

Planning Committee

21st September 2017

Present:

Members (15)

Councillors: Fisher, Acting Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Oliver (TO); Savage (LS); Seacome (DS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Paul McCloskey (PM)

Officers

Martin Chandler, Team Leader, Development Management (MC)

Michelle Payne, Senior Planning Officer (MP)

Emma Picknell, Senior Planning Officer (EP)

Claire Donnelly, Planning Officer (CD)

Gary Dickens, Planning Officer (GD)

Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillor Barnes

2. Declarations of interest

17/00337/FUL Central Cheltenham Police Station

- Councillor Helena McCloskey – is a members of Police and Crime Panel – personal but not prejudicial
- Councillor Nelson - is a members of Police and Crime Panel – personal but not prejudicial

17/00484/FUL 41 Asquith Road

- Councillor Oliver- the applicant is head teacher of the school at which he is a governor – personal but not prejudicial

17/01412/FUL 57 Hewlett Road

- Councillor Savage – is a friend of the applicant
- Councillor Seacome – is a friend of the applicant

3. Declarations of independent site visits

Councillor Paul McCloskey - visited all sites

Councillor Helena McCloskey - visited all sites apart from 17/01412/FUL 57 Hewlett Road

Councillor Collins – visited **17/01220/FUL Cotswold View**

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 17th August 2017 be approved and signed as a correct record *without* corrections.

6. Planning applications

Application Number:	17/00337/FUL
Location:	Central Cheltenham Police Station, Talbot House, Lansdown Road
Proposal:	Demolition of all existing buildings on site and erection of 67no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to a 106 Obligation
Letters of Rep:	11
Update Report:	None

MP introduced the application, which Members will remember was deferred at the August meeting to allow further discussion and negotiation with the applicants regarding the design of the apartment blocks on Lansdown Road. Officers have met with the applicants, who have now made beneficial changes to the scheme, with a notable reduction in the footprint of Apartment Block C giving a 25% increase in the space between the apartment blocks, together with additional soft landscaping. The penthouse accommodation on all three blocks has been reduced to improve visual separation between the buildings and a better transition between the development and Holland House. Four of the apartments have been reduced from two-bed units to one-bed units, one flat has been lost from Block A, and car parking provision has increased by one space. The recommendation is to permit, subject to S106 agreements on education, libraries and playspace.

Public Speaking:

Mr Guy Wakefield, Hunter Page Planning, in support

As the officer has said, Cala has taken all comments made at last meeting on board and amended the proposal accordingly. There have been two meetings with officers to discuss revisions, as well as internal discussions to consider alternative options, such as making one block larger, or reducing the height of one of the others. With each alternative option, it was concluded that they undermined the quality of scheme in the was the three buildings relate to each other. The changes have resulted in the loss of one dwelling and a change to the mix of dwellings so that four of the 2-bedroom apartments are now 1-bedroom apartments. The footprint of Block C has been reduced, increasing the gaps between the three apartment blocks by 25%. The penthouse apartments have been scaled back to reduce the massing of the buildings and create a graduated relationship to buildings either side. Two montage drawings have been prepared to show the views rom each side of the site and give a better impression of the design. Members' comments have been carefully considered and alterations made, in addition to those previously made in response to comments from the Architects' Panel and Historic England. Hopes Members will agree that the latest changes improve the scheme without compromising its quality and objectives. The proposal complies with policy, conserving and enhancing the character and appearance of the conservation area. Hopes Members will therefore be able to support the officer recommendation.

Member debate:

PB: it would have been naïve to expect a major revision of what Members considered last month, but with the work of officers and architects, the modest visual changes have resulted in a better scheme. Is happy to support it.

MC: congratulates the developer for taking Members' and officers' comments on board, but made the point last month about traffic movements, trip generation, and the junction serving the site – there has been no progress with this. There is a problem with on-site parking for the apartments – provision is still insufficient, and nothing has been done to solve the problem. Officers have based the calculation on the average space requirements nationally, but there will be issues with parking on the site. Doesn't want to be the one to say "I told you so", but is not happy and will vote against the scheme.

HM: reiterates PB's comments, that the scheme is much improved. Are there any changes in the conditions from the first report?

DS: has two questions. Firstly, waste disposal: this was mentioned in the papers, but we will soon be recycling for 4-5 commodities; will there be adequate access for all the lorries to take the waste away? Secondly, has any thought been given to seagull-proofing the building?

CN: at the last meeting, spoke about the connection between the police and the sale of the property; subsequent to the meeting, had a chat with the constabulary and now understands that Gloucestershire Police will receive £100k when the applicants have secured full planning permission. Regarding the changes to the proposal, agrees with PB that these are modest but reasonable; the whole scheme cannot be redesigned, and it is nice that when asked to re-think, the agent has taken Members' comments on board. Is not altogether happy with the changes, but will vote for the proposal.

AL: is pleased with the improvements to the scheme, which will restore the rhythm of Lansdown Road. However, the proposal is for three distinct buildings but each has a vertical line of darker brick in the middle, which gives the effect of splitting each building in two and makes them look less like other buildings along the road – this is an unfortunate aspect of the design.

MP, in response:

- To HM, the conditions are the same as given in the previous officer report;
- Regarding waste disposal, there is a condition requiring this to be provided; it will meet local requirements and access for refuse vehicles has been approved by Highways officers;
- Regarding seagull-proofing the buildings, this has not been considered.

DS: in view of the trouble caused by seagulls, doing something about it at the building stage is better than asking occupants to contribute at a later stage.

MP, in response:

- This would be a reasonable condition.

DS: requests that it be added.

Vote on recommendation to permit subject to S106 agreements, with additional condition regarding seagull-proofing the buildings

13 in support

1 in objection

0 abstentions

PERMIT

Application Number: **17/00484/FUL**

Location: **41 Asquith Road,**

Proposal: **Alterations and extensions to provide first floor accommodation**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **14** Update Report: **None**

MP introduced the application as above, for the addition of a first floor to an existing bungalow. The proposal has been significantly revised during the course of the application to address officer concerns, resulting in a 376mm overall increase in ridge height, and reduction in size of the three dormers to the front. It is at Committee at the request of Councillor Sudbury to allow Members to consider the impact on neighbouring properties and character of the area. It was deferred from July's meeting to allow for errors in the drawings to be corrected.

Public Speaking:

Mr Dellar, neighbour, in objection

Together with his parents, planned the layout for two low bungalows on their land, back in 1974. It is a quiet area, and they wanted to ensure that any further building would not encroach on the peace of the neighbourhood and be of a high standard. Neighbours in Mead Road and CBC were consulted, and restrictions included in the deeds of Nos 39 and 41 to ensure no elevation changed. Good planning requires that extensions are subservient, but this proposal is overbearing and not subservient. Fourteen neighbours have objected, and converting and increasing the size of No 41 will have a very unpopular impact on nearby properties. The revised plans have made no difference to neighbours' opinions, one comment likening it to 'a squash court on top of a building'; it will appear as a flat-roofed two-storey house. The first floor plans for three bedrooms, two bathrooms and a boiler room will dominate; the height and design are imposing; the dormers do not 'respect the character and scale of the existing building'. Neighbours in Mead Road and Asquith Road have serious concerns about privacy from particular rooms and gardens, and the three front windows are now in visual alignment with his own first floor bedrooms. Planning officers originally stated that it was appropriate for CBC to recommend that the alterations remain within the existing envelope of the property, and this is what the neighbours want to happen. The new building materials will be unsightly, and construction vehicles will damage the private drive. There is plenty of room, particularly on the south side of the site for a ground level extension – requests that this is explored. CBC has a duty of care to protect privacy and amenity for local residents, who do not wish to stand in the way of improvement but believe that what is proposed is more akin to a new build house.

Mr Flooks, applicant, in support

Councillor Sudbury requested that this application be brought to Committee to allow Members to consider the impact on the neighbours and the character of the area. Objections from neighbours have raised seven concerns: overdevelopment, changes out of character with the area, visual impact of changes, impact on privacy, impact on other properties' daylight, noise and disturbance, and the existing restrictive covenant. Has worked closely with the planning officer, bearing in mind the need to be respectful of the neighbourhood while meeting the needs of his growing family. Have significantly reduced the overall scheme in respect of the first six of the neighbours' concerns, and followed the officer recommendation on finishes. The officer recommendation is that the proposal will cause no unacceptable harm to neighbours' amenity in terms of outlook, privacy or daylight, particularly to the wider locality. The main determining issues were the design of the property and the impact on neighbouring amenity. On both these issues, the officers considers the revised application

to be more respectful to the character of the existing property and its neighbour to the north, in accordance with policies CP4 and CP7 and the national planning policy framework. The covenant, as the planning office states, is not a planning matter – hopes to discuss this with the beneficiaries of the covenant once they know the proposal is in line with contemporary planning direction. The planning officer has stated that it is, that there will be no unacceptable harm to neighbours, and therefore recommends approval. Local planning policy states a positive and proactive approach should be adopted when dealing with planning applications, and solutions sought to deliver sustainable development. With the significant revisions of this scheme, it now constitutes sustainable development, and hopes that Members will have no hesitation in approving the application.

Member debate:

HM: visited the site and was concerned that if the application goes ahead, the state of the unadopted roadway to the three houses could be damaged. If approved, can a condition be included that the road should be made good at the developer's expense should any damage occur?

MP, in response:

- We have considered situations like this before, with proposals on private roads. Damage and repair to private roads is a civil matter, therefore HM's suggested condition would not be reasonable.

Vote on officer recommendation to permit

13 in support

1 in objection

0 abstentions

PERMIT

Application Number: **17/00659/FUL**

Location: **Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings**

Proposal: **Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material (re-submission following refusal of planning application ref. 16/00383/FUL)**

View: **Yes**

Officer Recommendation: **Permit subject to a 106 Obligation**

Committee Decision: **Permit subject to a 106 Obligation**

Letters of Rep: **10** Update Report: **Officer update and conditions**

MJC introduced this application as above, reminding Members that an identical scheme was refused in December 2016, on the grounds of a lack of archaeological assessment and no S106 agreement. The archaeological assessment has now been done and shown nothing of any significance. Heads of terms 106 agreements are now in place to ensure completion – this is not uncommon. Conditions were circulated as a blue update today – most of the details relate to the drainage scheme – and the recommendation is to permit.

Public Speaking:

Professor John Hughes, local resident on behalf of Charlton Kings Flood Action Group, in objection

Ten years ago, his house was flooded, and he and his family had to move out for one year – hence his involvement with CKFAG. Is asking that the Committee refuses this application tonight. His group's position centres on seven issues. First, the LLFA has approved modelling for the rainfall attenuation basin based on a different hydrological area - Region 4/Region 8 - with lesser storm rainfall; technical justifications have been offered, but this practice is irrelevant and indefensible, and the use of correct data is essential. Second, the existing hydrological calculations are inadequate, and new calculations are needed, based on the actual hydrology of the region. Third, there is no full geo-technical assessment of the development, regarding possible landslip, changes in ground water levels, to ensure water quality and control sedimentation; neither is there risk assessment of the materials being dumped or how failures in the bund would be addressed. Fourth, the costs appear to fall on CBC and Cheltenham residents for remedial or repair work, and there is no evidence of a cash bond to ensure financial liability throughout the whole process, nor of a scheme for long-term monitoring, reporting and maintenance. Fifth, concerns about how the developers would access, light and landscape this major development, and observe county guidelines concerning scope and commencement of work, hours of operation, maximum vehicle movements etc. Sixth, why is such a massive amount of fill needed, and is it waste? It represents the volume of ten inches of road scalpings from both lanes of the M5 between Cheltenham and Michaelwood Services; what is this material and where is it coming from? Finally, CKFAG urges Members to align themselves with the interests of Cheltenham residents and recognise that this disruptive and potentially dangerous application, on a massive and unnecessary scale, with risks and uncertainties, in an area of outstanding natural beauty.

Ms Coral Curtis, agent, in support

The previous application was refused in December 2016, for the lack of an archaeological investigation and a S106 agreement to cover the phasing of works. The Club subsequently paid £15,000 for archaeological work which has confirmed no issues, and the agent has submitted a draft S106 to CBC, with which officers have no concerns. Thus, the reasons for refusal have been addressed. Previously, a local member raised concerns over flooding, in particular the run-off that will arise from the site, and in response, the developers agreed to over-engineer the attenuation pond that will serve the land, to provide a significant improvement over the pre-development scenario. Flooding has also been raised by objectors, although the drainage proposals have been looked at in forensic detail and are satisfactory. Objectors question whether the correct data has been used, but this is confusing matters and in fact the water would be allowed to discharge more quickly into the off-site ditch if the data referred to by objectors had been used. The attenuation pond will accommodate 20% more water retention capacity than required, slowing the water release from the site, limiting run-off and improving the existing situation. A condition will require the developer to complete the drainage works and attenuation bund before the start of the works. The county drainage manager is entirely comfortable by the work undertaken and has explained this to Members. It would be unreasonable to refuse the application now, the previous refusal reasons having been addressed. One objector has questioned whether this application should be dealt with by CBC or GCC; it has been agreed that it should be assessed by Cheltenham, as long as the project is fully completed – as guaranteed by the S106. This development will encourage players into the game and provide high-quality practice area for existing, new and junior Members, key to making the Club economically and socially sustainable.

Member debate:

CM: there was a lot of discussion of the flooding issue with the previous application. There have been examples of developments, especially in Leckhampton, where the calculations are wrong, and therefore remains concerns. Would like Professor Hughes's questions to be addressed by the officer, with regard to whether the correct data was used, the bond and the risk, and the materials used as fill.

PB: his views on this proposal are well known, and it was refused at the last meeting on flooding grounds. The application is driven by the desire to generate funds – the £15k spent on the

archaeological survey has to be considered against the £3/4million profit the club will make. It is a cavalier application, with little regard to the impact it will have on the local community. However, as it will now be difficult to make a case for refusal, would request that the conditions are strengthened to protect the residents and the area. Has a few questions to ask: regarding the bond, if the golf club were to go bust, who would pick up the bill for on-going maintenance? This is a crucial issue; where does liability lie – if the flood alleviation work goes wrong, it will be the houses below which suffer – 12 garages flooded before the site was put in place. Would liability rest with the applicant and their insurers?

Regarding the conditions, would like to amend Condition 3 to include ‘attenuation basin’ after ‘proposed bund, swale...’ and ‘calculations to be based on correct hydrological inputs and then increased by 20% to allow for climate change...’. A third section should be added requiring full drainage details to be reviewed and approved to ensure scheme’s off-site impact addressed. Instead of the drainage scheme being completed within two months of the commencement of development, it should be one month, for the comfort of neighbouring residents; otherwise, a similar flooding situation could arise here as in Leckhampton. Is sad we are likely to be approving this scheme – hopes that additions to conditions will place more onus on the developers to get it right. Would also request that the revised conditions and scheme be referred to officers and ward councillors to review.

SW: knows that his questions last time was poo-poo’d when he asked about geological studies – this isn’t good enough for this very large development. Is concerned even more because the site is part of the AONB – the fill material is described as ‘inert waste’. This might be acceptable in other places but not in the AONB. What is going there? The material needs to be sympathetic with the local soils, but will probably be rubbish. Is very concerned that a lot of the materials going in won’t be sympathetic with the AONB, which could cause a major shift in the quality of the area - a change in the acidity of the soil causing different plants to grow or die. Calling the material ‘inert waste’ isn’t enough.

AL: does the LLFA consider the scheme will reduce or increase the flood risk in Sandy Lane?

PT: reading the report and looking at the drawings, is finding it extremely difficult to understand. It is a huge site and is going to receive a lot of material to cover it over and alter the contours. Is rather concerned about the type of waste that will be used. Should we really be authorising a landfill site in the middle of the AONB? It is very strange. Is glad this proposal is back for a second bite of the cherry – hadn’t fully thought through the implications before. Feels that a lot more investigation is needed doing before we approve it. What is the situation regarding roads on that area? Big lorries loaded with waste material will make the situation worse.

HM: PT brought up the issue of roads. Was concerned greatly with the original application, about the large coned-off area of the A435; the road has now got worse since the original application, with subsidence and slippage beyond the coned-off area. Is pleased that the operation is scheduled to take 30 months rather than 18, as this will spread the load of heavy lorries up and down the hill – but they will still cause a problem. The condition concerning the highways management plan is good, but would like to see Highways regularly monitoring the road during the course of the transportation of waste material.

CH: has a couple of queries. Last time, tried to say there was a great opportunity to make flood risk easier if it was over-engineered, but couldn’t detect if it was/was not. We’re hearing today that it will be 20% better – this is good to know. Other Members have talked about waste materials. The Environment Agency say this is OK – ‘inert’ doesn’t mean toxic – and concerns about the number of lorries is being addressed. Has a question – if a building is put up, building control officers will check it is OK. Several people have raised concern about this development; a lot of material is going in, which

could affect the geology of the area and cause landslip. Who would determine these works in the way building control would do for a building? If the developers get it wrong, it could be a major disaster for the golf club – will want to make sure landslip doesn't happen. Would the Golf Club insurers be aware/have it covered? Secondly, PB raised the issue of the construction of the bund and reducing the time limit to one month. This should make sure that at no point during construction is the risk worse than before development takes place - we should attend to this quickly for the comfort of residents. Will be relatively comfortable if the right answers are given for these questions.

PM: CH touched on an issue about which he is concerned. ‘Inert’ material sounds like a slag heap – is reminded of the Aberfan disaster in South Wales – and is concerned about the impact on the A435 which is a major highway. The beauty of soil is that trees etc will grow and bind soil together. We need to know more about the inert material – if it is sand/mud/sludge, the propensity for landslip is considerable. The A435 is in a poor state, undermined by springs. Transporting 100k tonnes along this road is not sensible. Insurance bonds should include repair to the highway.

MJC, in response:

- To CN, regarding the flood issues raised by the public speaker's questions: has discussed at length the calculations with David Parish at GCC; his answer is consistent, that the difference is negligible, but as a caveat, the scheme will be over-engineered. The condition – if approved – is that the applicant will have to do a lot of detailed work with the flood authority to ensure it is fit for purpose. PB suggested additional words to make sure it is crystal clear – will have to happen for the condition to be discharged. Can add PB's suggestion if Members wish;
- Regarding the bond and where the risk lies - the SUDS is on private land, therefore the Golf Club will have to manage and maintain it. Liability is with the Golf Club, and the responsibility to ensure water is released into the watercourse in a safe way. Liaison with GCC satisfies what we need to see from the scheme;
- Regarding waste, Condition 4 concerns the materials management plan; this was discussed at the previous meeting. The Environment Agency will have to give a permit for anything brought to the site, and through an informative, we will work closely with EA. If they're happy, we're happy. It is important to know where the material is coming from and what it is;
- To HM, regarding the nature of the material: the previous officer report referred to inert soil and granular material. The Environment Agency will be all over this to ensure it is suitable for the site;
- To PB, most of his issues have been addressed, but MJC is happy to add changes to the wording of the conditions along the lines suggested
- Conditioning a specific length of time is difficult – we don't know how long it will take. Better to say that the drainage scheme is first thing that happens with no actual time scale – Phase 1 - nothing else happens till then – this will strengthen the condition;
- Is happy to discuss this with Chair, Vice-Chair and ward councillors once the details are submitted – keep them in the loop;
- To SW, it isn't fair to say his comments on geology were ignored – the previous application was recommended for refusal, so no conditions were suggested. Condition 5 now covers how material will be utilised to ensure suitable conditions. This has been discussed with applicant, to ensure a safe and successful outcome, tapping into the work the Environment Agency will ask them to do . They will understand the geological conditions, and what is being brought to the site;
- There is no arguing with the fact that this site is in the AONB. There will be a short-term impact, a medium-term gain, and in the long term the changes won't be noticed;
- To AL, as to whether the proposal will reduce or increase the risk of flooding, the LLFA has stated the risk will be reduced; if nothing is done to the site, the risk will stay the same. This has been strenuously tested;
- To PT, hopes all her questions have been answered. The proposal has been heavily scrutinised, and the applicant has answered all questions;

- Regarding the state of the roads, appreciates HM's concerns, and that one lane of the A435 is cordoned off, but this is not the applicant's fault; Members and officers talked on site view about lobbying the County Council to make the road safe; Members should feel free to do this if they wish;
- To CH's concerns about who checks that all the work is done correctly, the Environment Agency has the key role of checking the materials on the site. Officers wouldn't generally go out to check – this is private land. If it was public land, the County would check. The management plan is secured by condition, and should cover these issues.

CN: returning to the issue of the bond – it isn't usual to talk about this in Planning Committee, but is an interesting idea, with the high risk of flooding and landslip. How would the Golf Club address the risks if they all materialise? This development will be expensive; professional and commercial companies are used to dealing with big risks, but the Golf Club doesn't do this kind of thing every day. Is it set up like a commercial organisation to address the risk? Would like to see further exploration of the bond issue.

SW: to explain where he was coming from regarding inert waste - doesn't want to see the Golf Club moving down the hill. The AONB makes it special. If a lot of acid material is brought in, it will change the nature of the soil; if it is ground-up concrete, similar to stone, it wouldn't change the sandy nature of the soil so much. If there is a big shift, the material will migrate – rain water will move it to other areas. Acid soil is good for rhododendrons – which are not natural in this location. A lot of plants are very special, and a change in soil type will damage them. Has no faith in the Environment Agency to address these concerns. Slate is inert; granite is inert; these materials may be fine to use elsewhere but the AONB is special, and these materials will significantly effect the top soil. Would like assurance that all materials going in will be natural in the area.

PT: to bolster SW's comments, he is quite right – new materials could change the geology of the area. CN mentioned the cost, but the Golf Club will make a lot of money using the the area as a landfill site.

CH: can the officer answer his question and confirm that at no point during the construction period will flooding risk be worse than at present? Regarding the bond and questions about liability, a bond is a way of mitigating risk but the Golf Club will have public liability – as long as assured they are covered should anything go awry between the Golf Club and the insurers. Members have expressed concerns about what materials are used – can we make representations to the Environment Agency and request that they check any materials coming in? This would cover worries about materials. Is concerned that Members are calling this a landfill site – it is not waste from green bins, but *inert* waste to re-contour the area. We shouldn't use these emotive terms – can't imply the Golf Club is trying to attract new members to a landfill site; we need to be careful about how to express concerns. We need to be sure the flooding will be no worse than before, understand where liability lies, and that the materials used will be covered by the Environment Agency.

AL: Members need a definitive answer on what the inert waste will be. There are seven categories of inert waste, and Members need a full understanding of what is going in to the site in this case.

PB: agrees with AL. It may be covered by condition but officers need to be more specific. The issue of the bond is interesting. The Golf Club is doing this work to make itself more viable, but it may not be there in 10-20 years' time. Who will pick up the maintenance then? The time to do this is now, when the Golf Club is rich. Also, it is important in the conditions to refer to monitoring of the water quality.

TO: if Members are minded to approve, can the Chair write to Gloucestershire Highways to express the Committee's concern about the state of the A435?

BF: has already done this as county councillor and vice-chair of Planning Committee, when HM brought up the subject at a previous planning meeting. Is still awaiting a reply. Tabled the matter as a question for full GCC meeting in October, but was told that it is not eligible.

MJC, in response:

- To CH, at no point will flood relief be worse. The applicant has to be able to build a drainage scheme. This is a not insignificant operation but it cannot be policed at this stage. After that is installed, the situation will be better. At Leckhampton Road proposal, building work compacted the land and water run-off was increased; if a drainage scheme had been installed first, this could have been prevented; it makes a lot of sense. For this proposal, there has been a lot of discussion regarding the length of the construction phase, but once it is installed, the situation will be better;
- To AL, regarding the type of inert waste to be used and where it comes from: the developer will work with the Environment Agency to make sure it is appropriate; we cannot be too prescriptive, and should defer to the experts at the Environment Agency and be guided by them;
- Regarding the concept of the bond, worries that with this we are straying into the realms of private insurance. This is a private site; the applicant is doing the work, including a drainage scheme. How can this be quantified? Where would we start? Liability will be with the Golf Club; that's what insurance is for. It would not be appropriate for the local authority to take out a bond. The County council takes bonds for adopted schemes, but this won't be one. Struggles with this concept;
- To PB, regarding water quality and monitoring – can weave this into the decision notice.

PT: what about the Golf Club making money from taking waste material?

MJC, in response:

- Cannot comment on the specifics, as does not know what arrangements have been made. This is not a planning consideration.

CN: going back to the bond issue, appreciates that it is a difficult issue to address, but the real issue is the liability; if we can maybe put in a condition that identifies whether liability is covered in one way or the other by the Golf Club, whether by bond or insurance, would be happy with that. This is different from a householder application – a large construction, over a long period of time, with big risks re flooding and landslip. The Golf Club is set up as golf club, not a developer – would like some reassurance that this unusual risk is covered.

MJC, in response:

- How best to resolve the issue? Feels we are half way there with the suggested condition – the scheme for maintenance and management;
- Refers Members to the LLFA comment on the police station application, referring to the "lifetime of the development"; we can be more explicit in that way to give more confidence;
- A bond/insurance is not necessary. We are not the insurer;
- Can strengthen the condition and talk about 'the lifetime of the development'.

Vote on officer recommendation to permit

7 in support

4 in objection

4 abstentions

PERMIT

Application Number: **17/01220/FUL**

Location: **Cotswold View, The Reddings, Cheltenham**

Proposal: **Demolition of existing dwelling and erection of 3no. dwellings**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Defer**

Letters of Rep: **48** Update Report: **None**

EP introduced the application as above. Officers consider the scheme to be well-designed, and that it will fit well in the street scene with regard to size, mass, lay-out and design. Highways officers are comfortable with the proposal, and it will not have an unacceptable impact in neighbouring amenity. Various issues are dealt with by condition. It is at Committee at the request of Councillor Britter, and the recommendation is to permit.

A condition regarding obscure glazing, as mentioned at paragraph 5.2 of the report, has been omitted. This will be added if the application is permitted.

Public Speaking:

Mr Paul Thomas, on behalf of The Reddings Residents Association, in objection

Three weeks ago, a van, allegedly speeding along The Reddings, swerved to avoid a car pulling out of the drive and crashed into a bus stop, 40metres from the development site, illustrating the safety issue in The Reddings. It is a busy road, especially at peak times: a major route for parents taking children to school, a bus route, and an ambulance cut-through to avoid A40 congestion; it is a long straight road, resulting in many cars speeding well over 30mph. The existing building pre-dates public pavements, and this application proposes three closely-spaced drives exiting onto a fast and busy road with no pavement to act as a buffer and provide visibility. The neighbours on either side have confirmed that they will not reduce the height of their fences as detailed in the revised plan. Visibility splays are very poor here, less than 30 metres, in addition to which any large car or van parked in an adjacent drive will totally obscure the view, so cars will have to 'stick out' to see if the road is clear. The site layout, proximity to the roundabout, and busy road make it almost certain that cars will enter the driveways forward, and have to reverse out in the face of oncoming traffic – so with no warning or visibility, cars will be pulling out in front of oncoming traffic with potentially fatal results. The revised plan fails to address the fundamental problems; it may comply with the rules, but the rules need to be applied in the situational context. If only two houses were proposed, there would be space for a turning circle with appropriate positioning, addressing many safety concerns. Local knowledge is being ignored, and we have seen recently in Kensington Borough the devastating effects that can arise where local warnings are dismissed. One of the 48 objection letters powerfully sums up local concerns, describing the incident where the van demolished the bus stop, used to pick up and drop off school children. The writer had previously witnessed the aftermath a child being run over in Reddings Road some years ago, and states that having worked with bereaved families, knows the devastation of a fatal car accident, particularly if the accident was preventable. The proposed development will increase the dangers – an accident waiting to happen – and the future safety of residents shouldn't be compromised by the short-term profit motive of the developer.

Mr Mark Le Grand, agent, in support

Most points are contained in the planning officer's report, but would just say that during the design process, consideration was given to the final scheme, to ensure it was sympathetic to local buildings

and surroundings. The applicant worked closely with the planning department, including taking pre-app advice. They liaised with local residents and established that a traditional design of dwelling would be preferred, then went through the formal process, liaising with planning officers and making several amendments along the way. The resulting scheme is fully compliant with all the relevant sections of the Manual for Streets. There are no objections from the consultees – from Gloucestershire Highways, the Architects' Panel, the trees officer - and the proposed scheme complies with the Local Plan, and SPD and the NPPF. Feels strongly that the proposal is acceptable for the site, and hopes that Members will approve the application.

Councillor Britter, in objection

Local Reddings residents believe that this building makes a positive contribution to the local character and sense of place of the area, and there is extremely strong local opposition to this proposal. Cotswold View is one of the oldest buildings in The Reddings, with no other properties of this style of character in the area. 'Garden grab' developments over the last 30 years have allowed similar properties to be demolished to make way for modern housing. As Cotswold View is one of the last surviving examples, residents regard it as a heritage asset and believe it should be protected by the local authority. To demolish this historical cottage and squeeze in three houses is blatant over-development; it would be scandalous to allow this property to be demolished. The current mix of houses in The Reddings gives it a village feel, unique in Cheltenham, and the houses are high quality and aesthetically pleasing. This proposal will break up this mix and does nothing to enhance or blend in with the character of the area or make a positive contribution. As the proposal is to build on a garden, it is a garden grab development, contrary to the NPPF, and CBC should follow its own policies and resist this inappropriate development, which impacts adversely on the overall environment. The proposed buildings fill the plot width-ways, tightly spaced to each other and to adjacent properties, as well as extending beyond the front building line. This makes it an overbearing development that will look out of place, and there is no indication for a pavement adjacent to the road, contrary to precedents set for other local development since the 1970s. Is very concerned about the impact this proposal will have on road traffic and safety in the area, with the site on a main bus route, and close to a mini-roundabout, high volume of traffic, and poor visibility splays from driveways. The risk of potential traffic accidents is very high. In view of the impact on local residents and the importance of the historical building, urges Members to refuse this application.

Member debate:

AH: the first speaker talked about road safety, and having looked at the satellite map, agrees that measures need to be put in place to reduce the temptation to speed down this road. However, doesn't see how this impacts on this planning application in particular, which will probably result in four or five extra cars. It is a side issue that an accident has occurred near the site.

PT: has a few questions for officers. Where is any discussion about pavements? Is amazed these are not mentioned. The applicant says he considered local people when developing this scheme, but surely the first thing to do would be to install a pavement across the front of the property. Pavements are an essential part of roads, particularly in the country. It is difficult to understand how this has not been considered. Secondly, this is over-development. In view of the historical context of the building, it would be better to refurbish it and maybe build one other on the site. The site wouldn't be so densely occupied, and a pavement could be created to make it more safe for local people to walk on.

MC: you have to live in the area to appreciate the implications of this proposal. Cotswold View is a 200-year-old building, the old post office, and a significant building in the area – the first thing you notice when walking or driving along the road. There is no pavement in front of it. It would be a shame to knock this interesting building down and build three modern houses, but sad as this is, realises that we cannot stand in the way of progress. Has to be critical, as always, of the highways

report. It is a nonsense – working from plans that don't show a roundabout 200 yards away – that says it all. There is a massive difference between a T-junction and a roundabout junction. The roundabout is set back off The Reddings; because of the angle into the road, drivers cannot see into North Road West, and many drivers drive straight over the roundabout. This is a dangerous junction; is surprised there has been no serious accident. The speaker from the residents' association talked about the need to improve the visibility splays, and that to do this, the fence panels in neighbouring gardens will have to be removed; as these are not in the ownership of the applicant, this won't happen. The roundabout is 25m to one side of the site, and dangerous; 40m to the other side is the site of a nasty accident. A student filmed the incident; is amazed no-one was badly injured. It was caused by a speeding van swerving to avoid a reversing car, going out of control and hitting the bus stop. A highways officer should attend Planning Committee to explain their comments and thinking.

Notes there have been 48 objections, although only 24 residents were notified. Agrees with some of the objections from the residents' association and, as they say, they are not NIMBYs, just people who know the area they live in. There has been some discussion of over-development; we are not here to redesign the scheme, but three houses on this plot is clearly over-development, and at the very least, the entrance and exit should be redesigned to allow cars to exit the site forwards.

Will not support this scheme – it would be a very irresponsible thing to do.

PM: is so glad he went and looked at this site. The photo is great, and Cotswold View is one of several interesting and delightful buildings in the area, together with The Cottage and Poplar Cottage – would like them in Charlton Kings. It appears to be in good condition, and is appalled at the thought of it being knocked down and replaced with three houses. Planning Committee should apply rules consistently; in Greenhills Road, a number of garden-grabbing developments have been permitted, but the most recent one was rejected by Highways officers due to lack of adequate visibility splays – and it is equally unacceptable here. Noted a car parked on the pavement, two houses along from the site, with traffic whizzing past and no wing mirror. Three exits onto this road is unacceptable. Is not in favour of this application.

CN: doesn't know where to start – has become more agitated as he has listened to other Members. Agrees with MC. This is a distinctive property, 200 years old, which contributes to the sense of place in The Reddings. PT has made good comments about the pavements, and NB is right in saying that the property is an important part of the character of the area. PM talked about the visibility splays on Greenhills Road, but the issue there was more than that – highways officers said the proposal was OK, then saw a police speed report which showed that traffic actually travels faster than the 30mph speed limit along that road. Mr Thomas talked about speeding on The Reddings; what is the average speed, and what is the impact of this on the visibility splays? Agrees with MC, that someone from Gloucestershire Highways should attend Planning Committee routinely, to answer these types of question.

Mr Thomas also said that if two properties were constructed rather than three, there would be scope for vehicles to turn within the site. Reversing onto a road with high traffic levels, speeding vehicles, with poor visibility splays and a roundabout near by sounds like a recipe for disaster.

DS: from an aesthetic point of view, the mock-up picture of the three houses looks OK – but not in this context. The space in the gardens at the back looks small for family homes, and the exits to the main road is dangerous. Three houses is too many for this site; if this was reduced to two, there would be room for a turning circle, which would be a great improvement to the scheme.

KH: apologies for not having arranged his thoughts in advance; will base his comments on what the speakers and other councillors have said. Is confused about what to think about this application, as

he generally tends to want to support development of new houses in the borough, and to encourage the ability and right of owners to do what they want with their land. However, doesn't know that he can support this application – and doesn't usually disagree with officers. Some good points have been made. Respects the Reddings Residents Association – they know the Reddings and, as MC pointed out, are not NIMBYs. They are concerned. Should the number of houses on the site be reduced? Two houses instead of three will mean possibly four cars instead of six, but local residents' objections will be the same. With respect to the Chair, has an issue with people coming to Committee bringing up the case of the Grenfell Tower tragedy – this was on such a gigantic scale, totally different to the issues being faced by Reddings residents, and it is not appropriate to use it here or any time someone wants to object to a social or moral scandal; it is not relevant in this forum. Respects the conservation officer's comments and professional judgement that the building isn't sufficient to warrant any special protection, and also the highways officer's comments, but sways towards the opinion that the application should be refused on the grounds that this is a historic building and an important part of the unique character of the area, not for traffic or over-development issues.

SW: knows the area well – it is part of his county ward – and considers that doing anything to this building is a crime. It is a beautiful building. To be honest, cannot imagine two houses on that site, let alone three. Without a footpath, pedestrians will be very vulnerable when stepping off the pavement, needing to look constantly over their shoulder, walk on the grass verge, negotiate parked vehicles – it is very disconcerting. The roundabout is just a few yards away – why won't Highways officers do anything about this unsafe situation? It is only a mini-roundabout; a proper roundabout wouldn't be suitable as this is a bus route and buses wouldn't be able to get round. Drivers leaving the site will struggle to get out as they will not be able to see properly.

Has been told independently by several people that they have seen cars travel up the road on the wrong side prior to the roundabout. Has been out with the police on traffic speed-checking exercise, and found probably 50% of vehicles doing in excess of 30mph, and half of those in excess of 45mph. Other people in the group said that not as many motorists were found to be speeding as on previous occasions. If a number of cars are travelling at 45mph, it supports the idea that there could be an accident waiting to happen.

Cannot support this application – it is over-development and dangerous – or agree to see this house go – it is a treasure. However, if the development goes ahead, considerable effort needs to be made to allow vehicles to turn on the site; two houses should be an absolute maximum if not.

PT: proposes refusal, on the grounds of HS2 (density) and TP1 (lack of pavement). Other Members who have been on Planning Committee over the years will have heard highways officers create merry hell because a proposed development would mean that a vehicle had to reverse out onto a road. This proposal could result in six vehicles reversing onto a busy, narrow road near a roundabout. As other Members have said, it is a shame there is no highways officer here to answer questions – they used to attend meetings, and it was a very useful exercise, which should be resurrected. Maybe county councillors should see if they can persuade them.

Wants to refuse this application, and begs the developer to consider refurbishment of the existing cottage and building one other, or finding some other way to facilitate space for turning and allowing a little bit of space at the front for a pavement. This would be the civic thing to do, kind and thoughtful. A road without a pavement is extremely dangerous; experienced this in Pennsylvania, and found it terrifying.

PB: this is a really difficult application. Has read the report carefully. Cotswold View is a lovely building and represents a lot of history in the town, but there are no policy reasons to save it. Neither can we argue over-development, as looking at the scale of the pictures, it's clear that the proposed

plot sizes are not much different from the houses next door. There are issues with highways, however, and is reminded of the application at Greenhills Road, mentioned earlier – county highways officers did not object to the backland development until evidence from a local speed campaign - at residents' expense – showed motorists regularly travelling at 45mph rather than the legal speed limit of 30mph, which meant that the visibility splays had to be different, based on the actual speed. The average speed along The Reddings is more than 30mph; would like to defer the decision until proper speed tests have been done.

AH: was going to make a similar comment on the speed.

CH: there are lots of old properties all over town; the oldest building in Whaddon Road was taken down with no objection - there needs to be some consistency here. Building three houses on this plot is not over-development in relation to other plot sizes nearby. Regarding highways issues - motorists speeding and vehicles entering and exiting the site - the Highway Code states that motorists shouldn't reverse out onto the highway but should reverse in; in Berkeley Street, vehicles have to reverse in, and other motorists stop to let them do so. There is clearly an issue with speeding here which the highways officer has not taken into account. Maybe he has taken the roundabout into account and has based his comments on the better behaviour of drivers rather than the assumed behaviour. Time should be taken to look at what actually happens, and help Members decide whether to refuse or accept this application. It should be deferred.

CN: regarding CH's comments, we shouldn't ignore the likelihood of vehicles reversing out onto the highway, even if they shouldn't strictly do so. At Greenhills Road, speeding traffic wasn't taken into consideration when assessing the visibility splays, but although motorists shouldn't speed, they do. Highways officers should look at this again. It is likely that cars will reverse out onto the road, and this should be taken into account.

AH: highways officers are only looking at the application based on assumptions that people will be keeping to the law and doing things properly. We know that motorists speed along this road, and highways officers should be thinking what to do to ensure that they stick to 30mph. We need someone from Highways to say what they can do, and what steps can be taken to improve the speed issue generally.

EP, in response:

- PT asked about the lack of pavement to the front of this site, but this is a pre-existing situation – there has been no pavement on that stretch of road for many years. And regarding visibility requirements, the proposal will not result in worsening the situation, and cannot therefore be insisted on;
- Regarding the average speed on the road, a speed survey can be requested when an application falls below requirements, but not when an application fulfils requirements, as this one does;
- Highways officers calculate a visibility splay of 34m in each direction for each plot, but what is provided is over 60m. Even if traffic is going faster than the speed limit, the visibility splay will fulfil requirements. If Members want more information regarding highways safety, this should be requested from the county, rather than refuse the application against professional advice of officers;
- There have been a lot of comments about highway safety and the pre-existing situation. It is not fair to lay problems of the area at the developer's door, as the problems are not a direct consequence of this application;
- Regarding the area as a whole, most houses have the same access arrangement – no space to turn in the plot; this is a common occurrence, and it can therefore be said that this development meets criteria;

- Regarding the building itself, officers have explored the possibility of it being given statutory protection, but agreed that Cotswold View doesn't reach the necessary criteria to consider it as a listed building, heritage asset or building of local interest. No planning permission is therefore needed to demolish it. This is the conservation officer's view and also the view of Historic England and we cannot therefore resist its loss;
- Some Members consider the proposal to be over-development, but officers have considered the application in the light of the SPD, assessing the character, lay-out and grain of the area. Having looked at it carefully, officers feel that the eaves, ridge height, plot spacing all are consistent with the area, and the proposal doesn't therefore constitute an over-development;
- As to whether it would be more suitable to have two rather than three dwellings on this site, the applicant wants three, and this is therefore what we have to consider.

CN: isn't sure if officers' memories can provide an answer here, but at Greenhills Road, highways officers' initial advice was that the visibility splays were acceptable, but the speed report changed that advice. How did we end up with that situation – a private speed survey that changes highways officers' advice?

SW: EP is right that no highways speed survey has been done. Went out with the speed aware team, and monitored the speed of traffic with a police officer. Didn't stop any vehicles doing less than 35mph. 40-50% of vehicles were driving in excess of 30mph, and some driving at 45mph. The police officer did stop these motorists but didn't prosecute, as the evidence wouldn't hold up in law. These surveys provide accurate information, however; did one with the police one or two years ago, from the corner by the roundabout to the end of North Road West, although noted that traffic tended to slow down when the drivers saw people in high-vis jackets on the roadside.

MC: has listened to officers and Members and read the report. Cannot accept the advice that as the situation already exists here, nothing different can be done. We have the potential to do something here. The speaker has said that there was recently an accident on this stretch of road, and elected Members should take responsibility – if the potential is already there for an accident, would like to reduce the potential in the future. The advice seems to be that we can't change things, but we can and we should do whatever is possible to reduce the risk of accidents in the future.

PB: has moved to defer, and understands that that vote will be taken first. As an additional point, would like officer to reinvestigate with the conservation officer the status of the building. They have said that a lot of the internal features have been lost, but the front of the building doesn't appear to have changed a lot since it was built. Also, residents' complaints about the speed of traffic on Greenhills Road was ultimately used as a refusal reason.

CH: if we are asking the highways officers to look at the visibility splays and take into account the speed of vehicles on the road, they need to check whether the proposed splays depend on the neighbours' fences going. If they aren't going to be removed, the splays won't be the same, and the speaker has said that they are unlikely to go. Highways officers also need to specifically take account of the recent road traffic incident – they will have details and be able to comment on the likelihood of a similar incident if additional drivers are reversing out of the development site.

EP, in response:

- PB has answered CN's question regarding the speed survey on Greenhills Road;
- Regarding a deferral, based on concerns about highway safety – this is preferable to refusing on those grounds, as there is no evidence to the contrary, other than the general feeling that the road is unsafe. If more evidence is needed, deferral will allow the opportunity to explore these concerns further;

- As the application ticks all the boxes as far as officers are concerned, a refusal would be seen as unreasonable, but it would be fair to go back to the applicant for more evidence based on best practice from highways – if the average speeds are higher than 30mph, visibility splays over 54m may still be OK;
- Is happy to get more comments on the merits of the building;
- Regarding the need to remove the fence panels to achieve the required visibility splays, the developer would need to work this out; it is dealt with through a condition.

AL: if the houses don't have sufficient turning space, shouldn't the visibility splays be calculated for reversing vehicles?

EP, in response:

- The criteria used by highways officers is for forward-moving vehicles.

AL: that will not be feasible here.

EP, in response:

- Highways officers usually look at the ideal scenario, i.e. reversing into the site, but this is the sort of road where they would consider turning into the site. They can be asked to comment further on that.

BF: in the Highway Code, some things are the law and some are advisory. PB has moved to defer, seconded by AH.

MC: with regard to the fence panels, if they have to be removed to achieve the required visibility splay but aren't in the ownership of the applicant, how would that condition be enforceable?

EP, in response:

- It is up to the developer to put arrangements in place to ensure that they comply with the conditions.

Vote on PB's move to defer

14 in support

1 in objection

DEFER

Application Number:	17/01347/FUL
Location:	Naunton Park Pavilion, Naunton Park
Proposal:	To allow the function room to be used as a tea shop (A1 use) to serve the local community
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

GD introduced the application as above, at Committee because the park is owned by CBC.

Public Speaking

None

Member debate:

CH: this is a good idea.

TO: agrees. These buildings were used as advice centres many years ago. It is good to see it used again.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

Application Number:	17/01412/FUL		
Location:	57 Hewlett Road		
Proposal:	Replacement of side window and rear door		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

CD introduced the application as above, at Committee because the applicant is a borough councillor.

Public Speaking

None

Member debate

None

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT