

Planning Committee

18th August 2016

Present:

Members (15)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hobley (KH); McCloskey (HM); Nelson (CN); Oliver (TO); Savage (LS); Seacome (DS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor John Payne (JP)

Officers

Martin Chandler, Team Leader, Development Management (MJC)
Emma Pickernell, Senior Planning Officer (EP)
Ben Hawkes, Planning Officer (BH)
Nick Jonathan, Legal Officer (NJ)
Helen Thomas, Planning Services Manager (HT)

1. Apologies

Councillor Lillywhite.

2. Declarations of interest

There were none.

3. Declarations of independent site visits

16/01088/FUL Ryeworth Inn – Councillor Savage

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21st July 2016 be approved and signed as a correct record *without corrections*

6. Planning applications

Application Number:	16/00243/FUL
Location:	259 Gloucester Road, Cheltenham
Proposal:	Erection of four dwellings on land adjacent 259 Gloucester Road Cheltenham
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	17
Update Report:	None

MJC introduced application for four dwellings in two buildings, one to the front of the site and one to the rear, advising Members that the application had been amended to include an additional parking space – there are now four. The application is before committee at the request of Councillors Coleman and Holliday due to the history of the site and the level of public interest.

Public speaking:

Mr Frank Cowen, agent, in support

This site has been the subject of considerable discussion since the refusal of planning permission in February 2014; a revised scheme was submitted as a pre-app, and the officer report was used as a design brief for the submission in February this year. No off-street parking was originally proposed and the pre-app report included guidance from Highways ‘that there would be no significant concerns’ in this regard. The proposal submitted in February included two parking spaces but following comments from the Architects’ Panel and Roman Road residents, the agents requested a deferral, even though the new case officer was content that it would not have a detrimental impact on neighbouring houses. Taking account of the pre-app report and Architects Panel comments, the scheme has been completely redesigned and now incorporates one parking space for each of the four dwellings, a higher level of provision than currently exists in Roman Road. The applicant is mindful of the problem for residents caused by ‘rogue’ parking by people using the railway station, but this should not be a consideration here, rather a case for a resident parking scheme as in other congested parts of the town. None of the residents in the existing building have cars and the revised scheme provides four spaces; many objections relate to earlier submissions with just two parking spaces. The recommendation is to permit, and would respectfully suggest that objections on parking grounds be dismissed and the application permitted.

Cllr Holliday, ward councillor, in objection

Thanked members for the opportunity to speak, saying that local residents have made their concerns known through their representations. Development of the site may be a good thing but it needs careful thought in terms of parking and access arrangements. There are problems with parking in Roman Road by people using the railway station and this application will compound matters. Is staggered that there is no comment from the County Highways team given the perceived highway safety matters in relation to access and egress. The proposal would also impact unbearably on No. 2 Roman Road whose front door faces the access road. Finally, it was questioned how the delivery and service vehicles would access the site?

Member debate:

CH: asked for legal advice, having entered the chamber slightly late.

draft minutes

NJ, in response:

- the decision lies with him, and whether he feels that his decision making has been compromised?

CH: will opt out of the debate.

DS: is the road adopted or private? If adopted, could there be double yellow lines? Roman Road would be easier to park in if parking permits are introduced.

BF: is concerned about where construction vehicles and contractors will park, and whether they will they take residents' parking spaces?. There should be a condition not to use Roman Road.

KH: is happy to support the proposal at the moment, knowing the road well and understanding the issues, but suggests that developer should consider the introduction of two more spaces.

KS: has a couple concerns. Firstly relating to the design which is uninspiring and too domestic in scale; and secondly, that the proposal is an overdevelopment of the site - if there were less units there would be more parking space. Also has concerns in relation to the proposed access.

JP: has no great concerns with the development to the front of the site which is fit for purpose and makes good use of space. The design could be better but it is an honest building. Is more concerned with the two flats to the rear, which are small with small windows and will provide poor living conditions. Is also concerned about parking congestion; what conditions can be imposed to stop overspill to Roman Road?

PT: is concerned about this application; lives nearby and knows the site well. On Planning View, there were cars parked on the site; where will those displaced cars go? Currently the site provides access to the shops which front onto Gloucester Road; where will owners of these park now? Construction access will be poor and hazardous to residents. Has any application been made to access the site by turning left in to Roman Road from Gloucester Road? Could access to the site be gained from Gloucester Road by taking down the railings? The proposal is not a viable proposition in its current form.

SW: agrees with others in relation to highway considerations. Is access from Gloucester Road a possibility? How will commercial vehicles get to the site? Has no real concerns with development, just with the practicalities of the build.

MC: is also concerned with the design; there are a lot of blank walls and it is unattractive. Four parking spaces may be compliant with policy but it is not enough. The access is difficult and the road appears wider on the plan than it is in reality. Is concerned that car parking will restrict Ubico lorries from entering the site without causing damage to cars and kerbstones.

MJC, in response:

- the road will not be adopted;
- the key concerns seems to be the construction period and parking implications. In relation to construction, this site brings with it the usual challenges and Condition 7, relating to a construction method statement, is detailed for an application of this nature. The site is large and construction could be phased in a manner that won't necessarily impact on Roman Road. Advises caution over refusing the application on these grounds, as this is not a sound planning

draft minutes

reason. Existing cars will be displaced but not necessarily to Roman Road and the development meets its own needs in terms of the four spaces proposed;

- Ubico has looked at the proposal and considers that the site can be serviced in an adequate way; it is difficult to challenge their expert advice;
- the design may not be inspiring but the site is a challenging one and the proposal needs to straddle the gap between the neighbouring buildings. It is an on-balance recommendation.

PT: agrees with Condition 7 but wants to know how applicants will resolve the construction access issue before making a decision. Will Libertus Court fencing remain or could construction traffic use this access?

SW: could a condition be put on to stop all construction vehicles from parking on Roman Road?

BF: Condition 7 would apply to the main contractor; could it be ignored by sub-contractors? It should be enforced that all contractors remain within the site because otherwise residents lose their parking spaces.

PT: is still waiting for an answer on whether traffic can come from top of road?

MJC, in response:

- there has been no request to access Gloucester Road from Roman Road but this would be a county matter;
- in relation to Condition 7, it would be unreasonable to state that construction traffic could not park on public highway. The committee could strengthen the condition to provide some context and add an informative but can't do more;
- the condition would apply to sub-contractors as well as the main developer.

NJ, in response:

- advised caution on refusal on highways grounds as GCC has not objected;
- construction work is also not a planning consideration.

PB: the applicant has worked hard and access will always challenge. Has no concerns in relation to car parking but officers have expressed concerns in report about the poor design - we should demand better.

HM: is pleased that Condition 7 can be strengthened. This is a prominent site but is currently an eyesore; considers the design to be clever, sitting well between adjacent buildings.

KS: is concerned about Condition 8 and the provision of parking and turning facilities – who enforces this? Reduced density would overcome a number of the concerns; it would enable a better design, more amenity space more parking and would make construction easier. Won't be supporting this application despite the efforts to overcome the concerns; it is a better scheme than before but not there yet.

PT: will move to refuse on policies CP7 and CP1 due to the site not providing safe and sustainable living environment, particularly in relation to the small windows. The Architects Panel and Civic Society do not support it and consider a landmark building would be more appropriate.

draft minutes

MJC, in response:

- the small windows are bathroom ones;
- is not convinced about a landmark building although agrees that the design could be improved. That said, it straddles the gap between the two buildings well;
- Condition 8 is standard and guarantees the provision of four parking spaces. Refusal on CP7 may be justifiable and officers have a reasonable understanding of the concerns expressed by members.

Vote on officer recommendation to permit:

7 in support

7 in objection

1 abstention

PERMIT with Chairman's casting vote

Application Number:	16/00849/FUL
Location:	267 London Road, Charlton Kings, Cheltenham
Proposal:	Development of a new dwelling
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	Additional representation

EP introduced the application as above. Planning permission has already been granted for a dwelling on this site which is single-storey on to London Road and two-storey at the rear due to the change in levels. This application proposes an additional storey on top of this. The building has a contemporary flat roof design which officers consider appropriate in this context bearing in mind the constraints of the site and the setback position of the dwelling in the plot. The application is at Committee due to the objection from the parish council.

Public speaking:

Mr Everitt, agent, in support

Construction of the approved two-storey dwelling commenced earlier this year; the proposed new floor will sit above the approved scheme footprint and have no greater impact with regards flooding than the consented scheme, which was accepted by the Environment Agency. There is a mains drain running through the site which has informed the lower ground floor and ground floor plan form, and a build-over agreement has been reached with Severn Trent for the proposed first floor. The initial design responded to the opportunities and constraints of the site and was later refined to address the initial comments made by the Local Authority, Parish Council and the Architects Panel. To be subservient within the street scene, the property has been set back from the pavement, with eaves level below that of the adjoining properties and the existing red brick boundary wall retained so only the proposed first floor will be visible from London Road. As a simple built form with a flat roof, the elevation facing London Road has a similar ratio of glazing to solid wall as adjacent buildings. His company has completed many infill projects within Cheltenham - contemporary dwellings within traditional/historic street scenes - a number of which have received Civic Society awards. The Civic Society considers this scheme an attractive way of infilling the gap between the two existing houses. The width of the proposed first floor has been reduced to ensure a gap of 3 to 4 meters between the new dwelling and the properties on either side, and the elevations refined to

draft minutes

provide a simpler form and cleaner lines. By setting the proposal back from the building line and ensuring the gaps to either side, the current break within the street scene can still be clearly read. Materials used will reflect those within the locality, with the ground floor walls finished in red brick and the first floor rendered. The officer recommendation is to approve; hopes that members will also support this subtle and considered scheme.

Member debate:

JP: Visited the site on planning view and feels that congratulations are in order to the developer and architect for a quality design on a site with frightening terrain. Aware of the views raised by objectors in relation to the front façade having an adverse impact on London Road but does not share this view. The proposal will add a level of contrast that will enhance the street scene. Fully supports the application.

MC: This is a very interesting site and a good design. Does not agree with the objectors in terms of overlooking as there are just as many windows in adjacent properties which are more likely to be bedroom windows. The neighbours to the rear will not be affected and is happy to support officer recommendation.

Vote on officer recommendation to permit:

15 in support – unanimous

Application Number:	16/01088/FUL
Location:	Ryeworth Inn, Ryeworth Road, Charlton Kings
Proposal:	Redevelopment of former public house comprising conversion of existing building (part) to form single dwelling, and erection of two new dwellings.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	13
Update Report:	None

MJC introduced the application as above, identical to the previous application which was refused on policy RC1 and the building being an Asset of Community Value. This situation has changed and the pub is no longer community asset list bringing with it important fall-back positions which were less relevant when considering the previous scheme.

Public speaking

Mr Rowles, neighbour, in objection

Speaking as owner of 7 Hambrook Street which backs onto the application site, is concerned about the loss of privacy, particularly from the first floor window of Plot 3. This window only achieves a distance of 19m between facing windows and 9m to the sites boundary - less than the 10.5 stated in the Local Plan. All other properties in close proximity to the application site meet these distances.

David Jones, agent, in support

This application seeks full planning permission for alterations and conversion of existing public house to form a single dwelling and erection of two new dwellings. Officers having weighed the

draft minutes

planning balance recommend that the application be permitted. The proposal generated 18 public comments, summarised as follows: traffic impacts and parking; overlooking and loss of privacy; number, height and appearance of new dwellings; impact upon TPO Oak tree; loss of public house. Those in support commented that a residential development would result in less noise and disturbance to local residents than a pub. Neither the highways authority or tree officers raise any objection. An identical scheme was refused at the May committee because the building was listed as an Asset of Community Value and the scheme contravened Local Plan Policy RC1; an appeal has been lodged to the Planning. In the intervening period the property has been removed from the asset of community value list, and details of decided appeals have been submitted which demonstrate RC1 does not prohibit the redevelopment of public houses, as confirmed by the officer report. Furthermore, the property could now be demolished or converted to a shop or office without planning permission. Those writing on behalf of CAMRA allege that the property was not on the market, but ACV regulations require that any community group simply make an expression of interest in bidding for the property within the initial six-week moratorium period, with a further six months to formulate a bid. No such expression of interest was forthcoming and thus quite rightly the property has been removed from the ACV list. Subject to committee approval of this proposal, the appeal against the earlier refusal will be withdrawn; therefore urges committee to support the officer recommendation and approve this application

Member debate:

LS: would like some initial advice on the relevance of attached appeal in Devon.

MJC, in response:

- the appeal is relevant as the Inspector has assessed a similar proposal and has allowed it.

LS: But is it nationally significant or just for context?

MJC, in response:

- it is just for context.

BF: as this is an identical resubmission and the previous application was only refused because the pub was an asset of community value but has now been removed from the list, does this remove the original refusal reason? Are we able to introduce new refusal reasons?

CH: the attached appeal decision shows an allowed decision but are there any comparable appeals that refuse?

MC: is disappointed that the trees officer has provided the same comment as before and that no tree protection details have been received. The scheme may be the same as before but it should still be assessed independently. Was not at previous meeting and will therefore vote as sees fit.

HM: the public speaker in objection raised a point on the distance of the development to his property not being in compliance with regulations. Is this correct?

draft minutes

MJC, in response:

- to BF, the total refusal reason doesn't fall away, only the fact that the pub is no longer an asset of community value. The role of the pub in the community and the relevance of policy RC1 is still relevant but removal from the asset list brings with it other important considerations, such as permitted development, under which the building could become a shop, for example. There are also now demolition rights.
- to CH, there may be other appeals that support the Committee's decision to refuse but officers are not aware of any. The appeal decisions provide context but the report mainly seeks to outline the important change in circumstances.
- to MC, tree protection was not considered necessary prior to determination because due to the location of the tree, it will not be affected by this proposal. There is a condition that requires the tree to be protected and this is a reasonable approach.
- to HM, the comment from the neighbour in objection is a valid comment and the local plan advises that first floor windows should achieve a distance of 10.5m to the boundary. This is covered in original report with reference to a recent appeal decision on St. Luke's Place. This brought with it a similar issue in relation to dimensions but the Inspector did not consider that the proposal caused an unacceptable harm and was comparable with the surroundings. Would advise against refusal on this point as it was raised previously and was not challenged.

PT: is puzzled by this advice because if there is a discrepancy in the dimensions, it should have been brought to members attention.

MJC, in response

- this issue was set out in detail in the original officer report.

CH: cannot support as a matter of principle and is disappointed that no work has been done to create a building that has a community value; this is happening in Hewlett Road following a previous committee decision. Also disappointed about the appeal decisions that have been provided only giving decisions that support the officer recommendation. Reports should provide appeals in objection as well as support so that members are presented with balanced information. Feels that appeals are only produced to support officers' views and requests we have both sides in the future. We should also take the concerns of the neighbour on board.

GB: officer reports are well balanced and whilst we may not always agree with their content and recommendations, officers always produce reports that assess the merits of particular applications in a balanced way. Members are of course entitled to vote as they consider appropriate.

Vote on officer recommendation to permit:

8 in support

5 in objection

2 abstentions

draft minutes

PERMIT

Application Number:	16/01105/FUL
Location:	90 Evesham Road, Cheltenham
Proposal:	To erect a block and render wall to a height of 2300mm above ground level. Retention of raised patio and retaining wall (retrospective)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

BH introduced it as an application that seeks consent for the erection of a boundary wall measuring 2.3 metres in height located at the rear of the property between the pair of semi-detached houses, the applicant is also seeking retrospective permission for the retention of a raised patio measuring 450mm in height. The application has been called to committee at the request of Councillor Lillywhite who would like members to consider the impact of the development on neighboring amenity.

Public speaking:

Mr Potter, applicant, in support

Speaks as a retired Police Officer and a Friend of Pittville and doesn't flout rules as a matter of course; simply had no idea that the raised patio would require planning permission. Has made a number of improvements to the property, and it is the sloping nature of the site that has resulted in the raised patio and the desire to have a level threshold. Most of the patio is less than 300mm in height and the proposal is considered to have a negligible impact on neighbouring amenity and light. The proposed wall is only 300mm higher than the fallback position but 2m would still allow for invasive views. Made reference to unreasonableness, stating that they were reasonable people acting reasonably.

Member debate:

KS: does not feel able to vote on this application as she did not attend the site visit and doesn't fully understand the application.

BF: saw the site on planning view and considers a rendered wall will be both attractive and provide the necessary privacy. Will support the proposal.

MC: Considers that the height of the raised patio is greater than the 450mm being applied for. Would therefore like further clarification on actual height and whether or not it has been measured and where it was measured from? Is disappointed that the report provides dimensions in millimetres and metres; dimensions should not be mixed.

JP: the applicant is looking to correct an error that stems from building the patio too high which disadvantages the neighbour. The two pictures used in the documents produced by the applicant are from different perspectives which is misleading but fully understands reason for wanting privacy. Feels that the patio is too high but that it would be unreasonable to seek its removal. Questions should be asked of the architect as to why the need for planning permission was not brought to the

draft minutes

attention of the applicant - the error should not have happened in the first place. Will be supporting the application.

CH: advised committee that standard measurements should be in millimetres and metres and not in centimetres. The patio is not an issue, but the height of the wall is slightly more troubling. Is not prepared to object to the proposal on these grounds however.

BH, in response:

- The wall has been measured from within the applicant's site and the measurements are correct. In terms of correcting the error of the height of the patio, advises members that there is no obligation from applicant to put up any form of boundary enclosure.

Vote on officer recommendation to permit:

12 in support

2 in objection

1 abstention

PERMIT

The meeting ended at 8.00pm