

Planning Committee

14th December 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); Seacome (DS); Thornton (PT); Wheeler (SW).

Substitutes: none.

Officers

Martin Chandler, Team Leader, Development Management (MC)
Emma Pickernell, Senior Planning Officer (EP)
Ben Hawkes, Planning Officer (BH)
Chris Chavasse, Senior Trees Officer (CC)
Nick Jonathan, Legal Officer (NJ)

1. **Apologies** Councillor Savage.

2. Declarations of interest

17/02022/FUL & LBC The Cheltenham Townhouse, 12-14 Pittville Lawn

Councillor Lillywhite – owns the hotel – will leave the Chamber.

17/01566/CONDIT Door 4, 4 Montpellier Walk

Councillor Seacome - the applicant has done work in his property – will leave the Chamber

16/02208/FUL Land at North Road West and Grovefield Way

Councillor Wheeler – has attended meetings regarding concerns about the BMW site (which is also owned by the applicant) but has had nothing to do with the application being considered tonight – will remain in the Chamber.

3. Declarations of independent site visits

16/02208/FUL Land at North Road West and Grovefield Way

Councillor Collins – has visited the site many times.

4. Public Questions

None.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 16th November 2016 be approved and signed as a correct record *without* corrections

6. Planning applications

Application Number:	16/02208/FUL
Location:	Land At North Road West And Grovefield Way, Cheltenham
Proposal:	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Refuse
Letters of Rep:	339
Update Report:	i. Additional neighbour comment
	ii. Letter from agent re. North Place
	iii. Officer update

EP introduced the application as above, reminding Members that planning permission for the whole site was first granted in 2007, following an appeal. Permission for the flagship BMW showroom was granted in 2014, and that scheme has now been implemented. The remainder of the site is the subject of this application, and already has extant outline planning permission for up to 16,800 sq. metres of B1 employment use – the fall-back position for the applicant. In addition, with the adoption of the JCS on Monday, the site is no longer within the green belt. Regarding the non-B1 uses, officers consider the principle to be acceptable as together they only make up a small percentage of site, and in addition they provide jobs for Cheltenham; refusal of the application on loss of employment land would not be sustainable at appeal. A sequential test has been carried out and gives rise to some ambiguity, but the officer view is that if the test were concluded, it would be of little assistance in determining the application, and that the proposal is therefore acceptable, giving greater weight to the economic benefit of the proposal than to the uncertainty re North Place. It will bring forward significant employment, and the design, lay-out, landscaping, flooding, drainage and ecology are all satisfactory. There has been a considerable number of objections which officers have taken on board, but considered against all criteria, officers feel the proposal is acceptable, and the recommendation is therefore to approve subject to S106.

Before the application is discussed, officers would like Members to watch a fly-through presentation which they have not yet seen.

(Presentation)

Public Speaking:

Mr Gary Fulford, Reddings Residents Association, in objection

Reddings residents support B1 use on the site, but do not consider retail use to be appropriate or necessary. Most of the 338 objections from residents, councillors, businesses, residents associations and the parish council relate to non-B class use. The Green Belt was designated for employment use for 1200 B1 jobs; BMW has taken 33% of the site for non-B1 jobs; the non-B1 elements of this

proposal will take another 12% of the site for 21 new full time jobs, at a cost of 132 B1 jobs on the existing permission. This represents a loss of £588,000 per year from the local economy. B1 use is likely to create a modal shift with local jobs for residents; the job number projections, with retail on the site, are misleading and incorrect – retail will encourage journeys from outside the area. B1 offices are generally open five days a week, from 8.00am to 6.00pm, with predictable traffic flows, which won't interfere with residents at home in the evenings and at weekends. Retail is 5.30am to 11.00pm seven days a week, with 24-hour intense lighting and variable traffic flows all day, every day. Background light will increase with headlights and security lights, as well as sunlight reflected off the white render; noise from traffic, deliveries, vehicle movements around the site, and fume pollution will also increase. The applicant's reports are 12 months old, pre-dating the JCS and Local Plan, and are now confusing having been revised several times since submission. The application is not transparent, and the traffic data is out of date and unreliable. Traffic fumes from stationery traffic are common around the site since BMW opened, as is regular flooding of local houses and sewers. Run-off water from Grovfield Way is not accounted for in the design proposals. The community, and Cheltenham, deserves the right solution in line with the visions of the Local plan. Urges Members to reject the application.

Ms Laura Humphries, Pegasus Group on behalf of Asda, in objection

Greenbelt should only be altered in exceptional circumstances, and justification for the removal of this site from the green belt was on the basis that it was required for employment. A significant proportion of the proposal is not for employment use, which undermines the JCS and the basis for removing the site from the green belt. The emerging Local Plan proposes to allocated the site for employment land, and policies are specific regarding the uses which will be supported and safeguarded on the site. Retail development is not supported even though it would represent a significant proportion of the overall scheme - the suggested legal agreement doesn't provide sufficient assurances to the delivery of employment elements. The applicant fails to demonstrated that there are no sequentially preferable sites available, and the NPPF is clear that where an application fails to satisfy the sequential test, it should be refused. The traffic data used in the transport statements was gathered in a non-neutral month, so the data is not representative, and trip generation figures used are unacceptably underestimated for a store of this size.

Mr James Griffin, Hunter Page Planning, in support

Thanks to planning officers for their work over the last 12 months, resulting in a balanced report and recommendation to permit subject to conditions and S106 agreement. It is important to remember that an outline permission already exists for 16,800 square metres of office space, granted in 2014, and that all three JCS authorities have not voted to adopt the JCS, removing this site from the green belt. The applicants acknowledge the significant level of concern about the food retail store, day nursery and café uses of the site, but these are not significant and represent a change of just under 15% from the extant permission granted in 2014. These proposed complementary uses are valuable to securing an implementable permission to deliver offices on the site, and also critical to attracting officer users and avoiding a sterile business park. There has been a policy shift in recent years in terms of what constitutes employment development, and the employment land review which supported the JCS, acknowledges that on-office uses generate employment and are needed to support a growing economy. This development will generate over 1,000 full-time equivalent jobs. Officers acknowledge that economic growth is a national objective and significant material consideration. The applicant has agreed to a legal agreement to construct and fit out office buildings 1 and 2 prior to occupation of the subordinate uses, above and beyond the extant permission and resulting in direct investment in the local economy. No transport objection has been raised by the local highways authority or Highways England, and much time has been spent refining the layout and landscape to be functional ye complementary to adjacent development. The application has been assessed independently in terms of retail impact, and there would be no harm to the town centre. There have been no objections from

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statutory consultees regarding drainage, ecology or noise impact. The applicant and agent have worked hard with officers to provide a scheme that is appropriate in all aspects.

Ms Lycia Warwick, applicant, in support

Is firmly committed to the site, and intends to implement fully the development and B1 offices proposed, as reflected in the legal agreement. Following discussions with office occupiers and national agents, recognise that it is necessary to introduce uses that support the offices to avoid a sterile office park environment environment. This approach is now common as office users require facilities to support their staff. There has been significant interest from national businesses keen to move to the site based on the development, realising that the scheme is now deliverable, and named users are firmly committed and intend to invest to deliver jobs for the local economy.

Councillor Britter, ward councillor, in objection

Within five minutes' walk of this site are two supermarkets, a restaurant, a café, a permanent food and drink van, a drive-through KFC, a corner shop and a newsagent. There is also existing childcare, especially at the Reddings Community Centre, adjacent to the site, in addition to other local nurseries and child minders. The B1 element of the development is in keeping with 2007 permission and is supported; there are no exceptional circumstances to support A and D class development. The developer has outline permission for B1 office development and should progress it. With this proposal, the site would be open 5.30am – 11.00pm, seven days a week, 365 days a year, which is unacceptable. B1 use would be mostly 8.00am-6.00pm, five days a week, leaving residents in peace at evenings and weekends. The proposal is incompatible with a residential area, very different in nature from the extant permission.

Despite requests, no impact assessment has been carried out on small business in the area, in particular the playgroup, existing child carers and nurseries, Springfield provisions, Spar, the newsagent on Hatherley Road, or Warden Hill and Benhall shops. They and the local community centre may not be viable if the proposal is permitted.

Homeowners say their properties didn't flood before the BMW development, but localised flooding has occurred on several occasions since. Due to the slope of Grovefield Way, the site acts as a soakaway for excess rain on the road, and capacity for this run-off water hasn't been taken into account. The NPPF states that new developments shouldn't pass on flooding to neighbouring sites. The mains drainage was meant for the small original village, and combines foul and storm water. Even during moderate rainfall, the manholes in North Road West regularly lift, and local sewage flooding occurs. Capacity for this development must be assessed, as any subsequent upgrade work would be at taxpayers' expense. Similarly, can the existing ditch drainage system support the total storm water discharge from this proposal because it will be about the same as 2 fire engine hoses at full bore.

Roads in the area are already congested, with HGVs, shopping traffic, nursery traffic. A Costa drive-through will have serious implications for the Reddings and area and the implementation of the JCS traffic strategy. Local traffic will vastly increase, seven days a week, compared to five days for B1. Many large local developments of the last four years are not included in the applicant's 2013 traffic report. The impact from the additional traffic created by the BMW showrooms is greater than anyone envisaged. Grovefield Way is the southern bypass, and traffic is slow or stationary for up to three hours in the afternoons, with heavy pollution, contrary to emerging evidence regarding pollution and health, particularly detrimental on the very young, those inside the vehicles, and residents. With this proposal, standing traffic emerging onto Grovefield way will create even more pollution.

The landscape proposals need more tree screening along the whole boundary of the site to mitigate light and noise pollution as the inspector intended in 2007. Light pollution from buildings, cars and

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carparks will be aggravated by the sun reflecting off the glazing and the white render. The existing KFC drive-through creates huge amounts of rubbish, which impacts on wildlife, and will increase with Costa. No additional bins or clear-up plans are set out.

There will be a further in parking in nearby roads, from customers and workers. BMW staff already cause local tension and problems with the park and ride. The proposal offers nothing back to the community, and the developer has gone against the clear indications of the Inspector in 2007. This behaviour wouldn't be tolerated from domestic owners. If local means local, as the government has suggested, then the community has spoken and their wishes and concerns should be listened to. Their wish is that it will be refused.

Member debate:

CN: is very conflicted by this. Has lots of questions and is sure other Members will have too. The officer mentioned that the site is no longer in the green belt; can this be clarified? The three councils have now signed off the JCS, but does the Secretary of State not have to agree for the site to be legally taken out of the green belt? The officer also said that the loss of employment land was not sufficient to sustain an appeal – but on what basis? Examples would be helpful here. Regarding the sequential study, is confused about the North Place issue, and the NPPF says sequential test has to be carried out. Officers are saying that not satisfying the sequential is test not adequate reason for refusal in its own right; can officers explain the justification of this? The representative of Asda said the legal agreement doesn't give assurances on delivery of the B1 element of the scheme – what is officers' opinion of this? She also said that trip estimates for traffic has been underestimated – what is officers' opinion on how up to date estimates are. The applicant said there is a huge amount of business interest in the site – so why is retail element included if there is so much business desire to be there? Councillor Britter made the point that no impact assessment on local businesses has been carried out. Is disappointed this was not done; would have thought it was essential. In the report, the officer states that the proposal won't adversely affect any of the policy-protected centre of Cheltenham, but what about the non-policy protected areas? The lack of protection doesn't mean these areas should be given no consideration, so why wasn't an impact assessment conducted? Are there enough parking spaces? With the BMW scheme, it didn't seem that enough parking was provided, and a significant number of staff have an arrangement with the Park and Ride as they are not allowed the park on the BMW site – so what are we letting ourselves in for with this current proposal? If the retail element represents 12% of the application, does this include the car parking element?

MC: can officers provide a figure: as a result of all the recent developments in area, how much S106 money has been earmarked for highways spend and on what? Looking at the history of the site – the applications and appeals since 2005 - and reading in the report about the need for job creation - there should be 1200 B1 jobs on a site of this size, but there has been a shift away from B1 use, starting with the BMW car showroom. There should be no building greater than two storeys on the site – but the BMW showroom is four storeys high, with minis on top. The appeal refers to this being occasionally glimpsed from the A40, but it is a lot more than a glimpse – it looks like a docked cruise ship. To get buy-in from commerce, we have to deliver something honest, up front and straight. The developer has B1 permission – they should get on and build it.

The retail statement is rubbish, with no reference to nearest shops or the impact of another supermarket – this is incredible. The childcare business at the Reddings Community Centre isn't mentioned; it provides the main income for the centre, and loss of business may jeopardise its future. The report reads like an amendment for something already there, but it should stand on own merits.

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With regard to jobs on the site, BMW employs 180 staff. Has met with the manager, and understands that BMW has paid £30k for 80 spaces in the Park and Ride for staff parking. This is an abuse of the facility. The robustness of job creation cannot be taken seriously, as staff have been imported from elsewhere. A more realistic figure would be about 20 new jobs.

Then there is the drive-through coffee shop – why? Cheltenham is already the Costa Coffee shop capital. Why do we need an other? And should CBC really be encouraging hot drinks for drivers...?

Regarding the traffic data, has read the report and doesn't accept a lot of what it says – it is out of date and misleading. There is no highways officer at the meeting to explain their contentious comments. Has Highways England really got no objections – seriously? There will be significant impact on the A40, and HW England is responsible for roundabout, which is already over capacity. By looking at developments in isolation, traffic data doesn't include the effect of the new care home or the impact of Pure Office Phase 2 – this traffic not taken into account, and the figures are therefore inaccurate. Grovefield Way is often backed up a considerable distance to Cold Pool Lane – what mitigation has been put in place by S106 from other developments in area? Notes on P70 of the report that there are no minimum parking standards for residential development, and not for commercial either. The Highways report is patronising. It talks about linked trips, but for shoppers, Lidl and Aldi are often additional trips. The claims are outrageous; it even talks about linked trips to the coffee shop...and how does a linked trip reduce pollution? Is very much opposed to the coffee shop.

The geotech report is the same as that used for the BMW application; the name has just been changed. Local population flood now, didn't before BMW. Denying responsibility.

Notes that opening hours during construction are limited to 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays. When shop open, will be 5.30am to 11.00pm every day – so how is that acceptable? The report also mixes am and pm with the 24-hour clock, which is annoying.

The video shown at the start of the meeting didn't show traffic queues on Grovefield Way – but they are there, nearly all of the time. The developers has permission for B1; they should get on with B1, and that be an end to it.

PB: it's a good thing that Monday's council meeting started at 2.00pm and finished at 10.00pm – it was good stamina building for this meeting. This is a really important item, and we need to bear with all speakers. There have been over 300 objectors; it is a critical development, potentially life-changing, and has sparked mass concern. Feels that in this case the officers are wrong. This application represents a significant change of use. In 2007, in special circumstances, the Inspector agreed to allowed 22,000 sq metres of the site for B1 use; in 2014, permission was granted for the BMW showroom, and later that year outline permission was granted for up to 16,800 sq metres B1 use. BMW was a special case, relocating the existing showrooms in Cheltenham and Gloucester, with a net gain of 80-100 jobs. Calculations

Calculations on 22,000 sq metres show we have lost 41% of original B1 allocation. This is significant. How can officers say there are now more jobs on site than originally envisaged? There will be 26 at Aldi, 20 at Costa, 35 at nursery. Suggests this as the first reason to refuse the proposal; it is not what Inspector envisaged. The dire shortage of B1 land was confirmed in 2007; the deficit has increased since then, and the JCS in 2011 still detailed a lack of B1 land of the kind that will be lost in this location if this proposal is permitted. The NPPF economy rule is to ensure there is sufficient land of the right type in the right place at the right time to support growth. In taking this away, we would be in breach of NPPF.

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As a rule, planning proposals should reflect community needs; in no way does this reflect the needs of this community. It already has supermarkets, offices, and nurseries struggling to fill their places. The proposal will put more pressure on existing businesses. The Localism Act is supposed to empower local communities but what did this developer do to involve the community before submitting these plans? Paragraph 14 of the NPPF talks about positive site opportunities to meet development needs of area – this is in no way needed.

The retail report is skimpy, and didn't even mention the smaller retail areas a short distance from the site. Morrisons and Asda may be able to cope, but small stores will suffer, with pricing etc. Local policies RT6 and RT7 require the need for additional floor space to be demonstrated. It is not proven here. Coronation Square is on its last legs and is a critical area for town. This proposal will undoubtedly have a detrimental effect. Local policy EM2 is concerned with retail land and the loss of existing floor space. There is no gain here. The quality of retail jobs is nothing like the quality of jobs in B1 employment use. No consideration has been given to the range and type of sites for business use in area, to the impact of the site on business in the area, or whether the uses are appropriate to the location. Does the proposal add value to the area? No.

Regarding flooding, the Local Plan states that major developments should the reduce the risk– not just prevent it from getting worse. This field will be covered in concrete; if the application is permitted, it will need a much stronger flood condition.

Notes that the Architects Panel looked at the proposal twice. They didn't support it the first time, saying the design was uninspiring. They stated that the second version is a better scheme, but it isn't clear whether or not they supported it. The Civic Society was very critical, questioning the need for another supermarket, and the poor design at this major gateway to the town. Considers the BMW to be brilliant and worthy of its position here, but will move to refuse this proposal on EM2, RT6, RT7, the existing local plan, the emerging local plan, the newly adopted JCS adopted, and the NPPF.

SW: MC and PB have covered in detail a lot of what he wants to say. Councillor Britter and Mr Fulford came forward with a mass of information, shoehorned into a small space of time, which have meant they spoke quickly and without much emotion – although local people are very concerned and upset by this proposal. Looking back at the history of the site, it was originally earmarked for Park and Ride. The Council rejected that, as the area for expanding the Park and Ride was in greenbelt, and at that time, with that designation, no-one could build on it. The Planning Inspector then told us we needed B1 office space, and against better judgement, B1 office space was included in the next proposal. The goalposts moved again with the permission for a car showroom, and are now moving on even further, with shops and day care centre. Other variations have been introduced; the appeal decision talks about glimpses of BMW from the A40 – it may look good from that side, but isn't appropriate from the Grovefield Way side. There were meant to be trees on Grovefield Way. This proposal is part of same site, but it has not been built as was originally designed.

Has a problem with the proposed daycare centre. The Reddings Community Centre has childcare business; this is going to be decimated if a daycare centre is opened on this site – it will not survive. Regarding local shops, we weren't allowed to consider these previously but now we can. Park Stores, shops in the Reddings, Caernarvon Court – all will suffer. The parking issue will get worse. There are already issues with the park and ride; hopefully this proposal will have no impact on on-street parking, but unless full staff parking is provided, it will have a detrimental effect. . Highways won't have any further S106 money, but however much is spent, it will not solve the parking problem. MC asked how much S106 money left from Asda development – the answer is a lot, but not enough to mitigate the existing traffic problems – only a flyover or subway at Golden Valley could do that.

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HM: agrees with a lot of what has been said. Members have spoken about the nursery as not being needed, but has a different view on this. There will be hundreds of jobs created on the site - people in the offices will need childcare – but doesn't like where it is situated in the model of the site. Is the paved area at the side of the nursery the outdoor playspace? It is not specified how many children will attend the nursery, but there will be 27 staff, some doing shift work. This isn't satisfactory for a site with several hundred workers.

EP, in response:

- To CN, yes, this site is definitely no longer in the greenbelt. The council adopted the JCS on Monday; the site is in the plan and the land is no longer classed as greenbelt;
- Regarding the impact on employment, the loss of B1 space, and whether there is sufficient justification for this to succeed at Appeal: officers tried to look at the situation in the round - the approach encouraged in the NPPF – and to consider all the pros and cons, merits and problems with the proposal; they made their recommendation on that basis. The loss of B1 floorspace is not sufficient ground to refuse when the proposal is also bringing lots of benefits – including a substantial number of jobs, even though not all B1 as in approved scheme. It is all about delivery. The 2007 permission was for B1 use, but no office use has been brought forward; this application is responding to market demands and proposing something different. An inspector at appeal would look at this in same way as officers;
- Regarding the sequential test, and why there is an issue re North Place. A sequential test looks at sequentially preferable sites for the locating new stores, starting in the town centre and working outwards. North Place was granted planning permission for a supermarket, which is why attention given to it; it is not a problem, but needs to be flushed out. Has sequential test been satisfied or not? The retail consultant is here and will give his opinion. The question is whether that site is available for development, and there is a question mark over that. Enquiries have been made but not led to anything, which suggests that the site is not available. There is, however, no contract on the site, which could suggest that the site is available. It is ambiguous, but even if the sequential test is not satisfied, officers would make the same recommendation.. It is the impact on the town centre and designated local centres which is taken into account and the report concludes that the proposal won't have any impact on the town. So can failure to comply with the sequential test be used as a reason to refuse? We have to perform a balancing act here, but with the lack of any defined impact, it cannot be seen as a refusal reason;
- Regarding the S106 – the applicant submitted a draft 106 with the revised plans; officers negotiated more robust terms, taking into account the B1/non-B1 elements of the scheme. As a result, the store will not open until the B1 accommodation is built and ready to use;
- Regarding trip generation, we have to rely on the county council to scrutinise the transport assessment. It has been back and forward to applicant many times, but officers are now satisfied that the figures are robust, and generated with best practice;
- On the issue of highways impact and whether the additional traffic will be over and above that for the extant permission - highways officers consider the difference to be negligible within the peak hour;
- To the question as to why a retail element has been included when business users are wanting to come onto the site, the potential occupiers are only interested in this location if there are complementary uses on site; if there was any demand for a pure B1 site, it would have come forward by now – it has been available for 10 years;
- Regarding the impact on local businesses, the NPPF gives guidance on what needs to be considered. Some local centres have policy protection to ensure their viability – this is why there is retail impact assessment – but there are no requirements to consider other commercial uses such as nurseries or to interfere with competition;
- Does the percentage of the site to be used for retail include car parking provision? No, it is just retail floor space. However the car parking provision for the supermarket is also for the nursery

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and cost to MC, regarding the S106 for Asda and what the money has been spent on – there was an agreement which included £981,261 for traffic calming works on Hatherley Lane, and a contribution towards local/strategic traffic corridor management – the vast majority is now committed. £110k remains to be allocated, and this will be spent on footways, junction improvements, bus stops, footpaths, and traffic calming measures;

- Regarding linked trips, highways officers always consider the percentage of trips to site linked to one or more of the other uses on site – where someone might pop in on way to somewhere else – and this is shown as a percentage reduction;
- To MC, regarding the difference between hours of operation during construction and once the site is in business, construction is usually noisy and dusty and involves large vehicles in and out of the site; the hours proposed are normal;
- Regarding the figures on job creation and the various uses, this has varied with the different proposals, but the expectation at appeal was for 1100 B1 jobs on site. BMW has created 250 jobs, some relocated. Documents submitted with this application suggests the site will provide just over 1000 jobs, so not a significant reduction. PB queried the figures, but is comparing different uses. Pure B1 floorspace would bring a certain number of jobs, but the non-B1 brings different expectation. We have moved on since 2007, and advice from 2014 brings the overriding message that the reduction in the number of jobs is not significant, over and above the proposed scheme;
- With reference to the Localism act, is not aware of any discussion or consultation with locals; no pre-application submitted;
- On the subject of flooding, the LLFA requires a development to deal with run-off at greenfield rates, with allowance made for climate change. The improvement here will be over and above that, taking climate change into account;
- The Architects Panel considered the revised scheme to be an improvement and the lay-out better. They shared officer concerns about the street scene and landscaping, but the Architects Panel is not really required to come down one way or the other but to give a constructive commentary on the proposal;
- To HM regarding the lack of playspace for nursery, there is nothing in policy re space standards, therefore nothing for planning officers to take on board.

Mr Duncan McCallum, CBC's Retail Consultant

- as a broad point about need, RT6 refers to need in retail development, but that criteria dropped in 2009. Applicants are no longer required to show need for proposals. Would suggest that Members avoid that line if they are minded to refuse.

MC: will the Chair allow further questions?

GB: has six members still waiting to speak. A lot of members have already gone over ground precisely, so requests only new points are made.

PT: regarding the nursery, it would be better not having any outside participation. It isn't a good place for a nursery, surrounded by traffic, surrounded by vehicles. It shouldn't be allowed to be there.

BF: was the only person to refuse the BMW application. This is the severe cost of extending planning permission to B1 offices. The Planning Inspector gave permission to build on the greenbelt because of the perceived need for offices, yet the site has stood empty for ten years – it was not required. It is an economic fact that businesses want to be near facilities. There are some real points that need to be made here. The BMW showroom has caused flooding. The report says there will be flood

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alleviation measures by the developer, and we have to accept LLFA advice that flooding won't be any worse than it is today as a green field. The highways officer says will not make much difference to highways congestion, and the highways department is the lead authority. Should we challenge this with officers and make remarks about things of which we have no real knowledge or proof? It is not what we are here to do. Reasons given for refusal so far are based on hearsay, and this is not enough to refuse an application. We will gain something here: office space, a nursery. Retail companies looking for new sites is a fact of life, and while we may ask how the different supermarkets can continue make a profit, we can be sure they wouldn't do job if they didn't. The proposal will provide work and a service. Whether we like it or not, people go to drive-through coffee shops. We have to judge the scheme on legislation as it is today, and need a legitimate planning reason to turn it down. It isn't on the green belt, the Localism Act has never really been enacted. The officer report recommends the scheme be permitted, as it is in line with the NPPF and local policies.

CH: still has some questions to ask. Understands that a business park may need some complementary uses but a drive-through isn't one – it isn't providing a service for the offices or BMW, as there is nowhere to sit and have coffee. They may go to the supermarket to buy a sandwich but the coffee shop is overkill. Complementary uses should enhance the estate – is not sure this does that. As a member of the economic development scrutiny committee, knows that they LEP has stated there aren't enough employment land sites large enough for company headquarters, but this would fall into that category. What conversations have there been between the LEP and the planning authorities. This land is perfect in its aim to 'market Gloucestershire as a place to relocate'; we are being told on one hand that no-one wants this business site and on the other that there aren't enough business sites in the area. The highways assessment states that any development will impact on peak hours, but would suggest that there needs to be an overhaul of peak hours. It used to be a couple of hours in the morning and the evening and not at all on Saturday and Sunday. Now weekday peak hours last much longer, and with another supermarket bringing more people to the area, it will cause huge problems, not just in peak hours. This assessment needs to be tested by Gloucestershire Highways. The nursery site looks big, and will surely impact on other nurseries. An open space enhances the nursery's offer, but does it meet OFSTED standards?

SW: BF talked about flooding experts saying the proposal will not make the situation any worse than before, but there is very clear evidence that this is not the case. Since BMW was built, there is flooding on North Road, as far as Dundry Nurseries, where the greenhouses have been flooded - this didn't happen before. These are new flooding events. The experts have got it wrong; the proof is there. We are told that office space in the area can't be sold but has been speaking first hand with a senior officer at GCHQ who said that if the right sort of offices were available on the site, they would be seriously interested. The marketing company cannot be doing its job properly or not producing the right sort of offices.

CN: is very conflicted, but having listened to all the comments this evening, is moving towards voting to reject this application. Is amazed by BF's comments, and in particular the reference to the 2011 Localism Act, which encourages Members of Planning Committee to engage with members of the local community before events, who can speak with inside knowledge and give opinions on what the community thinks. Pulling together some of the strands and some comments of the officers: the Architects Panel commented on application and the whole quality of the design, but wasn't opposed to this development at the gateway to Cheltenham ; however the Civic Society said no, it wasn't appropriate for this site, and the ward councillor, MP and residents associations are all against it. The NPPF recommends a balanced view of applications, weighing the benefits and pain in the scales of justice. Officers have highlighted the benefits, but for him the pain tips the scales of justice and the proposal should be rejected. We need to take full advantage of B1 extant permission – with GCHQ in walking distance, and proposals to develop West Cheltenham for employment land, sites such as this

must be attractive for them; the B1 need for business land is important. This application for retail/nursery/coffee shop – how many jobs will this create as opposed to proper office space? There is a big difference, and we have already compromised re. BMW. Accepts what the officer says that the sequential test on its own wouldn't tip the scales of justice, but isn't convinced that the sequential test has been passed, or that the local retail study is accurate, or that the amenity of the local community won't be affected by long hours etc. Traffic is bound to increase. The report says a hybrid development will have less impact and fewer peaks but hours of operation will be more sustained and the impact on community greater. This, together with the lack of jobs, and poor design, tips the scales of justice for him to reject the scheme. Having read the report closely, feels that officer support for the application is quite weak, and they seem trapped by planning regulations, where the default recommendation is to support. Here there is a huge list of reasons to reject the scheme.

MC: thanks for breakdown on S106. Cannot see how this scheme can work. Have the figures for BMW traffic movements been checked? Why haven't figures for other sites with planning permission – the care home, Pure offices – been included? We are told that drainage will be no worse than before, but before BMW, North Road West didn't flood and now it does. Why do local residents have to wait for the rest of the site to be built out before anything is done about the flooding? When calculating the number of jobs, do relocated jobs count as new jobs? What about GCHQ? The highways officer talks about linked trips, but at the Tewkesbury Road retail park there is not enough parking space. The retail assessment hasn't considered Springfield shops, Hatherley Road, Benhall – why are none of these mentioned?

AH: has no problem with a development like this but struggling to define what it is. Understands that office space is needed but it seems like overkill to have a supermarket too, and also a conflict of interest. Knows of an 'office village' in Birmingham – a small high street of four shops to serve the workers, which works well - but this site needs to define what it wants to be. It is either an office area or a supermarket. The supermarket will not reduce the impact of the traffic. Is in two minds whether or not to support; will probably abstain. Wants to support but not enough reason to do so.

BF: as a new point, the site has been available for B1 for over 10 years. GCHQ and others are aware of it, but do not have the capital to pursue office space here.

EP, in response:

- Regarding the drive-through Costa and how useful it will be to people on site – it will include a sit-in café as well, and outside seating space. There are plans to improve the footpath links to site, making a more attractive route through the site to Costa. It is not just a drive-through;
- Regarding flooding, the LLFA look at discharge rates – it has to do this – can't be any more than pre-development greenfield sites. It could be that material piled on site, used as compounds while BMW was being built, may have had an impact on run-off from the site. This scheme has a drainage strategy to deal with run-off in controlled way. The LLFA says it will not create new water problems – the water would have to run off site one way or another - but the scheme has controlled mechanism which will improve the situation;
- Why are recent schemes with planning permission not included? With the extant scheme as a fall back, consultants are comparing the current scheme with that, not with an empty site. This is why the data and comments may not as fulsome as some members expect;
- With reference to the relocated jobs and whether these can be classed as new jobs, BMW closed one site and amalgamated a number of showrooms, so 100 BMW jobs on site are from elsewhere.

Mr Duncan McCallum, in response:

- Has referred to the glossary of the NPPF. It refers to main Town Centre uses but specifically excludes individual shops. Local shops don't fall into the protected areas.

MC: What about Coronation Square? Caernarvon Court?

DM, in response:

- These are not protected.

GB: feels that all the issues have been well debated. Will ask MJC to comment before moving to a vote.

MJC, in response:

- There have been a lot of comments and different areas explored, and it's clear that not all Members agree; notes that four issues have been talked about as potential refusal reasons, some stronger than others:
- The first is the employment issue - how the proposal is different from the 2007 consent, and the loss of B1 space. Some Members are disappointed, but policy-wise, we need to be sure of what we are saying and whether it is in keeping with policy EM2 of current Local Plan. The emerging Local Plan carries very limited weight, but it is right to make reference to it, and JCS Policy SD1;
- The JCS talks about employment being considered in a wider sense than just B1 uses, so we need to be careful. There is also potential conflict with the NPPF and its requirement to create an economy fit for the 21st century and policies around long-term protection. The site is earmarked for employment use; the proposal is a viable alternative, taking into consideration market signals. There is a lot of ammunition in NPPF for developer to throw at us at Appeal;
- Secondly, the retail issue and sequential test. This would be difficult to sustain at appeal. From an impact perspective, considering small local businesses, the advice is that the impact is not enough to warrant refusal – so this is a tricky argument;
- Thirdly, the traffic perspective. Would advise caution here, as the advice from our professional advisers is that the traffic generation would not change greatly from the extant permission – so another difficult case to argue;
- Fourthly, the design issue. AH said the site needs to choose what it wants to be; has some sympathy with this comment. There has been much discussion with the applicants regarding the layout of the site;
- So, of the four possible refusal reasons, would say that two – lay-out and employment – are significantly stronger than retail and traffic.

GB: so local policy EM2 and the NPPF are potential reasons to refuse, with officer backing?

CN: Paragraphs 7-10 of the NPPF.

GB: is PB happy with this?

PB: is policy RT6 no longer relevant, as DM said?

MJC, in response:

- Yes, RT6 is now lost as a result of the JCS. Advises against any refusal on these grounds.

PB: what about RT7?

MJC, in response:

- That is also deleted by the JCS;
- Do Members still want to pursue the retail/highways issues in their refusal?

CN: Members are not being malicious – they want to put forward whatever reasons they can for a refusal, and to be able to argue strongly as possible on all issues.

CH: regarding traffic, there is very little detail about the change. Any change in traffic may be considered insignificant, but retail traffic is very different from employment traffic, and this has not been fully addressed. If the retail argument wouldn't stand a chance, would rather not include it.

GB: suggests Members vote individually on the four suggested refusal reasons, after the main vote.

Vote on officer recommendation to permit

4 in support

8 in objection

2 abstentions

NOT CARRIED

Vote on EM2 as a refusal reason

10 in support, 1 in objection, 3 abstentions

CARRIED

Vote on retail issues as a refusal reason

5 in support, 7 in objection, 2 abstentions

NOT CARRIED

Vote on highways issues as a refusal reason

9 in support, 2 in objection, 3 abstentions

CARRIED

Vote on lay-out and design as a refusal reason

8 in support, 4 in objection, 2 abstentions

CARRIED

PB: there is also the issue of flooding – the scheme is supposed to reduce the risk, taking climate change into consideration.

GB: concerns about flooding come up regularly at planning committee meetings. Members have asked for training on this issue, and this will take place in the new year.

Vote on PB's move to refuse on EM2, Highways and Design

10 in support

1 in objection

3 abstentions

CARRIED – REFUSED

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Application Number:	17/01390/FUL
Location:	10 Greenway Lane, Cheltenham
Proposal:	Erection of one new four-bedroom house to the rear of No.10 Greenway Lane.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	12
Update Report:	None

BH introduced the application as above, originally for two dwellings but now for just one. It is at Committee at the request of Councillor Babbage in view of the level of local interest. The officer recommendation is to permit.

Public Speaking

Mrs Claire Watson, neighbour, in objection

Moved to Little Ashley Court in 2014, conscious that No 10 Greenway Lane and/or its garden could be development in the future, but hopeful that any new building would be sympathetic in scale and character. Three years on, this is the fourth application for development in the garden of No 10, and although the plan is now for just one house rather than two, it needs to be seen in the context of the renovations made to the main house. No. 10 has been greatly enlarged into the roof and the garden, and is now a very different property – impressive but an imposing and dominating presence for the homes facing it, and also reducing the garden space in which to build. The plans show another property could be squeezed in, but is this justifiable, given the detrimental effect on neighbours and local amenity? There are nine properties encircling the site, including No. 10; a house landlocked in the middle will impact negatively in terms of light intrusion, noise, traffic safety issues, additional hard surface, and less habitat for birdlife. To accommodate the building, six mature conifers – which form the only remaining screen between Little Ashley Court and No. 10 – are likely to be felled. Several mature deciduous trees and an orchard have already been cut down, and even if new planting is conditioned, can any new planting scheme for this confined space give anything like the year-round protection the conifers currently afford? They only provide a partial screen now, from the light at night and feeling of intrusion by day from No. 10. The proposed house appears to be closer to Little Ashley Court than to No. 10, and the three houses directly facing No. 10 already feel they overlook the property far more than they would wish. On behalf of the residents of 4 and 5 Little Ashley Court as well as themselves, their enjoyment of their properties and the amenity has already been adversely affected by the renovation of 10 Greenway Lane. Will any positive contribution be made by building the proposed house on the space in between? Is it a truly sustainable option given the existing built environment at this end of Ryeworth Road and Greenway Lane. Residents feel it would be a poor outcome for the surrounding neighbours and the amenity in general.

Mr Jeremy Shaw, applicant, in support

This is an application for contemporary four-bedroomed house to the rear of 10 Greenway Lane. The previous application for two mews-style houses with viewed as too big for the site, and the majority of objections were submitted in relation to that proposal. Have listened to comments from immediate neighbours and changed the plans accordingly, reducing substantially to a single dwelling, brought in from the boundaries, with a ridge height lower than Whitefriars Court and Little Ashley Court. Most of the windows don't face the neighbouring properties but the rear of a bungalow over 30 metres away; just three first floor windows face neighbouring properties, two of which are obscure-glazed and one is 24metres from the first floor of 10 Greenway Lane. The new house will have a good-sized garden and outside space, and the design is very much in keeping with the neighbouring properties, with timber cladding on the ground floor, and zinc cladding on the first floor, as well as a flat sedum roof to blend into the surrounding area. There is excellent access to the side of 10 Greenway Lane, and only the

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garden of the new property will be visible from the road. There have been comments about the traffic on Greenway Lane, but this is only heavy during pick-up and drop-off times at St Edward's School. It has never caused a problem, and the access arrangement study for two houses was carried out and approved by the highways officer. To summarise, Greenway Lane and Ryeworth Road is a wonderful mix of modern houses and more traditional properties, most built in previously large gardens. 10 Greenway Lane is the last remaining house in the area with such a large garden. The proposed house is contemporary and in keeping with those around it, positioned carefully to not have a negative impact on the neighbours. The revised scheme is approved by the parish council and planning officer, and two immediate neighbours who objected to the previous plans have emailed their support of the revised scheme.

Member debate:

PB: assumes the trees officer will comment on the trees issue. Has sympathy with the neighbour, who accepts that something will be built here at some stage. The applicant has taken on board a lot of comments from neighbours, and people will either like the design or they won't. Contemporary buildings in traditional settings can work, and the officers would not have recommended this scheme for permission if they didn't feel it would fit in.

PT: is puzzled by the illustrations – one appears to have a shallow pitch and the other has a flat roof.

BH, in response:

- The 3D images are shown from different angles; the roof has a very shallow pitch – it is not completely flat.

AH: this modern design may be better off the road and set back. Considers it to be interesting, and will support the scheme. It is evident that the applicant has listened to the neighbours' concerns, and reduced the number of dwellings from two to one, off-set towards the back of the garden.

HM: condition 3 talks about the details of the landscaping scheme. Looked carefully at the site on planning view, and feels that if the conifers can be retained to screen the new building, it would be very welcome.

CC, in response:

- In context, these are slow-growing conifers – Lawson Cypress and Juniper. The privacy/screening issue works two ways and it won't be in the interests of the new owner to remove the trees. A condition putting a formal preservation order on the trees can be included. They aren't of good enough quality to be particularly worthy of a TPO, but can be protected, with the requirements that new trees are planted if they become damaged.

Vote on officer recommendation to permit, with condition re protection of trees

13 in support

0 in objection

1 abstention

PERMIT

DRAFT MINUTES

Application Number:	17/01411/OUT		
Location:	Phase 1, Land At Old Gloucester Road, Cheltenham		
Proposal:	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		
View:	Yes		
Officer Recommendation:	Permit subject to a 106 Obligation		
Committee Decision:	Permit		
Letters of Rep:	6	Update Report:	i. Consultee comment from TBC ii. Officer update

MJC introduced the application as above, for 90 dwellings including 40% affordable housing. The site has been removed from the greenbelt under the JCS, and identified as suitable for 175 houses in the emerging Cheltenham Plan. The outline is an indicative lay-out, with the necessary open space, landscaping and infrastructure. Consideration was deferred last month pending a comment from Historic England. It has no objection to this application; had concerns regarding Phase 2 – the heritage report identifies an ancient monument in the north of the site, on land in Tewkesbury borough. Officer recommendation is that the scheme be permitted, subject to conditions regarding S106, affordable housing, education and library contributions.

Public Speaking:

Mr Phil Staddon, agent, in support

This is an important and much needed development, representing the first planned scheme in a new era of planned growth for Cheltenham. It is a housing opportunity identified by the JCS inspector as one of a number of sites which should come forward in the short term to help address the lack of new housing land supply in the town. This has been confirmed by this week's adoption of the JCS, and through the latest version of the Cheltenham Plan, which allocates this site for housing development. Has worked closely with GCC and CBC, and provided a comprehensive master plan approach to ensure everything is joined up. Commissioned a major research project on flood risk, which demonstrates that the sites are outside the 1:1000 year flood risk. CBC has confirmed that the smaller Phase 3 nursery site was not affected by the July 2007 flood event, and the agent's flood risk work is fully endorsed by the Environment Agency. The LLFA technical issues simply concern the position of the balancing pond which can be addressed by condition. The only neighbouring property will not be unduly affected, with extensive landscaping around it retained. The indicative layout is spacious with generous gardens, off-street parking and large areas of landscaped open space. The S106 agreement will guarantee 40% affordable housing – 36 homes, 27 of which will be rented; this is desperately needed and can be delivered quickly with CBC support. The S106 also guarantees payments to invest in local schools and libraries. The scheme will be high quality, attractive and sustainable. The applicants thank officers for their assistance and support and hope that Members will support the scheme. If they do, work on the detailed planning application will begin straight away, helping to deliver much-needed new homes in the borough as soon as possible.

Member debate:

CN: the agent talked about guaranteeing 40% affordable housing. This is something we don't often hear. What is special about this application?

BF: this site has been taken out of the greenbelt and is now available as development land. If Phases 2 and 3 don't materialise, Phase 1 can stand alone, but can we still be sure of a contribution to

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schooling? This is in effect an urban extension and All Saints Academy is already full. Schooling will be a problem and this is a concern – where will the children go?

CH: looking at this outline application, with a good amount of space around, it looks a very liveable environment; is looking forward to seeing the actual plans. The lay-out of houses, including the 40% affordable, is ideal for solar panels – both rental and social landlords are often amenable to this. Can we ensure the roofs are designed to make maximum benefit and best use of solar energy? Will quiz this when final plans come to us.

HM: the update letter from TBC talks about a conflict with Policy SD10 in the JCS. Can officers expand?

AH: echoes CH's comments, and understands that this is a concept site plan, but will the lake/pond will still be there in final design? It provides a great opportunity to encourage wildlife, be more biodiverse.

MJC, in response:

- Re TBC's comment, this needs to be understood in context. Policy SD10 of the JCS identifies this land for new houses etc, to be allocated by district plans. TBC is saying this site not allocated, but the emerging plan will allocate this land. It is a sound and safe allocation, and officers are happy to give it weight. TBC is simply flagging up the JCS policy, and is less familiar with what we are doing with our own plan;
- To CN's question about affordable housing. We are entering a new era – greenfield sites bring less risk, less cost, and are more viable than brownfield sites. With a five-year supply now in place, it is harder for applicants to challenge issues. Now that proposals can be plan-led, with viable sites allocated, we can deliver what need to deliver, and proposals have to be policy compliant;
- The applicant has been up-front about this – the site can take 40% affordable housing - did not want to do battle over this. This is a good opportunity to deliver housing quickly; the applicant has signed an undertaking and can move quickly to the next stage;
- To CH, officers have spent a lot of time with the applicant on this – renewables – hopes this will be designed well. There are a lot of south-facing roofs, and solar panels should work well;
- To BF, re schools, the applicant is required to comply with county policy, but it is for the county to decide where to spend the money in the most appropriate way;
- To AH, re lay-out of pond, this is an important part of the scheme – landscape-led attenuation of any potential drainage/flooding problem. It will go forward to reserved matters scheme.

SW: has been 12-14 years on planning, and agrees that this proposal looks wonderful – but we should beware of Greeks bearing gifts. Will be over the moon if we get all that is promised, but this is an outline; the full application will be different. MJC is happy with the applicant so hopefully all will be well. The scheme looks great – footpaths etc; parking may be an issue, but is happy to vote in support at this stage.

CN: for the record, this is described in the report as the largest site in the Cheltenham Plan, with 175 houses. In fact Leckhampton is the largest – it has 250 houses.

MJC, in response:

- There is a typo in Condition 20 – pedestrian vehicular access – need to add the extra word.

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Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

Application Number:	17/01459/FUL
Location:	Gallagher Retail Park, Tewkesbury Road
Proposal:	Erection of a Class A1 retail unit comprising 929 sq m at ground floor with full cover mezzanine, car parking, re-alignment of service yard access, renewal / adjustment of service yard drainage, diversion of a Class 5 highway, and associated works to the west of Unit A Gallagher Retail Park.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	Officer update

MJC introduced this application for a new two-floor retail unit as above. The site straddles the administrative boundaries of Cheltenham and Tewkesbury boroughs, and identical applications have been submitted to both councils. It is at planning committee at the request of Councillor Clucas, due to concerns about site access, anti-social behaviour on site, and public right of way.

Public Speaking:

Mr Peter Waldren, agent, in support

Having read the very thorough report and update, it is clear that the key issues have all been covered. Councillor Clucas raised the issue of anti-social behaviour ('boy racers') and the proposed right of way diversion. Will meet with Councillor Clucas and local colleagues in the new year, to discuss these issues further, but the retail park managers have advised that the boy racer issue don't relate specifically to the site, but more to the roads around it. The site's car park entrances and exits are all barriered, and will close 30 minutes after the shop units close. Furthermore, raised tables have been installed along the road running through the site as a further speed prevention measure, and all cars entering and leaving the car parks are monitored by automatic number plate recognition, all of which ensures that the potential for anti-social use of the site has been fully addressed. A separate diversion order application for the right of way will be made after tonight's resolution, and will be an improvement on the existing route which is subject to anti-social behaviour, fly-tipping and rough sleeping. It will be safe, lit, paved and maintained, and the highways authorities have raised no objection to it. Retail advisers have confirmed that the proposal meets the required retail tests in that there are no sequentially preferable alternative sites and no significant adverse retail impacts on the town centre, and the retail consultant has no objection, subject to the conditions set out in the report. The green belt designation of part of the site (in Tewkesbury borough) has now fallen away following the adoption of the JCS. Regarding traffic and parking, the highways authorities is content that 41 parking spaces is sufficient for the additional floorspace, particularly as customers will already be visiting other units on the site. No objections have been raised, having specifically considered highway safety and the compatibility of this proposal with the Elms Park proposal. The applicants have worked closely with officers and amended the scheme significantly since its original submission in July – specifically to maintain the majority of the existing trees on the site – and now believe the proposal is stronger as a result of that collaboration.

Member debate:

SW: as a member of the county right of way committee, which will vote on the diversion order application which is likely to follow this proposal, will not speak or vote on this application tonight.

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NJ, in response:

- That is the correct course of action.

BF: Unfortunately Councillor Clucas couldn't attend the meeting tonight due to other commitments, but as fellow ward councillor, has discussed the issues with her in advance of the meeting. Is content that the anti-social behaviour issue has been addressed. It is good to see staff parking on the site – not many retail units provide this. The area has improved dramatically over the last few years, and the Gallagher Park management is doing a good job. Hopes that this application will be permitted tonight.

CN: the agent talked about 41 car parking spaces – are these for staff or customers? Uses the site a lot and always struggles to find a space. The greenery, trees and right of way are very attractive. Will these all go if staff car parking is to fit on the site, or is there any other way to retain the right of way and solve the car parking issue? Have there been any negotiations with Elms Park?

MJC, in response:

- Regarding the additional 41 car parking spaces, 32 of these are intended for staff use. There has been no objection to this from a highways perspective. These dedicated spaces can be used by all the retail units;
- The trees and greenery has been the subject of much discussion with the applicant, and perimeter planting can be successfully retained on the half of the site behind Sainsbury's. The greenery to the north cannot be retained through this scheme, but if the greenery goes, the applicant will try to reintroduce some form of landscaping. As so often, Members have to consider the balance – does the council want successful economic units or viable greenspace;
- The NPPF is pro-economic growth, and this application cannot fail because of existing trees.

Vote on officer recommendation to permit

11 in support

0 in objection

3 abstentions

PERMIT

Councillor Oliver left the meeting at this point.

Councillor Seacome declared an interest and withdrew for the duration of the following debate.

Application Number:	17/01566/CONDIT
Location:	4 Montpellier Walk, Cheltenham
Proposal:	Variation of condition 5 of 16/01888/FUL - to extend opening hours to 00:30 Thursday, Friday and Saturday nights and 01:00 on Bank Holiday Sundays, race days (up to 16 race days per calendar year), Christmas Day and New Years Eve
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	16
Update Report:	Additional representation

MJC introduced the application as above, saying it was submitted some time ago, and the hours have been negotiated down, following the input of environmental health officers. It is at committee at the request of Councillor Mason, due to neighbours' concerns about loss of amenity. The officer recommendation is to permit.

Public Speaking:

Mr Noori, applicant, in support

Co-owns Door 4 with his wife; it is managed by their son, and all are Montpellier residents. All three are sensitive to noise or nuisance that may concern neighbours, and have taken on board their views, radically reducing the original proposed opening hours in response. Sent letters to all neighbours to assure them of their intentions, and received a lot of positive feedback since, establishing an open channel for neighbours to get in touch with any views. Have furthermore changed operations by stacking chairs and tables on the Montpellier Street site between 10 and 11pm and closing the door, so no one uses this side of the premises for outside sitting and drinking, thus keeping noise away from neighbours. Live music only takes place on Thursday nights, and the hours have been changed from 8pm to 10pm instead of 11pm, as well as lowering the sound level in response to a neighbour's request – again demonstrating the aim to be good neighbours and respect local views whilst maintaining business viability. Have permission from the licensing authority until 1.00am, and any issues will be addressed by them on an ongoing basis. Since the revised proposed opening hours, only two objections have been received, as well as two letters of support, so hopefully the original objections have been satisfied. Environmental Health officers have approved the revised hours. In the past few months, have had a significant reduction in late night business due to current 12am closing time. Customers leave early and continue at neighbouring bars in Montpellier, where closing hours range from 1.00-2.00am, and 3.00am at Bar 131. Is only asking for a fair opportunity – not even an equal opportunity, just a small share. The original proposed 2.00am is now 12.30am, and 1.00am on race days and holidays – this is more than reasonable and shows that they care about neighbours' views whilst trying to run a viable business and employ local people.

Councillor Mason, in objection

Following the submission of the original application, a number of concerned residents contacted him; the proposed hours of business have now been reduced and the applicant has made concessions, but some residents are still unhappy. Is reminded of Travis Perkins and the impact on the town. We want our town to be vibrant, and we want people to live in them. By allowing this – more and more bars, extending their opening hours little by little, a gradual creep – we should not forget our duty to ensure quality of life for residents of the town. Policy CP4 is concerned with harm to residents' amenity. We need to consider this gradual creep and keep a sense of balance. Do we want people to enjoy a quality of life in the town? There are other local places to drink; let people go there. With respect to the speaker, an extra half-an-hour is quite significant at that time of the morning.

Member debate:

PT: notes from some of the neighbour comments that loud music is played, with the windows open. Can't there be a condition requiring the windows to be kept closed when music is being played. This would help.

GB: presumably this is a matter for licensing officers?

BF: on planning view, was told that no-one lives above the bar. There are letters from residents of the courtyard at the back, but this is some distance, on the other side of the road. There are other bars and restaurants in the area. What hours do they keep? We have got to be fair here, and make a balanced judgement. It is difficult, but the town and the economy is growing; nothing stands still.

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MC: this application is for the variation of a planning condition. The applicant will also need to apply to licensing to alter its hours. As a side issue, looking at the map, notes that the building opposite is still labelled as a bank, which it hasn't been for some time. This is misleading.

AL: looking at another bar in the immediate vicinity, John Gordons is open Monday to Wednesday 10am to 10pm, Thursday 10am to 12pm, Friday 10am to 1pm.

PB: Montpellier is the most vibrant part of the town. There is a good selection of restaurants and bars here, and anyone living there knows what they are moving into. The applicant is being reasonable, is clearly proud of his business, and wants good relations with his neighbours. Wishes him good luck.

MJC, in response:

- Was going to give members the same John Gordon opening hours as AL has relayed;
- To PT, officers are not recommending that the windows are kept shut. The application is now for just an extra half-hour weekends and an extra hour on bank holiday Sundays;
- MC's comments are correct, that planning permission has to be applied for because of the restrictive condition. The Licensing Committee runs separately, and a separate application will have to be made to them;
- Regarding the map, the 2007 Ordnance Survey map is used, which is now slightly out of date, but these maps are generally very useful.

SW: to put this in perspective, the applicant has taken on an unfair obligation and other businesses are pinching his customers because he is wanting to be a good neighbour. He is not asking for a great deal. We would be mean in not allowing this, in view of the neighbouring bars with longer hours.

Vote on officer recommendation to permit

9 in support

1 in objection

2 abstentions

PERMIT

Councillor Seacome returned to the meeting at this point.

Councillor Lillywhite declared an interest and withdrew for the duration of the following debate.

Application Number:	17/02022/FUL & LBC
Location:	The Cheltenham Townhouse, 12 - 14 Pittville Lawn, Cheltenham
Proposal:	17/02022/FUL - Change of use from C1 (hotel) to C3 (residential) to revert from guest house to two dwellings 17/02022/LBC - Alterations to convert guest house into two dwellings
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Permit / Grant
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above. It is at Committee because the proprietor of the hotel is a local councillor. There are two applications – one for planning permission and one for listed building consent – and votes will need to be taken on both.

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Public Speaking:

None.

Member debate:

BF: has no objection to this. The building is Grade II listed, and hopes that if a new door is needed, it will not be anything like the new door on the Grade I listed Ivy.

Vote on officer recommendation to permit 17/02022/FUL

12 in support – unanimous

PERMIT

Vote on officer recommendation to grant 17/02022/LBC

12 in support – unanimous

GRANT

Application Number:	17/02037/FUL
Location:	5 Bournside Road, Cheltenham
Proposal:	Two storey side extension and single storey rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	9
Update Report:	None

MJC introduced the application as above, at Committee at the request of Councillor Harman, in view of the number of objections from neighbours. The officer recommendation is to permit.

Public Speaking:

Mrs Goodlock, neighbour, in objection

Is representing residents at Nos. 1, 3, 6, 7, 9, 10, 11 and 12 Bournside Road, all of whom have objected to this application. Their issues may seem trivial compared with other applications on tonight's agenda, but they are not minor to the residents of Bournside Road, many of whom have lived there for 30-40 years and have a deep affection for the area. None are against house extensions – there are plenty in the road – but they are upset by the size of what is proposed at No. 5, which is why there are nine objections from people who have never objected to anything in their lives by felt compelled to comment on this. The recommendation to approve is flawed, with over emphasis on the inclusion of a set-back from the front of the house. Council policy is not just concerned with a set-back, but with ensuring that extensions are subservient, do not dominate the existing building or erode the space around it. This proposal is massive, wide and deep. It overwhelms the original house, and has a very large truncated crown roof hidden behind a dummy pitch roof at the back, because a roof with the correct pitch to the house would be ridiculously tall over an extension as wide as this. However, because the materials and windows match, the officer says the proposal is 'well-considered'. The extension will be extremely prominent from Hatherley Park, is not good design, is a very wide and substantial addition that will completely erode the character of the existing house and the space to the side of it. Residents of No. 3 will be most affected, mainly from the 14m two-storey side wall, just 1.5m from the boundary. They will lose afternoon sun and also privacy with the Juliet balcony overlooking their garden. The officer says there is a variety of houses and extensions in the road, it is not in a conservation area, and the house isn't listed, implying that a lesser standard might

be acceptable here. This can't be true – the NPPF is clear that good design is the key aspect of sustainable development and should contribute to making places better for people to live in. At this end of the road, there is visual harmony – Nos. 5 and 7 are twin houses, and No. 10 is almost identical. Various features are echoed in other houses which create the charm and character of the area, and attractive views to the side through to Hatherley Park, which will be lost if this extension is built. The extension should be narrower and shorter – it is all a question of scale. The proposed house will double in size, the space around it will be eroded, and it will harm the neighbour's living condition, all contrary to the Local Plan.

Mr Russell Ranford, agent, in support

The application being considered tonight followed pre-application advice from Gary Dickens, who suggested narrowing the width to create a larger gap between the first-floor elements of the proposed side extension and No 3 Bournside Road – this advice was taken on board and the gap was increased to 5 metres. A detailed analysis of the gaps between properties along both sides of the road between numbers 3 and 20 confirmed the average gap is 4.45m, with gaps ranging from 2m to 5.9m, so the 5m gap here is 0.5m above the average. A design steer was taken from 19 Bournside Road, which recently completed a similar extension, albeit with a smaller gap between the extension and the neighbouring property. As the officer report sets out, the proposals are in accordance with the SPD on Residential Alterations and Extensions, published in 2008, which states that side extensions can achieve subservience by being recessed from the front elevation and having a lower ridge height – this proposal has both. Given the generous plot size, the proposed extension will integrate well and not be a detriment to the existing building's character. Bournside Road is characterised by detached houses, but there is a vast range of building sizes and forms, and this proposal respects the street scene and character. The residents of No. 7 are concerned about the proposed high-level side window and rooflight causing light pollution, but these concerns about harm are perceived rather than actual. In addition, the window and rooflight could be included in a single storey extension under permitted development, making it inappropriate to demand design changes to appease their neighbour. Over all, the scheme is in total accordance with the NPPF and the local plan, constitutes sustainable development and creates no actual harm.

Member debate:

PB: Bournside Road is very special, and the spacing of each house on its plot is significant. Considers this design to be good – although this is always subjective – and notes that there are all sorts of designs and extensions in Bournside Road. This proposal respects the neighbouring properties. Has seen far worse-looking extensions.

KH: knows Bournside Road very well, and considers it a real shame from an architectural and personal taste point of view that these changes are being put forward on this property. The curved bay window, the proportions, the design and character of the house are all very pleasing, and are seriously compromised by this proposal. However, there is no proposal to change the bay, and it won't cause any further on-street parking problems in the area. Is mindful of a theme he regularly returns to – that people have the right to do what they want with their own properties – and is not persuaded that we should stop them, but is very to see the inherent character of this house lost.

CN: is conflicted here. Agrees with PB that every house in the road is different, but has sympathy with the speaker, who made an interesting point about subservience – this extension is very large. The proportions of the original house are overwhelmed – are there any examples of this elsewhere?

DRAFT MINUTES

DS: looking at the plan at the moment, including the gap between the garage and the house, gives an idea of what the extension will do - it will be less than half the width of the garage. The proposal coordinates and compresses façade – has no problem with it.

MJC, in response:

- It is fair comment to say that this is a large extension, but there is no policy to prevent this *per se*. The SPD shows how they can be achieved; setting an extension back makes it subservient. It could be narrower, but Members need to consider whether or not it is actually harmful? How well does it sit in the street, which has a varied mix of properties? Is the design comfortable in its setting? This is the nub of the officer recommendation.

MC: has looked at the drawings and the plan view of the garage – it appears square rather than rectangular? Can officers confirm whether it is a functional garage?

MJC, in response:

- It isn't used for a car – like most garages nowadays, it is used for storage.

Vote on officer recommendation to permit

12 in support

0 in objection

1 abstention

PERMIT

Application Number:	17/02348/CONF
Location:	92 Evesham Road, Cheltenham
Proposal:	Confirmation of TPO 751 Yew to the rear of 92 Evesham Road
View:	Yes
Officer Recommendation:	Order is confirmed
Committee Decision:	Order is confirmed
Letters of Rep:	2
Update Report:	None

Public Speaking

Mr Charles Talbot, applicant, in objection

Thanked Members for the opportunity to speak. Originally submitted an application to fell this tree – it has outgrown its space, casts a wide shadow, but also gives rise to other concerns regarding safety. The shade cast by the tree is the biggest issue, limiting the use of the garden, and this will only get worse. Has discussed the option of pruning with the trees officer - this won't help with the shade issue but it will significantly reduce the visual amenity of the tree. It can only be seen from certain points on Central Cross Drive, and its removal will be largely unnoticed. Has offered to plant an alternative tree in its place, but this offer has not been acknowledged.

CC introduced the confirmation order which came about when the owner notified the council of his intention to fell the tree. There was an opportunity to negotiate – to permit this, or to place a TPO on the tree. Trees officers felt that the tree is significant enough in the area and in good enough health to be worthy of a TPO. The owner objects to this, which is why CC has brought it to committee – to allow Members to decide on what they consider the best course of action.

Member debate

BF: 1.5m crown and side pruning would reduce the shading considerably.

DRAFT MINUTES

PB: is looking at the relationship between the tree and the house, and its view from different directions. Can be seen to the south from Central Cross Drive, and appreciates that it causes some evening shading, but as a tree lover, will vote to support the trees officer's recommendation.

Vote on recommendation to confirm order

12 in support

0 in objection

1 abstention

ORDER IS CONFIRMED

The meeting ended at 9.40pm.