

# DRAFT MINUTES

---

## Planning Committee

20<sup>th</sup> December 2018

### Present:

#### Members (14)

Councillors Barnes, Chair (GB); Baker, Vice-Chair (PB); Barrell (DB); Collins (MC); Cooke (SC); Fisher (BF); Hegenbarth (AH); Hobley (KH); McCloskey (PM); Oliver (TO); Seacome (DS)

**Substitutes:** Councillor Malcolm Stennett (MS)  
Councillor Klara Sudbury (KS)  
Councillor Roger Whyborn (RW)

#### Officers

Gary Dickens, Planning Officer (GD)  
Michelle Payne, Senior Planning Officer (MP)  
Emma Pickernell, Senior Planning Officer (EP)  
Joe Seymour, Senior Planning Officer (JS)  
Chris Chavasse, Senior Trees Officer (CC)  
Simeon Manley, Head of Planning (SM)  
Nick Jonathan, Legal Officer (NJ)

#### 1. Apologies

Councillors Atherstone , Payne and Wheeler. Councillor Flynn was absent

#### 2. Declarations of interest

There were none.

#### 3. Declarations of independent site visits

Councillor McCloskey was not on Planning View, but made independent visits to

- **18/02137/FUL** 3 Harvest Street and
- **18/02186/FUL** 245 Prestbury Road

Has visited all other sites on previous occasions (apart from 17/01812/FUL 42 Riverview Way)

Councillor Sudbury apologised for not being present at Planning View; has visited

- **18/02097/FUL** 252 Bath Road and
- **18/01973/FUL** Dowty House

on previous occasions.

#### 4. Public Questions

There were none.

# DRAFT MINUTES

---

## 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22<sup>nd</sup> November 2018 be approved and signed as a correct record *with the following amendment:*

### Page 16, 18/01940/FUL Garages rear of Mercian Court, Park Place

**DB:** Also questions the situation re. parking privacy, and ~~how secure~~ whether the windows are obscured at the top. Is concerned about Mercian Court, on the other side of the houses; the proposed building is very close to its windows...

## 6. Planning applications

At the request of Councillor Clucas, the Chairman agreed to consider Item 4, 18/01812/FUL 42 Riverview Way first.

Application Number:	<b>18/01812/CONDIT</b>		
Location:	<b>42 Riverview Way, Cheltenham</b>		
Proposal:	<b>Variation of Condition 1 on planning permission 16/02257/FUL. Extend the temporary permission to December 2019</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>1</b>	Update Report:	<b>None</b>

### Officer Introduction:

**GD** introduced the application, for an extension of the extant planning permission granted in 2016 for a temporary metal storage shed until 31<sup>st</sup> December 2018. The applicant would like to extend the permission by 12 months. The application is at Committee at the request of Councillor Clucas. The recommendation is to permit.

### Public Speaking:

#### Mr Swanton, applicant, in support

42 Riverview Way is a mid-terrace property with no external access to the rear garden, making it impossible to have any significant storage capacity in that area, as the only access is through the house. This makes it critical to have some sort of accessible storage to the front of the house, but the front garden area is not an option as the Riverview square is open plan. The shed is built on an existing concrete base laid down during the original estate development; all the houses at the end of Riverview have single garage concrete bases to the rear or side of the properties. Some owners have constructed garages, some have not. The concrete bases for Nos. 40 and 42 are one shared platform alongside the garden of No. 38, and it is unsurprising that the owner of No. 42 wants to place a building on the existing concrete base. Chose a purpose-designed steel security shed as security is the most important factor, following a number of thefts from the property. The shed is sectional, and can be removed on departure for use at a future property. The low roofline and green finish are intended to minimise local impact; neighbours have garden sheds, one of which is taller, immediately adjacent to one side and to the rear of the metal shed. In response to Parish Council comments, the 'temporary' reference in the original application refers to the applicant's intention to relocate, not to any short-term need for extra storage. Has permanent need to store tools and equipment. No further extension will be required beyond the end of 2019. The neighbour has referred to noise from the shed,

# DRAFT MINUTES

---

but this was only during construction; ongoing noise is negligible – the shed is not a workshop, has no power, and simply provides essential secure storage.

## **Councillor Clucas, in objection**

Asked for this application to come to Committee as there are a number of things to be clarified. An existing concrete base has been used to build this structure upon; the structure itself is steel. Is not aware that the look of the structure is a matter of debate or discussion. The two main issues are as follows: firstly, the metal nature of this particular structure is causing considerable distress to those nearby by; it is particularly noisy and causing real distress. Secondly, the applicant previously stated that a further period of planning permission would not be required, but the consistent matter of temporary permissions being applied for and becoming permanent is also causing great concern. Would like recognition of noise nuisance, and also recognition that temporary permission can become permanent if it is renewed year by year. Realises we cannot say no to planning consent – but should be much more strict.

## **Member debate:**

**MC:** the applicant said he wouldn't be seeking to extend this application. How many times can a temporary planning permission be extended? He may need to extend again. Is it appropriate to keep applying for temporary planning permission? The applicant explained the reasons for the original application, but what equals temporary, and how many times can it be extended?

**PM:** is intrigued that the estate was built with concrete bases – they must be there for a purpose. If the original application had been for a permanent structure, rather than a temporary one, would it have been permitted?

**RW:** the main objections are on noise grounds. If it was a wooden shed rather than a metal one, would it be reasonable to suppose such a shed would get permanent permission? If the shed was to be replaced by a wooden one, would planning permission be needed to make the change? The shape and size of the shed is governed by the foundation; are the materials relevant?

**PB:** on Planning View, wondered what Members were doing looking at this proposal – it is a very smart shed. Only now, after re-reading the neighbour's objections, realises that noise is the issue. Is it possible to include a condition on the hours of use of the shed, or restrict its use for noisy purposes out of daytime hours? The applicant makes a strong case, but the neighbour has a strong case too.

**BF:** following on from MC's comments, has known cases in which one temporary planning permission is extended with another and another, and in a certain time the temporary permission becomes a permanent one without any reference back. It becomes a permanent planning permission by degrees, and this is not right. Understands the need for storage, but metal buildings are noisy by nature. If storage is needed on a permanent basis, why not build a permanent structure of brick, block or timber?

## **GD, in response:**

- To MC and BF, regarding the number of times a temporary permission can be extended, it is rarely justified to grant a second temporary permission – it is more normal for a temporary permission to become a permanent one;
- The original application was for two years, and there was no presumption that the temporary permission would become permanent. However, if an application was made for a permanent structure in this location, officers would support it;

# DRAFT MINUTES

---

- To RW, the size and nature of the shed would normally be classed as permitted development, but there are no permitted development rights in Riverview Way. In addition, the shed is outside the curtilage of the property;
- To PB, regarding restricted hours of use, this would have to be justified as reasonable or necessary, and such a condition would fail on that – it would not be considered so in this instance;
- To PM, is not sure of the original purpose of the concrete base.

**SC:** is puzzled. The applicant said noise only arose when the shed was constructed, so why does the neighbour consider it to be so noisy? It isn't a workshop. If noise is the only issue, could a condition be included to ensure that the shed is only used as a storage facility and not as a workshop? This would be OK.

**RW:** to clarify SC's point, if the metal storage shed was a commercial building, could imagine noise would arise in that situation, every time the door was opened and closed, at any time of day or night. Could any sound-proofing be installed?

**KS:** if the application was for a permanent structure, officers say they would support it. Is curious about what is being sought here. This is an expensive structure. It is difficult to refuse, but is concerned as to how a shed could give rise to noise nuisance. Is very torn – it is a nice-looking structure, of great use to the applicant – how can it be such a noise nuisance as Councillor Clucas has said it is? Have there been any complaints to CBC about the noise, the hours of noise etc?

**GD, in response:**

- On the noise issue, the structure is metal, and could be erected in any garden with PD rights, without any requirement for planning permission. The noise would be the same in that instance; the shed only needs planning permission here because there are no PD rights;
- If the shed was to be converted into a workshop, it would need planning permission, but it is only intended for storage use, and noise is only likely to occur as and when it is accessed. It is not possible to control when this takes place.

**NJ, in response:**

- Noise issues are separate to planning, and a statutory enforcement issue. It does not come under the auspices of planning.

**Vote on officer recommendation to permit**

11 in support

1 in objection

1 abstention

**PERMIT**

Application Number: **18/02097/FUL**

Location: **252 Bath Road, Cheltenham**

Proposal: **Mixed use development comprising 8 flats (Class C3) on upper floors and a retail unit for flexible use as shop (Class A1) / restaurant, cafe (Class A3) on the ground floor.**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **61** Update Report: **(i) Additional consultation (circulated by email 19.12.18)**

# DRAFT MINUTES

---

<b>(ii) Street scene, provided by speaker</b>
---

## **Officer introduction:**

**JS** introduced the application for the demolition of the building at 252 Bath Road, and erection of a three-storey building, with an A1/A3 communal unit at ground floor, and eight flats above. It is at Committee at the request of Councillor Sudbury, and the officer recommendation is to permit.

## **Public Speaking:**

### **Mr Scarborough, local resident, in objection**

Accepts that there is room for development here, but objects to the three-storey building, the majority of which is in Langdon Road. Little attention has been paid to the aspect, size and scale, as with the previous applications. The increased footprint and three-storey building make no attempt to respect the boundary transition, building right up to Langdon Road. The Design and Access statement refers to the new building. The Design and Access statement says that the new building 'tapers' but this is hard to detect. The developer says there are other three-storey buildings close by – there are, but these quickly drop to two storeys on turning the corner into the residential street. This proposal fails to marry Bath Road to Langdon Road – it is like a punch on the nose; there is no transition from the three-storey commercial to the residential. The JCS requires particular attention to be paid to the character of the locality – its spatial quality, rhythms, density, scale, style and materials. The developer says describes the proposal as 'contemporary', and uses this to reject all guidelines, and as an excuse to ignore all the surrounding buildings – the proposal is out of rhythm, out of scale, right to the small boundary wall, in front of building line, and featuring metal and glass balustrades. There is special protection for conservation areas, to ensure future development appropriate to the area – this is not. The NPPF requires development to contribute to local character and distinctiveness – this does not. It also says permission should be refused if the proposed development fails to improve the character and quality of an area - this does not.

### **Mr Campbell, agent, in support**

This application is a resubmission, after refusal of the previous scheme in May. That proposal was refused on design grounds and the impact of the building on properties in Francis Street; this scheme resolves those issues. After the refusal of the previous proposal, the applicant sought advice from the conservation team, resulting in a better, more appropriate design. Gloucestershire Design Review considers this proposal to be a significant improvement on original, supporting their report with comments, which were actioned. There are significant differences between this and the previous schemes. The officer recommendation is to approve, the highways and conservation officers consider it OK, and it is supported by the Architects' Panel. Removal of the coach house means there is no loss of amenity in Francis Street. Local residents continue to be concerned about parking, but there is no highways objection, and the original scheme not refused on that basis. Cheltenham currently has no five-year housing land supply; this is sustainable development, providing eight dwellings. The applicant has made every effort to change and improve the proposal, and is now presenting a scheme which provides redevelopment of brownfield site, housing, and ground floor retail. Hopes that this will overcome any doubts, and that Members will now support the officer recommendation.

### **Councillor Sudbury**

This is an important application, and would reiterate, as in May, that there is no objection here in principle – the site needs to be developed. If the scheme was exciting, would be happy to support it, but this falls short. In May, stated how welcome it is when applicants meet objectors and listen to their concerns. This has not happened here, which is disappointing – there has been no engagement with the community. The local residents are not NIMBYs, but proactive people who want to be engaged – but this has not taken place. Welcomes the removal of the coach house, but we have to expect more

# DRAFT MINUTES

---

than that – for a corner plot in a conservation area, is this the best we can do? Someone mentioned ‘objector fatigue’, but we shouldn’t just accept this scheme; it’s better, but could still go further.

A key aspect is Langdon Road; this would benefit from a significant gap between No. 2 and the development entrance, giving a clear signal that the Langdon Road houses are historic and the development is not. The proposed building is so close, it emphasises the difference. It looks fake, and the three storeys are over-development. The fenestration could be better handled; the grain of the area is for sash windows, and those proposed are disharmonious.

Has concern for the tree canopy. This proposal is dealing with that part of the site better than it was, but is worried about a sitting area under a large tree.

Has real concern about the hours of operation for the commercial unit on the ground floor; it could be a knitting shop, but could also be a café, with many deliveries on a busy junction. Realises the previous proposal wasn’t refused on traffic grounds, but this is a difficult location. When the end user is known, can an outline application be required, to provide more detail.

This scheme is better than the previous one, but is it good enough?

**Councillor Sudbury left the Chamber at this point, for the duration of this debate**

## **Member debate:**

**MS:** can officers confirm on the block plan the lay-out of the parking within the site and where bin stores will be located? Shares Councillor Sudbury’s concern about the retail element; deliveries will be needed, which could block off Langdon Road. Residents are concerned about the lay-out and bin stores, and also the size of the entrance – highways officers have stated that visibility splays will be needed.

## **JS, in response:**

- There will be eight car-parking spaces to the rear of the site, and the bin store is on the right side. Regarding the visibility splays, the drawing shows a car coming out of the site diagonally, which has not quite reached the edge of the site. It needs visibility left and right at this point, which is why highways officers require a condition to ensure this;
- There is existing retail use on the ground floor, which needs deliveries. The question is how much more will be needed. The proposed unit is 50m larger than the existing, although the current market does have outdoor storage space.

**MS:** so if one car is leaving and one entering the site at the same time, there won’t be any blockage?

## **JS, in response:**

- The Architects’ Panel asked why such a large gap was required – it is for that reason.

**PB:** MS referred to deliveries, and loading and unloading – will this be on the Bath Road side or the Langdon Road side?

## **JS, in response:**

- There is a small parking bay fronting Bath Road. Vans should not be loading from Langdon Road.

**PB:** the site already has intensive commercial use, and this proposal is a massive improvement on the previous scheme – demonstrating the benefit of Planning Committee refusing a proposal and

# DRAFT MINUTES

---

ending up with something better. KS considers the current proposal is 'not good enough' but it is a massive improvement. The coach house has gone, and the previous design was appalling, This is much better, a superior proposal which has taken on the comments of the Architects' Panel and other experts. Is annoyed when applicants speak to Members as if they were simple, in this case referring to the Council's lack of five-year housing land supply – Members know that! The proposed hours of operation - 7.00am to 11.00pm – are far more than the current use. Would like to considerably limit these proposed hours – a 7.00am start would mean people/deliveries arriving from 6.00am; 8.00am would be better. And 11.00pm at night is also excessive, as the noise will continue after that time.

**SC:** knows the location well, and enjoyed the flower market which used to occupy the site, but realises that we have to move forward. With the last proposal, there was concern about the tree, and the design forcing people onto the road on this busy corner, but this is OK now. The buildings to the back, impacting on Francis Street, have been removed and the frontage to Langdon Road is better, though still not elegant. Is surprised that there are no lifts in the three-storey flats, which will preclude families with prams etc., but considers this scheme a huge improvement overall, providing housing in a good location, with all objections addressed. Will support the scheme.

**BF:** there are a lot of issues with sustainable development here, and another coffee shop is the last thing Bath Road needs. Still has a big concern with the design; it looks totally different to other properties in the area, and doesn't fit in. The public speaker is correct to say it doesn't blend in. It is different, modern, and doesn't respect the area. The scheme provides eight car-parking spaces, but these are all close to someone's garden, and will cause nuisance with engines running, fumes etc. The main issue, however, is the commercial aspect. If the ground floor is used as a convenience store, the logistics will be a nightmare. Uses Bath Road regularly, and has seen the mayhem caused by 30-tonne lorries delivering to the Co-op, with traffic backing up the main road and the side streets. Parking is permitted on both sides of Langdon Road, and commercial vehicles already struggle to get up and down. Bins will need to be brought out to the front for bin lorries to collect them, which will further constrain the road. This is a new design, the coach house has gone which is good, but overall it is no better than before. Is not keen.

**PM:** is delighted to see a condition for an electric vehicle charging point; was not aware that these are now being included. KS said that having a seating area under the tree could be dangerous, but there are plenty of cafes under trees in the Prom – is therefore not worried about this. Is concerned about the opening hours, however, knowing the nightmare situation at Sainsbury's in Cirencester Road, where deliveries and opening times cause disturbance to local people, including newspaper deliveries at 4.00am. Would like to have more control over the options for the commercial unit – the potential use needs to be addressed, to balance the needs of the business and the residents. Is not so concerned about parking, and it is not for the developer to solve the parking problems of the area. This proposal won't make it any worse.

**MC:** agrees that this proposal is an improvement on last time, but still has concerns. It is very close to adjoining properties, very close to the pavement, and could well be overbearing. Regarding the commercial use/deliveries/traffic, how much influence can Planning Committee have on future applications, or restrictions of use etc. The application has no sympathy with the additional traffic it will create; Bath Road is already a nightmare. Regarding the hours of commercial use, there is a pub opposite, take-aways and cafes nearby – how much influence can Planning Committee have on what goes on there?

**RW:** a number of members have commented on the improvement in the scheme since last time; cannot comment on this but can only consider whether what is proposed is good enough to meet design requirements for planning permission to be granted. Cannot see any of the problems raised by

# DRAFT MINUTES

---

Members or neighbours, from the design point of view, and therefore has no reason to reject the proposal. Can see there may be issues regarding the type of business that might take place, and the potential issues with loading or unloading late at night in this residential area. Would support a condition to limit hours to 8.00am to 9.00pm, for example? It would be horrendous on this roundabout, a gateway to Cheltenham, to have a massive food lorry parked here for delivery.

**JS, in response:**

- There has been a lot of discussion about deliveries and opening hours. The hours set out in the report have been recommended by an environmental health officer, taking into account the commercial nature of the area, with many night-time users. However, Members can look to change these hours if they are not happy and would like to further restrict the times;
- The current use is commercial, and Members need to look at the change from what exists to what is proposed. The existing use is A1, and the proposed use is A1/A3. Do Members want a further condition to control this?
- BF commented that there is no need for another café in Bath Road, but it is for the market to decide that. A café would be an acceptable use in a commercial area;
- Regarding parking spaces to the rear of the site, and the noise this will create, Langdon Road is a two-way street, with cars parked on both sides. Parking cars to the rear of the development will be no worse than the existing parking close to adjacent residential properties;
- To PM, Highways now include a standard condition re. electric vehicle charging points;
- To MC's question about whether use of the ground floor can be restricted, A1/A3 use has been specifically applied for by this applicant; any future changes away from this would require planning permission;
- Regarding the bin store, this is situated on the right side of the site, through the archway. And to comments about the collection of refuse, bin lorries already collect from this location so there will be no change here.

**BF:** A1 use covers convenience stores – this could be a Co-op, mini Sainsbury's or Tesco. There is chaos when the Bath Road Co-op gets deliveries, and at the Leckhampton Road Co-op on the roundabout – this is a main road into Cheltenham. A1 use as a convenience would not be good, and the council will have no control if this proposal is approved tonight. Cannot see how deliveries would be made without bringing traffic to a stop, and delivery lorries cannot use Langdon Road. It makes no commercial sense - if lorries can't get into the unloading bay, they will probably wait in Langdon Road. Continues to have concerns about the A1/A3 use, and about the design. If approved and a small supermarket takes the retail space, this will not be good for the area; we need something that will complement the area. Bath Road Market trades there now, but does not receive daily deliveries; A1 use could result in a very big shop with lots of deliveries, and with the roundabout and other barriers, and small lay-by, lorries cannot stop without blocking the road.

**SC:** BF is right about the big lorries – these are an issue, and cause problems at the Co-op in Leckhampton Road. At the moment, presumes that delivery lorries use the layby – is it possible to stipulate that delivery lorries must use the lay-by to the front, thereby limiting what goes into the retail space?

**JS, in response:**

- To BF's concerns that a small supermarket could take the retail space, the site already has A1 use and could operate as a supermarket from the existing building as it is today. The proposal is to include A3, but is materially no different. This is not a strong argument;
- Members have referred to commercial bin lorries. Bin lorries already need to collect domestic refuse from Langdon Road, and the fact that they will need to stop to access the communal bin

# DRAFT MINUTES

---

store in the new development, and may cause a temporary obstruction, will make no difference to the current situation;

- To SC, the lay-by on the Bath Road side is outside the application site, and we cannot therefore condition its use.

**RW:** regarding the concern over A1 use, the site is already in A1 use, but it was suggested earlier that there should be limited hours of opening and deliveries, the primary reason being that the site is immediately adjacent to residential properties. If a condition can be attached limiting the opening hours and delivery times, it is unlikely anyone would run an open-all-hours-type shop on the site.

**GB:** PB first mooted concerns about delivery and opening hours. Does he want to suggest a condition?

**PB:** having listened to the debate, it is very difficult to justify, as the site has existing retail use, and Sainsbury's and the Co-op in Bath Road already open to the proposed hours. If a limit is put on the hours of opening and delivery on this site, it will challenge and potentially rule out any commercial element on the site. Must assume that anyone who buys a house in this area knows there will be some disturbance from commercial business. Will therefore reluctantly support the proposal as it stands, if officers can confirm that deliveries will be made through the front of the retail unit.

**JS, in response:**

- Confirmed that they will.

**GB:** as there are no other amendments or suggestions, will move to the vote.

**Vote on officer recommendation to permit**

11 in support

1 in objection

**PERMIT**

Application Number: **18/02215/FUL**

Location: **Playing field adjacent to 10 Stone Crescent**

Proposal: **Construction of 13 dwellings and ancillary works**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **9** Update Report: **(i) additional consultations (circulated by email, 19.12.18)**

**(ii) email from neighbour unable to attend meeting to speak in objection**

**Officer introduction:**

JS introduced the application for 13 dwellings on land adjacent to Stone Crescent, which is at Committee at the request of Councillor Holliday. The officer recommendation is to permit, subject to an S106 agreement.

**Public Speaking:**

**Mr McCreadie, agent, in support**

# DRAFT MINUTES

---

Speaks as a chartered surveyor, specialising in residential development, and thanks Members for the opportunity to speak on this development for 13 residential units including five affordable, on a former part of the Rowanfield School site. Since the previous refusal, has been working with planning officers to meet all policy requirements, and has produced a scheme which is now recommended for approval. New Dawn Homes bought the land from the county council in 2014, with planning permission in place. It is an allocated site in a sustainable location, and will provide much-needed 2-5-bedroomed modern houses, similar to those built in Village Road, featuring yellow brick and wooden windows. Local residents are concerned about the lack of parking, but 2.3 parking spaces will be provided for each home, with 3-4 spaces on plot for the larger homes, in addition to 10 additional on-road spaces for visitor parking. Rowanfield School already brings additional traffic to the area, and this proposal will not make it worse. There will be room on the road for refuse lorries, and a 2-metre footpath for pedestrians. The scheme will provide quality homes in Cheltenham, from an award-winning company – New Dawn Homes was highly-recommended as a small house-builder by LHBC. S106 contributions will be made for local schools, and hopes therefore that Members will support and permit this much-needed housing development.

## **Councillor Holliday, on behalf of local residents**

There have been numerous concerns from local residents. These include concern with highway safety, the increase in traffic, and flooding (now resolved). Although the principle of development of the site was established in 2014, when it was allocated for residential use in the emerging local plan, any development needs to be right for the site. New Dawn Homes sowed seeds of mistrust early on by not communicating with local residents despite saying that they had; they produced photographs which misrepresented the reality of parked vehicles in Stone Crescent; and then compounded the damage by removing a number of trees without any warning. Residents' concerns about these issues are documented in the agenda papers. Alstone Lane into Wharfdale Square is a narrow access; at school times and when visitors are parking there, it is even narrower, giving rise to the question as to how emergency vehicles would be able to get through. When did Members visit the site? At school pick-up times, there is parking chaos, littering the estate with vehicles; at weekends and evenings, residents' cars are often parked in the turning circle. There is great concern about the impact of the proposal on the existing roads, particularly during the building phase – pedestrian safety and the safety of children in Wharfdale Square is particularly worrying. There are rumours that the communal area in Wharfdale Square may be sacrificed for additional parking; this must remain a green space. As ward councillor, urges Members to refuse this application.

**GB:** reminded Members that they have received a letter and photographic evidence from a neighbour who cannot attend the meeting to speak tonight.

## **Member debate:**

**PB:** this is an on-going scheme which he has visited several times, and feels it is a scheme which he can support. It has many positives, not least the five affordable homes and £50k contribution to education. It is a scheme which builds houses for people to live in – a good thing. Realises there are issues with the proposal; New Dawn Homes needs to look at the way it conducts itself – it has been cavalier in the way it has dealt with residents and with the Council. The trees issue highlights this approach – they have been cut down in a very cavalier fashion - New Dawn Homes needs to get its act together going forward. Regarding flooding, has the flood scheme been signed off by the LLFA? If so, why has the report not been circulated?

**MS:** notes the Civic Society's comment about access to the recreation area behind the site. Is that a public open space or a private one? If public, can local residents access the site at present?

## **JS, in response:**

# DRAFT MINUTES

---

- Confirmed that this is King George V playing field – a public space;
- There is currently no direct local access to the field from the site.

**MS:** this is disappointing. The new houses at the back will probably want to put gates in their back gardens. Feels it would be churlish not to include a public footpath through the estate to the playing field. Regarding the design, agrees with comments from PB – the houses are necessary and the layout is acceptable.

**JS, in response:**

- One of the refusal reasons on the previous application was the lack of a sustainable drainage scheme. The applicant had to revisit this, and the LLFA is now happy with it – a benefit of the previous refusal;
- Regarding the tree issue – some trees have been removed before the application was submitted. A management/protection plan going forward, from the construction stage, will be included;
- the conduct of New Dawn Homes is not a planning issue;
- To MS, takes his point about the lack of a footpath, but this is the status quo at present. It is regrettable but not a major issue on which to refuse the application.

**PB:** his point was that if there is an improved flood risk assessment and drainage scheme, why is this not included in the papers? Also, is the highway going to be adopted?

**JS, in response:**

- The road will be adopted, apart from a section at the end of the cul-de-sac;
- Regarding the FRA, this wouldn't naturally be included in the papers; it is a report, and can be viewed in the documents part of the planning file, together with other reports and statements not included in the agenda. All are available for separate viewing.

**SC:** a lot of objections relate to the increase in cars and traffic. It is extremely disappointing that there is no connection to the green open space. As the council is encouraging walking, cycling etc, this would be useful. Is it possible to stipulate an entrance to the field as a condition?

**MC:** is delighted with this proposal for 13 houses, including five affordable – these are much needed. There is clearly history to this, but is so sad that the houses are being built on a playing field, and will add to the traffic issues caused by the school. However, society dictates – many children are driven to school, and this is a sad indictment with the loss of the playing fields and worsening of the traffic situation. Will support the proposal, on balance, welcoming the five affordable units, but remains disappointed with the way this has been arrived at.

**JS, in response:**

- To create access to a site in other ownership would be an issue. It could be explored more, but as the playing field is not in the applicant's ownership, it would not be straightforward. The application is as it is, for determination tonight – although there is nothing to stop an access being added in later.

**Vote on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

# DRAFT MINUTES

---

Application Number:	<b>18/01973/FUL</b>		
Location:	<b>Dowty House Residential Home, St Margaret's Road, Cheltenham</b>		
Proposal:	<b>Conversion and extension of building to create 28no. apartments (5no. one bed and 23no. two bed) following demolition of existing rear extensions</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>22</b>	Update Report:	<b>None</b>

## **Officer introduction:**

**MP** introduced the application as above. The building is locally indexed, prominent in the conservation area, and has most recently been used as a care home. It is at Committee at the request of Councillor Hobley, due to residents' concerns. The Architects' Panel is not supportive. With S106 contributions towards affordable homes and replacement tree planting, the recommendation is to permit.

## **Public Speaking:**

### **Mr Mark Godson, agent, in support**

SF Planning was pleased to be approached regarding this site by a local developer with a track record for delivering high-quality development, a convincing architect, and recognition of the importance of Dowty House – the aim being to re-integrate it into the surroundings rather than further isolate it. Is grateful for constructive feedback during the process, with key amendments requested by the Civic Society and Architects' Panel. These include a reduction in scale and massing on norther edge of the development, and separation of the development from Dowty House on Monson Avenue, thus restoring the original rear elevation compared to the existing ugly arrangement. The development ensures Dowty House will be enhanced, refurbished and maintained for many years. It meets all the council's criteria re amenity standards set out in Policy CP5, with generous landscaped courtyard. In consultation with the tree officer, a robust and detailed assessment was made before proposing the removal of a tree on Monson Avenue – which has enable a much better layout and design, and facilitated a large contribution to replacement tree planting in the borough. The proposal also provides an affordable housing contribution, as explained in the officer report.

Recognises that some local residents are concerned regarding parking provision, and although County Highways have approved the proposals as they stand, the applicant is keen to provide realistic options for residents, through provision of bikes and secure bike storage, bus passes, and sustainable transport vouchers – this can all be secured through a suitably-worded condition to secure a travel plan. They have also confirmed with NCP Car Parks the availability of season passes for future residents which could be provided through the travel plan if deemed necessary.

The proposal has been amended in response to constructive advice, designed to enhance the conservation area whilst making effective and efficient use of the previously developed land. It will be delivered by a local developer and architect who have demonstrated good will and understanding, and are both known for very high-quality schemes.

### **Councillor Hobley, on behalf of local residents**

It is clear that a lot of local residents support redevelopment of the site in some form. Dowty House is an important and attractive historic building for all of Cheltenham, and it is absolutely vital that a future use is found for the building and the site to protect the fabric for years to come – it is too important to be allowed to fall into disrepair. Supports the redevelopment as do most residents, and is comfortable with the site being used for residential purposes. Has no objection to the architectural style, materials, and design concept. This firm has made excellent contributions to Cheltenham; likes the modern

# DRAFT MINUTES

---

architecture and the high style of design. Knows the area as local ward member, and as the building is no longer suitable as a care home, realises new uses need to be found. However, residents have raised a number of issues for committee to consider, and it is right that they have their legitimate concerns raised.

Eight car-parking spaces are being proposed for 28 flats. This is woefully inadequate. It is assumed that residents will live without cars, but this is an aspiration, not a reality. The applicant may have made enquiries with NCP but new residents will still be able to apply for parking permits, making the situation in St Paul's even worse – the narrow local roads cannot tolerate further traffic. The entrance to the development car park is directly opposite the entrance to the NCP car park – getting vehicles in and out already causes problems in Monson Avenue, Clarence Square and St Paul's Road.

There are also concerns about overlooking, loss of light, privacy, and the large scale of the development, as well as the introduction of a tree in the north east corner of the site which could produce a dark area. The concerns of local residents have to be weighed against the officer report – they will have to live with this development for years. Members need to ask whether this proposal will be allowed to blight residents' lives, or be sent back for further work.

**Councillor Hobley left the Chamber at this point, for the duration of this debate**

## **Member debate:**

**BF:** has no objection to the design, which largely preserves the gothic Dowty House, but the biggest problem is car parking – as KH said, what is permitted against the reality. This area has problems day after day – anyone who has lived in or visited the area knows the problems with traffic. With only eight car-parking spaces, residents will require on-street parking permits. In Northfield Terrace, there are parking issues with residents who may have a permit but cannot park in the area. It is the same in many areas of the town. We have to deal with the reality. And the future massive development in the car park next door has to be taken into consideration. If the car-parking is addressed, would be able to support the proposal, but cannot vote for what is before the Committee tonight. The agent talked about a deal with NCP car parks – if this deal is done, would be able to support.

**PB:** we're coming to a situation where we have to start looking at housing applications in a different way. We have to design and build around people, not cars. If this application is refused tonight, the applicant will go to appeal. To have spaces for 28 vehicles, the whole site would have to be tarmac'd – which is not what we want to see. At the Axiom development, 12 spaces are provided and none are used – people living there don't use cars, and anyone buying town-centre properties will appreciate that they cannot keep a car. It can work everywhere. This is a great scheme; the applicant has engaged with officers, the Architects' Panel and the Civic Society; and the architects have won awards over the years for their schemes. They have worked with the existing building, and the courtyard is a fantastic concept. Will the red brick wall be retained? Notes no contribution towards education – the previous scheme for 13 units is contributing £50k – is it assumed there will be no children in any of the flats. Notes the reference to a government social housing investment scheme and social rented properties – what does this mean? Also notes the travel plan – what is this, and what does the coordinator do?

**DS:** if this proposal is accepted, has any thought been given to the allocation of the eight parking spaces? Will it be first come first served, or will they be allocated to individual apartments? It could be a disaster...

# DRAFT MINUTES

---

**KS:** it is brilliant that Dowty House is being retained. Is not keen on the scale of the addition to the back, but realises that this isn't a reason to refuse. Regarding parking, this is an issue for local residents, but realises that this sustainable location will encourage non-car use. Is not happy with the east elevation, and notes in the officer report that others picked up on this. The Civic Society point out that it will obscure the east façade of the existing Dowty House, which relates to concern relating to whether or not it is a heritage asset. This is not clear – the officer and conservation officer do not agree – and needs to be clarified. Cannot see any reason why extensions are needed to the east side; we don't know what will eventually happen to the car park, but the view to Dowty House will be obscured by this carbuncle – it looks like an engine room on the side of the building, and is not needed. Suggests the decision is deferred, giving the architect the opportunity to redesign. Would question any other reasons for refusal – parking is not an issue. Thanks the applicant for refurbishing the building, but as it currently stands, the building will be harmed, and the lay-out could be amended.

**MP, in response:**

- To PB, regarding an education contribution, the S106 officer at the County assessed the development as creating less than one pre-school, primary and secondary place, and under the guidelines, a requirement for a contribution is therefore not needed. We can only take this advice;
- The housing enabling officer has stated that if viability is not a concern, we would be seeking the suggested level of contribution;
- To DS, is not aware that the eight car-parking spaces will be allocated to individual properties;
- To KS, Dowty House is on the Local Index, but it is not a designated heritage asset; the conservation area in which it is situated is a designated heritage asset;
- Regarding the east elevation of Dowty House, the existing extension is a fairly poor single storey building; officers feel a very limited amount of the east elevation will be obscured. Is not sure where Civic Society concerns came from;
- Regarding a travel plan, this is an NPPF definition, setting out sustainable objectives to be regularly reviewed.

**MS:** has no problem with the lay-out and design, but the problem with car parking could have been dealt with by the inclusion of undercroft parking with the buildings on top. This is so much easier, and would make the apartments easier to sell. People will have cars, and will find other places to put them if no on-site parking is provided. Cannot believe this proposal for 28 flats only has eight car-parking spaces. The aspiration may be to reduce car use in the town centre, but this is not the real world, and will cause constant conflict until we accept it.

**PM:** likes the scheme, and is relatively relaxed about the eight car-parking spaces. Considers the way we use cars will dramatically change over the next ten years, with Uber etc. The only question about the eight spaces is what will happen when one or more resident is disabled? They will need a designated disabled car-parking space. This could be contentious.

**KS:** regarding the east extension, looked at the photo, and agrees that the existing single storey extension is not appealing. But as a single storey, no-one objects, whereas a two-storey extension will be overbearing and obscure the detail of the tower and chimneys. Can't part of the extension be built behind – replacing the existing single storey.

**RW:** doesn't agree with PM and PB regarding parking. Yes, this is a town centre location and people with no cars will be happy to live there, but it is not about car use – it is about car ownership. We need to learn that lesson. In Cheltenham, the idea seems to be that if we reduce the places to park, people will have less cars and the problem will go away. Is at a loss to understand how displacement won't be a problem, and cannot support this proposal on those grounds alone.

# DRAFT MINUTES

---

**AH:** always tries not to reiterate points already made, but parking is a major element here. The site cannot be considered in isolation; it will impact on the whole area. Eight spaces won't be enough, even if only half the apartment owners have cars. People will have cars and there will be displacement. Will vote for the application, as the town needs more residential units, but we need to do something about residential developments without sufficient parking, particularly in the town centre.

**BF:** traffic plans exist across the town, including one at GCHQ, but they are not enforceable. PB says we need to get away from dependency on cars – agrees, but this application is before us today. It will be possible to live in this development without a car, but not to do the weekly shop etc. As other members have said, there is a difference between aspiration and reality here. Dependence on cars is a reality; no suitable alternative gives us what we want. Eight spaces for this number of apartments isn't enough; car ownership and car usage are different things. A lot of people own cars which they don't use every day, and need space to park.

**MP, in response:**

- There is no dedicated disabled parking bay, and we cannot insist on this as there is no parking standard at the moment. The local Highways Authority did not raise any objection to this, even without a traffic plan;
- If the application is refused on parking grounds, there will be no support from the local authority at any future appeal;
- To KS, there is a new addition on the east side.

**SC:** can officers enlarge on the agent's comment that the developer is in consultation with the NCP, making a deal where residents have access to cheap parking? This would resolve the problem.

**MP, in response:**

- The developer has been in positive talks with NCP, but we cannot control the outcome. The Highways Authority comments have been based on the eight available spaces, which officers consider to be acceptable. If talks continue, a deal with NCP could be included in a travel plan, but there is no guarantee that it will continue in the future.

**Vote on KS's move to defer, due to the design, harm to the heritage asset and conservation area, and appearance/mass/scale of the extension to the east elevation**

1 in support  
12 in objection  
**NOT CARRIED**

**Vote on officer recommendation to permit**

7 in support  
6 in objection  
**PERMIT**

Application Number:	<b>18/01869/CONDIT</b>
Location:	<b>Lypiatt Lodge, Lypiatt Road, Cheltenham</b>
Proposal:	<b>Variation of condition 2 on planning permission ref. 17/01380/FUL to allow for alterations to the bin and cycle store, and to provide 2no. additional parking spaces</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>

# DRAFT MINUTES

---

Committee Decision: <b>Permit</b>
Letters of Rep: <b>2</b> Update Report: <b>None</b>

## **Officer introduction:**

**MP** reminded Members that the original application was for 13 apartments, including bin and cycle storage. This application is for a minor amendment to increase the store by 2.1m and also use it for gas metres, together with the addition of two additional car parking spaces. It is at committee at the request of Councillor Barrell, due to concerns from the neighbour. The recommendation is to permit.

## **Public Speaking:**

### **Mr Spencer, neighbour, in objection**

When the original planning application was put in, saw the drawings, and the proposed east and west elevations; these showed the height of the proposed bin and cycle store on the same level as the wall to his property, and the base on the same level as Lypiatt Lodge. Was quite happy with this. Building proceeded with a large hoarding in place, and became concerned when breeze blocks could be seen over the top of this. Spoke to the builder who assured him that the building was being constructed in accordance with the plans, later reassuring him that the developer and architect had confirmed this. It was clear by this state that the building was 2.1m longer and 20cm wider than the drawing. The height is overbearing and has a major impact on his garden. On planning view, heard a Member state that the cycle store had been built too high. Feels that, by questioning the height of the cycle store early, the builder had good opportunity to correct the matter at an early stage, and finds the disregard for neighbouring amenity and for the planning system very irritating. Has read about a similar case in Stoke on Trent, where a building was put up 75cm than it should have been, and was rejected. This cycle store has knowingly been built not in accordance with the original plans.

## **Member debate:**

**PB:** it is true to say that the building is not in accordance with the original application, which is why it is back as a revised application now. Members now need to look at what is in front of them. The height is not changed; the building is now longer towards the neighbouring property, and therefore appears higher. The architects have not been honest in presenting their drawings. It is a tricky case, but as the height has not changed, will support the application.

**KS:** asked for an explanation of the photographs.

**BF:** when officers considered the original application, were they aware that the building would protrude that far over the wall? Was there not ground for refusal on CP4?

## **MP, in response:**

- The building was always proposed at that height; it was part of the approval.

## **Vote on officer recommendation to permit**

10 in support

4 in objection

**PERMIT**

# DRAFT MINUTES

---

Application Number:	<b>18/02136/LBC</b>		
Location:	<b>Pittville Pump Room</b>		
Proposal:	<b>Replacement of third decayed timer to dome at top of building with new</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Grant</b>		
Committee Decision:	<b>Grant</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**Officer introduction:**

**MP** told Members this application is at Committee because CBC is the applicant, and entails work to the dome of the Pump Room. Listed building consent is needed for the repair work, and this is supported by the Conservation Officer.

**Public Speaking:**

None.

**Member debate:**

None.

**Vote on officer recommendation to grant**

13 in support – unanimous

**GRANT**

Application Number:	<b>18/02137/FUL</b>		
Location:	<b>3 Harvest Street</b>		
Proposal:	<b>Conversion of garage to utility and diving area, installation of upvc door to side of property, erection of flat room orangery with roof lantern to rear of property</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**Officer Introduction:**

**BH** described the application as above, at Planning Committee due to Parish Council objection, which considers that the garage conversion will have an unacceptable impact on the street scene. The officer recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**PB:** is saddened by this application. Went to the urban design presentation on this nice little development; now, before completion, these changes will detract from the overall effect of the street scene. More changes are likely to be requested. We are approving good-quality designs and within minutes, these are being changed. The Parish Council is right to object.

# DRAFT MINUTES

---

**PM:** had no idea what to expect with this, so went to have a look. Could see what the architect was doing, to present a nice run of identical houses. It is a shame that this will be changed even before the houses are built. Is deeply saddened by this.

**SC:** on Planning View, noticed a house on the estate where this has already been done. Does this establish a new precedent?

**BH, in response:**

- One of the planning officers has already dealt with a garage conversion of a similar nature.

**Vote on officer recommendation to permit**

9 in support

3 in objection

1 abstention

**PERMIT**

Application Number: <b>18/02186/FUL</b>
Location: <b>245 Prestbury Road</b>
Proposal: <b>Proposed change of use to 13-bed supported living accommodation (sui generis), internal and external alterations to include the addition of an office at ground floor, an infill extension to the northeast elevation, replacement of glazed roof lean-to at rear and additional roof lights</b>
View: <b>Yes</b>
Officer Recommendation: <b>Permit</b>
Committee Decision: <b>Permit</b>
Letters of Rep: <b>2</b> Update Report: <b>None</b>

**Officer introduction:**

**BH** introduced the application for a further three bedrooms at this property. It is at Committee at the request of Councillor Hay, due to concerns regarding the management of the building. The officer recommendation is to permit.

**Public Speaking:**

**Mr De Vries, agent, in support**

Concurs with the findings of the well-written officer support – this is a sustainable form of development, offering substantial benefits to the people whose lives will be enhanced by the proposal, and by the wider community. There have been two objections from neighbouring properties, which the applicant has sought to address. Firstly, regarding the position of the bin storage, this has been moved from the front to the rear of the property. Secondly, the concerns about potential noise and disturbance and management of the building- the proposed use is similar to the previous use of this site, the applicants propose 24/7 monitoring, and will supply adjoining neighbours with their contact details. The proposed scheme does not cause any further privacy issues, but the comments from the neighbouring property have been incorporated into the scheme. As stated in the committee report, the case officer agrees that the proposal does not constitute over-development of the site.

**Member debate:**

**KH:** unfortunately will not vote in support of this proposal. Pivotal Homes, the applicant, has a property in St Paul's Parade, which is well known for problems with management and the people they work with. This is a similar proposal. In St Paul's, there have been complaints about the management

# DRAFT MINUTES

---

of the property; that scheme did not come through the planning department, and is pleased for the Prestbury Road residents that this proposal is being considered at Planning Committee, via Councillor Hay. Taking into account the plans, and the inadequate staffing provided in his own ward, will not vote in support of this proposal.

**PM:** is struggling with this proposal. Cannot see how the lives of the residents will be enhanced, as stated by the agent. The building currently houses 10 residents, with communal spaces; this proposal is for 13 residents, with no communal space. Will they be confined to their individual units? What about eating together and watching television? These people need support, and it is a tragedy to think it's a good idea to do away with communal living space. Can 'loss of amenity' as a reason to refuse permission be applied to those living inside a building as well as those outside?

**BF:** As discussed with other applications tonight, these are not planning issues, and the planning permission does not cover them. Regarding the problems in St Paul's raised by Councillor Hobley, there are many badly-managed businesses of all kinds – offices, bars, retail – and the issues are largely dealt with by Environmental Health. This planning application has been submitted before the changes are made, and can only be permitted or refused as applied for.

**KS:** this is a difficult application. This facility needs to be supported, but it is difficult to hear about the St Paul's premises. Is there evidence for the problems there, or are they based on hearsay? Is disinclined to permit, as it will be to the detriment of the neighbourhood if the same problems arise here as in St Paul's. Has heard talk of problems regarding drug use, dealing and supplying in the front gardens at St Paul's – where does that leave us with planning? This proposal will see more people living in the house, with a provider which is not doing a good job elsewhere. Feels there are enough concerns to question whether to permit or not. What safeguards will be in place for the existing residents, who are in recovery, and for people living in the area? It is difficult to say, and incredibly worrying.

**SM, in response:**

- It is really important to be aware that what has been discussed is the perception of crime; it is the application being considered that Members should be concerned with. What has or hasn't happened on another side is not material. Members need to be very careful. Councillor Fisher is correct – these are not planning considerations, only hearsay and rumour. Members must determine the application before them tonight.

**MS:** it is disappointing that the house will lose its recreational space. This facility has been working for many years, and is not aware of many problems to date. It is difficult to make a determination without knowing the management structure of the building. Could a condition be included, concerning how many people are required on site at all times, what hours they will be present etc? This would give some comfort to local residents.

**DB:** would like guidance on the earlier point by PM, as to whether loss of amenity within a building has any relevance. One representation from a neighbour is concerned with the bin store, which could be unsightly and malodorous next to his back door – has this been addressed? Remains worried about the loss of the communal space, and the management, but realises that these issues are not relevant to the planning decision.

**BH, in response:**

- Regarding loss of amenity, this only applies to neighbouring amenity, not to any future occupiers of the facility;

# DRAFT MINUTES

---

- Regarding management of the house, and whether an on-site member of staff 24 hours a day has been considered, the question would be whether this is reasonable, necessary and enforceable? The enforcement team feel it would not meet that test, and it would therefore not be reasonable to include a condition;
- The proposal continues an established use, and no-one is currently on site 24/7. The main difference is the increase in the number of occupants from 10 to 13.

**KS:** notes from the correspondence from neighbours that the previous planning permission was specific to the applicant. Could a temporary permission be granted here, to see how the facility is managed? This would give more confidence. If permanent permission is granted and there are problems, who will sort those problems out?

**BH, in response:**

- There is a lot of history on this site. The conditions the neighbour referred to, specific to one user, are not included on the latest use for ten residents. This application is not for temporary use, and Members must take a view on whether what is being requested is reasonable.

**PM:** still has concerns, and realises that some of these are not planning matters. The big concern is that we ought to take more of a concerned interest in supported living accommodation. If this isn't a planning matter, where do we want to take this? We could have had a policy about this, but without it there are not many options with this application. Is there any way of taking this forward outside Planning Committee?

**BF, in response:**

- There is government legislation regarding supported living accommodation.

**GB:** is concerned that if Members are inclined to turn this application down, there are no planning policies to turn it down on.

**SM, in response:**

- If Members want to refuse the proposal, they will need a reason, and it is difficult to identify a material planning consideration here. Loss of internal amenity is not a reason to refuse.

**GB:** this would be a difficult situation if the applicant went to appeal.

**Vote on officer recommendation to permit**

8 in support

4 in objection

2 abstentions

**PERMIT**

**GB:** Hopefully the applicant will take note of the concerns raised by Members and take these into consideration.