;
- is concerned that Members are straying into micro-management – this is a good scheme, and if Members accept, the phone boxes will be improved, managed and looked after a lot better than they are now.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

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Application Number:	13/02049/CACN
Location:	Grounds, St Marys Church, Well Walk
Proposal:	Felling of 3 trees and works to 7 trees within grounds of St Marys Church, see 'Tree Work Schedule' submitted with notification for full information. NB: Further works also taking place following routine Health and Safety inspections by the Tree Section, these works do not require a formal notification but details of these works have also been included for information, see additional information for further details
View:	Yes
Officer Recommendation:	No objection raised
Committee Decision:	No objection raised
Letters of Rep:	0
Update Report:	None

***Councillor Driver left the Chamber for this debate (see above) and the rest of the meeting***

LM explained that this is a CBC application, and is required to improve light levels and personal security in the church yard. It is also part of the regeneration and general improvements to the area.

**Public Speaking:**

None.

**Member debate:**

PT: asked for clarification of which trees were coming out and which were to be worked on.

**LM, in response:**

- explained by reference to the drawing on the screen which trees were to be removed and which to be worked on. Only T4, T5 and T27 are to be removed.

**Vote on officer recommendation to raise no objection**

13 in support – unanimous

**NO OBJECTION RAISED**

**6. AOB**

There was none.

**The meeting ended at 8.10pm.**