

Planning Committee

6.00 pm, 18 October 2018

Present at the meeting

Councillor Garth Barnes (Chair)
Councillor Paul Baker (Vice-Chair)
Councillor Stephen Cooke
Councillor Diggory Seacome
Councillor Dilys Barrell
Councillor Mike Collins

Councillor Alex Hegenbarth
Councillor Karl Hobley
Councillor Tony Oliver
Councillor Simon Wheeler
Councillor John Payne
Councillor Dennis Parsons (Reserve)

In attendance:

Councillor Sudbury and Britter (as speakers)

Officers in attendance

Tracey Crews, Director of Planning
Michelle Payne, Planning Officer
Emma Pickernell, Senior Planning Officer
Simeon Manley, Head of Planning
Gary Dickens, Planning Officer
Joe Seymour, Senior Planning Officer

1. Apologies

Apologies were received from Councillors Atherstone, Flynn and McCloskey. Councillor Parsons was acting as substitute for Councillor McCloskey.

2. Declarations of Interest

18/01004/FUL : Land at North Road West and Grovefield Way Cheltenham

Councillor Collins declared an interest in agenda item 6a as he had attended a meeting with the residents association with a representative of the developer.

18/01318/FUL: Little Priory, Mill Street

Councillor Payne declared an interest in agenda item 6b as he intended to speak in support the application. He would therefore withdraw from the chamber and not participate in the vote on this application.

3. Declarations of independent site visits

Councillor Oliver visited Oakfield Street, Regent Arcade and Little Priory.

4. Public Questions

There were none.

5. Minutes of last meeting

RESOLVED THAT

The minutes of the meeting held on 20 September were approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

7. 18/01004/FUL Land at North Road West and Grovefield Way

Application Number: **18/01004/FUL**

Location: **Land At North Road West And Grovefield Way Cheltenham**

Proposal: **Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (use Class D1), 1,742 sq.m food retail unit (use Class A1), with associate 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 (resubmission)**

View: **Yes**

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

Letters of Rep: **355** Update Report: **i. Officer update report applicant letter to Members
ii. Applicant representations
iii. Letter of Representation**

JS introduced the application as above, with a recommendation to approve for reasons set out in the report and report update. It is at Committee at the request of Councillor Britter.

Public Speaking:**Mr Martin Zwart, Vice-Chairman of The Reddings Residents Association, in objection**

His key concerns were largely around the proposed A1 use which would generate considerably increased traffic low 7 days a week as opposed to the B1 office development which would likely be confined to operating at capacity 5 days per week. A1 use would result in increased noise and air pollution at the weekends and the evenings and prevent residents being able to spend time in their gardens, open windows, cause issues for children sleeping and inhibit their ability to participate in recreational activities such as cycling. He noted that the 3m high louvered panels designed to screen the roof heating and cooling plant would be extremely unsightly and the 2m deep embankment would only seek to exacerbate these negative effects. The development would be contrary to the JCS with regards to its adverse impact on residents in terms of emissions, noise, odour and visual amenity and non-compliant with the NPPF as a result of its negative effects on noise, air and light pollution. As the development contravenes the national and local policies, he requested that the application either be refused or at the least deferred until proper consultation had taken place.

Paul Fong, local businessman addressed the committee. He endorsed the officer report but wished to raise the following points with Members. He was a local businessman and this proposal affected the development of his business. He expressed concern at the lack of any land and buildings available for business needs in the town and as a result businesses were leaving the town in order to find suitable accommodation. He believed this situation would destroy the economic prosperity of the town. He stated that the original application had been granted in 2007 and nothing had

changed since then despite the JCS being in place. He highlighted that there was extremely limited office space, just 5000 sq.m in total in the town which was insufficient. He acknowledged that strategic sites at West Cheltenham and North West Cheltenham would create space but this was some way off and would require large infrastructure projects. He welcomed the Grovefield Way proposal as it would create 13,000 sq.m office space for local businesses. Businesses needed to expand desperately. His business had been in the town for 25 years and employed 20 people but now it required double the amount of space. He wished to stay in the town and had spent a year looking for suitable accommodation but had found nothing suitable. Without this development, he would sadly have no other option but to leave the town. This development would provide prestigious office space and the proposal was policy compliant. He therefore urged the Committee to support the application to enable local businesses to expand on to this site.

Councillor Britter, in objection

He confirmed that the B1 element of the development is in keeping with 2007 permission and is supported; but there are no exceptional circumstances that would have supported A and D class development in the greenbelt site as there is no local need for them. His key concerns were that retail traffic to the development on the Grovefield Way distributor road would be seven days a week, 7AM to 10PM with up to 282 vehicle movements per hour throughout each day. Whereas B1 use of the site would be five days a week, 7.00am-7.00pm, leaving residents in peace at evenings and weekends. This hybrid proposal is incompatible with a residential area and, is very different in nature from the existing outline permission. Despite requests, he noted that no impact assessment had been carried out on small business in the area, including the playgroup in the adjacent community centre, existing child carers and nurseries, or top up shops; in the locality. Many of whom are within 5 minutes' walk, or drive of the site and may not be viable if this proposal is permitted. He noted that the NPPF states that new developments shouldn't pass on flooding to neighbouring sites and whilst BMW experts said it wouldn't, it has. The experts and LLFA consultee identify a problem with the phase 3 water disposal and suggest a condition, however, it has still not been resolved. Roads in the area are already congested and whilst B1 traffic for the proposed scheme may be neutral because of the existing outline permission, but HGVs, retail and nursery traffic, will make it much worse than B1 alone. He advised that the constant hourly flow of retail traffic will have serious implications for The Reddings and surrounding area, and the implementation of the JCS traffic strategy for the Cyber Park extension to the Park & Ride. He explained that no study had been made and no comments received by the officer's, or Highways. He felt that the Aldi carpark would be too small and 141 cars per hour would not fit into the 104 spaces provided. He queried why the Aldi would be located on the site, where it will have the greatest adverse impact on residents and the greatest risk to users of the nursery. Given the significant evidence of the damaging effect of traffic fumes on young children, he questioned why developers would place a day nursery in the middle of the park which is flanked by Grovefield Way the A40, the M5, the Arle Court roundabout, the Park and Ride, BMW garage and a busy Aldi carpark. Combining the Aldi and nursery car parks will also cause health and safety problems for parents and children trying to find a parking space, then crossing a busy car park. All contrary to good health and safety design and NPPF paragraph 110. Whilst he welcomed the increased landscape proposals, he reported that they did not offer "glimpses" as the inspector intended in 2007. He reported that light spillage and pollution from buildings and carparks would pollute the residential area and the problem would be exacerbated by reducing the hedge screening along North Road West from 5m to 2m. He felt that the proposal offers nothing back to the community and their objections have not been recognised, or addressed by the applicant, or the officer's report. The developer had gone against the clear indications of the Inspector in 2007 and except for omitting Costa, had not listened to, or acted upon the member comments in the planning committee debate in December 2017. The application does not comply with JCS policy

INF1 and SD2, SD14, nor with NPPF paragraph 110 in respect of the Aldi/nursery carpark. The policy case for Aldi on this site is tenuous and there was no policy case for the nursery. Post approval variation applications for BMW has led to significant parking and congestion problems for residents and the Park & Ride. He requested that the application be refused, or at least deferred until after the inspectors hearing in January 2019.

Member debate:

SW: Welcomed the increased office space which was in considerable short supply in the town. However, he shared the Reddings Resident Association's concerns regarding the proposed supermarket and on site nursery. Grovefield Way was currently gridlocked for much of the day, particularly around Arle Court roundabout, and this would only be exasperated by the development. The fact the Aldi traffic would be consistent and not concentrated to working hours was also a key concern. He noted that there had been considerable issues with flooding since the BMW development, as the water course had been filled by the developers of the BMW site. He advised that the road had been resurfaced last year and now needed doing again, an issue which needed addressing by the developers. He advised that he would be supporting if the application were for purely B1 use but disapproves of the scheme in its current form.

PB: Also shared members of the Reddings Residents Association concerns regarding the potential retail use. He acknowledged that unfortunately the local planning authority did not have sole discretion for such developments but were constrained by government policy and the NPPF. He felt it extremely unnecessary to have two supermarkets so close together and noted the lack of support from Gloucestershire Highways and Highways England. He was cautious that any decision they made could be subject to appeal. Defending the current B1 use was key as there was a considerable shortage of office space in the town. He reported that they had lost 3000 sq.ft of office space to residential in the town as developers were more concerned with residential developments. He did not feel however that the luxury apartments and bespoke residential developments catered for the residents of Cheltenham. Office space was becoming increasingly more expensive with rates now as high as £30 per sq.ft. Grovefield had been allocated employment use in the emerging plan, and as such, the land should remain for B1 use. As office use had been granted in 2007 he failed to understand why the developer had put in a controversial hybrid application for retail use. He noted that at EM2 of the Local Plan, changes away from job-generating uses are only allowed in certain circumstances, and he could not see how the development would add value or benefit the local community. The site was the best B1 office space in the whole of the town, largely as a result of its strategic location off the M5. He summarised that the town needed office space, not retail and the development would not create sufficient jobs. Would be refusing on the grounds of lack of B1 use.

MC: Noted that the late amendments contained a lot of information and he had identified a series of issues with the report. Suggested deferring until all the anomalies were in order. He was surprised to see that no highways officers were in attendance given the significant impact on highways. He noted that office space was needed to stop businesses leaving the town and the supermarket was unnecessary. He felt that the developer was seeking to maximise profit at the expense of the community and the environment. There were a number of policies that the scheme was in contravention of that could be used as grounds for refusal, particularly SD4 of the JCS. He disagreed with the officer's comments that there would be negligible impact, given that the area was often heavily congested with traffic. He noted that Arle Court was already at 180% capacity and failed to see how any further developments could be permitted in light of this. He had serious environmental concerns and queried where the last air quality data had been taken from, as it appeared to have been recorded at the south east corner, which is the furthest possible location away from the site. Deliveries to the supermarket

were also a major concern and he feared for people's safety if large arctic lorries were being reversed whilst people were parking in the supermarket. Councillor Collins found it ridiculous that a nursery be located in the centre of a car park considering all the harmful fumes it was also impractical for example if there was an emergency and the nursery needed to be evacuated. He acknowledged the 32 conditions and questioned how many of these were actually enforceable. Following questioning from the Chair, Councillor Collins advised that he wished to hear the other Members comments before formally proposing a deferral.

DS: He explained that the planning committee had spent a lot of time deliberating an application at Grovefield Way for 2 houses, which had subsequently be refused, partly due to the increased traffic, he acknowledged that this application was considerably greater. He queried how the traffic flow would work for those turning right into the site as they would hold up the oncoming traffic.

JP: Shared the previous Members concerns. Whilst he accepted that in some instances the use of Green Belt sites was necessary, he felt that maximum benefit should be gained from such sites. He acknowledged that there was a desperate need for office space in the town and reported that 80% of office space was less than 500sqm which was inadequate for the majority of companies. He advised that in the JCS there had been a requirement to create 15,000 new jobs and they would need to make the necessary provisions to support these jobs. The site was ideal for a business park, particularly considering the good transport links from the M5 and M40. He was pleased to see that the members of the Redding's Residents Association were accepting of the B1 use. He was alarmed that the extant permission for B1 development did not include a condition removing permitted development rights and was concerned that each building on site could be changed to a B8 use which would cause increased traffic and reduce the number of jobs created. In any circumstance, he hoped to see the removal of development rights from the site. Whilst he was not opposed to the nursery, he agreed that it was in the wrong location and should be relocated to a more environmentally friendly site close by.

SC: Shared Members points about the need for office space in the town. He could not understand why a new supermarket was required given that there were already two in close proximity to the site. He believed that the nursery could be a positive asset as it would benefit those working on the site. He also shared concerns about the traffic and feared that increased traffic would deter people from using the park and ride. He felt that even a small increase in traffic could be extremely detrimental and agreed that retail use would prolong the traffic over a greater number of hours.

JS, in response:

- It was an employment led development and that whilst 14% of the site allocation was non B1, the non B1 uses also provided employment. He noted that the preference for B1 was because more jobs were created per sq.m. He advised that A1 retail on average creates 100 jobs per 17,000 sq.m which was the equivalent to 150 office jobs. So, if the whole site were to be purely B1 use, it would only generate an additional 50 jobs. He advised that the site in total was predicted to create 1000 jobs and reminded Members that if they were minded to refuse zero jobs would be created. He reported that the site had been granted B1 use for 11 years.
- With regards to the flooding issue, refusing would actually prolong the problem as developers were currently unable to get on site and rectify the situation.

EP in response:

- If Members were minded to refuse they would need to use the 3 reasons for which the previous applications had been refused as a basis.

- The applicant had made attempts to address concerns by improving the balance of B1 use. She reiterated that non B1 use would still generate employment and that 100% B1 may actually have a greater impact on the highways as the level of traffic during office peak hours would be increased, whilst retail traffic would be spread out throughout the course of the day. The scheme was considered to be a better balance.
- Permission had been granted for the last 10 years, yet it hadn't come forward, this was an opportunity to deliver key office space for the town.
- In response to Councillor Payne, the site had already been taken out of the Green Belt.
- The nursery was a common feature of modern day business parks.

SW: The issue of flooding was as a result of BMW dumping spoil in the water course and so this needed rectifying irrelevant of what happened with the site in question. The reason that the site was taken out of the Green Belt was because there was not enough office space across the town.

PB: Felt it wasn't the Council's fault that the site had not been developed over the last 10 years. Noted that the nature of the jobs would be different for office compared with retail and if the offices were to be 2 storey an increasing number of jobs would be created.

MC: Didn't agree that zero jobs would be created as there was already permission for B1 use. Questioned whether retail jobs were as valuable to the economy as B1 jobs.

SC: Questioned whether officers felt that if the site were a supermarket instead of purely office it would make the traffic better rather than worse.

JS in response:

- In theory, B1 may create better high end jobs but supermarkets would also create managerial and supply chain jobs and mixed jobs were necessary to help the economy grow.
- From the trip generation analysis conducted, they had concluded that the difference in number of trips would be negligible if the site had a supermarket compared with 100% B1 use.

PB: Felt it important to define the exact number of jobs that would be created as 100% B1 use would create considerably more jobs than the officer's had predicted.

MC: Now all Members concerns had been heard he was withdrawing his proposal to defer.

MC: As it had been suggested the committee were bound by the previous reasons for refusal, he questioned what the previous reasons for refusal were.

JS in response:

The application was refused as it was considered to be contrary to policy SD1 of the JCS, policy EM2 of the adopted Local Plan and policy EM3 of the Cheltenham Local Plan.

MC: Queried whether they could, therefore, refuse on those 3 policies if they were minded to.

SM: The previous application had been refused, partly as a result of a coffee shop to the front of the development which the committee believed impacted on the overall appearance of the site. He proceeded to read the previous reasons for refusal. If Members were minded to refuse, the reason for refusal would need to be amended to

omit the section about the visual impact of the coffee shop.

Members agreed that the previous reasons for refusal still applied, although the section about the coffee shop be omitted.

Vote of officer recommendation to permit

4 in support

8 in objection

NOT CARRIED

MC: Proposes refusal on the grounds previously stated as application is considered to be contrary to policy SD1 of the JCS, policy EM2 of the adopted Local Plan and policy EM3 of the Cheltenham Local Plan.

Vote on MC's move to refuse on SD1, EM2 and EM3

9 in support

3 abstentions

REFUSE

8. 18/01318/FUL & LBC Little Priory, Mill Street

Application Number: **18/01318/FUL&LBC**

Location: **Little Priory, Mill Street, Cheltenham**

Proposal: **Blocking up of existing vehicular access and creation of new gated vehicular access within boundary wall**

View: **Yes**

Officer Recommendation: **Refuse**

Committee Decision: **Permit**

Letters of Rep: **2** Update Report: **0**

EP introduced the application and explained that the property was a grade II listed dwelling on Mill Street. It was also located within the Prestbury Conservation Area. The applicant was seeking both planning permission and listed building consent to block up an existing access and create a new, wider vehicular access onto the highway. This address had a similar application for a new access refused in 2015, as it was considered to have a harmful impact on the heritage of the dwelling and highway safety. Refusal on the basis of conservation grounds remained. The application was being brought to planning committee at the request of Councillor John Payne.

Public Speaking:

Susan Blair, applicant

The property was purchased in 2004 and she was well aware of the property's historical and conservation significance. They had invested significantly in the property in terms of its restoration, working closely with the conservation officer. This included replacing the poor extension. She had engaged experts in order to respect the high standards commensurate with the listed status of the property and the conservation area. She informed Members that the existing access to the property was not safe. By changing the location of the access and the size this would be more safe and useable in terms of being

able to drive in forward to the new parking area. It would also be to the benefit of the neighbourhood by removing cars off Mill Street. In addition, it would improve the visual character of the existing boundary wall which had changed over time as this would be repointed with lime mortar replacing the current cement. The access would not be glaringly noticeable from the road and cars would access via sliding gates, similar to those at neighbouring properties. She cared very much about the conservation of the property and making these changes would make it fit for daily use.

Councillor John Payne

Speaking in support of application

He believed it provided a satisfactory solution to enable off street parking but also recognised the considerable efforts the applicant had gone to when extending the grade II listed Little Priory. As Members would have seen on planning view the extension was not only of exemplary design but had been executed with consummate skill. He explained that the application represented the final phase of the development of the application site, i.e. the provision of an entrance. At the start of this development advice was sought from Gloucestershire Highways as to the viability of the new vehicle entrance, subject to a planning application highways had no objections and so the extension to the main house was designed, which included the demolition of the garage. Councillor Payne explained that the first application was refused following objections from Gloucestershire Highways. The applicant had worked with their architect and highways to produce a plan as lay before Members which now had the full support of Gloucestershire Highways.

He then referred to the recommendation to refuse the application based on the concerns expressed by the conservation officer, who was primarily concerned with the loss of historic material, and its impact on the setting of the heritage asset. The Conservation Officer had concluded that the harm would be less than substantial, and in accordance with the NPPF it was necessary to balance the harm against the benefits.

Councillor Payne then outlined the benefits of the proposal:

1. The removal of the unsightly gates, which following the completion of the extension would be redundant.
2. As seen on planning view the street side of the wall was in desperate need of repair and restoration, not to mention the substantial inclination and the inappropriate cement pointing. The proposal included the provision to rebuild the entire length of the wall from the house to the new entrance in traditional style in keeping the extension and by the same craftsman, resulting in an enhancement to the street scene, and in keeping with vernacular style of Mill Street and the Prestbury Conservation Area.
3. The proposal would also allow the applicant to remove their vehicles from the street, where they have been subject to repeated minor damage.

In requesting that this application be brought before the committee he had cited the existence of precedents. He explained that Prestbury and Mill Street had a number of Grade II buildings and houses of historic interest and as a comparison with the application under consideration he explained that the following had been granted without any objection on conservation grounds:

- Home Farm-demolition of stable block and forming an opening in stone wall to

access garden.

- Prior's Piece (next door to the application site) erection of extension and formation of new vehicular entrance (now has electric wooden gates as proposed in the current application)
- Grey Gables in The Burgage created a vehicular entrance off Mill Street to access a car park.

He explained that none of these applications included any element of restoration which was central to the current application. Councillor Payne explained that change was a constant feature even in conservation areas. Practically every historic house in Mill Street had undergone change. They had not diminished the character of Mill Street; in fact many had enhanced its character as he believed this proposal would. He urged Members to take a pragmatic approach in their deliberations in order to bring an end to a journey the applicants have been on for a number of years, a journey fully supported by the Conservation Officer, to extend and enhance the Little Priory. The proposal would provide much needed off street parking, and would restore with traditional materials and craftsmanship a boundary wall, which would demonstrably enhance the street scene. Having declared an interest in the item Councillor Payne then withdrew from the Chamber and therefore did not participate in the debate or vote.

Member debate:

DS: Supported the application; the wall would be rebuilt in the same style, preferably with the same stones displaced from the existing gate. He was reassured that the gates would be electric and therefore remotely controlled. He endorsed the points raised by Councillor Payne.

DB: Supported the application. Having the wall rebuilt would be an enhancement. There would be public benefit in having off street parking.

SW: It became apparent on planning view that the current quality of the wall was appalling. It was badly pointed and did not appear to be safe. Rebuilding and restoring the wall would bring enormous benefit. He believed the conservation officer should have no qualms in reversing his opinion.

DP: Supported the application. The wall was currently listing so rebuilding it would be a great improvement.

SC: From a purist point of view he would support the conservation officer's advice, however, the approach proposed was pragmatic and would vastly improve the situation. He would, therefore, support the application.

MC: This was a sensible application. He acknowledged that a build-up of traffic in the area could be problematic so this proposal would help with parking off street. The applicant had been sensible in her proposal to enhance the area. He was therefore in favour of the application.

PB: He acknowledged the important role of the conservation officer in providing sound advice which was in line with policy. He was surprised that the applicant had taken down the existing garage without the security of knowing that an entrance could be secured via the planning process although the conservation officer was not against the new access.

He suggested that in future Planning View should look at schemes where permission had been granted for something similar as this may be helpful.

SM, in response:

Made reference to Councillor Payne's reference to how the conservation assessment was carried out on this significant heritage asset. The conservation officer had acknowledged that the application would cause harm as knocking down the wall does affect the fabric of the structure. The conservation officer had deemed this harm to be less than substantial and he explained that as part of any assessment this was a balancing exercise as to whether the public benefit associated with the application outweighed the harm. The Head of Planning noted that Members were minded to oppose the conservation officer's recommendation and referred to Councillor Barrell's reason that off street parking represented a benefit associated with the application and thus of wider benefit to the public. He referred to the experience of the conservation officer's experience and the fact that any works to a listed building did affect its fabric as it would be changing it. The conservation officer's assessment was that the proposal would lead to less than substantial harm to the significance of the building and conservation area but he did not believe that the benefits outweighed the harm.

Vote on officer recommendation to refuse

0 in support
10 in objection
1 abstention

NOT CARRIED

PB: Going against officer recommendation for refusal. Being considered as not harmful.

NJ: Conservation Officer had undertaken a balancing exercise. Members should consider the benefit which from the debate appeared to be the provision of off street parking.

DB: The reasons for going against the officer recommendation should be the public benefit of off street parking and also the public benefit of restoring the wall but was not certain what planning grounds could be given in respect of the latter. It was suggested that officers had a look at what other conditions were necessary and that these be considered by the Chair and Vice Chair to see what appropriate conditions could be applied.

SW: Supported the fact that the off street parking and the restoration of the wall was of public benefit

GB: Conditions could be imposed regarding using the original stone for the purposes of the restoration of the wall.

DB: Move to permit on the ground of providing benefit to the area in terms of reduction of off street parking

Vote on DB's move to permit on the ground of providing benefit to the area in terms of reduction of off street parking

10 in support

0 in objection

1 abstention

PERMIT

9. 18/01620/FUL Wellesbourne, Oakfield Street

Application Number:	18/01620/FUL
Location:	Wellesbourne, Oakfield Street
Proposal	Single storey rear extension (part Retrospective)
:	
View:	Yes
Officer	Permit
Recommendation:	
Committee Decision:	Defer
Letters of Rep:	5
Update Report:	

GD introduced the application as above with a recommendation to approve for reasons set out in the report. It is at Committee at the request of Councillor Harman.

Public Speaking:

Miss Vincent, neighbour in objection

She reported that when she had come back off holiday in July, she discovered that the extension had been built. The applicant had not submitted any plans, nor afforded her the opportunity to consider the design before the work commenced. The neighbours to the right had also not been served with a Party Wall Agreement. The objector was shocked by the speed and size of the building which was very invasive. She advised that once the applicant did retrospectively submit plans, they did not reflect what had been built and the extension was 300mm higher and so revised plans had to be submitted. She questioned the applicant's credibility given the fact he had been a Building Contractor for over 20 years. Miss Vincent explained that she had no problem with the applicant wanting to build an extension but had issues with the design; she noted Local Plan policy CP4 which seeks to ensure that new developments do not have an unacceptable impact on neighbouring amenity. Her issue was with the side elevation, which is around 3.5m and has bi-fold doors that face her property.

The side elevation is also less than a metre from the boundary of her property. She felt that the glass being used was irrelevant and that during the summer months the doors will be open, encroaching on her own home. She reported that the recent extensions in the immediate vicinity all have solid wall side elevations. Whilst she accepted that Tivoli is a dense and compacted grid of terraced houses she still felt residents were entitled to reasonable privacy. She urged the Committee to not allow the applicant's plan to be the new blueprint for this special Conservation area and requested that at the very least the committee instruct the applicant to brick up the side elevation as a fair compromise.

MC: Found it difficult to see how the applicant believed the extension to fall under permitted development, particularly given that by trade he was an experienced building contractor. He queried whether officers would have permitted the extension if it had come before them as a new application.

DB: Also very unhappy about the retrospective planning permission. She felt that the extension had an unsightly chunk of roof and was unhappy about the glass side elevation.

PB: Sympathised with the neighbour and agreed that the large opening doors on the side elevation infringed on her property and would be a particular problem during the summer months when they would likely be open. Suggested that the application be deferred and a conversation be had with the applicant, neighbour and officers to find a satisfactory solution for the neighbour.

SC: Also failed to see how the applicant believed the extension to be within the permitted development rights given its size. Agreed that the bi-folding doors to the side would impact upon the neighbour and cause noise disturbance, would have no problem with the development if the bi-folding doors opened out towards the garden.

SW: Failed to see the issue until the Councillors went on the planning view and now sympathised with the neighbour, particularly as the extension was within 1 meter from the boundary. Whilst he did not find the flat roof particularly aesthetically pleasing, he did not see this as a reason to object. Agreed with Councillors Cooke that if the doors were facing on to the garden there would be less of a problem, however, in its current state, he would find it difficult to approve the application.

JP: Agreed that it was a very inconsiderate development and had been alarmed at the depth of the extension which he deemed overpowering and unnecessary. Agreed that deferral may be a sensible to allow all interest parties to come to a sensible solution.

DS: Felt that the extension was too large for the area given that it was 30cm too deep, the side was a meter wider than the house and the height was also unsatisfactory.

KH: Agreed with Councillor Cooke that the problem was exclusively with the side part of the extension. Sympathised with the objector as he noted in areas of such housing density you could often hear your neighbours, which can make living in such areas extremely challenging. He acknowledged that it was not the committee's duty to re-design the scheme but queried whether they could ask the applicant to reconsider the side part of the extension.

GD, in response:

- The applicant believed the extension to be within permitted development and once the enforcement team had become involved and invited an application, works to the extension ceased.
- If the application was to come before officers as a new application they would look to support it.
- Officers had proposed that the applicant remove the doors to the side elevation from the scheme, however, they wished for the committee to determine the application as it currently stands.
- The application was compliant with policy SD4 of the JCS with regards to noise disturbance.
- The extension was 50cm deeper than permitted development but compliant in terms of its height.

PB: Wished to pursue his suggestion of deferral as the development would be more acceptable if something was done with the side elevation.

SM, in response:

- Whilst it was within the committee's gift to defer, they needed to be mindful that they risked the applicant appealing on the grounds of non-determination.

MC: Deferral would be the sensible way forward as would vote to refuse if not deferred. If they permitted the development people would lose faith in the planning system as the correct process had not been followed.

DP: It was clear that the applicant and the objecting neighbour were not on good terms. Did not see the benefit of deferral. It was clear given the applicants jobs that he knew the development was not within permitted rights.

Vote on proposal to defer:

6 in support
5 in objection
2 abstention

Deferred**10. 18/01630/FUL Unit 30, Regent Arcade**

Application Number: **18/01630/FUL**

Location: **Regent Arcade**

Proposal: **Alterations to, and conversion of, Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor retail unit (Class A1), and 1no. basement leisure operation unit (Class D2). Demolition of existing rooftop conservatory and erection of 1no. two storey rooftop restaurant (Class A3) with a new street level entrance from Regent Street. Installation of rooftop plant. New repurposed entrance to the car park with vertical access and new passenger lift. Alterations to the Ormond Place entrance together with works to the public realm along part of Regent Street and Ormond Place to include resurfacing works and raising the carriageway to provide a shared surface for vehicles and pedestrians and installation of associated street furniture.**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **4** Update Report: **Officer Update Report**

MP introduced the application as above. It is at the committee as the request of Councillor Sudbury and the recommendation is to permit.

Public Speaking:**Mr Bell, Architect, in support**

Provided an overview of the proposed development on behalf of the Regent Arcade Trust and landlords of the shopping centre. He advised that the property had been vacant since July 2016 following the demise of BHS. He acknowledged the problems being experienced by traditional High Street retailers and the strategic shift in the shopping habits of potential customers. Thus, he explained that Town centres needed to develop a broader mix of uses to continue to be attractive to customers. The proposal

comprises three elements, namely the sub-division of the BHS premises, a new entrance feature to Regent Arcade and a new public realm design to improve pedestrian access along Ormond Place and Regent Street. The division of Unit 30 would provide 3 restaurants facing Regent Street, a part ground floors and basement 6 screen cinema and a rooftop restaurant together with a circa 80000 sq ft A1 retail unit within Regent Arcade shopping mall. The elevation facing Regent Street would provide an attractive, open and lively façade with external seating and planting on the pavement. He explained that the new Ormond Place entrance would have a stone portico framing a double height glazed window feature. This would provide a focal point from the Promenade and improve customer flow to the existing Ormond Place and Regent Street retailers. The new public realm works would also provide a pedestrian level access from the Promenade to Ormond Place which would vastly improve accessibility. Mr Bell advised that they had worked closely with Cheltenham planners and Gloucester Highways in developing the application and confirmed that they agreed with all the proposed conditions, except for Condition 7 which referred to opening hours. He explained that restricting closing hours to 11:00pm would inhibit his client's ability to attract tenants to the newly created unit, and prevent legal tenancy agreements being completed. This would be particularly evident in the case of the cinema who may wish to do late screenings. He, therefore, requested that consideration be given to removing the restriction and instead require the applicant to obtain permission for specific opening hours on a unit by unit basis. The proposal, if approved, would enhance the townscape of Cheltenham, add to its vitality and provide an estimated 200 full and part-time jobs.

Councillor Sudbury, in support

She confirmed that she had asked for the application to come before the committee as it had been requested by a member of the public. She explained that she welcomed the development to the Regent Arcade which she believed would give a new lease of life to the currently vacant space. The new cinema, in particular, would diversify the leisure offer. She hoped that the licensing decision to renew the Flower man's licence would not affect the developers desire to occupy the space. She requested that a condition be applied which states that all public realm improvements must be completed before the new businesses open to the public.

GB: Had been approached by the applicant to attend a meeting, however, had declined due to his role on the committee. Reminded the committee that the officer's recommendation was to permit.

MC: Advised that at a recent meeting of the licensing sub-committee they had granted the Flower Man the right to stay at his current location on Ormond Place. Similarly, Aqua Vitae had been granted permission to place table and chairs on the highway outside their premises during the day. He queried what the implications of the two licensing decisions were on planning?

GB: Welcomed the development as the wall down the side of Regent Arcade was unsightly. He queried how wide the pavement was as he believed it to be narrower than that shown on the artist impressions.

DP: Thanked Regent Arcade for the welcome development which was contributing to the Council's place making strategy. He hoped a compromise was reached on condition 7 in relation to opening hours as he believed the restaurant/cinema offer were a valuable contribution to the night time economy.

DS: Queried whether the construction and demolition period of the development would impact on the customers of Aqua Vitae who had recently been granted permission to put table and chairs in the area immediately outside the Regent Arcade.

SC: Hoped that if the widening of the pavement was to take away cycling provisions more would be reinstated elsewhere.

MP in response:

- Licensing was a separate entity and as set out in the update report the location of seating and planters had not yet been finalised.
- The applicant could apply to vary the opening hours condition in the future once the end users are known
- Whilst part of the entrance to the Arcade may need to be closed during the construction and demolition process it is likely there would still be a route through.
- The width of pavement not obstructed by tables and chairs would be 2.1 metres.
- The same numbers of cycling spaces were being proposed.

DP: Noted that the applicants were still unhappy with condition 7 and requested that this condition be deferred for further discussion between the Arcade and officers.

SM in response:

- Suggested that the wording of condition 7 be amended to say that the pre-occupation condition would be agreed and dealt with by officers.

Vote on officer recommendation to amend the condition

12 in support – unanimous

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

11. 18/01770/FUL & LBC St Mary's Mission, High Street

Application Number:	18/01770/FUL
Location:	St Mary's Mission, High Street
Proposal:	Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden
View:	Yes
Officer Recommendation:	Permit & Grant
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	

EP introduced the application as above. The application is at planning committee as Cheltenham Borough Council is the applicant and the recommendation is to permit.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

12. Any other items the Chairman determines urgent and requires a decision

Chairman

The meeting concluded at 9.00 pm