

# DRAFT MINUTES

## Planning Committee

20<sup>th</sup> April 2017

**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); Savage (LS); Seacome (DS); Sudbury (KS); Thornton (PT); Wheeler (SW).

**In attendance:** Councillor Matt Babbage (as a speaker)

**Officers**

Martin Chandler, Team Leader, Development Management (MC)  
Craig Hemphill, Principal Planning Officer (CH)  
Emma Pickernell, Senior Planning Officer (EP)  
Nick Jonathan, Legal Officer (NJ)

**1. Apologies:** Councillor Oliver.

**2. Declarations of interest**

16/00202/OUT Land Off Kidnappers Lane

Councillor Nelson – is a member of LEGLAG

16/02105/FUL Cotswold Grange Hotel, Pittville Circus Road

Councillor Lillywhite – as a Cheltenham hotelier. Will leave the Chamber.

**3. Declarations of independent site visits**

17/00395/FUL 24 Leyson Road

Councillor Wheeler

17/00129/FUL Castle Dream Stud

Councillor Baker

16/01907/FUL Sandford Court

Councillor Sudbury – has visited the site previously and given advice to residents.

16/02105/FUL Cotswold Grange Hotel

Councillor Sudbury

16/00202/OUT Land off Kidnappers Lane, 17/00218/FUL 1 Hartley Close, 17/00291/LBC Town Hall

Councillor Sudbury – knows sites well.

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## 4. Public Questions

There were none.

## 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 23<sup>rd</sup> March 2017 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>16/00202/OUT</b>
Location:	<b>Land off Kidnappers Lane</b>
Proposal:	<b>Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>91</b>
Update Report:	<b>Refusal reasons</b>

**CH** introduced the application, on a site adjacent to the Cheltenham urban area, to the north of Kidnappers Lane in Leckhampton. The site is a relatively flat 1.3hectares, a semi-rectangular are of former plant nursery. This outline application seeks to build up to 45 dwellings, and sets out associated infrastructure, open space and landscaping, with new vehicular access from Kidnappers Lane. An application for 650 dwellings on adjacent land was refused in 2014, and subsequently dismissed at appeal by the Secretary of State in May 2016. The current application site originally formed part of the refused planning application, but was withdrawn and not considered in the appeal process. The current application was submitted in February 2016, before the appeal decision on the 650 dwellings, but the applicant has requested that it be considered as submitted. Some of the information submitted is out of date, having been drafted over a year ago, before the outcome of the 650 appeal decision.

Members will have noticed on Planning View that there are a number of unauthorised activities on the site, including the storage of touring caravans and motor homes, and fly-tipping. Enforcement action is in progress, requiring the site to be cleared in two months, from 1<sup>st</sup> May.

The recommendation is to refuse, linked to the principle of development, prematurity, the impact on the landscape, the isolated nature of the proposal, and the lack of an S106 agreement.

### Public Speaking:

#### **Councillor Penny Henty, parish councillor for Leckhampton with Warden Hill, in objection**

The Chairman of the Parish Council is unable to present at the meeting, so is therefore speaking both on behalf of the Parish Council and also for Ian Bickerton, CBC councillor and member of Leglag.

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The Hitchins site is part of the 13/01605/OUT application, refused in July 2014. This part of the site was subsequently removed, before the appeal, but the grounds on which the appeal was refused apply equally to this site – damage to the landscape, and the severe cumulative traffic congestion it will cause. Traffic is already frequently gridlocked on Church Road, and this application would make it much worse. Granting permission would cause very rapid deterioration of the network, as this is the only traffic route round the south of Cheltenham, and the impact of the development at North Brockworth and Leckhampton Fields is as yet unknown – caution is needed to consider the cumulative impact of a further 45 dwellings. The proposal will have an impact on the views to Leckhampton Hill, and the character and landscape of the fields. The JCS Inspector recommended any development on fields should be to the north of the area, on the urban edge away from Leckhampton Hill. The Hitchins site is on the south side of Leckhampton fields, and is therefore unsuitable.

There have been discussions with the applicants, residents and the parish council, at the applicants' request, to consider whether a small development might be acceptable, but both the parish council and Leglag agree that both the location and the timing conflict with the JCS, that any such proposal is therefore inappropriate and should therefore be rejected.

**GB:** asked CN whether he felt his interest in this application could be seen as prejudicial.

**CN:** is a member of the Parish Council and also of Leglag, but does not consider these interests to be prejudicial.

**GB:** accepts CN's decision, but felt it right to raise the issue. Asked Members not to engage in a lot of discussion about why the application should be refused, as the recommendation is to refuse.

## **Member debate:**

**CN:** with reference to his previous point about conflict of interest, would just add further clarification of his thinking on this: is also a member of the neighbourhood forum, which is part of the parish council. There has been all sort so thinking on this site, with the group being told that a small, sympathetic development might be appropriate. There has been a mix of opinion for and against this suggestion, and therefore has no problem in participating in the debate tonight.

Has some questions for officers. Firstly, how does the density of this proposal compare to other similar sites? When looking at the evidence provided by Gloucestershire Highways, they have considered the total number of an additional 377 houses on the Redrow site on Farm Lane together with this 45 – incorrectly added together – the actual total is 422, not 455. Officers accept that the JCS has some planning weight; the Inspector is content with about 200 houses on the north fields next to Shurdington Road. It isn't logical or consistent that Highways don't included these 200 dwellings in their calculations – they should be included when looking at the cumulative impact. The 2013 application for 650 houses was refused for two reasons – effect on the landscape, and the severe cumulative impact on volume of traffic. The 377 plus the 45 plus the 200 is close to 650, and are in the same area. Both the JCS inspector and the Secretary of State agreed on this, and it is wrong of Highways officers to say this proposal would have no major impact. They say it can be mitigated, but in fact, this should be added to the refusal reasons.

## **CH, in response:**

- On the question of housing density, this will be 35 dwellings per hectare – comparable with the town centre, and the Midwinters development;
- CN makes a valid point on the highways calculation – the numbers are lower than stated;

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- Regarding the figure of 200 houses and the process through the JCS, the Inspector has recommended that a small development could be acceptable to the north of the site area – but this needs to go through the Local Plan process and be assessed regarding its appropriateness. This is at an early stage at the moment, which is why the refusal reasons talks about prematurity. The highways implications of this will be drilled out;
- There is an NPPF requirement to look at each application on its own merits; we can only factor in commitments with planning permission when considering the likely impact of this application;
- The refusal reason makes reference to the cumulative impact on the highway network.

**CN:** is pleased with the officer report – it is not often we see such recommendations before Committee, with such strength of evidence – but feels these could be further enhanced with evidence from the transport assessment work being done for the JCS. The interim JCS has some status. Planning officers have agreed the JCS has status and have factored that in, but Gloucestershire Highways is not on the same songsheet, and should be looking at the application in that light. It should include the 200 houses when figuring out the cumulative impact of the traffic. The total number of new houses from these different developments would be close to 650 – which would, as the Inspector has said, have a severe cumulative impact.

**KS:** supports the recommendation, the report, and the refusal reasons. As a matter of record, it is important that if there is any development in Leckhampton which will impact on the landscape, highways, infrastructure etc, it has to be plan-led; it cannot be piecemeal. The proposal to the west of Farm Lane, under TBC, will be a real blot on the landscape. Knows that in College and Charlton Park wards, senior school places are a real issue, and if development is permitted in a piecemeal way, the issue will get much worse. This proposal is closer to Bournside than Balcarras, but that school has no room for further expansion. There may be contributions from developers but these are no good if there's nowhere to spend the money; this could be the case if we allow this type of development without clear understanding of the impact. By 2020, we will be short of 6 x 30 places in Cheltenham; we have to be mindful of this when considering even small developments. It is a huge social problem, and not fair on families already living in the area, let alone those who might move in.

Traffic is also a massive issue. Kidnappers Lane is a small country lane – we have to be understand how this will be dealt with too.

A refusal is the right decision. This must be a plan-led process to ensure that any future development works for the people who live there.

**BF:** on Planning View, was amazed at the state of the site. It is a real blot on the landscape at the moment – a rubbish dump.

**CH, in response:**

- CN makes a very important point, re highways issues. The first refusal reason refers to the fact that the site is adjacent to the emerging Local Plan site and cannot therefore be considered in isolation. Granting planning permission in advance of the emerging Local Plan could prejudice decisions about the suitability of future development in the wider area. Hopes that this refusal reason covers all aspects, but could refer specifically to highways aspects in that sentence, should Members wish.

**CN:** would like CH to do this.

**Vote on officer recommendation to refuse, with additional sentence referring to highways issues in Refusal Reason 1**

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12 in support  
0 in objection  
1 abstention  
**REFUSE**

Application Number:	<b>16/01907/FUL</b>		
Location:	<b>Sandford Court, Humphris Road</b>		
Proposal:	<b>Erection of two picket fences adjacent to patios (retrospective)</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>25</b>	Update Report:	<b>No</b>

**MJC** introduced this retrospective planning application for two picket fences in a new residential development. They are set in a communal space, shared by all the apartments, and planning permission is required because they are adjacent to a listed building. Councillor Sudbury has requested the application be considered at Committee, due to the high level of residents' objections.

**Public Speaking:**  
None.

**Member debate:**

**KS:** this is a difficult application, and has caused a lot of friction between residents, which would have been wholly unnecessary if the developer had got the scheme right in the first place. When residents first contacted her, could not see why it was such a big deal, but having visited the site, understood why they are concerned and felt it important to debate the issue. In other circumstances, fences like this are not an issue, but here they cause a problem. Firstly, the type of fencing is out of keeping – it has a suburban cottage style, while the rest of the development is high end, and features nothing else like this. Secondly, the space is communal, and needs to be available so that all residents feel they can use it. It is a planning issue; planning is about helping developers to make places where people can live comfortably, whether this is private, public or communal spaces. This site is unfortunate – not one thing or the other. Residents of the upper floors can't use the communal space. It is situated in a very narrow part of the site. The issue needs far more attention; all residents should be able to enjoy the gardens.

Welcomes the revisions to the scheme, but still feels it should not be permitted. It is out of keeping, and reduces the communal area. Personally feels the site needs to be re-landscaped, with no step-drops, but this is not an excuse, and communal space is important at this part of the site because it is so narrow. It's such a shame as this is otherwise a good development – this is a weak point, and disappointing. Hopes that CBC learns a lesson that communal spaces cannot be left to chance – it neither looks good, nor helps with the garden's function.

Strongly urges Members to refuse or defer, to allow re-profiling of the grass to a more gentle slope. The communal garden is not currently a usable space for people paying for the privilege of using it. It isn't great for people on the ground floor either; they have private spaces but no particular understanding of how they can use it. Hopes for a better proposal. Will move to refuse or defer, but

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would add that the residents who objected would be happier if the fences were of materials more in keeping with the rest of the development, allowing the vision to flow through the site

**PB:** wasn't on Planning View, but can see from the photographs that this development is a high standard of design. Finds it bizarre that the developer would want the fence when the people who live there don't – there is no way this fence fits in with the otherwise high standard of design. Would be happy to move to refuse on CP7 – the fence does not complement the building behind it, is crass and unnecessary, and detracts from the open space.

**CN:** there was discussion on view as to why the planning department is involved in this application, but on further reflection, and having heard the comments of KS and PB, is inclined to agree with the. In his own ward, at Pilley Lane, there have been all sorts of problems with landscaping, with enforcement action required. Agrees with KS that we can't leave these communal gardens to chance with developments of this kind. The applicant should be encouraged to keep the open nature of the gardens – why weren't conditions included? As PB says, it is strange that all the residents are against this proposal yet the developer is pushing for it. Will support a move to defer.

**SW:** there's not a lot more to say here. On Planning View, the thinking was that there is a need to separate planning issues from management issues, and listening to KS and PB, is minded to refuse. This proposal doesn't protect the communal garden or complement the building. Assumes that metal and glass fencing would not be appropriate for health and safety reasons. The communal gardens should be kept open, so would support a refusal, but suggests that perhaps something else could be considered here.

**GB:** would remind Members that they are not here to redesign planning schemes.

**BF:** this proposal is retrospective. If it is refused, can enforcement officers take action, because it doesn't comply with the original planning application?

**PT:** agrees with the previous speakers. Was shocked when she saw the fencing – it was much more substantial than a simple picket fence, and there is another one behind it. Both need to be removed. Screens would be acceptable, but fencing is intrusive, even if hedging is put in.

**CH:** is not commenting particularly on this application but on lessons to be learnt with similar applications in the future. Tom Price Close was meant to have communal space for all the residents to enjoy, but fences have been erected which change the whole nature of the development. The only way these could be removed now is through legal action with the original development; enforcement action is not an option. For future reference, when we look at a design and like the communal area, we need to make sure it is settled, and that any changes need to come back for approval. Unfortunately, people quickly get used to the changes, which makes it difficult to backtrack.

**KS:** Members aren't trying to redesign the scheme, but if the application is going to be refused or deferred, it could be useful for the developer to hear their comments – that materials should be more in keeping with the rest of the development. Not all the residents are opposed to the fencing, but there are concerns about the different levels of the grounds, and fencing is a cheap way to deal with it. It is up to the Committee to decide whether to refuse or defer – she would be happy with either. Refusal reasons would be that the fence is out of keeping and loss of the amenity of this communal garden for other residents. If deferred, a better solution can hopefully be found, resulting in a better outcome for all residents.

**MJC, in response:**

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- Regarding deferral, this application has been in for a long time, since January 2016, and it has been very difficult to get any information from the applicant. Cannot imagine any progress with the proposal if the application is deferred – is not convinced that this would achieve very much;
- Regarding the fences themselves, Members have spoken against them; CN is right that the enclosures are not necessary, and to BF's question, enforcement action will be taken if the application is refused;
- Has a question for Members: they have two concerns – the type of enclosure and the principle of enclosure. If the application is refused, it is important to refuse on reasons that are clear. Do Members not want any enclosure at all, or do they simply consider the proposed fences to be an inappropriate means of enclosure.

**GB:** PB has suggested CP7 as a refusal reason.

**KS:** the blue lines on the diagram show a more appropriate place for the fences to go, but they need to be of the right material. Patios are not communal areas - fencing is appropriate to enclose these – but the grassed area is communal, and any sort of fencing will make people feel they cannot use it.

**SW:** agrees with KS. It is appropriate to have some form of enclosure on the patios, but there should be no form of fencing on the grassed area. Open areas should remain open.

**PT:** if the application is refused on CP7, would like to include the type of material with which the picket fences should be replaced.

**CN:** to MJC, clearly, given the historical circumstances, the refusal reason is the best way to achieve what Members want to see here. Was going to say there shouldn't be any obstacles to openness of the site, consistent with the officer report of 2012, but KS knows more about the site than he does, and is therefore happy to defer to what she has said. Policy CP4 for loss of amenity could be related to the openness issue.

**MC:** everyone seems to agree, and this application has been discussed for a long time. Members have been told they are not here to redesign a proposal, so they shouldn't try. The planners will speak to the applicant, and consider the practicalities. The meeting should vote now and move on.

**GB:** is CP4 an appropriate policy on which to refuse?

**MJC, in response:**

- The extra few minutes on this debate have been helpful; officers can now write a refusal reason encapsulating Members' opinions. It is not unreasonable to include CP4 as a refusal reason.

**Vote on officer recommendation to permit**

0 in support

13 in objection

**NOT CARRIED**

**Vote on KS's move to refuse on CP4 and CP7**

13 in support

0 in objection

**REFUSE**

\*Councillor Lillywhite left the Chamber during the following debate\*

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Application Number:	<b>16/01205/FUL</b>		
Location:	<b>Cotswold Grange Hotel, Pittville Circus Road</b>		
Proposal:	<b>Proposed erection of gates and boundary railings, new landscaping scheme and car park reconfiguration</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>13</b>	Update Report:	<b>None</b>

**EP** introduced the application which Members considered last month, deferring it on a single issue, concerning the three trees – Holly, Yew and Pine. The revised plans secure the retention of these trees, and the the recommendation is to permit.

### **Public Speaking:**

There was none.

### **Member debate:**

**PT:** how wide is the gate? Where will the bin lorries go?

### **EP, in response:**

- Confirmed that arrangements will be as before: the gate is approximately 2m wide, and the bin lorries will not access them.

**CH:** this application was deferred on account of the trees, and is pleased that these are now being retained, but still cannot support it. Residents are not happy about bin lorries on the corner, and the extra noise the application will cause.

**PB:** thanks to officers for negotiating a better result for the trees. Suggests that in the future they are a bit more determined about retaining trees where they can.

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

**11 in support**

1 in objection

0 abstentions

**PERMIT**

Application Number:	<b>17/00129/FUL</b>		
Location:	<b>Castle Dream Stud, Mill Lane, Charlton Kings</b>		
Proposal:	<b>Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses.</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>21</b>	Update Report:	<b>(i) Additional representations</b>
			<b>(ii) Report update – additional condition</b>
			<b>(iii) Appendix to report – previous appeal decision</b>

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**EP** introduced this application for planning permission for use of land for permanent occupation of a traveller family, and other provisions, as above. The land was previously occupied under a temporary permission following an earlier appeal decision, which has now expired. Previously there were three static caravans at the site; now there is just one. The application is for a personal consent for the applicant only. While it is acknowledged that the proposal causes some minor harm to the AONB, the lack of gypsy and traveller sites in Cheltenham, and the needs and human rights of the applicant have to be taken into consideration. The emerging JCS policy is criteria-based, and there is no straightforward alternative site. In March 2017, a county-wide assessment identified the need for three pitches in the borough. The continuing need is not likely to be filled by the JCS, and officers therefore feel it appropriate to recommend that permission be granted.

## **Public Speaking:**

### **Mr Langdon, on behalf of Save our AONB and neighbours, in objection**

Began by reminding Members that Cotswold AONB has the highest status of protection under the National Parks Act 1949, and the NPPF requires local authorities to give great weight to conserving landscape and scenic beauty – which this proposal will not, as a planning inspector has said at a previous appeal. Despite this, the inspector permitted a strictly conditioned, personal and temporary permission, until January 2017. Save our AONB cannot argue with this, but strongly objects to a permanent and unrestricted permission being granted. The application states that the site is 2.4 hectares, not just the 0.2 hectares covering the south-west corner. Members could unwittingly have granted permission for C3 land use over the whole site. They should also know that surface water continues to spill over Mill Lane several times a year, despite claims that drainage isn't a problem, causing a hazard when icy; the use of the land now is nothing like it was in 2013, and there have been no horses on site for at least three years; another high, close-boarded fence went up on site about a year ago, subdividing a large open field and contrary to the 2016 Cotswold AONB Landscape Strategy; and the septic tank was cleared out this year and is no longer sufficient for a family and business. Thirdly, this application is attempting to subvert the protection of public interest by preempting alternative sites being brought forward through the JCS – one such site could be Arle Nurseries, on green belt land. The inspector specifically said the previous temporary permission for this land and family was appropriate and reasonable. Urges Members not to accept the officer recommendation to permit; if this application is allowed it will set a devastating precedent for the AONB – residential occupation of this site should remain temporary.

### **Councillor Babbage, ward councillor, in objection**

The main points have all been covered by the previous speaker, so will be brief. We are extremely fortunate in Cheltenham, with the AONB and Cotswolds on the doorstep making it a wonderful place to live. The AONB has the highest level of protection, and policy and assessments all indicate that this site is inappropriate for permanent development. The identification of gypsy and traveller sites is part of the JCS process – granting permanent permission on this site would be premature. Therefore requests that a temporary permission be granted as previously, with the same conditions, including restriction to named family members.

## **Member debate:**

**PB:** some questions for officers – how will we as a borough satisfy the requirements for three gypsy and traveller pitches going forward? It seems that the recommendation here is very humanist, and has some sympathy, but it is the wrong recommendation, a knee-jerk reaction to provide gypsy traveller sites in the borough. If an application for another gypsy traveller site comes in, will it be equally difficult to turn down, if the land is lesser value than this AONB site? This is a very big site; is there any way, in granting permission as recommended, that the whole site could be used?

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**SW:** the first speaker encapsulated all the objections to this application very well. Everyone would love to live in the AONB. Is the borough council member on the Cotswold Conservation Board – this isn't a prejudicial interest – and keenly aware of the beauty of this area and the special protection it deserves. Cheltenham borough doesn't currently have anywhere for gypsies and travellers to stay, but this isn't a good enough reason to allow this site to become permanent. Using this site is contrary to what we expect in the AONB; CBC has other sites which could be used instead. When the JCS is finalised, there could be other places for gypsy and traveller families to go. Could therefore support a further temporary, personal permission of three or five years for one named family on this site, but fears that development on the site is inching forward, with stables, touring caravan, static caravan, day room and permanent building – it gets worse and worse.

**LS:** it is absolutely right that CBC should be asked to provide pitches for gypsy and travellers, but not clear from what he has heard or from the officer report that granting this permission is going to increase the number of pitches. The recommendation is based largely on the GTAA 2017 recommendation for three new pitches to be provided by Cheltenham. It is misleading the designate this site as a new pitch – it is no such thing, and this would be changing its designation. Shares the concerns of other members and the speaker – in some ways we would be encouraging opportunistic encroachment to the AONB at our peril. The previous report and the 2016 Ryder Report describe this land as pristine AONB, not degraded, and we should be mindful of that fact. No-one wants to see the current occupant disadvantaged, however, so is happy to support the continuation of the status quo, with a further temporary permission, but not a permanent one.

**PT:** agrees with the previous speakers. Has anyone suggested a five-year temporary permission for the named occupant, rather than three? She has done a good job at the site, kept it neat and tidy, and is not encroaching on surrounding land.

**BF:** agrees with much of what has been said, but goes back to the appeal decision. The site is currently owned by a single occupant; we have no control over who uses it. At present, no other travellers have wanted to occupy it. The family used to earn their living breeding horses, tarmacking drives etc, but none of this applies now. The current occupant lives on her own. There is just one stable block, which only had temporary planning permission. It is ridiculous that the person who owns the land only has temporary planning permission. The borough council with the JCS knows that it has a requirement to provide three sites or three pitches? We have managed to find room for 20,000 houses but not for three gypsy and traveller sites. It is the council's responsibility to have sites we can control to provide the appropriate numbers. We have no control over this site. There is just one person living there; it could become a livery stable business. The site is in the AONB, and doesn't comply; it was originally illegally occupied. If anything, we should grant temporary permission for three years, not five. It could then be extended again, if necessary, to keep some degree of control. If it can't, there should be conditions in the JCS – the site at Twigworth counts as part of Gloucester's requirements, not Tewkesbury's. Most travellers want a rural setting; they don't want to be in the middle of a town. No-one has yet mentioned the major problem is that travellers are transient – there is no provision but there is a need. We need to look at this and do something about it, rather than ignore it. This application is making the shoe fit the foot, and isn't what was originally applied for. Will move to refuse, giving 12 months to focus people's minds.

**EP, in response:**

- To PB's question, how are we going to provide three sites as identified in the GTAA, there will be a survey and further investigation. The stated requirement for three pitches arises from the occupants of this site – there are three caravans, one to be removed, for a teenage dependant in the future;

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- The draft JCS doesn't propose to allocate sites – it is a criteria-based policy, to be considered when sites come forward;
- Will this make it difficult to resist other sites? No, it would be easier to resist, as CBC will have fulfilled its requirement;
- The site area is indicated by a red line on the map, and conditions limit the amount of development within this red line area. A separate planning application would be required for any further development;
- A five-year consent could be granted if this is what Members feel to be most appropriate;
- To BF's concern that the site could be used for a livery stable business, there is a condition to restrict use of the stable to non-commercial uses. An additional planning application would be needed to vary that condition.

**BF:** the temporary permission was based on the fact that the family bred horses as a commercial business.

**EP, in response:**

- The Inspector did not attach that condition.

**MC:** this is a planning application to be refused or permitted. The question was, can a condition be attached? The officer has answered that it can.

**CH:** doesn't exactly go with the flow of the debate so far. At county level, it is difficult to find enough gypsy and traveller sites. Different travellers have different lifestyles and therefore different needs. This has to be taken into account in all our decision-making – we should be mindful of it. The applicant has been at this site for some time. If the existing temporary permission is extended by one, three or five years, she will not be comfortable, with a sense of insecurity – we should be mindful of that too. This permission seeks to give security for this particular family. Also, regarding restrictions, has met a lot of travellers who have family members come to stay at different times of the year. It's been said that traveller families don't want to live near town centres, but quite a few do set up nearer to towns, for hospital appointments and so on. The life expectancy of male travellers is very low, and we have a duty to recognise their different lifestyles, which vary greatly. All things being equal, would like to grant permission for this family to stay on this site however long they want to stay there, to give them a sense of security. When they no longer want it, we should look again. Would find it difficult to accept this family being moved on to another site. We must take into account their human rights, personal circumstances, and the different types of accommodation required.

**BF:** the Housing Act of 2016 dealt with travellers who no longer travel. Agrees with CH - we can all live how we like, as long as we comply with the law of the land.

**GB:** feels Members have discussed this application as much as they can. PT has proposed a five-year temporary occupancy. It is up to the Committee to decide on what length of permission is granted, but first they will need to vote on the recommendation to permit permanent occupancy.

**PB:** with regard to human rights, if we are not providing any alternative traveller sites in the JCS or Local Plan, where are we suggesting this family moves to? There is nowhere else. It is an infringement of their human rights if no alternative is provided.

**CH:** can a permanent personal permission be granted for this one family?

**EP, in response:**

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- Understands that a lot of Members are concerned about the human rights issue, and any interference in this family's right to home and family life. Her interpretation here is that granting a further temporary permission would not be a breach of the Human Rights issue, but eviction would.

**NJ, in response:**

- Confirms that temporary permission would not be a breach in any way.

**EP, in response:**

- Depending on how Members vote on the substantive motion, a number of conditions could be added: (1) personal permanent permission; (2) temporary permission, not personal; (3) both of these.

**BF:** would remind CH that the proposal on the planning application is for permanent permission – not for the applicant and her family or any other named person. This may be what the applicant wants, and is what Members should vote on.

**CH:** if a condition can be put on , would propose the personal permanent option.

**EP, in response:**

- For clarification, the inspector's reason for granting a personal, temporary permission is set out in the officer report, at para 6.2.

**PT:** one of the conditions refers to non-commercial use of the site, but 'breeding horses' implies a commercial use, and that the horses will be sold. It could be used as a livery stable. How does this fit with planning?

**EP, in response:**

- The condition can be strengthened if it is causing concern. The original inspector felt that this was commercial use, but the condition is trying to prevent livery use.

**SW:** the original permission was temporary and personal; we should stick with that. It should be temporary because there is land in the borough's ownership which could be used for travellers, which isn't part of the AONB; when a suitable site comes up, this family can be asked to use it. As said previously, everyone would like to live in the AONB.

**Vote on officer recommendation for permanent permission, with wording of conditions altered as above**

6 in support

0 in objection

6 abstentions

**NOT CARRIED**

**MC:** proposes a five-year personal permission.

**PT:** has already proposed that.

**CH:** would rather have a permanent personal permission.

**BF:** members just voted to refuse the application. The applicant may not want a temporary permission. Officers should go back to her and encourage a new application.

# DRAFT MINUTES

**MC:** the officer has confirmed that members can vote on a temporary permission.

**GB:** it is valid to vote on this. The applicant can appeal if not happy with it.

## **Vote on PT's move for five-year personal permission**

7 in support

3 in objection

2 abstentions

**CARRIED**

Application Number: **17/00149/FUL**  
Location: **22 Dagmar Road**  
Proposal: **Two-storey rear extension (revised scheme following recently approved application re. 16/02141/FUL)**  
View: **Yes**  
Officer Recommendation: **Refuse**  
Committee Decision: **Permit**  
Letters of Rep: **1** Update Report: **None**

**MJC** introduced this application for a two-storey rear extension, following a previously approved scheme for an extension half the width of the property. This application seeks a full-width extension, at two storeys. It is at Committee at the request of Councillor Harman, and Members visited the site on Planning View. The recommendation is to refuse, in view of the harm to the building.

## **Public Speaking:**

### **Mrs Baglow, applicant, in support**

Thanked Members for the opportunity to speak in support of her planning application. Needed to extend her house to accommodate her family, with a third bedroom and upstairs bathroom. The previous scheme was approved, but realised that better use of the space could be made, with a full-width extension. Followed advice of the planning officer and subservience guidelines – the revised scheme is 17.5% smaller than the previous one, and must therefore be considered subservient. Considers the proposal to comply with CP7 with regard to high standard of design, materials and architectural integrity, and windows in keeping. This proposal reduces the impact on the neighbouring property – there will be no over-looking. Has been in touch with a party wall surveyor. Understands that the house is in a conservation area, but the extension is at the back of the property. The proposal also follows green principles. This alternative lay-out is more characterful, and both Nos. 11 and 19 Dagmar Road have full-width extensions. Considers that all concerns have been addressed. The revised scheme is a smaller, more efficient, optimised design, with less impact on the site than the approved scheme.

## **Member debate:**

**SW:** understands where the officer comments are coming from, but noted on Planning View the neighbouring property with a two-storey half-width extension. Felt that this longer, narrower extension was much higher and more imposing – as the applicant has said, the full-width extension won't extend as far. It will be a much more useful space. On balance, as this is at the back of the building not the front, will be in favour and vote to permit.

# DRAFT MINUTES

**MC:** has looked at the drawings, and considers the proposed lay-out of the full-width extension better than the longer, narrower rear extension.

## **Vote on officer recommendation to refuse**

2 in support

7 in objection

2 abstentions

**NOT CARRIED**

## **MJC, in response:**

- Had not expected Members to vote in this way. Has heard SW's comments, but would just reiterate some of the important points made in the report;
- Consistency is very important here. The local authority has an SPD on residential extensions, setting out various principles, in particular that of subservience. An extension should take a supporting role, and this is officers' principle concern here – the full-width extension masks the back of the building;
- It is important to remember this is a conservation area. Historically, buildings of this nature extended with a wing. They are artisan houses. This is why the previous scheme was permitted;
- It is important to reiterate that the SPD must be applied consistently.

**CH:** Although Members are asked not to repeat themselves, in view of MJC's surprise at the vote, would just say that he was in agreement with SW's arguments. Members are told they must consider each application on its own merits. In this case, considers the impact of the full-width extension on the neighbour's house to be less. This is why he voted against the officer recommendation.

## **Vote on SW's move to permit**

7 in support

2 in objection

2 abstentions

**PERMIT**

**PB:** suggests that the SPD on residential extensions could be reviewed as part of the local plan process.

## **MJC, in response:**

- Yes. Officers are keen to re-write it.

# DRAFT MINUTES

Application Number:	<b>17/00165/FUL</b>		
Location:	<b>259 Gloucester Road</b>		
Proposal:	<b>Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road.</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>8</b>	Update Report:	<b>None</b>

**CH** introduced this application on a piece of land adjacent to a terrace facing Gloucester Road, opposite the railway station. The existing terrace is part of the neighbourhood shopping centre; the other boundaries adjoin properties in Libertus Court and Roman Road. The site is currently rough ground, with no defined use. Planning permission was granted in 2016 for four dwellings on the site – two houses, two flats – at two storeys of red brick, with pitched roofs and three off-road car-parking spaces. This alternative scheme is for two 2-bed semi-detached houses, and six 1-bed flats, of brick construction, with a flat roof, and six off-street parking spaces. It is at Committee at the request of Councillor Coleman, as the two previous schemes have also been considered at Committee.

## **Public Speaking:**

None.

## **Member debate:**

**PT:** is very disappointed by this scheme. The previous application was acceptable and fitted in with the area much better. This doesn't fit. The terrace of shops are houses which have been turned into shops. They look residential, whereas this proposal is a horror. The block of flats should go at the back of the site and the houses should come forward to complement the terrace of shops and the small houses on the other side. Would like to see this application refused on design grounds.

**MC:** asked officers on the bus – the applicants already have an approved scheme; this is an alternative to the existing permission; if it is refused, can they fall back to that?

## **CH, in response:**

- Regarding the design approach – this is always subjective, and it is a difficult site to get a perfect scenario. Some Members wanted something more bold when the previous scheme was considered;
- Linking the new building to the shops will always be difficult, but officers feel on balance that this is a good design for this location;
- To MC, yes, the applicant can fall back to the previously-granted permission if this is refused.

**PT:** feels that this proposal will stick out and not appear as part of the area. New buildings are supposed to fit in and look semi-reasonable. This is not even a statement, it is just a block. If it has to be included, it should be at the back of the site with the houses at the front, in line with the existing terrace facing the main road to Cheltenham. The proposed scheme will be a real blot on the landscape.

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

4 in support

6 in objection

# DRAFT MINUTES

## NOT CARRIED

**GB:** can Members suggest refusal reasons.

**PT:** Design – it doesn't fit the area.

**BF:** suggests CP7.

**MC:** it isn't in keeping with the street scene.

**CN:** new buildings are supposed to complement and respect neighbouring developments – this doesn't.

## Vote on PT's move to refuse on CP7

6 in support

3 in objection

1 abstention

**CARRIED – REFUSE**

**PB:** Both the Civic Society and the Architects' Panel have made constructive comments about the design - the applicants should be guided by this. This is a prominent site in the town, and they could do better.

Application Number:	<b>17/00218/FUL</b>
Location:	<b>1 Hartley Close, Cheltenham</b>
Proposal:	<b>Proposed two storey side, single storey rear &amp; single storey front extensions</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. It has been amended, revising the internal lay-out to address the neighbour's privacy concerns. It is at Committee because a senior member of CBC staff lives next door.

## Public Speaking:

None.

## Member debate:

None.

## Vote on officer recommendation to permit

10 in support - unanimous

**PERMIT**

# DRAFT MINUTES

Application Number:	<b>17/00268/LBC</b>		
Location:	<b>Municipal Offices, Promenade, Cheltenham</b>		
Proposal:	<b>Replacement of some of the fire doors in the Municipal Offices</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>

**EP** introduced this listed building application to install 24 modern fire doors, to paint 3 historic doors with fire-retardant paint, and to apply smoke/heat seals to bring them up to modern fire resistance standards. Heritage and Conservation Officers are happy with the proposal, and the recommendation is to approve.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to grant**

10 in support – unanimous

**GRANT**

Application Number:	<b>17/00291/LBC</b>		
Location:	<b>Cheltenham Town Hall, Imperial Square, Cheltenham</b>		
Proposal:	<b>Roof repairs</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>

**EP** introduced this application for the renewal of flat roof areas to the front of the Town Hall, and the removal and renewal of skylights. Heritage and Conservation Officers are happy with the proposal; the recommendation is to grant listed building consent.

**Public Speaking:**

None.

**Member debate:**

None.

# DRAFT MINUTES

## Vote on officer recommendation to grant

10 in support – unanimous

**GRANT**

Application Number:	<b>17/00395/FUL</b>		
Location:	<b>24 Leyson Road, The Reddings, Cheltenham</b>		
Proposal:	<b>Two-storey side 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>

**CH** introduced this application for a two-storey side-extension to a semi-detached bungalow in a cul-de-sac, to provide a kitchen and additional bedrooms and bathrooms. It is at Committee at the request of Councillor Wheeler, to consider the impact on the neighbouring amenity and the character of the area.

## Public Speaking:

None.

## Member debate:

**SW:** the drawings for this application are disingenuous. Looking at the front, with the extension being proposed, the house looks identical to the other end of the building – would find it difficult to argue against it. However, the reality is that the one on the right is much larger. There is no picture from the back but the two-storey extension will be very over-bearing on the property next door. When residents at No. 26 put in an identical application, officers recommended it for refusal, presumably because it was too large? Has no concerns about the front of the building, but is concerned about the effect on the neighbour at the back.

## CH, in response:

- There is no planning history to shed light on any discussions or negotiations regarding the other application. It was granted as submitted;
- Regarding this proposal, the front has been re-designed to be subservient; the two-storey extension at the back reads as a single-storey addition. The lay-out is constrained, but at its closest point, the single-storey element will be 4m from the neighbouring boundary, the two-storey 8-9m, where the boundary tapers away;
- Officers are content and consider the design and impact on the neighbouring properties to be acceptable.

**PT:** how much extra room is involved, square-footage-wise?

## CH, in response:

- The footprint of the existing property is 71 square metres; the proposed extension is 56 square metres, 90 square metres including two storeys.

# DRAFT MINUTES

**Vote on officer recommendation to permit**

7 in support

2 in objection

1 abstention

**PERMIT**

*The meeting ended at 8.15pm.*