

# Planning Committee

20<sup>th</sup> July 2017

## Present:

### Members (14)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Lillywhite (AL); Nelson (CN); Oliver (TO); Savage (LS); Thornton (PT); Wheeler (SW).

**Substitutes:** Councillor Rowena Hay (RH)  
Councillor Chris Mason (CM)

**In attendance:** Councillor Babbage

### Officers

Tracey Crews, Director of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Craig Hemphill, Principal Planning Officer (CH)  
Ben Hawkes, Planning Officer (BH)  
Claire Donnelly, Planning Officer (CD)  
Chris Chavasse, Senior Trees Officer (CC)  
Nick Jonathan, Legal Officer (NJ)

**1. Apologies:** Councillors McCloskey, Seacome and Hobley.

### 2. Declarations of interest

#### 17/01085/FUL 236 Hatherley Road:

- i. Councillor Mason – member of Up Hatherley Parish Council, which has objected to this application. Is not party to the working group, has not looked at the application – therefore no personal or prejudicial interest.

#### 16/01789/FUL Land to south side of Glenfall Way:

- i. Councillor Mason – father lives nearby hand has objected. Will withdraw from the Chamber during this debate.
- ii. Councillor Savage – will speak in objection and withdraw from the Chamber and the vote.

### 3. Declarations of independent site visits

#### 16/01789/FUL Land to south side of Glenfall Way:

Councillor Baker and Councillor Oliver.

### 4. Public Questions

There were none.

### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22<sup>nd</sup> June 2017 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>16/01789/FUL</b>		
Location:	<b>Land to south side of Glenfall Way</b>		
Proposal:	<b>Proposed erection of four dwellings with landscaping and public open space</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>157</b>	Update Report:	<b>Conditions</b>

**MJC** introduced the application as above, proposed for a parcel of land in the AONB. Members will be familiar with the history of the site: an outline planning application for 44 houses was dismissed at appeal in 2008 due to impact it would have on the AONB. Since then, an independent report on the Cotswold AONB, carried out on behalf of the Council, has concluded that a limited part of this parcel of land has limited capacity for residential development. The officer report sets out how to assess development in the AONB; the NPPF states that great weight should be placed on conserving landscape and scenic beauty in the AONB, and local plan policy states that development which harms the natural beauty of the landscape within the AONB will not be permitted. Assessed against these requirements, officers feel that the proposal conserves the prevailing characteristics of the site and it is therefore difficult to articulate the specific harm it causes. The lay-out and design of the proposed houses is unashamedly contemporary, protecting important views across the site, and with sensitive landscaping suitable for the context. The recommendation is for approval, with conditions set out in the blue update.

### **Public Speaking:**

#### **Mr Martin Langdon, on behalf of local residents, in objection**

Local residents are shocked about the possible loss of this part of the AONB for the sake of a speculative development of elite housing. Local Plan CO2 states that development which will harm the natural beauty of the AONB will not be permitted, and NPPF 115 requires great weight to be given to conserving landscape and scenic beauty. This proposal will neither conserve or enhance the AONB, even proposing holes 3-4 foot deep around three houses. The applicant relies heavily on the Ryder report, which identified an area of this field as having low-medium capacity for development, though Stuart Ryder has subsequently said this development is out of keeping with the landscape setting and context, and its effect would be significant and adverse. The applicant has not demonstrated that the benefits outweigh the harm or that CO2 is out of date – insufficient weight has been given to this policy in what residents feel is a poorly balanced recommendation.

Policy CP7 requires development of a high standard of architectural design, complementing and respecting neighbouring development and character. This design is contemporary, but of poor quality and without sustainability merit. Because of the building's orientation and planting what will be 40 foot trees, neither future residents nor anyone else will be able to see the beautiful views to the AONB. Out of keeping with local housing, these mansions will be set apart from the community by high walls and fencing, will be covered in zinc sheet, and likely to have four or more cars.

Residents fear this application may be the tip of the iceberg, hoodwinking Members into giving permission for future housing over the entire field. The applicant admits that this is a 'drip feed' scale development; residents fear for the piecemeal loss of the AONB. It is the wrong type of housing in the wrong place for the wrong reason.

#### **Councillor Savage, in objection**

Thanks to Mr Langdon for clearly articulating the concerns of a great many local residents. Intends to spend his five minutes outlining reasons for opposing the proposal – there are clearly robust planning

grounds for this. Policy CP1 clearly articulates the principles of sustainable development – saying we should ‘conserve green spaces and trees’, ‘safeguard attractive landscape’, ‘protect wildlife habitats’, and ‘use brownfield land before greenfield land’. This proposal is clearly incompatible with that. Policy CO1 states that development must not harm the visual amenity of the landscape – it is clear that any development on this site will inevitably and irrevocably blight the priceless view, enjoyed by countless people. Policy CO2 states that any development which would harm the natural beauty of the AONB landscape will not be permitted, and that the Council should be guided by the Cotswold Conservation Board – which is very clear in its assessment of this application, stating that any development will have a clear negative impact, and neither the development or the design will conserve or enhance the AONB. To permit this development would be entirely at odds with the council’s own policies.

The committee has a commendable record of protecting our natural environment and AONB, and there is nothing in the report which can persuade them to abandon the principled stance they have previously taken. Was struck by the numerous public comments not only from local residents but from people around the county and the country. This is an issue which matters to Cheltonians past, present and future.

The committee has shown its admirable ability to take a long-term view, mindful of its responsibilities to safeguard our unique environment for future generations. The Cotswold AONB is the largest in Britain, and a unique asset to our town. If in 50 years time it has been lost, it will probably not be because of one or two major developments but because we allowed a sequential salami-slicing, a creeping encroachment of development, an iteration of urbanisation. Members should think very carefully before granting permission for this application.

**Member debate:**

**PB:** congratulates MJC on a thorough and professional report, considering carefully all the issues – but although he agrees with the content, cannot agree with the outcome. MJC calls his recommendation an on-balance decision, but Members are spoilt for choice for reasons to refuse this proposal. Congratulations to both speakers too, for their succinct capture of all the issues.

Visited the site on Sunday morning, a lovely sunny day, and the view was stunning. Was not previously familiar with it, and imagines on a wet, miserable day he may well have felt different, but it was staggering and amazing, with the scarp as the backdrop. Realised the importance of going to see proposal sites rather than just reading about them on paper.

A crucial issue for him is the definition of a ‘major development’ as referred to in the JCS, and what precisely constitutes a major development – it is a matter of context and of fact and degree. A major development in one area would not be considered so elsewhere. MJC says this is not a major development, but categorically disagrees with that. This proposal on this site is a major development – it will erode the space, and have a huge impact on the view and the AONB. Cheltenham is lucky – a fantastic town with parks and open spaces, and its setting in the AONB is critical. This is a major development – it is all down to definition.

There are many policies which can be used as refusal reasons for this application – as said, Members are spoilt for choice. Policy CO1 is referred to in the report; it states that development will only be permitted where it ‘would not harm attributes and features which make a significant contribution to the character, distinctiveness, quality and amenity value of landscape’. This proposal will clearly cause harm to the landscape, and CO1 is therefore the first ground on which he will move to refuse. Policy CO2 states that development which would harm the natural beauty of the landscape within the AONB will not be permitted, and that major developments will not be permitted other than in exceptional circumstances – there are no exceptional circumstances here. These are four executive homes, which will not do much to help with the housing shortage. Also Policy CP7 could be used, which

states that any new development must complement and respect neighbouring development and the character of the locality and/or landscape – there is no land of more environmental value than this.

There are a lot of references to the NPPF in the report, and more grounds for refusal here: Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection – this applies here; Paragraph 116 states that planning permission should be refused for major developments in these designated areas, except in exceptional circumstances or where it can be demonstrated that they are in the public interest – neither is the case here. In 2008, the planning inspector said the development being proposed would cause significant harm to the AONB, changing its character and appearance, and concluded that in spite of the design, this site is not suitable for houses. Turning to the JCS, Objective A is to conserve and enhance the environment; Policy SD7 states that development should protect the landscape character, and Policy SD8 is concerned with preserving the AONB. Has to question MJC's conclusion when there are so many reasons to refuse. The Ryder report is being used to justify the view that AONB land can be fair game., but this proposal will fundamentally change the rural character of the residential area, and is not acceptable.

Moves to refuse, and hopes the application will be rejected unanimously. The developer has come back with application after application, and needs a strong message – this land is not suitable for development, whether for one, four or 44 houses.

**SW:** should just register the fact, is the CBC member of the Cotswold Conservation Board, one of the objectors to the proposal, but has had nothing to do with their remarks. Ordinarily, would object to an application such as this on the grounds of under development of the land – the JCS needs a lot of houses, and to propose just four on this large piece of land could be seen as wasteful. But this is AONB, very important land, and any development on it, apart from rural buildings, barns etc, is going to affect the landscape. No matter how well designed and beautiful the site may look when finished, the clue is in the word 'natural' beauty – the only way to be natural is for there to be no houses at all. Agrees with everything PB said so eloquently. In addition, if this is allowed, there are three parcels of land to the north and west of the site – what argument could be made if a developer wants to build there? Can in no way support this scheme. Will vote with PB.

**MC:** at times, we are told it is appropriate to develop in the green belt and AONB. This report and the advice from officers states that Cheltenham 'needs to grow', needs new houses in order to do so. But those houses must be in the right places, create the right mix. It is right that we must consider each application on its own merits, and with this one, the first thing to do is to visit the site. It is a beautiful location; how will four posh houses on the AONB help Cheltenham to grow? There are other sites which could support this type of development, but they are brownfield sites and developers don't want them – because they eat into their profit margins. Has tried to find something of merit with this application but cannot. Apart from it being in the wrong location, the design is awful. Has read the report, listened to officers, asked questions, read the objections, and found nothing to justify support of this application. Will vote against it, and suggests CP3, CP7 GE1, NE3, JCS SD4 as refusal reasons, in addition to CO1 and CO2 suggested by PB.

**PT:** people have comments on the number of applications since 1981, but there only appear to have been two – one for 44 houses, one for 15, and now this one. Is anything missing from that list?

**MJC, in response:**

- No, that is the history of the site – two applications in 2007 and 2014;
- Understands the comments made by Members so far – was expecting this reaction – but wants to come back on one point:
- it is right that officers need to craft the best possible refusal reason to stand up at appeal; PB believes this to be a major development, even though MJC has set out in the report why he

doesn't consider it to be so. Refers Members to the appeal decision in 2008 – that application was for 44 houses, yet the Inspector specifically said that it was not a major development. Both local policy CO2 and paragraph 116 of the NPPF state that major development will only be permitted in exceptional circumstances, not 'thou shalt not build in the AONB'; this brings with it a much higher test, and also the need for the harm to be articulated. It is not only about the number of houses, the impact, or the number of objectors. Took the history of site and the specific comments of the Inspector into account when concluding in his report that this proposal does not constitute a major development.

- comments have been made about the impact on the view, the environment, the houses being inappropriate – expected to hear this, and there are enough reasons to refuse permission, but by saying it is a major development, the argument will be weakened and the Inspector could be distracted;
- three members have spoken very articulately. It is sometimes a struggle to pin down strong refusal reasons, but officers have heard members' views and can construct a refusal reason – which will be better without any suggestion that this is a major development.

**CN:** there is always difficulty in situations like this, and has sympathy for officers' predicament, having given a lot of thought, time and effort to their reports, and made recommendations in line with policy, but is thinking more in line with the speakers who have so eloquently portrayed the opposite view. Normally members are searching for reasons to refuse, but in this case, we are overwhelmed with reasons. Can see where MJC is coming from with his advice - this is not a major development but it would have a major impact. We have to look at a balanced equation, considering the benefits and the harm. There are very few benefits to the town – there is a shortage of housing, but affordable housing – so the weight of the benefit is nil, in this respect. On the other hand, there is the harm – to the landscape, amenity, view, community (159 letters of objection on a range of issues) – if these are all put on the scales of justice it is clear that the harm far outweighs the benefits. The emphasis should be on these objections, and the committee should take MJC's advice regarding major development.

**PB:** is it just a matter of interpretation, or is a definition of major development set out in the JCS or NPPF?

**MJC, in response:**

- it is not defined anywhere, thought the emerging JCS provides discussion on the matter, as referenced in the report. It states that major development can be defined in quantitative terms (i.e. a threshold number of dwellings), but that qualitative considerations are equally if not more important – it is a matter of context and of fact and degree – what it considered major in one area may not be so in another;
- Tried to consider it both ways when writing the report. In 2008, the Inspector said the proposal for 44 houses was 'not major development'. Local Plan policy makes a distinction between development and major development. The committee is concerned with the harm this proposal would cause; the harm is caused by the major impact it will have, not by it being a major development. We need to focus on that harm rather than be side-tracked by whether or not it is a major development. It will make a better case if we can specify the harm - impact on views etc. It is for Members to decide, but the Inspector will not see it as a major development.

**PB:** the appeal MJC refers to was in 2008. When did the definition come in? Doesn't want to weaken the case, but it does seem to be all down to interpretation.

**GB:** the officer has given advice on the best we can do. It is up to the Committee to decide if it wants to include the interpretation of this proposal as a major development.

**CN:** suggests to PB that on previous occasions he has been annoyed when officers are surprised at the strength of opposition to an application, and wanted good, solid advice about reasons for refusal.

Here MJC has given good advice – that describing this application as a ‘major development’ could well complicate the appeal process.

**PT:** should Members be given the opportunity to vote on whether they want it in or out?

**GB:** will come back to that after Members have voted on the officer recommendation.

**Vote on officer recommendation to permit**

0 in support

12 in objection

**NOT CARRIED**

**GB:** PB has moved to refuse. The suggested refusal reasons are CO1, CO2, NPPF Paras 7, 115, 116, JCS SD7 and SD8. CP1 and CP7 have also been mentioned – do Members want these included?

**MJC, in response:**

- Suggests that once the vote has taken place, will write the decision notice incorporating all the above reasons for refusal, but before issuing it, will check with the Chair and Vice-Chair that they are happy it reflects the debate.

(Agreed)

**Vote on PB’s move to refuse on Local Plan policies CO1, CO2; NPPF Paras 7, 115, 116, JCS SD7 & SD8, and CP1 & CP7**

12 in support – unanimous

**REFUSE**

Application Number: **17/00484/FUL**  
Location: **41 Asquith Road, Cheltenham**

**DEFERRED**

Application Number: **17/00759/FUL**  
Location: **Cheltenham Cemetery and Crematorium, Bouncers Lane**  
Proposal: **Access arrangements for the proposed erection of a new crematorium (Access road in part within Cheltenham Borough Council with the proposed crematorium and associated works within Tewkesbury Borough Council.)**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **0** Update Report: **Conditions**

**CH** introduced the application as above, explaining that it relates to a proposal between both CBC and TBC. The original chapel building is no longer fit for purpose, and a study was carried out in 2015 to assess the options and consider how best to serve Cheltenham – it concluded that the most viable option was to build a new one. In 2017, CBC agreed to construct a new facility on land to the east of the current site, owned by TBC, comprising two chapels and a waiting area. This needs to be

accessed by the road network, including a new egress road. The grazing land where the buildings will go is in Tewkesbury borough – there is currently a planning application in for consideration at TBC – but it is for CBC to consider the new egress road along the south boundary of site and the rear boundaries of residential properties, and also the need for a temporary road during the construction phase, to the west boundary of Priors Farm playing field. The recommendation is to permit.

**Public Speaking:**

There was none.

**Member debate:**

**MC:** was on Planning View, and it was clear to see that no solution was going to be easy here – it is difficult to find a viable solution to these issues. Has spoken with officers and been advised that every viable option has been explored, and this one is considered to be the best. Walked the site on Planning View; it was clear that it wouldn't work to have funeral processions using a residential road. In an ideal world, starting from scratch, the road would not be situated here, but we don't have that luxury. Is therefore mindful to support the application and get on with it.

**BF:** has very little to add. The report is excellent – crosses all the t's and dots all the i's. The proposal is difficult, but has attended briefings on the crematorium as a cabinet member, and knows that this is the best solution. It addresses the current lay-out and car-parking problems.

**AL:** regarding the cross-section drawings of the carriageway, is this permanent as well as temporary? How will the temporary carriageway sustain heavy vehicles, and how will they be cleaned up?

**CHay:** doesn't want to put obstacles in the way of the new cemetery and crematorium, and realises this is a difficult site to access, but it would be remiss not to raise the concerns of residents in Imjin Road, for the period of construction. The road has parking on both sides, and construction traffic will find it difficult to go up and down the road. Temporary parking restrictions will also cause difficulties. Where Imjin Road joins Priors Road, Priors Road backs up in the mornings quite considerably. Parking there at that time is a nightmare. There needs to be clear understanding of how that road works, how vehicles will access Imjin Road from Priors Road – construction vehicles can't get out, traffic will back up – and all this will cause major problems. Cannot support the application, reluctantly, until there are answers on these issues – they need managing. The conditions need to be right before he can support.

**PT:** feels the same as CH. Is concerned that the road leading out is just a little lane and has not ever been more than this; this will cause traffic problems etc for the people in the houses, especially if their children play in the gardens – the gardens are small and the houses are close to the lane. Has great reservations about this. Has spoken to the planning officer, but cannot see an easy solution. Notes there are a few houses at the bottom end of the access road - where will the access road cut in to the cemetery? Regarding the new fencing, there are a few houses which will be affected by the boundary treatment – is concerned about this and hopes that people realise.

**BF:** if the cemetery and crematorium are on TBC land, the restrictions on traffic will fall on TBC. The permanent road is in our behest, but road and transport management by the builder must be TBC's concern.

**CHay:** just to be clear, is talking about the effect on Imjin Road – the residents of Ladysmith and Salamanca Roads will be most affected by new access road, but have not objected and can therefore be assumed to be quite happy with it. Understands that people leaving the cemetery and crematorium are not boy racers; a limited amount of traffic will be leaving this way, and residents are not concerned

about this. It is the construction traffic and how it uses the road which is causing concerns; it is in our remit to say this can only move between certain times.

**CH, in response:**

- CHay is right – it comes down to conditions. Condition 6 requires a construction management plan to provide more details, to control construction traffic movement especially in Imjin Road. There is no proposal to restrict parking. The Highways Authority has looked at the application;
- The conditions will set out hours of operation, wheel washing facilities, securing access points – it is quite a detailed and encompassing condition, seeking to control these issues;
- Regarding the construction road – this will be temporary and details are not yet confirmed, but any works will be put back as was once construction is complete;
- To BF’s comment regarding access for construction vehicles, this will be managed through CBC, as it is related to the work on the cemetery and crematorium;
- To PT, regarding the access road and the effect on residents, the proposal will only involve a low level of traffic, for people attending services; staff who attend during the evening will use the main exit, so only small scale use of the other route is anticipated.

**CHay:** when the traffic management plans come back, can local members be involved? Has been talking with local residents a lot, and it would be helpful to run through the pinch points and understand what is being proposed. It is disappointing that this hasn’t happened so far. One minor point about the egress road – some residents have expressed concern, and it would be useful to know the fence and hedging height, as it affects some individual houses along there. Some discussion of this later would be welcome, as well as involvement in any discussion about traffic management between the constructors and planners.

**Vote on officer recommendation to permit**

13 in support

**PERMIT**

Application Number:	<b>17/01085/FUL</b>
Location:	<b>236 Hatherley Road, Cheltenham</b>
Proposal:	<b>Single-storey rear extension and two-storey side extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

BH introduced the application as above, at Planning Committee at the request of the Parish Council, in support of the objection from No. 234 Hatherley Road. The officer recommendation is to grant planning permission.

**Public Speaking:**

**Mr Ashwood, neighbour, in objection**

Has submitted a letter of objection to the Council, as has the owner of the Post Office at 238 Hatherley Road – yet the council is still prepared to right roughshod over adjacent neighbours’ views and recommend that this application be permitted. There have been three extensions to this property, plus the erection of a conservatory, 3m in depth; the proposal is to replace this with a single-storey extension of 5.75m, tying in with the existing garage and office. Together with the existing extensions, this will make the total depth of extension approximately 8.6m, part of which will be two-storey. The original footprint of the house, with a separate wooden garage, was 53.3sq metres; with these

extensions, the area will be approximately 150sq metres, 2.81 times larger than the original. This is gross overdevelopment of the site in close proximity to adjoining properties. From the bedroom window, will look out on approximately 74sq metres of flat roof, with two Velux windows likening it to a commercial unit. Despite the proposal for a solid 8.6m wall, 2.8m in height, the council says this will not be overbearing on his property - boundary fences are normally up to 2m in height. None of the surrounding rear gardens have such a vast and aesthetically unpleasing structure. Is concerned that a further application could be made to extend the two-storey extension; a line must be drawn at some point as to how many extensions can be added to a property of this size. Taking into consideration both neighbours' objections, would urge the committee to refuse, on their objections and also on overdevelopment grounds.

**Mr Shine, applicant, in support**

Would like to briefly outline the reasons for this extension and address the objections raised. A key factor is for maintenance – the existing flat roof extension is badly built, the timber roof is rotten and leaking, causing damp and mould; the conservatory footings have failed, the conservatory has dropped by an inch, with multiple leaks and draughts coming into the house; both extensions are poorly designed and built, with a valley gutter which cannot be accessed for maintenance and is compounding the water ingress. A second and main reason for the proposal is the need for space, having just had a third child; want to create an open plan environment with an improved line of visibility, allowing the children to play safely and independently. Large bi-fold doors to the rear will help create the functional and practical space the family is looking for. Considered the potential impact on No. 234 – it will be minimal, with the additional 2.5m screened by trees and fence panels. It does not fail the light test – there will be no unacceptable loss of light. Regarding visual impact, the consistent height and material finish will improve the appearance of the building, and the additional depth will not be overbearing. The extension will sit comfortably in the plot, and appear appropriately subservient to the existing building. Have considered moving house but this is not a viable option – for the same amount of space, would need to move away from area, and they like living in the Hatherley community. Used the pre-app service to take on board planning officers' comments, and have revised plans accordingly. Has no comment regarding the objection from No. 238; the officer report states there will be no loss of privacy to any of the neighbouring land users, and is compliant with policy CP4.

**Member debate:**

**SW:** has been thinking about how much of this extension could have been built under permitted development – but assumes it could not have been, as the application is at Committee. The original plan was felt to be over development, and the neighbour clearly feels it still is. Is torn by this - can see why the applicant wants to do it, if the current extension and conservatory are falling apart and need replacing – extending at the same time for a little more cost seems a sensible option.

**BH, in response:**

- Paragraph 6.12 of the report deals with this briefly: under permitted development, a single storey extension up to 6m from the original rear wall of the property could be built. The current extensions use up most of that, with this proposal adding a further 2.5m – which is why the planning application is required. An extension of 6m could be built under permitted development but this would not be enough to achieve what the applicants require. Members need to consider the impact of the additional 2.5m.

**Vote on office recommendation to permit**

13 in support

**PERMIT**

*The meeting ended at 7.15pm.*