

Planning Committee

Thursday, 19th November, 2020

2pm

| Attendees | |
|--------------------------------|--|
| Councillors: | Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler |
| Officers in Attendance: | Mike Holmes (Interim Head of Planning), Michelle Payne (Senior Planning Officer) Craig Hemphill (Senior Planning Officer) Ben Warren (Planning Officer) |

1. Apologies

There were no apologies.

2. Declarations of Interest

There were no declarations of interest.

3. Declarations of independent site visits

Councillor Baked visited Southfield Rise from the front only.

Councillor McCloskey visited the outside of Southfield Rise, Bournside Road and Lotty Lodge.

Councillor Oliver visited the outside of Southfield Rise and Lotty Lodge.

Councillor Cooke visited the outside of Southfield Rise, Lotty Lodge and Bournside Road.

Councillor Payne visited the outside of Southfield Rise, Lotty Lodge and the High Street end of St Marys Mission.

Councillor Barrell visited the outside of Southfield Rise and Bournside Road.

Councillor Seacome stated that whereas he hadn't made any specific site visits he was aware of the properties involved.

4. Minutes of last meeting

The minutes of the meeting held on the 17th of September were signed as approved as a true record of the meeting. There were 2 abstentions to the vote due to Members not being present at the last meeting.

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

6. 20/01599/FUL 20 Southfield Rise, Cheltenham, Glos

The Planning Officer presented the report as published in the agenda.

The objector was then given the opportunity to speak as follows:

- Spoke against the application in July.
- The revised plans have not addressed the loss of amenity for the neighbour with regard to the south facing window.
- The fails the BRE by at least 10 degrees
- There will be a loss of light to the south facing window.

The speaker on behalf of the applicant in support of the application was given the opportunity to speak as follows:

- The extensions height width and depth have been reduced and the
- Principal concern is the impact on the neighbour which the revised plan addresses.
- BRE should not be used as can be interpreted flexibly.
- The proposal will not effect the light levels of the objector as it is an L shaped room served by windows and patio door,
- Revised design is further away from the boundary.
- Emphasised that there has now been a site visit and that the officers are recommending that the permission is granted.

The matter then went to Member questions:

- With regard to light test – as a result of the proposal the south facing window will now fail the BRE light test. How much does it fail the test by? And how significant does the Officer think that it is. The Officers response was that the south facing windows fail the light test. There are 3 light sources 2 are not affected and the south facing window fails.
- Clarification sought that if there is a failure of the light test is it a reason that the application can be refused.
- How far is it from the south facing window in the neighbour's house to the upstairs extension?

The officer then gave the following response

- The BRE light assessment is not part of the policy but is referred to as guidance in the adopted Cheltenham Plan Policy as SL1.
- 5.4 meters between the window and the first floor extension.

The matter then went to Member debate:

- Congratulations to the architect and the applicant for the modifications that have been made, this is a very tight location and will have an impact on the neighbouring property. Applicant has gone some way to addressing the problems.
- Acknowledged the measures that have been taken to change the application, without being able to see the back of the house difficult to make a decision on this.
- Concern was voiced about the light test and should not make the application subjective. The light will be effected for the south west window. Not happy that the light test could be used either to grant or refuse.
- This is an application that is far more difficult this time as the applicant has done well to reduce the impact of what is proposed. Applicant has gone as far as they can to deal with the neighbours problems.
- Lack of site visit is making this application harder. The south west window will possibly be the primary illumination during the winter months. With or without a light test there will be an impact on the window.
- Feels that this is a difficult application. Interested to hear what the other Members have to say.
- Applauds the architect for making the alteration, however concerns about the light test as not possible to quantify how much it fails by. Light test more significant due to the direction that the property faces.

The Chair asked the Head of Planning for some advice. He stated that it can't be a definitive figure on failing the light test. Basis of planning in this country is that we should approve things wishing to be built.

The Chair asked the planning officer for any further comments to which he explained about the light levels and how they would be effected by the extension.

The Chair then went to the vote to permit:

For:6

Against:4

Abstain: 1

GRANTED

7. 20/01344/FUL 46 Bournside Road, Cheltenham, Gloucestershire

The Planning Officer introduced the report as per the agenda with photographs.

There was only one speaker who spoke in objection Ward Councillor Tim Harman.

The following points were made:

- Neighbours to the property have also logged an objection.
- He confirmed that he visited the neighbouring property to see what impact the structure had on the neighbours.
- Design has a negative impact on the community as the area is overlooked by both the brook and Hatherley Park.
- Although some modifications have been made the neighbouring property still feels that the platform will impact on their garden and their internal rooms.
- Although the structure is novel it is felt that the structure is not in keeping with the area.

The matter then went to Member questions:

- One Member visited the property from the outside could see thru the window straight into the garden and couldn't really see the structure. From the photographs it would appear that the decking would prove to cause a loss of privacy for the neighbours.
- It was felt that the structure is acceptable, the sails don't require planning permission.
- Questioned what was novel about the structure.
- There was a question raised why permission was needed at all is it either the height or the roof.
- What is the length of the back garden?
- How much higher than the permitted norm is the structure.

The responses were as follows:

- The property needs planning permission as the limit for the platform is 300mm and the platform is 600mm.
- The photographs don't show it in all its glory, there is an existing building which didn't need planning permission.
- Not sure that the platform is visible thru the window.
- Privacy should not be an issue.
- The length of the garden (rear elevation to structure) is 18.5 meters.

The matter then went to Member debate:

- As the structure is not blocking any water do not see it as a problem.
- Quite a nice proposition
- Trying to make the garden fun for children can only be a good thing.
- More than enough distance from the house and promotes playing outside.

- The neighbour obviously feels strongly and it does seem quite a high structure and without a site visit it is difficult to make a fair judgement.

The matter then went to the vote:

For: 9

Against: 1

Abstain: 1

Permission was GRANTED.

8. 20/01311/FUL Lotty Lodge, 33 Wellesley Road, Cheltenham

The Senior Planning Officer presented the report as published.

There were 2 objectors present.

The first objector is a local resident Catherine Barnes spoke in objection and made the following points:

- It is possible that at certain times there can be 11 dogs in the vicinity.
- The dryers are loud and can be heard along with the staff talking louder over the dryers to be heard.
- The nature and enjoyment of homes and gardens is being affected due to the intrusive noise and additional vehicle use.
- Impacted how she works from home and her leisure time and as a key worker it has given her an increasing feeling of unfairness.

The Ward Councillor Karl Hobley spoke on behalf of the residents and raised the following points regarding the application:

- There is an impact on the route that is used for parents and children walking to and from school as there is increased traffic due to people visiting the property.
- There is a disturbance to neighbours due to the use of dryers, vehicles and dog noise.
- This is a small tight street that was a mews lane with small low rise houses and residents are concerned that 1 business will leave the door open for other businesses to open in the area.
- There are obviously concerns regarding putting the business at risk, however the belief is that it should be fairly easy for them to locate particularly in the current climate.

The matter then went to Member questions as follows:

- The residents believe that the road is an issue. However the Highways department made no formal objection. Why is there no highways officer present?
- There has been one complaint to the Authority regarding noise. However the complainant did not pursue it, have there been any further complaints about the noise. There is also a query regarding refuse and waste disposal.
- When one Member visited the property the door was open, was this to comply with Covid regulations or is this normal practice.

- One complainer used 70 decibels as the level of noise, is this acceptable for a residential area?
- There is a restriction on time that the business operates rather, could there be one on the amount of dogs.
- Does the planning permission just apply to the downstairs of the property or will it apply to the upstairs which is currently residential.

The Senior Planning Officer answered as follows:

- The lack of a highways officer is due to availability.
- They have no other information from highways, there are no minimum parking standards to adhere to at the moment. The level of impact of the vehicles is considered as low.
- There have been no other noise complaints and the commercial waste arrangements are not known.
- Not aware if the door being open is a Covid allowance or normal.
- 70 decibels that were mentioned is generally the level of noise that you expect in an office.
- The limit on the amount of dogs allowed at any one time is 4. It would be hard to enforce a formal limitation.
- With regards to the upper floor there will have to be further planning permission applied for which would result in losing a residential property.

The matter then went to Member debate:

- We are short of residential properties in Cheltenham. However we do have empty commercial premises that would be suitable rather than a relatively new build home. The level of noise will disrupt the neighbours wishing to enjoy their outside space.
- Congratulations to both of the objectors on their presentations. Personally wouldn't like noise if lived in the road. Sad for the business however owners will follow them as they have a loyal following. Can we give a period to find alternative accommodation?
- Does not wish to support something that could prevent children walking to school, impact to the neighbours is not a good thing. Understand that can't use highways as a reason to refuse.
- On google maps there is a large car in the road but it does show room to pass therefore traffic is not a reason not to support however there are other things to consider.
- When one Member visited he was pleased to see the mix of architecture in the road with some modern houses. The grooming parlour is in what was probably a very expensive house. Concerned that there are 4 groomers in the parlour at one time and therefore 4 does seem a large amount to have in at any one time. This is a very heavily populated area and doesn't think that it is suitable for a grooming parlour. Therefore won't support the application.
- The business is in a mews house, and when visited it was very busy. This is a business in a residential property, the front door was open and there was drier noise that wasn't very loud but if you were a neighbour you would find it be very annoying. Business has a huge amount of support – clearly a very good business but not in a residential home. Should revert to housing, parlour will be a problem all year round with the doors open.
- The impact on the neighbours thru noise is a good reason not to have the business where it is. The applicant will have 6 months to appeal and therefore will have 6 months to find alternative accommodation whilst still running the business.

The senior planning officer responded that if Members to refuse the business would have time to appeal whilst still trading. She advised that the refusal should be on amenity grounds

rather than highways grounds. The principal planning officer confirmed that refusal would have to be on amenity grounds based on the impact on the neighbourhood.

The matter then went to the vote to permit:

For:

Against: 11

Abstain:

REFUSED

Chair then stated that committee has to decide on what grounds they were refusing.

- One Councillor suggested HM3 SL1 and SD14
- Another Member stated that HM3 was not suitable but SL1 and SD14 were the only options as loss of amenity.
- Amenity was supported as a reason to refuse by another Member.

The Chair asked if the Member wanted to keep HN3 in as an option to the vote, he confirmed that he did.

Clarification was then received by the Senior Planning Officer confirmed that HM3 was not suitable.

The matter then went to the vote to agree the reason for refusal. The first vote was to agree HM13:

For: 1

Against: 10

Abstain:

Not agreed

The second vote was to agree SL1:

For: 11

Against:

Abstain:

Agreed

The third vote was to agree SD14:

For: 11

Against:

Abstain:

Agreed

As HM13 was refused the matter then went to the vote to agree the reasons for refusal as SL1 and SD14:

For: 11

Against:

Abatain:

CARRIED

9. 20/01010/FUL & LBC St Marys Mission, High Street, Cheltenham

The Planning officer presented the report.

There was one speaker on the application – Ward Councillor Dr David Willingham who spoke in support of the application. He made the following points:

- The park is a hidden Cheltenham gem that has an active friends group that deliver something wonderful.
- He wished to record his thanks to the volunteers and the parks officers for all the work that they have done.
- Protecting listed properties is very important.
- The current black railings can give the misconception that it is not the entrance to the park but can be mistaken for something else.

The matter then went to Member questions of which there were none.

The matter then went to Member debate where the following points were raised:

- There were gold tips on the gates and this was incorrect as gold should only be used if royalty is involved. The gates should be all green.
- It's a good thing to go back to corporate green and it's important to get conservation right.

There were 2 votes, the first one for full permission:

For: 10

Against:

Abstain: 1

GRANTED

Listed building consent:

For: 10

Against:

Abstain: 1

GRANTED

10. Appeal Updates

There were no updates to discuss.

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

There were none.

Chairman

