

# DRAFT MINUTES

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## Planning Committee

22<sup>nd</sup> January 2015

**Present:**

**Members (15)**

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Babbage (MB); Baker (PB); Chard (AC); Clucas (FC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McKinlay (AM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

**Substitutes:** Councillor John Walklett (JW)

Present as observers: Councillors Flynn, Rowena Hay and Coleman.

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Lucy White, Planning Officer (LW)  
Victoria Harris, Planning Officer (VH)  
Karen Radford, Heritage and Conservation Manager (KR)  
Wendy Tomlinson, Heritage and Conservation Officer (WT)  
Chris Chavasse, Senior Trees Officer (CC)  
Mark Power, Gloucestershire Highways (MP)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Councillor McCloskey.

**2. Declarations of interest**

There were none.

**3. Declarations of independent site visits**

Councillor Fisher – was not on Planning View but has visited Pittville Campus and The Royal Oak.  
Councillor Walklett – has visited Pittville Campus several times in the last few days.  
Councillor Lillywhite – viewed 27 Arle Road independently, as missed it during Planning View.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 18<sup>th</sup> December 2014 be approved and signed as a correct record *with the following correction*

Page 1: **2. Declaration of Interest: 14/01276/OUT Land off Stone Crescent:** Councillor Babbage – personal only – plays team ~~football~~ rugby at King George V Playing Field, adjacent to the site.

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## 6. Planning applications

Application Number:	<b>14/01928/FUL</b>
Location:	<b>Pittville Campus, Albert Road, Cheltenham</b>
Proposal:	<b>Erection of a student village incorporating 603 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involves the demolition of existing teaching facilities, 23 existing rooms and the retention and refurbishment of 191 existing student rooms.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Defer</b>
Letters of Rep: 153	Update Report: <b>Officer comments; letter to Members from GFirst LEP; additional representations</b>

**LW** introduced the application as above, for a student village comprising 794 student bedrooms in seven new accommodation blocks, with on-site ancillary facilities and support services, and demolition of all existing buildings other than the Media Centre and all but one of the existing halls of residence. The proposal was subject to pre-app discussion, but officers felt more could have been made of this stage of negotiations. They feel the application was made too early, particularly as Officers and the Architects Panel have significant reservations regarding design, impact on local amenity, the number of students proposed on site and their management, and weaknesses in the draft Transport Statement and Travel Plan documents. Officers were keen to continue pre-app discussion, but the University submitted its application in October, due to deadlines imposed on it by the funding bid for the project.

CBC and Highways officers have spent a great deal of time since then prioritising the application to progress it to a point where Officers felt they could support it, but there are still significant concerns re design and amenity, as well as outstanding highway issues.

The University has recently put forward an economic argument in support of its application, identifying its direct and indirect benefits to the local and regional economy, emphasising the importance of the proposed additional accommodation for the continuing success of the University in an increasingly competitive market. They also highlight the potential for future investment and improvements to existing teaching facilities which would be funded largely by the capital receipt released as a result of the proposed development. In addition, the University has identified the timescale problems and uncertainties moving forward which are associated with the funding package for the scheme, and for these reasons, considers that the economic argument should outweigh all other material considerations when determining this application.

Officers are aware of the importance of the University to the local economy and of increasing student numbers, but believe careful consideration must be given to the weight attached to the economic argument. For perspective, in an addendum to its application, the University states that current forecasts do not anticipate any financial cuts and expect modest growth in student numbers.

The Officer report identifies shortcomings in the proposed development in detail: lack of quality and robustness in architectural design, potential harm to neighbouring amenity, and outstanding highway/transport issues. Strategies and initiatives put forward by the applicant to control student behaviour are good in principle, but not sufficiently advanced and too reliant on existing schemes used by the University, giving rise to uncertainties about their effectiveness, appropriateness, enforceability

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and long-term delivery. The conclusion reached by Officers is that the importance of the University to Cheltenham and the benefits of it gaining planning permission at this point do not outweigh other material considerations i.e. the long-term harm to the character and amenities of the locality. The principle of student accommodation on this site is acceptable, and Officers are confident that with more time and discussion with the applicants, a good scheme could be brought forward for this site, although, unfortunately, this doesn't fit in with the timescale of the funding bid for the development – we have simply run out of time. The recommendation is to refuse.

### **Member debate:**

#### **Mrs Walker, on behalf of local residents, in objection**

Pittville is one of Cheltenham's finest and most sought-after areas, with period architecture and beautiful green spaces. Local residents are supportive of the University and welcome redevelopment of the site, but their strongly-held view is that the area will be spoilt because the scale and nature of this proposal is disproportionate to the area. The people in the immediate vicinity will suffer disturbance resulting from 800 young people living in a cramped site in the middle of a residential area – the number is too high for the location. Anti-social behaviour by existing students is not currently controlled by the University despite its claims, with 31 complaints filed in the last four months, and in any case, by the University's own admission, it cannot manage its students when they are off campus. If the development is permitted as proposed, the whole of Pittville and its park will be jeopardised – the high blocks are hideous and more suited to Pentonville than Pittville. Traffic is another concern – there will be additional buses, cars, bikes and pedestrians at all hours, all out of the University's control. Without adequate on-site parking, students and staff will park their cars on local residential streets, making them more unsafe. The proposal poses a serious risk to this part of the Cheltenham; we cannot afford to ruin Pittville, and there are better opportunities to grow the University elsewhere. Local residents have seen no evidence that the points they have raised have been taken into account in the consideration of this application, and have no confidence that their concerns will be taken seriously in future. Objects to the scheme on behalf of local residents; to permit it would defy the natural argument and be a grave error of judgement.

#### **Stephen Marston, Vice-Chancellor, on behalf of the University**

Finds the officers' reasons for refusal perplexing, as set out in his letter to Committee members. Despite conflicting views, the design reflects the function – student accommodation; it is fit for purpose and a huge improvement on what is there now, with more green space and less built footprint. The principle and massing is not contested by officers, and the University is happy to accept conditions relating to material and landscaping. On amenity, respects residents' concerns about potential disruption, but the site will accommodate just 10% of the total number of students; the University successfully manages student behaviour elsewhere and has provided a 90-page operational plan for this site. It's an impossible Catch 22 if the proposal is refused for 'uncertainties' about how it might work before the village is even created. On highways, good progress has been made with the Highways Authority, and the University will happily accept conditions on management of highways issues. Also, a lot fewer people will be using the site than when it was an Art School. The overarching judgement for the Committee is whether the scheme is in the overall interests of Cheltenham. It is; a dilapidated brownfield site will become an attractive, well-managed village, helping the University compete in the demanding higher education market by offering excellent student accommodation – which must be ready for the start of an academic year. The proposal is key to the University's future and the well-being of the borough: in voluntary and community activity, supporting arts and culture, spending power, bringing talented young people to study and work here, the University is part of a vibrant, prosperous, forward-looking future for Cheltenham. To achieve this, it needs Members' support as part of a long-term partnership working together in the interests of Cheltenham.

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## **Councillor Payne, on behalf of Pittville & Prestbury wards, in objection**

Speaks for local residents, who cannot support this inappropriate application. Student numbers has been a contentious issue from Day 1, when the applicants proposed 664 bedrooms; after the first consultation, the Vice-Chancellor said local residents' views had been taken into account, but the application now proposed 794 bedrooms. Residents conclude that the application is being driven by the developer; the University has stated that the number is not based on what the University needs but what the draft plan anticipates can be accommodated at the site.

There have been three energy statements; the third corrected errors in the first two. The proposal will put further strain on infrastructure, and the applicants do not have a clear response to this, stating that it is 'unknown' if there is spare capacity for electricity, that there 'should be' enough gas to supply the increased demand, and making no comment on the additional 40 million litres of water the proposal will require annually.

There have been issues surrounding transport from the start, and these have not been addressed. GCC has fast-tracked the application, but still has concerns with every issue. The required legal agreement cannot be drafted as the applicant has not supplied the necessary information. As a result, the Highways Authority recommends refusal due to insufficient information.

The poor design has been rightly criticised, with the Conservation and Heritage Officer stating that the proposal will harm the setting of the conservation area and locally indexed buildings. This makes the proposal contrary to the NPPF and Local Policies CP7 and BE11. The Architects Panel suggested seven salient points which would have improved the first submission, without adding any cost or time to the scheme, and regrets that none of these were considered in the revised plan. The Panel remains unable to support the proposal, and is increasingly disappointed with it.

These are just four examples from a plethora of reasons to refuse the scheme; others include the 'mad' response to concerns about site management, health and safety issues, and anti-social behaviour. The Committee should follow Officers' advice and refuse the application.

## **Member debate**

**BF:** has several questions: would the additional 603 new bedrooms attract New Homes Bonus? How many would count towards the 5-year supply? Is the site in the conservation area? Could the existing buildings be modified to create accommodation blocks without planning permission if their outside appearance didn't change? Can contribution to public art be part of a condition?

**CH:** it would be useful to hear from the Highways Officer before we go much further, as understands there have been continuing discussion and some developments since he wrote his report, and some previous concerns have been addressed.

## **LW, in response:**

- the 603 new bedrooms will not attract NHB, as this is based on council tax receipt;
- regarding the 5-year housing land supply, NPPG states that student accommodation can be go towards the Council's 5 year housing land supply, but the applicant has not submitted any detailed information on this matter and this has therefore not been considered further at this stage. In terms of off-setting the number of units to be included the point to remember is that students tend to live in shared accommodation and therefore the number of units would not equate to 603 new dwellings;
- the site is not in the Conservation Area, but on the edge of the conservation area; the boundary runs along the southern boundary of the site adjoining Pittville School;

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- planning permission would be required to convert the existing buildings to student accommodation.

**BF:** was thinking about Rivershill House, and understood that buildings could be converted from other uses to residential as long as the outside of the building isn't altered – this was introduced by Grant Shapps.

**LW, in response:**

- Rivershill House was a very different scheme to the one proposed – an office conversion to residential accommodation; this is a change of use from D1 to C1, and therefore requires planning permission;
- to BF's last question, conditions have been used to secure public art in the past, but if a legal agreement is present it is normal practice to include public art as heads of terms of the s106.

**MP, in response:**

- as Members have heard, this has been an increasingly challenging application to deal with; he and LW have spent considerable time on it every day since it was submitted; he has well over 200 emails concerning the scheme;
- if all the required information were to be provided, can imagine the highway authority would probably be able to support the proposal, but it is all about managing, controlling and improving;
- more information has been coming in daily, up to and including this week, but there are still outstanding issues without which a final report cannot be produced. The comments in the Officer report were provided on 9<sup>th</sup> January, the last date MP could send his comments to LW, and were in line with the information provided up to that time;
- in a few more weeks, would probably have everything he needs to make a full recommendation, but these things take time, and need to be agreed with legal officers; the university did not do provide all the information it should have done and the application simply ran out of time.

**CH:** a lot of the Officer's recommendation to refuse seems to be based on student numbers. Officers have had a lot of discussions with the University over a long period – were there any discussions about numbers? If 800 is considered too many, what is acceptable? It is important to establish this before moving forward, as Officers are clearly content with the principle of student accommodation at this site.

Regarding loss of amenity due to student behaviour, it is speculation to assume that anti-social behaviour will increase with the number of students; there is no evidence that this will be the case or that the University will not be able to manage groups of students. The application shouldn't be refused on those grounds – the appeal decision quoted on Page 3 of the green update relates to this issue. It refers to not taking speculation into account; any refusal on those grounds should be based on evidence.

**JW:** is also concerned about the Officer response to the risk of anti-social student behaviour. In St Paul's ward, 45% of the residents are students, and although they may pose some problems, particularly in the first two months of the academic year, St Paul's has measures to curb and control this. The students live in shared houses, in an area not much bigger than the campus, which could make it more difficult to control, but there are ways of doing this. Students will be students, particularly when away from home for the first time, but on what premise are these assumptions about their behaviour made?

**AC:** to MP, notes that Gloucestershire Highways consider that there are access problems surrounding the site, yet the application for 650 homes at Leckhampton was supported and didn't

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apparently pose any harm to the surrounding roads. There will be far fewer cars here. What is the difference?

**PT:** looking at the site plan, there doesn't appear to be any particular route that emergency vehicles can take. What is the situation regarding ambulances and fire engines? Surely there should be some consideration of that area.

**LW, in response:**

- to CH, regarding pre-app discussion of student numbers, at the second round of bidding, the applicant presented a proposal for 794 bedrooms which has increased from earlier numbers proposed by Uliving. Uliving had no discussion with officers about this number of students prior to this;
- regarding student numbers that would be acceptable to officers, this is a difficult question since it is not for officers to suggest numbers. It should be determined on the basis of the numbers that can be successfully managed on and off site. 794 is a large number; if the numbers were reduced by 100-200 for example it starts to feel more comfortable and manageable;
- the appeal case quoted in the letter to Members from the University was a very different scenario – far less units proposed, with approximately 200 students in a more town central area with a lot of existing student halls accommodation and close to University teaching facilities, shops and other local facilities. The students here would be more integrated in the local community.;
- to CH and JW, regarding the assumptions/prejudice about student behaviour, it can't be denied that there will be some disruption, noise and disturbance - it would be foolish to assume otherwise. There have been a number of complaints made to the environmental health team concerning the existing campus and others, and with increasing numbers of students, the level of complaints are likely to rise. The students on the Pittville Campus will be predominantly first year undergraduates, new to university, excitable – there will be problems;
- regarding how the University proposes to deal with this, there are schemes set out in principle and modelled on existing schemes operating at Park and Francis Close Hall campuses; these rely on student volunteers and local residents to patrol the area. We are told that these schemes are successful, and understand that about 20 volunteer patrol students are involved on certain nights of the week. A similar scheme is proposed at the Pittville site, but is 20 volunteers enough to cope with 794 students, how will this be modelled, managed, enforced and extended if necessary? Will other people be involved? How will the police monitor the situation? We are told that there is a police partnership agreement but lacks detail on to how long this provision will last, how it will be delivered and allow for mitigation measures. Is it enforceable? If there are 20 students in the patrol group for example, how will they be organised? Will they work in a group or split up, where will they be placed, at what times etc? There are still a lot of questions and uncertainties;
- to PT, officers have been advised that emergency vehicles can access the site from New Barn Lane and from Albert Road through the access gates – these are wide enough.

**MP, in response:**

- it's not shown on the drawing, but highways officers have checked the tracking of a fire engine to the middle of the site and it is not an issue; to AC, the issue is not traffic impact as the fall back position has higher vehicle trips, the main outstanding issues are:
- (1) the 120 post-graduate students who would live on the Campus – many of them will need cars to access their teaching placements. The University arranges car sharing but there are only 15 car parking spaces provided on site, and no details as to how the other students will manage; a worst case scenario is that all 120 post-graduate students will have access to a car;
- (2) the University proposes a night-time shuttle bus, but has provided no details as to how this will be secured, where it will pick up, what the timetable will be;

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- (3) three types of car-parking arrangements are proposed for staff, students, visitors etc, but these don't match up;
- (4) the proposed cycle parking is in the wrong place on the edge of the site – it should be more towards the centre – and more cycle parking is needed to encourage students to use bikes;
- (5) the travel plans need to be re-written; the legal agreement needs to be re-written; routes to the town centre, Francis Close Hall and the Park Campus need to be improved and to link in with traffic modelling in the town.

**PB:** notes that the refusal reason 2 states that 794 students on this site is excessive and will result in significant movements across the town in different directions and at different times of day. Yet in 2011, 1300 students and 200 staff were using the site – so the current proposal would mean far fewer people using the site.

**KS:** regarding the type of accommodation, are any flats or houses provided for students with children, living in family units? Mature students often end up living off-site and missing out on a lot of university life. They can be a civilising factor.

**AL:** regarding the transport plan and cycle routes, notes a contra-flow would be needed on the northern end of Rodney Road. How can that stretch of road be widened to accommodate this?

**LW, in response:**

- to PB, refusal reason 2 refers to movements across town – it is a matter of modes and patterns of student travel. There may be fewer movements overall, but these could be more concentrated, with a large proportion of the 794 students leaving the site in the morning peak flow period. There would also be a lot of evening movement and weekend activity, which there wasn't previously; a student village will create different patterns of travel, 7 days a week and into the evenings;
- to KS, there is no accommodation for families; there are studio apartments, but these are proposed for single occupancy.

**MP, in response:**

- to AL, under the transport plan, the contra-flow is an order that will allow cyclists to go against the movement of the rest of the traffic – this is common practice. The Cheltenham Transport Plan Traffic Regulation Order was debated by Members last week, and contra-flow was proposed for a short section of Rodney Road, to allow cyclists to cycle legally the wrong way. The road does not need to be widened. The aim is to create a series of safe routes for cyclists between Pittville, FCH, the town centre, and the Park campus.

**AL:** remains concerned about the width of the road and how it can accommodate the contra-flow.

**MP, in response:**

- reiterated that contra-flow is an order not widening, the High Street at the end of Rodney Road has a very wide section of footway. Part of the Transport Plan allows cyclists to be exempt from restrictions to cycle safely

**AL:** this doesn't explain how the width of Rodney Road can accommodate the contra-flow.

**MP, in response:**

- it will only be a short section – 10-15 metres – where the contra-flow order would be amended

**AL:** it will create a bottleneck – there will be safety issues here.

**MP, in response:**

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- similar examples in other areas of the town, such as near to the hospital – a much longer stretch of contra-flow there, and it works well.

**AC:** LW clarified the question about accommodation, but we have been talking about the number of students in term-time. Is there any proposal for use of the accommodation outside term-time?

**MB:** regarding the town house – TH2 – on Albert Road, facing New Barn Lane – do the entrances and exits face out of the site?

**LW, in response:**

- students would enter into 41-week tenancy agreements; during holiday times (Christmas, Easter, Summer) most of them will return to their parental home. During the summer break maintenance will be carried out, some international students may stay in residence until the next academic year and the site may be used for conferences and summer schools, but with the same tenancy agreements as in term time and the no car policy;
- to MB, the front doors of TH2 face Albert Road.

**CH:** is somewhat surprised by the refusal and some of the grounds for it. If the University chose to start teaching again on this site, the number of movements, disruption, and loss of amenity would be worse. The proposal is designed as a village - it has coherence; would guess a lot of students will stay on campus, and there will be amenities there to encourage them to stay. Regarding the number of movements, operating as a college building would result in a lot more concentrated movement, with lectures and classes starting at different times of day.

Regarding the adverse effect on the area of so many students, nothing has been said about the positive aspects. Students get involved in volunteering, and may well end up joining the Friends of Pittville Park rather than destroying it. Local residents are concerned about disruptive students, and have made much of the extra crime and disorder, but the local police inspector has publicly supported the proposal, and must have good reason for that.

Regarding the numbers of students on site, there has to be a balance, and it is all a question of what can be achieved in the development. It will be a private development, and there will be people concerned with running and looking after the site to their best ability. Accepts that there are a number of outstanding issues, but the scheme as proposed works as a unit – if we ask for the numbers to be reduced, it will be diminished. Doesn't know what is or isn't acceptable or what financially will or won't work, but this needs to be balanced. If the management plan is based on 800 students, it is safe to assume that 800 is the optimum number.

Members have received a letter from the LEP, in strong support of the proposal, stating and providing evidence of how vital the University is to the economy of the town. It makes a strong case regarding the timing of the application and how critical this is to its funding. There are issues surrounding the details of the plans, but MP has stated that he could support the proposal if the highways issues are sorted out. The details – including the Management Plan for the students, and legal agreements – can be put in place in due course, with a condition that the site is not occupied until then. In that way, we could give the permission which allows the University to go forward; otherwise a message could go out that Cheltenham is not supportive of its University and that its students are difficult to manage.

Cheltenham needs to evolve and change. There is evidence of the social and economic benefits of having students in the town, and we will refuse this proposal at our peril. We cannot preserve the town in aspic; it is evolving all the time, and students and the university add to the town, both culturally and economically. Rejects the Officer recommendation, and would like to move to permit, with conditions to cover all the issues which still need to be sorted out.



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**GB:** understands a lot of what CH is saying but reminds Members that they are here to discuss planning issues. Members have commented on a lot of issues which they do not necessarily need to take on board.

**MS:** it goes without saying that the University brings economic benefits to the area, and letters from GFirst LEP and Martin Horwood have highlighted this. But these are not planning reasons to allow inappropriate development. Supports the Officer recommendation at this stage, and believes the refusal reasons could be strengthened, to include over-development regarding the use of the site – 800 extra students in one hit will change the character of this area of Pittville. All the houses along the road are privately-owned, family residences, many occupied by an ageing population; 800 students will alter the dynamic.

Regarding the design of the buildings, agrees with the letters – the internal lay-out isn't bad but the buildings along Albert Road look like prison blocks. There should be some scheme where relief can be included, in keeping with the area, to enhance the adjacent conservation area. Was surprised by the letter from the Vice-Chancellor – he says the village will prevent excessive numbers of students elsewhere in the town, but this is what the people of Pittville are worried about.

The applicant 'must try harder' - the proposal should be deferred and be brought back to Committee later. Local residents want to see the site developed sympathetically with the area. There are currently 200 students living there; maybe 200 could be added next year, and another 200 the year after that, allowing them to blend in with the community in a progressive way. 800 all in one go is wrong. The Officer recommendation is right; we should ask for something better to be brought back to the table.

**BF:** a lot of his points were covered by CH. There has been a lot of talk about the management of students, but there are 400 students living in the Park Campus, in a conservation area. Has been told by the ward councillor for The Park that they are wonderful, part of the community, get on well with locals, and The Park wouldn't be without them. Students aren't gorgons or yobs; they are the children of people like us, the pick of the education system. This application is for 603 additional students. The site is 1.3h, and the buildings will have a 50% smaller footprint than those currently on the site. There is also an application to demolish the existing buildings; this could take time, allowing a gateway for the outstanding issues to be sorted in tandem.

The Architects Panel gives no actual reason to refuse - design is very subjective. We should also consider Paragraph 72 of the NPPF, which states that a 'proactive, positive and collaborative approach' should be taken to expand or alter schools. Students are important to the future of our town and the country.

Reminds Members of the application at 1 Gloucester Road for accommodation for 188 students, with six parking bays - the Officer recommendation was to permit. That site is only 0.2h, but there was no issue about managing students there. The University manages its students well. The major issues in the town aren't caused by students.

The principle of development of this site is not in doubt – it is a brownfield site and it's inevitable that something will be built there. If we refuse permission and the University walks away, it could be developed with a large number of houses and flats. The site isn't in the conservation area and, in line with the large buildings in Albert Road and Evesham Road, 4-6 storey blocks of flats wouldn't be out of place.

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**KS:** it's important that all Members are clear that this is a planning application: it isn't part of LEP, and Members aren't here to promote Gloucestershire's economy. This has to be borne in mind but the correct decision must surely be to balance social, environmental and economic issues. If these get out of balance, the decisions will be wrong – it is important to stress this. This planning application may have wider implications but that doesn't mean we should throw the Officer recommendation out of the window. If the application is turned down, it doesn't mean Cheltenham doesn't want or care about the University.

If the applicant wasn't the University, and a developer came to us with a scheme of similar design and occupancy, would we say OK, the town will fall apart without this? We wouldn't. Members are proud of the town and expect the best for it at all times. Is very concerned; Members need to consider the Officer recommendation very carefully, as Officers rarely give this kind of steer, and when they do, alarm bells should ring.

Some Members have said that students aren't badly behaved, but they aren't well-behaved either. They can be very rowdy and it's ridiculous to say that they don't cause problems. This proposal would result in too many students on too small a site.

In one month's time, some of the questions might have been answered, but the scheme is not ready to be voted on now. Wants the best for the town, and only wants to make a decision when all the issues have been dealt with. Will vote with the Officer recommendation; it is the right thing to do. Planning decisions are there for ever; if permission is granted, it can't be put right afterwards.

To the Vice-Chancellor's comment that form follows function, would say the site is in the historic Pittville Estate – we don't want it to look like Milton Keynes. Functionality belongs to different areas; life is messy, and it won't just be the local residents who have to pick up the pieces – the students will also suffer. The site is some distance from the other campuses, library etc – they will spend a lot of time travelling to and fro.

This isn't the right development for this location. We have to turn it down. Doesn't want the town preserved in aspic but wants the right kind of development. It is not CBC's fault that the funding deadline is as imminent as it is. We have to make a planning decision, not an economic one.

**JF:** agrees with KS, and cannot believe some of the Members' comments about students. This is a Planning Committee. Yes, we want the town to be vibrant and to encourage economic growth, but not at the cost of a good application. Understands that for 3-4 months, there was no discussion with the applicant, and that this was not the Officers' fault. Cannot go with this; the design is appalling. Wants the University to thrive, and welcomes its social and educational excellence, but this planning application goes against all we stand for. It is contrary to Local Policy CP7 and the NPPF, as stated by the case officer. The applicant has to go back to the drawing board. Is sorry if this means the University loses its hoped-for funding stream, but the application was submitted too late, and that is the applicant's fault, not ours.

**GB:** feels that we're in a position we'd rather not be in. The application has come to Committee with big gaps that need resolution. Maybe the issues can be sorted out, but to ask Members to vote with their hands behind their backs in order to satisfy an economic deadline is not what we are about, and we have to be very, very careful about how we view this application. If it was a fully reasoned application with good arguments, we would deal with it appropriately, but it would not be right for the future of the town and for the people living nearby to say yes because of pressure due to a financial situation. We have to get this right; respect for Planning Committee will be diminished if the application is not considered properly.

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**CH:** we do need to take the economic issue into account, and it is appropriate that the Committee properly addresses the grounds for refusal, but there are ways of getting round those concerns with conditions. If the application is refused now, the opportunity is lost to the town, and there is no way of recovering it, but we do have a way of sorting out the detail so the University can go forward with its funding bid.

If we go back a few years, there were 1000 students using the building every day, and the Gulf Oil building was student residences before Gulf took over. The area was able to cope with all their movements in the past.

Is the number of students proposed now too high? Probably not. Is it too far away from the rest of the University? No, it was designed that way some time ago. There are good reasons to take all this into consideration. The design is not terrible; it is reasonable. The student numbers can be dealt with. It's very important to allow the University to seize this opportunity.

**GB:** this is an important application. If we give approval today and try to condition all we are uncomfortable with, we will be redesigning on the hoof without the necessary Officer support. This isn't the way to run planning applications; we have to do it properly. If applications don't come to us correctly, it is not for the Committee to redesign them. Members can and occasionally do permit a scheme they are more or less happy with by adding a condition, but it would be much more than a simple case of minor tweaking here.

**AM:** looking at the refusal reasons on Page 56, is perplexed. The design is described as crude, basic, monotonous, overbearing – there's not much room for interpretation here. In the pictures, the proposal looks similar to the Gloucester Road/High Street development, and the density is probably very similar – could we be accused of double standards here? The proposal is for 800 students on the site; if not for students, how many houses and flats and how many people would we be looking to accommodate on the site? Are concerns being exercised consistently?

Notes in Section 4 of the report the Highways Officer recommends refusal at this stage, pending various highway improvements and a legal agreement. We cannot approve a significant application if we cannot agree the S106 areas or amounts. Is struggling to see a sensible solution here. Notes that report states that a decision is needed by 23<sup>rd</sup> March, in order to secure funding for the scheme before the general election, but the world doesn't end on 7<sup>th</sup> May. There may be cuts but things will still function, similar initiatives will exist, and they might be even better.

There are issues which need resolution; we should not permit this proposal but should defer it, to allow more time to address officer issues, and come back with a more appropriate scheme which has been thoroughly worked through. Would say students receive a bad rap – was ward councillor for St Paul's for 14 years and had no particular problems with them. Will vote against the proposal if it comes to it, but would like to move to defer, pending resolution of the issues – otherwise we may end up throwing out the baby with the bath water.

**MC, in response:**

- a lot has been said and a lot of good points have been made;
- to CH's comments about the Architects Panel's seven salient points, these are not overly dissimilar to Officer thinking: the principle of developing this site is entirely acceptable and, as LW has said, maybe 800 students could be accommodated, but Officers are in a similar position to MP in that they simply ran out of time to consider the application thoroughly;
- the application was submitted three months ago; the first six weeks was spent extracting information from the applicant; by the beginning of December, Officers felt they had an application they could work with, and the re-consultation exercise began. The applicants wanted the proposal

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to be considered at January committee, which meant Officers had six weeks to consider an application that should normally take a minimum of 13; and for an application of this size, Officers would usually be looking for six months to give it full consideration;

- as LW has said, there have been a number of initiatives from the University regarding the management of students, but none of these are fully resolved or refined for Officers to feel confident that they will mitigate the problem. Maybe, with time, the University and local residents could come up with schemes to monitor the situation, but given the time constraints, this has not been possible;
- deferral will not be helpful for the University; it wants a decision today to be able to continue its bid for funding; the real issue is that Officers have been grappling with the application and the applicant is desperate to see it approved, officers want to recommend approval, but are not in a position to do so;
- regarding the amenity issue, with more time and co-operation between the University and residents – maybe some concessions re student numbers to gain the confidence of the neighbours – a solution could be worked out. Honest discussion is needed, similar to that undertaken by Cheltenham Festivals and residents of Montpellier and Imperial Square a couple of years ago;
- CH suggested granting permission pending several additional conditions, but we cannot use conditions or legal agreements to adequately mitigate the issues. Conditions have to comply with the 6 tests set out in the NPPG, they need to be precise, relevant, reasonable and enforceable, and this cannot be achieved in the time we have;
- the architecture is disappointing, as stated by the Architects Panel; the Civic Society rightly states that the site and the students deserve something better; the Heritage and Conservation Officer is concerned about the design of the scheme and its potential harm to the setting of the conservation area. This site deserves an exemplar scheme. With time, a high-quality scheme could be delivered, but we aren't there yet.

**GB:** in this situation and with such a significant application, is disappointed that no model has been provided by the applicant. Models give different dimensions to the opportunity to assess the scheme. Hopes that if the application is deferred, the University will produce a model before the scheme is reconsidered.

**BF:** if the scheme is deferred, the University can at least demolish the site and clear it in readiness for future development.

**FC:** thanks AM for his suggestion of deferral, which is probably the best way forward. The University will have heard that there is support for its continued growth in Cheltenham. Main areas of concern are highways issues not yet approved by the County, and the look of the buildings – form may follow function, but environment has to be taken into consideration. If the scheme is deferred, county and borough Officers will be able to follow through these concerns with the University, and take residents' views into account. If the University has listened to what has been said tonight, it will know that there is good will from the Planning Committee and from residents, who recognise the benefits of developing this site. Will support the move to defer – the University can look at the scheme again and come back with something which satisfies Officers, residents and Members.

**AL:** there are considerable architectural defects in the student blocks; the Architects Panel suggested means of improving this at no extra cost, but the applicants failed to consider this feedback. They have not taken on board the fundamental issues about design, resulting in a proposal which is difficult to condition or defer. A fundamental redesign is needed to make a better environment for students. If the applicants had taken this on board earlier, they may not have had to wait for their planning permission. Feedback is the breakfast of champions – ignore it at your peril.

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**JF:** if the scheme is deferred, how long might it be until it comes back to Committee – or will timescale not be specified?

**MB:** if deferred, will we be waiting for further information or for the applicant to make minor changes? Does deferral imply tacit approval of any matters not specified?

**AM:** if deferred until the meeting on 19<sup>th</sup> March, the University could still have its approval in time for its 23<sup>rd</sup> March funding deadline, so would it suit all parties to pencil in that date? If the University doesn't go along with this, it will miss its deadline and have to suffer the consequences.

**GB:** Officers will also need sufficient time to prepare any revised scheme for Committee.

**MC, in response:**

- regarding the funding stream, in order to qualify, planning permission needs to be granted and the judicial review period of six weeks finished by 23<sup>rd</sup> March. So if the University doesn't have approval by the end of January, it will not be eligible for that particular funding opportunity before the general election. However, this doesn't trump every other consideration – it is a material consideration but not enough to outweigh all other concerns;
- in response to JF, how long the deferral is for is in the applicant's hands. The University has heard the discussion tonight, and will have picked up on certain issues and messages. A lot of work is needed, so it's unlikely that they will have a revised scheme ready for next month. Officers would ideally like 3-5 more months to give the proposal full consideration, but it is not our decision – if the applicant wants to come back to Committee next month, it can;
- would point out that in deferring, we risk an appeal for non-determination, though doesn't think this is very likely;
- there is merit in deferral - the application is undercooked – but there is also risk, and the applicant could bring the application back for determination in February should they wish.

**KS:** deferral sounds like a tantalising option but feels there is too much that needs to be addressed in this scheme. There is a big gap between where the scheme is and where it needs to be, as Officers have been saying all evening. The design is not acceptable in this location, although it might suit another area; there seems little sense of context. The design must be good, and we need to be confident that the materials are durable and won't end up looking ropey like the existing blocks on this site. Isn't sure that deferral is the right decision to make. If this really is such a big deal to the University, why has it knowingly not sorted it out before? It is a big issue, and would be different if the University had listened to Officer advice. Four weeks isn't long enough to sort everything out; management of students needs a lot of careful thought. Is not sure that deferral will help anybody.

**MS:** is against the idea of deferral. The scheme should be refused at this stage, and the applicants should come back with a re-thought scheme which takes all recommendations into account. Is worried that in only a matter of hours, there could be an appeal for non-determination – this would take the decision out of our hands, which would be wrong. For clarity, regarding the new voting system, if Members vote against deferral, do we revert to the substantive motion?

**CL, in response:**

- yes, if the deferral is lost, the officer recommendation to refuse will remain the substantive motion.

**PB:** feels caught between a rock and a hard place, but will ultimately support the move to defer. Members have had a good debate, and the University must be clear about the level of support for its continued development. Deferral will allow the applicant the opportunity to come back in a shorter time scale, having taken on board tonight's debate and the comments in the Officer report. On the refusal reasons, understands that a lot more information on highways issues has been produced since

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the Officer recommendation, which may make a difference; also understands that student numbers will be less than in 2011. Regarding architectural design, the applicant can take note of the comments made tonight, that Members are proud of their town and want the best. On public art and S106 agreements, can't believe that these issues can't be addressed in 4-5 weeks. Members value the University but also respect residents' views, and would like to reach the point where these agree. Does not think the University will take the non-determination route – it wants a good relationship with the borough, and we will continue to work together, now and in the future.

**MB:** does deferral imply tacit approval of other issues?

**MC, in response:**

- no.

**KS:** do we need to give specific reasons for deferral or will Officers pick these out of the debate?

**CL, in response:**

- AM referred to the reasons for refusal listed in the officer report when he moved for deferral. There are lots of things to be worked on, so 'defer to see if all those refusal reasons can be resolved' sums it up neatly.

**Vote on AM's move to defer on the above grounds**

11 in support

4 in objection

**DEFERRED**

Application Number:	<b>14/02238/FUL</b>
Location:	<b>27 Arle Road, Cheltenham</b>
Proposal:	<b>Erection of two storey rear extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**MJC** described the application as above, at Committee at the request of Councillor Rawson to give Members the opportunity to consider the design merits of the proposal. As set out in the Officer report, there have been similar applications in the area with different decisions – the reasons for this are set out in the report. The Officer view, however, is that this application does not comply with local policy or the SPD on Residential Alterations and Extensions, and the recommendation is therefore to refuse.

**Public Speaking:**

**Mrs Townsend, applicant, in support:**

Told Members that 27 Arle Road belonged to her father, and that she moved away from Cheltenham to Sheffield at the age of 21 and has been wanting to return ever since. She now has the chance to do this, but her father's house is not adequate for her needs – with her partner, five children, and 10 grandchildren, it is just too small. Wants to create a family home, and also needs additional space to be able to offer respite care to her disabled nephew from time to time. Properties either side of 27 Arle Road have been extended – there is a double extension next door, and a downstairs extension a few doors down. The houses are staggered at the back, her extension will not overlook the neighbours, and the property will look the same as next door from the front and side. Was told by Officers that it was OK to build the single-storey extension the full width of the house, but the upper storey should be

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half the width. Did not understand which side this should be, so re-submitted the same application. Neighbours are in favour of the plans, and Councillor Rawson has looked at the drawings and given the proposal his backing. The downstairs alternations will allow her nephew to visit. Wants to extend the house through need, not for profit – is not intending to sell it but to create a family home.

## **Member debate:**

**KS:** notes that the letter of objection is from a resident living across the road; the neighbours on either side of the proposal have not objected.

**CH:** looked at this extension and the extension next door, which was built before the introduction of the SPD in 2008. Notes the houses are staggered, and that the application which was refused and dismissed appeal a few doors up relates to a house which is much closer to the road where the extension would have been visible from the highway. There are lots of extensions like this around the town. There are some extensions which follow the subservience rule and look worse than they would if they followed the line of the building. Did not look at the SPD when considering this application; is going more on how he feels about the appearance of the proposal. Notes that it doesn't seem to interfere with the neighbours or cause any problems around. If the majority of Members feel that sticking to the SPD is the absolute and most important thing, together with the appeal decision on the property nearby, then OK, but sees many examples like this elsewhere.

**PT:** cannot see any reason to turn this application down, SPD or not. We don't have to take all the policies as pickled in aspic. With the best will in world, cannot see anything wrong with this – Arle Road is in her ward, and the proposed extension is reasonable. Would like to move to permit.

**AC:** planning view was very useful in this case, as the house next door has the same extension. Can see no reason to interfere here. The proposal is entirely reasonable and has his support.

**AM:** agrees with AC. The proposal isn't in breach of CP7. Regarding subservience, it is similar to the extension next door and enhances the overall view. There are no objections from the neighbours; the only objection is from the resident at No. 28 who had his own application turned down, but this is not a reason to refuse this application.

**MS:** would like to hear Officer comments regarding the dismissed appeal a few doors down for an extension almost identical to this one.

## **MC, in response:**

- to MS, the appeal relates to a very similar application. The Inspector looked at the SPD guidance and endorsed it. It is a very relevant decision;
- would like Members to understand that Officers look at applications on a case by case basis. Has sympathy with the views expressed, but there is an issue with consistency, Officer decisions, and interpretation of the SPD;
- the applicant had the opportunity to negotiate an extension in line with Officer advice but chose not to. It is wrong for Members to pick and choose which cases are appropriate and which are not. Recent permissions at Hatherley Road and Moorend Road have been contrary to Officer recommendation, and show that Members are interpreting the SPD differently;
- if Members choose to approve this application, that is their decision, but they should approach the SPD in a consistent way; it represents the Council's advice and is endorsed by Planning Inspectors;
- is concerned that decisions like this will undermine the work of Officers, and there are more and more examples of this coming to Committee. It is important in terms of the Committee's professionalism in relation to how they interpret policy.

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**PT:** appreciates MC's comments but circumstances alter cases, and sometimes policy isn't entirely right. There is a consistency in this house being extended in the same way as the house next door. Consistency with the SPD wasn't an issue when the neighbour extended his property, and cannot see it causes such a problem to step outside the boundaries. To approve this application when the house next door has the same type of extension is consistent.

**KS:** was not on planning view but knows the area well. Regarding subservience, we look for this as a means to an end, not as an end in itself. Members are told on planning training that each application should be considered on its own merits. Recalls an application for an extension which wasn't subservient – it was approved against Officer advice, but with full neighbour support who thought it would look better. In some instances, subservience can deliver what we want, but in other cases it isn't the best option. There are cases where this kind of development can have as much impact on neighbours as the previous proposal considered by Members tonight – each case must be considered on its own merits.

**BF:** according to the NPPF, only 10% of applications are decided by Committee. Members don't rule the roost; most applications are decided by Officers. Yes, there are rules, but we don't have to blindly follow.

**GB:** the Officer recommendation is to refuse and there has been a move to permit. CL will clarify how to proceed under the new voting system.

**CL, in response:**

- the Officer recommendation is to refuse; Members will vote on this first. If carried, the application is refused; if not carried, a new motion can be taken from the floor.

**Vote on Officer recommendation to refuse**

5 in support  
9 in objection  
1 abstention

**NOT CARRIED**

**PT:** moves to permit

**MC, in response:**

- conditions will be needed if the application is permitted. Suggests the standard condition requiring work to be commenced within five years and according to the drawings.

**KS:** should there be a condition about materials?

**GB:** it is up to PT to decide whether to include this.

**PT:** suggests any conditions should be agreed by Officers before the decision is sent - 'materials to match' would be appropriate.

**Vote on PT's move to permit, with conditions as above**

9 in support  
5 in objection  
1 abstention

**PERMIT**



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Application Number:	<b>14/01468/FUL and 14/01468/LBC</b>		
Location:	<b>The Royal Oak, 43 The Burgage, Prestbury</b>		
Proposal:	<b>Erection of front entrance porch, replacement and enlargement of window to rear elevation, demolition of some internal walls, formation of kitchen and installation of extraction system and extension over proposed kitchen.</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit / Grant</b>		
Committee Decision:	<b>Permit / Grant</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

## **Officer Introduction:**

**MC** described the application as above. It is at Planning Committee because the Parish Council objects to the porch as inappropriate and obtrusive, but following some amendments, it is supported by the Conservation Officer, and therefore comes with a recommendation to permit.

## **Public Speaking:**

There was none.

## **Member debate:**

**PT:** understood that the Parish Council had withdrawn its objection to the porch.

**AC:** is in favour of the application overall, but cannot see the point of the porch. It will detract from the signage. Is surprised the Conservation Officer supports it, and remains dubious about that part of the scheme.

**BF:** is also amazed by the porch. Notes that the Parish Council has objected, yet there is an email of support from Councillor Payne included in the report – is this written as ward councillor, member of the public, or Chair of the Parish Council? Doesn't agree with the reasons for the porch. This is the oldest building in The Burgage, Grade II listed, and not designed to have a porch. It isn't a show-stopper, but it detracts from the look of the pub. Other pubs have porches, but these aren't in the conservation area.

**DS:** this proposal is a good example of working in collaboration before the application gets to Committee. Most of the work proposed will be carried out sympathetically, and notes reservations about the porch, but the front of the building is already a bit of a hotch-potch, with windows not all the same design.

## **MC, in response:**

- was not aware that the Parish Council has withdrawn its objection.

## **WT, in response:**

- as pointed out in the Officer report, there are a number of pubs of a similar age and architecture in the Cotswolds which have porches. The porch will be attached to the 19<sup>th</sup> century part of the building;

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- the applicant's justification for wanting to add a porch to his pub is economic - people don't want to sit at the front of the pub with the door opening straight in, as a draught is created every time the door opens. Adding a porch will give full use of the internal space;
- negotiated with the applicant over materials to make sure that the porch would look right at the front of the pub.

**KS:** was perplexed by the porch when reading the papers, and would have liked to see more colour in the drawings in order to understand better what it would look like and whether it will damage the integrity of the old building. Not all the buildings in The Burgage have porches; it adds to the unique character of the pub not having one. Is not certain how much difference a porch will make to the draughts in cold weather.

**AC:** will the sign be moved when the porch is installed?

**MC, in response:** yes

**CH:** it isn't for Members to question why someone wants to do something to their property and the reasons why they want to do it is up to them; our job is to say whether it will look OK or not. In this case, there are two different buildings: the original building and the newer part. Buildings have bits added to them over the years, and feels that the proposal for The Royal Oak is OK. It is in character, not out of place with the rest of the street, and will not majorly detract from the building or the street scene. Can see no reason to refuse.

### **Vote on Officer recommendation to permit**

14 in support

1 abstention

**PERMIT**

*The meeting ended at 8.30pm*