

# **Planning Committee**

**22<sup>nd</sup> September 2016**

## **Present:**

### **Members (15)**

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

### **Officers**

Tracey Crews, Director of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Michelle Payne, Senior Planning Officer (MP)  
Claire Donnelly, Planning Officer (CD)  
Gary Dickens, Planning Officer (GD)  
Ullin Jodah McStea, Heritage and Conservation Officer (UJM)  
Nick Jonathan, Legal Officer (NJ)

### **1. Apologies**

Councillor Savage sent apologies for late arrival at the meeting.  
Councillor Sudbury gave apologies for early departure from the meeting.

### **2. Declarations of interest**

There were none.

### **3. Declarations of independent site visits**

Councillor Nelson had visited 15 Greenhills Road, Stables at Hyde Lane, and 64 Church Road.

### **4. Public Questions**

There were none.

### **5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 18<sup>th</sup> August 2016 be approved and signed as a correct record without corrections.

**Note**, the applications were considered in a different order to the published agenda.

## 6. Planning applications

Application Number: **16/01290/LBC**  
Location: **Cenotaph, Promenade, Cheltenham**  
Proposal: **To renew 4no. lamps with 4 purpose fabricated globe lamps and caps**  
View: **Yes**  
Officer Recommendation: **Grant**  
Committee Decision: **Grant**  
Letters of Rep: **0** Update Report: **None**

**UJM** introduced the application as above, explaining that it is the top sections of the lamps which are to be replaced. The war memorial was unveiled in 1921, with the original lamps added a few years later. These were replaced during the 1950s with the current lamps, but these have now come to the end of their lifetime. The intention is therefore to replace them with replicas of the original 1920s lamps. The recommendation is to grant listed building consent.

### **Public Speaking:**

There was none.

### **Member debate:**

**PT:** asked for clarification of the drawings – there appears to be some sort of stick on the top. Will they be the same as the lamps at the Town Hall?

### **UJM, in response:**

- what PT is referring to is actually a line showing the dimensions of the finial on the cap of the lamp, based on the original round lamps. They will be similar to those at the Town Hall, but not the same.

**CH:** can't remember ever having seen the lamps lit? Is happy to support the application, but it would be nice to see the lamps lit sometimes.

### **UJM, in response:**

- does not oversee these matters and therefore has no answer for this.

**MC:** for clarity, what are the units of the dimensions?

### **UJM, in response:**

- they are in centimetres – '49' = 49cm, or 0.49 of a metre.

### **Vote on officer recommendation to grant listed building consent**

14 in support – unanimous

**GRANT**

Application Number:	<b>16/01291/LBC</b>
Location:	<b>Pittville Pump Room, East Approach Drive, Cheltenham</b>
Proposal:	<b>Replace internal door at Pittville Pump Room</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Grant</b>
Committee Decision:	<b>Grant</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**UJM** explained that this application for listed building consent is at Committee because the applicant is CBC. The proposed work is the installation of a replacement door in a currently empty doorway. The door will be a replica of the original doors in situ elsewhere in the building.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to grant listed building consent**

14 in support – unanimous

**GRANT**

Application Number:	<b>16/01149/FUL</b>
Location:	<b>15 Greenhills Road, Charlton Kings, Cheltenham</b>

**DEFERRED**

Application Number:	<b>16/01203/FUL</b>
Location:	<b>332 London Road Charlton Kings Cheltenham</b>
Proposal:	<b>Single storey rear extension and new detached annexe building to side (resubmission of withdrawn application ref. 16/00776/FUL)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>None</b>

**MP** introduced the application as above. The recommendation is to refuse because planning policy requires an annexe to have dependency on the host building – this has no reliance, and its size, two bedrooms and raised patio make it tantamount to a separate dwelling. Officers consider it should therefore be determined on that basis and that, as such, it represents over-development, with the scale, mass, bulk and footprint of the proposed dwelling overwhelming to the size of plot; it appears to be ‘shoehorned’ in. There is also insufficient evidence that suitable visibility splays can be achieved for the shared access. It is at committee at the request of Councillor Paul McCloskey.

**Public Speaking:****Councillor Paul McCloskey, in support**

Explained that the applicant moved to Cheltenham with his family in 2011, and would now like to create ancillary accommodation for his wife's elderly parents. Two bedrooms are necessary in case one is ill or needs care; the bathroom will need to be able to cope with someone in a wheelchair, maybe with a carer. What is proposed is the minimum necessary, not excessive. The family is acting responsibly in view of growing problems with social care across the country. The trees officer is now fully satisfied with the proposal, and conditions will be strictly adhered to, in addition to planting further trees as the landscaping progresses. Regarding highways issue, the TRO to reduce the speed limit on London Road from 40 to 30mph has passed the consultation phase, and at 30mph, a 54-metre splay is sufficient to satisfy Highways requirements. Any traffic issues disappear if you turn left out of the drive and then right into Hearne Road. Officers are concerned that any future application to subdivide the plot would be difficult to resist, but understood that it is not the committee's job to speculate on what might happen at some time in the future, but to judge the application as it stands. Asks Members to consider carefully the officer's comment in the report that in view of Cheltenham's lack of a 5-year housing supply, 'the application should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. These people have the right to family life and dignity in old age, and urges the committee to support the application.

**Mr Nigel Jobson, applicant, in support**

Co-owns 332 London Road with his wife – they are not commercial developers, and the proposed annex is for his parents-in-law, who have sold their 4-bedroomed home to generate capital for their retirement. They are a close family, and want to help and support their parents as their health inevitably deteriorates, lessening the burden on wider society. Having them so close will also reduce the need for frequent care journeys which would be required if they were living elsewhere. The local housing stock is varied in terms of age, design, size and proximity to the road. The design and position of the annex is subservient to the house, with low visual impact from all directions, especially London Road; the fence and mature trees will obscure all but the very top of it. The location and width aligns to the already approved plans for a double garage and drive access, and the garden will not be sub-divided. Neighbours at 330 and 328 London Road and at 5 Courtfield Drive support the scheme. The planning officer considers the annex is being shoehorned into the site with limited space between it and the main house, but would draw Members' attention to 228 London Road, where two large 4-bedroomed dwellings are to replace one single house, with just 1.8m between them and limited garden and drive access. Since buying 332 London Road, have received canvassing letters from developers seeking to purchase the plot, with a view to demolishing the house and replacing it with up to seven residential units. This would be financially advantageous, but the family bought the house with a view to it being their home forever.

**Member debate:**

**SW:** was initially very much with the officers on this one, wondering what anyone with a house as big as this want with a second building in their garden. Now apologises for this view; it is clear what they want it for. Officers say the annex is 'shoehorned' into the site, but cannot support this comment – has seen sites of a similar size with 15 dwellings proposed. Highways officers have made their comments which need to be taken into account, but other properties have much more awkward exits onto faster roads than this. Therefore is really struggling with the objections, and is minded to support the application.

**HM:** it seems a pity that the Highways Officer wasn't aware of the TRO under consultation. As PM said, this is about to be implemented subject to a planning application elsewhere in London Road. At 30mph, the required visibility splay will be much reduced. Supports the application if a condition is included to ensure that the house is not habitable until the 30mph limit is in place.

**PB:** would not support HM's suggested condition, knowing the pace at which Shire Hall moves – it could take years, and such a condition would be unfair. The current house could have four cars serving it, and yet one additional dwelling is unacceptable in highways terms; visibility to the right is extensive, and considered OK for the house as it is. The application is for a bungalow in the grounds of the house – this should not be allowed to be sold separately, only as a single item with the main house. Sees planning as holistic, and Members need to consider how the scheme will be used and what is the best use for the plot. This case is compelling, and as long as a condition is attached to ensure that the annex can only be sold with the main house, is happy to support the application.

**CH:** anticipated some years ago that there would be an increase in the number of proposals to accommodate parents at home; expects we will see applications such as this more and more often as time goes on. It isn't just about elderly parents – a similar scheme could be used to accommodate a disabled child, giving them semi-independence in their own space. We need to take these considerations very seriously; it is better all round, for society and for families to have relatives looked after at home. We need to look at how to protect the property, however, and ensure that the applicants can't say one thing now and do something else next year.

**BF:** takes issue with the officer opinion that the annex is 'shoehorned' in to the plot – it is enormous. It isn't a separate house with a separate entrance, and there is nothing in planning guidance to say that an annex has to be attached to the main house. Regarding the design, it won't win any prizes, but has seen worse. Can't accept that this plot is being overdeveloped or falls under the SPD on garden land development. This is an annex; it is substantial, but that is the owner's choice – the planning authority should not dictate. Cannot go with the refusal reasons.

**KS:** has kept an open mind with this, and can see potential problems regarding visibility, with more cars using this plot. Regarding the materials, is not sure about timber cladding; this often ends up looking bad after a few years, so could the annex not have a finish similar to the main house? If it is rendered in the same way, it would look more subservient and similar to the main house – more like an annex. If the application is permitted, there should be a condition to ensure that the annex cannot be sold separately. It is acceptable that a house this big should have an annex; her main concern is the timber cladding.

**CN:** there is an interesting range of applications on the agenda tonight – when looking at them before the meeting, wasn't sure which way to vote on the night – but this application is unfortunate and at a disadvantage in being the first to be considered, bearing in mind other applications coming later. Thanks the two speakers for their eloquent and sincere presentations. Committee members are advised by officers and must listen intently to what they say and take their opinions on board, but at the end of the day, committee members are councillors, elected to represent the people of the town. As PB said, a holistic approach to planning must be taken. Has listened to the speakers and other councillors, and senses a mood of changing opinions. We all know the town has a problem with its 5-year housing supply and is in acute need of new housing. As CH has said, we have an ageing population, and sustainable solutions to their future care, such as this, make sense. May struggle to find planning reasons to support the officers' recommendation, but is currently minded to support the applicant.

**PT:** wants to agree with PB. If there is a tie-in between the two units so one cannot be sold without the other, this would show up on searches and be established for the foreseeable future. With this condition, will support the application.

**MP, in response:**

- if Members are looking to support the proposal, the tie-in between the two properties will need to be secured by a legal agreement rather than a condition – a condition such as this is difficult to enforce;
- to KS, regarding materials, we cannot attach a condition requiring the building to be rendered – it would not lend itself to a rendered finish;
- if Members are happy considering the proposed dwelling purely as an annex, access is acceptable – that is Highways advice.

**NJ, in response:**

- Members need to be mindful that officers have pointed out that the proposed development could provide independent living accommodation – a separate planning unit – and this should be at the forefront of their minds when determining this application.

**MP, in response:**

- Would also remind Members that, as an annex, this proposal would not contribute to the housing supply in the borough.

**PT:** is NJ saying that we can't have a legal agreement to ensure that the annex cannot be sold independently?

**NJ, in response:**

- It is possible to tie the dwellings together by way of an S106 agreement, but applications to vary these can be made in the future.

**CN:** even if the annex doesn't count in the 5-year housing supply, but two elderly people down-sizing to this dwelling means that their house is now available for someone else.

**Vote on officer recommendation to refuse**

4 in support

9 in objection

2 abstentions

**Motion not carried**

**MP, in response:**

- If Members are minded to permit, officers would like the Trees Officer's five recommended conditions attached to ensure the retention of the TPO'd trees – as set out in the report.

**Vote to permit with S106 agreement and tree-related conditions**

10 in support

5 abstentions

**PERMIT**

**NOTE:** KS left the meeting at this point.

Application Number:	<b>16/00276/FUL</b>		
Location:	<b>Stables, Hyde Lane, Swindon Village</b>		
Proposal:	<b>Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>4</b>	Update Report:	<b>None</b>

**MP** introduced the application as above. The site is in the north of the borough, in the green belt, at the end of an unmade track. It is at Committee because the Parish Council has objected. Although officers had initial reservations, they are now satisfied that this work can be undertaken and is appropriate to a rural setting, and the recommendation is therefore, on balance, to permit.

### **Public Speaking:**

None.

### **Member debate:**

**HM:** is concerned about the access. The site is at the end of a long, narrow track. When other similar schemes have been considered, passing places have been discussed. Is there any intention to have them here? If not, what will happen when one vehicle meets another?

**BF:** wants to move to refuse. This proposal is for a conversion in the green belt; if it was for a farm building, it could be done without planning permission. It is currently a stable – an appropriate leisure and sporting use – in the heart of the green belt, and not part of strategic sites to be taken out. This development is therefore inappropriate. If the proposal is permitted and subsequently falls down, it would be difficult to resist an application for full planning permission having agreed the principle of building in the green belt. The ground is prone to flooding – a lot of work would have to be done to avert potential problems – and the design is appalling for the green belt. HM has mentioned access, which will be difficult in winter, and also for dustbin and recycling collections every fortnight. Also, the site is close to the public right of way, part of the circular route around Cheltenham, which is well-used by walkers with dogs etc. The fields around the site will remain as grazing. In view of the poor access and inappropriate development in the green belt, will move to refuse on grounds of CO13, CO6 and CP7.

**SW:** echoes BF's comments. This scheme is so contrived it's not true. These are not agricultural buildings, but a poorly-built stable – it is very dilapidated, and if it falls down, where will the planning authority stand regarding the two dwellings? Will our hands be tied? Will support BF's objections; we would not allow these houses to be built afresh, and adapting a poor-quality building and calling it a conversion is just too contrived.

**DS:** is the road due for resurfacing or will it be left as it is and presumably be unadopted when the proposal is finished?

### **MP, in response:**

- To HM, there are no identified passing places, but Highways assessment suggests that the first 5m of the access should be modified to have a minimum width of 4.1m, with 4.5m entry and exit radii, to ensure satisfactory means of access is provided and maintained;
- To DS, the road would need to be resurfaced, but is unlikely to be adopted;

- Regarding concerns about precedent and whether the building is capable of conversion, the information submitted to date has been reviewed by building control; a robust method statement could be required by condition. If at any point the building cannot be converted, an application would be needed to rebuild and this would be considered on its own merits – and would be contrary to policy. This application is only being considered because it is a conversion;

**PT:** how can we consider it without that additional information - neither a full planning application or a method statement – it isn't right to do so at this stage. Have the applicants had any discussions concerning this?

**PB:** supports the application. The timber blends in well and looks appropriate, although the design isn't great. Officers have investigated to make sure the building is capable of conversion, and this is the only way the two dwellings can be achieved – newbuild here is not appropriate. The town is short housing, and these two units are needed. There were conflicts regarding highways and rights of way, but no objections raised. Is happy to support officers – it could be better but it is OK.

**PT:** MP said the road had to be a certain width at both ends. Does this have to be achieved before any building takes place?

**MP, in response:**

- Has been back to the agent twice for more information to give to the building control manager comfort that the building can be converted, but what officers have is all that has been provided during the application period;
- Regarding the width of the road, has suggested a condition that no other work should commence on the site until that work is carried out;

**Vote on officer recommendation to permit**

7 in support

6 in objection

1 abstention

**PERMIT**

Application Number:	<b>16/01402/FUL</b>
Location:	<b>64 Church Road, Leckhampton, Cheltenham</b>
Proposal:	<b>First floor side/rear extension over existing ground floor with small two storey element</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Officer comments re light test</b>

**GD** introduced the application as above, at Committee at the request of Councillor Nelson. The reasons for the recommended refusal are two-fold: firstly the unacceptable impact the proposed extension will have on the neighbour's amenity, in particular daylight, and secondly that it will not achieve the desired level of subservience.

**Public Speaking:**

**Mr Adam Greenslade, of Brodie Manning, in support**

The applicant's intention is to improve the overall appearance of his home and secure a much-needed additional bedroom for his growing family, rather than move away from the area where he's lived for over 16 years and is involved in the community in a business and personal level. The applicant has



devoted a substantial amount of time to the sympathetic renovation of the internal space and re-building the garage in consultation with the conservation officer. He would now like to focus on the outside of the building, providing a coherent rear addition to replace the ad hoc extensions of the past. In the design process, a constraint has been the location of a ground floor window at the neighbouring property. This window is already compromised by the built form on both properties, supported by the a British Research Establishment 'right to daylight' calculation which demonstrates no greater loss of light to this window will result from the current proposal. The aim of the design is to reduce the built of the built form along this boundary by introducing a flat roof and moving the gable away from this boundary, which would arguably act as an improvement whilst ensuring a sympathetic design solution. There was no objection from the neighbouring property when the proposal was submitted.

**Member debate:**

**CN:** the update refers to the proposed extension reducing light to the neighbouring window, but by how much?

**SW:** the pivotal point is ground floor window; if there was an objection from next door or if the proposal would break the daylight angle, could not support it, but as there is already inhibition to the neighbour's window from the current building and the neighbour doesn't appear to have any objection, is in favour. The building will look a lot better than its current ramshackle state, with bits on the back here and there – this tidies it up. Is minded to support.

**PB:** agrees with SW. That there is no objection from the neighbour is pertinent. The existing building is a bit of a mish-mash, and this will tidy it up. Can see there are grounds to refuse, but on balance can support the proposal.

**PT:** listening to the agent, it sounds as if the new extension will be moved back from the boundary a bit – won't this improve the situation? If so, we should support the application.

**MJC, in response:**

- The major point here is the impact on the neighbour. The existing extension has a significant impact on the neighbour's ground floor window, and this proposal will make it worse. Members seem to be saying that because the window is already overshadowed, this doesn't matter;
- Officers have requested a detailed light assessment to understand the severity of the light loss, and trying to establish if it will be noticeable, by testing how much light the window receives now and how much it will receive post-extension. If the loss is more than 20%, it will be noticeable. Calculations suggest that the best part of one-third of the existing light to the window will be lost;
- This guidance is what officers use as best practice, using a method which 'quantifies' daylight. With a score of less than 27 a room is considered poorly lit; the room currently scores 19, and after the extension will score 13. There has been no objection from the neighbour, but the proposal will undoubtedly make the light situation a lot worse;
- Officer opinion is that the design is not inspiring, and that a two-storey flat roof extension on the back of a charming cottage will not enhance it in any way;
- These two issues together make a strong reason to refuse the application, and similar proposals have been dismissed at appeal.

**CN:** thanked officers for the comprehensive answer on the light issue. Members have considered various applications tonight to expand properties for different reasons, all of which have been accepted. Every applicant has different personal circumstances, but in this case, the applicant has lived here for a while, loves the area, and wants to improve his home or his family. It has been suggested that the design will improve the appearance of the back of the house. On the issue of light,

there have been no objections from neighbours; wonders whether the reality on the ground will be different from the technical assessment? The works will have no impact on Church Road, and will improve things at the back. In view of this, and no formal objection from the neighbour, is minded to support the application.

**BF:** is not in favour. With planning applications, legitimate reasons are needed to refuse, and there is one here. The loss of light is not borderline; it is extreme. The light test is important, and loss of light will impact on the neighbour's environment day in day out. In view of the detailed light assessment, it would be wrong to go against the officer recommendation; planning is quasi-judicial, and to ignore the light test would be foolish.

**CH:** one of the drawings appears to show a pitched room right across to the neighbour's property. Is that right?

**GB:** Members were confused by this on the site visit; the extension is quite difficult to envisage.

**MJC, in response:**

- Essentially the scheme has a lean-to at ground level, and behind that a first floor extension the full width of the property, including a gable with French doors;
- The flat roof extension projects further into the garden than the existing, and it is this which will cause loss of light to the neighbouring property.

**SW:** looking at the map and at Google earth, notices the property faces due south, and would suggest that if the sun is shining, the building will reflect the light in rather than take it away, after reducing it first thing in the morning. Is still in favour of supporting this scheme.

**NJ, in response:**

- The technical evidence would suggest opposite; Members need to be mindful of that.

**MJC, in response:**

- Agrees with NJ. It is difficult to blur sunlight and daylight. The daylight test is just about sky; it is a thorough test, national best practice, and this proposal is a strong fail.

**CN:** if the rear of the property is south-facing, it will receive a lot of sunlight throughout the day. Reinforces what SW has said.

**GB:** but as the officer has said, sunlight and daylight are not the same. This proposal does not pass the daylight test. It is Members' prerogative to go against officer recommendation, but planning reasons will be needed to support this.

**Vote on officer recommendation to refuse**

11 in support

3 in objection

**REFUSE**

Application Number:	<b>16/01414/FUL</b>
Location:	<b>30 Glebe Road, Prestbury, Cheltenham</b>
Proposal:	<b>Single storey rear extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**MJC** introduced the application as above, saying it has been reduced in depth during consideration. It is at Planning Committee because the Parish Council has objected.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**