

Planning Committee

Thursday, 17th October, 2019
6.00pm

Attendees: Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Victoria Atherstone, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Rowena Hay, Councillor Alex Hegenbarth, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome, Councillor Simon Wheeler	
Councillors:	Councillor Klara Sudbury (Reserve)
Officers in Attendance:	David Oakhill, Head of Planning Michelle Payne, Senior Planning Officer Victoria Harris, Planning Officer Nick Jonathan, Legal Officer Chris Mead, GCC Highways Officer

9. Apologies

Cllr McCloskey

Note: Councillor Hobley has resigned from Planning Committee.

10. Declarations of Interest

Councillor Barrell: knew the speaker on Land off Shelley Road many years ago, but hasn't met or had any contact for some considerable time. Is advised that this is not a prejudicial interest.

Councillors Payne, Wheeler, Sudbury and Fisher: GCC is the applicant for Land off Shelley Road and they are all county councillors, but have had no involvement in the application, as confirmed to the legal officer. This is not therefore a prejudicial interest.

11. Declarations of independent site visits

Councillor Payne: Land off Shelley Road; Byways

Councillor Cooke: all sites

12. Public Questions

There were none.

13. Minutes of last meeting

Amended as follows:

Councillor Barrell: corrected a previously-amended minute from August 2019: *‘Even if the hall is not listed ...’*

Councillor Collins: foot of Page 11 – *‘noted that the existing fence line to be retained was in a different place on the approved and revised schemes due to the 2m difference’*. This isn’t strictly true as it was due to a mistake on the drawing – the author of the drawings moved the property 2m back into the site, but the fence line didn’t move. Amend to: *‘Due to an error on the images shown to the Committee...’*

14. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications

15. 19/01190/OUT Land off Shelley Road

Officer introduction

MP introduced the outline application for redevelopment of the former Monkscroft School, providing up to 60 dwellings, including 40% affordable units. The site is allocated in the emerging Cheltenham Plan for up to 60 dwellings, and the application is at committee because GCC is the applicant. Proposed access is via Shelley Road - this is the only fixed aspect, with all else to be considered under reserved matters, should be principle be considered acceptable. Gloucestershire Highways have not raised any objection to the proposed access point, but there are concerns from local residents regarding parking and highways safety. Only the principle of development and access points are being considered today – an illustrative masterplan has been submitted to show what the site can accommodate, but this is only indicative. The recommendation is to permit, subject to an S106 agreement concerning education and affordable housing, and to conditions as set out in the report.

Public speaking

Alice Shield, on behalf of local residents, in objection

There has been unanimous objection from local residents and a 48-person petition. Poets Corner was designed in the 1920s, and the impact on the character of the area from having a modern estate placed within the period-style Poets Corner would be huge. The small residential streets are already overloaded with traffic, and will be brought to a state of gridlock. Shelley Road to Princess Elizabeth Way is already extremely congested with nose-to-tail parking in every possible space, and sometimes dangerous queuing on PE Way. Traffic can’t turn right here in front of oncoming traffic, so a potential 100 extra cars will cause utter congestion. Regarding the impact on neighbouring properties, the heavy traffic on PE Way means most cars cut the corner off and use Tennyson Road instead as a shortcut race-track to access virtually all other areas of Cheltenham. New residents would sure do the same, which would be an unreasonable burden for Tennyson Road. Shelley Road enters Tennyson Road at an extremely dangerous bend, which is blind from Tennyson Road meaning vehicles are often in the middle of the road. Tennyson Road is a small residential road but is already carrying main-road quantities of traffic, using the short cut route to avoid Gloucester road. Speed bumps are not working at slowing down the traffic, and the impacting of them actually shakes the infrastructure – doors, windows, mortar around windows, even furniture. These period properties are not designed to withstand this, and the noise of the lorries hitting the bumps is unbearable. Crossing the road is dangerous,

due to bends in the road and speeding traffic, and with more cars, deliveries etc. If the plan is approved, residents request that the developers or council pays for 20mph speed restriction and 7.5 tonne weight restriction on Tennyson Road, or some other effective traffic-calming method.

Mark Campbell, agent, in support

Is speaking as principle planner at Evans Jones, in support of this outline application for 60 dwellings, with all matters other than access reserved. The officer report sets out matters to be considered, and the officer recommendation is to approve subject to an S106 agreement. The site in the principle urban area, and also allocated in the emerging Local Plan, for 60 dwellings, with policy-compliant affordable housing. The appearance, layout, scale and landscaping are not for consideration tonight – just the principle and access. An illustrative arrangement is provided to show that 60 dwellings can be accommodated with parking, open space, drainage etc. The access arrangements are considered suitable, after being explored at public consultation. Hopes that the outline proposal will be permitted, enabling the applicants to work quickly and bring forward much-needed market and affordable housing.

Councillor Holliday, in objection

Is here to pass on views of residents, made both during and after conversations with GCC officers, who refused to budge. Is deeply unhappy with the application, and unhappy that residents' views put forward at the consultation evening in June 2016 have been disregarded. GCC should demonstrate willingness to share and take on views but not in this case. Is dissatisfied with the density, and that the request for access from Shakespeare Road has been ignored. There will be a massive impact on both Shakespeare and Shelley Roads from this scale of development. It has clearly been designed for maximum commercial value, and residents who have lived here for many years, know the area, know the problems, and have a right to be heard. On behalf of residents, would ask Members to think carefully about the proposal, consider reducing the number of properties from 60. Fewer cars would mean less pollution, less volume of vehicles in area, fewer on-street parking problems. Inclusion of a further access from Shakespeare Road would reduce the traffic burden, and hedge, for example, could be introduced to prevent rat running.

Member debate

SW: can an officer explain the difference between social rented and affordable rented housing?

DO, in response:

- social rented housing is 60% of market rent, affordable rented is 80% of market rent.

SW: accepts the principle of building on this land, and that Cheltenham cannot ignore this site under its obligation to build a lot of houses as part of the JCS. Has some points to make about access, but is really concerned that, as with most new estates, there are no footpaths. This area, like many in Springbank ward, will be used for excess parking – inevitably there will be cars parked here, belonging to residents or others. On an estate where footpaths are in fact the end of people's gardens - shared space – inevitably children, mums with pushchairs, the elderly, will all end up walking down the middle of the road. This is not acceptable. Realises we are not talking about the actual design today, but would like the developer to take this on board, and include footpaths in the final plan.

DB: is quite torn here – we do need more houses, particularly in this area, but can see problems arising from parking and traffic congestion. There could be 120 or more cars with only one access. Realises this is all to be agreed, but feels uneasy.

MC: is torn too. Supports DB and agrees that Cheltenham needs houses. It is ironic that County Highways officers originally objected to the proposal, then changed their mind. Cheltenham needs houses, but CBC has acknowledged the climate emergency and aims to be carbon neutral by 2030, yet is still talking about accommodating cars, which are a huge problem here already, with long waits for traffic during busy times a fact. Doesn't know what solution is, but we need to be more creative, and look at alternatives instead of basing developments on how to accommodate cars. Regarding access and double yellow lines, has been working with county highways officers in his own ward on a similar junction – non-residents park there, blocking the narrow access road, making it difficult for refuse/delivery/emergency vehicles, and forcing traffic into the estate into the middle of the road onto the other carriageway. The proposed double yellow lines here don't extend far enough into access road to make the junction safe. We need to be clever and think more about how to accommodate much-needed housing without concentrating on how to deal with the vehicles it generates. This comes up at every planning meeting, and something needs to be done about it.

PB: has a lot of sympathy with residents, whose homes have backed onto a school playing field for many years, but we have to accept that land in Cheltenham is finite, with hundreds of people on the property waiting list so we have to take up this housing opportunity. Agrees with MC that the main Issue is that the highways solutions are rubbish and will be a nightmare for residents. Regarding access, it is unfair to expect one road to take all the traffic from the estate, and surely not beyond the wit of highways officers to realise that two sensible accesses – at Shelley Road and Shakespeare Road – can be achieved, keeping the same number of houses and sharing the load. There has been a consultation but the outcomes are being ignored, creating this untenable situation. The shape of the land allows for dividing the estate in two. The highways officer is present, and should explain why it is not possible to redesign the plan with two accesses from two roads.

KS: was going to say what PB has just said, and supports his comments. Intuitively, looking at the site plan and the character of area around, there are many cul-de-sacs, and it would therefore be in keeping with the area if two cul-de-sacs were created, one off Shelley and one off Shakespeare Road; it may mean losing one or two houses, but this would be both viable and sustainable. Need to create homes which are nice to live in. Is minded to not support the proposal and ask the County to come back with an application with two cul-de-sacs and a reduced number of homes. Also, notes on the blue update that school places are challenging and there will not be enough senior places in two years' time. Would be sorry if S106 contributions weren't expected, and does not understand Point 1.2 - does this mean contributions are not needed or that they will be provided through CIL?

CM, in response:

- understands local concern regarding access, and highways officers originally issued a refusal on the County Council's own application, considering the road lay-out not good enough, as it made access narrower, didn't respond to traffic, and did nothing to calm the street. It could be said that the some of the existing residential streets don't have as good access as what is proposed, but acceptance of what has gone before is not a good way to plan. Planning needs to keep things moving as well as possible. Highways

officers therefore pushed for a better junction with the applicant, allowing refuse vehicle access and vehicles to enter and egress without interference, but not trying to be vehicle dominant;

- regarding the double yellow lines, members will notice that the drawing shows no bar at the end – this is because full extent is not agreed yet. Highways officers pushed for some form of double yellow lines to protect movement of access – the new development of 60 dwellings will be mitigating its own impact, and protecting access in a way other streets in the area aren't;
- cannot comment on members' preference for more than one access, as only one has been presented and it is considered safe, suitable and reasonable by highways officers; another round of consultation will be needed to change this;
- regarding other matters, highways officers have secured a robust list of conditions, including a construction management plan, which will be a big element if the proposal is approved; travel plan to promote sustainable travel;
- regarding the council's objectives and targets for sustainable travel, is with members here, but while highways officers won't continue to encourage car ownership, they can't stop people wanting them, and have suggested conditions to support sustainable the agenda and work towards that ambition. If yellow lines are extended further into site, they will need to be secured within the application and be resilient to the test, should the test come;
- it should be remembered that highways officers have not accepted anything apart from one drawing concerning road lay-out – all other matters will need to be agreed at the reserved matters stage.

BF: it is difficult to give full consideration to this proposal as the application is very basic – just an outline for 60 dwellings, without information about configuration, number of car spaces, number of bedrooms – just confirmation that affordable housing will be provided, with all else reserved. Members have two choices: the highways officer has commented on the plan as presented to them by the agent for the county council and they have had to work on that. If Members aren't happy, they could refuse on highways grounds, with the request that the applicants look at a double entrance, or they could defer and the applicants to look again at the access. Asked about density on Planning View – it is quite low by 21st century standards, and the road system in the area is generally good. However the Poets area was built in the early 20th century when there were not so many vehicles on the roads; the reality now is that there are many vehicles and people need them. The majority of Members will agree the principle, and as time is not the essence – the proposal is unlikely to be built for five years or so - may propose deferral for a double entrance to be considered, to ensure the proposal is right in the early stages.

SC: there is much to like about this development – new dwellings, social housing etc – but the problem is with 60 dwellings, that there will inevitably be cars, probably 1-2 per house. We need to consider its impact on the neighbourhood over the next 20 years. Visited the site by bike on Tuesday and was astonished by how jammed the adjacent roads were, with cars up to the junction, and vehicles negotiating their route back and forth – on a Tuesday afternoon! If 60 dwellings could mean 120 cars, why not divide the site into two, with no join in the middle – this would be a better solution. Agrees with BF – it would be better if the proposal was brought back with two halves to mitigate the traffic impact. Apart from this, likes the footpath permeability on both sides for bikes and walking, and hopes to see more of this in future, but is disappointed that there is only provision for one cycle space per household – it should be more, even if it means giving up a car space.

NJ, in response:

- to KS, regarding the blue update, we would ordinarily expect education contributions to be covered by CIL. In this case, the county council has requested an additional contribution from S016. Conversations are on-going as to how fair and reasonable this is, and the outcome is dependent on discussions taking place internally.

GB: would remind everyone that, as a planning committee, Members are not here to redesign on the hoof. Rather than deferral, if they not happy with the proposal, they should refuse it. This is a better approach, as officers and the agent have heard what's been said and will take it into consideration.

PB: the agent may hear what Members are saying, but if the proposal is permitted, that is what we will get. Members are here to do their best for Cheltenham residents, both existing and future, and it is clear that the proposal would be better with two accesses. The current proposal is purely a valuation exercise, and the site will be sold, hopefully to CBH. We must work together and defer; if that's not going to happen, the outline should be refused – the applicant could do far better.

DO, in response:

- to summarise what Members have said, the highways officer has confirmed that the junction is designed to accommodate as many vehicles as required. The capacity of the road can handle the increase – 33 in the am peak, 30 in the pm peak;
- the site allocated in the Local Plan for 60 houses – the council has accepted that is about the right number. Planning Committee is not here to fix the existing problems on highways network, and the applicant can't be expected to do this. Members should only be concerned with access and principle, and the highways expert has said it can and will work;
- introducing two access points will take up more land – more to the road, less to housing – and Members need to factor this into the way they are thinking. The council is aiming for less car use; adding more road will not support this;
- having heard CM's comments, is not sure on what traffic grounds the proposal can be refused. County Highways consider that the road network can cope, as set out in the officer report, evidence, and tonight's debate.

KS: regarding yellow lines, residents and the highways officer all acknowledge it is a difficult situation. Has campaigned locally for yellow lines to help people cross, keep roads clear etc, but once they are in place, they have made no difference as they are not enforced – local residents know they won't get parking ticket and people still can't get across the road. How will it work here – has the County Council got capacity to enforce in one area? It might be true that adding an extra junction may take away housing space, but we have to look at balance – it's not about designing spaces for cars, but about designing spaces for how people live. This isn't the town centre and people will need cars. Time and time again, we are told that something is acceptable and will be managed – but this is not acceptable and will have a massive impact, both for those already living there and for people moving in. There are a lot of cul-de-sacs in the area – at the time the houses were built, it was thought to be a desirable way to live, and it works well. If this development were to be two cul-de-sacs instead of one through-road, it would halve the number of cars, create smaller spaces more in keeping with the area, be better for children, and lessen the impact on road system. It seems to be a win-win situation. Is not sure on the best way forward: understands that

there may not be grounds to refuse and that Planning Committee is not here to redesign, but Members want to create the spaces that the town deserves and approving this scheme won't be doing that.

SW: understands that this is an indicative design, and Members are being told that a second access would take away land for houses, but looking at the Shelley Road access - – a couple of yards, a few trees, no houses – it would be so easy to put in another access without losing a single houses, and cannot see any harm in putting this in. In Hester's Way, Quebec and Montreal Drives are two cul-de-sacs which by-pass each other; they work beautifully and are wonderful communities, with one road in and one road out. While Members are not here to redesign, another access is something specific, and cannot see it will be very expensive. The highways officer has explained that the yellow lines can be extended as necessary – is happy with this. Is still concerned about footpaths, but the Committee can give the developer a few red lines, comments, and suggestions of what they would like to see in the reserved matters application. Members will be missing a trick if they sit back – they have been caught like this before, agreeing to an outline, then being told nothing can be changed later as it is already agreed. Members need to put down markers – for a second access, footpaths, and other things people are interested in, to show the applicant what will be looked for when they come forward with the full design. And if CBH acquires the site, it will be wonderful.

BF: the highways department has looked at the brief and designed to that. It may be that the highways network will support the additional traffic but it will be at a price – there is always a price to pay, in frustration, general annoyance, quality of life etc. The applicant can still get the volume of housing, but needs to make sure the impact is minimal on people there now and those living there in the future. This is the message that will be taken back with a deferral or refusal – doesn't mind which.

AH: agrees that on paper there is no problem with site – the roads can take the traffic – but these are homes and communities, where people have to live and function day to day. Members are not redesigning, but acting as a critical friend at an early stage of the process, and giving feedback, based on concerns from local residents. Feels that a deferral would be appropriate at this stage. If it is a straight yes or no, there has been no point in the debate. Should use committee experience and expertise to feed back into the process.

CM, in response:

- Members' comments are fair to an extent, but can provide some tried and tested numbers to back up the highways position;
- a non-motorised user audit for the walking area for the area has shown it to be a good, usable highway;
- regarding accessibility of local facilities, relying on two different ways of measuring - at a general walking speed of 1.4 metres per second, there is a pharmacy, college and surgery 5 minutes' walk away, a nursery 7 minutes, a supermarket, library, play area and primary school 10 minutes' walk - so a lot of positives going for it;
- evidence of car ownership in the St Marks area from the 2011 census, suggests car ownership as follows: 41% of households in the area with no car, 46% with one car, 10% with two cars, 1% with three cars, 0% with four cars, suggesting an additional 43 cars for the 60 proposed dwellings. The lay-out has not been agreed yet, but in addition to a travel plan, a car park management plan would seem to be a reasonable condition to make sure the layout responded to car numbers in perpetuity;

- regarding forecast trip generation, based on survey data from existing sites, it is anticipated that this development would generate an additional 33 vehicle movements in the am peak, which will turn left or right to Shelley Road. In highways capacity terms, this is *de minimis* re impact. If there were two access points, with an equal split of dwellings, this would mean only 15 vehicle movements in the peak hour – one every four minutes;
- finally, road and road construction is not environmentally friendly – the highways authority would like to build less and thinks it can do so in this instance, safely and suitably.

GB: having heard this reasoned argument from the highways officer, feels that Members have come to the point where they need to make a decision. There has been no indication of any proposals for deferral or refusal.

PB: accepts that development of this site is do-able and to refuse it would be folly. The two authorities need to talk to each other having heard tonight's conversation, and come back with a better design. Will sleep better knowing Members have done their best to get something better than what is proposed.

DO, in response:

- the danger is that officers can go away and negotiate but the County Council may say no. This is their proposal and there is zero evidence for refusal – the council may say take it back and make a decision;
- alternatively, as the agent is here and has heard the debate, there is nothing stopping the applicant from amending the proposal to seek a second access – but this cannot be guaranteed;
- as GB has said, the committee is not here to redesign, but they are elected representatives, so if that is what they want to do, so be it. Officers can have the conversation but not guarantee a different outcome.

GB: would like to bring the discussion to close with a decision. Does PB want to propose deferral?

PB: Planning Committee has deferred on many occasions in past, and the applicants have come back with better applications. If the applicant was a commercial developer, may take a different view, but as it is a fellow authority, it would be poor if a discussion can't be had.

KS: regarding the two accesses, was trying to say that the way the development is laid out at the moment, it looks like it has been designed for cars coming through but it is not all about cars. Urges the applicants to consider liability for people living there.

CM, in response:

- refuse collection and deliveries are also a consideration as well as residential access, as these must be able to get within 30m of dwellings to meet standards. Waste vehicles are 11m long and will need room to turn round in residential estates.

Vote on PB's move to defer

13 in support

1 abstention

DEFERRED

16. 19/01252/FUL Oakfield House Stables, Oakfield House

Officer introduction

DO introduced the application for demolition of existing structures and replacement with a self-build dwelling, at Committee because there has been an objection from the Civic Society. The site is accessed from Greenway Lane, with the access lane serving two existing properties and a public right of way to the east, and has several small farm buildings in state of disrepair. The proposed two-storey dwelling will be orientated to the east, with a modest second storey, reduced in size from the original submission following comments from the landscape architect; the upper floor is smaller than the ground floor. The site is situated towards the bottom of the valley, and its low position will minimise the impact on the AONB. It will be constructed from stone and timber, cladding and render, with a green roof, and a number of conditions are included. The key issues are the AONB, impact on neighbours, and biodiversity (bats and badgers), with the recommendation to approve subject to conditions.

Public Speaking

Mrs Wronska, on behalf of neighbours, in objection

Is deeply connected to this beautiful countryside, coming here as a five-year-old child, and raising her children here. A quote on the CBC website states that the council's preferred approach to future development will be founded on impartial, independent consultants' reviews, and was initially informed that consideration of the application would be largely guided by landscape consultant's expert report. Stuart Ryder's report on the LVIA is an excellent assessment, impartial, thorough, articulate, detailed and dispassionate - agrees whole-heartedly with his views. Some key points are that the site is outside the PUA and entirely in the AONB, not on its boundaries as suggested. The proposed building is not appropriate in this semi-rural setting, and a domestic residence will alter its entire character – it is too large, too modern, and not in keeping. It will not enhance, but rather have an adverse effect on the landscape, and users of the footpath will be very affected. Adverse effects include loss of openness and a change to the landscape character. Both the landscape and the visual change in the local area conflict with JCS Policy SD7, neither conserving or enhancing the nationally designated beauty of the area. It is also at odds with the Cotswolds AONB Management Plan 2018-23, and may set a precedent for further attempts to develop in this lovely rural location, Arguably, reconstruction of the stables or demolition and restoration of grass would more readily enhance the site. On a personal note, the proposed dwelling will be visible from all the downstairs living areas, as well as upstairs, not just the upstairs as suggested and will neither enhance or be the rural AONB view as it has been for many years. Has felt compelled to speak as together with neighbours and friends is passionate to maintain the integrity of this lovely area.

Becky Brown, agent, in support

Members have heard in the officer's presentation, that the principle of development here is acceptable – the site is outside the PUA, and as the council cannot demonstrate a five-year land supply, the tilted balance set out in the NPPF is engaged, which states that permission should be granted unless policies which seek to protect areas of importance set out clear reasons not to, or if the adverse impacts outweigh the benefits. As set out in the report, there are no technical objections on highways or ecological grounds, or objection from the parish council. Therefore, the key issue is balancing the potential harm to the AONB on the one hand with the benefits of the proposal on the other. On planning view, Members will

have seen that the site is currently occupied by ramshackle concrete and tin buildings which don't conserve or enhance the landscape or scenic beauty of the AONB. The proposed dwelling is a high-quality, contemporary design, mindful of its situation on the edge of the urban area. It has been designed by local architect Coombes Everitt in conjunction with local landscape architect MHP Design, both based in Cheltenham. After some initial concern about harm to landscape character, the applicant's consultants have worked closely with the planning officer to address these concerns, reducing the size of the dwelling, and including a comprehensive landscaping scheme. Officers are now satisfied there will be no adverse impact on the landscape character and scenic beauty of the AONB. Furthermore, a comprehensive ecological appraisal has been undertaken and submitted, which has not identified any ecological reason to refuse. In addition, it is the applicant's intention to undertake mitigation measures recommended by installing bird boxes and bat tubes. Finally, the proposal will have no impact on the amenity of neighbours, due to the distances between the properties.

Member debate

MC: listening to both speakers and looking at the floor plan, notes this is a large single dwelling, which appears to have five bedrooms on the lower floor, and three on the upper – what is the intention here? Is a self-contained area planned for upstairs? There is currently no kitchen area. Can officers provide clarification?

BF: it is interesting that one of main criteria from the agent is the lack of a 5-year land supply. Just down the road, the Oakhurst Rise development was dismissed at appeal, with the last paragraph of the Inspector's decision attaching limited weight to the lack of a 5-year land supply as the Cheltenham Plan is likely to be adopted within five years. An application for eight houses was recently permitted at Cromwell Court, and there will soon be an application for building houses in the AONB at Oakley Farm. Recently asked planning officers how much AONB there is in the borough, how much is developed, and how much looks likely to be developed. Was informed that there is 4 sq miles of AONB, one-fifth of the borough, and one building in a field categorises it as developed, even if the building has been there for a number of years with no record of planning permission. We are losing our AONB, and even though this might be a rough area of stinging nettles and brambles, it still provides an open view, habitat for wildlife etc. This proposal will have an impact on the area – cars coming and going, rubbish collection, delivery vans etc - and there are enough grounds to say no. May move to refuse but will listen to what others say first.

DO, in response:

- the plan shows five bedrooms, two on the lower floor and three on the upper. If there was any desire to split the property in two, another application would be needed.

SW: was originally tempted to think of this as under-development, but this is the AONB, and we need to consider protection. What is there at the moment is absolutely appalling; would love to be able to afford a house like that proposed, or the houses from where the objectors are looking at it - would give his eye teeth to have a view like this, with or without this building. The proposed dwelling is a very nice building, and will be hidden by the beautiful oak tree behind it. Regarding the three criteria highlighted by the officer: cannot comment on biodiversity, but we are told it's fine; impact on neighbours – this will be improvement if anything; and it is appropriate development in the AONB – if this is refused, all other houses in AONB should be demolished and grassed over. This is an appropriate building, and can't see any reason to refuse – it works very nicely.

PB: this is a difficult application. It is a fantastically designed house, massive, with five bedrooms, swimming pool, gym etc. If the applicant has worked hard to reduce size, how big was it before? Walking down the footpath, there is no question that it will have impact on people walking through the AONB on a well-used footpath, and someone has allowed the property on this land to become derelict and eyesore. Can see no reason to allow this and cannot support it. It is inappropriate in the AONB, and the scale is crazy. The landscape report is brilliant, a very good assessment. It's a shame it's still not acceptable after the applicant has taken the revisions on board, but this is a really big scheme in a most sensitive area, on a well-used footpath. Cannot support it.

BF: at Monday's Council meeting, members discussed and voted on the Local Plan. The 5-year land supply issue was dealt with by the inspector on the Oakhurst Rise appeal. The AONB has a lot of protection, sufficient to protect this site. There are quarries and gravel pits in the AONB, but not housing - housing brings people. The AONB is a natural thing. Agrees with PB

JP: is entirely in favour of PB's stand. Yes, it is a well-designed proposal – a beautiful, large, thoughtful, typical modern Cheltenham house - but it should not be in AONB. There is no justification, no special circumstances. The derelict buildings on the site are not attractive but they are part of the history of the land. Cannot support the application.

GB: there has been mention of refusal but will take the substantive vote first. Relevant grounds will be needed if there is a move to refuse.

Vote in favour of permit

4 in support
7 in objection
3 abstentions

Not carried

PB: the grounds for refusal are in the report - NPPF 172, JCS SD7 and SD6

DO, in response:

- refusal reasons can be finessed after the meeting with the Chair and Vice-Chair, if Members agree;
- to sum up, Members are concerned with the negative impact on the public right of way, the mass, form and scale which does not conserve or enhance the AONB, not in accordance with NPPF 172 and SD7 of JCS

Vote on PB move to refuse for the reasons listed above

8 in support
2 in objection
4 abstentions

REFUSE

Officer introduction

VH introduced the application to build a single detached dwelling in the garden of an existing house, following demolition of the garage. The site is in the greenbelt, on the north of Swindon Lane (the south side is not). It is at committee at the request of Councillor Fisher. The new dwelling is part 2-storey, part 3-storey, and will have three bedrooms, with white render and fibre cement slates. The key considerations are set out in the officer report – impact on the greenbelt, design, impact on neighbouring amenity – and the recommendation is to refuse.

Public Speaking**Russell Ranford, agent, in support**

The application presented tonight is resubmission following withdrawal of a previous scheme, which was considered inappropriate in design and scale, making it overbearing. The applicants are the two daughters of owners of the house, who have gifted them the land to help them onto the first step of the housing ladder. The proposal respects the architectural style of adjacent properties, is subservient, utilises levels, with a lower ground floor below the existing garden, and the first floor equivalent to an extension over the existing garage. As the applicants already live at the address, there will be no extra vehicles accessing the site. There will be 3.5m between the new house and neighbouring Wayside, which exceeds the gaps between the majority of properties on the northern side of Swindon Lane. The comments about reduction in light to the neighbouring property are misleading. The application site may be in the greenbelt, but it is an urban area, surrounded on all sides by residential properties – the intention of greenbelt designation was not to protect this type of site. It will not cause neighbouring towns to meet, not be overriding the special character, or harming any historic setting. It is an infill application in an acceptable location, in line with Policy GE1 of the Local Plan. As discussed with the previous applications tonight, there is no five-year land supply, and cannot see that the harm of this proposal would outweigh the benefits in this sustainable location. Requests that Members give it their approval.

Member debate

BF: has been told that the proposal fails the light test, but what is there now – taking into account tall shrubs on the Wayside side, taller than the eaves, and the fence - already affects the light to the bedroom.

SW: agrees with BF. The proposed dwelling is single storey at the back, dropping down, and only a little taller than the current decking, and lower than the threshold of the building next door, so cannot see there will be any greater impact. The two-storey part at the front will be taller but also a lot narrower. Regarding the design, it is in the greenbelt, but the agent made every argument – there is building all around and the whole principle of the greenbelt is lost on this development. Is struggling to think of a reasonable reason to refuse. Initially thought no, but now thinks the proposal is suitable.

JP: is at odds with the two previous speakers. The rationale behind the proposal is totally irrelevant and of no significance. Fully supports the views of the officer in an attempt to protect the greenbelt. Housing in the area is close together, and any interruption will have an adverse effect on the greenbelt. This house doesn't add anything to the street scene; it is attractively designed but in the wrong place, and contravenes greenbelt regulations. Cannot support it.

PB: agrees with JP. The officers are spot on. On site, it is seen from a different perspective; the street scene works now, with views through. This design is appalling. Supports the recommendation to refuse.

MC: notwithstanding anything said yet, this is another inter-family development – for whatever reason, young people can't afford to buy a new homes and parents are helping out – but is thinking if this wasn't the case, would it pass the necessary tests? It is incredibly close to the neighbouring properties, and wouldn't want to live next door to it. Agrees with the officer, who makes a strong and robust case. Is leaning towards supporting that.

VH, in response:

- to BF, the existing garage doesn't fail 25 degree light test at the moment, the proposed new dwelling will fail it;
- doesn't know who owns the fence – presumably the owner;
- this is a proposal for an independent dwelling, not at annexe.

KS: is torn about this. As discussed in the earlier application, proposals shouldn't be designed around cars, and re-purposing a garage as a home for young people is good. Could a condition be attached to ensure that it remains ancillary? There is always demand for houses with annexes – people are living longer, require flexible living space etc, and we should be providing for that. Is conflicted because of the greenbelt location, but there is already a garage there. Is more minded to permit, but the new dwelling must be ancillary by condition.

BF: failing the light test alone is not a refusal ground. It is difficult for the lay person to understand the implications, but policy says it has to be a significant loss of light - between 40% and 60% - yet the officer is talking about 25%. This is confusing. There has been mention of render, but looking at the north side of Swindon Lane, there is a fantastic variation of properties within metres of this: a mobile home park behind the hedge, smooth render, rough render, red brick – a real good mix of property, with no two the same. That is the grain of the area, and the other side of road is outside the greenbelt. From the street, there is little to be seen or lost from permitting this. It is below the roofline of the two properties, there is a gap between both on either side, similar to all down road – it is not going against the grain of the road.

DB: is concerned for the neighbours. Understands that the lower ground floor is a separate flat - would the loss of light and overbearing impact matter as much if it wasn't divided into flats.?

VH, in response:

- the light test is difficult to explain verbally - wouldn't be able to do it without the plan;
- the 25% is the position of window in relation to the proposed dwelling, and this is what triggers it.

BF: if Members are prepared to permit the proposal, they could add a condition for the side window on the new dwelling to be opaque glass.

Vote on officer recommendation to refuse

10 in support

3 in objection

1 abstention

REFUSE

18. 19/01587/FUL Holmlea Farm, Springbank Road

Officer introduction

DO introduced the application to regularise the car park for fixed period of two years. CBC owns the site, which falls within the land acquired for the West Cheltenham development. The site provides 45 car-parking spaces for government offices, and has been used informally for eight years without consent. Consultation has resulted in zero objections, and the recommendation is to approve.

Member debate

SW: thanks to officers for recommending approval for this. The day the car park closed, was inundated with complaints about parked vehicles in the surrounding streets – the situation is already bad, but closure of this car park makes it impossible on Springbank Way and Fiddlers Green Lane is a nightmare. Re-opening the car park will help

Vote on officer recommendation to permit

14 in support - unanimous

PERMIT

19. Appeal Updates

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

Chairman