

draft minutes

Planning Committee

23rd October 2014

Present:

Members (13)

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Babbage (MB); Baker (PB); Chard (AC); Fisher (BF); McCloskey (HM); McKinlay (AM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

Substitute: Councillor John Walklett (JW)

Present as observer:

Councillor Chris Nelson

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Emma Pickernell, Planning Officer (EP)
Lucy White, Planning Officer (LW)
Chloe Smart, Planning Officer (CS)
Cheryl Lester, Legal Officer (CL)

Officer in attendance:

Mike Redman, Director Built Environment (MR)

Also present: Duncan McCallum, DPDS

1. Apologies

Councillors Clucas and Councillor Hay.

2. Declarations of interest

14/01522/FUL 72 Moorend Park Road

- i. Councillor Chard - will speak in support of the application then withdraw from the Chamber for the debate.

14/01436/FUL 86 Cirencester Road

- i. Councillor McCloskey – was not present at the July meeting when the previous application at this site was considered, so submitted a written objection to the proposal. Has taken legal advice and been advised not to take part in the debate due to pre-determination. Will withdraw from the Chamber for the debate.
- ii. Councillor Baker – will speak in objection to the proposal as ward councillor then withdraw from the Chamber for the debate due to pre-determination.

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3. Declarations of independent site visits

- i. Councillor McCloskey – was not on Planning View but has visited all the sites apart from Cleeve, Church Court Cottages.

- ii. Councillor Baker – was not on Planning View, but has independently visited 86 Cirencester Road, 7 St Michael's Close, and Diamond Jubilee, Old Bath Road.

Members present on Planning View: Councillors Barnes, Chard, Fletcher, Seacome, Stennett and Thornton.

Apologies: Councillors Babbage, Clucas, Hay, McCloskey and Sudbury.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 18th September 2014 be approved and signed as a correct record *without* corrections

6. Planning applications

GB introduced Duncan McCallum of DPDS, who is present to answer Members' questions – these should be addressed to the officer in the first instance. He said that Mark Power of GCC highways team cannot be present at the meeting, but as highways issues were dealt with at the last meeting, officers do not consider it essential that a county highways officer is present tonight.

Application Number:	14/01436/FUL
Location:	86 Cirencester Road, Charlton Kings, Cheltenham
Proposal:	Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Members present for debate:	11 (<i>Councillor McCloskey left the Chamber before the public speaking; Councillor Baker spoke in objection and then left the Chamber.</i>)
Committee Decision:	Permit subject to a 106 Obligation
Letters of Rep: 120 + petition	Update Report: Officer comments; additional representation

Councillor McCloskey left the Chamber at this point for the duration of the debate.

LW introduced the application as above, and provided some background to the site and proposals. It is currently used for a hand car-wash service, having previously been a car sales workshop and petrol filling station. The revised application being considered today is similar to the scheme refused in July. Refusal reasons were:

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- (1) impact on the viability of Croft Road shops and potential loss of facilities, contrary to policy RT7 and NPPF paragraph 70;
- (2) the design, appearance and impact on the character of the area, and removal of trees along Newcourt Road with insufficient replacement, contrary to policy CP7 and NPPF paragraph 58;
- (3) the increase in noise and disturbance and harm to the amenity of local residents, due to the increase in traffic, delivery vehicles, car parking, and the ATM, contrary to policy CP4 and NPPF paragraph 58.

The applicant has addressed these refusal reasons, following discussion with officers. Various options have come forward, culminating in the current application, which officers consider to be much improved – a good design, in keeping with local character, and providing additional shopping facilities. The previous refusal has focussed the applicant's mind in thinking about these issues, and was therefore a helpful decision in improving the scheme. Landscaping, layout, footprint and design are all considered acceptable by officers; the Civic Society and Architects Panel have approved the scheme, there are no objections from Environmental Health or Highways, subject to relevant conditions.

The application has been thoroughly scrutinised, with regard to the retail impact, noise levels, transport issues, and landscaping. Following the July meeting, improvements have been made to the scheme, including a review of the retail issues, and all previous refusal reasons addressed in a satisfactory manner. The recommendation is to permit.

GB checked that all Members had read the updates.

Public Speaking:

Mr Russell Grimshaw, neighbour, in objection

Other people have commented on the terrible impact this development would have on the quality of life of residents and the independent businesses, including the last Post Office, which form part of the social fabric and give Charlton Kings its village feel. Will therefore focus on factual planning matters. The 'fall-back' position is a material consideration, and one to which the developer could 'fall back' to without planning consent, but the site hasn't operated as a filling station since 1996, so this is not a use the developer could fall back to. It's been said that, as the tanks still exist, they could be re-used, but in fact they were filled with concrete in the mid-90s and are not re-usable; the fall-back position cannot be a filling station. The Transport Statement's analysis has been based on forecast traffic flows for a filling station, but as this isn't a valid fall-back position, such comparisons are irrelevant and the conclusions are therefore meaningless.

The Mango Retail Statement states this distance on foot between the development and existing neighbourhood centres relates to the impact on those centres, and that any centres closer than 500m will be affected. It then states incorrectly that Lyefield Road West and Church Piece are further than 500m and will therefore be unaffected, but in fact they are 465m and 389m respectively. The DPDS also fails to measure these distances correctly; this basic failure, and agreement in both reports that this is relevant to the impact of the proposed store, makes their assessment of the impact wrong.

The acoustic assessment has been produced using a methodology that the report's own author admits 'is widely considered to be stretching the use of the standard'. The chosen method of averaging noise incidents over a five-minute period and comparing them to background noise has been used to produce the required result, not to accurately assess the noise impact on residents. The World Health Organisation's 'Guidelines for Community Noise' would have been more relevant, providing guidance

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to noise levels suitable to protect surrounding residents against sleep disturbance. The report is therefore flawed and its conclusions meaningless.

Does not have time to waste on the ridiculous and unenforceable DMP. Members have not been provided with accurate information on which to base their decision, as the documents are incorrect and use misleading methods. The proposal does not represent sustainable development, is deeply flawed and should be rejected for these sound planning reasons.

Mr Giles Brockbank, Hunter Page Planning, in support

When the previous application was refused in July, the applicants listened to the long debate, noted the issues of concern to Members, and have since taken considerable time to address all three refusal reasons. This is explained in detail in the officer report, which is thorough, robust and comprehensive, and officers consider the proposed development to be consistent with policy, with no justifiable reasons for refusal.

The size of the store has been reduced to allow a meaningful and appropriate landscape buffer to Newcourt Road to help retain its character. The ATM has been moved inside the store, so can only be used when the store is open; opening hours have been reduced. The design of the store has been amended in line with comments from the Architects Panel and urban design officer, and the plant associated with the store relocated to protect residential amenity of surrounding properties. The traffic impact has been re-evaluated, and shows that the store will account for less than 1% of the traffic on Cirencester Road, considerably less than previous uses associated with the site. The retail impact has been assessed and, as previously, shows that there are no justifiable grounds to refuse the scheme on retail grounds – this has been independently assessed and the Council's consultant is present to clarify the point.

The proposal will enable the re-use of a brownfield site and its decontamination. Alternative proposals have been looked at for the site, including residential development, but this has proved unviable. The scheme at committee today is a genuine opportunity for a bespoke development which will enhance the site on an arterial route into town and provide much-needed employment.

All consultee groups and professionals have provided their qualified expertise when giving consideration to the proposal, applying their qualifications and experience to evaluate huge amounts of information. Their recommendations have put the proposal in context, giving due consideration to local and national planning policy, and the potential effect on those who live opposite and in the vicinity. In the context of the previous refusal reasons, the revised application has been examined by professional officers who consider the development should be given unequivocal acceptance.

The proposal before committee today is the result of the planning system working at its best to respond to and improve schemes, in this case addressing the concerns of the committee. There is now a very robust recommendation to approve which deals with all the planning issues thoroughly. It is clear from the resubmissions that there are no justifiable or defensible reasons to refuse; therefore trusts that Members will follow the advice of their officers and approve the scheme.

Councillor Reid, in objection

It must have been quite a marathon for Councillors examining all the evidence in this case, and the large number of objections shows the strength of feeling against this proposal. Charlton Kings Parish Council reached their own conclusions, as follows: (a) the deleterious impact on the sustainability of

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local businesses; (b) loss of amenity for nearby resident, regarding noise and traffic; (c) failure to meet the JCS objection 'to ensure that all new developments are valued by residents as they...provide well-located infrastructure which meets the needs of residents'; (d) failure to meet the NPPF test of improving the character and quality of an area and the way it functions; (e) concerns about the hazard of likely parking on both sides of Cirencester Road opposite the proposed store's entrance; (f) concern over access arrangements for delivery lorries. Members will have read their expanded arguments on each aspect of these, which effectively summarise the situation and mirror the numerous concerns from local residents.

The improvements in the design and more sympathetic treatment of Newcourt Road are acknowledged, but the fundamental difficulty remains that these proposals are an unwelcome solution to how the car wash site might be developed to enhance the lives of people in Charlton Kings. If localism means anything, it must mean that the developer works with the grain and reflects the needs of residents. At the heart of the NPPF is the presumption in favour of sustainable development and the core planning principle of empowering local people to shape their surroundings. This includes the need to promote mixed use and deliver sustainable development, which this scheme fails on both counts; it is more of the same, and admits that an existing retail outlet is likely to close – so doesn't reflect the NPPF aim to promote the retention and development of local services and community facilities. The historic hub around the Nisa site is held in special regard by Charlton Kings – as a meeting point it plays an important part in people's lives, not recognised in business evaluation though a key element in the social fabric of south Charlton Kings. It will be degraded with the loss of Nisa.

Concerns about traffic and pedestrian safety on Cirencester Road are strengthened, and the previously accident-free zone could be seriously compromised. The road narrows by four feet at the entrance to the store, and two cars will not be able to pass if there are parked cars on both sides of the road. The traffic report stated that casual parking on the carriageway is expected, and this coupled with an increased footfall across the main road, by elderly and vulnerable people, is a receipt for disaster. At seasonal peak times, shoppers are likely to use the east side of the road, causing displacement into Pumphrey's Road, which is already crowded.

Any breaches of the Delivery Management Plan will be difficult to challenge, due to demands on enforcement team and the complexity of presenting credible evidence. Will delivery drivers comply with all the requirements? Evidence from other parts of town shows disturbance for neighbours.

The impact on neighbouring business cannot be accurately predicted, but empirical evidence from Smith & Mann shows that the development of a new store at a distance and expansion of a local shop depressed takings by 25%; a further reduction of 15% and the business will no longer be viable, which would mean losing the one remaining Post Office in the village – not sustainable, in line with the NPPF.

In view of the extensive reasoned arguments by residents that this development doesn't reflect local, national or JCS policies, hopes that Members will be minded to reject it.

Councillor Baker, in objection

Three months ago, Members voted to reject essentially the same application, an unashamedly speculative scheme to build a convenience store which the local community doesn't want or need as demonstrated by 113 letters and a petition of 600 signatures in objection. With three convenience stores close by, how does this application accord with the NPPF statement that local planning authorities should positively seek opportunities to meet the development needs of their area – there is clearly no need for another convenience store in this area. A core NPPF principle talks about empowering local people to shape their surroundings, and about helping people to enhance and

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improve where they live. Far from empowering local people, this application ignores them and will reduce the quality of their lives, especially those living close by.

Although this scheme is marginally better than the previous one, it still proposes 104 operating hours a week (currently 58), from 7.00am to 10.00pm – potentially 104 hours of traffic noise and congestion, doors slamming, inconsiderate parking, delivery lorries coming and going, refrigeration units and engines left running. How does this not represent loss of amenity? Also of concern is the lack of staff parking, which means staff will inevitably use the nearby lay-by used for people visiting Newcourt Park.

On the retail impact – or more importantly the community impact – the applicant cites other locations where similar shops have existed side by side, but the DPDS has challenged each of these examples, stating that Nisa will close and that no-one actually knows the impact on the other two stores which play an anchor role in the community, and include Charlton Kings' last post office. How does this accord with the NPPF which states that planning decisions should ensure that established shops are able to develop and modernise in a sustainable way and are retained for the benefit of the community.

We should listen to the community. Planning is a subjective science, and this is a difficult and controversial application. Members should be consistent and reject it, giving residents the opportunity of convincing an Inspector of the power of their arguments, strength of their feeling, and passion for their community. They should not let the spectre of appeal costs influence their judgement.

One of the objectors has made reference to appeal decisions on similar applications elsewhere in the country. In Camberley, as here, it was noted that local residents did not feel any need for another convenience store, and that loss of residential amenity, traffic issues, and threat to the vitality of the local area were all valid reasons for refusal. In Wallasey, a proposal like this one on a car sales site as considered to have too great an effect on the living conditions of local people and cause too much noise and disturbance.

There are very, very strong reasons to throw this application out. Members should listen to residents and reject it.

Councillor Baker left the Chamber at this point for the duration of the debate.

Member debate:

JF: the first speaker made reference to sustainability of local businesses. What does the DPDS expert feel the impact of the development will be on the local retail shops?

KS: one of the drawings shows a white car parked to the left – can cars go through the site this way? Understood this area was for delivery lorries. Welcomes the debate, but will move to refuse based on two of the previous grounds for refusal which have not been addressed properly. Agrees that the application has been improved - has looked closely at the revised landscaping and it is an improvement but the scheme will still affect the character of the area. Is concerned about the impact on people living nearby – the benefits of the convenience store are far outweighed by the loss of quality of life they will suffer. A small local shop can be a real pain to people living in houses close by – if there is no room in the car park, people will park anywhere, even on the pavement, as happens at the Co-op on Leckhampton Road. Is sceptical about the delivery management plan.

BF: regarding noise levels, Members should be quite clear that at this stage there is no particular end user. A lot of detail has been submitted and comments made about the noise, plant, equipment etc,

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but how can we assess what equipment will be used? Chiller and air-conditioning units would be running 24 hours a day, and are big and noisy, depending on the make, manufacturer and specification. Recalls an application for one small unit on a domestic house where the neighbours were measuring the noise levels. This varies with the weather as well, and fridges need to run constantly. Does not consider enough information has been provided, and is concerned that the measurements are wrong. We cannot make judgements based on misleading information. What is the right way to measure the noise – what the speaker said or what is in the report?

JF: asked about access for delivery vehicles, and the proposal that drivers of articulated lorries will notify the store of their arrival, and how they will be able to turn round on the site.

MB: asked for clarification regarding the prior use of the site. The speaker has stated that a petrol station is not the fall-back position, so what prior use can we consider?

LW, in response:

- to KS, the car on the elevation drawing is shown as travelling along Cirencester Road, not parked in the delivery bay. The delivery bay is for delivery vehicles only, and there will be bollards and road markings to prevent customers from parking there;
- to BF, it's correct to say that we do not know who the end user will be, but the plant is likely to consist of one floor-mounted condenser, 2 floor-mounted air-conditioning units, and one for the office, which will not operate 24/7. There is a suggested condition requiring noise emission from the units to be 5db or below background noise levels, and all equipment and emissions to be approved by the Environmental Health team in order to satisfy criteria;
- regarding Leq/LMax criteria– this issue was referred back to the Environmental Health officer this week who had looked at this same issue when considering the earlier application, and was happy that the survey had been done correctly. Applying the Lmax criteria alone will pick up occasional loud sound (sirens/alarms), not the ambient background noise so was not considered appropriate for this assessment;
- to JF's question about delivery vehicles and the possibility of drivers trying to turn round when approaching from the north, this was discussed at the last meeting. There will be bollards at the car park end which will be lowered when a lorry leaves. Lorries won't be able to access the site from the north as the bollards will be in place, and drivers will be aware of this. There is no possibility of an articulated lorry turning round in the road;
- to MB, the 'fall-back' terminology has been used by the highways officer; the highway authority position is that the fall-back position may be the site's current authorised use or any previous use that could come back into effect. The officer view is that the site has a long history as a petrol filling station, back to the early 1960s – this is a material consideration and should be given significant weight. Technically, the fall-back position is the current use, but any previous use is a material consideration.

Duncan McCallum, of DPDS, in response:

- to JF's question about what the likely effect of this development will be on local shops, it is always difficult to say what the impact will be – there is an element of doubt with all sites. Feels that Mango has underestimated the turnover of the proposed store and assumed it will draw trade from existing supermarkets; there is a large one some distance away but DPDS consider this unlikely and that it is more likely to draw trade from Nisa;
- no-one knows how well the Nisa store is trading at present so we can only guess. Independent shops cannot continue to trade for long when they are making a loss, whereas large conglomerates can and may prefer to continue trading even when they are making a minor loss;

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- there is a significant risk that Nisa will close. There is less chance of a significant adverse effect on the shops at Lyefield Road and in the village centre as they are some distance from the proposed store;
- regarding the distance from the proposed store to other local shops, DPDS was aware of the footpaths when doing the initial appraisal of the routes; 500m is the distance by car. This is not crucial when assessing the impact in this case. Will people swap where they shop in large numbers when walking? Probably not;
- the NPPF glossary states that 'district centres' and 'local centres' do not include small parades of shops of purely neighbourhood significance. Croft Road falls into this category, and effectively this means that the NPPF wouldn't protect that centre against development. This is what an Inspector would find;
- the appeal decision at Camberley involved 31 shops and would definitely have been categorised as a district or local centre, unlike the four shops in Croft Road;
- RT7 protects neighbourhood centres but this is out of date, dating back the 2006, and an Inspector would note that it doesn't comply with the NPPF and accordingly give it very little weight.

KS: understands that the parade of shops at Croft Road and Nisa do not qualify as a local centre under the NPPF, but isn't Lyefield Road, including the post office, large enough to come into that category?

DM, in response:

- it is arguable about what constitutes a neighbourhood or local centre; Lyefield Road is larger and would therefore be more defensible than the Nisa/Croft Road shops.

LW, in response:

- the refusal reason on the previous application relates only to Croft Road. The impact on the other two centres (Lyefield Road and Church Road) did not form part of the refusal reason.

BF: notes the appeal at Borough Green in Kent; knows the area, and there is no large parade of shops there – it is a tiny place.

DM, in response:

- cannot comment on this; information is not included in the background papers.

GB: asked KS to elaborate on her proposed grounds to refuse.

KS: concerns relate to the impact on neighbouring residents rather than the first refusal reason relating to the likely impact on Nisa and the Croft Road shops. Is concerned about the post office at Smith & Mann, but if it wasn't included last time, it can't be included now and would not be defensible at an appeal. Considers the impact on local residents will be significant – not just from the increased traffic and worries about parking, but also potentially from the signage, the windows, and the appearance of the area being brought down. The report states that the impact has been addressed but does not feel that it has been. In her experience as a councillor has found that, even when people want a store to be built, it can cause a lot of nuisance for the locality, and in this case, people don't want it. The proposal is contrary to policy CP4 and paragraph 58 of the NPPF. We should promote safe and sustainable living.

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JF: at the July committee meeting, was very concerned about everything, but cannot come to the same conclusion today. There are no real planning grounds for refusal. The proposal is in line with planning guidance. Cannot support KS's reasons for refusal.

MS: agrees with JF. Was fairly comfortable with the application last time, but this scheme is even better, has addressed concerns – the planting on Newcourt Road, ATM and other problems have all been resolved. Will support the application.

PT: would like to reassure residents to some extent – has had a similar situation near to her home, where a supermarket has been built even closer to local houses, with people actually living over the shop. There is an external ATM which causes no problems. Delivery lorries do not cause any problems either – very occasionally two arrive at once, but these are not articulated lorries, and the situation is managed – and the Cirencester Road site is much more spacious. There is also a café on site, which could add to any chaos, but in fact works extremely well. Other local shops haven't been lost, and three other local cafes continue trade in the immediate area. One of the other stores includes a post office and is still well-used. Hopes this will reassure residents if the application is permitted and comes to fruition.

MB: NPPF paragraph 58 states that developments should respond to local character and history and reflect the identity of local surroundings and materials – Charlton Kings is a village within a town with a distinct identity, so the policy must apply here. Regarding the loading bay, there are no restrictions to entering it from the Cirencester Road side, so what will stop people from driving into it if the car park is full? Are there any restrictions to prevent vehicles from reversing out onto Cirencester Road?

KS: in response to PT's comments, does not consider the Tesco store opposite the station to be totally relevant here. There is huge footfall around the station; this is a quieter road and local shops will suffer. Residents' lives will suffer, and as a councillor, it is her job to help residents have better lives. Finding the right planning grounds for refusal is difficult, but anyone who lives nearby will say that this development will affect their lives. Regarding the fall-back position, it is stretching logic to believe that the petrol station will ever be brought back into operation, and disappointing that this has been given so much weight. Disagrees with officers' conclusions and urges Members to refuse the scheme and do what is best for local residents.

LW, in response:

- harm to neighbouring amenity must be demonstrable. Cirencester Road is a busy road, used by 7,000 cars a day, and the increase in traffic will be negligible – less than 1%. The majority of users will be cars already on the network, and a lot of customers will be pedestrian traffic – a third to a half are expected to be walking;
- the car park is contained in the site, and shielded by the building, so noise of car doors slamming at night when front doors are closed is unlikely to cause problems. The car wash uses a hand jet wash system which generates significant noise levels on the site;
- questions whether any increased noise will be heard above the noise of the traffic, and reminds Members that hours have been reduced and are restricted on Sundays. During the evening, trade will drop off, and it is therefore difficult to say that the store will harm neighbouring amenity in a significant and demonstrable way on this busy road.
- With regard to the fall back situation. Whilst planning permission would be required for a petrol filling station, should an application be submitted it would be difficult for this authority to resist give the long history of this use on the site

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KS: knows the road well and disagrees with LW. It is quiet at night. Customers will have music playing in their cars, will be smoking and talking, coming and going. One car may be OK, but several will have a demonstrably harmful impact on residents nearby.

AC: his heart says no to this application, although his head is beginning to say yes, but is concerned about noise, the effect on residents, and that officers have said that this is a busy road. People will have to cross the road, and there is no crossing nearby. Would hate the new store to be responsible for causing any accidents nearby.

KS: before Members vote on her move to refuse, they need to be clear on all the conditions. Do any Members have additional conditions they would like to add?

GB: the officers have provided a comprehensive list of conditions and informatives, and no Members have indicated that they want to add to these.

MB: in response to AC's comments about pedestrian safety, is there likely to be S106 money available for a new pedestrian crossing nearby?

LW, in response:

- there will be S106 money, to provide a build-out (traffic island), together with works to reduce the junction width between Newcourt Road and Cirencester Road and impose waiting restrictions. Provision to ensure highway safety has been generous.

BF: would like to be sure that the parking restrictions and bollards are in place before the store opens.

LW, in response:

- this would happen prior to commencement of the use.

Vote on KS's move to refuse on Local Policy CP4 and NPPF Paragraph 58

3 in support

8 in objection

PERMIT

Councillors McCloskey and Baker returned to the Chamber at this point.

Application Number:	14/01124/FUL
Location:	51 Leckhampton Road, Cheltenham
Proposal:	Erection of detached dwelling on land to the rear
View:	Yes
Officer Recommendation:	Permit
Members present for debate:	13
Committee Decision:	Permit
Letters of Rep:	7
Update Report:	None

MJC introduced the application described above, telling Members that the proposed house will be accessed via the existing access of 51 Leckhampton Road. Parking will be to the front of the existing villa. The development area is shaded on the drawing, and is adjacent to Whitley Court. The

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application is at Planning Committee following concerns in respect of amenity issues from the Architects Panel. The recommendation is to permit.

Public Speaking:

There was none.

Member debate:

AC: thanks goodness for Planning View – there is a lot of space here, which might not be evident from the drawings. Has grounds for wondering if the design of the building is as good as it could be – personally doesn't like it – but there is no doubt that there's enough space for another dwelling here. Access is good, and there is parking for the new dwelling on the site, not in front of the villa as stated by MJC. Despite his doubts about the building, in his view this house would be an addition to local amenity.

BF: unlike AC, likes the design, and agrees that there is plenty of space. Notes the Trees Officer's comments about the building being too close to the yew tree at No. 51 – has been told that this has been addressed, but where?

MJC, in response:

- apologises to AC for confusion re parking in front of the villa;
- to BF, the yew tree is sizeable and the Trees Officer had concerns. A tree survey was subsequently carried out and the tree can be retained. Tree protection details are necessary and included in the conditions on the earlier purple update, setting out the root protection area, method of installation and so on;
- has spoken to the Trees Officer who is satisfied with the arboricultural report

HM: one of the local residents has expressed concern about the narrowing of the drive to Whitley Court. Is this the case and, if so, will it still be suitable for refuse collection and emergency vehicles?

MJC, in response:

- the driveway will not be narrowed – it will remain as it is, and can take another dwelling. The Highways Authority is happy for a third dwelling to use this access.

Vote on officer recommendation to permit

11 in support

0 in objection

2 abstentions

PERMIT

Application Number:	14/01281/FUL
Location:	7 St Michaels Close, Charlton Kings, Cheltenham
Proposal:	Proposed single storey rear extension and conversion of garage to living accommodation
View:	Yes
Officer Recommendation:	Permit
Members present for debate	13
Committee Decision:	Refuse

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Letters of Rep: 9	Update Report: None
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CS described the proposal as above, which is at Planning Committee due to objections from the Parish Council. The officer recommendation is to permit, subject to conditions.

Public Speaking:

Ms Helen Lucas, neighbour, in objection

Moved to the house next door 16 months ago. Does not object to anyone wanting to extend their home, but is concerned about the scale of the proposed rear extension and the impact it will have on her living accommodation. The applicant has reduced the height of the extension by 20cm, but it still remains 9ft high, 12ft long, and just 23 inches from her window. It will overshadow the kitchen/diner, the only habitable room on the ground floor, where she spends a lot of time – and also the patio area. Being on the south side, it will block out daylight and sunlight from midday until dusk, casting a shadow from October to April and blocking late afternoon sun in the summer. A light test has been carried out, but this is not conclusive – it was not done on site, and the proposed extension will definitely make a difference. Does not want to prevent the extension being built, but to make it acceptable. A neighbouring rear extension is 2m high, has glass panels above and a sloping roof – this fits well and would be acceptable. A comparison has been made by the residents at No 11 to the extension at No 10, but the extensions are different – this is not a like-for-like comparison. The other extension is seven courses of brick lower, with a glass sloping roof. Similarly, the extension at No 12 is lower, shorter and narrower, and is on the north side of the neighbour concerned. Letters of objection outweigh those in support. Regarding the garage conversion and insertion of a window on the ground floor, the terraces are not uniform but they are designed in pairs, and the addition of a window will affect the symmetry - No 7 will stand out and look inconsistent with the rest of the Close. There have been many objections to this, citing the restrictive covenant which is intended to protect the Close from unreasonable building.

Mrs Louise Hooker, applicant, in support

Has lived in St Michael's Close since 2007. The current living space has become inadequate for her family's needs and, not wanting to move and noting that four other owners have extended their properties without any issues, decided to explore extending her property and converting the garage. Consulted an architect, who sought an early opinion from the planning department; spoke with adjoining neighbours who confirmed they had no objection, understood why the extension was needed, and were happy with the proposals. Did not consult the management company at this stage, as planning permission would be required in the first instance and such an approach would have been premature. Was astounded and upset when neighbours and the owner of No 10 registered objections. There have been four similar extensions in the close since 2006, all without objection to the planning department or management company. Her plans are consistent in size and scale with approved development and the design is the produce of cooperation with the planning office, amended to further address neighbours' concerns. The owners of No. 11 have confirmed no impact to their light or view from similar extensions at both Nos. 10 and 12. Her garden, and that of her neighbour, are west facing and benefit from direct sunlight from midday onwards. Cannot see how her proposals will impact on light, cause any shadow or impair views. Many residents of the Close have adapted their garages as informal living space or utility/storage areas, and conversion of her garage will not contribute to the parking problem in the Close, as she will retain two off-road parking spaces for her one car. Regarding the visual impact, the designs sit comfortably with the existing building and neighbouring properties, and the rear extension reflects work undertaken at other properties. There will be no alteration of the current features, merely replacement of a garage door with a window consistent with those in the existing dwelling. Believes her plans will enhance and add value to the appearance of the Close.

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Member debate:

DS: agrees with the first speaker. Considers the rear extension could be approved at a lower height but cannot agree with the conversion of the garage. The terraces were designed as a unit, and the proposal will destroy the look of the terrace. Asks whether the application can be considered in two parts or has to be voted on as a whole.

JF: is concerned about the impact of the rear extension on the neighbours. Went into the property on Planning View and noted how dark it will be. The proposal will be detrimental to the neighbours' living standards. Cannot vote for it.

PB: no-one objects to residents wanting to improve and increase their living accommodation but the issue here is scale and design. Members have seen pictures which show how oppressive the outlook will be for neighbours; other rear extensions in the Close are not as obtrusive or overbearing. Members who went on Planning View will appreciate the extent to which this proposal will impact on the neighbours. It should be thrown out, and revisited, so as not to have such a significant impact. St Michael's Close is a nice development – its symmetry has not changed since it was built and is a real attraction of the Close. This proposal would change that which would be a shame. The rear extension will be overbearing on the neighbours' key downstairs living area – it will have a major impact on the daylight in this well-used family area. If this was a utility room it may not be quite so important, but it is a key living area. The applicant should come up with something more considerate.

MS: has similar concerns. This very large extension will be clearly noticeable and may or may not have impact on the neighbours' light, but his prime concern is with the removal of the garage - it will throw the Close into disarray. If the garage has to be converted, the door should be kept identical and the two windows above used to provide the light – the architect could have come up with a way of converting the garage so that all the properties would remain similar. Will listen to the rest of the debate, but is concerned by this proposal.

AC: would object very strongly if he lived next door to this proposal. These are not big houses; the other extensions mentioned are more like conservatories, of glass and brick, and if this development was the same, would have no objection, but cannot support the great expanse of brick proposed. Removal of the garage door will change the look of the close and be out of keeping. Appreciates that the applicant wants extra bedrooms, but this isn't the right solution.

PT: also has concerns, and doesn't understand how the photographs work – they don't look right, and it isn't possible to see where the shadow comes from. The wall is high – this was evident on Planning View – and would be more acceptable if it was lowered. The officers say that the proposal passes the light test – is the shading on the drawing accurate? Regarding the garage, is surprised officers put this forward for approval in view of the appearance of the terrace and the whole area.

GB: a few Members have made comments which suggest they are thinking of refusal, but no reasons have yet been put forward.

CS, in response:

- to DS, the application has to be decided in full; part permission/refusal is not an option;
- to the suggestion that the height of the extension should be reduced, officers have already obtained changes to the original proposal, and consider the scheme complies with CP4;
- the proposal also passes the light test, and officers do not consider there will be any loss of neighbouring amenity;

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- it is worth mentioning permitted development rights here: this property doesn't benefit from PD rights but what is proposed is a common type of development with terraced properties, which can be built 3m high and 3m from the property's rear wall without planning permission. This proposal is 2.75m high and 3.6m long;
- the proposal passes the light test comfortably with regard to No. 8, and acceptably for No. 7, so there is no amenity reason to reduce the height;
- regarding the garage conversion, the original plan included a bespoke garage door, which officers felt to be rather contrived; they considered a simple casement window to be acceptable;
- there is nothing in policy to say that terraces or semi-detached houses have to be symmetrical. Although symmetry is a feature of this area, officers do not feel that a window will have a detrimental impact, whereas a bespoke garage door would look very different and out of place;
- also, under permitted development, the replacement of a door with a window would not need planning permission in a terraced property. As there are no PD rights here, it is up to officers and Members to assess the impact.

PT: is a little confused by what CS is saying. Are the applicants able to make changes whether Committee says yes or no?

CS, in response:

- no, these houses have no PD rights, so any work to the property needs planning permission. Members just need to remember that a 3m-high extension against the boundary of a terraced property wouldn't normally require planning permission.

JF: understands from reading the SPD on residential alterations and extensions that extensions must be subservient; this is not. The SPD also states that extensions should not prevent adequate daylight from reaching neighbouring properties, but having been in the house next door, it is clear that the proposal would block out a significant amount of light. Considers CP4 and CP7 to be grounds for refusal.

MS: how much will the proposed extension project above the existing fence? Will the neighbour still see a wooden fence, or just a brick wall?

JW: did CS say the original design was reduced in size following officers' suggestions? If so, was the height reduced, and if so, by how much?

PB: policy CP4(a) states that development must not cause unnecessary harm to the amenity of adjoining land users and the locality.

KS: supports all that has been said, and hopes that the message goes back about the garage doors. They are important to the look of this beautiful estate, and while sympathetic with the applicant, there must be a solution to introducing a study while keeping the garage doors as they are. The proposal as it stands would detract from the development, and this is the strong message from the community, even though the officers don't agree.

GB: would JF like to specify CP4(a) as a reason to refuse?

JF: yes, and also the SPD on Residential Alterations and Extensions, 2.1.2 (subservience), 2.1.5 (daylight) and 3.2 (rear extensions).

CS, in response:

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- to MS, the height of the extension will be about 1m above the existing boundary fence;
- to JW, the proposal initially failed the light test with regard to No 6. The light test is designed to show if the impact of the proposed development will be significant, and as a result, the applicant reduced the height of the extension to remove the impact. The neighbours' kitchen is already quite a dark room, and the additional impact of the extension was not considered significant, and passed the light test at No 6 and No 8;
- to JF, this extension is subservient because it is only a single storey. It is not a dominating structure, and complies with the policy definition of subservience;
- also to JF, the paragraph on daylight in the SPD on residential alterations and extensions refers to the light test which, as already mentioned, is not coming out at an unacceptable level. There will be a noticeable but not harmful change as a result of the additional height on the boundary.

MS: will the fence be retained or will the extension replace the fence? Will the neighbours be looking at wood or brick?

CS, in response:

- as shown in the drawing, they will look at a fence with brick projecting over the top.

GB: would JF like to confirm her move to refuse – on CP4(a) and CP7?

JF: yes, and also the SPD paras 2.1.2 (subservience), 2.1.5 (daylight) and 3.2 (rear extensions). Is also worried about the garage at the front – some alteration needs to be taken into consideration.

Vote on JF's move to refuse on CP4(a), CP7, SPD on Residential Alterations and Extensions paras 2.2, 2.5 and 3.2

8 in support

2 in objection

3 abstentions

REFUSE

Application Number:	14/01398/FUL
Location:	282 London Road, Charlton Kings, Cheltenham
Proposal:	Demolition of existing dwelling and erection of 2 no. new dwellings
View:	Yes
Officer Recommendation:	Permit
Members present for debate:	11 (<i>Councillors Walklett and McKinlay were out of the Chamber during this item.</i>)
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

EP described the application as above, saying Members have already considered and refused two schemes for two houses on this site, one a flat-roofed design, and the other with asymmetrically pitched roofs, both contemporary in style. Officers found both the previous schemes acceptable, but in line with comments at Committee, this design is a more traditional building form and the recommendation is to permit. It is at Committee due to objection from the Architects' Panel.

Public Speaking:

There was none.

draft minutes

Member debate:

HM: considers this the best application for this site so far. The design fits better with Nos. 284 and 286 London Road, and the property nearest the Ryeworth Road boundary has been moved further into the site. It is an excellent scheme.

KS: this is a case of third time lucky – a good result for the appearance of the area. The other designs were inappropriate for the area. If this application is approved, it is clearly because the design is good. Is pleased that the applicant has listened to Planning Committee, and is happy to support it.

BF: unlike the others, considers the design to be bland and poor; liked the first design best. Realises this is a conservation area, but that doesn't mean that anything new has to look like everything else in the conservation area – this is 2014 not 1930. The design takes bland to a new high – where is a decent, modern 2014 design? It is in the conservation area, so should have a high standard of design as well as materials.

PT: it might be bland but it fits in with its neighbours. A modern design in the conservation area may be OK if it was a small development, tucked away and out of sight. Local people like this scheme.

Vote on officer recommendation to permit

9 in support

1 in objection

1 abstention

PERMIT

Application Number:	14/01448/FUL
Location:	Cleeve, Church Court Cottages, Mill Street, Prestbury
Proposal:	Erection of bin store to front of property
View:	Yes
Officer Recommendation:	Permit
Members present for debate:	13
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	None

CS introduced this application, which is situation in the Prestbury Conservation Area and also in the greenbelt. The application originally included the construction of boundary walls along the edge of the site, but these have subsequently been removed from the application as they are 1.8m high and do not require planning permission. Following re-consultation, the application is at Planning Committee at the request of Councillor Stennett, and due to a Parish Council objection. Officers are satisfied that the proposal will preserve the character of the conservation area, will not affect the openness of the greenbelt, and the recommendation is to permit, subject to conditions.

Public Speaking:

There was none.

draft minutes

Member debate:

MS: it is unfortunate that the erection of a 1.8m wall around this tiny garden comes under permitted development rights, but it does. However, the proposed bin store in front of the wall is right in front of the neighbour's window. The neighbour will have no choice but to look at the roof of the bin store – this is very anti-social, particularly as there is no real reason to have a bin store in this position. There is a small bin store further along, which causes no offence to anyone. If it has to be here, it should be below the level of the wall. Will move to refuse on CP4.

PT: what is the exact distance from the back of the bin store to the window mentioned by MS? Will support the move to refuse this application.

CS, in response:

- the impact of the proposed roof will be felt by the residents of Bredon, but the light test has been carried out and comfortably passed. There is therefore no reason to ask the applicant to reduce the height of the bin store.
- the fall-back position here is that without the roof, the structure would be permitted development and not as aesthetically pleasing;
- the distance from the windows of Bredon to the bin store is 9.4m.

PB: is the light test a nationally accepted standard or one of our own tests? Will it be reviewed in the local plan going forward?

AC: appreciates that we have no choice about the wall, although he doesn't like it, but the bin store is ugly and not a nice view for residents to look out at. Notes that the applicant lives in Norway, and the cottage is used for short lets. For the people living there permanently, it will be dreadful. Will vote against this application.

CS, in response:

- the light test is referred to in policy CP4 – it is a detailed document, designed to assess the impact of a proposal on light for windows around it. If it is carried out and a small loss of light is noted, then the proposal is still considered to pass the light test. If there is an overbearing impact, it is not. This proposal comfortably passed the light test. The test is written in policy and used every day by officers. It is a desk-based exercise, using scale drawings.

MS: is not only concerned with the loss of light, but the general appearance and unnecessary obstruction which will be evident when looking out of the window. It is not a pretty design. It may not be blocking a large amount of light but it is not appropriate in the conservation area in that place. The applicant hasn't positioned the bin store in front of his own cottage, which is rented out, but in front of the cottages in private ownership.

MJC, in response:

- for the record, the light test is a national regulated best practice;
- has listened to the debate and noted a lack of objective analysis from Members. They have said they don't like the proposal, that it isn't neighbourly and so on, but these are not refusal reasons;
- Members need to be objective: the proposal passes the light test comfortably; it is 9.3m away from the neighbour's window; it is 2.3m tall; it is not overbearing. Members may not like it but this is not a reason to refuse and nothing said so far tonight would be defensible at appeal;

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- the NPPF encourages planners to be positive, but this has been a negative debate. Members need to take a more positive view.

BF: was not on Planning View. What is the existing situation? Are bins left in the lane?

PT: there is a little brick bin store which has already been demolished. Notes the store is 1.75m high excluding the roof. Are bins 1.75m high? With apologies to MJC, this will affect someone's life in the cottage behind and the roof on the bin store is just wrong. It is anti-social, and very annoying that there is no planning reason to stand up at appeal. We are being forced to defend the indefensible, and it is Members' duty to say so.

GB: it is also their duty to ensure that there are sufficient grounds to refuse.

MS: will add CP7 to CP4 as a refusal reason.

CS, in response:

- the height of the ridge of the bin store is 2.3m, with the window and eaves height lower – the roof will slope away from the property.

Vote on MS's move to refuse on CP4 and CP7

6 in support

7 in objection (*including Chairman's casting vote*)

1 abstention

PERMIT

Application Number:	14/01522/FUL
Location:	72 Moorend Park Road, Cheltenham
Proposal:	Loft conversion including dormers to front and rear roof slopes and rooflights to rear and side elevations
View:	Yes
Officer Recommendation:	Refuse
Members present for debate:	12 (<i>Councillor Chard spoke in support of the application and then left the Chamber.</i>)
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	None

EP introduced the application, which is recommended for refusal due to officers' concerns about the proposals for the front of the dwelling being overly scaled and prominent. It is at committee at the request of Councillor Chard.

Public Speaking:

Mr Williams, applicant, in support

Is the applicant and owner of 72 Moorend Park Road, and wants to add an extra bedroom and en suite bathroom to the property to make it more functional without spoiling its charm. Showed his designs to the neighbours with whom he has co-resided for many years - they were all happy with them, and their support is evident from their letters. Planning officers were not happy with the size and mass; therefore withdrew his application, and re-consulted his architect with officers' concerns about the dormer windows and re-submitted his application. It was amended to include obscure glass to the rear, a reduction in the size of the dormer, a reduction in height, a hipped roof rather than gable,

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and a sunken balcony area. The application is at committee for the sake of 400mm – not 700mm as stated – which is what the officers want to reduce the width of the window by, and 1800mm narrower than the windows below, the largest of which is 2.4m and the window proposed is 2.2m. A dormer window in an identical building in the road is exactly 2m wide internally, and looks identical to what he is asking for, as well as being in the conservation area where his house is not. The full height of the windows to the front of the property is hidden by the sunken balcony. To sum up, the property isn't in a conservation area, the difference in size is 400mm not 700mm, and all the other officer's wishes have been complied with. It comes down to personal opinion; the architect considers the design architecturally pleasing and sympathetic with the dwelling and neighbourhood, and hopefully Members will agree. The proposal has the support of people in the neighbourhood, and will allow his family to enjoy a light and airy building.

Councillor Chard, in support

The officer's report states on Page 320 that the property is outside the conservation area, yet the documents referred to further down the page are to do with being in the conservation area. Does not see the logic of this. In his view, the case comes down to opinion – you like it or you don't. Notes there are no objections from neighbours - three have written in support and like the proposal; the applicant likes it – only the officers don't. Much has been made of the visual impact and the design, and the effect this will have on neighbouring properties, yet the neighbours support it. The report states that the proposed dormer will be harmful to the appearance of the local area. Moorend Park Road is a nice road but it isn't The Avenue; it has a mixture of houses, so the requirement for consistency cannot be applied. Officers say that the windows on the upper floor should be smaller than those below, but the picture of the house next door which he has circulated to Members shows larger windows upstairs. The proposed new window will look more symmetrical with this. To sum up, the dwelling isn't in the conservation area, the neighbours like the proposal and there have been no objections from the public. Asks Members to grant planning permission and allow Mr Williams to enhance his home as the architect has designed it.

Councillor Chard then left the Chamber before the start of the member debate.

Member debate:

KS: is interested in this application - read the report carefully and understood all the officer wrote, but after being here and listening to the speakers, will not be supporting the officer recommendation. Considers the harm is over-stated. Has a real soft spot for these period bungalows, and something which allows it to continue as a loved, cherished family home ticks a lot of boxes. This will improve the dwelling and safeguard it for the future, and give the occupants a better standard of life. In addition, there are no objections from neighbours. Thinks Members should vote to support the proposal.

MS: agrees with KS and moves to permit the application. All is in the eye of the beholder, and does not consider the window issue will cause any problem in that location. It would not be right that every bungalow has a front-facing dormer, but in this location is fine.

BF: has a bugbear with bungalows – there is always so much roof – and a dormer window breaks up the wide expanse of tiling well. Honestly believes that this proposal is an improvement to the original dwelling.

EP, in response:

- the SPD on residential alterations includes a section on dormer windows. These are the principles that planners use day in, day out for the bread and butter applications, and the

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stated principle relating to dormers is that if they are overly wide they can cause disruptive element in the street scene. Subservience is important here, and if the dormer is wider than the windows below, the officers' view is that it will dominate the roof slope;

- in addition, this property is on a prominent street corner. It is not in the conservation area, but is very close to it and in a very noticeable location;
- the application has been considered against the principles laid down by the council on how to extend a property – the principles voted for by Members and which officers rely on every day.

KS: will the roof stay in the same type of material? This is not stated. What will the roof look like?

EP, in response:

- the proposal would retain and match the existing roof slope.

Vote on MS's move to permit

9 in support

2 in objection

1 abstention

PERMIT

Application Number:	14/01649/COU
Location:	Diamond Jubilee, Old Bath Road, Cheltenham
Proposal:	Change of Use from Sui-Generis (former public conveniences, Cox's Meadow) to A1 (retail) including minor building works
View:	Yes
Officer Recommendation:	Permit
Members present for debate:	13
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	Conservation officer's comments

MJC introduced the application as above, at committee at the request of Councillor Baker to consider the impact of the COU at this prominent site. The recommendation is to permit.

Public Speaking:

There was none.

Member debate:

PB: when he asked for this application to go to committee, it was not because of concerns about the building being used for a sandwich business, but in terms of the principle of a change of use to A1 retail use and what that might mean. Was concerned about what use we may be granting but is happy with the use that has been proposed. Cox's Meadow is very popular with dog walkers and children, and this building is very prominent. A sandwich business here will be great, the proposed hours of operation are fine, and understands that the business cannot be changed to a hot food take-away without coming back for planning permission.

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DS: supports the proposal but is concerned about the potential build-up of traffic. The lay-by is used by people visiting Cox's Meadow. Is thinking about the lay-by by the Post Office Depot which gets very busy and causes problems. There is no obvious passing pedestrian traffic here, so not a lot of trade from them so is concerned that the new business might attract too many cars.

MB: has no issue with the change of use, but would like to raise the issue of PB's comments in the *Echo* earlier today and whether these cause any problems regarding pre-determination.

CL, in response:

- this has already been brought to her attention, and she feels that PB's comments did not reveal any pre-determination of this matter.

KS: considers this application a good thing and hopes it will be welcomed, but is also concerned about parking. Were residents of nearby houses consulted? Most people living there are tenants, and the owners may never go past the site to see the site notices.

GB: to Members with concerns about traffic, would say there is no need to worry. The site is so close to the roundabout that it would be impossible to park illegally. If the lay-by is full, drivers will have to go and find somewhere else to park.

MJC, in response:

- has spoken to the case officer and to the County Council regarding parking, having anticipated that questions would arise at committee;
- the lay-by has space for five or six cars, but in view of the nature of the site and the proposed use, officers do not anticipate it will attract a significant numbers of additional visitors – it is not likely to be a destination - and illegal parking is therefore not anticipated. Cox's Meadow is used by students, dog walkers, passing trade – the sandwich business will be an incidental use to the road, and the County Council is happy with the parking situation;
- to DS, it wouldn't be right to compare this lay-by with the one next to the Post Office depot, which is a much larger scale operation;
- regarding publicity and advertising of the application, did not write to neighbouring properties, but a site notice was posted, together with an advert in the *Echo*. The local authority is not obliged to write letters to neighbouring properties, and although this authority generally does, it was felt that a site notice was appropriate and fulfilled our statutory obligations. There were no objections to the proposal;
- officers are comfortable with the publicity given to this proposal.

HM: notes that the water authority was consulted and commented that the apparatus may be at risk during construction. Should this be included as an informative?

MJC, in response:

- considers this would be appropriate and should be added if Members vote in support of the proposal.

KS: is there any provision for staff parking? The lay-by is well used by users of Cox's Meadow. Is there any parking within the site?

GB: parking at the lay-by is restricted to 30 minutes.

MJC, in response:

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- it's correct that there are parking restrictions in the lay-by. The building is part of the wider site of Cox's Meadow and it would not be appropriate to introduce parking to that site and would be to the detriment of important space in the conservation area.

PT: it will be difficult if staff do have cars, as all roads in the area have double yellow lines due to the hospital. The area is also accessed by a small roundabout. Staff will have trouble finding somewhere to park.

GB: at the risk of sounding unsympathetic, this has to be seen as their problem, not ours.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

The meeting ended at 8.40pm.