

# Planning Committee

23<sup>rd</sup> March 2017

## Present:

### Members (14)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); 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)  
Emma Pickernell, Senior Planning Officer (EP)  
Chloe Smart, Planning Officer (CS)  
Ben Hawkes, Planning Officer (BH)  
Claire Donnelly, Planning Officer (CD)  
Chris Chavasse, Senior Trees Officer (CC)  
Annie Holdstock, Trees Officer (AH)  
Nick Jonathan, Legal Officer (NJ)

*Before the start of the meeting, Councillor Barnes invited those present to stand and observe a minute's silence for the victims of the Westminster attack on Wednesday.*

## 1. Apologies

Councillor Hobley.

## 2. Declarations of interest

### 17/00135/FUL Priors Farm, Imjin Road

Councillors Wheeler, Sudbury, Colin Hay and Fisher – personal but not prejudicial if not involved in discussions at county level – all are county councillors and the County is the applicant.

Councillor Colin Hay confirmed that he is no longer a member of CBH board - CBH has objected to this proposal.

### 16/02105/FUL Cotswold Grange Hotel

Councillor Lillywhite – as owner of a hotel which could be seen as a competing business – will leave the Chamber.

## 3. Declarations of independent site visits

Councillor Sudbury: **Cotswold Grange Hotel, 68 Sandy Lane, and 3 Church Street**

Councillor Baker: **Cotswold Grange Hotel, 68 Sandy Lane**

Councillor Lillywhite: **68 Sandy Lane.**

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved that the minutes of the meeting held on 16<sup>th</sup> February 2017 be approved and signed as a correct record *without* corrections.

#### 6. Planning applications

Application Number: **16/02105/FUL and 16/02105/ADV**  
Location: **Cotswold Grange Hotel, Pittville Circus Road, Cheltenham**  
Proposal: **16/02105/FUL: Proposed erection of gates and boundary railings, new landscaping scheme and car park reconfiguration.**  
**16/02105/ADV: Proposed illuminated box sign containing menu board**  
View: **Yes**  
Officer Recommendation: **Permit/Grant**  
Committee Decision: **Defer/Defer**  
Letters of Rep: **13** Update Report: **Officer Update**

**CS** introduced the applications as above, for work on this locally indexed building, in the conservation area. It is at Committee at the request of Councillor Rowena Hay in view of local residents' concerns about noise, removal of rubbish, and access for commercial vehicles. The application has been amended and officers consider these concerns have been overcome. The recommendation is therefore to approve, subject to conditions. There is an update, regarding tree-related matters

#### Public Speaking:

None.

#### Member debate:

**PB:** to the Trees Officer: he was originally very complimentary about the trees to the rear of the building – the cypress, holly and pine. Why has he subsequently changed his view on their loss?

**CH:** from the residents' point of view, the main concern is regarding the location of the rubbish bins, and in particular the recycling of glass and the inherent noise this causes. The plans have changed, and this will not be as open as it was going to be, but residents remain concerned. If the bins are located here, the owners will probably undertake to only empty the bins during the day, but a condition cannot be included to ensure this happens – it will be a question of goodwill. This is a small street; refuse is collected once a week for residents, but likely to be more frequent for a commercial property.

#### CC, in response:

- Visited the site twice; on the first occasion, liked the holly, pine and cypress trees, and had reservations about their removal;
- Visited again with the case officer, met with the owner, and looked at the back of the site. Put the case for the trees as strongly as possible, but the applicant was determined to change them for a different species – a maple;
- The trees are all but invisible in the landscape, and therefore concluded that if the applicant is determined to have a maple, this would be OK.

**CS, in response:**

- Regarding the bins, the applicant can store them in the proposed place without planning permission, but for the appearance of the area, this is a better scenario. Members will have noted on site that the current bin storage is not much in the way and is quite small scale. This is all set out in the report.

**PB:** is disappointed with the Trees Officer's response. He acknowledges that these are good trees, and the replacement is not really appropriate, but has still acquiesced with the applicant's wishes. At the back of the building, the existing trees add a lot to the landscape. Can he move for a refusal on the loss of the trees, in the hope of the applicant coming up with an alternative proposal which retains them?

**GB:** the general view of officers is that yes, he can, but he will need to expand the reasons for this refusal, and the impact the loss of the trees will have on the community.

**CC, in response:**

- Didn't mean to mislead Members by saying that the maple would be inappropriate in this location. Admits that the three trees are good trees, but does not consider them to be particularly significant in the landscape, and the tree the applicant wants to introduce will be a good tree for the future.

**CH:** another point to remember here is that the cypress, holly and pine are not deciduous but the maple is. This will have an effect in winter months, when the change of trees will be much more noticeable than it is now. The foliage of trees also goes some way to absorbing noise etc, with evergreens in leaf all year round. Also, regarding the gap in the hedge on the corner, if this was to be moved round, there would be less change of noise issues; the hedge is a good barrier.

**PT:** also, as the maple is deciduous, it will be a lot messier than the evergreens.

**CC, in response:**

- It's true that the evergreen trees provide year-round colour and the maple will drop a lot of leaves – though the evergreens also drop needles and seeds at certain times of year.

**CH:** but as CC has said, they provide year-round colour, in addition to absorbing noise.

**PB:** would like to move to refuse, on loss of amenity grounds - these trees are a valuable asset. Deferral would be a better solution. Feels that we should not give in so easily – trees make a real contribution to the town. This may be a cul-de-sac with no through-traffic, but it is nonetheless a pleasant road, and the trees add to that. Moves to refuse, on loss of amenity.

**MJC, in response:**

- Is slightly nervous, as PB has not mentioned any policy reason for refusal. There are policies in the Local Plan which talk about loss of trees. Members have heard the professional advice of the Trees Officer, and as this is a conservation area, the trees have a level of protection. Policy GE5 is concerned with the removal and replacement of trees, and the proposal is to replace the three trees; the Trees Officer has given his judgement as to their amenity value and said that the replacement tree will be suitable for the site. As this is a conservation area, and these trees can be seen they may be eligible for a TPO, but is not sure – CC will advise. However, it is important to focus on policy and set out the value of the trees and why Members are moving away from the Trees Officers' professional advice. Planning decisions should be brought back to policy at all times.

**CC, in response:**

- A lot of the thrust of putting a preservation order on a tree is focussed on the visual amenity of the tree from a public perspective. These trees can be seen but are not significant in the landscape. They are in good condition, though it could be said that there are too many trees in a small space;
- A case for TPOs could be made, especially for the pine and the holly. The most important tree on this site – the Thuja at the front – is to be retained. The maple will grow to suit the space; the pine only has foliage at the top and the holly has a lot of small branches at the bottom.

**GB:** does PB still want to move for refusal?

**PB:** gets very annoyed when officers want specific policies. The Local Plan is 300 pages long and Members need help; officers know it inside out. Is saying the loss of the three trees will result in loss of amenity; these are three excellent trees, which contribute to the street scene, and cannot see why they have to be taken out. Cheltenham is famous for many things, including its trees. Would therefore move to refuse on the loss of amenity to the local community as a result of the loss of three good trees.

**GB:** it is difficult for officers to know what individual Members may come up with as reasons for refusing an application. MJC has said that Policy GE5 may be appropriate here as a refusal reason, and is right to put this forward.

**CS, in response:**

- As CC has said, officers had a very detailed site visit with the applicant. He was very willing when making amendments to the proposal, and would therefore suggest that deferral may be more appropriate here than a refusal. Hopefully, with further negotiation, a solution can be found which Members are happy with, if the loss of the trees is the only concern.

**PB:** would be happy with that, and also with looking at the possibility of putting TPOs on the trees, as CC has said this could be appropriate.

**CC, in response:**

- As these trees are in the conservation area, they have a level of protection already, and cannot be removed unless as part of a planning application. A TPO won't make too much difference if the application is back in a month's time.

**Vote on PB's move to defer**

**16/02034/FUL**

11 in support

2 in objection

**DEFER**

**16/02034/ADV**

13 in support - unanimous

**DEFER**

Application Number:	<b>16/02197/FUL</b>
Location:	<b>68 Sandy Lane</b>
Proposal:	<b>Two-storey side extension, single storey front and rear extension, application of render and timber cladding and replacements windows and doors</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Defer</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

BH introduced the application as above, for the remodelling of this property. It is at Committee in the interests of transparency, as the neighbour and only objector is a senior member of CBC staff. The scheme has been revised in line with officer and neighbour concerns, and officers consider the form to be acceptable, with no adverse impact on the neighbouring property. The recommendation is therefore to permit.

**Public Speaking:**

**Mrs Atkins, neighbour, in objection**

Owns the only property to be directly affected by this proposal, and would ask Members to consider the officer's use of design guidance when considering the application. The proposed extension will be inconsistent with council policy on side extensions and Local Plan policies CP7 and CP4, suggesting that officers have not followed normal processes and guidelines. Have provided evidence of similar developments in Sandy Lane and other nearby sites, and reviewed over forty two-storey side extensions determined last year. The vast majority required clear set-back and reduction in ridgeline height to comply with design guidance; each report emphasised the need to neither dominate or detract from the original building but to play a supporting role. This requirement is not met at 68 Sandy Lane. In addition, a gap of less than 2m would be maintained between the two buildings, further reduced by the projecting eaves. The house and extension would occupy 88% of the site, a 21m two-storey structure of uniform height, width and massing on a 24m-wide corner site. Consideration has not been given to the siting and design of the balcony, which will be close to the only bathrooms at No. 70, both of which have opening windows. A person of average height standing on the balcony would be directly between both windows, and only 2m away. In this quiet, residential area, bathroom and toilet noises will be clearly heard, and silhouettes of anyone using the bathroom clearly visible through the obscure glass, to the detriment of her family's privacy and enjoyment of their house. This could easily be avoided through good design, and despite the addition of a small obscure glass screen, the proposed balcony remains in conflict with CP7 and CP4. Is keen to see a positive outcome and a more attractive with less impact on her family's amenity. Minor changes could significantly change the appearance of the extension when viewed against the parent house, allowing it to play a supporting role, and a more suitable location for the balcony would be the bedroom in the centre of the house. Asks members to consider deferring their decision to seek such changes.

**Councillor Harvey, in objection**

Prefaced his comments on this application by apologising for trying to help Councillor Baker with refusal reasons on the previous application – was not trying to exert undue influence. Also thanked GB for observing a minute's silence at the beginning of the meeting.

Is not against this planning application, but is supporting the residents of No. 70 in raising certain issues with the proposal. The neighbour's letter of 18<sup>th</sup> March is intelligent and policy-driven, explaining their concerns. Notes that the applicants have not spoken to the neighbours about their plans. Plans can be confusing and put people off, but the NPPF is set out in clear, plain English. Sustainable development is a mantra much heard at Planning Committee, and the NPPF sets out a presumption in favour of such development – but a little further on it states that this type of development should be supported unless there are valid planning reasons in the Local Development Plan to say otherwise. The mantra may be that sustainable development always comes with a presumption of approval, but the neighbour has provided valid planning reasons why this application should not be approved today. Amenity covers noise, light and privacy. The obscure glass panel on the balcony won't stop neighbours from being able to see the silhouettes of children in the bathroom. Would ask councillors to consider how they would feel if their neighbours were just 2 metres away and could see their silhouettes in their bathroom. It may not be considered loss of amenity by officers, but

the neighbours' privacy will be taken away from both their downstairs toilet and upstairs bathroom, regardless of any opaque glass. Is not saying that the current owners are likely to observe what is going on next door, but they may move away. Would ask councillors to give serious consideration to deferring their decision, to allow time for proper dialogue, taking into account the Localism Act; the architect has not spoken to the neighbours at No. 70 – there has been no discussion. They have been consulted only in line with statutory requirements, but this is usually too late in the day to suggest any changes. Is asking for deferral rather than refusal.

**Member debate:**

**SW:** is sure there have been many other applications where he has been very reluctant to agree to front-facing balconies of this nature – wouldn't want to sit out and have the world drive past – cannot see the point. On the issue of overlooking, would prefer to see a brick wall – something which cannot be seen through at all. Is not happy with the opaque screen as proposed.

**PT:** may be old-fashioned, but there are such things as curtains to ensure privacy.

**PB:** may not be the officers' favourite person this evening, but is staggered by this recommendation. It is almost doubling the size of the house – a massive extension – and the photos show that there is nothing else like it in the road - all the houses have space around them. The proposed extension is not subservient, and it will be difficult to tell what is old and what is new. Officers clearly feel they have scored a success by negotiating with the applicant to scale back the original design, but this is not a great achievement if the original design was so extreme, a gross over-development, as this was. The proposal still doesn't respect the street scene or the other houses in the area. We should defer, and give the applicants the chance to expand their home following good discussions with the neighbours. There is clear scope for development to the satisfaction of all parties. The neighbour suggested CP4 and CP7 as refusal reasons. How can this proposal be said to complement neighbouring properties? How does it reflect the character of the area? There is nothing like it in Sandy Lane. Would like to refuse the application, but it should be discussed with the architect, officers and neighbours, in line with the Local Plan, to provide the applicant with a fantastic house.

**HM:** supports PB; this extension is not subservient. The single storey element at the front extends beyond the current building line, and the ridge height is only minimally less than the existing.

**KS:** doesn't feel this proposal is subservient. The balcony looks nice but doesn't help with subservience – it is more a design statement. Has sympathy with the applicant but wants the best solution. This is contrary to policy.

**BF:** the subservience requirement is for guidance, not mandatory, though for a number of years, officers have asked Members to refuse applications for extensions because they are not subservient. Some policies are for guidance only, some are part of national planning law. Is personally not a fan of subservience. Knows Sandy Lane very well – no two houses are the same, and this is a good thing, much better than the uniform little boxes seen in modern estate developments. Would support a move to defer here but not a refusal. There are many areas of Cheltenham which are not uniform.

**CN:** is uncertain about the subservience issue. There have been a number of cases lately, such as the recent application at Church Lane, which was rejected because the proposed extension was too large and not subservient. Would also ask why only three letters were sent to neighbours asking for comments? Why not more letters to residents along the street to see the overall feeling of local people about the impact of this proposal. If more letters had been sent, there would have been more response.

**AL:** Sandy Lane can be characterised as houses on large plots with space around them. This proposal which infills the area around the garage, appears as the continuation of the development and has the look of a terrace, which is out of character with the area. If the gaps between the houses are made smaller, this character could ultimately disappear.

**BH, in response:**

- Regarding the balcony, officers have not suggested that it will have no impact on neighbouring amenity, but do not consider that this will be unacceptable. The privacy screen has been introduced in the revised plans, and officers are happy to recommend approval;
- If Members are concerned about the privacy screen, and this is the only reason for refusal, a condition for a solid rendered wall could be added, which will remove the issue;
- Regarding subservience, the SPD applies more to semi-detached houses, to maintain the space between them. Officers consider that with a set-back of 1m, and a lower ridge height, this proposal achieves subservience;
- Would add that the block plan suggests the extension is bigger than it actually is, as only part of the extension is two-storey.

**MJC, in response:**

- To CN, regarding neighbour letters, the local authority is required to do one of two things regarding notification of neighbours: to write to neighbours who share boundaries with the application site, or to display a site notice. For this site, only two neighbours share a boundary, with one further neighbour added for completeness. The authority has fulfilled its obligation;
- Ultimately, this is a minor application. The reason why it is at Committee is known, but the approach is no different to the thousands that officers deal with each year, and the publicity undertaken is appropriate;
- if a neighbour or group of neighbours is particularly concerned about an application, they will usually solicit other neighbours to comment. The locality appears to be relaxed about this application. Endorses BH's comments and report – the proposed extension is OK for the area; it will impact on the neighbours, but will fit comfortably in the location;
- regarding the suggestion of deferral, does not consider this will achieve anything, as the applicants have already made several concessions. We have not heard their thoughts on this, and it would be unfair on them to defer – the application should be determined today;. This application started out as a big scheme and has been negotiated down; the local authority needs to determine it.

**BF:** has two further points to make: BH said that a solid screen could be conditioned, but conditions are appealable so this would not necessarily solve the problem. If this is what the applicant wants, the decision should be made, yes or no. Deferral seems the right solution, to give the applicants the opportunity to make changes – although they could have attended tonight. Does not have any problem with the massing, only the privacy issue.

**SW:** isn't totally happy, but a totally opaque screen or brick wall would make it just about acceptable for him.

**CN:** is not totally happy with MJC's response about the number of letters sent out in the public consultation process. Is aware of other applications where this issue comes up, and people complain about not receiving any notification of proposals near to them. If three letters is the right number in this case, and a strict approach is taken, it could be said that 33% of those people have objected. In view of the nature of the street – unique, and in a lovely part of town – more letters should have been pushed out. There is not much cost. Is a great believer in public consultation to move things forward.

**KS:** took exception of the officer's comments about the number of objections and that there are none from anyone else living nearby. The person objecting wants to find a solution, so why would they try to

stir up the neighbours? This is not fair on the neighbour; we cannot guess what the community feels. Deferral is the best option - the objector wants a solution, and the applicant will want to get going with the proposal - but does not consider privacy the biggest issue. The balcony is so large, and faces the road, but it should be subservient. Is content with the scale and massing, but the balcony should not be the key feature. It should be at the back or on another part of the property. Will support the move to defer.

**MC:** was going to make the same point, and agrees with CN about neighbour letters.

**CH:** privacy is important, but what changes were made in mitigating that has detracted from the building itself. The more he looks at the design, the more he agrees with BF – the architect has tried to make it subservient, and looking at it again, is not sure it needs to be made to look subservient. A screen may solve one of the problems, but a better design could be achieved. The balcony is unbalanced and unattractive. Subservience makes it look worse.

**GB:** Members seem to be moving in the direction of a deferral, yet three people are still indicating they wish to speak. Would request that they be brief in their comments.

**PT:** is not 100% certain why the screen has to be obscure. If it was a side screen, with nothing towards the neighbouring house, it would seem a better idea.

**PB:** this is an open forum, and Members are here to discuss planning applications – they are all entitled to have their say. Officers don't want a deferral and say a decision would be the fairest outcome for the applicant. Officers recommended the scheme for permit, and had no idea what the opinion of the Committee would be. In view of the groundswell of comments from Members, the proposal could be rejected, but it would be better to take all the comments on board and go back to the applicant. The applicant could have come to Committee to speak – is surprised he is not here, in view of the intelligent opposition to the scheme. Will still move to defer.

**MC:** does not want to add to that. Is happy to move to the vote.

#### **Vote on PB's move to defer**

13 in support

**DEFER**

Application Number:	<b>16/02302/FUL</b>
Location:	<b>Land At Arle Court, Gloucester Road, Cheltenham</b>
Proposal:	<b>Erection of Care Home with Nursing Care (60 beds) and Assisted Living (55 suites) - use class C2. Restoration and management of woodland, and provision of car park.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit subject to a 106 Obligation</b>
Committee Decision:	<b>Permit subject to 106 Obligation</b>
Letters of Rep:	<b>15</b>
Update Report:	<b>i. report update</b>
	<b>ii. Cheltenham Film Studios – supporting information</b>
	<b>iii. Additional representation – Reddings Residents Association</b>

**EP** introduced the application as above, for an L-shaped building, three and four storeys high. It is situated in a TPO'd woodland, and there has been significant negotiation with the Trees Officer, regarding the appropriate work to trees, including a number of removals. A woodland management



plan has been submitted; 71 parking spaces will be provided. Officers consider the scheme complies with policy and is well thought through, and the recommendation is therefore to approve.

### **Public Speaking:**

#### **Mr Paddy Brice, applicant, in support**

Introduced himself to Members as the Managing Director, of Richmond Villages, part of BUPA. This proposal started life about two years ago, with the landowner's pre-app discussions with Cheltenham Borough Council. The whole ethos of the scheme has always been landscape led, letting the woodland inform the proposals. Input from officers, consultees, surrounding businesses and the public have been taken into account – for example, the footprint has been amended five times following discussions with officers, the planting and management plan has been improved, and the building will not be any higher than Manor by the Lake. The woodland is known to be failing, and this proposal will preserve the best trees, enhance the wooded approach to Cheltenham from the A40, add approximately 300 new trees, as well as bird and bat boxes. During discussions, it became clear that officers wanted a greater level of certainty, and suggested the landowner find an end user for the site. Richmond BUPA was delighted to be selected to make a full planning application, and for the opportunity to provide a care environment which is a first for Cheltenham, covering a number of separate areas of care, including dementia care. It will provide 111 jobs for Cheltenham people, and give certainty to the rest of the film studios site, which currently supports over 60 small businesses. The development will allow Richmond to continue its track record of regenerating the ecological and botanical value of its land interests, already established in villages at Letcombe near Oxford, Wood Norton near Evesham, and Aston-on-Trent near Derby. They will be extremely pleased to bring Richmond BUPA to this unique site in Cheltenham, helping people to live longer, happier and healthier lives. The work of CBC officers and the Richmond BUPA team has produced a development everyone can be proud of, and one most worthy of Members' support.

### **Member debate:**

**SW:** until a few days ago, thought he would have to declare and personal and prejudicial interest – was expecting to see an enormous building from his back bedroom – but was pleased on planning view to see how well the trees will screen the building from view. However, has serious concerns about the traffic situation at Hatherley Lane and the Arle Court roundabout. Understands that the Asda development provided money for traffic calming measures, but no solutions seem to have come forward. Where will the traffic from this proposed development go? What amount of coming and going is there likely to be? Also, regarding flood alleviation, there is a significant existing problem, and with all the development in this area – Asda, B&Q, BMW – this is likely to get worse, despite the advice of the so-called experts. If more land is covered with concrete, some sort of flood alleviation measures must be needed.

**BF:** agrees with the speaker's comments regarding the woodland, which has been neglected for a number of years, and allowed to let go – as a result, many of the trees are sick or dying. The setting is excellent for this type of development, and although the architect has produced something which looks a bit like a Soviet Block spa, this won't be seen from any distance, due to the lay-out and the trees. This is a much-needed development for this type of care, and the site should be developed. Has no problem with it.

**MC:** is not going to agree with BF's comments. To begin with the map included with the agenda documents is about 20 years old, and does not show the roundabout – this is misleading. Is the existing access going to be used to service the development? SW has referred to flooding issues; parts of the site are in Zone 1 and Zone 2 and issues with flooding are well known to locals. There are also issues with foul water and the local sewers, about which local people are concerned. Is troubled to read the Trees Officer's report; there are TPOs on site, and the report is critical about how the

woodland has been managed, resulting in declining and dying trees. The site has been in different ownership for over a year, who could be seen to be allowing the TPO'd trees to die in order to make it easier to get planning permission. The matter of over- and underground utilities should be addressed and Members cannot agree to granting planning permission without knowing how sewage will be managed. Agrees with the comments of the Civic Society, which considers the mass of the proposed block to be intimidating, and is concerned about the loss of trees. Notes not comment from Highways England, which is also concerning. Understands that every application must be considered on its own merits, but we must also be realistic about the impact on the local area. There is nowhere else in Cheltenham undergoing this level of development – B&Q, Asda, Travelodge, KFC, BMW, 350 houses, shops, proposed offices behind the Nuffield – all feeding onto the existing road network. S106 money was provided for Asda, but there have been no highway improvements to date. Is the TRICS assessment robust? Would say that TRICS is out of date and not fit for purpose. Adding to road infrastructure which can't cope as it is will make matters even worse. If the area is to be burdened with another development, the S106 money should be spent to improve the highways before planning permission is granted. BF talked earlier about little boxes, but this is a dirty big box! Has seen nothing to recommend supporting this scheme so far.

**PB:** this is a good scheme, though would ask if there are any sanctions against landowners who allow their TPO'd trees to get into such a state of neglect. If not, suggests CBC needs to look at how to enforce proper management of woodlands. Will the proposed development have any impact on the housing number allocations in the JCS and Local Plan in view of the fact it will provide homes for 100 people? Is hugely disappointed with Gloucestershire Highways, for having missed the opportunity to seek S106 money to improve the crossing. Highways officer consider it inappropriate, but rejects their reasoning – there will be 200-250 people living here, the site is suitable and close to Asda. There could be large numbers of people, struggling with mobility scooters etc – this is a strong enough reason to upgrade the crossing, in addition to the significant number of traffic movements. Feels Gloucestershire Highways has let us down here, and CBC should be stronger as a council, demanding S106 contribution. This is a much-needed scheme, the company has a proven track record and will do a good job, but it could be better. It is possible that the developer may even put some money towards a crossing.

**BF:** Shares PB's concerns, but there is sufficient money to put the crossing in tomorrow, using other funding sources, not S106 money.

**PT:** this development is proposed on TPO'd woodland, which is supposedly protected. The person who left it in his will wanted it to remain woodland. It has been deliberately neglected, allowed to go to rack and ruin, but there are still some nice trees there which could survive the construction. Feels this application is going to be approved, although it should be refused; if we are going to have TPO'd woodland, it should be protected – let's protect it! Doesn't care how good the applicants are, how wonderful at conserving – this is not the point. Sir George Dowty left the woodland as an asset to the town, and it has been allowed to deteriorate. Used to drive to the Lodge twice a day, and knows how the woodland has been neglected and gradually eroded, how many big, handsome trees have been chopped down. If the woodland was an old property, it would receive automatic protection; do we know how old the woodland actually is? This is a shameful case of sheer neglect, purely and simply to raise money from the land – a lot of money for a lot of share-holders.

**EP, in response:**

- regarding the traffic access issue, the highways officer has provided comprehensive comments on the proposal, including the anticipated traffic generation. The development is not an office, and people will be coming and going at various times, not just at rush hour but dispersed throughout the day. The impact on local roads will be distributed 24/7, leading highways officers to conclude that the maximum increase in traffic in the locality will be 1.4%. This is the professional

assessment of highways officers – that the scheme will not have a severe impact on the local highway;

- regarding access and MC's comments, apologies for the out-of-date map – this was not submitted by the applicant but is generated by CBC's system. The submitted drawings show the specific access;
- regarding S106 moneys and comments on this from highways officers, S106 is used offset identified impact of the development, yet highways officers consider that the impact will be relatively minor. They consider the proposal will result in improvements to pedestrian access including a walkway through site to bus stops on A40. For this reason, they are not asking for any contribution for this development;
- regarding flood alleviation, a detailed flood risk assessment and sustainable drainage strategy has been provided, and the LLFA comments in the report indicated that officers are satisfied that the site is capable of attenuating any increased flood risk. There are ongoing discussions to pin down the location for two balancing pools, in areas least sensitive to trees;
- regarding foul sewerage, Severn Trent has provided a comment on the application, and this issue is not dealt with through planning – it is for the developer to deal with it at the detailed design stage. Consent will be needed to connect with the network;
- to PB's question about how this development may contribute to JCS housing numbers, policy officers have confirmed that it will do so, but having scrutinised the plans, conclude that the contribution will not be significant – less than 10 units. It is, however, meeting a need for a certain kind of accommodation.

#### **CC, in response:**

- regarding Members' concerns about the owners of the woodland deliberately allowing the trees to decline and die, if a tree is in decline, there is little can be done to stop it – they are living organisms, coming and going, having their day. Unless they are deliberately felled without planning permission, the council cannot enforce the planting of new trees when old ones die. There is no woodland management plan at the moment, and so very little that can be done – nature will take its course;
- to the question re who is responsible for the care of TPO'd trees – the owner is;
- would be very pleased if the landowner wanted to restock the woodland without the addition of the care home, but we are where we are – the application is to build a care home with the planting of lots of new trees – this proposal is the best we can hope for;
- the woodland is almost derelict, and the owner cannot be stopped from felling dead trees. It has not been managed well: the shrub layer is dominated by laurel which is full of arsenic and inhibits growth, prevents anything of quality from coming through;
- has visited the site many times in the last 18 months to agree the best solution regarding the footprint of the proposal. The proposal has to be a certain size to be viable, and the footprint proposed is the minimum it can be to achieve this;
- there are 90 trees to fell, including 54 which are already dead. Nine trees of quality will be removed, which is unfortunate but are required to ensure the optimum footprint;
- 300 trees will be planted – they will, of course, be small to begin with but will grow. The smallest trees to be planted will be along the side of the A40 and provide year-round screening. There is no public access to the woodland at the moment;
- Bigger, more exotic trees will be planted further into the site. In general, the majority of the trees will be evergreen, in leaf throughout the year, and providing good screening;
- We cannot force the owner to actively manage the woodland, but if planning permission is granted, we will be able to enforce it, and if any further trees die, new ones will be planted;
- There is a Condition requiring an arborist to be present on site, ensuring that heavy plant won't damage the retained trees and dealing with matters on a day to day basis;
- Is confident overall that if the proposal receives planning permission and is built, it will be of benefit in the long term.

**CH:** this is an exciting and innovative scheme, even though there are some issues and some disappointments, such as the housing numbers, and Gloucestershire Highways' failure to do work, and sit on money. The scheme itself is fine, however. To MC, it is a fact that the developer can't connect to the sewage system until Severn Trent is happy that it won't impact on them. It is up to the developer to get the money to fund any works – this could be just a big septic tank. Notes that the buildings are rather dark in colour, but this means they won't see between gaps in trees and will have a more subtle presence. Wonders if green roofs were considered, and whether photovoltaic panels would be good in a woodland scene? As other Members have said, the woodland has been left neglected, and there is no money to spend on its upkeep. The applicant has pointed out that the style of buildings have to have nature around them, and this is an inbuilt reason to keep the woodland as good as possible. Also, if this proposal is not built in Cheltenham, it will go elsewhere; the scheme provides valuable care for people who need it – not a posh home, but much-needed nursing and dementia care. It is a good proposal; it will not be seen from outside, will enhance the appearance of the woodland, and provide accommodation for people who need it. There are disappointments, but there are more than enough reasons to permit.

**PT:** would like to move to refuse. The woodland has not been looked after, and Sir George Dowty would be turning in his grave at these plans. Knows she will be voted down, but will at least have made an effort.

**CN:** this has been an interesting debate, and is feeling genuinely conflicted. Recognises the need for care homes; through the JCS, and Planning and Liaison Member Working Group, is aware of a lot of studies which have identified the need for more care homes in Cheltenham, even though this is slightly surprising. This proposal will bring jobs to the town, which is also good, and likes the idea of the woodland being reworked, conserved and improved. But has concerns about traffic, and shares other Members' unease about Gloucestershire Highways' comments, especially in view of the BMW site. The building has been described as an 'intimidating block'. PT is concerned about the deliberate neglect of the woodland, and the ignored TPOs – struggles with this, and feels we need to do something about it as we are developing the Cheltenham Plan. For example, once TPOs have been established, there should be ways of encouraging the owners to look after the trees we want to protect. There are many examples of 'deliberate neglect' of trees in Leckhampton, the running down of areas of landscape valued by local people, in order to use this to influence the planning process – a new development is then presented as the only way to introduce improvement to an area. There must be better ways to manage woodland such as this. Remains genuinely conflicted.

**SW:** is comfortable re drainage – the north-east corner of the site – Severn Trent has a large control system, and will install balancing pools on site which will be covered with trees to help absorb the water. But the issue of traffic remains a concern. 1.4% may not sound a very large increase in traffic, but for a large proportion of the day – around 3pm, and 6.30pm - the roads are gridlocked around the B&Q roundabout and Arle Court roundabout. It isn't possible to access the roundabouts from some roads. 1-1.5% extra traffic represents a lot of cars; the roads are already gridlocked and will get worse.

**GB:** Members are covering the same ground again. We need to move towards a conclusion and keep to the issues.

**BF:** to PT, would advise that most of the trees are Victorian, including a few specimen trees. The woodland was established by George Dowty, and the grounds sold to outside investors long after his death, when the Dowty Group fractured.

**AL:** would ask for clarity of the visibility of the block from the road. If this is lost through road alterations and tree removal, it will change the impression for visitors as one of the principle gateways to the town. Also, a couple a years ago, there was a study of the number of retirement homes in

Cheltenham; these were classed in four categories. Which category is this proposal, and is it one of those which is short on capacity?

**MC:** asked a number of questions which have not yet been answered; has not yet heard anything about the overground/underground utilities, and is very disappointed that the proposal will only represent 10 dwellings off the JCS housing numbers. As SW has said, 1.4% additional traffic in a system not able to cope as it represents a serious problem, which will be made worse by BMW, the offices behind the Nuffield, and any future development – this needs to be taken into consideration. The S106 money for highway improvement needs to be spent, and be incorporated in any future development. The system will break down unless we act now and spend money on what it was intended to be spent on. On Page 66 of the report, the officer states that there are no plans for overground or underground utilities – why not? Where will utilities come from? This needs to be incorporated into the scheme before Members decide to give planning permission or not.

**EP, in response:**

- The comments at Page 66 are from the Trees Officer, who confirms that underground services cannot be provided without jeopardising the trees. These are, in fact, superseded comments;
- Regarding visibility from the A40, 300 new trees are being planted, and the overview suggests that although there may be glimpses of the buildings between the trees, the way it is configured on site – L-shaped, with additional planting – means that it will be barely noticeable to anyone driving past;
- Regarding the need for this type of care, the conclusion is that there is a surplus of accommodation not providing care, but there is a need for care homes providing care packages.

**Vote on officer recommendation to permit**

10 in support

2 in objection

1 abstention

**PERMIT**

Application Number:	<b>17/00087/FUL</b>
Location:	<b>Atherstone, 17 Church Road, St Marks</b>
Proposal:	<b>Proposed rear and side extension to provide 3 dwelling units (re-submission 16/00375/FUL)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>None</b>

**EP** introduced the application as above, to develop the rear corner of the property with a flat roofed extension to provide three two-bedroomed flats and car parking. It is a re-submission of a previously refused scheme, with a revised footprint and more contemporary design approach which officers consider acceptable. The impact on neighbouring properties will be reduced, and the recommendation therefore is to permit. It is at Committee at the request of Councillor Coleman, in view of the high level of public interest, and significant change proposed to a prominent building.

**Public Speaking:**

None.

**Member debate:**

None.

## **Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

Application Number:	<b>17/00114/FUL</b>
Location:	<b>3 Church Street, Charlton Kings, Cheltenham</b>
Proposal:	<b>Two-storey rear extension to form kitchen/dining and living space</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	1
Update Report:	<b>Yes</b>

**BH** introduced the application as above, at Committee at the request of Councillor Paul McCloskey, in view of the special features of the plot. Officers have concerns about the impact of the proposed extension on the existing building and on the conservation area; revisions have been suggested, but the applicant wants the proposal to be considered as it is. The recommendation is therefore to refuse.

### **Public Speaking:**

#### **Ms Lucinda Mongor, neighbour, in objection**

Lives at Waterloo Cottage, one of three linked cottages built around 1815. The application next door is for a 1.5-storey contemporary extension to replace the single storey conservatory. This will impact on the conservation area – St Mary's Charlton Kings was designated in 2009, and the adopted legislation specifically mentions Church Street for its historic buildings and architectural importance. The local authority has a statutory duty to ensure that the future enhancement and preservation of the area is taken into consideration when applications are assessed. If permitted, this application will encourage other contemporary extensions, which will gradually erode the area, making the designation meaningless. The owners of the three cottages were aware of these compliances when they bought their homes, and these should be upheld now. A 1.5-storey extension is inappropriate in size and style, with conflicting roof form and dominance, detracting from the appearance of the historical cottages when it should in fact be blending in with the local character and not of a contemporary design which stands out as too modern – it should complement the existing cottage in material and design. Strongly disagrees with the architect's comment that the extension is insignificant compared to existing buildings, that it improves the general views, and that it will not be visible from the conservation area. If built, its size and differing materials certainly will impact on its surroundings, and will not comply with the conservation mandate to 'enhance and preserve'. It will be clearly visible from Church Street and her own side garden. Has no objection to the replacement of the existing conservatory as a single storey on the original footings. Built of similar materials, it would enhance and preserve the existing buildings, within the guidelines of the conservation area and in line with character appraisals for the area.

#### **Mr Michael Lumley, architect, in support**

Has made hundreds of planning and listed building applications over the last 40 years, and this is only the second time has felt the need to address committee, having usually been able to agree design alterations with officers. Feels the planning office has made an extreme and very subjective assessment of this proposal, and is being inappropriately protective of the conservation area – which goes against the planning principal that development should be permitted as long as it causes no substantial harm to the significance of the conservation area and buildings on the site. The site is a barely visible secluded garden. The proposed extension replaces a poor quality existing extension and masks another, using a contemporary design incorporating features of the original cottage, in particular the materials and pitch of the roof. This has been a challenge as the cottage has a large,

wide garden, but most of the rear elevation is occupied by an inappropriate flat-roofed, two-storey extension. Officers have no issues with the plan form, siting, loss of neighbour's amenity, or contemporary design, generally support the use of materials, and agree the removal of the present extension will be an enhancement. They suggest that a high-ceilinged, single-storey, flat-roofed design will suit the applicant's needs, but this is not the case. The report lists a damning array of adjectives to describe the proposal, which basically come down to concern about the height and form of the roof part of the extension, stating the scale and height would dominate the row, detract from the original form, and not be subservient. This is patently inaccurate, as the drawings and elevations show. The pitched roof is hardly higher than the 1980s flat roof extension, and considerably lower than the main room of the row of cottages. The pitched element is barely one fifth of the rear elevation, and the majority of the rear elevation will continue to be dominated by the 1980s flat roofed, two-storey extension.

### **Councillor Paul McCloskey, ward councillor, in support**

The applicants have lives in Charlton Kings since 1994, and in Church Street for 10 years. Their son attends the local infant school, and will be able to walk to the junior school and hopefully Balcarras in due course – proximity to local schools is important. They are not property developers, but undertaking this work because they have to. The wooden structure in the garden is in urgent need of replacement – it is used as a dining room, playroom, social and entertaining room. The current lay-out does not work, making it awkward to keep an eye on people and serve food. From the kitchen, it is necessary to travel through the living room, through the hallway, up three steps and down three steps to reach the garden room. The applicants would like to remove the garden room and add a large room across the back of the house, incorporating a kitchen and dining room, to make it easier to keep an eye on the children and enable easy transit from the kitchen to the dining room. It is not about sightlines and subservience; it is about family life. The applicants have family scattered across the country, and need space for when they come to stay. This proposal includes a much-needed mezzanine sleeping area, which would be less imposing on neighbouring properties than a two-storey extension, and solve the predicament of not having enough sleeping accommodation when friends and family come to stay. They want their extension to be sensitive to what is already there and not affect neighbours any more than can be helped. The main part of the house dates back to the early 19<sup>th</sup> century, and they would like to keep the old part old and the new part new.

The NPPF states at paragraph 60 that planning decisions should not attempt to impose architectural styles of tastes, and should not stifle innovation and originality, through unsubstantiated requirements to conform to certain styles; it is proper, however, to seek promote or reinforce local distinctiveness. Charlton Kings is not Regency Cheltenham, and its local distinctiveness is the hotchpotch nature of the way the village has evolved – this application is consistent with that. At paragraph 197, the NPPF reminds local planning authorities that the presumption should always be in favour of sustainable development. This application seeks to transform two 19<sup>th</sup> century cottages, subsequently combined into one and badly renovated in the 1970s, into a sustainable family home. The 3D images provide a helpful view of what is intended.

Finally, Church Street is a one way street – no-one driving by will see anything of the extension. It will not be visible from the church or graveyard.

### **Member debate:**

**PB:** concerning the party wall act, how is the owner of the cottage going to maintain the wall with the extension right up against it?

### **BH, in response:**

- This is not a planning issue; it is a legal matter between the owners.

**BF:** likes the proposal; will support it. All that Councillor McCloskey and the agent have said is true. The agent refers to the officer report; notes that the officer states that the proposal won't bring any public benefit – but no-one will be able to see it, it is invisible from the road. It is below the height of the cottage at the front, and there is no high ground around to see it from. Has looked at the 3D drawings – likes the design, which is a barn-type of building, and superior to what is there. The rest of the extension is below the level of the 1980s add-on. The choice of materials is good, and personally prefers the pitch roof to the flat roof. Will support.

**PB:** is reluctant to extend the debate. Agrees with BF. Doesn't get what officers mean about the incongruous roof, which mirrors the adjacent house – this conclusion is wrong. The objection from the neighbour is not a planning issue. Regarding impact on the conservation area, there is no visible impact; the only real difference will be to the people living in the house. Demolishing the existing extension and rebuilding the proposed will result in a big improvement in their quality of life.

**AL:** likes the look of this, and the design. Notes the extension is close behind the house next door which could cause maintenance issues, but recognises that this is not a planning issue.

**SW:** this could cause major problems for No. 5 – if the guttering is overflowing, for example, what would the neighbour do? Realises this is not a planning issue, but maintenance of the neighbour's property will be impossible. How can this be overcome?

**MJC, in response:**

- Would just say, in light of earlier debates this evening, that officers consider there is a better way of doing this extension which will mean the applicants get the space they require and the officers are happy with the impact on the conservation area. An extension could be added with a better relationship to the existing cottage – for example, by spinning the gable to present to the garden. Would like to have had this discussion, but the applicant and agent were not open to negotiation. Members can hear what he is saying or not hear, but genuinely feels that a better approach could be found.

**BF:** would just say that neighbours can enter their neighbour's property by arrangement to carry out repairs etc when necessary.

**Vote on officer recommendation to refuse**

6 in support (including the Chairman's casting vote)

5 in objection

2 abstentions

**REFUSE**

Application Number:	<b>17/00135/FUL</b>		
Location:	<b>Priors Farm, Imjin Road, Cheltenham</b>		
Proposal:	<b>Two flood storage areas, creating new ditches and installation of new culverts</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>2</b>	Update Report:	<b>Yes</b>

**CS** introduced the application as above, to address the surface water issues in Whaddon, Lynworth and Prestbury, as part of a wider flood alleviation project. The site is divided in two, the north being in Tewkesbury Borough Council jurisdiction, and the south being Priors Farm. The proposed flood



storage areas will improve flood relief protection to 230 properties. It is at Planning Committee because the applicant is Gloucestershire County Council, and the land is owned by Cheltenham Borough Council. Members will have noticed there is a representation from CBH, concerned because Priors Farm has been identified as a future development site, and the siting of the storage areas may impact on this. These concerns are considered to carry only minimal weight, and the application must be determined tonight. The recommendation is to approve, subject to conditions. The proposal was screened against EI regulations before submission, and did not require any further action.

**Member Debate**

There was none.

**Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

**Thanks**

As this is Chloe Smart's last Planning Committee before leaving CBC, GB thanked her for all the work she's done, and the lovely way she has presented her applications, always pleasant and with a smile. She has been a credit to CBC and the planning department, and Members wish her well in her future endeavours.

*The meeting ended at 8.30pm.*