

## **Planning Committee**

**16th November 2017**

**Present:**

**Members (14)**

Councillors Barnes, Chair (GB); Fisher, Vice-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).

**Substitute:** Councillor Rowena Hay (RH)

**Present as a speaker:** Councillor John Payne (JP)

**Officers**

Martin Chandler, Team Leader, Development Management (MC)  
Emma Pickernell, Senior Planning Officer (EP)  
Harry DuBois Jones, Planning Officer (HDJ)  
Gary Dickens, Planning Officer (GD)  
Adam Dyer, Heritage and Conservation Officer (AD)  
Chris Morris, Senior Heritage and Conservation Officer (CM)  
Nick Jonathan, Legal Officer (NJ)

**1. Apologies**

Councillors Baker and Collins.

**2. Declarations of interest**

**17/01790/FUL Playground, Old Reddings Road**

Councillor Seacome – is a member of the Public Art Panel which commissioned the artwork – does not consider this to be a prejudicial interest and will therefore take part in the debate and vote.

**17/01303/FUL 66 Townsend Street**

Councillor Fisher – didn't view the application site from the neighbour's property, but has had dealings on case work with the speaker, and given guidance – will withdraw from 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 19<sup>th</sup> October 2017 be approved and signed as a correct record *without* corrections.

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Councillor Barnes introduced Chris Morris, Senior Heritage and Conservation Officer, to Members and welcomed him to CBC.

### 6. Planning applications

|                     |   |
|---------------------|---|
| Application Number: | <b>17/01411/OUT</b>   |
| Location:           | <b>Phase 1, Land at Old Gloucester Road</b>   |
| Proposal:           | <b>Outline application for proposed residential development of up to 90 dwellings, associated open space, landscaping and infrastructure, including new vehicular access to Old Gloucester Road</b> |

**DEFERRED**

|                         |  |
|-------------------------|--|
| Application Number:     | <b>17/01220/FUL</b>  |
| Location:               | <b>Cotswold View The Reddings Cheltenham</b>   |
| Proposal:               | <b>Demolition of existing dwelling and erection of 3no. dwellings</b>                        |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Permit</b>  |
| Committee Decision:     | <b>Permit</b>  |
| Letters of Rep:         | <b>48</b>  |
| Update Report:          | <b>i. Letter from applicant, email from neighbour<br/>ii. Letter from Councillor Collins</b> |

**EP** introduced the application as above, reminding Members that it was deferred in September, for Members' concerns about two issues to be further investigated. Firstly, highway safety: following the meeting, the applicant commissioned a speed survey with a Highways Authority approved consultant. This demonstrated that the 85<sup>th</sup> percentile speed travelling to the south west was 31mph, requiring visibility splays of 48m, and to the north east 19.9mph, requiring a splay of 25m. These results have been passed to highways officers, who are confident that the visibility splays provided will exceed those required. The plans have also been amended to accommodate a 1.2m-wide pavement. Secondly, the status of the building: the conservation officer had previously stated that the building had been significantly compromised over the years, and does not have the architectural merit to warrant listing. The recommendation therefore remains to permit, subject to the conditions set out in the report.

#### **Public Speaking:**

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

At the September meeting, committee members wanted a traffic survey because of road safety concerns. Peak traffic speeds were recorded at over 60mph, although the positioning of equipment not in line with Highways standing advice. This was raised with the highways officer, as the equipment was located near a bus stop, near a junction, and where cars regularly park outside a shop. Guidance states to avoid these as the results are not representative of the true speed. Residents

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asked Highways for a survey in accordance with guidance, and were told it would be unreasonable to ask for another survey – in view of the safety issue, an unacceptable response. The visibility splays and narrow pavement can only be realised if both adjacent neighbours remove fences in their ownership which they will not do – so how will the development work. The applicant has attempted to incorporate a narrow pavement, exposing other issues with that are wrong with this proposal. The proposed pavement is 1.2m wide, narrow in the context of traffic volume and peak speeds, and unsafe for parents with small children or a push chair. The adjoining pavements are 1.8m with a 1.5m grass verge. This amendment also makes the drives shorter, exacerbating safety worries as any large parked vehicle on the driveways will block visibility further. Given the known road dangers, all the neighbouring properties, near the roundabout have turning areas. The revised proposals have removed most of the green landscaping at the front of the properties; the tree officer wants to preserve the Rowan and requested a landscaping plan, but these have not been submitted. The drawings are confused and contradictory; the 3D images show shrubs and trees where there is a small patch of grass, which will inevitably be tarmacked over. The street scene from the road looks like one continuous ugly slab of tarmac, 22 metres wide; there are no other examples of this in Reddings Road – the proposal will represent an open car park. To rectify the safety and landscaping aspects, the build line would need to be moved back, but this can't be done because of the minimum separation distance – all pointing to an overdevelopment of the site. Notwithstanding the heritage issue to be addressed by the ward councillor, an application for two suitably spaced houses was submitted, the safety and landscaping objections could be resolved

### **Mr Mark Le Grand, applicant, in support**

As Members know, the application was deferred in September; is here tonight to confirm the actions undertaken to deal with Members' concerns relating to the existing property, the pedestrian footpath, highways safety, and over-development. A 1.2m pavement has been incorporated into scheme, the full length of site frontage, linking the existing pedestrian footpaths on the north side. The footpath has been designed in strict accordance with Manual for Streets and will be adopted by Gloucestershire Highways on completion. In response to Members' concerns about highways safety and vehicle speed, two speed surveys have been carried out by Highways-approved contractors, collecting data over seven days. The Highways report states that *'the speed survey confirmed that the 85th percentile speed travelling to the SW was 31mph, this requires visibility splays in accordance with Manual for Streets of 48m and NE an 85th percentile speed of 19.9mph which will require a splay of 25m.'* Drawings illustrate that highway visibility will be greater than 61m in both directions, far exceeding requirements set out in Manual for Streets, and that two large cars on the driveway of each plot will not compromise the visibility splays. Regarding the demolition of the existing property, the conservation officer and Historic England have confirmed the building doesn't warrant local or national protection. Regarding over development, the size and scale of the proposed dwellings, plot dimensions, driveways and gardens are all appropriate to the locality; the Architects Panel raised no objection, stating that the site layout, density and scale are all in keeping with other plots in the area. With additional information and amendments provided, all previous concerns have been addressed; is confident that the scheme is suitable for the site and locality, and hopes that Members will be minded to approve.

### **Councillor Britter, in objection**

At the last meeting, the decision was deferred to fully investigate two issues: highways safety, and a full review of the current historical status of the existing dwelling. Neither of these issues has been properly undertaken or answered; many residents have been in contact, reconfirming their opposition to the proposal, and their belief that the property is of historic importance to village and town warrants it. Cotswold View is the oldest building still standing in the Reddings – there are none of this architectural style or character in the area, both key requirements for listed status. There is no

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argument about age – 200+ years – which is another key factor for listing. The conservation officer report states a large number of alterations have resulted in the building losing its architectural and historic interest, but the previous owner confirms that many features still exist, and a letter from a local resident who has been in contact with Historic England tells a different story – the opposite, in fact. It is a fact that many of the requirements of listed status are met; the Council has a duty to review application in a fair and transparent way, but in this case it has not. No further investigation or referral to Historic England for full assessment. Why not? Many key elements are there, and once the building is gone, it is gone for ever.

This is a ‘garden grab’ development – three houses where there was one – and a blatant over development, contrary to NPPF guidance, inappropriate, and impacting adversely on the overall environment. The development will impact on road safety in the area. The proposed pavement is welcome but only adequate for a single pedestrian and makes the drives shorter as a result, and a large car or van parked on the front driveways will impede visibility from neighbouring driveways. To accommodate the pavements the majority of green landscaping to the front has been removed, and a small decorative wall, leaving one continuous slab of tarmac 22 metres wide on this part of the road. There are no examples of this type of street scene elsewhere in The Reddings, and it will look out of place – other properties have walls, hedges or lawns. In addition, does this large expanse of tarmac comply with sustainable urban drainage requirements?

Regarding the second issue referred back to officer – highway safety – the residents’ association still has major concerns. The submitted traffic survey is not conducted in accordance with highways standards, with the monitoring equipment positioned in the wrong place. This was repositioned on the slowest part of the road, and the results are not a true reflection of the traffic speed adjacent to the proposed development. To achieve the required 54m visibility splays from each access point, and to implement the new footpath, the boundary fences on both sides of the development will need to be modified, but the applicant doesn’t own the fences in question, and both neighbours categorically confirm they will not alter or amend their boundaries. If this application is permitted, there should be a planning condition to ensure that development cannot commence until this issue has been satisfactorily resolved.

### **Member debate:**

**PT:** do the visibility splays have to be in place before the building starts?

**CN:** can officers address the issues raised by the speakers: firstly, the location of the speed equipment – is this a significant issue?; secondly, the visibility splays – how dependent are these on the neighbours’ fences and how significant is that issue?

**SW:** Condition 6 states that the new dwellings shall not be occupied until the visibility splays are sorted; this should state that the *building work shall not start* until this is sorted. Conditions are not followed up retrospectively – the excuse always being ‘it’s a bit late ... can’t pull it down now...’ but once demolition starts, there is no going back.

Regarding the architectural merit of Cotswold View, is disappointed in the officers’ view. Can see tremendous value in the building. It’s true that it’s altered over the years, and is not good at the back, but if that work hadn’t been done, the place wouldn’t have been suitable for modern living and would have been demolished many years ago. How many times has Lypiatt Lodge been altered since it was built, yet it is now a GII listed building. Cotswold View has been altered but cannot see that this makes a lot of difference, as it is the view from the street that is most valued. Walks through The Reddings a lot – there are a lot of modern buildings and only one or two beautiful old ones like this. It

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even includes an old smithy's workshop in the back garden, adding historical interest and offering tremendous value to the area, making The Reddings what it is. It was once a little village – it's now encompassed by Benhall, but it is nice to look back at what it was. This beautiful building – the market garden, the blacksmith, the post office – has enormous historical value.

The first speaker said that it doesn't appear that anyone at CBC has done any real work in evaluating the building – he said the officer has cut and pasted the neighbour's notes about the building, and the rest is speculation. Has anyone really been to have a look at this or done any real work to discover the true historical value of this building. It doesn't appear so, and will find it very difficult to support the application until this work has been done. Is minded to vote to refuse the proposal. Realises an appeal is likely, but it would allow time for a proper assessment of the building; if this shows that the building isn't worth keeping, then fair enough, but it could be of enormous value.

**CH:** has some questions about the fences on the adjoining properties. Why has the condition been changed? It previously stated that works couldn't start until the conditions were satisfied. Since the last meeting, it's become apparent that planning officers at County Highways don't talk with local highways managers who know the roads and traffic situations well. Would be interested to know if the highways officer has been in touch with the highways manager to see if he has any views on the development and the way in which it will impact on the street.

**BF:** this building is not locally listed, but there have been a few applications over the years for locally indexed buildings – so Members know that it is very difficult protecting buildings that are locally indexed. The speaker said that if the application was for just two houses rather than three, the local residents wouldn't object – even though this would involve demolition of the building they are trying to protect.

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

- Regarding the visibility splays and fences: the condition was suggested by the county council – vehicle access not until the roadside frontage boundaries have been set back to provide splays. Alterations on the boundaries are needed for this; even if this is not in the control of the applicant, the applicant will be under obligation to fulfill the condition. At the moment, there is a trigger in the condition – not to use the vehicle access until the visibility splays are achieved. We could change the trigger to 'prior to any works on site' to satisfy Members' concerns;
- Regarding the location of the speed monitoring equipment: this was initially placed at a point where highways officers felt it would not give accurate results; it was subsequently moved and the remainder of the survey was carried out in accordance with highways advice, in keeping with the criteria set out in the Manual for Streets, regarding the junction/roundabout;
- The Reddings is a busy road, with parked cars and a bus stop, and highways officers felt that the position chosen was representative of the road. The speeds recorded were not particularly high, or even borderline, and were considered acceptable for the area, demonstrating that the visibility splays provided far exceed the requirements – this has been confirmed by highways officers, who are confident in these results;
- To CH, some of the conditions have changed from the previous application, but the highways conditions are identical to last time;
- The conservation officer is present at the meeting to give further elaboration on the situation relating to the historical value of the building.

### **AD, in response:**

- Regarding any special architectural or historical interest relating to Cotswold View, carried out a desk-top survey, looked at historic maps, made two site visits, discussed the case with the new conservation officer, and had an informal chat with Historic England. All confirm that the property

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is not eligible for listing, and the local authority is therefore not put it forward for special status; anyone can put in a request for listing to Historic England however;

- The building has a two-storey flat-roofed extension, a uPVC conservatory, uPVC windows and porch, no original fireplaces; it has lost its original two-up two-down plan form, the roof is angled at the front and flat at the back, and architectural character is gone;
- If local residents submit a request for the building to be listed, Historic England will look at it quickly, as it is under threat of demolition.

**PT:** the pavement proposed by the builder is narrower than the adjoining pavement, and it will be very difficult for a wheelchair user or someone with a pushchair to negotiate – it will not be safe. Has looked at this on the drawings – it is a nice touch but doesn't do the job. Also notes that this isn't included in the list of conditions; unfortunately, developers sometimes promise things to get their plans accepted which don't materialise. The pavement should be enshrined in a condition to prevent any mistakes. It is a fact that the visibility splays should be in place before any work is done on the site. Lorries will need vision of the road as they come and go.

**SW:** the conservation officer said residents could seek listing of the building. If Members vote to permit the scheme, they won't have the opportunity to do this. The applicant will say permission has been granted, but the neighbours may want to go further forward with the listing. We need to further defer or refuse the proposal tonight, to give residents the opportunity to do that work.

**RH:** to clarify with EP – can we put in a condition to stipulate that no work at all can take place until the visibility splays are in place?

**TO:** supports SW. The decision should be deferred again, to give residents the opportunity to apply for listed status.

**EP, in response:**

- The trigger for the implementation of the visibility splays could be set for pre- or post-demolition, though it would be cleaner to set it as before *any* work is done on the site;
- To PT, re a condition to ensure the pavement is included – this will be included on one of the approved drawings, which will be set out in the conditions, but if it would give Members extra comfort, an additional condition can be added to ensure that the pavement is implemented.

**PT:** will the pavement be full width?

**EP, in response:**

- It will be in line with the altered plans. The highways officer has said that a pavement 1.2m in width is OK in this location, and there is no basis for requiring it to be any wider as it meets the criteria used by highways;
- Regarding a further deferral to allow residents the opportunity to apply for listing – they have always had this opportunity, and the application has been in since July. Would therefore be reluctant to recommend that course of action;
- The conditions require certain works to be carried out before demolition, and this time will allow residents the opportunity to apply for listed status. Historic England say they would deal with such a request quickly.

**BF:** can the conservation officer confirm that if a building is locally indexed, it is not protected from demolition.

**AD, in response:**

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- That is correct. Local indexing shows that a building is important but offers no protection in legislative terms.

**AL:** if the building was to be nationally listed in the near future, would it be protected even though planning permission had been granted?

**AD, in response:**

- Listed building consent would then be required to demolish it.

**RH:** for clarification re. the splays – unless the adjoining residents give their permission to sell or change the boundary line, nothing can happen there anyway?

**EP, in response:**

- If they own the boundaries, they would have to come to some arrangement with the applicant. Who owns the boundaries is not relevant in planning terms.

**MJC, in response:**

- We don't know who owns the boundaries and nothing can be done on the site or to the building until the condition regarding visibility is discharged. The ownership issue needs to be resolved, and the dwelling cannot be demolished until that happens.

**BF:** understood that if a hedge belonging to another property is not allowing proper visibility, the highways authority can insist it is removed.

**MJC, in response:**

- We are not talking about a hedge here, but a physical structure;
- Feels that the debate is going round in circles. Members have received clear advice on the two issues for which the decision was deferred in September;
- the conservation team has explained the relevance of the building, and although no one wants to see the building demolished, we have to work within the planning system, which is offering it no protection. Although this is what Members want, the building is unlikely be listed by Historic England. Members of the public had the opportunity to apply, and the Committee didn't request officers to do so;
- regarding the highways issues, the splays needs to be resolved before the building is demolished, which allows an opportunity for residents to apply for listing.

**Vote on Councillor Wheeler's move to defer**

2 in support

9 in objection

3 abstentions

**NOT CARRIED**

**Vote on officer recommendation to permit with additional condition stating that no work can be carried out on the site until the splays and pavement have been resolved**

8 in support

5 in objection

1 abstention

**PERMIT**

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

**HDJ** introduced this retrospective planning application for further extension, which was deferred in October to allow Members the opportunity to visit the neighbouring property and witness the effect of the extension on the sunroom. There are no changes to the application, and the officer recommendation remains to permit.

### **Public Speaking:**

#### **Ms Unett, neighbour, in objection**

Owns the connecting semi-detached bungalow – has lived there for 13 years. The sunrooms are adjacent, separated by just over a foot, originally built in similar styles to give balance and consideration to the rotation and reflection of the sun. The new structure at No. 32 raises the adjacent wall by over 4ft, resulting in a looming wall which blocks the sun and makes her conservatory redundant for much of the year. During the summer shadow is cast over half the conservatory, leaving the sofa in constant shade. A conservatory is designed to benefit from the sun but this is being denied by this extension, with no consideration for the impact on her property. The majority of the blame for this falls with the architect and builder, who have proceeded without checking or understanding building regulation requirements or the restrictions of permitted development. The neighbours are also accountable for ignoring neighbourly consideration. The council's original advice was not to do anything but to let the process take its course, which was extremely difficult advice to follow. Seeing the building develop daily while waiting for planning enforcement to attend the site and deem that planning permission was required was excruciating and has led to the current situation. For this reason, CBC planning enforcement team is equally responsible with the architect and builder. They were first notified 24 hours after the initial wall was built, but turned up two weeks later when the structure was complete. Both she and the applicants have been failed by the system. Is not opposed to development within reason, but this is unnecessarily intrusive and has been constructed with no consideration for her adjoining property.

#### **Mr Tucker, on behalf of the applicants, in support**

Is speaking on behalf of his parents-in-law, the applicants, to put over an accurate representation of the situation. The extension at 32 Noverton Lane was well considered, taking into account numerous extensions of a similar type in the area, and to achieve one consistent floor level throughout the bungalow. A trusted draughtsman and local builder with good reputations and skills were employed, who have done their jobs to the best of their ability. The ground slopes away from the front of the bungalow to the back, and the previous structure had a poorly designed sun room, with damp and subsidence problems, as well as a dangerous one-foot step down into it from the back bedroom, making it difficult for the owner and any future occupants to move around safely. The height of the ceilings had to be balanced to match the rest of the bungalow. Before building work started, the neighbour was approached and made aware of the proposed plans. There is no reduction of light to her sunroom, and no compromise in her privacy; her position has been discussed with care and consideration by the family, who care how she feels. The applicants are happy to reduce the parapet, and want to install a system so that any waste water from the roof will not run off between the two properties or onto the sunroom next door. Understands that the neighbour is currently looking at an unrendered structure, but once it is finished, it will blend in seamlessly and never be seen from the front or side of the property. Once it is painted white, it will offer more illumination to the neighbouring



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sun room. Is looking for a definitive solution today, so everyone can move forward, and the applicants can move into their new home without undue street of anxiety.

### **Councillor Payne, in objection**

At the last planning committee meeting, Members agreed to defer their decision, and have now heard from both sides, which explain the situation better than he can. Had hoped that deferment would result in the two parties reaching an agreement with each other, to find some way to settle the problem, and has met with both the applicants and the neighbour in an effort to explore the options available. Agrees with the first speaker that the builder has to be culpable for the error in construction, but the process that has brought us to this point also has to be examined closely. Neither party has been served well by CBC officers. Planning enforcement officers did not respond appropriately when the neighbour originally alerted them, and by the time they did, the building had been built. Had hoped that Planning Committee would have a better idea of what remedial actions could be taken, if appropriate and proportional. Was concerned by an email sent by a planning officer advising not to proceed obtaining costs – understood that the whole point of deferment was to obtain a proportionate response. Planning Committee Members don't know the implications if they approve or refuse the proposal – this has happened time and time again, and we need to look at the process. Both sides have put their case well tonight, and now the Committee must decide the outcome. The interference of officers has not helped.

### **Member debate:**

**CN:** both speakers have provided interesting input. Is concerned about the enforcement issue. Has no gripes with the officers themselves, who do a very good job, but the issue is with their workload – there aren't enough officers to respond rapidly. Would like to ask the Chair to consider writing a letter to the leader about the issue – depending on what other Members of the Committee feel – emphasising the importance of recognising the issue of the shortage of enforcement officers. Councillor Payne mentioned that he hoped deferral would allow the opportunity to look at remedial actions and costings, which could lead to reconciliation of the two parties – this is always better than a blunt decision.

**GB:** has noted CN's comments.

**BF:** Members have viewed this site twice now. The east-facing wall which is being disputed will be reduced in height and white rendered; there will be a gap between the extension and the neighbouring conservatory. Went into the neighbour's conservatory; an uplighter was on, and when this was switched off, there was little or no shading from the other side of the room, on the application side, where the conservatory was built under the neighbouring guttering. The conservatory faces east and the sun comes in from the west, so a little shading will be caused. Couldn't witness this on Planning View as it wasn't a sunny day. Members have to make a judgement on what they saw, and he saw more shading on the left than on the right.

**DS:** is not happy with retrospective applications. On Planning View, felt oppressed when viewing the wall next to the conservatory, and the intention to lower it by 300mm is not enough – it needs to come down further. Is not happy about the punitive aspect of this, but the whole structure is imposing and something drastic needs to be done to allow light into the neighbour's conservatory.

**SW:** agrees with DS. Stood in the conservatory on Planning View and understands what BF is saying, but the photographs show the situation on a sunny afternoon and it is clear to see that there is a shadow. It is a north-facing conservatory so will never be bright and sunny, but the difference in height isn't marginal – it is considerable. Somewhere along the line, someone could have done things

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differently. When his own kitchen was extended into the garage, there was a height difference, and a choice to be made – to remove the roof and rebuild, with a step down, or have a lower ceiling. Eventually went for a compromise, resulting in the ceiling of the new part of the kitchen being lower than the rest. This is not unacceptable, and similarly in this case, the applicants could have gone for a lower ceiling or step down. The point that gets him is being told time and again that retrospective applications must be viewed in the same way as a new application. If this was a new application, would not put his hand up in favour – it doesn't look right and harms the neighbour's amenity. There could have been several good solutions, and will therefore struggle to vote in support.

**KH:** in the interests of brevity, agrees with all DS's remarks, which DS put better than he could.

**MJC, in response:**

- addressing an issue raised by one of the public speakers, no planning officer would ever stop an applicant from doing something – they cannot do this. Planning officers can only give their professional advice, and in this case, they advised that the applicants shouldn't touch the structure following the last Planning Committee, as the decision had been deferred pending a site visit for Members to view the effect from the other side of the fence;
- the planning team would never say 'don't do this' – it is not in our gift. Everything is done in the interests of transparency, and officers wanted Members to see the site exactly as it was when the application came to Committee last month;
- officer advice remains as it was last month – yes, there is an impact on the neighbouring conservatory; the development next door will have a limited effect on the amount of sunlight entering the conservatory, which will change with the seasons and with the time of day, but not so significant as to warrant refusal of planning permission;
- planning officers are relaxed about what is on the site. It is an unfortunate situation, but a Planning Inspector is likely to be clinical in his or her deliberation, with proportionality as the main consideration – would removal of the roof be proportional to the level of harm? Officers feel it would not.

**PT:** wasn't going to speak, but is a bit concerned. Sometimes planning officers view things from a highly professional angle and lose the human aspect. We are talking about this lady's home, where she lives, and spends a lot of time in her her conservatory. Disputes the officer's comment that there will be no significant harm. It is disgraceful, and officers can't empathise with the neighbour but can with the applicant. Will vote against, and hopes someone will be able to find a solution which is better for both parties.

**GB:** hopes that officers always work in a sympathetic and professional way. In this case, it is up to Members to make the final decision.

**CH:** is happy to accept planning officer advice regarding the light. This application is similar to one in Giffard Way, and proportionality is the main consideration. Agrees with a point raised by a number of councillors, that if this proposal was presented in the first place, would not have been comfortable to agree with it – the extension is overbearing and will have a big impact on the neighbour's property. The proposal could be refused on design grounds, and for the overbearing impact it will have on neighbouring amenity. Is minded to refuse.

**GB:** Members needs the wisdom of Solomon to decide this one. It was clear on Planning View that there will be an impact on neighbouring amenity, but the officer view is that it will be hard to defend a refusal at appeal.

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**BF:** officers have clearly said that there is nothing from a planning officer point of view to justify refusal, if this was a new application.

**Vote on officer recommendation to permit**

5 in support

7 in objection

1 abstention

**NOT CARRIED**

**Vote on CN's move to refuse, on CP4 and CP7**

7 in support

5 in objection

1 abstention

**CARRIED - REFUSE**

**MJC, in response:**

- feels that officers can phrase a refusal reason on these issues – one drives the other.

**SW:** thanks to MJC for this statement, which will involve working against his original view to word a refusal.

**GB:** a sign of true professionalism.

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|-------------------------|---------------------------------------|
| Application Number:     | <b>17/01303/FUL</b>                   |
| Location:               | <b>66 Townsend Street, Cheltenham</b> |
| Proposal:               | <b>Two-storey side extension</b>      |
| View:                   | <b>Yes</b>                            |
| Officer Recommendation: | <b>Permit</b>                         |
| Committee Decision:     | <b>Refuse</b>                         |
| Letters of Rep:         | <b>0</b>                              |
| Update Report:          | <b>None</b>                           |

**GD** introduced the application as above, for a two-storey side extension. It is at Committee at the request of Councillor Hobley. The recommendation is to approve.

**Public Speaking:**

**Mr Patel, neighbour, in objection**

Objects to loss of sunlight to his property resulting from the extension; the back of his property overlooks the railway bridge, so the front outlook is particularly important. Also has concerns about the whole process with property landlords. Living opposite this house, is aware of a variety of anti-social behaviour - comings and goings throughout the night, car doors slamming between midnight and 6.00am – the police have records of previous tenants. Struggles to keep the street clean, scrubbing it with bleach some mornings, and is concerned about the effect on his young daughter of living opposite this house. The landlord won't speak to him, despite there being no communication issues. Is also concerned about the number of HMOs, in Townsend Street. Parking is a big problem, and often ends up parking 2-3 streets away. This proposal will mean the loss of a parking slot, making the situation even worse. There is an increasing number of HMOs – with 60 houses, the street could easily end up with 150 cars. Has a serious objection to this proposal for the number of HMOs, the anti-social behaviour of the tenants, and the loss of a parking space

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### **Member debate:**

**SW:** has enormous sympathy with the speaker but unfortunately very little of what he has said can be considered by Members when judging the application. Can see that he is frustrated with the situation, but his concerns regarding the tenants' behaviour are a police matter and cannot be taken into consideration. Regarding the loss of light, the proposal would easily pass the light test, and is nowhere near having any impact on the property opposite.

**KH:** asked for this application to come to Committee, because of the issues raised by the speaker, and because he is ward councillor for the area. Has not done an independent site visit, but works down the road and knows the area well. BF is the county councillor for the area and is aware of the issues mentioned by the speaker; it is a shame that he cannot take part in the debate. Members are always frustrated and annoyed that they can't take the impact of parking into account when making planning decisions. At the moment, the space this application proposes to build on is used for off-road parking; Townsend Street is an extremely difficult road on which to park. It is not safe, is always busy, and because it was left out from the county council's residents' parking scheme, it has become the place for all the displaced parking from St Paul's, causing real difficulties for residents of Townsend Street and the surrounding streets. It is very important that we pay attention to what the objector has said; this proposal may result in the loss of only one parking space, but it is an extremely busy road. The houses on this street, including this one, are small properties, but this small house is being made much bigger. It will have six bedrooms; Bedroom 5 is incredibly small, and fitting a double bed into Bedroom 2 is ambitious. The planning system doesn't have regard for all we want it to; it should have regard for all we want it to do, for the people using the building in the future. The house is clearly used as an HMO – there will be six or more people in this very small house, two rooms with en-suites, one bathroom to share – are these the living conditions we want for the people of Cheltenham?

How close together the properties on this street are may not be a planning consideration but there are obvious problems regarding anti-social behaviour, usage of the property, sufficient noise inclusion, loss of amenity – there is nothing in place to protect the neighbours against this. Realises the need to maintain a sense of balance – is please that something is being proposed for this building, which is in need of TLC. Finds the situation frustrating as a local member – cannot support the application but is please someone will invest money in the building.

It is a shame that the applicant is not present to better inform the debate. Most Members are aware that there are discussions with planners and others regarding the possibility of an Article 4 directive, which will have an impact on HMO properties. It is a future plan of the authority to bring this in in St Paul's, which shows that this it an important issue to the local people who live there.

**GB:** to confirm, the light test was discussed on site view, and all appropriate standards have been met.

### **GD, in response:**

- confirmed that the speaker's property was visited on site view, and the light test was comfortably passed – there are no planning concerns in this regard;
- regarding the house itself, it has been the subject of consultation with the council's housing standards officer, with reference to the habitable space. The appropriate standards are met;
- the applicant is caught in the middle of the housing standards officer and the planning officer and has achieved a design which satisfies both, in terms of size of bedrooms and number of bathrooms.

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**SW:** realises that this is not a planning issue, but understands that an HMO for more than six requires extra planning permission – does this mean six bedrooms or six individuals? This house has six bedrooms, but there could be double that number of people living there.

**GD, in response:**

- a house lived in by 3-6 residents is classed as C4, a small HMO. Change from a dwelling (C3) to a small HMO (C4) is a permitted development change. The plans show six bedrooms, but if more than six residents live here, an application for a large HMO will be needed. However, although the drawings show double beds in the rooms, there won't necessarily be two people in each bed.

**SW:** there is quite a big question mark over this then.

**Vote on officer recommendation to permit**

4 in support

7 in objection

1 abstention

**NOT CARRIED**

**GB:** Members need to provide reasons why the application should be refused.

**KH:** his knowledge of specific reasons is limited. Would suggest design grounds.

**CN:** CP4 – safe and sustainable living – would be appropriate.

**PT:** Also the fact that there are too many HMOs in the area.

**CN:** CP1, CP4 and CP7 could all be used.

**MJC, in response:**

- KH's comments have clearly resonated, and officers can pick up on a few of his points. He mentioned parking difficulties and the loss of a space on the street; this will add to the difficulties for future residents. The high number of HMOs can also be put forward as a refusal reason;
- These aren't the strongest of reasons, but they are the will of the Committee, and if the applicant goes to appeal, it might be helpful regarding what CBC does with future policies and with Article 4;
- Officers will craft a refusal reason based on displacement of parking, proliferation of HMOs, the type of environment being set up, and the fact that there are six bedrooms without planning permission – none of this is unreasonable.

**PT:** saw the internal layout of the house – one room appears to be big enough for a double bed and nothing else. These are not acceptable living conditions.

**GB:** as officers have said, housing standards requirements are fulfilled, and MJC has helpfully offered an option for refusal.

**CN:** reading MJC's body language, wonders if he has any stronger ideas that might apply.

**MJC, in response:**

- Is not aware of a different argument. KH has made an articulate case. Doesn't necessarily agree with all he has said, and doesn't know how well it will do at appeal, but the reasons put forward are not unreasonable;

## DRAFT MINUTES

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- CP4 and CP7, together with the NPPF requirement to generate nice places to live can all be used. Suggests officers put the words together and run past the Chair and Vice-Chair before issuing the decision notice.

**CH:** regarding housing standards requirements, in this case a number of very small bedrooms will be created. If there were just one or two, together with communal living spaces, can see that this would be acceptable. Abstained from the vote – could not see there was any good reason to object, although felt very uncomfortable about the building. The total environment being created in the house is not conducive to people's well-being, living on top of each other. Looking at the bigger picture, the effect this will have on the well-being of the people in the house will spill over on to the well-being of the neighbours, causing undue stress, which comes out in various forms. Having abstained from the first vote, in the light of these further discussions, will vote for refusal on grounds of sustainability.

**GB:** MJC has set out the reasons for refusal, and the Chair and Vice-Chair will take a view on these.

**AH:** to build on CH's comments, as a student, lived in a similar house to this and it was awful. The residents had no quality of living, the environment was very stressful, there was no communal space. We talk about 'planning considerations' regarding the physicality of the building, but there is a difference between a house and a home, and being able to park near one's home is an important consideration. It may not be a planning consideration now but is something that should be looked at in the future.

**DS:** notes the suggestion that the refusal reasons are agreed by the Chair and Vice-Chair, but the Vice-Chair (BF) has not been part of the debate.

**MJC, in response:**

- Suggests that KH is included as the relevant councillor;
- A core planning principle of the NPPF is to create high-quality accommodation of good design and sustainable, this being better for the people who live there;
- Will put together a refusal reason incorporating this and the other issues discussed this evening.

**GB:** all agreed that GB and KH will agree the final reasons for refusal.

**Vote on CN's move to refuse**

10 in support

1 in objection

1 abstention

**MOTION CARRIED - REFUSE**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>17/01719/FUL</b>   |
| Location:               | <b>Lindens Tower, New Barn Lane</b>                           |
| Proposal:               | <b>Replacement windows and new doors (part retrospective)</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit</b>   |
| Committee Decision:     | <b>Permit</b>   |
| Letters of Rep:         | <b>0</b>  |
| Update Report:          | <b>None</b>   |

**MJC** introduced the application for replacement windows and doors in the Prestbury conservation area. It is at Planning Committee due to an objection from the Parish Council. The officer recommendation is to approve.

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**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>17/01790/FUL</b>                                       |
| Location:               | <b>Playground, Old Reddings Road</b>                      |
| Proposal:               | <b>Proposed installation on 3 public realm art panels</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit</b>   |
| Committee Decision:     | <b>Permit</b>   |
| Letters of Rep:         | <b>7</b>  |
| Update Report:          | <b>None</b>   |

**MJC** introduced the application as above, to install a piece of public art at Humpty Dumps playground in Old Reddings Road. It is at Committee because CBC is the applicant, and the recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**SW:** this is a wonderful piece of artwork. Is glad to see it installed.

**RH:** it has taken an awfully long time to spend this S106 money. Well done to everyone involved for getting to this stage.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

*The meeting ended at 7.50pm.*