

Planning Committee

6.00 pm, 17 July 2014

Present at the meeting

Councillor Andrew Chard
Councillor Matt Babbage
Councillor Jacky Fletcher
Councillor Diggory Seacome
Councillor Bernard Fisher
Councillor Colin Hay

Councillor Andrew McKinlay
Councillor Klara Sudbury (Chair)
Councillor Pat Thornton
Councillor Malcolm Stennett
Councillor Rowena Hay (Reserve)
Councillor Paul Baker

Officers in attendance

Martin Chandler, Team Leader, Development Management
Tracey Crews, Head of Planning
Cheryl Lester, Legal officer
Mark Power, Gloucestershire Highways
Mike Redman, Director of Built Environment
Lucy White

1. Election of Chairman

In the absence of the chairman Councillor Garth Barnes and a vice chairman, due to no nomination having been approved in time for the meeting, One Legal Solicitor Cheryl Lester asked for nominations for a chairman for the meeting. Councillor Bernard Fisher proposed Councillor Klara Sudbury, who was appointed chairman for the purpose of this meeting.

2. Apologies

Apologies were received from Councillors Barnes, McCloskey and Wheeler.

3. Declarations of Interest

Councillor Fisher declared a prejudicial interest in item 14/01043 FUL 102 Mandarin Way, in that he would be speaking on behalf of the applicant as the councillor for this ward.

Councillor Colin Hay declared a prejudicial interest in item 14/00739/FUL Telford House, being a member of Cheltenham Borough Homes.

Councillor Baker declared that due to a prior interest in item 13/02174/FUL 86 Cirencester Road, as he would be speaking in his capacity as ward councillor, but then leave the Chamber for that item.

Councillor Sudbury declared a personal interest in item 13/02174/FUL 86 Cirencester Road being a county councillor representing that ward.

Councillor Colin Hay declared a personal interest in item 13/02174/FUL 86 Cirencester Road, as a personal friend of Cllr Baker who had objected to the application prior to becoming a Councillor of the Council

4. Public Questions

There were no public questions.

5. Minutes of last meeting

Resolved, that the minutes of the last meeting held on 19 June 2014 be approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications**7. 13/02174/FUL 86 Cirencester Road**

The Senior Planning Officer, Lucy White, introduced the report regarding the proposal to erect a new convenience store (A1) with associated parking, following demolition of all existing buildings on the site. Landscaping, replacement boundary treatment and alterations to the existing access were also proposed. The application was before Committee at the request of former Councillor Penny Hall.

Public speaking :**Mr Russell Grimshaw, in objection**

Mr Grimshaw quoted that the NPPF stated that it was important to “recognise village centres as the heart of their communities and pursue policies to support their viability and vitality”. He explained that NISA, Coop and Budgens were the anchor stores in that part of Charlton Kings and their loss would threaten the viability of other independent businesses in those centres. The loss of Budgens would include losing the last Post Office. The DPDS report confirmed that NISA would close as a result of this application and the Coop was not at risk in the short term. He said that the planning fallback position of the site was not the the petrol filling station which was some 18 years ago but a new and used car sales operation. Little weight should therefore be given to this consideration. The comparison in terms of traffic flows was in his view therefore misleading and they should be compared to the current hand car washing facility or in his view the correct fall back position.

Mr Grimshaw highlighted that adherence to and enforcement of the Delivery Management Plan (DMP) was critical and he quoted examples where similar stores did not manage or coordinate their deliveries. He raised the issue of staff parking in Church Piece and the surrounding residential streets which would result in disturbance, obstruction, traffic congestion and loss of amenity to residents. The DMP stated that deliveries would not be timed to coincide and the public would not park in the loading bay. He gave the example of a store in Tuffley where a car had parked in the loading bay with a delivery lorry waiting behind it and a further lorry unloading in the road.

Mr Grimshaw also made reference to the fact that there had been no assessment of the use of the ATM.

The objector then raised the issue of noise and questioned the methodology used by the Hann Tucker Noise Assessment.

In conclusion Mr Grimshaw said the proposal would increase traffic flows and congestion and local residents would suffer loss of amenity with intrusive noise from the increased hours of operation, parking, congestion and obstruction. The character of the village would be in his view irrevocably damaged with the loss of one or more of the existing convenience stores and reduced viability of the surrounding independent retailers. He believed there would be no net economic gain to the area.

Mr Giles Brockbank, applicant’s adviser, in support

Mr Brockbank recognised that this application was before members due to local objection to the scheme. He asked Planning Committee members to consider the scheme on its

planning merits and in line with up-to-date planning policy and the recommendation from planning officers to approve the scheme.

He outlined the key planning issues as follows: -

1. The principle of a convenience store on this site fully accorded with planning policy and the independent advice sought by the Council on the retail issues clearly stated that objections to the retail use cannot be sustained from a planning policy perspective and this was not a reason for refusal.
2. In terms of the form and design of the building the mass of buildings had been considerably reduced following consultation with officers and local residents, with the two previously proposed A3 units now removed and the design simplified. The current design and appearance was supported by officers. The NPPF made it clear that local planning policies and decisions should not attempt to impose architectural styles or particular tastes upon development.
3. The highway issues had been carefully considered over the past 10 months and highway officers were happy that a safe and suitable access could be provided. In this respect, there were deemed to be no technical grounds to refuse the planning application.
4. In terms of noise and impact on amenity of surrounding residents, the proposed store has been carefully considered including times for deliveries to the site and the management of those deliveries to minimise any noise. The noise issues have been carefully considered by the Council's environmental health team and the proposal is considered appropriate with suitable planning conditions attached.

Mr Brockbank reiterated the conclusion from the officer report which stated :

'Following careful consideration, officers have no overriding objection to the proposed development in terms of the principle of a retail use on this site, loss of amenity to the locality, impact on existing neighbourhood centres, design and layout and highway safety.'

Mr Brockbank also added that the application had been assessed by a planning barrister who had examined the planning policy implications of this case and he concluded that there were no planning grounds from a retail, design, highway safety or amenity perspective that would justify refusing this application and that the officer recommendation was robust and indisputable.

In conclusion, Mr Brockbank highlighted that this was a credible application on an underused commercial brownfield site that considerably detracted from the area. The proposal replaced a shop and garage with a shop so would not be differing greatly from the historic use of the site. He believed that the proposed building would significantly enhance the appearance of the area.

Councillor Rob Reid, in objection

Councillor Reid stated that the fact that communities expressed support for affordable housing did not constitute a material consideration, and by implication, the voices of almost a thousand people who signed the petition would not be heard. He was of the understanding that localism meant the empowerment of people to shape their future. He also quoted Strategic Objective 5 of the Joint Core Strategy which stated that "all new developments should be valued by residents and be well located infrastructure which met the needs of residents" in the face of so much opposition. Councillor Reid stated that given that we have a legal obligation to demonstrate a five year housing supply and our priority is to use brownfield sites where possible before straying into green belt, housing would have been a priority.

He explained that the previous 4 petrol stations that disappeared in Charlton Kings were replaced by dwellings. They were contaminated sites, but the developers worked with the grain and provided what the people desired.

He expressed his concern about the application's impact on local commerce and how overall business activity could remain vibrant. He failed to see how this proposal supported the NPPF objectives of improving the environment and ensuring sustainability when existing retail outlets would be stressed and degraded. He also questioned how the application would fit with the JCS objective in that "the purpose of planning was to help achieve sustainable development."

Councillor Reid made reference to the DPDS report which confirmed that the NISA store would eventually close and he questioned the Retail Impact Assessment which asserted that this site did not constitute a commercial hub and therefore did not merit protection. In his view the area historically carried great importance for local people, acting as a meeting point for people of all ages and he feared that this element of the area's social fabric would be lost. The NPPF encourages "promoting healthy communities by retaining strong neighbourhood centres and providing opportunities for residents who might not normally come into contact with each other."

Councillor Reid then made reference to the influence the retail development would have on increasing footfall, particularly of young people and the elderly and vulnerable, across the A435 between the continuous line of parked cars. He referred to the lack of evidence in the Highways report relating to road width. Having measured the road himself he noted a considerable and sudden narrowing between Pumphreys Road and the proposed entrance before it then widens again. The carriageway reduces by four feet which was in his view significant. He noted that the report stated that roadside parking by the store would be inevitable, so as drivers sweep north round the bend, conditions change and two cars would then not have the space to pass, contradicting policies CP4 and TP1.

Councillor Reid hoped that the Committee would give particular attention to the comments put forward by the Parish Council who also site the NPPF test when approving applications of "improving the character and quality of an area and the way it functions". He also highlighted the comments submitted by his fellow Ward Councillor Helena McCloskey.

Councillor Paul Baker, ward councillor, in objection

Councillor Baker highlighted that the local community was united in its opposition to this application. It had received 120 letters of objection, a 900 signature petition and had been condemned by Charlton Kings Parish Council, the Architects Panel, Urban Design and some experienced planning committee members. He believed that land should be used for the maximum benefit of the community and those living and working within it. It should not be driven by the use which drives the most revenue with complete disregard for that community, its need and the amenity it enjoys. In his view the NPPF did not change the statutory status of the development plan as the starting point for decision making and proposed developments which conflicted with an up to date Local Plan should be refused. He believed the current plan, whilst it required updating, was robust and credible and continued to serve the town well.

Councillor Baker quoted from the NPPF that planning should be "genuinely plan-led, empowering local people to shape their surrounding" and be a creative exercise in finding ways to enhance and improve the places in which people live their lives. He believed that local people had not been empowered in respect of this application but sidelined and ignored and that their quality of life would be adversely impacted.

Councillor Baker stated that Local Plan policy RT7 stated that retail development would only be permitted outside of defined shopping areas where a need for additional floor space had been demonstrated and the proposals did not harm the vitality and viability of a neighbourhood centre. The new store would take 80 % of its trade from major supermarkets

but DPDS would take trade from like stores which are within 500 yards of the site. They also said NISA would close but the impact on other stores was unknown.

Policy CP4(a) stated that development would only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality. This proposal extends the opening hours from 58 hours a week to 111 and in addition the cash machine would be open 24 hours a day. In his view this would result in a significant reduction in the amenity currently enjoyed, noise, light, disturbance, traffic, pollution, inconvenience, doors slamming, engines running, people shouting, lights on, vehicles parking on the roadside, refrigeration units running.

Councillor Baker challenged whether the Delivery Management Plan would satisfy the tests of the NPPF because it relied upon ongoing interventions from staff taking calls from delivery drivers, operating the delivery area bollards and ensuring this area is clear. This represented a serious and ongoing responsibility as was ensuring car park spaces were not blocked with refuse.

Councillor Baker said residents wished to see the site redeveloped, but for something that would enhance their community in a sustainable way.

He believed there were sound grounds for refusal, both with reference to the NPPF and the Local Plan and believed that a robust and convincing case should be built to reject this unwanted application at the appeal which would surely follow.

Councillor Baker then withdrew from the Chamber for this item.

Member debate:

Councillor Fletcher asked whether remedial work would be necessary on site as the previous use was a petrol filling station. She spoke against the application and quoted the core planning principles of the NPPF and CP7 of the Local Plan. She believed the application would have an impact on residents including noise. She also quoted under CP4 that the Delivery Management Plan was unsustainable as it would be difficult to enforce.

Councillor Seacome highlighted the dangers with regard to the egress on the road with the proposed deliveries only entering the site from the left hand side and leaving at the right end. He believed that this had not been thought through properly.

Councillor Fisher thought that the Delivery Management Plan was a good idea but it was not enforceable. He referred to the oversupply of convenience stores in the town and made reference to some stores where the DMP was clearly not working. He would prefer to see an application for housing on this site.

Councillor Chard referred to the chaos which was likely with parking on the Cirencester Road and asked what provision there was for staff parking.

In response to questions the Senior Planning Officer confirmed that the site was contaminated as the tanks remained in situ. However remedial works were proposed to make the site safe. In terms of the loss of valued services she spoke in the context of paragraph 70 of the NPPF. It had been acknowledged that the Nisa store was likely to close as per the DPDS retail consultants report, but planning permission for a new store would mean there would be improved facilities for residents and better parking. It was important to assess the extent of the impact and the consequences of the proposed development. Noise was not deemed to be a significant issue and Environmental Health was satisfied given that a number of conditions had been placed on the use of plant equipment and the building itself. The store would be located on a busy arterial road and the current hand jet car washing facility on the site, whilst operational in working hours, did generate noise. She

highlighted that the site did have a commercial history with a petrol filling station being the former use of the site.

The Senior Planning Officer explained that with regard to the delivery management plan and its enforceability there were definite aspects which could be enforced such as the direction of deliveries, storage, opening hours and hours for deliveries. Should these stipulations not be adhered to a breach condition notice would be issued and there would be no right of appeal so would ultimately lead to prosecution. In terms of the point on need for a convenience store the Planning Officer explained that RT7 was out of date and it was a question of considering the impact and a sequential test. Use of the site for housing could not be expressed as a material preference, the application should be considered on its merits rather than on preference for an alternative use.

The Head of Planning, Tracey Crews, explained to members that the JCS was the strategic element of planning policy and therefore members comments were more relevant to the Cheltenham Plan.

Mark Power, Gloucestershire Highways said the DMP states that all deliveries would approach from the northern access and leave the site from the south There was no policy on staff parking but the planned customer parking would be attractive to use. Where there was evidence of customer parking on the roadside a financial contribution from the developer could be sought for implementing waiting restrictions and installing street furniture. He did not believe that this application could be judged as severe according to the NPPF criteria and he highlighted that the previous use of the site as a petrol filling station could not be ignored.

Councillor Colin Hay objected to the number of convenience stores in the town. He gave the example of a convenience store on Hewlett Road where there was an issue with parking for delivery lorries, particularly where there was more than one delivery at a time. He also raised the issue of the 24 hour ATM which could cause extra disturbance and he suggested that the hours of this should be restricted. He added that the actual location of the ATM was important as he believed customers would use the delivery bay unless there was a physical barrier to stop parking there.

Councillor Colin Hay reiterated the issue of delivery routes expressed by other members and he proposed that weight restrictions be implemented on surrounding residential roads as such vehicles could materially effect those living there with potentially 4 articulated lorries driving along those routes each day.

Councillor Stennett believed there was no material planning reason why the application should be refused but supported a proposal to add a condition regarding the ATM. He believed that the ATM should either be located inside the store or there should not be one at all. In terms of staff parking he believed staff should be allowed to use a couple of spaces on site rather than parking on the main road.

Councillor Sudbury asked what the permitted hours of opening were for the Petrol Filling Station when it was in operation and also asked whether a new planning application would be required should the site again be used as a PFS. She also agreed that the ATM would cause additional disturbance and this issue should be discussed with developers. Parking was very difficult on the main road and in her view it should be contained on the site and asked how this could be enforced. Like other members she also expressed concern about the access route for deliveries and believed that large lorries should not be allowed on to the neighbouring residential roads of Bafford Approach and Sandy Lane.

Councillor Chard reiterated concerns about delivery vehicles causing traffic hold ups when turning right on to the site.

Councillor Thornton also expressed her concerns about delivery vehicles and made

reference to a convenience store at the railway station which had no DMP and where lorries parked in the bus stop when making its delivery which caused chaos. It would not be an easy situation to manage and enforcement would be difficult. She did however support the application as she could see no sound planning reason for it to be rejected.

In response to questions the Senior Planning Officer acknowledged the issues with the Hewlett Road convenience store and explained that this was a retrofit store and did not require planning. She highlighted that the proposed development would have a dedicated loading and delivery bay and vehicular conflict would be minimal. She said that the issue of the ATM could be discussed. There were ATMs which could be silently operated but equally a discussion could be held as to whether the ATM should be located within the store. She reiterated her previous comments about land use and explained that in their consideration members could not express a preference for one retailer over another. It was likely that Nisa would suffer but the site could be put to an alternative use and the retail impact study had said that the new store would not affect the remaining shops which had a different trading pattern and would reinforce each other. It would remain a neighbourhood centre and the new store would provide for the local catchment.

In terms of traffic routing the Planning Officer explained that to a certain extent the route for deliveries was not a planning consideration but one for the supermarket itself although it was suggested that drivers approach from a certain direction. In terms of the numbers of staff at the store there would be no more than 20 at any one time. With regard to the opening hours of the petrol filling station the records were not to hand but if an application was received for a PFS again then planning would be required. As it was a relatively small shop the numbers of deliveries a day would be between 2 and 3 with a newspaper delivery at 6 am. There had been no noise complaints from residents with regard to the car wash operation.

Councillor Babbage highlighted that Newcourt Road could not handle much traffic and he also expressed concern about the removal of the trees facing Newcourt Road. He referred to paragraphs 70 and 58 of the NPPF and CP4 as he believed that this application would damage the sense of community and character of Charlton Kings as a whole.

Councillor Fletcher referred to the width of the road near the site and explained that it would be dangerous for two cars to pass if there were cars parked on the side of the road. She believed the application went against RT7-harming the vitality and viability of a neighbourhood centre and that there was no need for an additional convenience store.

Councillor Colin Hay reiterated his experiences with delivery vehicles at a convenience store on Hewlett Road and explained that when the delivery bay was full a second delivery vehicle would still park up which caused traffic issues. He also supported other members' in their objection to delivery vehicles using Bafford Approach and Sandy Lane which would be detrimental to the residents of those roads and would be very difficult to accept without weight restrictions in place. He would also like a physical barrier outside the entrance of the store to discourage use by cars when the shop was closed.

Mark Power, Gloucestershire Highways, explained that there were no powers to force the retailer to provide staff car parking. It was important that parking could accommodate customers as the store would have a high turnover of users. Staff could use the existing parking on the highway. He disputed the fact that the right turn would cause traffic chaos.

Councillor Sudbury asked if the former use as a petrol station fall back position was a strong argument. Mark Power, Gloucestershire Highways said that the inspector would say that a material consideration would be that a building was there which was capable of being brought back into use. He also made the point that the store was proposing to provide a surplus bay.

Mark Power then explained that applying weight restrictions would require a Traffic Regulation Order but first a decision would need to be made as to whether the routing was

acceptable or not. With regard to the road width, the car park was attractive to use and therefore parking on the road would be minimal. Preventing use of the car park outside of the store opening times would rely on a stipulation in the DMP of raising bollards to prevent entry. In terms of traffic on the Newcourt Road, Mark Power explained that there was likely to be an increase in linked or bypass trips of 5-10 % but not necessarily any new trips. The impact was therefore not judged to be severe so would not represent a grounds for refusal.

Councillor Sudbury asked whether the DMP was deliverable and enforceable. In response Mark Power said that it was important that the size of the DMP was not unwieldy and unenforceable. It mainly concerned routing and supermarkets well understood routing themselves. How the DMP operated internally was reliant on staff. In terms of parking restrictions on the car park he explained that there were several supermarkets in Gloucester where time limits were in operation and only customers used them. Customer parking on site would be controlled by the store and self-enforced.

The Head of Planning referred to the reference made by Councillor McCloskey on Local Development Orders. These were a planning tool and local authorities could use these to bring forward brownfield sites. Officers were reviewing all sites through the Cheltenham Plan process. The applicant was advised that the preferred option for the site was housing but officers had to look at the application on its merits.

In response to questions the Senior Planning Officer explained that whilst the landscape strip on Newcourt Road would be removed it would be reinstated on the boundary edge. She explained that there were some self seeded trees and shrubs where the root growth area was limited so they would never reach maturity. The issue had been discussed with the Council's landscape architect to encourage an improved landscape boundary. She explained that the footprint of the site had already been reduced and could not be reduced further. In terms of the detrimental effect on the character of the village this was somewhat subjective and the existing brownfield site did little to add to the character of this part of Charlton Kings. The view was that the proposed design of the site was acceptable and there would be little impact on Newcourt Park so in townscape terms the proposal was acceptable and an improvement on the current site.

Councillor Sudbury said that her view for reasons for refusal were the impact on Newcourt Road and the impact on the character for the area; parking and impact on amenities for local residents; delivery vehicles travelling on surrounding residential streets.

Councillor Fletcher quoted CP7, CP4, and RT7b as additional grounds for refusal and noise. Martin Chandler, Senior Planning Officer stated that noise could not be identified as a concern, it had always been a commercial site located on a busy A road and the existing operation already generated a degree of noise on site. A silent ATM would be discussed and HGVs would cause minimal disturbance. RT7 could not be used as grounds for refusal as this would be deemed as protecting the private interests of one store over another.

Councillor McKinlay expressed his preference for housing on this site but acknowledged that this was not a choice to be made. He highlighted the importance of being able to defend a decision in front of an appeals inspector and was therefore not convinced that there were planning reasons to refuse the application. He acknowledged that a decision could not be made with regard to the potential loss of an existing commercial enterprise and whilst he acknowledged the impact on the roads this would not, in other circumstances, be a reason to refuse.

Councillor Sudbury explained that the grounds for refusal were not protecting one local store over another but preserving the viability and character of a particular area. This was supported by Councillor Fletcher.

Martin Chandler explained that the report from the retail consultants said that the vitality of the local centre would be maintained as the other stores would not be unduly affected. They

stood alone as a parade and would reinforce each other. Therefore the NISA store should be detached from the parade of shops. He explained that it would be against the advice of officers to use this as grounds for refusal as this would almost certainly incur costs for the council in terms of an appeal.

Councillor Sudbury raised the issue of noise. The store would have longer hours of operation than the current jet wash car wash. In response Lucy White explained that Environmental Health had no concerns with the exception of adding a number of conditions in relation to opening hours and the ATM and the plant and extraction equipment where noise emissions should be 5 decibels below the background noise level. In terms of evening noise, this would tail off as the evening progressed, with the store closing at 11 pm.

Councillor Babbage believed that the application went against CP7 in terms of the design which had been viewed by the architect's panel as unpleasing and ascetically below what is expected on a key site.

Councillor Fisher said that the noise levels would continue beyond the hours of the current operation on site.

Councillor Sudbury referred to the comments of the urban design manager with regard to the fact that the space available was tight and that there was in his view little margin for error before noise and disturbance from manoeuvring cars and delivery vehicles, reversing alarms, movement of cages begin to affect the amenity of those living around it or using the open space. She believed the proposal was unconvincing and the DMP unenforceable with severe impacts on the residents of the area.

Councillor Fletcher made reference to the fact that she had gone through the NPPF thoroughly which was a powerful document. She quoted CP4, CP7 and RT7b as reasons to object to the application. She questioned whether it was a balanced application to suit all.

Martin Chandler, Senior Planning Officer, explained that positivity was the nub of the NPPF. The decision made by Members should be based on solutions not problems. He expressed his fear that the council would be taken to appeal and incur significant costs. The committee and officers had been given a clear steer on the retail impact of the proposal with independent retailers unlikely to be affected. In terms of noise, whilst the current use of the site was restricted in terms of hours of operation, it was noisy and traffic on the Cirencester Road also contributed to noise. It was difficult to suggest that this application would generate more noise than what currently existed and the Environmental Health team had not raised any objections in this respect. In terms of highway development management there were no particular implications and the DMP should be fully enforceable. Similar tools were in operation at other developments, e.g. Asda, and were working well. Therefore a refusal by Members would have very little substance and would inevitably lead to an appeal. Should members request a condition be attached to planning permission with respect to the ATM then this could be discussed with the developer and a form of wording could be agreed between officers and the Chair and the Vice-Chair.

Councillor Colin Hay believed that weight restrictions should be specifically introduced along Bafford Approach via the TRO process and that the developer should contribute to this process.

When asked about the trees along Newcourt Road, the Planning Officer, Lucy White, confirmed that a full landscaping scheme would be submitted and enhancements and improvements could be discussed. In response, Martin Chandler explained that in terms of the weight restrictions this was subject to section 106 sustainable transport measures. As the county highways representative was present at this meeting they could take a clear message back on this point.

Vote taken on Councillor Fletcher's move to refuse

7 in support
4 in objection

Motion WON
APPLICATION REFUSED

8. 14/00739/FUL Telford House, Princess Elizabeth Way

Councillor Colin Hay left the Chamber for this item

Senior Planning Officer, Martin Chandler, introduced the report proposing the replacement of soil/waste pipes to the external rear elevation of Telford House and explained the matter had to come to committee as Cheltenham Borough Council was the applicant. The officer recommendation was to permit the proposal.

Vote taken on the officer recommendation to permit

11 in support – unanimous

PERMIT

9. 14/00766/CONDIT Asda Stores Ltd, Hatherley Lane

Senior Planning Officer, Martin Chandler, introduced the report regarding the variation of condition 36 on planning permission 10/00252/FUL to extend the opening/closing times of the ASDA foodstore and petrol station. The update to the officer report outlined the proposed new operating hours of the supermarket and petrol station to open one hour earlier and to close one hour later, this being 6 am to midnight Monday to Saturday, 10 am to 4pm for the food store on Sundays and 8am to 8pm for the petrol station on Sundays. The officer stated that this was fully compliant with local plan policy CP4 to limit disturbance to neighbouring residents during unsocial hours and therefore recommended approval to the variation on operating hours.

Councillor Fletcher questioned the timing of the noise impact survey which was carried out over a Sunday night and which was not a typical trading day and Councillor Thornton asked if any noise complaints had been received.

The Planning Officer reported that although there had been some complaints to the store itself, no noise complaints had been reported to the council's Environmental Health Officers. It was also explained that the noise analysis survey was carried out along best practice guidelines which were difficult to go against. The officer stated that additional noise generated by cars parking after 11pm would be minimal as the number of customers would also be minimal and thus parking would be possible near to the entrance to the store, thus avoiding disturbance to nearby neighbours.

Vote taken on the officer recommendation to permit

10 in support
1 in objection
1 abstention

PERMIT

10. 14/00938/FUL 126 Warden Hill Road

Senior Planning Officer, Lucy White, introduced the report regarding a two storey side and single storey rear extension which had previously received planning permission, however the applicant now wished to add a lean to roof instead of the formerly approved flat roof. The Officer explained that the previous application had been approved subject to a reduction in size to reduce the impact on the neighbour and with a flat roof on the single storey extension. The applicant now wished to re-instate the lean-to roof with roof lights over the single storey element at the side and rear of the property. Officers considered that any

additional harm caused by the slight increase in height of the single storey extension of 300mm would be minimal and was not sufficient to warrant refusal of this application. Therefore the officer recommendation was to permit the proposal.

Public Speaking:

Clare Williams in support of the application

The applicant Clare Williams stated that they had resubmitted the plans still retaining the permitted footprint, layout and scale of the extensions, but proposing a pitched tiled roof rear extension instead of a flat roof. In her opinion, a tiled roof was more sustainable and would last in excess of 50 years, whereas a felt flat roof would only last 10-20 years. A tiled roof was also more in keeping with the main roof of the house and the rest of the row of houses. The applicant pointed out that out of the 23 houses in their row, 6 had pitched tiled rear extensions and only 4 had flat roof extensions, with a further 6 having pitched roof conservatories.

Member debate

Members questioned the light impact on the neighbours with the increase of 300mm in the height of the pitch and whether it passed the light test. The planning officer replied that a second light test had not been carried out as it was felt that a 300mm increase was not substantial enough to result in any significant extra loss of light to the neighbours.

One member favoured the proposed change stating that the angle of a pitched roof could almost improve the light situation, as opposed to the previous flat roof plan with velux windows and raised roof lights.

Vote taken on the officer recommendation to permit

11 in support

1 in objection

PERMIT

11. 14/01017/FUL 4 Keynsham Bank

The Senior Planning Officer, Martin Chandler, introduced the report regarding a three storey side extension, having received a revised submission after two previous refusals in June 2013 and November 2013. The officer pointed out the difference between the recently refused scheme and the one now proposed was a 500mm reduction in the width and depth of the extension at first and second floor level and as such did not feel the alterations were sufficient enough to alleviate the impact on the neighbouring property at No.5. The application had been brought back to committee as the request of Cllr Jordan. The officer recommendation was to refuse the application.

Public speaking:

Mr Ralph Staelens, applicant, in support

In support of his application Mr Staelens told the committee that he had lived at 4 Keynsham Bank for 6 years, in an attractive three storey town house property in a terrace of four houses set back from the London Road. There was a wide path and side yard with tall trees to the right. The interior had small rooms and a central staircase which was restrictive and two bedrooms on the third floor that were used and thus prevented family from staying. In addition, there was no sun in the side yard due to the tall trees, but morning sun at the back and sun at the front in the afternoon.

A further concern of his was security, having had several burglaries during the past 6 years with the property being accessed from back via the side wall.

His proposal was for a sympathetic three storey side extension with additional bedroom and family bathroom on the third storey, dining room/family room on the second storey and a garage and utility room on the ground floor. This would address the bedroom situation and security.

The applicant also felt that the present 2 storey premises gave an unbalanced look, whilst a 3 storey premises would give a pleasing visual aspect.

The neighbour at 5 Keynsham Road who was objecting was not present but had submitted a letter.

Member debate

Councillor Stennett indicated that he could not see a problem with the extension and that with the hedge and trees at the side, the effect of the extension on the neighbour's patio would be negligible. It was also further away than the other houses. He also agreed with the two story imbalance. Councillor Stennett moved to permit the application.

Councillor Chard was also in favour of the application, as from the planning view inspection he felt there was plenty of room.

Councillor Seacome recognised there would be an impact on the neighbouring house and commented that the four houses were built as a unit and by adding an extension it would destroy the symmetry of those four houses and aesthetically it would not work.

Councillor Hay did not favour permitting the application on grounds of the light impact and failing the light test as well as its close proximity to the neighbouring house. In addition Councillor Sudbury referred to the useful planning view visit and in her opinion she could see the reason for the officer's recommendation for refusal.

Vote taken on Councillor Stennett's move to permit

4 in support

8 in objection

MOVE LOST

APPLICATION REFUSED

12. 14/01043/FUL 102 Mandarin Way

Senior Planning Officer, Lucy White, introduced the report regarding the erection of two storey side and single storey front extensions, wood burner flue in roof of proposed two storey extension and velux window in front roof slope of main dwelling. The previous application for a two story side extension had been granted in April on submission of revised drawings showing a reduction in width and depth. The applicant had now submitted plans for a single storey pitched roof extension, which extended the front elevation of the main dwelling by 2.6 metres. Furthermore the characteristics of Mandarin Way were open plan in nature, and this would detract from the overall appearance of the area as the proposed development almost doubled the footprint of the property.

This application was put to the committee at the request of Councillor Fisher, however the officer recommendation was to refuse the application.

Public Speaking:

Mr K Taylor, applicant, in support

Mr Taylor told the committee that he had moved into the house in 1972 when it was built and had paid an extra £200 for the land at the side. In 1982 he had applied to Tewkesbury Borough Council to build an extension which included wheelchair access, but had not carried out the work. In his previous application to this planning committee, he had reduced the area of the extension from 12.25 sq m to 10.2 sq m., but now this was no longer sufficient as, due to various operations and medical needs, he required sleeping accommodation downstairs and wheelchair access. Mr Taylor thanked Councillor Fisher for his support and reiterated that all he requested was a downstairs bedroom.

Councillor Bernard Fisher, friend of applicant, in support

Councillor Fisher spoke in support of this application, advocating that we all live longer and with an ageing population Mr Taylor was trying to make provision for this, with a single storey downstairs bedroom built on the land he had bought to the side of his house. Councillor Fisher had issues with the refusal reasons cited. The row of dwellings were not identical with two detached houses, four dormer roofs, six flat fronted, two with porches and the line of the row was staggered. The extension would not cause harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building as outlined in CP7. Councillor Fisher also highlighted that the existing hedge which can be conditioned and which is necessary for privacy would conceal the single story extension.

Finally no objections from neighbours had been received.

Councillor Fisher then left the Chamber for this item.

Member debate

Councillor Stennett agreed with Councillor Fisher's comments. He concurred that there would be minimal effect on the neighbourhood and with no objections having been received, Councillor Stennett moved to permit the application.

Other members also favoured permitting the application on the grounds that the house was at the end of a row, tucked away in a corner with land dropping away at the side, surrounded by a wall and a hedge.

In reply to members' comments to permit, the Planning Officer referred again to the doubling in size of the footprint which would alter the building line and pointed out that the hedge / wall would have to be removed so the pitched roof would be visible above that.

Councillor Sudbury questioned the officer about the materials to be used and suggested that if it was proposed to permit that a condition be applied on the subject of the materials to be used. This was agreed.

Vote taken on Councillor Stennett's move to permit

11 in support

MOTION WON

APPLICATION PERMITTED

13. 14/01079/FUL 40 Dagmar Road

Senior Planning Officer, Lucy White, introduced the report regarding the rendering of the rear two storey wing and increase in height of the rear boundary fence from 1.8 metres to 2.5 metres. This matter had come before committee as a member of the Built Environment team lived at the application site. The officer recommendation was to permit the proposal.

The Officer reported that the proposed rendering of the two storey rear service wing in white painted smooth render was considered acceptable, as the wing was concealed from view by the main two storey element and this section of the building would remain as red brick, and thus the impact on the character and appearance of the conservation area would be minimal.

The proposed increase in height to 2.5 metres of the rear boundary fence was also acceptable and would prevent direct overlooking into the rear of the application site and into the property at the rear of the application site.

Members were generally in support of this application, with no further questions.

Vote taken on the officer recommendation to permit

11 in support

1 in objection

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

One Legal Solicitor, Cheryl Lester, said that three nominations had been required from the planning committee for the Planning Code of Conduct working group. This working group consisted of three members of planning and three members of Standards committee. The former members from Planning had been Councillors Thornton, Garnham and Coleman and replacements were needed for Councillors Garnham and Coleman. Councillor Fisher confirmed that Councillor Barnes as the newly appointed chair of planning had agreed to be nominated as a member, and the Solicitor thus requested another nomination. It was further pointed out that the matter was urgent as it was intended that a revised protocol be produced by September/October. . Councillor Stennett proposed Councillor Chard.

Resolved, that Councillors Barnes and Chard be appointed to the Planning Code of Conduct Working group along with Councillor Thornton.

The meeting concluded at 9.25 pm