

draft minutes

Planning Committee

21st January 2016

Present:

Members (15)

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McCloskey (HM); Savage (LS); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Matt Babbage (MB)
Councillor Rowena Hay (RH)

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Chloe Smart, Planning Officer (CS)
Michael Glaze, Gloucestershire Highways (MG)
Lorna McShane, Legal Officer (LM)

1. Apologies

Councillors Chard and McKinlay.

2. Declarations of interest

- i. **15/02097/FUL Naunton Park**
Councillor Sudbury – the scheme is part-funded by her County *Active Together* fund – will leave the Chamber for this debate.
- ii. **15/01449/COU Former workshop and garage to rear of 174 Bath Road**
Councillor Colin Hay – knows the owner of Clare Garden Cottage

3. Declarations of independent site visits

- i. Councillor Sudbury – **Former workshop and garage to rear of 174 Bath Road** – visited the site to explain the planning process to neighbours.
- ii. Councillor Baker – has visited **Cotswold BMW** and **Land off Harp Hill** in the past

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4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 17th December 2015 be approved and signed as a correct record with the following correction:

Application Number:	15/01860/FUL
Location:	Pittville Park, Evesham Road, Cheltenham
Proposal:	Replacement of children's play park and erection of refreshment kiosk

MS: fully supports this scheme. Regarding the musical element mentioned by Councillor Coleman – will this be mechanical? How will it be generated and at what volume? ~~Also, the refurbished aviaries – will noise from here be detrimental to nearby houses? and will neighbours be affected by it? Also, will appropriate steps be taken to protect the animals and birds in the aviary from the adverse effects of development going on around them?~~

6. Planning applications

Application Number:	15/00321/OUT
Location:	Cotswold BMW, Tewkesbury Road, Cheltenham
Proposal:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to 106 obligation
Letters of Rep: 3	Update Report: Officer comments; further suggested conditions; representation on behalf of owners of The Brewery and Regent Arcade

MJC introduced the application as above, informing Members that a letter of intent has been received, naming TK Maxx and Brantano (Jones the Bootmaker) as the likely end users. A retail analysis and sequential test have been carried out, assessing the likely impact this development may have on the vitality of the town centre. Viability has also been independently assessed. Sequentially, more preferable sites are available, such as The Brewery and North Place, but with TK Maxx as the anchor, these sites are unsuitable due to their proximity to the town centre. However, the application doesn't establish the necessity for TK Maxx as the anchor tenant, so this must carry limited weight. It is felt that the proposal will have limited impact on the town centre, in view of the arrival of John Lewis and the lack of representations from developers at North Place. It is this absence of impact that tilts the balance in favour of approval, even though there are retail policies to promote town centres. To turn

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down the application for this narrow reason – its questionable impact on town centre – would not be representative of the positive decision making advocated in the NPPF. Further detailed conditions are set out in the blue update to restrict how the development can operate, sale of goods, and the requirement for a legal agreement concerning the dual presence of retailers in and out of town.

Public Speaking:

Mr James Griffin, Hunter Page Planning, in support

Thanked officers for their hard work on this application, for the balanced report and recommendation to permit subject to conditions and legal agreement. With the BMW flagship showroom progressing well and due to open in summer 2016, the owners have been looking at alternate uses for the Tewkesbury Road site, which has been subject to wide marketing. Despite the size and location of the site, there has been no interest from the motor trade. Acknowledged officer concerns, but with TK Maxx and Brantano as the named end users, the proposal presents a unique business model. Cheltenham has a strong retail centre and will not be disadvantaged, particularly with John Lewis coming to the town. North Place is too close to TK Maxx's and Jones's existing town centre premises for those retailers to want to open additional stores there, but understands officers' concerns that they may leave the town centre altogether and has therefore worked with officers on conditions and legal agreements to cover this issue. The proposal will bring further economic benefit for the town, with 120 full-time jobs and a revival of this gateway site with a well-designed building. All planning considerations are in its favour, together with a wide range of conditions and legal agreement to protect the town centre.

Member debate:

PB: this is a hugely difficult application, one of quite a few recently where officers could have gone down one of two routes; in this case, they have gone down the approval route, but all agree it is a very narrow shout. The importance of the town centre cannot be overstated. Cheltenham's retail offer is huge, a major factor in making it a key tourist area, and significant in the crucial matter of jobs and the economy. Is mindful to move to refuse the application, but will gauge the opinion of other councillors before doing so.

Two of the most significant investors in the town centre who are together work millions of pounds to Cheltenham, have objected to this proposal. Is proud of the way Cheltenham is going with The Brewery and John Lewis, but we are have strong competition from Birmingham and Bristol, and with this application we are in danger of providing further competition to our own town centre just one mile away. The proposal will, without question, have an impact on the town centre. If further similar applications are permitted, we will end up with a mini-town down Tewkesbury Road – the increasingly significant retail offer will pose a real threat to the town centre – and while it's good that jobs will be created near to where people live, jobs in the town centre will be lost at the same time.

It's feasible to argue the impact of the consequential increase in offer at the retail park – these are very much the kind of goods available in town centres, not just the bulky type of offer associated with out of town retail – will significantly compete with the town centre and attract more retailers out of town, creating 'Cheltenham 2' on Tewkesbury Road.

Regarding the sequential offer on the blue update, this is a different side of the coin. There are clearly other opportunities for retail use in the town centre, and the availability can be interpreted in different ways. We have to take a long term view. If TK Maxx agrees to stay in the town for five years, what will happen next? It is currently a key anchor tenant in the Regent Arcade.

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There are good grounds to refuse this application on the sequential test and impact, though accepts that this is a fine judgement.

JF: disagrees with PB. Cheltenham has a thriving town centre now, with John Lewis coming, the Regent Arcade almost full with move from the Beechwood Arcade, and The Brewery development. We are looking at two different sets of criteria. Personally dislikes shopping at the retail park but enjoys the buzz of the town centre. People use both to suit their various needs and preferences. Looking at the list of goods which can or cannot be sold, Boots and Sainsbury's already sell practically all of these anyway. Regarding the five-year cut-off point for the key users, doesn't believe this will be a problem – people like shopping in TK Maxx, and Jones has been in Cheltenham for many years and is used by lots of families for school shoes etc.

Cannot see any reason to refuse this application, having read the reports thoroughly. Was worried about the five-year legal agreement, but the stake-holders have agreed to it. Concerns for the town centre will prove to be a lot of worry about nothing. We all know the issues facing retail outlets of all types these days, but the town will always be busy on Fridays and Saturdays, with people shopping and stopping for coffee or lunch.

Supports the officer recommendation on this. Would just question, in view of Swindon Village concerns about boy racers, whether GCC will put up barriers to prevent this happening?

MS: it's true that there are two sides to this debate, but very much supports JF's views. We have a fully sustainable town centre, almost full at the moment, and can be sure that John Lewis wouldn't be coming if it thought the town was not viable – would be very surprised if it made its decision without thorough research. Regarding the question of keeping a competitive advantage for the town centre, would say that we need to keep business rates down in Cheltenham as well as out of town. We need competition to give customers the best deal; the people of Cheltenham deserve to have choice. We have to protect the town centre - retailers will want to come here, despite the slow uptake at North Place. In view of the economic development plan, is disappointed that no high-value jobs are proposed for the Tewkesbury Road site – it would be well suited for business/industrial use – but we cannot force that. Will support the officers.

KS: is quite enthusiastic about this application, and thinks differently from PB. If we protect the town centre so much that retailers there become complacent, we will ultimately kill it off. Competition is needed to keep retailers on their toes, and it is good to offer choice. The out-of-town vs. town centre model of 20 years ago is outdated, with the rise of internet shopping. Kingsditch Lane is already much like a mini-town centre, but the real town centre continues to thrive. In addition, we are planning to build thousands of new homes in Cheltenham, and the town centre can only cope with so much. We have to expand. The town centre is already competing with Kingsditch, the internet, Bristol. Is thoroughly in favour of the officer recommendation. Also, for years and years, residents of The Moors have existed in a kind of island, but here will be job opportunities on their doorsteps – a great bonus for them. We cannot turn this down.

BF: this is an interesting debate. Is concerned by the highways report which states that by 2019 the traffic in this area will be above 100% capacity at peak times. This single application isn't going to make much difference, but there are a lot of empty industrial premises in this area, including the Bonella Switches site, which developers could well want to convert to retail, as has happened in the past. Kingsditch Retail Park has grown over the years and is nicely laid out, but the car park is

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stretched at peak times; this proposal will be the same, and could result in additional pressure on the highways.

Does not consider North Place to be an option for retail development at the moment – nothing is going to happen there for some time due to an ongoing argument – so remains primarily concerned about capacity on the roads. When Smyth's Toy Shop opened last Christmas, it caused mayhem, with real danger of a major traffic problem and putting the roads very close to tipping point. In addition, Bristol Street Motors site is being converted to housing – this is in Tewkesbury Borough but will affect Cheltenham. As part of the JCS process, Gloucestershire Highways still hasn't come up with a proper solution for traffic on this side of town yet.

Is not convinced by the new jobs argument: BMW talked about creating 200 jobs with its Grovefield Way development, but these aren't new – 175-180 of them are existing jobs in Gloucester, Cheltenham or wherever – and for this, a massive site in the greenbelt has been lost. It won't create jobs for builders either – they will be working elsewhere, come to Cheltenham for this job, and then move on – this argument is a red herring. There are already gyms in the area, so adding another will mean more competition – not a bad thing – and also for the pub in Swindon Village.

This is a difficult application, one that he can just about support as long as permitting it doesn't give a green light for anything...but the problem arises from allowing BMW to build at the Benhall roundabout in the first place.

SW: is not yet 100% decided, but the points made by PB are very much along the lines of his own thinking. This application won't add to the existing traffic issues, but there will be others which will. Recalls the council being slated by a bed store a few years ago – that people could buy a bed out of town but not a pillow, which was ridiculous – but drilling down into the problem makes it obvious that out-of-town shopping may be competition, but it is not fair competition. For sites such as this, the overheads are infinitely less than those in the town centre, and parking is easy. Looking at the list of items which can be sold here, it's obvious the large items such as beds should be sold at out-of-town retail parks, but watches, clocks, jewellery, sunglasses? We need to have a discussion about exactly what will be classed as 'non-bulky' items and what CBC will allow to be sold out of town. At the moment, is erring on the side of PB's argument.

CH: PB said he would see who supported his view before moving to refuse this application. Supports PB; this application gives the wrong message when we are trying to promote the town centre. It is important to have the majority of retail concentrated in the town centre to keep it vibrant. Out of town shopping is different. There is already a real mix of outlets on Gallagher Retail Park; this application encroaches on the definition of out-of-town shopping, and makes it a more general retail area, which it wasn't intended to be – in competition with the town centre, affecting its value and attraction. Will be more than happy to see this refused, in line with PB's reasons.

LS: agrees that this is a very difficult application, but agrees with KS. It is no longer an either/or choice – town centre or out-of-town retail park. Cheltenham has a growing population, and we have a growing local and national economy. We can have a vibrant town centre and separate out-of-town offerings to draw customers from surrounding areas, such as north of Cheltenham, via the M5. The town centre is in good health, and this application offers the opportunity to grow the retail sector and draw in more customers and tourists – another string to the bow of the local economy. Will support the application.

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HM: is still not decided and is interested to hear what other councillors have to say, but as this is an outline application for the principle and access for the scheme, we can say to the developer what we want to see in the reserved matters application. Regarding BF's point about car parking, is also concerned that provision is being made for 163 spaces but we are also told the the proposal will provide employment for 120 full-time staff. Even if only 60 of these are on site at any one time, this means 60 spaces will be taken by staff. Members have been informed that having a gym, pub and store on one site will result in a 30% reduction in linked trips, as two or more elements will be visited at one time – but this means the car-parking spaces will be occupied for twice as long. Has doubts about the parking provision, and would like the applicant to look again at this issue.

RH: the report states that 137 spaces are required and 163 are being provided. Car parks on the retail parks are absolutely full on Saturdays and Sundays, and with the gym and pub added, people will stay around for much longer. The developer states that staff car parking will be separate, but where will it be? Has significant concerns about the long-term impact of what will be a retail village.

MJC, in response:

- to JF, re Swindon Village Parish Council concerns about boy racers – forgot to attach a condition about this. The original in/out access between Rutherford Way and Tewkesbury Road would have provided the idea opportunity for anti-social behaviour, so a condition has been suggested to restrict the access into the car park at Rutherford Way;
- regarding car-parking capacity and the impact on roads, the County Council has provided a detailed response, with all questions considered. Michael Glaze will give more information;
- the rest of the debate has focussed on the retail impact of the proposal. It is clear from the report that officers have thought long and hard about this, and discussed the issue with an external consultant;
- the potential impact on the town centre is the nub of the matter, and professional advice is that this will be very little. The town centre will not be affected, and its vibrancy and vitality will continue if the proposed scheme is built with restrictions. Sequentially, North Place is the next site retail developers should be looking at in Cheltenham, and it is available, but the lack of any objections from the owners of that site suggests that they do not think the scheme being considered tonight will have any impact;
- if Members want to refuse the application, teasing out reasons for refusal will be difficult, and we will be arguing against our expert advisers. Their advice is that the town centre won't be overly affected and will continue to thrive.

MG, in response:

- regarding car parking on site: capacity analysis has been carried out which suggests that 163 spaces will be sufficient. As part of this, a parking cumulation survey was done – a complicated process, assessing in-bound and out-bound cars – which resulted in a maximum Saturday capacity requirement of 137 spaces. National guidance is that car parks should be designed to provide 85% of need; the additional 15% is provided. Highways officers are therefore happy with the proposed car parking;
- the developers have been in conversation with their clients re parking, and retailers aren't ever going to agree to too little parking – they are going to provide as much as they deem necessary. In this case, the retailer is happy with the car-parking provision on site;
- regarding the number of trips, highways officers asked the developer to look at the impact of the scheme on Tewkesbury Road-Gloucester Road, Manor Road-Tewkesbury Road, and the Kingsditch roundabout. These are busy routes, approaching capacity in some areas. The developer has looked at the existing site on the network and added the traffic likely to be

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generated by the proposed development and found that it will make no noticeable difference. There is therefore no severe impact in highways terms;

- regarding linked trips – where someone makes one trip for several reasons - there is a lot of highways guidance here, and the advice is that parking spaces are freed up through the day;
- the bottom line is that shoppers cannot park on Tewkesbury Road. The car parks will be busy at weekends but this is what people would expect at a retail park.

JF: notes that there are only 12 disabled car-parking spaces which doesn't seem a great percentage of the 163 spaces, and isn't enough. How is this worked out?

MG, in response:

- generally a figure of 5% 'inclusive mobility' is used for guidance. Highways officers could speak to the developer at the reserved matters stage if Members feel that more spaces are needed.

KS: JF hit the nail on the head in her earlier comment – people go shopping for different reasons. Sometimes they want to enjoy the ambience of the town centre and wander about at leisure, and other times they want to visit a retail park, buy what they want, and go. Out-of-town shopping is more diverse now, and if we want to keep people shopping in towns as they do now, a similarly diverse offer is needed there too – it is expected these days. Visited Newport recently, where there is a Tesco store so big it stocks absolutely everything – this is the difference between planning and the real world. It is possible to have a thriving Kingsditch Retail Park and a thriving town centre, serving different kinds of shoppers. If Kingsditch is restricted to an obsolete model, town centre retailers will not have to compete for our Cheltenham pound.

PB: remains concerned about where staff will park. Parking isn't unlimited and we have already heard from local businesses that parking is a nightmare in the area.

MG, in response:

- wouldn't expect all staff to cycle or walk to work, and the parking cumulation survey has taken account of both visitors and staff, as well as deliveries.

RH: this doesn't make sense. There is nothing on the plans about staff parking. Does the 163 spaces provided include staff? Does the 85% include staff?

MG, in response:

- the lay-out doesn't delineate staff/visitor parking. The survey looks at parking requirement at half-hourly and hourly intervals. The developer will not want to allocate 30-40 spaces specifically to be used by staff as they may not all be required on a daily basis.

RH: it will make parking even worse if 30-40 of the 163 spaces are likely to be used all day by staff.

MG, in response:

- the developer has looked at the optimal need, how many spaces will be needed for staff, deliveries etc. 163 spaces is more than the requirement suggested by the survey, and includes the maximum number of people likely to visit at any time as well as staff parking requirement. Staff and shoppers are not separated, and the parking proposed is considered enough to provide for all requirements.

SW: is not sure that this is a planning matter, but would just say that retail doesn't bring money to the town – it brings money to the retailers. The point about town centre shopping is that people are more

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likely to go to the theatre or for a meal, and it is this which benefits the town. People go to out-of-town stores for supermarket shopping and large items. Is it good financial sense for Cheltenham to encourage them out of town for other reasons?

AL: we shouldn't turn away major outlets waiting to come to the town. Here we are waiting on one retailer – TK Maxx; if permission is given and TK Maxx withdraws, will this undermine the sequential test? Notes that MG has said the proposal will have no severe impact in highways terms, but how is 'no severe impact' defined in the NPPF?

MJC, in response:

- to SW, regarding the economic benefit of the proposal, business rates are the future lifeblood of the council. This carries limited weight as a planning consideration, but cannot be ignored;
- Officers have looked at the application both ways in writing the report. If the application is considered with TK Maxx as anchor, the alternative sites – North Place, the Brewery – would not be suitable, but if TK Maxx is dismissed as the anchor, those sites would be suitable. This could put us in a weak position - we need to consider impact on town centre, and advice is that the impact will be very limited, and if the application is refused on the sequential basis, this position would not be supported at appeal;
- the TK Maxx issue is a bit of a red herring – it is suggested as the anchor and has provided letters of intent – but the application has been assessed both ways, and either with or without TK Maxx, the officer recommendation would be the same.

MG, in response:

- to AL, there is no definition of 'severe impact' in the NPPF but it is taken to mean the proposal will make no noticeable difference to volume of traffic in percentage terms. The roads are already busy in this area, and the additional traffic won't make it worse – so the impact won't be severe.

HM: in the main body of the report, highways officers have suggested a number of conditions to attach to permission if granted, which will be more applicable to the reserved matters application. Would like assurance that these won't be forgotten if the application is permitted.

MJC, in response:

- the reserved matters application will provide the detail of the application, but it is a well-established tradition to attach conditions to the outline application, to make the retailers are aware of them. Will ensure that these are attached at the reserved matters stage.

HM: these are not included with other conditions in the blue update.

MJC, in response:

- the conditions in the blue update relate specifically to how the scheme will operate and what goods can be sold. All other conditions are set out in the green update.

Vote on officer recommendation to permit

11 in support

4 in objection

PERMIT

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Application Number: **15/01449/COU**
Location: **Former workshop and garage to the rear of 174 Bath Road, Cheltenham**
Proposal: **Change of use from workshop and garages (previously associated with an undertakers) to a bicycle workshop (including ancillary cafe and office). No external alterations proposed.**
View: **Yes**
Officer Recommendation: **Permit**
Committee Decision: **Refuse**
Letters of Rep: **11** Update Report: **None**

CS introduced the application as above, relating to a single storey building on a private road to the rear of Bath Road, in the central conservation area. It is at committee at the request of Councillors Barnes and Sudbury, in view of the possible impact it may have on neighbouring amenity. Environmental Health and highways officers have raised no objection to the proposed change of use.

Public Speaking:

Mr Alex Isaac, neighbour, in objection

Understands the need to strike a balance between residential and commercial considerations in the town, and is speaking on behalf of himself and other residents who live directly adjacent to the development site. They do not have any objection to the cycle workshop, but do have concerns about the café. Both the press release and the plans indicate that the café will be the main feature of the scheme rather than an ancillary use, giving rise to three concerns for neighbours: noise, operating hours, and access. The noise from 28 people in a warehouse-style room will affect the seclusion and privacy of local residents, and the proposal is larger than many dedicated coffee shops. The proposed opening are 8.30am-7.00pm during the week, 9.00am-6.00pm at weekends, which is longer than standard trading hours and than what currently occurs at this site. In addition, if the café closes at 7.00pm, noise could continue till 7.30-8.00pm with clearing up, cleaning etc. If the café is successful, it will significantly increase the footfall in Clare Lane; illegal parking and congestion are already a problem, and the proposal will have a further detrimental effect, with residents of Naunton Parade and Clare Street as well as commercial premises on Bath Road compromised as a result. The area is already well served by coffee shops, and given the residential nature of the immediate vicinity of the site, and its situation in the conservation area, hopes Members will take all this into account.

Mr Nigel Clifton, applicant, in support

Is a keen cyclist himself, and his business partner runs a successful mountain bike business which organises events in the Cotswolds. Together they have identified a need in Cheltenham for a space dedicated to cyclists, particularly in view of the massive growth of cycling in Cheltenham and the UK as a whole. At present, cyclists have nowhere to go where they can park their bikes safely. The premises behind 174 Bath Road were used by his grandfather who was a funeral director and are currently owned by his mother. The proposal will provide space for 20 bikes, and the expectation is that people will head off after using the café, or use Bath Road shops. By offering the opportunity to ride to Bath Road, park safely, have coffee and go shopping will alleviate traffic in Bath Road. The intention is to have four mechanics to service and repair bikes, and occasional workshops on bike maintenance and safety, so giving something back to the community. There will be 12 seats in the ancillary café, with no food prepared on the premises – it will be cooked elsewhere and warmed up. Similar light industrial units have been successful in Bath and Bristol, and hopes to start the business here and see where it goes, while promoting cycling in Bath Road.

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Member debate:

SW: visited the site on Planning View and considers this proposal will do little harm. If the proposal was to re-build the unit, it would be a different matter, but it is only for a change of use and will be a great asset. Belonged to a cycle club 20 years ago and there was nowhere for cyclists to go together as a group. This is brilliant; will support.

CH: agrees this is a great idea - it sounds exciting, and hopes it will be very successful. But the nub of the problem is that while the idea is great, it is the wrong location. The passageway is very quiet, and if the venture is successful, cyclists coming and going will cause congestion. These are family premises, but can well understand the objectors' concerns about such a change of use. Operating seven days a week, it will materially affect the area. It may be hoped the cyclists will dismount and walk down the lane; some will and some won't, but it won't take many not doing so - and walking in cycling shoes isn't comfortable - to cause a problem. This is a difficult application; the concept is good and the need is there, but this is the wrong place. Cannot support the scheme, despite regretting the potential loss of such a great facility. Hopes the applicant can find suitable premises elsewhere.

KS: yes, a great idea, and if in a different location, or with shop frontage to Bath Road, is sure it would be very popular. When visiting the area to explain the planning process to neighbours, took the opportunity to look at the site. Was struck by how extremely peaceful and quiet it is – more so than her own home which backs onto a field – and hard to believe that it is so close to Bath Road. Any noise from cyclists and the workshop would be significant in this location. Is sad to say this as is sure the business would be popular, but councillors' duty is to residents and the proposal won't affect just a few properties. For those closest to the site, it will be like having a café in their own garden.

Is also concerned about access, despite the lack of concern from highways officers – it is a big worry for neighbours. If approaching from Naunton Parade, cyclists will have to cross private land, along the lane where customers park to visit Newman and Bloodworth's. The access could be gated, but this would disadvantage the residents of Clare Garden Cottage Customers' cars could be scraped or damaged, potentially putting people off using the shops - we have to protect the vitality of Bath Road.

Regretfully cannot support the application in this location, but would 100% support it elsewhere. Reduced hours of operation may address some of the residents' concerns, but would probably not be workable.

MS: agrees with CH. The scheme is brilliant and clearly what cyclists want. Has no objection to the workshop, but as a café and meeting point for cyclists, this is in the wrong location. Residents and their gardens need protection. The quality of the buildings on site is not good, so it will be difficult to insulate them well, and operations there will inevitably create noise. The cafes at Central Cross Drive and in Montpellier Park are small but still require deliveries twice a day, and there are occasions when large groups of cyclists congregate at these places. In this location the proposal is wrong and in breach of local policy CP7. We have to protect neighbouring properties. Will not support the application.

GB: speaking as ward councillor, a lot of his concerns have already been raised by other Members – this is an excellent idea but in the wrong place. Is most concerned about the café element of the scheme. On Planning View, visited a property in Naunton Parade which backs on to the proposed café area; the ventilation from the café is two metres from the garden's patio area. Although the applicant has said the café will mostly serve coffee and cake, if the scheme is successful, it will be

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difficult to stop the café from developing, bringing unwelcome cooking smells into the neighbours' gardens. Agrees with the comments made by other Members.

PT: is really surprised by the debate. There are ways to control noise and objectionable smells. The Environmental Health team is part of the Council, and can sort out any problems if needed. Cannot envisage cyclists spending hours and hours in the café; they like to be on the move – will stop for coffee and a chat and be on their way again. Everyone seems to be imagining something much worse, but it isn't going to be a big place or for hundreds of people. It will be primarily for cycle repair, and the mechanics will monitor the behaviour of the cyclists.

CS, in response:

- it is important to set out considerations from an officer perspective, and to remember that the fall-back position for this site is for an undertaker's and an upholsterer's. Their operating hours were unrestricted; the current change of use application will limit the hours of operation for the proposed business;
- regarding the potential size of the operation, it is a small-scale building which will mean only a limited amount of activity can take place. The business has to start somewhere, and if it outgrows this site, it will move on. Officers consider this site to be appropriate for a start-up business;
- to MS, did he mean CP7 or CP4 as a refusal reason?

MS: meant CP4 – causing unacceptable harm to the amenity of adjoining land users and the locality.

KS: the previous users caused no noise nuisance, did not operate such long hours, and only worked Monday to Friday. Agrees with MS re CP4, but if the application is permitted, would like to propose an amendment to the the hours of operation to Monday to Saturday 7.30am-6.00pm, Sunday 10.00am-4.00pm, and no bank holidays. These are accepted retail hours and will protect neighbouring amenity – which could be seriously compromised by 12 cyclists talking loudly almost in their gardens.

CS, in response:

- regarding the suggested change of operating hours, officers and environmental health officers do not consider this necessary, particularly considering the previous unrestricted uses. Also, to require the business to be closed on bank holidays would be unreasonable, given the nature of the use.

KS: therein lies the nub of the problem here – Sundays and bank holidays are when people want to enjoy the peace of their gardens, and that is why this is not the right location for this business.

BF: cannot agree with the suggestion to amend operating hours. Bath Road has many fast food joints which stay open late, and pubs which are open 365 days a year. Evenings, weekends and bank holidays are the times when cyclists are most likely to want this facility. Bath Road isn't a quiet oasis at 6.00pm, with its restaurants and pubs etc. It would not be fair to restrict the operating hours as suggested and we shouldn't do it.

CH: it's true that parts of Bath Road are noisy, but would echo KS's earlier comments that the area around the site at the back of Bath Road is so quiet, it's hard to believe it's close to a busy road. There are similar locations across town which are stunningly quiet and peaceful. Also has a dilemma regarding KS's proposed change to operating hours, as the business model just won't work with those restrictions. Is minded to vote for refusal; restricted hours won't work and we have to offer some protection to local people - this quiet oasis will be spoiled by the noise caused by the business.

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SW: speaking as an ex-cyclist, Members should appreciate that the customers will be cyclists, not schoolkids, who are always keen to be considerate. The café area is for most part is fully enclosed, and noise won't be an issue; it it was sited in the middle, it could be a problem, but cannot see noise permeating from that contained area. If Members are concerned, could it be insulated? Considers objections to be a storm in a teacup; if the application is permitted, in two years' time it will not be considered a problem.

PB: Members shouldn't be playing with conditions, but considering the application on its merits. Wishes he had been present on planning view, but was surprised at the recommendation. This is a great application but in the wrong place. Will vote against it.

AL: agrees this is a fantastic application, and the noise and smells can all be attenuated. The main issue against it is the danger of access, particularly for Coomeville, with extra traffic and cyclists up and down the lane. Will vote against it.

KS: withdraws her proposed amendment – agrees that the business model wouldn't work with reduced hours.

Vote on officer recommendation to permit

3 in support
9 in objection
3 abstentions

REFUSE

Vote on MS's move to refuse on policy CP4

9 in support
3 in objection
3 abstentions

MOTION CARRIED - REFUSE

[Councillor Rowena Hay left the meeting at this point.]

Application Number:	15/01441/OUT		
Location:	Land off Harp Hill, Charlton Kings		
Proposal:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)		
View:	Yes		
Officer Recommendation:	Refuse		
Committee Decision:	Refuse		
Letters of Rep:	7	Update Report:	None

MJC introduced the application, which Members will remember from November Planning Committee. The recommendation to refuse focussed on the impact and the cramped, contrived nature of the proposed dwelling. Late in proceedings, highway visibility was raised as an issue, and the recommendation was refuse, but to delegate the decision back to officers, once the highways matter

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had been fully considered. Members endorsed this recommendation. Late in December, the visibility issue was resolved, with the conclusion that there is no highways concern here. Officers were therefore in a position to refuse the application, based on the substantive reasons, but met with the applicant who was concerned that the application was not presented clearly to Members. The decision has not yet been issued, so officers felt it right to bring the application back to Members to consider the issues again, as it was not the clearest of recommendations on the previous occasion. The recommendation remains to refuse.

Public Speaking:

Mr Guy Wakefield, Hunter Page Planning on behalf of neighbours, in objection

Is speaking on behalf of local residents who strongly object to this planning application. Nothing has changed since it was last considered at Committee, and the 2014 refusal reasons can be used to refuse this proposal for a new dwelling on the same plot. There is an expectation that any new development should preserve and enhance the character and appearance of the area. It is significant that this application site is in the AONB, and great weight must be attached to national policy when determining such applications. This is a semi-rural location, characterised by large detached houses on large plots. This proposal would be out of keeping, a viewpoint supported by aerial photos of the area. The officer report for the 2014 application stated the importance of considering the landscape character when determining the scheme for development. AONB has the highest protection, and any development must be suitable for the local context. This proposal is not in keeping with the context, which is characterised by larger plots. The current unkempt appearance of the plot does not justify this application to improve it, and this would be a dangerous precedent if it were given any weight. There is no benefit to outweigh the harm this proposal would cause, and to ensure consistency with the previous decision, it should be refused.

Mr Simon Firkins, SFPlanning on behalf of applicant, in support

Is speaking on behalf of the applicant, who addressed Committee in November but found it rather daunting. Was concerned that there was no pre-warning of the highways issue before that meeting, and is glad that officers have brought it back to Committee now for a decision. Members received an email last night, stating that the proposal will have no impact on highway safety. They also received a Nolli plan showing the size and scale of all dwellings in the area, including two recently approved new dwellings further down the hill. It is clear that their footprint to plot size ratio is greater than the outline proposal being considered tonight, which is small, local and in keeping. 3D drawings have also been produced to show that the impact on the AONB will not be harmful. Neither the Parish nor the Civic Society have raised any objections, and some of objectors live miles away, which is baffling. Is surprised that the agent working for the neighbours is objecting to the scheme, as they too are proposing to build in the AONB. Is bewildered and cannot see where officers are coming from in their recommendation to refuse, when common sense says the scheme should be permitted. Members were previously minded to refuse, but the extra information provided since then demonstrates that this is an unusual but not unreasonable proposal in this location.

Member debate:

SW: has not changed his mind since November, and Mr Firkins has said it all tonight. As a member of the Cotswold Conservation Board, has spoken off-record to them regarding this scheme, in view of their lack of official comment – they consider it insignificant and do not have the time to deal with it. On site, it is clear that only the person in the house to the south of the application site is going to have any view of it; from the road, trees are in the way. This is a scrubby bit of land, and we should welcome the prospect of it being tidied up. It will do no harm to the AONB. If there were no other

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properties in the area, would be saying no to this proposal, but one more modest building on this small piece of land can only improve the area. Will vote in support of the scheme.

BF: regarding the impact on the AONB, permission for two dwellings on a neighbouring site has been granted since this application was last considered, which will have greater impact on the AONB. Planning Committee also approved the plans for the GCHQ Oakley site, the top of which is in the AONB and can be viewed from clearly from above – that development will have much greater impact visually, size wise, and regarding the amount of land taken up. One of the dwellings fills a bigger proportion of the site than what is proposed here. This is a modest house; it's true that the area is characterised by big houses, but there are smaller houses too, and big doesn't necessarily mean good – size has nothing to do with the quality of the area or the building. This proposal will have no impact on the AONB, unless someone walks right up the drive, and only the residents of Kings Welcome will have it in view – which we know is not a reason to refuse planning permission. The Bredons is to be demolished, and two large houses built in its place; they will screen this proposed dwelling even more.

We would be crazy to talk about refusing this application when we have approved other similar schemes all around it. The amount of space within the site this dwelling will occupy is quite proportionate. The point of an outline application is to ascertain whether a site can be developed, and in this case we should be saying yes, it can and it should.

LS: last time this proposal was at Committee, the highways issue was very much a secondary consideration to the primary issues: the impact on the AONB and whether the potential benefit outweighed the potential harm by its negligible contribution to the need for housing. Ed Baker's original report noted that the site is '*within the Cotswold AONB and contributes to the spacious semi-rural character of the area*', concluding that '*development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area*'. This hits the nail on the head. The plot is too small. The proposal is out of character in this semi-rural location and in relation to existing properties. And the contribution to the borough's housing supply is insignificant when weighed against the potential harm it will cause. Can see no reason to change the previous recommendation.

PB: agrees with SW and BF. Land is finite, and this may only be one small house, but it will accommodate a family. It will have minimal impact on the area; there are far bigger houses all around it. Has changed his mind since the last debate; will support the application.

HM: regarding BF's comments about not being able to see the site from the road, the suggested refusal reason is not about the view – it is concerned with the cramped nature of the proposed development on this site. It will be totally out of character with the area. Will support the officers' recommendation.

MJC, in response:

- the question of context is covered in the suggested refusal reason, and is the nub of the issue. The proposal is not only contrary to local plan policies, but also to the SPD on Garden Land and Infill Sites in Cheltenham. The issue is not whether it can be seen from the road etc, but whether it is appropriate development in this location, an area characterised by large houses in spacious plots. This is changing, but contextually, the houses sit in space and have a presence. Officers consider this proposal will not - it is contrived and contextually inappropriate;
- the recent appeal decision at Copt Elm Road is an endorsement of the SPD, and demonstrates that its guidance is still relevant. This has informed the recommendation to refuse.

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Vote on officer recommendation to refuse

9 in support
4 in objection
1 abstention

REFUSE

Application Number:	15/02067/FUL		
Location:	James Court, Griffiths Avenue		
Proposal:	Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

MJC introduced this application for a mobility scooter store behind James Court on Griffiths Avenue. The recommendation is to approve. The application is at Committee because the site is owned by CBC.

Public Speaking:

None.

Member debate:

DS: notes the link fencing dividing the site in two; people living on one side of the fence will have to walk round to the other side to access their mobility scooters, which will be inconvenient. Is the fencing to be removed? If not, it should be.

MJC, in response:

- yes, the applicants have indicated their intention to removed the fence.

Vote on officer recommendation to permit

13 in support
1 abstention

PERMIT

Application Number:	15/02082/FUL		
Location:	Hatherley Park, Hatherley Court Road, Cheltenham		
Proposal:	Construction of a gravel path		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	1	Update Report:	None

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CS introduced the application as above, at Planning Committee because CBC is the applicant.

Public Speaking:

None.

Member debate:

CH: just to confirm, the gravel path will be solid, not loose gravel?

MJC, in response:

- yes, it will be bonded gravel.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

[Councillor Sudbury left the meeting at this point, having declared an interest in the next application.]

Application Number:	15/02097/FUL		
Location:	Naunton Park, Naunton Lane, Cheltenham		
Proposal:	Construction of a gravel path to formalise desire lines to existing park facilities		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

CS introduced the application, which is similar to the previous one, to construct a bound gravel path in Naunton Park, at Committee because it is a CBC application.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT