

Planning Committee

19th October 2017

Present:

Members (13)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Colin Hay (CH); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Savage (LS); Wheeler (SW).

Substitutes: Councillor Rowena Hay, Councillor Mason.

Present as an speaker/observer: Councillor John Payne

Officers

Martin Chandler, Team Leader, Development Management (MC)

Michelle Payne, Senior Planning Officer (MP)

Harry DuBois Jones, Planning Officer (HDJ)

Joe Seymour, Senior Planning Officer (JS)

Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Seacome, Thornton, Collins and Oliver.

2. Declarations of interest

17/01266/FUL 102 Prestbury Road

Councillor Fisher – has known the proprietor of the business for many years – will leave the Chamber.

3. Declarations of independent site visits

None.

4. Public Questions

None.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21st September 2016 be approved and signed as a correct record *without* corrections.

Councillor Barnes welcomed two new members to the planning team – Joe Seymour (Senior Planner) and Matt Haslam (Senior Urban Designer).

6. Planning applications

Application Number:	17/01266/FUL
Location:	102 Prestbury Road, Cheltenham
Proposal:	Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to a 106 Obligation
Letters of Rep:	11
Update Report:	Conditions

MP introduced the application as above, saying that officers have worked closely with the applicants to secure improvements to the lay-out, reducing the number of dwellings from 35 to 30 units, with three affordable housing units included. Additional information was provided by County Highways and Leading Local Flood Authority in response to officer concerns, and it is now felt that the proposal is in line with local and national policy and that permission should be granted, subject to an S106 agreement regarding affordable housing, education and libraries, and a number of conditions. It is at Committee at the request of Councillor Lillywhite, in view of the potential impact on neighbouring amenity.

Public Speaking:

Ms Catherine Sheppard, applicant, in support

Introduced herself as Planning Manager at Newland Homes, a Gloucestershire-based business, presenting plans for redevelopment of 100-102 Prestbury Road, with an officer recommendation to permit homes and associated works. This recommendation follows extensive discussions with planning officers since the application was submitted at the end of June. The number of dwellings has been reduced from 35 to 30, with a mix of styles from one-bedroomed apartments to four-bedroomed houses, inspired by recently constructed houses in the area and offering a contemporary style. As the site has been largely vacant for a number of years, and many of the on-site buildings have deteriorated, vacant building credit has been applied resulting in three affordable housing units. Access from the adoptable highway to the site has previously been approved, and a recently signed agreement with Marchants Coaches allows associated works in the area to be carried out. As CBC currently cannot demonstrate a 5-year housing supply, these 30 homes will make a positive contribution on a site which at present makes no contribution – it is important that this brownfield site is given the opportunity to be developed. Newland Homes prides itself on understanding the locations in which it builds and developing sites which enhance an area and where people want to live. Officers say the proposal will enhance the area, providing new homes on a brownfield site, to be enjoyed in by future and existing residents.

Member debate:

PB: on planning view, noted that this is a big site, currently an eyesore, though interesting to see cars and coaches on display. This application is welcome, a nicely designed scheme in a sustainable location. It is adjacent to the industrial unit – Marchants – which may operate anti-social hours of work, but conditions are included to manage this. It is a creditable scheme, and is happy to support it.

SW: is puzzled by Condition 16's reference to glazing and ventilation for six of the 30 plots. No-one will move into a house without windows so why is it worded that way?

MP, in response:

- The noise impact assessment set out concerns and noise mitigation measures. The ventilation and glazing will be different on the plots adjacent to the industrial site. The level of glazing is set out.

CH: traffic speeds on Prestbury Road have been high, and the development at Starvehall Farm has put an extra bend in the road, slowing traffic down at that point. Has been out with the local highways manager who understands residents' concerns about this and is looking introducing traffic calming measures along this route. A key area is just beyond the garage at the bend in the road. In putting this development here, it is useful to understand that this means looking at some sort of crossing in this area. Is surprised – it is clear that highways planning officers don't talk with the local highways manager, who was unaware of the conclusions on another recent planning application. Highways officers ought to be able to get hold of insurance claim data for accidents, rather than just accident injury data. This would better inform their comments.

GB: this point was mentioned the other day, and passed to officers as something to discuss later. Would an informative about the crossing be appropriate in this case?

MP, in response:

- Does not think it would be appropriate as an informative. However, Newland Homes are present at the meeting and will have heard the discussion.

Vote on officer recommendation to permit

10 in support - unanimous

PERMIT

Application Number:	17/01380/FUL & LBC		
Location:	Lypiatt Lodge, Lypiatt Road, Cheltenham		
Proposal:	17/01380/FUL: Conversion of residential care home (Class C2) to 13no. apartments (Class C3) comprising 2no. one bed units and 11no. two bed units 17/01380/LBC: Internal and external alterations to facilitate a conversion of residential care home to 13no. apartments		
View:	Yes		
Officer Recommendation:	Permit / Grant		
Committee Decision:	Permit / Grant		
Letters of Rep:	0	Update Report:	Letter from applicant

MP introduced the application as above, to convert a GII listed building in a prominent location . Officers consider the scheme to be in accordance with local and national policy and therefore recommend it be permitted, with conditions. It is at Committee at the request of Councillor Fisher, due to concerns about the loss of the care home and employment.

Public Speaking:

None.

Member debate:

BF: asked for this to come to Planning Committee as not long ago, another planning application for this property was submitted and we were told that the facility was very much needed in the town, that Cheltenham has a shortage of this type of care. The care home employs 20 or so people, so is also important from an employment point of view – skilled people in this type of business are much needed

in the town. There is also the question of the people who live there; permission was given to extend the premises, make it more comfortable for the elderly residents. Officers were originally reluctant to allow the alterations, but Members felt it was the right thing to do. Now these residents will have to be found somewhere else to live. Has concerns about the loss of the loss of a facility we can't afford to lose. Planning structures and systems do little to support these people; it is a tragedy, and needs to be highlighted. Vulnerable people will be evicted so that that building can be turned into flats – the building is clearly worth more as flats than as a care home. Was elected as a councillor because he cares about people. Can this application be refused on loss of employment or loss of a facility needed in the town?

LS: BF makes some good points, and would be interested to know from officers what consideration can be given to these, in particular the disruption and adverse consequences of residents being rehoused. Can we give any weight to this as a Committee?

AH: is not for or against this proposal, but comes from a long line of carers and there are some issues of which councillors need to be aware. There has been a trend in recent years to turn larger houses into residential homes, but most of these are not fit for purpose, especially listed buildings – truck pulling and lifts are required, which damage the fabric of the building. This recommendation could potentially be looking at/encouraging the developer to build a brand new nursing home which is fit for purpose. On the flip side, moving residents from here to somewhere else could drastically reduce their life expectancy; this should be taken into account.

SW: is in a quandary, like BF. A lot of alterations to this building have been permitted in the last few months which were not brilliant – but we allowed them because of the needs of the people who live there, to make their lives better. Now the owners want to make the building into flats. Have they been pulling the wool over our eyes? This isn't a planning objective, but we have allowed things to be done to the building for the good of the elderly people. This is a nursing home, somewhere we need, and the alterations have been allowed for those people. Would prefer therefore to keep the building as it is; cannot support people having to be moved elsewhere.

GB: we are on slightly dodgy ground here; no planning reasons for refusal have been suggested. The developer is a commercial business and has set out the reasons for the change which are, in part, based on the needs of the residents.

AL: there are several newly-built residential homes in town; how many care beds have been created in recent years? Do officers have any idea of the number of residential care beds throughout the town?

CN: isn't quite sure of the relevance of what he is about to say but wants to share the knowledge with Members nonetheless. Was out canvassing recently, chatting to a lady whose husband is a resident in this care home. She said that the home is a lot better now under new management than it used to be, and that residents' families know all about the proposal being considered today. Cannot be completely sure of the credibility, but she said that the owners are short of cash to improve access to the upper floors and that this application is more about increasing the value of the property so that they can raise more money on the mortgage. Have officers picked up on this?

GB: doubts that this story can be validated, or that it is a planning issue.

CH: when applications for this building have come up in the past, has voted against the majority to try and get changes to make life better for the people in the home. Has some sympathy, and the care of the residents is important, but it is not a planning consideration. It was important to do everything possible to improve life for residents in the listed building, but they would be better looked-after in purpose-built accommodation. It would have been nice if we knew what the plan is for residents and

how they will be re-housed, to allay Members' fears, but will vote to permit. There are no valid reasons not to, and if the owners can't make the business succeed, this planning application is irrelevant – if the home has to close, a new use will be found for the building anyway. It would be good to know what happens. We have heard one rumour that if the owners can't make the place work, they will sell and use the cash for a purpose-built home – if this is the case, it is a win-win situation. As discussed at Council on Monday, this building would be perfect for long-term five-year lets for 25-40-year-olds – the Local Plan can do something really useful with a building like this.

Councillor Hobley arrived at this point – agreed not to vote but asked if it would be alright for him to speak; NJ felt it would be OK for him to speak.

KH: has no remarks about the current care home, but in terms for the proposal for the building, agrees with CH on the suitability of this for certain demographics – though this will be in the future as we are not yet at that point. There is not enough car parking space for the number of flats proposed, though there isn't much to be done about this other than tarmac-ing the garden, which would be too much. Would be interested to know from officers, given the age and historical significance of the building, whether they are aware of any interiors that should be protected in any way?

MP, in response:

- In terms of principle, there is no specific policy in the Local Plan which could be used to support a refusal. The use falls outside the B1-B8 employment categories, which are safeguarded. The building was originally a residential property and is therefore excused; residential use is wholly appropriate;
- To BF, the flats now proposed don't include the extension previously permitted; that will not be built out;
- To AL, does not have the numbers he requests to hand so unfortunately cannot help here;
- To CN, the story he told also appeared in the *Echo*. The update from the applicant actually sets out the process and what has happened – issues regarding the lift and the need to secure funds – although these are not part of the planning consideration;
- To KH, one parking space is provided for each flat; appreciates his thinking that this is not enough, but there is no standard parking requirement at the moment;
- To his second question, this is, of course, a listed building and is therefore protected; the conservation officer has visited and secured various changes to ensure no harm will be done.

BF: will not vote in favour of this. Was unhappy about the proposal anyway, and AH's confirmation that moving people at this time of life will shorten their lives has sealed his view.

CH: before the vote: notes that one parking space is provided for each dwelling, but that the application doesn't specify whether these are allocated? In his own ward, flats have been built without allocated car parking spaces, but the sales team doesn't seem to have taken this on board, advising prospective residents that they will need to apply for resident parking. While this statement is true, it is worrying because it causes stress to people who don't read the fine print – they can apply, but they stand a chance of not getting a permit. This has been an issue elsewhere, and while we cannot include a condition, we need to be very much aware that there may be complaints to the County or borough if this is not made clear. Is raising this as an issue which might arise if the parking spaces are not allocated.

MP, in response:

- Believes that the spaces are allocated but can't guarantee that they are.

CH: can we ask that they are?

Vote on officer recommendation to permit

10 in support

1 in objection

1 abstention

PERMIT

Application Number:	17/01521/FUL
Location:	32 Noverton Lane, Prestbury
Proposal:	Replacement of single storey side/rear sunroom and internal alterations (retrospective)
View:	View
Officer Recommendation:	Permit
Committee Decision:	Defer
Letters of Rep:	2
Update Report:	None

HDJ introduced the application as above, at Committee at the request of Councillor Payne, due to the potential harm it will cause to the neighbour's amenity – being overbearing and causing loss of light. The sun room has been built with a 300mm parapet wall, and this application seeks to reduce that to a 28mm coping stone. Officers believe the impact on the neighbouring property will be negligible, and that the reduction of the parapet will improve the appearance of the extension. The recommendation is to permit.

Public Speaking:

Councillor Payne, in objection

Members on planning view will have seen structure and may have wondered why he asked for it to come to Planning Committee. This application has been fraught with problems all the way through. To give some context: the applicant bought the bungalow, made some modifications, including a new sun room following demolition of previous conservatory. The plans for sun room were not shared with neighbour, which was sad, and regarding the design, the architect ignored the PD restrictions on the property. The neighbour contacted JP when the east wall was being constructed higher and higher. JP visited the site, took photos, talked with planning officers, who confirmed that there had been a breach of permitted development rights, and that the neighbour needed to talk to the enforcement team. JP advised the neighbour, who did so. Planning enforcement advice was a recommendation to read the government's pamphlet on party walls – even though this not a party wall matter. They spoke with enforcement officers who were not able to inspect the site due to resource issues – enforcement is not a quick fix. Building work continued; the original drawings show what was proposed, which is not what has been built here. The neighbours were anxious the light to their conservatory would be blocked off - unfortunately, Members were unable to witness this on Planning View. JP then wrote to the enforcement team, expressing his and the neighbour's concerns and asking them to intervene; they visited that day, advised that the building had breached PD, and said the applicant should submit a new planning application. A new application was submitted but the drawings were wrong and rejected by planning officers. The second drawings were correct, showing the relationship between sun room and conservatory. Officers don't agree, but JP and the neighbours still feel the extension is overbearing. There are always winners and losers in planning - in this case, the applicant knows the neighbour is unhappy, and their neighbour knows that the applicant has used the system to build a bigger extension than permitted. Would Members consider deferring their decision on this application, to see if any sort of compromise can be reached; what is proposed is inadequate and there must be a better solution. Would like the applicant to be given time to look at that.

Member debate:

PB: Councillor Payne has made a good case for deferral, for two reasons: firstly, that this is a dog's dinner. The smallest applications often cause the most problems, and it is clear that this extension will be overbearing to the side and is unnecessarily high. Unfortunately, Members couldn't experience what the neighbours are experiencing on Planning View. The decision should be deferred to give the parties chance for further discussions.

SW: Members are told in training and at other times that they should always look at a retrospective application as if it were a new one. If this was a new application and hadn't been built yet, would not be happy with what is proposed – would suggest the sun roof was built to the eaves only. The extra height is required because the level of the floor has been raised; has experience of the same situation in his own house when the garage was knocked through to the kitchen and the garage floor had to be raised for insulation, resulting in a low ceiling. This doesn't cause any problem, but in this case, reducing the parapet by a few inches will do nothing at all to improve the situation for the neighbours. Would like to see the sun room reduced to the height of the eaves. Agrees that it is a bit of a dog's dinner, and would therefore be very much in support of a deferral to allow time to reach a better compromise.

CN: was impressed by Councillor Payne's speech, and knows that deferral isn't something that planning officers particularly like, but is minded to agree with what the two speakers have said so far. The point has been made that Members couldn't get access to the neighbour's conservatory to view the impact of the proposal. Has had a similar issue on his own patch, which emphasises how important it is to visit the site to get a proper view of the potential amenity issues. Understands that light calculations have been done and suggest that the impact won't be unreasonable, but the councillors present are on Planning Committee for a reason, and should be allowed to figure out for themselves the impact this proposal is likely to have on the neighbouring amenity. It is a messy neighbourhood situation, and this is an opportunity to sort it out and reach a compromise, with which both sides will hopefully be happy. Will vote in support of a deferral.

BF: is open-minded about this proposal. The wall is east-facing, so when the sun rises, it won't cast any shadow on the neighbour's room; the sun will then move east to west, which will also have no impact, and then set in the west, with no effect on the existing situation. At certain times of day, the extension may cause minor problems with the light, but cannot think it will be anything major. If Members are to see the effect it will have on the neighbour's light, there will be a very small window of opportunity when they can – a site visit would need to be arranged for this. This proposal complies with planning guidance and the light test; cannot see the point in deferral.

HM: can see the point in deferral. Not long ago, Members were asked to consider an extension in Leckhampton; the officer report stated that there would be some reduction in the light to the neighbour's window, but on Planning View Members could see that it would result in a considerable loss of light and refused the application on account of this. It is important that Members visit the neighbouring property to see the impact of this proposal.

RH: if this application wasn't retrospective, would the officer have accepted the parapet height at 28mm? Would it have been recommended for approval?

MJC, in response:

- Regarding the suggestion of deferral, is not convinced that this will achieve anything. Officers have had lengthy discussions with the applicant. The result has been to reduce the height of the parapet by a couple of blocks. Officers feel this is a sensible compromise, but even if the blocks were not being removed, the recommendation would still be for a retrospective approval;

- Officers feel that there will be an impact on the neighbours but that this isn't unacceptable;
- Regarding the site visit, has sympathy with Members, that they weren't able to access the neighbouring property, but also with the applicant. The neighbour had the opportunity to allow a full site visit; the planning system aims to deliver results, and it is not the applicant's fault if it can't deliver;
- Deferral should only be used when really necessary and when there is a possibility of improving matters. When considering retrospective applications, planners have to consider the principle of proportionality – think about the level of harm against the amount of work the applicant would have to do to mitigate the harm. In this case, do Members think the applicant should be required to take the whole roof off? Officers feel that this would be disproportionate;
- To RH's question – would officers have accepted this scheme if it wasn't retrospective? – that is hypothetical, and we have to consider the scheme before us now. The key issue is proportionality, and that is how a planning inspector will look at it if it goes to appeal. This is why officers have recommended approval. There is no value in deferring.

PB: appreciates the proportionality argument, but if the applicant hadn't done the work before getting permission and had followed the correct process, we wouldn't be having this conversation now. It is right to consider deferring the decision on this scheme; it will give Members an opportunity to look at the situation from the affected property, as officers couldn't arrange it for this month's planning view.

RH: regarding the height of the wall and the parapet, was 300mm the original parapet height or is this a compromise? Is there any opportunity for it to be lower still?

MJC, in response:

- The original scheme proposed a 300mm parapet; the applicant suggested taking out a couple of blocks, and replacing these with a 28mm coping stone. It cannot be reduced any further into the roofing structure without taking the roof off and reconfiguring the whole thing;
- To PB, yes it's true, the applicant undertook this work at their own risk, but the planning system doesn't exist to punish people;
- Regarding visiting the neighbouring property, Members are responsible to their constituents, which is why planning committee and planning view exists. Planning view is useful for Members to get a full picture, but can also be dangerous. Officers don't necessarily know which residents are keen for their properties to be visited and taken into account; sometimes it is obvious, sometimes not. It isn't fair to put the onus onto officers; it is Members who call applications to Committee, often following their discussions with their constituents.

BF: if we defer, future consideration of this scheme hinges on witnessing the over-shadowing of the house next door; Members will have to visit at a specific time – it will be difficult to appreciate in winter, and there may be nothing to witness.

CN: following on from MJC's comments, if the proposal is deferred, can Councillor Payne do his best to make sure Members get access to the property next door before it comes back to Committee?

Vote on PB's move to defer

8 in support

4 in objection

DEFER

Application Number:	17/01609/FUL
Location:	99 - 101 London Road, Cheltenham
Proposal:	Erection of new four storey building to provide 8no. flats (7no. two bed and 1no. one bed) following demolition of existing building
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	8
Update Report:	None

MP introduced the application as above; the scheme will also include landscaping and car parking. The existing building is currently trading as ATS Euromaster, a tyre and exhaust business. The plan originally submitted was for five units and a ground floor retail units, but following concerns from local residents, the retail element was omitted and the number of flats increased. The proposal is in line with local and national planning guidance, and is recommended for permission with a number of conditions. It is at committee at the request of Councillors Baker and Harvey, in view of the level of concern among local residents.

Public Speaking:

None.

Member debate:

PB: has mixed views about this proposal. Aesthetically, it will be an improvement to the street scene, on an important route into town. Also, Cheltenham needs more housing for local people, which this scheme provides. The omission of the conflicting commercial use in a residential area is also welcome. However, some concerns remain, in particular the loss of employment. The current use is *sui generis*, but provides six full-time jobs in this location. These are good jobs, but the *sui generis* classification is not protected, so loss of employment isn't a consideration. Hopes that this will be changed in the new Local Plan, offering more protection to more people. Is pleased with the work the case officer has done on this scheme, from the pre-app stage to the final version – she has done an excellent job. The developer understands that the road at the back is unmade, and it will have to be photographed and returned to its present state when the construction work is finished. This scheme is a major achievement, and the developer should be congratulated. It will certainly cause huge disruption during the demolition and construction phase, but realises that this is something residents will just have to accept. The conditions should take care of all concerns, and will therefore, on balance, support the proposal. Can planning enforcement officers please make sure that the developer works in a balanced way? Thanks to Michelle Payne for all her work on this scheme.

BF: supports PB. This is the second application tonight which will involve people losing their jobs and livelihoods. We shouldn't have a system which makes some jobs less important than others – they all provide people with the livelihoods and finding another job can be a lengthy process.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

Application Number:	17/00887/LBC
Location:	42 London Road
Proposal:	Repair of stone stair treads to basement steps
View:	Yes
Officer Recommendation:	Grant
Committee Decision:	Grant
Letters of Rep:	0
Update Report:	None

MJC introduced the application for repair works to exterior steps of this listed building, by slicing new stone in. The conservation officer is satisfied with the proposals. The application is at Committee because the building is owned by CBC.

Public Speaking:

None.

Member debate:

AH: this applications seems cut and dried; there is nothing to say.

CH: hopes that the greenery on the wall can be preserved.

Vote on officer recommendation to grant

12 in support – unanimous

GRANT

The meeting ended at 7.10pm.