

Planning Committee

6.00 pm, 18 July 2013

Present at the meeting

Councillor Garth Barnes	Councillor Andrew McKinlay
Councillor Chris Coleman (Chair)	Councillor Malcolm Stennett
Councillor Barbara Driver	Councillor Pat Thornton
Councillor Bernard Fisher	Councillor Simon Wheeler
Councillor Robert Garnham	Councillor Andrew Chard (Reserve)
Councillor Les Godwin	Councillor Jon Walklett (Reserve)
Councillor Penny Hall (Vice-Chair)	Councillor Klara Sudbury

Present as observers: Councillor Colin Hay, Councillor Diggory Seacome

Officers in attendance

Mike Redman, Director, Built Environment (MR)
 Tracey Crews, Head of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Wendy Hopkins, Senior Planning Officer (WH)
 Chloe Smart, Planning Officer (CS)
 Karen Radford, Heritage and Conservation Manager (KR)
 Wilf Tomaney, Townscape Manager (WT)
 Mark Power, Gloucestershire Highways (MP)
 Cheryl Lester, Legal Officer (CL)

74. Apologies

Councillors McCloskey, Jeffries and Fletcher.

75. Declarations of Interest

13/00777/FUL & CAC and 13/00827/OUT & CAC

Cllr Sudbury – personal and prejudicial – has campaigned against the demolition of the Odeon. Will speak in objection to the proposal then leave the Chamber.

Cllr Barnes – personal – has had non-pecuniary discussions with the applicant regarding the transfer of land to a charity he supports.

Cllrs Garnham & McKinlay – personal – have both represented CBC on the Cheltenham Development Taskforce which is mentioned in the report.

76. Public Questions

There were none.

77. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th June 2013 be approved and signed as a correct record without corrections.

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

CC : as new Chair, advised Members that Officers will give a short introduction to each application, explaining the proposal, why it is at committee, and any other relevant information, to give a clear start and finish to each application, and also for the benefit of members of the public in the public gallery. This is a trial, and Members' views will be welcome. Allowed 10 minutes for Members to read the lengthy update, and advised that although the first two applications were being debated together as a whole, Members would vote on each application separately at the end of the debate.

79. 13/00777/FUL & CAC Former Odeon Cinema, Winchcombe Street and 13/00827/OUT & CAC Haines & Strange, Albion Street

Application Number:	13/00777/FUL & CAC, 13/00827/OUT & CAC	
Location:	Former Odeon Cinema/Haines & Strange	
Proposal:	13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building	
	13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings	
View:	Yes	
Officer Recommendation:	Permit – delegate authority back to Officers to resolve outstanding issues before issuing permissions/consents	
Committee Decision:	Permit – delegate authority back to Officers to resolve outstanding issues before issuing permissions/consents	
Letters of Rep:	11 (including 2 petitions	Update Report: Officer comments, conservation comments, conclusion and recommendation (circulated to Members on 17/07 by email)

Public Speaking:

Mr Robert Chitham, applicant's heritage adviser, in support:

Introduced himself as the architect who had been invited to review the details of the scheme. Said the neo-classical design is of high quality and well suited to its surroundings. Noted that this is a Taskforce site, brownfield and derelict, and using it for new homes will help with the town's housing supply. Considered there to be two crucial issues, the first being the cinema: its size and form make it difficult to adapt, and despite six years' marketing, no-one has come forward to take it on, deterred by the massive cost of repairing and adapting it. Said it is not a major work by its architect, and is not included in the statutory list of buildings of special architectural or historical interest. Said the conservation area could be enhanced by buildings such as this, but considered it out of scale and architecturally discordant with the area, and the opportunity to replace it with something more appropriate should not be missed.

The second issue is the design, which had been examined thoroughly by officers and amended accordingly, including a reduction in the mass of the town houses and realigning them to increase landscaping opportunities in the site. Said other details need large-scale drawings and are controlled by condition. Considered the principles of the proposal had not been fully recognised, and there was some confusion over mews-type houses and villas and the need for these to be set in a landscaped context – this was common in London developments of the period but not in Cheltenham. Said the design critique included generalities which had been taken as rules, such as duality, a style characterised by two mirrored halves, which was common in Cheltenham but could be mitigated to some extent –

and in any case was not an issue in a terraced design which was generally viewed obliquely, along the street.

Regarding shop fronts projecting over the plane of buildings above, said some shops in Cheltenham do this slightly, others do not – there is no rule. Said the proportions of the terrace had been described as atypical and inelegant, with the suggestion that the design is unworthy, being neither pastiche nor replication. Agreed the scheme is not a facsimile of 19th-century work but a reflection of early 19th-century design which will fit well in its surroundings in the conservation area. John Wood in Bath had shown how the design of town houses and street architecture could create the illusion of a palace, but this was a conceit. This proposal reflects the tradition without slavishly copying any example of the genre.

Said the scheme would be a great benefit to the conservation area and the town, and commended it to the Committee.

Cllr Jordan, ward councillor, in support

Told Members he had wandered round his ward a year ago, delivering Taskforce leaflets to encourage support of development in this area. It was agreed that the Albion Street-Gloucester Place-Winchcombe Street-Fairview Road block looked a bit sad, and residents and councillors were delighted that a scheme has come forward to give a big boost to the area. Was aware that it is often suggested that the planning process blocks economic growth, but said this is nonsense – this proposal has been processed in eight weeks rather than the usual 13, and is a great credit to officers and the council. Said if it is now refused to conserve the Odeon, the council would be a laughing stock – he walks past the Odeon twice a day and considers it an ugly building from most angles. If a good use for it could be found, maybe it could stay, but after seven years' on the market, there were no buyers and no offers, and he therefore had no problem with its demolition to allow development of the area to happen.

Admitted concern over the multiple applications, potential for piecemeal development, and consequences if any part of the proposals didn't materialise, but was pleased officers were taking action on this in the recommendations. Noted that previous schemes had included affordable housing and street scene improvements in Gloucester Place, but accepted that this may not be viable with the current scheme and considered it more important to have something happening on the site. Told Members that shop-owners were concerned about what was likely to happen next and had been contacting councillors for information – it is important that they can carry on their business in the area as the plan develops.

Said the overall view of the proposal is supportive, and there has not been one objection to the scheme from local residents. Their attitude is more one of "Get on with it!" – the site has been derelict for years and there are concerns about break-ins and other anti-social behaviour in the area. Summarised by saying that in his personal view the Planning Committee should take all considerations into account and give the scheme its support, so that the developers can just get on with it.

Cllr Sudbury, in objection

Realised she was probably a representative of the Flat Earth Society and spoke more in hope than expectation, but wanted to make a few key points. The first of these was the principle of the demolition of the Odeon and Cheltenham's Index of Buildings of Special Interest - her concern was the Odeon itself and how we treat our old buildings. Said Cheltenham is lucky to have so many listed buildings and conservation areas, and that the council shouldn't just be concerned with protecting listed buildings in the upmarket part of town. Said the Odeon, the Axiom, Christ Church Annexe, the Coliseum are all part of the real history of the town, and if we have a list of locally important buildings but don't try to save them, we will end up with a 'disneyfied' version of Cheltenham. Welcomed the attempt to bring this area back to life, having been concerned about it for years and visited it frequently, but thought traders were being dealt a hard hand. Said the Odeon is a nice, old

building, and asked Members to consider the logic being put forward to say the building should be demolished – what was there to say that the Queen’s Hotel, stripped of its assets and allowed to become an eyesore, could therefore not be demolished and replaced by pastiche in the future?

Was also very concerned about the lack of affordable housing in the scheme. Said there was currently much debate in Cheltenham about building on the greenbelt and fields, and the understanding is always that we should develop brownfield sites first, and yet here we are being told that these aren’t viable to develop if they have to include the required level of affordable housing. Was surprised any developer would pay the purchase price for the land at 50% above its value, when the policy on affordable housing is transparent and developers know that any scheme should include 40% affordable housing.

Recognised this is a difficult site, but supported the Conservation Officer’s comments - does not like the façade approach. Made the point that if Cheltenham is to have more than a thin veneer of culture, it should be recognised that the town is crying out for a music venue of this size. Has to go to Gloucester or London to see bands which would play locally if there was a suitable, decent-sized auditorium – the Odeon would be perfect.

Thanked Members for listening – but didn’t hold out much hope.

Member debate:

RG: said SJ had expressed concern about the separate applications and the possibility of one scheme being implemented without the other. Compared these applications to those at Travis Perkins and Kier Construction, and said there should be clarity. Did not share KS’s attachment to the Odeon, saying nothing has been done with it for seven years, but asked if we can keep some part of it, such as the carved ladies on the front, or else have a prominent stone about the history of the site somewhere nearby, as had been done at Gloucester Road School.

WH, in response:

- said the redevelopment had been submitted as two separate applications. During pre-app advice, the applicants were advised to come in with a comprehensive scheme, but because of matters to do with ownership, they had decided to submit two applications. Said the site can be considered as a whole in terms of the level of obligations required by the council, but these are stand-alone applications, one does not facilitate the other, and they are not tied like the Travis Perkins/Bonella Works applications at June committee.

PT: had listened to the speakers and had great sympathy with KS’s view of the Odeon. Wanted to say at this stage that this is such a big, dominant, prestigious area of the town that we must be very, very careful and very sure about what is going to happen before putting hands up to say do it or don’t do it. Remembers a certain site – though no current Planning Committee Members were involved in the decision – where Cheltenham agreed to knock down its beautiful old grammar school in order to build a row of shops and later to develop the prestigious Brewery. Says the shops have been an eyesore ever since, and that decision by CBC was one of the reasons why she became a councillor. Said this scheme is a similar challenge, and care should be taken not to build something which people will learn to hate.

MS: agrees with that statement, but is more optimistic. Having walked round the site, looked at the plans and read the report, thinks that the proposal will be beneficial to Cheltenham. Was disappointed by the thread of information in the officer report, suggesting officers don’t really want the semi-pastiche design and would have preferred something more modern. Thought that the reason why there is so much support for the scheme from the town is because it reflects Cheltenham in architecture and style of building. As for the Odeon, said it is a shame no use has been found for it, but its development would be a huge

civil engineering project and not viable. As SJ had said, let's get on with it – fully supports the scheme.

BF: regarding the Odeon, said there is no demand for a cinema like this. If it was like the Duke of York's Picture House in Brighton there may be, but the Odeon was never that – it was a large cinema which later became a multi-screen cinema, when its insides were pulled to bits. As for the frontage and the two ladies, said these were not original – when he was a lad the front was adorned with a chevron and a Gaumont sign. Said there was no demand for the Odeon to be restored as a cinema – people watch films differently now, on DVD and TV. Had seen the Beatles at the Odeon, after queuing up for tickets from five in the morning, and other stars such as Liberace had appeared there, but all that kind of entertainment has gone now. The Council needs to look to the future – the town doesn't need this cinema, but it does need housing.

As for the design, thinks that it is fine. Realises it is a question of personal taste, but does not like the Millennium Restaurant or St George's Gate, and thinks modern developments such as these aren't right in a regency area. Said that even the back of Debenham's has a regency feel with its pillar design, and there is nothing wrong with the regency design of this proposal.

Regarding affordable housing, said this had been considered by the District Valuer, and was the price to be paid for developing brownfield sites. Reminded Members about Village Road in Arle which has been empty for ten years – with a listed building on site, no applications have come forward as it is not viable to include affordable housing on a site such as this.

Thought that the Odeon could not be compared with the old grammar school – remembers both buildings, and unlike the grammar school, the Odeon is not a great piece of architecture. Like the Coliseum, said previous owners have ripped its guts out, and it will never be viable as a cinema again. Reminded Members of the planning history of the site – an application to develop the Haines & Strange site was permitted but nothing happened, and there had been plans to turn the Odeon into a nightclub and restaurants. If given the choice of 161 flats and a nightclub with two restaurants, or the scheme before Members tonight, said there was no contest.

Said these two proposals work – schemes that link together two empty sites – and are a very good offer. Reminded Members that they will soon be forced to consider applications to build on greenfield sites, and they will look foolish if they turn down this opportunity to build on a brownfield site – every plan makes a difference for the overall housing requirements. Said it would be madness if Members turn it down.

LG: said the advice is that every planning application has to be considered on its own merits and that there are things about this site that are particularly concerning – hopes the Conservation and Heritage Officer can talk about these. Referred to her comments on Page 18 of the blue update, that *'it is unfortunate that this application has been somewhat rushed and the applicants failed to engage in a meaningful pre-application process. From my experience the pre-application process can be so helpful in developing a quality scheme'*. Is disturbed by this, and mindful that many people thought this site was a missed opportunity when they voted for North Place. Is desperate to get central Cheltenham right, and although not saying that these proposals are rubbish – there are many good aspects – is troubled by that comment from the Conservation and Heritage Officer. Is also concerned that the applicant's heritage adviser says the direct opposite of our own – said this needs to be crystal clear.

If there is any opportunity for further discussion, suggested the ward councillor should be involved as it is clear from SJ's and KS's comments that they could add to a round-table discussion.

Regarding the Odeon, said the Conservation Officer refers to it being part-demolished, and hoped that the most architectural part of it can be saved and something done with it along the lines suggested. Was very interested in the points raised by the Conservation Officer regarding the Haines and Strange proposal, and wondered whether the decision should be deferred to allow more thorough pre-app discussion.

BD: suggested that any Members couldn't vote to save the Odeon because there is nothing there to save. Is usually the first to support the protection and conservation of heritage buildings, but as a result of recent development, there is nothing of it left.

JW: following the North Place/Portland Street approval with 40% affordable housing, was appalled at the lack of affordable housing in this application. Said the District Valuer's appraisal was based on this particular developer's plans, not the site itself – maybe another developer could work up a scheme which includes affordable housing. Agreed that the site is awful, but asked why affordable housing hadn't been taken into account, and why viability was not looked into more fully. This is a town centre site, ideal for economic development, and a prime site to make the target of 40%. To allow the development to go ahead without affordable housing will mean a higher level will need to be provided elsewhere. Said this is a missed opportunity.

AM: has sympathy with JW's comments, and has argued for affordable housing in the past, but said the authority is forced to make compromises at times. Reminded Members that the committee has passed other schemes which included affordable housing but they never got built. Members had to weigh up the situation – this is a strategic site which links the architecturally incoherent Winchcombe Street, Gloucester Place and Albion Street. Its development will be a huge benefit to the town, and will at least provide some housing. Said the idea had been busked around a great deal, but if the only way to get the site developed is to have no affordable housing, was prepared to bite the bullet, but wanted reassurance that this is the only way, not like Travis Perkins. Said Members could take comfort that the District Valuer's figures are valid.

On a simple, crude basis, said he likes the look of the development, and believes that when it is implemented, it will enhance and lift this part of town. Does not agree the Odeon is a treasure, considering it the thin end of the wedge. Said Cheltenham has more listed buildings than any town, but the Odeon is not one of them – considers it a massive, ugly carbuncle, saying that its demolition alone will improve this area of town. Reminded those wishing to save it that no-one can find a use or the money to develop it, and said they should wake up and smell the coffee – the building is a blight.

Said this proposal ticks all the boxes and is a key Taskforce site. This should be weighed up against the disadvantages – no affordable housing, access, the design in the centre of the block. It is a big site, and he has never seen one where everyone agrees – there are always different views, and is not surprised that there is no uniformity of opinion here. But listing the positives and negatives, finds there are more positives, and will therefore support the proposal.

SW: said AM has made many of his points and he reluctantly agrees, though cannot help but feel that the Council is being blackmailed into having to accept. Can't understand the objection to the design of the scheme and concerns that it is pastiche – said a development either looks nice or it doesn't, and considers that this one does look nice. Was, however, concerned about the density and had spoken to the Officer before the meeting to get a more accurate figure – which is in excess of 100 dwellings per hectare, in his opinion too high for any development, even a sustainable town centre site such as this. Realises, however, Members are not allowed to object on these grounds yet.

KR, in response:

- regarding the Odeon, said it is on the Index of Buildings of Local Interest although not statutorily listed by the government, and confirmed that the council has no control over

the interior – what the previous owners have done is not illegal. However, the local index was created by CBC and instigated by Members who drove forward its preparation at a cost of some £50k in officer and consultant time. Reading from the criteria for selection of buildings for the list: that a building *is the work of an architect or designer of note* – the architect of the Odeon was renowned at the time for designing cinemas; that the building *is a good example of an educational, religious or community building which retains some original details and materials* – the Odeon's front elevation is original, albeit the Gaumont sign has been lost; *that the building contributes to the area and is part of the social development of the town* – the Odeon fulfils these criteria. Said it is right that the Odeon is included on the list;

- read from policy BE11 – *'the demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted'*. Said it is clear that nobody wants to use the building as a cinema, but was concerned that the historic appraisal has flaws, has not been done independently, and includes no analysis of repair costs;
- said there are two elements to consider: is the building worth saving, and if not, are the applicants complying with policy? Does not think they are. Realises there is a problem of what to do with a building of such large volume which is not now wanted as a cinema or night club, but hoped there was a possibility of retaining the front element – said the applicants have not come back with analysed reasons as to why this can't be done. All they have said is that it would be too expensive, but have not provided any costings to confirm this statement.
- if it is considered right to demolish the building, asked how this fitted in with policy?
- agrees that the site is in need of development, and welcomes the fact that a scheme has come forward and that the intention is to link the two sites, but would be more supportive of the proposal if this didn't mean the loss of the Odeon;
- regarding her comment in the blue update about consideration of the Haines & Strange application being rushed, said she had spent all day Wednesday considering revised drawings which had been submitted the day before. Said the refuse question, problems with architectural design, lack of comments from English Heritage, and lack of compliance with local policy were all outstanding issues, and compared this scheme with the North Place/Portland Street development, where similar issues were worked through. Said this proposal has not benefitted from similar consideration due to time constraints;
- commenting on the design, said English Heritage is very clear that if the form, mass, footprint, lay-out, relationship to surroundings and urban grain is right, the architecture is secondary, but if the intention is to create a historic reproduction, it must be authentic;
- regarding this, said there is a terrace of three listed buildings in Winchcombe Street which demonstrate some classic elements of Cheltenham architecture, such as raised ground floors and projecting ground floor shop fronts, but the proposed terrace does not include these simple things. KR has been told that they cannot be lined up with the existing buildings without scuppering the whole scheme, and there is not the benefit of time to explore this;
- on the question of duality, says Mr Chitham is right in his comments, and it would be better to have an odd number of houses in the terrace. Here, however, there is precise duality, and the suggestion that this can be countered by greater emphasis on the 'bookend' units is weak due to their slender proportions. Said this could have been negotiated to make it a more robust proposal;
- said that several of Mr Chitham's suggestions have not been followed through – on chimney stacks, for example – and feels very strongly that more could have been achieved had there been more time for negotiation.

WH, in response:

- regarding the policy on the Index of Buildings of Local Interest, said this is a question officers have to ask themselves when balancing a lot of issues – a heritage building, a town centre site, looking at individual local plan policies, compliance with the NPPF and so on. In line with Section 12 of the NPPF, officers had considered whether the applicant had submitted an acceptable level of information regarding the heritage asset – this must be used to balance any argument about compliance with local policy;

- agreed that it was very disappointing that officers had been unable to secure any affordable housing on the site, but said that this was a recognisable approach in line with the NPPF. Said the DVS had scrutinised the reports to confirm viability – this decision was not simply undertaken by officers – and where it was shown that a scheme would be unviable if a compliant level of affordable housing was sought, it should not be over-burdened by this requirement. If the compliant level was sought, the site would not be viable, and the scheme could not be delivered;
- the question is whether the benefits of redeveloping the site outweigh the negatives – the loss of the Odeon, the pastiche design approach, zero affordable housing. Said this is the decision Members must take;
- regarding density, said this is not something we should dwell on as there are no policy prescriptive numbers to adhere to. The question to ask is, 'does the scheme work in context?' taking into account whether it is situated in the town centre or on the town edge. Reminded Members that the previous permission had been for 161 units, and this was for just 81. Said officers would expect to see a dense scheme in a town centre site.

WT, in response:

- said density shouldn't be used to deter the scheme. The proposal is significantly less dense than the previous approved scheme, and repeated WH's comment that the most important question is whether the scheme works in its context. Admitted that there are some compromises, but said these are marginal issues, and officers are happy that the elements of the scheme broadly work. Said again that the density on the Haines and Strange site was half that approved previously.

SW: said officers were advising that Members shouldn't be concerned with density, but believed that they should be – high levels of density lead to trouble, according to experts in the field. Said if this wasn't monitored, there could be problems with anti-social behaviour in the future. Would like to see the density figures.

WH, in response:

- said there are no longer any prescriptive numbers to go by, but said again that the previous scheme for 161 dwellings had been approved, and at 81, this proposal was a substantial reduction on that. Would expect to see a dense development in a town centre site.

BD: regarding the Odeon, asked KR if the local plan policy applied to the whole building and whether it still holds when there is nothing behind the front.

BF: on the matter of pastiche, referred to the Queen's Hotel, saying there had originally been a single-storey building alongside it, which had been replaced with houses designed to 'finish off' Imperial Gardens, but described by English Heritage as 'architectural wallpaper' and pastiche. Said in most people's eyes, the new buildings complement the whole of Imperial Square, despite bearing no relation to what was there before.

PT: said density is what enables people to have a good quality of life or not, and as there are quality of life requirements in our local policies, these should be fulfilled. Asked if this is still considered to be a high density development, despite being in the middle of town. Also asked for clarification of the building line on the Winchcombe Street side – is this where the Odeon is currently or further forward, taking up more of the pavement? In view of KR's comments, asked whether Members should be deferring their decision. They have been told that the scheme was being processed as quickly as possible, and KR was right to be concerned that she has not been able to use her pre-planning skills on the development. Thought the scheme should be looked at more closely for the sake of Cheltenham, and was prepared to propose deferral if other Members were in agreement.

LG: was grateful to KR for her explanation. Regarding the Haines and Strange application, the extant planning permission, and late arrival of drawings, asked if it was possible to give an assessment of whether the new drawings make the extant permission better or worse.

RG: also welcomed KR's comments, and the historical note and recognition of the history of the Odeon, but referred to Policy BE11's requirement that demolition of buildings on the Local Index should be resisted. Said this had already been done, for several years – there have been various applications to preserve the Odeon in another use – and now we are at the stage where it is a key feature in the development of the wider site. Said land assembly is not an easy process, and CBC has resisted demolition of the Odeon for seven years – so it was wrong to say that BE11 is simply being thrown out here. However, asked what would happen if Members voted for the scheme and English Heritage comments subsequently say it should be saved. Asked if KR could sit down and talk to the architect, and ask for various tweakings of elements she was particularly concerned about.

PH: had looked closely at the western elevation from Winchcombe Street and carefully read the report and the Crime Prevention Officer's comments on this. Noted that Page 8 of the blue update suggested access to the flats would be better from the street than from the rear courtyard, activating the street and introducing more passive surveillance. Thought this a very relevant point and noted the gated entry to the east side of the site. Asked if the Crime Prevention officer is happy with this, and whether more of his concerns could be met by condition.

WH, in response:

- said this is why officers have recommended that Members support the application but delegate authority to issue the planning permissions back to officers. Said PH's point is one of the suggestions brought up at meetings, and confirmed that there have been a lot of meetings with the applicants and a lot of changes already made;
- said that deferral won't achieve anything, and hopes that the recommendation gives confidence to Members – proposed design amendments will be put to the applicants who will make the necessary changes and proceed on that basis. Said this process could continue while waiting for the statutory 21 days for English Heritage comments to end;
- confirmed that if English Heritage object to the scheme, it will be brought back to Members;
- regarding density, had worked this out as approximately 108 dwellings per hectare. Was not sure how much this means to people, but reminded them again that the previous scheme on the site was for 161 dwellings and this scheme is far reduced;
- confirmed to PT that the building line of the new development on Winchcombe Street would be the same as that of the Odeon;
- repeated that she could not see what deferral would achieve. Confirmed that Officers would sort out the design tweaks and refuse issues, and await English Heritage comments, and Members were being asked to delegate back to officers on this basis.

KR, in response:

- to BD's question about whether listing on the local index refers to the whole building, said it refers to 'buildings and structures', and despite the fact that the interior has been lost, it is still relevant for the Odeon to be included on the list, and BE11 is still a valid policy;
- to BF's comments on the Queen's Hotel, said this was not relevant here – the Queen's is a Grade II* listed building. Confirmed that the former stable yard has been replaced by houses, which are in many respects pastiche. However, said the reason why they are pastiche relates to the public open space, and the difference between that and the scheme being considered today is that there is no public open space or gardens in Winchcombe Street/Haines and Strange site – which makes the proposal less authentic than that in Imperial Square;
- to RG's question about the latest drawings for the Haines and Strange site, said she considers these better than the previous scheme. Recognised the benefit of the site as

a whole being developed, but was primarily concerned about whether the Odeon should be developed. Said the scheme should be done the right way;

- to RG's suggestion of a commemorative stone or plinth, marking the spot where the Odeon once stood, if permission is granted, agreed that this is a good idea but didn't know where it could be placed.

CC: reminded Members that the debate was taking the two sites as a whole, thought the two applications would be voted on separately. Invited BD to comment on the Haines and Strange application.

CL: reiterated this for clarity – the two applications were being debated together as a whole, but would be voted on separately.

BD: apologised for misunderstanding. Was concerned about affordable housing, although noted this had already been discussed. Seriously hoped every building would have a gull-proof roof. Noted on the blue update that refuse arrangements were still to be sorted – hoped this would be clarified as there could be a problem when built if good arrangements were not made. Commented that the inner courtyard area was very tarmac- and car-dominated, and said plenty of landscaping would be needed – if the area was to be densely populated, there should at least be a little greenery around. Was concerned about existing residents' parking permits and the impact that parking requirements of new residents would have.

PT: was reminded by BD's comment that the surfaces had not been explored. Said this is a big site, with a lot of concrete and tarmac, and suggested permeable surfaces should be used. Had also noticed – though realised that this is not a planning issue – that the layouts of some of the apartments have bedrooms which fail to meet the minimum floor area of seven square metres. This brought her back to the quality of life consideration, and said that we *should* be able to think about these things in planning.

RG: noted the conclusion on Page 14 of the blue update – points 2.1 to 2.6 – and considers these very well written. Commented on the 'limited ambition' reference in 2.3, saying that he thought the scheme would work and the redevelopment of the site would be a success – though personally would like to see something more contemporary in design, like Century Court. Had to make an on-balance decision – agrees that there are some aspects to be regretted, but said it would take a year to get it all right. Said Members should support the proposal.

MP, in response:

- regarding parking permits, said it was quite simple – residents will be allowed to apply for permits, but there is no guarantee that they will get them;
- reminded Members that this is a town centre site, very sustainable, and car ownership is low;
- considers the parking arrangements for the scheme to be good.

WH, in response:

- to BD, confirmed that there would be a standard condition to ensure that the roofs are gull-proof;
- said that refuse arrangements would be finalised and secured by condition by officers;
- said that landscaping of the Haines and Strange site is a reserved matter, and an indicative landscaping scheme would be the next stage;
- to PT's request for permeable surfacing, said this also comes under landscaping and is a reserved matter, to be dealt with at a later. Said permeable surfaces would be promoted in discussions with the applicants;
- regarding the small bedrooms, said the drawings have been revised, but PT is right, there are currently no set standards on room size.

WT, in response:

- said the plans have been revised and the small bedrooms are now called 'studies' ;
- explained to Members that the Public Housing Sector and Policy Section is responsible for drawing up guidelines on room size, and is hoping to get a recommendation to Cabinet in Autumn to look at adopting an informal policy. Said that because of the situation with the JCS and Cheltenham Plan, a formal policy could not be instigated, but assured Members that informal policies can have teeth;
- said that although there will be policies on space standards in the JCS and Cheltenham Plan, these are unlikely to get down to actual bedroom size and will be more concerned with the overall space of a dwelling.

WH, in response:

- following an earlier statement about English Heritage's response, said this could be to support, no comment, or to object. If they object, she had said earlier in the debate that the application would be brought back to committee, but now told Members that a better solution would be for officers to discuss matters with the Chair and Vice-Chair, as long as Members are happy with this.

RG: presumed that, if English Heritage has concerns, officers will try to negotiate these away.

CC: asked PT if she still wanted to move to defer.

PT: remained concerned that there was no report from English Heritage yet, and KR's comments that further information on policy is needed. Agreed that the application appears to have been rushed through for some reason, and while it is laudable to take on such a huge site, said again that Members and the authority need to be very, very careful in their consideration of the proposal.

MJC, in response:

- re-emphasised that this is the reason for the recommendation, and it makes allowances for Members' concerns. Could see that Members have some causes for concern, but said that these are not enough to defer the decision. These are relatively minor matters – refuse and minor design issues – and if the whole scheme was to be brought back again in one month's time, could not see that the debate would be very different. Said if Members go with the recommendation, they would buy officers time to tweak the details of the scheme – they do not need to wait another month for this.

KR, in response:

- would like to see information about costings to prove that the Odeon can't be kept in some part – has just been told that it would be too expensive. Regarding other issues, colleagues say these can be done through the usual process.

MS: was happy for officers to negotiate as long as the proposal doesn't end up Century Court style.

CC: asked if Members would like to vote on PT's move to defer.

CL, in response:

- before voting, went through the Committee's voting protocol with Members: explained that if a recommendation to permit is lost, the proposal is refused; if a recommendation to refuse is lost, then the proposal is permitted; if a move to defer is lost, the protocol is silent on that, so in that case CL's advice is that another move needs to be made, to vote on the officer recommendation, otherwise a limbo situation arises.

PT: asked why, if her move to defer is lost, Members can't simply vote on the officer recommendation as stated.

CL, in response:

- said if PT's move is lost, a Member can move to vote on the officer recommendation thereafter. Asked if PT wanted to move to defer on both sites.

PT: confirmed that she was concerned with the Former Odeon site, not the Haines and Strange site.

CC: confirmed that Members would vote first on PT's move to defer, pending further work on viability and awaiting English Heritage's report.

Vote taken on PT's move to defer a decision on 3/00777/FUL & CAC, Former Odeon Cinema

2 in support
8 in objection
1 abstention

MOVE TO DEFER LOST

BD: moved that votes be taken on the officer recommendations.

Vote taken on officer recommendation on 13/00777/FUL & CAC, Former Odeon Cinema

10 in support
2 in objection

OFFICER RECOMMENDATION APPROVED

Vote taken on officer recommendation on 13/00827/OUT & CAC, Haines & Strange

11 in support
1 in objection

OFFICER RECOMMENDATION APPROVED

80. 13/00661/FUL Cheltenham Racecourse

Application Number:	13/00661/FUL
Location:	Cheltenham Racecourse, Evesham Road, Cheltenham
Proposal:	Erection of a new Grandstand, extension of raised walkway deck viewing area, and realigned horse walkway and raised pedestrian walkway/bridge (over realigned horse walkway). Extension to North Entrance building, extension to and refurbishment of Weighing Room, construction of a garden terrace with a new betting shop beneath, extension of the unsaddling lawn and hard landscaping to north of Weighing Room. New steps and adjustments to landscaping strip between tented village and end of Parade Ring, adjustments to levels and resurfacing within the built complex and resurfacing to the course side in front of the new Grandstand up to the running rail. Other associated infrastructure work (including underground ducts and services), landscaping works, and relocation of spoil material to a remodelled site.
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to a 106 Obligation
Letters of Rep:	3
Update Report:	Officer comments, County Council response, conditions

Public Speaking:

None.

Member debate:

RG: had a technical question regarding the dumping of spoilage and debris during construction – would this be transported internally within the site to its new location?

BD: noted concerns from a constituent regarding noise levels and the positioning of loud-speakers, and asked if anything was going to be done about this. Was not against the application but thought this matter needed attention.

MS: as ward councillor for Prestbury, thinks this is a good scheme and fully supports it. Pleased to have investment in the town from the Jockey Club. Said there is always going to be some noise when events are taking place, and suggested that the letter referred to by BD was more concerned with other events at the racecourse, such as the Wychwood and Greenbelt festivals. On race days, tannoy announcements are all part of the excitement, and concern from one neighbour shouldn't influence this. Said again that this is a good scheme, and that the Parish Council concerns about the view of the site from different locations are not well founded – in reality, from the top of Cleeve Hill, people will not be aware of any change, and the proposal will provide a good selection of buildings.

BF: referring the NPPF, was concerned that there will still be a considerable 'tented village' at the racecourse – had hoped for more substantial building. Was also disappointed the parade ring was not in front of the stand, resulting in people being excluded from that part of the proceedings, but realised that this was not a reason to refuse. Suggested the scheme conflicted with the NPPF's principle of promoting mixed use and multiple benefits from land – the racecourse is used for everything from a Kiri te Kanawa concert to car boot sales, and would have liked to see something included in the proposal which would make it even more suitable for other uses – adding that the scheme won't actually make it easier for people to go to the races.

AM: said Members can't get into an argument about whether the proposal is or isn't a radical re-design – it is what it is. Considers it an improvement on the existing construction, which is old, tired and out of date. Said the new stand is a nice, contemporary design, and should improve the flow of people behind the stands by a change in the construction of the walkways. Considers it a good scheme and supports it.

MJC, in response:

- asked BF which paragraph of the NPPF he was referring to.

BF: said this was Paragraph 17 – it is mentioned in the officer report.

MJC, in response:

- to RG's question about the spoil, said its re-location will be within the racecourse site, and this would be beneficial to Evesham Road. Did not consider it reasonable for the Authority to condition this, but suggested that an informative would be appropriate, requiring the applicant to use their site where possible;
- to BD, regarding noise, said MS had answered the question well, and neighbour concerns stem from festivals rather than race meetings. The neighbour comment related to the tannoy, but this is not used intensively throughout the year – it has been investigated by Environmental Health officers, who have no concerns. Said it would be too much detail – micro-managing, in the words of Robert Lindsey – if the Committee tries to influence the position of the tannoy.

BF: asked for response on his comment on encouraging multiple benefits from use of the land.

MJC, in response:

- said these comments in the report came from the Policy team, and there is conflict between the Local Plan and the NPPF. CBC's Local Plan policy permits development at the racecourse as long as it is principally horse-racing-related; if it wasn't, it would be a very different proposal. The Local Plan recognises what the building is and its great

importance in the town, and also that the buildings are not dominant in the greenbelt. Said the proposal isn't for another Centaur – that would be quite a different application and recommendation – and that the Local Plan policy is positive and pro-active in greenbelt terms. Said the authority shouldn't be pushing the racecourse to use its building for different things – this would be against policy.

BF: said MJC had said the racecourse is used principally for horse-racing, but suggested that if the number of days was counted, this is probably not the case.

LG: said BF is trying to re-invent the wheel; he would have a point if this was a large green open space with no horse-racing, but the application is for a refurbishment of the racecourse and buildings over 100 years old and long overdue for improvement, with better toilet facilities, improved pedestrian areas, and underground storage and services provided. He and MS were at one on this. The race course over the years has been kept within the delineated area – had tried to take it out in the 2007 Greenbelt Review, but the Secretary of State had not agreed and the racecourse remains entirely in the greenbelt. Said again, this application is about the refurbishment of old buildings – the racecourse does great service to the town, attracts an enormous number of people and will continue to play a very important part in the economic future of the town.

CC: said most Members appear to be in support

PT: said she had recently visited the Hall of Fame at the racecourse, and seen a record of its development over the years – it is amazing to see how different it is to what it was before. Said the Centaur was designed to be used for other things as well as horse sales, and is a very useful building. Does not consider the racecourse or new proposal detracts from the greenbelt. Thought it a shame the stand takes away pedestrian access to the winning enclosure, but supports the application fully. Said the tented village is partly CBC's responsibility because of our policy, and if there was an application for permanent buildings, the authority might say no.

Vote taken on officer recommendation to permit

14 in support – unanimous

PERMIT

81. 11/00735/FUL 113 Church Road, Leckhampton

Application Number:	11/00735/FUL
Location:	113 Church Road, Leckhampton
Proposal:	Erection of a single storey dwelling to the rear (revised drawings to those previously consulted upon)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	17
Update Report:	Conditions

Public Speaking:

Mrs Sheldon, applicant, in support

Told Members that she had spent a considerable amount of time overcoming concerns about the original application, and the current proposal is for a single-storey (rather than two-storey) dwelling which causes no harm to neighbouring amenity, has no highway safety issues, and does not adversely affect the character of the wider area. The proposed dwelling is not at odds with planning policy, is less obvious than the previous proposal, meets requirements of separation distances, is single-storey so does not cause loss of privacy or light to neighbours, and with windows at ground level will not overlook the neighbours – said it is not true to say that there will be overlooking issues, as endorsed by officers. Said the

proposed dwelling sits comfortably in the generous gardens, and its height and design are appropriate. Agreed that the design is contemporary, but said although this is different, it is not inaccessible – it is a high quality, bold and interesting design which fits well in its context. Regarding highway issues, said vehicular access will be by an existing access and no highway objection has been raised. Highways also accept that the increase in traffic would be negligible. Summed up by saying this is a proposal for a single-storey, high quality, family house close to good schools, and is supported by officers. Hoped Members would agree.

Mr Clarke, neighbour, in objection

Spoke on behalf of neighbours to emphasise the points made in their many letters of objection. Was concerned about the impact of the development on the character of the area - it is garden infill and a totally different design to the other dwellings around it. Realises that houses in the area are of many different styles, but considers the external, futuristic appearance of the proposed dwelling, its 1.5 storey construction, wood panelling and metal roof are completely out of character. Regarding its impact on neighbouring properties, said at 1.5 storeys, it would overlook other homes. On the subject of highway safety, said Church Road can't take any more traffic; this dwelling will exit on to Church Road, and additional cars will be involved. Asked Members to note that of 26 letters sent out, 15 objections and two comments had been received, none of which were in support.

Member debate:

RG: on a technical point, asked about the description of the proposal – it states 'erection of a storey dwelling'. Should this be single-storey or 1.5 storey?

MJC, in response:

- apologised for oversight. Said the proposal is for a single-storey building, but could be termed a 'generous' single storey.

RG: on planning view, had noted the lovely open garden of 113 Church Road which would obviously be lost when built on, and questioned the conclusion at 2.2 of the officer report update that the integrity of the original building will not be compromised – said part of the integrity of the original building is the large open garden.

PT: referred to one of the letters of objection which stated that Inspectors have said previously that there should be no more traffic exiting onto the lane. Would like to hear from MP on this.

KS: thought this quite a tricky application. Had looked closely at the design of the building and could find nothing wrong with it, but knows the area well, the existing house is one of her favourite buildings in Cheltenham, and thinks it would be a shame to spoil its setting. However, considers the issue of traffic on Church Road to be much, much more important than this, and has already spoken to MP about it. In the past, has used her car to pick up her son from school and found the road a nightmare, with parking on the pavement on a narrow part of the road. On one occasion, as school governor, had accompanied children to an Easter service at the church, and with cars parked on the pavement, the only way past was to allow the children to walk on the road. Said permitting another house here was not right. Noted the objections on pages 100-107 of the schedule, and said a new driveway will not solve the issue – the same problem will still exist and there will be no room for cars to get past. Asked why it was suggested that the new exit makes any difference.

BF: noted that this is a locally listed building, and asked KR to reiterate what merits a house being included as a locally listed building as opposed to a listed building.

MS: agrees with RG – the design is alright but it doesn't complement the listed building. Thought the proposal was contrary to the SPD on garden development.

BD: had been up and down the road, and found it crowded and difficult to pass. Asked Highways to confirm that there would be room to turn a car round and drive out frontways. Would need to know this is possible before voting in support of the proposal.

LG: noted that the policies and guidance listed in the officer report made no reference to policy GE2, and found it hard to accept that this large garden doesn't add to the amenity of the area. On the traffic issue, said this will never improve on Church Road, and even though it could be said that two extra cars won't make much difference, was reluctant to vote for anything which would mean two or three additional cars on this almost intolerable road.

AC: as ward councillor, shares other Members' concerns about traffic, and noted the recommendation for refusal from Highways on P101 of the report. Asked why they had now changed their mind.

MP, in response:

- started with a bit of scene-setting – said the original Highways objection had related to the existing access. Had looked at the restricted visibility and turning space, which could have resulted in cars having to reverse out, and recommended refusal. Now an access had been created which would overcome these problems. There had been pre-app discussions on visibility, lack of width and reversing on to the road, but with the creation of the new access, all this became acceptable, and the new plans made it easier to drive out in forward gear;
- knows Church Road well and realises that it has problems, but has to ask whether this was reason enough to refuse the proposal. According to the NPPF, it is not;
- said the Inspector's previous comments that there should be no more cars accessing the road was a rogue decision, which had changed with time. It could not be said that one or two more cars would make a difference. Reminded Members that cars travel slowly on this road, and also made the point that many of the cars parked on the road and pavements belong to residents;
- said Highways can not object to the proposal as it is, and if the police thought the situation on Church Road was that bad, they would have done something about it;
- concluded that it was not tenable to object on the grounds of one dwelling, in keeping with the NPPF, and urged Members not to refuse the scheme on highways grounds.

KR, in response:

- was not a consultee on this application, but said that the setting of a listed building is a consideration and has been tested at Appeal – reminded Members of the application for a multi-storey car park at the hospital. This case went to appeal, and the Inspector ruled against it as it would have affected the setting of the Lido, a listed building.

MJC, in response:

- said KR was quite right, adding that the report gave the rationale for including this building on the local index but made no reference to its setting. Said Cheltenham has very few buildings like this one, in a New England style;
- following on from MP's comments, reminded Members of the appeal decision at Thompson Drive, for the construction of two houses, 2-3 years ago. The Inspector had not seen the additional traffic as an issue, and officers had taken heed of county council advice on this point;
- to Members' concern about whether this is an appropriate site to be developed, and LG's introduction of policy GE2 to the debate, said if Members choose to go down this route, they must specify what the significance of the site is and what is so special about it that it should not be developed. Looking at the specifics of GE2, it speaks about 'significant townscape and environmental contribution'. Asked if Members felt this garden is doing this, and if so, how?
- had considered the proposal against the Garden Land SPD, and believed the key element is understanding the context. Said Members would have noted on Planning View that the proposal does not extend beyond the building line, and that the area is

very mixed architecturally. Said there is an established, fairly loose grain behind the frontage on Church Road, and they should bear this in mind;

- agreed that the proposal is overtly modern in design, but said officers welcomed the variety in the area where there are currently New England-style, thatched, 1960s, Regency-style, and red brick properties in close proximity – a real mix with no well-defined architectural style. It is therefore entirely appropriate to introduce a modern, contemporary approach;
- said the proposal had been thoroughly assessed against the SPD, and officers feel that it won't compromise this – it will change the area, and the property has been designed to be seen as it deserves to be; it is not in breach of the SPD, and officers were happy to recommend its approval.

PT: having looked at a map of the area, and noted that it is fairly densely developed, considers this garden to be very attractive and a 'green lung' – a breathing space in the area. Said there are not many of these where the houses are built up, and despite there being fields beyond, thought that covering every inch of greenspace with houses is not a good thing to do. Was not convinced the proposal wouldn't detract from the listing of the original house, and asked KR if listing could ever be taken away due to inappropriate building around and outside.

LG: said officers are always willing to quote to NPPF, and referred them to paragraph 53, which states that local authorities should consider setting out policies to resist the inappropriate development of residential gardens where development would cause harm to the local area. If the local councillors think it will cause harm to the area, this can be used as a refusal reason, together with GE2 of the Local Plan. Has not heard anything yet to convince him to vote in support of this development.

KS: understands more about the access now following MP's comments, but does not think the issue of visibility has been overcome. Said the new access is directly next to the original access, and with cars parked right up to the junction, it will not overcome the problems. Thought that restricted visibility was a reason to refuse – there is access for one house at this location, not two.

MJC, in response:

- to PT's question about whether local listing is ever reviewed, said it is every so often, and would be put to a panel. However, said this property isn't on the local index just because of its setting, but also to do with its style of architecture and there being no other building like it in Cheltenham. Reminded Members that schemes to build in the gardens of locally indexed buildings have been approved in recent years, and the impact of the scheme on the locally indexed building has to be assessed;
- to PT's comment about the garden being a 'green lung', said this goes back to context and it is clear that there is a lot of open space beyond the site – larger gardens, school playing field and so on. Said both the existing and proposed properties will retain a decent amount of space around them, and the proposed new dwelling is designed to be respectful of this;
- to LG's comments about NPPF requirements, said he has included reference to Para 53 in his report, and resistance of 'inappropriate development' is basically what CBC has done through its SPD. However, this does not mean that every backland scheme is unacceptable – it is all about context, and this is what the SPD tries to achieve;
- said the proposed dwelling is not an anomaly – there are other buildings all around it – and does not compromise privacy. There are a lot of good things about it, and Members need to identify what they consider is wrong with it if they want to move to refuse the scheme.

MP, in response:

- reminded Members of the previous permission at this site which conditioned frontage boundaries to be removed. Considers this proposal an improvement, as it will achieve better visibility and control the frontage;

- said in practical terms, it's true to say that parked cars will restrict visibility, but in planning terms this is not an issue. This has been measured on the plan, and it would be true to say that visibility at most junctions in Leckhampton are affected by parked cars but these don't cause accidents;
- regarding the width of access, turning space and visibility, said Highways has got all it required and cannot object. Visibility is not substandard; in fact it is improved. Said again that refusal on Highways grounds is not recommended.

KS: said the land is so individual and there are no other houses like 113 Church Road, with the large garden adding to the colonial style. Thought the green space consideration important – although it is close to public green space, this may not be there for much longer, making every bit of green space more important and worthy of protection. Said again that congestion levels are high, though was prepared to withdraw her objection on restricted visibility grounds, following MP's comments. Moved to refuse on BE11, as the scheme will compromise the setting of a locally listed building and spoil the appearance of a special house. Was happy for other Members to add more reasons should they wish.

MJC, in response:

- regarding BE11, said this refers to the demolition or harmful alteration of the building on the Local Index – i.e. physical works to the building itself, not to its setting. Members should think very carefully if they want to use this policy, as it is not correct in officers' opinion;
- said that policy CP7 would be more appropriate here, as it refers to the design and setting of the building; GE2 is not suitable as the green space is not high enough in value. If Members are minded to refuse, suggested they do so on CP7, but said that KS's comments so far have the makings of a weak argument which could not be defended successfully at appeal;
- reminded Members that the NPPF requires planning authorities to take a positive approach and look for solutions. It is true that the current house and garden make a contribution to the area, but not enough to make a strong case - there is only the shred of an argument here.

LG: thought that GE2 should be added, as a private garden would be lost. If the case goes to appeal, the Inspector will make a judgement. Said there is no harm in including any policies which are the least bit supportive of what Members are trying to achieve.

CC: asked if Members wanted to substitute CP7 for BE11, and add GE2.

KS: said the officer advice is that substantial reasons are needed to refuse – the reason is that Members are not happy with the setting of the locally listed building being destroyed.

MJC, in response:

- thought that officers could craft a refusal reason based on the setting of the locally listed building, but still considered inclusion of GE2 troubling. Asked Members if the site is so significant compared, say, with townscape green spaces such as Montpellier Gardens. An appeal inspector would ask this question.

LG: disagreed with this – said Members hear this kind of argument all the time and it gets them nowhere. Reminded them of the application at 15-17 Deep Street in Prestbury which went to appeal – this concerned a small green lawn, hidden from the highway, behind four walls on all sides and with the only access through another person's property – and was deemed to be contrary to GE2. Asked why we have policies if we don't use them. If policy reasons for refusal aren't put forward, the moves are more likely to be lost.

MJC, in response:

- said Deep Street was a different case – it was in Prestbury conservation area and there was a listed building in close proximity.

TC, in response:

- to clarify on MJC's comments, said officers are trying to give a clear steer about how robust the case would be should an appeal scenario arise;
- said GE2 is very clear in policy terms and refers to private green space which makes a townscape contribution, while CP7 refers to the character of the locality and landscape – this is enough;
- said it isn't appropriate to go forward with a refusal, thinking that as many additional reasons as possible need to be pulled in to strengthen the case – this won't happen, and this approach is more likely to harm the case;
- if Members can't say why the proposal will harm the townscape, they should consider CP7 only as a refusal reason.

MS: totally disagrees with this. Regarding GE2, said all things are relevant, and it would be up to an Inspector to decide whether or not this policy was appropriate. Thought GE2 and CP7(c) and (e) are all very relevant here.

CC: said KS has moved to refuse and LG has added a reason. Asked CL to clarify protocol here.

CL, in response:

- said again there seems to be a confusion regarding protocol: if Members vote on the recommendation to grant permission and this is lost, officers will pull out the refusal reasons suggested;
- if Members vote in support of the move to refuse contrary to the recommendation, officers will go with the refusal reasons put forward;
- the officer advice to KS was that she needed to come up with reasons for refusal. She has done this – CP7 - and officers will outline these to make sure KS is happy with them;
- if other Members are not happy with the proposer's refusal reasons, they can move to amend them;
- if the amendment is carried, then Members can then vote on the amended resolution;
- if this amendment is lost, Members will vote on the motion originally proposed by KS; if this is lost, the permission will be granted as the recommendation.

MJC, in response:

- said this advice is clear. Was aware of a number of concerns from Members, but said that CP7 provides enough ammunition for an appeal situation; adding further policies will lead to a dilution;
- said GE2 is not appropriate here – the green space is not significant enough;
- urged Members to rely on CP7.

JW: admitted that this was the one site he did not visit on Planning View, but had listened intently to the debate. Said that Members appeared to be feeling more negative than positive about officer advice and that ten minutes had been spent discussing reasons for refusal. Asked how long Members and officers would keep looking if there were no substantial reasons which would stand up at appeal.

KS: was happy for other people to amend her suggested refusal reasons, but accepted officer advice on CP7. Regarding appeals, thought it worth including any reasons Members thought appropriate and leaving it to the Inspector to decide whether or not it was relevant, but thought CP7 was the best bet, considering the harm the proposal would do to the setting and the area.

CC: asked if there were any moves to amend the motion.

MS: proposed the addition of GE2 (b) and (c), and NPPF Para. 53.

Vote taken on MS's move to amend the refusal motion to refuse on CP7(c) and (e), GE2 (b) and (c), and NPPF Para.53

2 in support

11 in objection

1 abstention

MOTION LOST

Vote taken on KS's move to refuse on CP7

6 in support

8 in objection

MOTION LOST

APPLICATION PERMITTED

Cllr Walklett left the meeting at this point.

82. 13/00189/FUL Land to the rear of Well Cottage, The Burgage, Prestbury

Application Number:	13/00189/FUL & CAC
Location:	Land To Rear Of Well Cottage, The Burgage, Prestbury
Proposal:	New vehicular access from Mill Street including the demolition of stone boundary wall and rebuild using reclaimed natural stone
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

Public Speaking:

Mr Whitbourne, applicant, in support

Thanked Members for the opportunity to address them and explain the reasons for his application. Said the access to his paddock is by grace and favour of the owners of Capel House, next to Prestbury House, and he has to cross his neighbours' rear garden to reach his sheep and goats. This access will soon finish. The alternative access is via a field he currently rents, which adjoins the paddock and is owned by the Church of England. When the rental period ends, he will have no access to the paddock or stables, which is why he has applied for access from Mill Street. Said the original application was for double gates to make entrance with farm implements and delivery of hay and straw much easier; this has been amended to a single gate following objections from the Parish Council and neighbours. A solid gate was originally requested for security reasons, as a five-bar gate gives easy access to trespass, would allow members of the public to have physical contact with the animals, and would be less suited to keeping the animals in. Regarding the stone wall, said this is badly in need of repair, and he would undertake to repair the length of the wall concerned, retaining it at its original height. Said if access permission is denied, he will have no legal access to the land he owns, and asked the committee to approve access permission accordingly.

Member debate:

SW: had absolute sympathy for the applicant, though might have argued against the application in other situations. Regarding the request for single access, was in favour of putting this back to double access, as the land in question could end up as scrap land if the owner can't access it.

PT: asked to see the design of the gate on the screen. Thought it was a double access, and was puzzled by the comment that this was needed for deliveries etc – had the lorries been driving over the neighbours' back garden until now?

BF: said it was a five-bar gate with a pedestrian gate.

Vote taken on officer recommendation to permit

13 in support – unanimous

PERMIT

83. 13/00220/FUL Cheltenham Car Wash, Kingsditch Lane

Application Number:	13/00220/FUL
Location:	Cheltenham Car Wash, Kingsditch Lane Cheltenham
Proposal:	Alterations and extensions to automated car wash, to provide a coffee shop (including the re-erection of the valeting and jet wash bays)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Public Speaking:

None.

Member debate:

None.

Vote taken on officer recommendation to permit

14 in support – unanimous

PERMIT

84. 13/00691/COU & LBC Manor by the Lake, Hatherley Lane

Application Number:	13/00691/COU & LBC
Location:	The Manor By The Lake Cheltenham Film Studios Hatherley Lane
Proposal:	13/00691/COU: Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house
	13/00691/LBC: Internal and external alterations to facilitate change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis)
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Permit / Grant
Letters of Rep:	6
Update Report:	Officer comments and conditions

Public Speaking:

Mrs Justine Woodley, on behalf of local residents, in objection

Objected on behalf of Grace Gardens Residents Association, including all residents of Wade Court and Grace Gardens, who have been disturbed by activities at the Manor in the past and might be in future. Was concerned about a number of issues relating to the change of use, although neighbours do not consider this will be any change - weddings and parties have been going on here for a number of years and they have had to deal with noise and disturbance issues regularly as a result. Said there has been a significant problem with loud noise late at night as guests are leaving, and numerous complaints have been made to the Manor about this. Thought it unlikely that any constraints would stop this being a problem, but wanted to be sure at the very least that guests will not be allowed to leave via the current main entrance and that no vehicles are allowed into the car park at the front of the Manor at night. Understood that there might be new doors into the ballroom, and said that if these are open during events, the noise level is likely to be as high as it is when there is external amplified music – this has been a problem in the past. Also requested sufficient controls over food smells and waste, including the quiet disposal of empty bottles. Said it is impossible to believe that there would not be further traffic and parking issues, especially on Hatherley Lane, which is already a busy and dangerous road. Said people regularly park on Wade Court and on Hatherley Lane alongside Wade Court, making it dangerous for residents turning into Hatherley Lane, and increasing the possibility of a serious accident.

Said local residents have tried to maintain a working relationship with the owners of the Manor in the past, but have found that complaints are not attended to. Realised the tension between running a wedding business in close proximity to residential buildings, and said that although the new owners have given neighbours a number of assurances, neighbours remain concerned that business imperatives will soon diminish the owners' concern for their neighbours. If the application is permitted, neighbours expect there to be comprehensive restrictions to avoid serious problems in the future. Said there have already been a number of incidents of loud music and noise late at night – amenity has been severely impacted and will continue to be so, probably to a greater extent given in increase in activity. Said this is due to regular, loud noise which can be heard by residents in their houses and gardens, at any time but especially late at night.

Ms Madge, applicant, in support:

Began by saying that she understands neighbours' concerns, and that noise levels were not managed well under the previous ownership. Told Members that she has a lot of relevant experience having run an events company in Suffolk, where there were no complaints from local residents. Could see that the increase in the number of events was cause for concern, but said most of these will take place in the banqueting hall and should mean a reduction in noise for neighbours – having spoken with residents, most of the noise issues seem to have arisen from the marquees, where noise levels could not be monitored. Marquees will no longer be needed with the banqueting hall in use. Added that the venue is there to be enjoyed by everyone in the area, and that jobs will be created.

Member debate:

MJC, in response:

- told Members that there were two conditions missing, referred to in the officer report at 6.4.2 – the two conditions suggested by Environmental Health. The first concerns noise spillage, which can be controlled by the doors being closed at certain times, and the second is a standard condition regarding kitchen extraction equipment, which has been discussed with KR, who has no objection to it. Said these conditions will need to be added if consent is granted.

RG: regarding the COU part of the application, is worried that if this is approved, the applicants will be able to carry on unfettered with wedding functions, and still have the right to put up marquees in the grounds and do what they want. Said if the proposal is permitted, the authority needs to be fully in control in the future. Suggested that permitted development rights – allowing marquees and amplified music – could be taken away, and the applicant would have to re-apply for this individually. Recognised the needs of the business and

appreciated that jobs would be provided, but also recognised the needs of local residents, and felt that the applicant shouldn't be given *carte blanche*. Did not want to fetter business but did want to protect residents.

PT: was puzzled, as she was looking for Environmental Health comments on the gazebo and pavilion, and hours of use, and could not find them in this application. Asked if it was right to mention these now.

CC: confirmed that this would be OK, if her comments are relevant.

PT: thought they were, in relation to noise. Noted there was no mention of fireworks in the report, even though this is mentioned in several letters from residents. Asked how this could be influenced by the planning permission. Noted that EH suggested a condition limiting use of the gazebo and pavilion for the conducting of weddings, music etc to 9.00am to 6.00pm, and for no more than one hour a day, but said that any music would be heard through the open windows of the banqueting hall, so would the same conditions apply to that? Also questioned how this would be enforced, and wondered why conditions like these are included when officers know they will be very difficult to enforce.

SW: agreed strongly with RG, saying he is almost a neighbour of Manor by the Lake – lives on the other side of the A40 – and has experienced noise from the Manor, as well as fireworks as late as 11 o'clock at night, not just on nights when they are to be expected such as around 5th November and 31st December. Thought this must be intolerable for residents of Grace Gardens. In regard to RG's comments, said if something can be done to contain noise in the building that will be OK, but was very reluctant to vote for either application if something substantial can't be done to protect the neighbours from the existing noise, let alone any future noise.

BF: agrees but said CBC isn't good with enforcement, and issues can rumble on for months or even years. Said it's easy to put conditions on a planning permission, but the permission could end up with so many conditions attached that the applicants will be restricted in carrying out their business, or else it won't be possible to monitor and enforce the conditions. Said experience of enforcement is not good.

BD: agreed with BF's comments on enforcement. Noted on planning view that the houses are very close, and for residents it would be like having music and fireworks in their own back gardens. Was reluctant to vote for the scheme – thought it would be like opening Pandora's Box for people living at the back.

MS: heard what was being said but wanted to make an analogy with people living around the racecourse. Said the applicants are new to the building, and if a good rapport with neighbours can be established as has been done with residents living close to the racecourse, the venue's importance to the community will be accepted and local people will support it. Said the Manor House is historical and needs to be used, otherwise it could fall into disrepair, and if the noise is intolerable, enforcement officers will be notified. Suggested giving the applicants a crack at developing their new business, and hoped that they will respect the local community in doing so.

KS: was not on planning view, but had gone to look at the site on her own. Thought it very interesting – a beautiful building in an appealing setting. Noted that Wade Close is really close to the building, and having read the representations, updates and conditions, is not convinced that the permission and conditions are strong enough to give residents the peace of mind they deserve. Said the hours of opening were OK but how and where people leave the venue is also important, suggesting that the back exit near the industrial area would be better than the current arrangement. Also thought a condition relating to fireworks was important, as these would be so close to residential properties, and thought the hours of operation should also be looked at again.

MJC, in response:

- regarding fireworks, said it is not within the local authority's gift to control these, regardless of whether they are used by the venue or by a private individual – anyone can have fireworks in their back garden;
- on the question of marquees, referred Members to the Cheltenham Festivals applications, and said there were permitted development rights to allow marquees to be erected for 28 days of the year, including the setting up and taking down. If the applicant wanted more days, planning permission would be required. Asked Members if they wanted to restrict this;
- said it was not uncommon to remove PD rights for new houses, and PD rights for marquees could be removed – a further planning permission would then be needed to allow them; Members needed to think whether this is what they want;
- regarding hours of operation, said there are no suggested restrictions in the report – the property is licensed and this is what controls the issue. The Environmental Health team does not consider restrictions necessary, but if they are, it is up to the EH to set them;
- corrected his own earlier comments regarding noise spillage – Condition 2 – saying that as long as the three doors are kept closed, EH has no objection;
- to BF's comments about whether it is worth including conditions on planning permissions if they are not enforced, said this type of condition is usually enforced by neighbours, and if the conditions are breached, the local authority will know about it via complaints to EH. Said this arrangement is not uncommon.

KR, in response:

- reinforced her comments that this is a large building in lovely grounds which could be spoilt if it does not have a fundamental use;
- reminded Members of the earlier proposal concerning the Odeon – a large building with no future use and now facing demolition – and thought this proposal, which would provide a use for the house and the garden would prevent it having to be subdivided into flats in the future.

AM: referred to 1.3 on page 178 of the report which states that the established use of the site has been to host weddings and other functions, and asked what the impact would be if the application is refused – the applicant will simply continue with the established use.

PT: was confused. Noted that the second application (13/00383/FUL) refers to hours of use (9.00am-6.00pm) but these don't apply to the first application (13/00691/COU). Said even with the best will in the world to restrict noise and loss of amenity for neighbours, as stated by Environmental Health, there was no mention of fireworks – fireworks are noisy, and noise is part and parcel of what needs to be enforced and controlled. Considered it important to establish whether we can detail fireworks noise in a condition, so that EH can at least have some effect on it.

RG: would like to see PD rights withdrawn, saying that this wouldn't fetter business and would allow the local authority to keep some control. Regarding the conditions on noise, said if the noise levels at boundary points are tested by Environmental Health, at least the residents will know there is a set standard. Realised it was a long shot, but wondered if an informative could be included, encouraging the applicants to look at how the racecourse and Park Campus engage with local residents – holding regular meetings, no fireworks late at night etc – to foster better relations.

MJC, in response:

- to AM, said the building was previously attached to a wider complex, and its use as a wedding /function venue was ancillary to that. The current application is to establish its own use as a stand-alone venue. Its previous use is relevant to the application, but its future use can no longer be considered as ancillary;
- to PT, regarding hours of operation, said the importance of controlling noise was heightened for the outside structures (13/00383/FUL), and that Environmental Health officers don't consider it to be an issue for the COU application;

- to RG, said if EH officers thought the noise level was likely to be an issue, they would impose restrictions, but with the doors kept shut, they consider that noise levels will be contained and therefore OK. Said it might be a convoluted approach, to keep the doors closed, but this was their clear view;
- regarding RG's suggested informative, said engagement with the community is generally a very good message to give to an applicant, as had been demonstrated by the Cheltenham Festivals applications. If Members were happy for them to do so, officers can craft an informative to this effect.

KS: was trying to be positive and wear an NPPF hat, but found it a struggle. Did not consider all the issues had been resolved. Was concerned that Environmental Health officers had not suggested any restriction on hours – said people are naturally very noisy, high-spirited and drunk at weddings and celebrations, and felt this might have a negative impact on the local community. Said it would be very difficult for Manor staff to shepherd hundreds of guests, celebrating a happy day. Cannot support the proposal as it stands, though may be more in favour of a temporary permission, perhaps for one year. If the proposal goes ahead as it is, it will lead to problems for the enforcement team.

SW: agreed that these conditions can't be enforced, but said there was a similar situation at ASDA, where the management took great strides to get together with neighbours – suggests Manor by the Lake do similar. Would support the proposal if it is for a temporary period.

MJC, in response:

- said the problem with a temporary permission is that it will create a difficult route regarding business planning – the nature of the business is to take bookings for next year and beyond. A temporary permission is not a suited use here. If Members do not consider the recommendation and conditions suitable, they need to say why not.

BD: referred back to earlier comments about how Cheltenham Festivals work with local residents, saying this situation is similar. Said residents have been included in decision-making and attended regular meetings, and the issues are now starting to be sorted out, after two years. Thought this could be done here, making sure all residents are involved and stopping problems before they get out of hand, as done by Cheltenham Festivals.

CC: considered MJC had responded to Members' concerns and moved to the vote.

Vote taken on officer recommendation to permit

10 in support

1 in objection

2 abstentions

PERMIT

Having sat for four hours, Members voted on whether the meeting should continue or reconvene on Friday - a vote for the meeting to continue was carried.

85. 13/00383/FUL Manor by the Lake, Hatherley Lane

Application Number:	13/00383/FUL
Location:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
Proposal:	Erection of pavilion and gazebo within grounds
View:	Yes
Officer Recommendation:	Permit – altered at committee to Delegate authority back to Officers to resolve outstanding issues before issuing permissions/approvals, with recommendation that the applicant withdraws the gazebo element of the application

Committee Decision:	Delegate authority back to Officers to resolve outstanding issues before issuing permissions/approvals, with recommendation that the applicant withdraws the gazebo element of the application	
Letters of Rep:	27	Update Report: Conditions

Public Speaking:**Mrs Justine Woodley, on behalf of local residents, in objection**

Said local residents believe that these additional structures will greatly increase the noise disturbance they have suffered for a number of years. Said the first concern is amplified noise, which will be quite unacceptable in any outside area as far as residents are concerned. Environmental Health officers have said that PA may be used for an hour every day, but told Members that a recent marquee event in the gardens which used amplified noise was so loud that residents could not hear their own televisions inside double-glazed homes with the windows closed. If amplified noise is allowed, this level of disturbance could occur every day throughout the summer. Said residents' second concern is that these areas will be used by smokers and drinker to congregate, so creating additional loud noise. Up until now, Manor staff have not always been able to control wedding guests to ensure they use designated smoking areas, and the current smoking area is a little further away from Grace Gardens but not far enough to prevent noise disturbance. Management of smokers remains a serious issue for residents. The third concern is that EH officers suggest weddings and other events can take place between 8.00am and 9.00pm. Said 9.00pm is late and could mean music, singing and applause from 150 people well after small children are likely to be in bed. Finally, said the proposed site of the gazebo is only about 20m from the nearest house, though it could clearly be situated elsewhere in the grounds – there seems to be only minor aesthetic justification for its proposed siting. It could be positioned on the Hatherley Lane side of the Manor, though noise would still remain an issue for Grace Gardens and Wade Court residents. Said Manor by the Lake is very close to neighbouring houses and cannot therefore expect to function as a country estate might do in hosting weddings – amenity will be significantly and negatively impacted by the addition of these structures in the grounds.

Ms Madge, applicant, in support:

Told Members that despite British weather, many couples want to be married outside, and the pavilion and gazebo are important for her business: the pavilion will be an ideal backdrop for larger ceremonies, the gazebo for small ceremonies. Said they will be used for the ceremonies and photos only, and will not be used as smoking shelters – there will not be any seating to discourage people from spending additional time there. Said that in order to be a successful wedding venue, it was necessary to offer both indoor and outdoor facilities.

Member debate:

RG: wasn't happy with the Environmental Health statement referring to low key, background music and small PA systems; said the noise and decibel level should be at a set standard and guidelines were needed – otherwise how could this be enforced? Said EH officers and planning officers should sort this out. Regarding the control of smokers, said the hours of use were set at 8.00am to 9.00pm, but there would always be overspill at the end of those hours. Noted that the applicant said the gazebo would be used for small ceremonies, and thought there needed to be a definition of 'small ceremony' from the applicants – did this mean 150 people, less or more? Said this information was needed before any permission could be granted.

KS: asked why the hours of operation had changed from 9.00am to 6.00pm as suggested by EH officers, to 8.00am to 9.00pm as set out in the condition. Also wanted to know how access would be permitted outside the suggested one hour's daily use – how will the gazebo and pavilion be shut off to ensure nobody uses them at other times?

MJC, in response:

- regarding the Environmental Health position, said their initial stance was that hours should be limited to 9.00am to 6.00pm, for amplified music and voices from the gazebo and pavilion. This had subsequently been discussed with the applicant, and the site visited, as a result of which a more relaxed stance of 8.00am to 9.00pm, for no more than one hour each day, had been thought appropriate. Said the impact was not likely to be so great as to restrict the noise any further. Said Members can decide if they consider these hours appropriate or not, adding similar advice to that already given, that it will be clearer to impose hours of operation rather than noise levels. Had a similar discussion regarding Cheltenham Festivals, saying that hours of operation were more clear cut, and if Members were not comfortable with an end time of 9.00pm, they should suggest a time which they are comfortable with;
- to KS's question on how to prevent the structures being used beyond the set times, said once again that we would rely on residents of neighbouring properties to report any breaches – this is common practice in the town, as this kind of situation cannot be policed 24/7. It will be flagged up and dealt with accordingly. If Members are uncomfortable with the proposed hours of operation, they should debate this, as it will be easier to enforce.

GB: had no huge problem with the pavilion which was further from the houses and shouldn't be especially annoying for residents, but did have a problem with the gazebo which is just too close. Would be happy to permit the pavilion but not the gazebo – if the application is permitted and the one hour's use a day is always around 9.00pm, it would be very annoying for neighbours. Thought reducing the time to 6.00pm would be better but probably unviable.

BD: said this is exactly what she was about to say – agreed with GB 110% that the pavilion by the lake is OK, the gazebo not. Will not vote for the proposal as it stands.

AC: said his comments had also been pre-empted and he too considers the gazebo to be too close to the houses, adding that an hour's noise at midday would be very different from an hour's noise at 9.00pm. At the very least, said the hours of usage should be restricted.

MJC, in response:

- said Members were talking in terms of a split decision – he had wondered if this might happen and believed such a decision could not be issued. Therefore suggested a more creative approach: that Members vote on a different officer recommendation. As it seems the pavilion is acceptable and the gazebo is not, suggested a new recommendation, that Members delegate the decision back to officers, who can negotiate removal of the gazebo, following discussion with the Chair and Vice-Chair. Otherwise the permission is likely to be refused.

CC: asked CL to comment.

CL, in response:

- said that although she believed split decisions can be issued when elements of a proposal can be separated out, she has worked for a different council where it has been done. However, she had not been made aware this might be considered and could not provide authorities on the point, therefore in view of this she considered that MJC had put forward an appropriate alternative

MS: suggested that the easiest way out is to grant the permission as it stands, but limit the hours of operation on the gazebo to, say, 5.00pm.

PT: said this comment pre-empted hers, and suggested 9.00pm should be a cut-off point – no music after that time - and new hours of operation for both venues would make it less complicated. Said, however, that she had no problem with a split decision either.

MJC, in response:

- said MS's solution was better, more NPPF-compliant, and a cleaner way to do it.

GB: remained concerned, saying that any hours of operation for the gazebo will be arbitrary, and we have no real knowledge about what it will be like for neighbours. Said the position of the gazebo is wrong, and would like to stick to MJC's suggestion that officers negotiate the removal of the gazebo.

RG: noted that MJC was bowing to MS's expertise, but thought his original remarks were the best way forward. The gazebo should at the very least be moved away from the wall. Asked for an answer to his earlier question – what exactly constitutes a small ceremony?

KS: agrees with GB about a split decision. Is still uneasy about the pavilion being used until 9.00pm, as noise travels a long way – has experience with this from events at Brizen Field. Thought a 7.00pm cut-off would be the best solution, which wouldn't disturb small children in bed with windows open on warm evenings.

MJC, in response:

- to RG, said what constitutes as small ceremony is irrelevant if the gazebo is to be removed from the application, in line with the new officer recommendation.

GB: was still concerned about hours of operation – thought these very arbitrary, and was uncomfortable making a decision with this uncertainty.

CC: asked MJC to sum up the situation now reached.

MJC, in response:

- said the officer recommendation is now that Members delegate authority back to officers to issue the decision, to approve the pavilion as set out in the report, and with the assumption that the applicant, having heard the debate and Members' concerns, will remove the gazebo from the application.

Vote taken on new officer recommendation (above)

11 in support

2 in objection

PERMIT

86. 13/00679/OUT 81 New Barn Lane

Application Number:	13/00679/OUT
Location:	Ramblers Rest, 81 New Barn Lane, Prestbury
Proposal:	Erection of detached dwelling at the rear of 81 New Barn Lane
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

Public Speaking:

None.

Member debate:

RG: has consulted the SPD on garden land development and looked at the access, and was surprised that Highways Officers consider three houses in a row on a single access conforms with our policy?

MP, in response:

- was thrown by reference to 'our policy' – the SPD is not part of highways policy in the local plan.

RG: said according to the SPD, one access serving three houses is not permissible.

MS: agreed with this statement.

CS, in response:

- on the point of access, said there is already existing access to serve two dwellings, and the application is indicative of a third dwelling. It is in accordance with the SPD, and there are no objections from Highways. Basing each application on its own merits, this proposal is considered acceptable.

LG: said if this application is granted, it makes nonsense of the £60k spent on the SPD which, on page 36, shows very clearly that two dwellings sharing the same access is not acceptable. Reminded Members of a costly appeal on a property down the track in the greenbelt – this area is still in the greenbelt and the resident in objection is likely to go to the Local Government Ombudsman if the application is approved. Said that three dwellings with one access is the worst application for backland development he had seen – there have been several for two, but this application is nonsense and should be thrown out of the window.

CS, in response:

- regarding access, said the SPD states that tandem development is not *normally* accepted, but as the access already serves two properties, the question is what additional harm a third dwelling will cause. Based on the response from Highways, it will cause no additional harm.

MS: said it would cause harm, and would contravene Policy CP7, compromising the house on the right, and representing over-development of the land. Moved to refuse on CP7.

SW: did not normally have much sympathy with the SPD, but considered this to be ridiculous. Following on from an argument at last month's committee, was concerned about 'drip feed' development, adding houses one by one. Has sympathy with the SPD in this case.

RG: noted the words used by the officers and the SPD, that this kind of development would not *normally* be permitted. Has not always agreed with LG on this, and considers two dwellings are sometimes OK on the principle of the SPD, but thought this application is pushing things too far, and supports MS's move to refuse.

LG: told Members that he had contacted the case officer and been told that this application was likely to be refused in accordance with the SPD, only to be informed two days later that there had been a change of mind and the application would now be recommended for approval. Thought this very odd, as the application had not changed, and said Members need to be able to trust what officers say. Thought this a poor example, showing how not to do it.

MJC, in response:

- said it was not quite as simple as this. Said CS had asked LG whether, if she was minded to refuse the application on the SPD, he would still want it to come to planning committee – this was a reasonable question to ask;
- however, as CS had pointed out clearly, the SPD states that this type of development is not *normally* permitted which means it is acceptable in certain circumstances. Said Members had been on site and will have noted the mixed grain of the area, similar to Church Road. It was felt, therefore, that there would be no particular harm in allowing an extra dwelling here;
- said if Members feel there is harm, they need to define it, and not simply rely on Page 36 of the SPG as evidence. Officers need to hear more if the application is to be refused;

- to LG, said this land has never been in the greenbelt.

LG: re-stated that it is.

MS: said the SPD is applicable here and should be included as a refusal reason. Said CP7(c) is also relevant – we can't keep filling little spaces with dwellings. Said looking at the map makes it clear that enough is enough and one more dwelling will be over-development of the site.

Vote taken on MS's move to refuse on CP7(c) and the SPG on Garden Land Development

5 in support

4 in objection

2 abstentions

REFUSE

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

There were none.

CC: thanked officers for their additional work in getting the first two applications to committee this month.

RG: thanked CC for successfully chairing the meeting, and welcomed the officer introductions to each application.

Chairman

The meeting concluded at 10.40pm.