

Planning Committee

6.00 pm, 20 October 2016

Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Tony Oliver
Councillor Bernard Fisher (Vice-Chair)	Councillor Louis Savage
Councillor Paul Baker	Councillor Diggory Seacome
Councillor Mike Collins	Councillor Klara Sudbury
Councillor Colin Hay	Councillor Pat Thornton
Councillor Adam Lillywhite	Councillor Simon Wheeler
Councillor Helena McCloskey	Councillor Paul McCloskey (Reserve)

Present as an observer: Councillor Babbage.

Officers in attendance

Tracey Crews, Director of Planning (TC)
 Martin Chandler, Team Leader, Development Management (MC)
 Michelle Payne, Senior Planning Officer (MP)
 Chloe Smart, Planning Officer (CS)
 Ben Hawkes, Planning Officer (BH)
 Nick Jonathan, Legal Officer (NJ)

44. Apologies

Councillors Hobley and Nelson.

45. Declarations of Interest

Regarding **16/01597/FUL 6 Wards Road**, NJ explained that although the applicant is known to most of Cheltenham's LibDems, that in itself doesn't preclude them from taking part in the debate. Members should ask themselves whether they consider themselves close friends of the applicant, in which case they should declare a prejudicial interest; it is up to each individual member to decide on this. LibDem Members agreed *en bloc* that they all have a personal but not prejudicial interest in this application.

16/01546/FUL 146-48 Bath Road

Councillor Oliver – has a personal and prejudicial interest; the applicant signed his nomination papers, and he has been a customer for many years. Will speak on the applicant's behalf in support of the application, then leave the chamber.

Councillor Hay – personal – knows the applicant, gets his hair cut there.

16/01180/FUL Charlton Kings Hotel, Cirencester Road

Councillor Lillywhite – could be a perceived prejudicial interest here – will therefore leave the chamber.

46. Declarations of independent site visits

Councillor Barnes mentioned that there were very few Members present on Planning View this month.

- i. Councillor Savage – Charlton Kings Hotel

- ii. Councillor Lillywhite – 6 Wards Road; 146-48 Bath Road; Burma Avenue
- iii. Councillor Sudbury – has informally visited 6 Wards Road and 146-48 Bath Road
- iv. Councillor Baker – visited 45 Whitethorn Drive on previous Planning View; has visited Charlton Kings Hotel
- v. Councillor Paul McCloskey – drives over Cudnalls Bridge every day; has also visited 6 Wards Road, and knows Charlton Kings Hotel.

47. Public Questions

There were none.

48. Minutes of last meeting

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22nd September 2016 be approved and signed as a true record with the following correction:

Application Number:	16/01203/FUL
Location:	332 London Road, Charlton Kings, Cheltenham

Page 10, public speaking

*The planning officer considers the annex is being shoehorned into the site with limited space between it and the main house, but would draw Members' attention to **228 282** London Road, where two large 4-bedroomed dwellings are to replace one single house, with just 1.8m between them and limited garden and drive access.*

5i. Matters arising

Councillor Barnes has asked Ullin Jodah McStea, Heritage and Conservation Officer, whether the proposed lamps at the Cenotaph will be lit; she confirmed that they will be viable lights.

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

50. 16/01597/FUL 6 Wards Road

Application Number:	16/01597/FUL
Location:	6 Wards Road, Cheltenham
Proposal:	Proposed erection of a wheelchair lift at the front of the property and relocation of front door
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	None

CS introduced the application as above, saying it is at Planning Committee at the request of Councillor McKinlay, due to the special circumstances. While the needs of the applicant are acknowledged, officers feel that the proposal will be harmful to the existing property and surrounding area, hence the recommendation to refuse.

Public Speaking:

Councillor McKinlay, ward councillor, in support

As CS has said, asked for this application to come to Committee for consideration as, under delegated authority, it would have been refused on policy CP7. Wearing his other hat, as cabinet member with responsibility for the built environment, would have to say that is the correct decision on policy grounds. However, feels that the particular circumstances of this case mean that we should make an exception to the rule - members will have read that the applicant's wife has a medical condition which has prompted this planning application. In normal circumstances, where a proposed addition to a property will have an obvious visual impact on the road, we would have objections from neighbours, but in this case, there are none. All neighbours have verbally told the applicant that they are in favour of the proposal, and those at Nos. 2 and 8 have written letters of support. This indicates the way the proposal is viewed in the street. One of the pictures shows the proposal as a large black tube clad in reflective black glass – this was chosen to reflect the environment better than anything else, but the applicant is happy to clad it in whatever material the Committee may think appropriate. The applicant has also agreed to remove the lift before the property is sold or when it is no longer used – it is not a permanent structure.

The officer report acknowledges the significant benefits of installing the lift on the outside – it will not reduce the available floor space inside and will be fully reversible – but have made an on-balance recommendation on account of the harm it will do to the street scene, policy considerations, and its obtrusive design. However, as the neighbours do not object, and the lift is required for the clear purpose of allowing the applicant to continue living in the family home, the Committee should use its discretion in relation to this application. Personally feels that enforcing CP7 in this instance would be the wrong decision.

Member debate:

HM: is pleased to hear AM say that the applicant is prepared to consider other materials for cladding, as this is the real nub of the issue. If Members are minded to approve the application, can this be a condition – that alternative cladding material be submitted, to be approved by officers?

AL: there was mention in the report that the lift could be removed when it is no longer required. Can this be conditioned successfully?

BF: it is difficult to tell from the illustration how the reflective surface of the lift shaft will appear in reality. It will reflect other parts of the property, the street scene etc, and won't look as harsh as the solid black line on the photo. It has to be positioned on the outside of the house to achieve the required height for the winding gear, and is needed to allow the applicant's wife a better quality of life.

GB: it is needed to allow access to the upper storey of the house.

PB: AM is quite right – the officer recommendation is the right one – but as human beings, Members have to make a difficult choice between strict planning guidelines and humanity. The street scene is not exceptional – not a Regency terrace – but it's true to say the lift will stick out like a sore thumb. Anything that can be done to soften this should be done. Is inclined to support the proposal on humanity grounds, particularly as there are no objections from neighbours for that reason.

MC: has read all the papers and accepts what other Members have said. Agrees that this is not a flattering photo, that the street is not special, and that there are no neighbour objections. Notes that the house itself isn't parallel to the road – it is at an angle – and wonders if that will help or hinder the effect of the lift shaft on the street scene. Thinks it will probably take away some of the impact, and this is an important consideration. Is minded to support. Officers have to go with policy, but it is alright to make exceptions at times.

CS, in response:

- to HM, regarding the cladding, if Members would like this to be altered, it can be delegated back to officers for discussion;

- to AL, regarding a condition to remove the lift when no longer needed, officers consider that this will need a 106 agreement because of the harm to the building and the special circumstances of the applicant. This would also need to be delegated to officers to discuss.

BF: the danger with a 106 is that if the applicant moves, a prospective buyer may actually require this additional facility and want to retain it. Would a 106 agreement mean that the lift *has* to be removed when the applicant moves?

CH: would like clarity re the cladding. If it has been demonstrated that black glass is the best material to use, doesn't want the Committee to give the impression that it objects specifically to that; just to request that the cladding material be looked at again.

GB: would imagine that one of the reasons for the black glass being chosen, other than it being reflective, is that it will make it impossible to see what is inside the lift, while letting in sufficient light. The applicant will not want to be seen from the street, and this cladding is secure in that sense.

PT: wonders whether we could condition some sort of opaque cladding and windows inside, obscure get giving light. There are all sorts of things to be considered, and a good architect will be able to give a lot of guidance.

CS, in response:

- to BF, re the 106 agreement – once the property is sold, the future of the lift will be dictated by the terms of the 106; a legal agreement is a sure way to tie this up;
- regarding the glass, presumes the reflective glass is for privacy; the applicant has stated that while he is happy to consider alternatives, he will require privacy. He is open to discussion.

SW: is with CH on this. It should be left as is – dark glass – unless officers have real difficulty with it. They don't appear to, and the applicant will have taken privacy into account when choosing the glass.

LS: regarding a condition requiring the removal of the lift when the current occupants move, this is unnecessarily restrictive. We have an ageing population, and there could be a demand for properties for people with health and mobility issues. We need more properties of this kind, not less.

BF: would a 106 agreement make it mandatory to remove the lift on selling the house? This would be the wrong thing to do – the property may be attractive to some people with the lift in place.

GB: but as it contravenes policy CP7, it should only be considered for temporary permission due to the special circumstances of the applicant.

CS, in response:

- the issue is the level of harm the officers have identified with the structure which Members feel is outweighed by the special circumstances. This needs to come through in the decision, and a legal agreement is the best way to tie it up for the future.

PT: there may be no need to refuse it in the next five, ten or fifteen years. By then, the council's policies may have changed. The legal agreement mustn't tie things up too tight.

AL: if the removal was conditioned with a 106, what would happen if a future owner wanted to retain the lift? Could they reapply for permission, and would that override the 106 agreement?

CS, in response:

- they could apply for the same proposal again, it would be considered on its merits. Any legal agreement would run with this application and this permission.

MJC, in response:

- Members are taking the personal circumstances of the applicant into account and coming to a different conclusion from officers. This is at the Committee's discretion. If permission for this proposal is given, it should solely for this applicant – hence the legal agreement – as it will not be a good addition to the property. It could be varied in the future, but this decision cannot stray beyond this applicant's own personal circumstances;
- the proposal is contrary to policy. Members are weighing up the scheme and thinking it's OK, but this decision needs to be justified and a 106 agreement is the way to do that. Something needs to be added to the decision to show the reason why that decision was reached;
- the decision needs to reflect the debate, show that Members have weighed this proposal in the balance, recognised that it is contrary to policy on design grounds, but there are particular reasons to support it. A 106 agreement will cover this.

PB: the location is critical here, and has had an impact on his decision.

CH: there have been one or two other situations where something similar has cropped up, and formal discussions with officers and Members outside the meetings have been held to see how to deal with them. There are cases where officers have no option but to refuse an application. Some clarity for Members would be useful.

GB: every application is considered on an individual basis; it is difficult to have rules on this.

MJC, in response:

- that is a valid point, but officers could have come to a different conclusion – policy allows for this. In this case, however, they feel that the benefits don't outweigh the harm; Members don't agree.

PT: there are likely to be more and more application of this kind. Each situation needs to be assessed on a general basis.

GB: that is for officers to do.

KS: there are specific reasons why this application could be permitted which would not be acceptable elsewhere, such as the streetscape, or if it was a listed building or in a conservation area. Each application is considered on its own merits. A strong reason to support this scheme is that there are no objections from neighbours – this is significant. It is also significant that the addition to the house will only be temporary, for as long as it is needed, to be secured by a legal agreement. These are the reasons why Members are prepared to go against officer recommendation. The other side of this is that it will make a significant change in the street scene, and people may wonder why it has been done.

BF: a 106 is a legally binding document. It is common sense that when in the future this house is put on the market with a lift in place, that may be a marketing feature and the very reason why someone will want to buy it – more and more people are going to need this sort of facility. Making its removal a legal requirement is foolish. And it is on the outside of the house because there is no room inside.

GB: the next owner of the property could re-apply for permission. 106 agreements apply to all sorts of things and are legally binding.

CS, in response:

- this issue has been considered by officers, who have had discussions with legal officers and the applicant, but is slightly vague at this stage. Because of the harm the proposal

will do to the property, it is of paramount importance that it be removed in the future when no longer needed.

DS: this is a case of humanitarian issues against planning issues, but would Members be taking the same view if the property was a listed building?

GB: this has been covered already.

MC: feels this discussion is being made more complicated than it needs to be. Taking into account the lack of objections, the location, and the 106 agreement, Members need to make up their own minds. Has made his mind up and is happy to go to the vote now. Members should not worry too much about the future, but put a lid on it now.

Vote on officer recommendation to refuse

13 in objection

1 abstention

NOT CARRIED

Vote on move to permit, with 106 agreement, and delegating to officers further discussion about cladding materials

13 in support

1 abstention

PERMIT

51. 16/01180/FUL Charlton Kings Hotel, London Road

Councillor Lillywhite left the Chamber for the duration of the following discussion.

Application Number:	16/01180/FUL
Location:	Charlton Kings Hotel, London Road
Proposal:	Construction of a two-storey hotel extension comprising eighteen (total) additional bedroom suites, along with associated external landscaping and car parking alterations. The scheme also includes minor alterations to the existing hotel, comprising the demolition of existing conservatory and single storey side extension, and replacement with new single storey extension.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	11
Update Report:	None

MJC introduced the application as above. There will be a net gain of 18 rooms. The scheme has been amended during the application process, taking into account neighbours' concerns about loss of amenity. The hotel is situated in a prominent location in the AONB, and is at Committee at the request of Councillor Helen McCloskey on account of concerns about the impact on neighbouring amenity. The recommendation is to permit, with conditions.

Public Speaking:

Mr Chris Gray, agent, in support

There are a few areas of the application which need to be emphasised. Firstly, the application site had several challenges: AONB, protected trees, London Road, impact on neighbouring properties. The applicant entered into pre-app discussions to address neighbours' concerns, with several options being considered, and ultimately agreed that the eastern boundary was the best place to develop – with natural landscape, avoiding over-development on the main road, and with a right of way track between the hotel and

Woodgate Drive to ensure good separation. Regarding functions, the pre-app proposed additional bedroom suites and a function room for weddings, business conferences etc, on the eastern boundary, but as a result of neighbour concerns about noise, overspill and parking, the function room has now been omitted from the proposal, leaving the application for additional bedrooms and upgraded guest facilities well away from residential properties. There will be sufficient guest parking on site. Regarding scale and massing, the footprint has been reduced, and the upper storey windows will have fully obscure glass and be fixed, to avoid any concerns about overlooking.

Member debate:

PB: how are comments from the trees officer and landscape architect to be addressed?

SW: is disappointed he was not able to be on Planning View for this. Has two issues: one, the very large tree on the roadway – trees officers do not have any issue but it seems close to the road, and would therefore like reinforcement. Secondly, this proposal is listed as an extension but in fact it is a whole new building in the AONB. The extension is as big as the original building. This is a cause for concern, although does not want to hamper business.

HM: as PB has said, would like to hear what officers have to say about removal of trees, and the requirements under the wildlife and countryside act. Do conditions include that provision?

MJC, in response:

- will do best to answer questions – the case officer is unwell;
- to PB, the trees officer's comments and request for reinforced grass have been fed back to the applicant. Landscape measures should be introduced to prevent cars from going under the trees. The hedge under the tree to the north boundary should act as a barrier, and negates the need for reinforced grass there. The trees officer welcomes the landscape plan and has recommended conditions accordingly;
- to SW, regarding the size of the extension, it is physically linked to the hotel and is therefore classed as an extension, albeit almost a stand-alone building;
- the fact that the site is in the AONB has been given a lot of consideration, with the effect on views both in and out weighing heavily in the officer's deliberations. Once again, the planning balance is the consideration here, weighing up the effect of the proposal on the AONB and the neighbours' concerns and the economic aspect. The proposal will affect the AONB, but not enough to withhold permission;
- to HM, there are no conditions to say that trees have to be taken down at a particular time; that is different legislation. The onus is on the applicant to remove the trees in a legal way. In the past, informatives have been attached, to remind the applicant that it is essential to remove trees at a particular time, with a legal requirement to do so. Recommends an informative along those lines in this case.

CH: is broadly in favour of this application, noting that the houses at the back are fairly close together, rather than an open block, and there is a hedge between. This is a sensitive area in the AONB, but the proposal will not overly affect views in, being hidden from the road, and the first view out of the AONB is towards an urban area. Agrees that we need to be careful, and make sure the development conforms with regard to trees and wildlife etc. On the whole, thinks this should be permitted, and that the additional bedrooms are OK.

GB: reminds Members that it is not necessary for them to endorse the officer recommendation.

PT: technically, this is in the AONB, and this proposal will make a mish-mash of this little corner of it. It is currently attractive and workable, and although it won't be possible to see the new building from the road, it will be possible to see the huge car park. It is wrong that this area can be destroyed so thoroughly; it could be done better. There are a lot of trees with their own ecology, and it's a shame to see them go.

SW: from the drawing, it appears that the proposed driveway will go right up to the trunk of the best tree on the site. If that is the case, the driveway should be moved to the north.

MJC, in response:

- the drawing is telling. As Members saw on site, that arrangement exists at the moment – the tree is very close to the driveway. It is a protected tree and the proposal won't change that.

Vote on officer recommendation to permit

10 in support

3 in objection

0 abstention

PERMIT

Councillor Lillywhite returned to the Chamber.

52. 16/01283/FUL 45 Whitethorn Drive

Application Number:	16/01283/FUL
Location:	45 Whitethorn Drive, Prestbury
Proposal:	Proposed two storey side and rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	None

BH introduced the application as above, at Planning Committee because the Parish Council feels it will have an overbearing impact on neighbouring property. The applicant has changed the roof from gable to hip, and officers do not feel that the impact will be overbearing. The recommendation is therefore to permit.

Public Speaking:

Mr and Mrs Simpson, neighbours, in objection

Mrs Simpson:

Has lived happily in Whitethorn Drive for 31 years, but considers the proposed extension next door to be overbearing, resulting in loss of sunlight and an oppressive structure looming over their patio. The proposal is out of proportion to the house and garden. Three houses on the estate have had extensions, one of which is 26foot in length, and if a similar scheme was proposed here, would have no objection. The proposed kitchen window will be just four feet from the boundary, with resultant noise and smells affecting their enjoyment of the patio. The extension is overbearing and sky-blocking, and should be scaled down.

Mr Simpson:

The objections to this application are all relate to matters of well-being and quality of life. Recently had a new patio extension, including level access and ramps to allow easy wheelchair access. Is very concerned about possible damage as a result of vibro-compaction piling, and would like to insist that the owners of Number 45 should issue a notice regarding the Party all Act of 1996, Section 6

Mr Walker, applicant, in support

He and his family love living in Prestbury; his children attend the local school, and as they hope to remain here long term, would like to improve their living space. The upstairs plans have been changed so that all rooms face the garden. The footprint is only increased by

10%. Regarding loss of light to the neighbouring property, the proposal passes the light test and will not make a significant difference to the light next door. With the fence, trellis, summer house, and tree, the neighbour currently has no view across the garden. Agreed the fencing with the neighbour, who subsequently added the trellis. The extension will add to privacy, and will not obscure any view of Cleeve Hill. Style-wise, the proposal blends with the existing design, and is similar to other extension on the estate. Regarding subsidence, takes this issue very seriously and has taken professional advice; will seek and comply with the Party Wall Act.

Member debate:

PT: the neighbour mentioned piling; where does that come into this application?

PB: requests clarity regarding the kitchen window and whether or not it will overlook the neighbouring property.

SW: regarding piling, this may well be needed – officers will know – but presumably there are stringent guidelines if damage is caused by the piling – the applicant will be obliged to make good?

BH, in response:

- regarding piling, sought advice from Building Control – this is set out at Paragraph 6.17 of the officer report. The advice is that the proposed development is unlikely to harm neighbouring properties, but is likely to require pile foundations – this has been passed on to the applicant. It is the applicant's responsibility to ensure the foundations are correct. If piling is needed, Environmental Health officers have suggested hours of operation for the work;
- regarding the kitchen windows, the plan shows two – one to the rear and one to the side – both at ground level, looking into the applicant's own land, and in a position where one would expect them to be. There will be no overlooking issues here.

AL: considering the ground structure, can a party wall-type agreement be conditioned in the permission?

BH, in response:

- the Party Wall Act is quite separate from planning, and not available for planners to use to control development.

PB: is not sure what the officer has said is correct: one of the kitchen windows looks sideways towards the neighbouring property.

PT: the local authority may not be able to help but party wall agreements are quite easy to obtain through a solicitor.

BH, in response:

- apologies if not clear regarding the windows. There are two windows shown on the plans; one in the existing side wall of the original property, adjoining the boundary. The other window looks down the applicant's garden. Both windows are at ground floor level; there will not be any overlooking.

PB: the new ground floor window appears to be clear glass, and looking towards the neighbouring property.

BH, in response:

- it is a new window in an existing wall, and could be installed under permitted development without planning permission.

Vote on officer recommendation to permit

11 in support

3 in objection
0 abstentions
PERMIT

53. 16/01284/LBC Cudnalls Bridge, Cirencester Road

Application Number:	16/01284/LBC
Location:	Cudnalls Bridge, Cirencester Road, Charlton Kings
Proposal:	Reinstate bridge parapet, pilaster and approach wall following partial damage
View:	Yes
Officer Recommendation:	Grant
Committee Decision:	Grant
Letters of Rep:	0
Update Report:	Officer update

MJC said this is a county council application for repair works to Cudnall Bridge, following a recent incident where a vehicle collided into it. It is in a conservation area, and the work has been assessed accordingly and considered acceptable. As Members on Planning View are aware, the work has already been carried out, and the blue update refers to Members' concerns about the quality of the finish of that work. Officers will ask that it is redone, with the render more appropriate and improving the juncture to the pier. This will be requested if permission is granted.

Public Speaking:
None.

Member debate:

KS: is concerned about the issue of the finish, and whether Gloucestershire Highways will actually re-do the work. Does not have much faith that it will be done.

HM: notes that Condition 1 requires the work to be completed in five years; understood that a three-year limit was normal now.

MJC, in response:

- listed building consents differ from ordinary planning permissions in this respect – they have different time frames on account of coming under different acts.

Vote on officer recommendation to grant

13 in support
1 abstention
GRANT

54. 16/01545/FUL Former Garage Site, Burma Avenue - DEFERRED

Application Number:	16/01545/FUL
Location:	Former Garage Site, Burma Avenue, Cheltenham
Proposal:	Demolition of retained garages. Re-laying of tarmac over the damage surface of the site. Marking of car parking bays. Size to be a minimum of 2.4m x 4.8m each bay (retrospective)

DEFERRED

55. 16/01546/FUL 148 Bath Road

Application Number:	16/01546/FUL
Location:	146-48 Bath Road, Cheltenham
Proposal:	Provision of glazed balustrade to front elevation
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	10
Update Report:	None

MP introduced the application as above. This is a prominent location in the conservation area, and a positive building as identified on the townscape map. Officers consider the balustrade is harmful to the building, not outweighed by the public benefit. It is at Planning Committee at the request of Councillor Sudbury, on behalf of the applicant.

Public Speaking:

Councillor Oliver, in support

Is speaking on behalf of the applicant, who was unaware of the meeting taking place and is unable to attend at the last minute. The applicant owns Andy's Hairdresser in Bath Road; it was run by his father before him, and has been trading for 30 years, a well-known local business. Local people take pride in this vibrant area of the town, and in 2014, planning permission was granted to create flats above 146-148 Bath Road. As part of that development, No 146 installed a glass balustrade, which is the subject of this planning application. Officers object to it on account of the planning history, the design, and the impact on the conservation area, believing it to be not in keeping with the street scene. Has lived in Cheltenham all his life, shopped in Bath Road for many years, and appreciates the eclectic mix of shops and buildings there. Can remember when 150-156 Bath Road was a

garage. Regarding this application, cannot unsee what has been seen; the balustrade is already in situ, as illustrated by the picture. It is fairly restricted to view – can only be seen clearly from across the road – and makes the area look good. There are ten representations from Bath Road traders whose view it is, and they all support the application. Considers that this proposal actually improves the area, and therefore offers it his full support.

Councillor Oliver then left the Chamber for this debate

Member debate:

SW: when he first saw this proposal, thought it was too modern and not in keeping with the area. Did not realise that the picture was not an artist's impression of what the balustrade would look like if installed but an actual picture of how it looks in situ. Has never noticed it – which suggests that the harm must therefore be minimal. Will listen to what other Members have to say and whether they feel that this is okay or something less modern may be more appropriate, but cannot feel that the harm it does is that great.

KS: asked for this application to go to Committee. Goes to Bath Road a lot, and never noticed the balustrade. Usually notices everything! Cannot therefore think that it is particularly intrusive or damaging to the area. It looks modern, but the shops there are a redevelopment of the former garage site. The Indian restaurant further along Bath Road has a very colourful shop front – this is nothing in comparison – and cannot therefore see a problem with the balustrade. Can see where officers are coming from, but disagrees. Owners of shops nearby don't object. The applicant has worked hard and invested in the building to keep it looking good. Thinks this proposal should be supported.

CH: taking a new angle, the report says the parapet wall should have been higher, and the block wall would make it heavier – it doesn't sit as well as lighter glass. It is all to do with the live-ability of the flats. If this is to be the occupants' outside area, and it had to be enclosed with bricks, it would have a very different feel to glass. This makes the flats better to live in and we should take this into account. It's true that Bath Road is quite eclectic, higgledy-piggledy, a combination of new and old, which begs the question of what it is that conservation officers are trying to preserve? Bath Road is vibrant and has seen many changes over the years, so this proposal could be seen as acceptable harm. It doesn't massively improve Bath Road, or spoil it. On balance, the proposal makes the flat a better place to live, no-one notices or cares or opposes it, and therefore it should go ahead.

PT: it also makes the terrace behind safer. There is a door behind the glass, and if there was just a parapet at mid-calf height, it would be quite dangerous. This looks fine and substantial, and is a good safety provision for the flat.

MP, in response:

- Members should remember that planning permission for the creation of flats above the shops wasn't carried out in accordance with the approved plans. The terrace and balustrade was not included as part of the original permission and would not have been permitted if it had been.

KS: will other unauthorised works have to have planning permission?

MP, in response:

- has spoken to enforcement officers about this. Access to the terrace is unauthorised – a door was installed where a window should have been, according to the plans. This area was to be used as a safe area in the event of fire. After installing the door instead of a window, the applicant undertook to ensure that the door remained locked, to keep the terrace as a safety area, and this being the case, the enforcement officer decided it was not expedient to take enforcement action over the unauthorised door, in view of the

amount of work involved. The balustrade is therefore only needed for the external area which has essentially been created without planning permission.

KS: if the terrace doesn't have permission, why permit the balustrade? It is a lot of investment for a fire escape.

MP, in response:

- if the balustrade is permitted, the applicant can then come forward with an application to use it as a terrace. There is not planning permission for this at the moment.

PB: if Members are minded to approve, the applicant should be required to put in an application to use the area as a terrace. He has been a bit naughty.

GB: officers have had considerable discussion with the applicant over a period of time and made their views very clear. He is aware of the situation.

SW: comes back to how much harm this does. Is very cross when people do things without planning permission or not in accordance with plans. Some of these we allow go through, told to look at what is there and make a judgement on its own merits. If this was the other way round, officers would be saying as no-one has noticed the harm, the harm is therefore not that great.

Vote on officer recommendation to refuse

3 in support

6 in objection

2 abstentions

NOT CARRIED

Vote on move to permit

6 in support

3 in objection

2 abstentions

PERMIT

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

There were none.