

Planning Committee

6.00 pm, 24 April 2014

Present at the meeting

Councillor Chris Coleman (Chair)	Councillor Malcolm Stennett
Councillor Penny Hall (Vice-Chair)	Councillor Pat Thornton
Councillor Helena McCloskey	Councillor Simon Wheeler
Councillor Garth Barnes	Councillor Andrew Chard (Reserve)
Councillor Les Godwin	Councillor Diggory Seacome (Reserve)
Councillor Andrew McKinlay	Councillor Jon Walklett (Reserve)

Officers in attendance

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Lucy White, Senior Planning Officer (LW)
Emma Pickernell, Senior Planning Officer (EP)
Karen Radford, Heritage and Conservation Manager (KR)
Cheryl Lester, Legal Officer (CL)

Cllr Colin Hay was present as an observer.

Apologies

Councillors Driver, Fletcher, Garnham, Jeffries, Sudbury

96. Declarations of Interest

14/00297/FUL and **14/00298/FUL** 25 Bennington Street

Councillor Walklett – is speaking in support of the application as ward councillor. Will not participate in the debate or vote.

14/00122/FUL Ham Court, Ham Road

Councillor McCloskey – personal but not prejudicial – the application site is in the AONB; is a member of the Cotswold Conservation Board

97. Public Questions

There were none.

98. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th March 2014 be approved and signed as a correct record without corrections

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

100. 13/01501/FUL & LBC Cotswold Court, Lansdown Road

Application Number:	13/01501/FUL & LBC
Location:	Cotswold Court, Lansdown Road, Cheltenham
Proposal:	Extra Care Development (Class C2) comprising alteration and conversion of Grade II Listed Building and erection of new linked 3 and 4 storey building to provide a total of 52 apartments and supporting facilities together with associated parking and access provisions. (Existing office building and sports hall to be demolished)
View:	Yes
Officer Recommendation:	Permit with additional condition on the planning permission in respect of outdoor lighting scheme and amendment to condition 3 on the listed building consent
Committee Decision:	Permit with additional condition on the planning permission in respect of outdoor lighting scheme and amendment to condition 3 on the listed building consent
Letters of Rep:	16
Update Report:	Officer comments; conditions and informatives

MJC introduced the application by describing the proposal as above and the demolition work to be undertaken. The application is at committee at the request of Councillor Garnham.

Public Speaking:

None.

Member debate:

SW: generally happy with the application, but for clarity, what is the difference between the footprint of the existing and the proposed buildings? Also, what is the relative density of the proposal?

BF: the NPPF Paragraph 7 states that the planning system should protect and enhance the built environment, but this application does neither. What is proposed is a new building, and a larger footprint. Also, for clarification: the 'retirement' apartments are intended for people aged 65 or over, but with the retirement age increasing to 67, it is quite possible that some of the future residents will still be working for a living.

GB: on planning view, asked about the balconies and neighbours' concerns about being overlooked – has this been resolved? The two wings of the building are in close proximity to Lypiatt Mews.

AC: would like to hear more from the Conservation Officer as to why the front building can be so radically changed inside. Also concerned about the amount of parking, which is totally inadequate.

MS: would like an explanation about what has happened to the lift shafts. Regarding the footprint, considers that there will be very little difference between the existing and the proposed buildings, as the proposed wings at the back are narrower than what is there now. Agrees with AC that parking is a concern – the residents will be people of an age who will happily drive the Devon and back, for example, so there will be a lot of cars to park, and most of the parking spaces are at the front of the building. Does not have any suggested refusal reasons, but is worried about these items.

HM: it is unfortunate that the Highways Officer isn't present to answer concerns about parking arrangements. Pleased to see this significant site being brought back to full use, but there are a few businesses still operating in the listed building, in a similar situation to the businesses on the Leckhampton Trading Estate in a previous application. There was a CBC initiative to help those businesses relocate – would like to see the same thing here. Also notes that neighbours have objected to the outdoor lighting scheme, and asks if there are any details here.

LG: we have many fine old listed buildings in the town, some better than others, and it would be a shame if the external structures were to be altered in any way – these are special, and there are policies in place to protect them from external alteration, although previous governments have allowed for internal alterations. Reading the representations and objections from neighbours, it seems that usual standards of looking after listed buildings have not been met. There have been many appeals where listed buildings are involved, and in almost every case, the Inspector has said that external alterations are not acceptable and dismissed the appeals. On this basis, can see no reason to vote in support of this application.

PT: regarding the footprint issue, can Officers point out on the drawings the differences between the two buildings – this is quite difficult to see.

BF: was the Highways Officer invited to the meeting tonight? There was a problem last month when he was not in attendance, but told BF that he was not invited to attend – why not?

MJC, in response:

- to SW regarding differences in footprint, does not have the actual square meterage of the existing and the proposed to hand, but it was clear on site that there are strong similarities between the two regarding width and depth;
- regarding density, this is not a calculation we would do for a development of this nature, although density calculations are sometimes relevant on residential schemes. However, it is clear that the listed building continues to be set in a suitable space and the site is not cramped – officers are happy with this;
- to BF's suggestion that the proposal doesn't enhance the conservation area, officers do not agree with this. The existing office building has no merit, and the applicant worked through the proposal in detail with Karen Radford and Wendy Hopkins to ensure a quality building would be delivered. The architecture has been refined and lifted, and officers are happy – hence the recommendation to approve. If they considered it to be harmful, the recommendation would be different;
- to GB's question about the balconies, this has been resolved to officer satisfaction – apologies that this has not been included in the update. Revised drawings were received this morning, showing that the balconies of concern on the south side have been removed. On the west-projecting spur, privacy screens have been suggested by the applicant, to protect the amenity of residents of Glenowen House, compliant with policy requirements;
- to AC's concerns about parking arrangements, 27 spaces are proposed for the 52 apartments, and the Highways Officer's comments are detailed in the report. His analysis suggests that at any one point, not more than 13 vehicles will be parked on the site. Members may agree or not, but this is the opinion of experts at County Council;
- to put this in perspective, Jenner Court in St George's Road is a similar development to this – a similar use, with a 90-bed care home and 67 apartments with 42 parking spaces. This is working satisfactorily and there have been no concerns – in fact, there are often empty spaces. This is not a parking-hungry proposal and, crucially, the County Council has no objections to the scheme. Even if parking was to prove inadequate, the locality lends itself to ad hoc parking on Lypiatt Road and Lypiatt Terrace;
- to BF's question about whether or not the Highways Officer was invited to attend the meeting, the County Council has an open invitation to attend Planning Committee,

which they do not always choose to take up – it is decided on a month-by-month basis, depending on the issues. The Highways Officer gives his opinion and is happy to stand by it, and doesn't see other consultees attending regularly. There are resource issues at the County Council and, covering a wide area, staff have many calls on their time, but Members can be assured that there is always an open invitation to Highways Officers to attend Planning Committee;

- to MS's concern about the lift shaft, the original drawings showed an overrun of 1.1 above the top floor, giving rise to concerns about the view from Lansdown Road, but the applicant has since looked at this again and reduced in to 450mm, with a long view of just 250mm, giving the appearance of being part and parcel of the roof. Officers would prefer it if this was not necessary but given that it is needed for the lift and the type of accommodation being provided, they are happy that the applicants have done all they can to mitigate, and can tolerate what has been proposed;
- to HM's concern about the businesses operating from the listed building, Policy EM2 gives exemption to buildings which were originally constructed for residential purposes, which this clearly was. It is therefore not covered by that policy. It is in the gift of individual Members, but not of the Planning Committee as a whole, to lobby throughout the Council for help with relocation for the resident businesses;
- regarding the outdoor lighting scheme, an additional condition can be added to cover this – it is fair comment, and will give some degree of control;
- to LG, the front of the listed building will not be altered, other than the windows. Internally there will be changes but these are primarily supported, and officers are confident that the listed building is being treated in a favourable way.

KR, in response:

- to BF's concern that the setting of the listed building and the conservation area will not be enhanced by the proposal, we are considering two separate issues here: the listed building and the conservation area. There is case law here which states that as long as the building or setting is being preserved and not harmed, it does not actually have to be enhanced;
- regarding the preservation of the conservation area, officers consider the setting of the listed building will be improved by the proposal, with less tarmac, more green space, and more landscaping around it. The long swathe of car parking on the right will be removed and there will be more trees. Unfortunately, a beautiful tree in the centre of the site was recently blown down, but the proposed trees and landscaping will compensate for this;
- regarding the listed building, and the question whether the proposal enhances it character, we need to ask what that character actually is. Changes to the building itself – walls, doors, windows - will be kept to a minimum. The plan form shows that the relationship of internal spaces are those of a large, grand house, which was subsequently extended and used as office space. We have to be realistic – this building will never be used as a house again – and the distinct advantage of what is being proposed here is that the ground floor is to be kept as a series of open rooms – entrance hall, dining room, library etc;
- original windows have been removed in the past and replaced with new timber ones, and an ugly fire escape has already been removed; there has been more sub-division of the original villa in the basement;
- looking carefully at all this, officers do not feel that the plan form is compromised by the application. As this building will never be returned to one house, there are distinct advantages in what is proposed.

MJC, in response:

- Condition 3 on Page 5 of the blue update refers to the detailed design of windows and the submission of materials and finishes prior to commencement of work. This should also include internal doors, architraves and rainwater goods, and these will be added to the condition.

PT: on planning view, Members noted that the trees on the plan were not shown where they should be. Has this been resolved?

LG: in deciding how to vote, relies on what he hears from Members and Officers in the room – this is the importance of these debates – as well as what he reads in the documents. Has listened to KR's comments and is more convinced now that the proposal is acceptable. Remains concerned about the height of the proposed building, and also the objection from neighbours who feel their privacy will be destroyed. Has this been addressed?

MJC, in response:

- to PT, the application was supported by a full tree survey, and a few trees were not considered worthy of retention. A lot of new trees are to be planted and there will be a lot more soft landscaping on site.
- to LG, regarding the height of the new building and the impact on neighbours, the main block will be 400mm higher than what is there at the moment. Additional storeys are set well into the site on all sites and will not have any impact on neighbours;
- on the issue of privacy, officers and the applicants have looked long and hard at this, taken neighbours' concerns regarding balconies etc into account, and done all they can to reduce the impact. This is a big building, and officers feel that neighbouring amenity has been safeguarded to an adequate amount.

Vote on officer recommendation to permit, with an additional condition to cover the outdoor lighting scheme on the planning permission and amendment to condition 3 on the listed building consent

12 in support

0 in objection

1 abstention

PERMIT

101. 14/00297/FUL 25 Bennington Street

Application Number:	14/00297/FUL
Location:	25 Bennington Street, Cheltenham
Proposal:	Replacement of existing shopfront and door with timber sliding sash window and timber entrance door
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Defer
Letters of Rep:	0
Update Report:	Officer comments

Cllr Walklett declared an interest on this application – spoke as ward councillor in support, and abstained from the debate and vote.

Before consideration of these two applications, MJC provided information on their history. The first application is for replacement shopfront and door, and is before committee because of the recent history of this application and the interest of Councillors Ryder and Walklett. Planning permission was originally granted in 2011, for conversion of the building into two flats, with retention of the historic shop front and a condition requiring a construction method statement on how the shop front would be repaired in situ. In 2012, an application was received to remove the shop front – this was refused, and subsequently dismissed at appeal – the inspector's decision letter is attached to the report. The current application is identical, apart from the materials – timber windows are now proposed. Officer recommendation is to refuse.

Public Speaking:

Mr Burnett, applicant, in support

Has recently received information which indicates that the Council believes this problem could be solved by two pillars on either side of the window with an RSJ over the top. This is very wrong. The consultant has suggested it would require 400mm RSJ inside the window and to the basement. Has provided Members with several photographic examples of UPVC windows in similar properties around the town – Portland Place in Pittville, and Shurdington Road, where a shop front window has been removed and replaced with a UPVC window. When the beam became compromised, he spoke to David Robinson in Building Control; Duncan Hage also saw photos of the beam and said it was a false structure. A meeting was arranged with Ian Smith two weeks later, but this was cancelled at 20 minutes' notice, and it was suggested that Mr Burnett should consult an engineer. Andrew Silcock made an inspection and wrote a report, concluding that the beam was unsafe and compromised. A meeting at the site was attended by Martin Chandler, Karen Radford, Dave Burrows, Mr Burnett, his father, Andrew Silcock. Karen Radford said it would be easy to install a 400mm beam, but did not take into account the deflection rate. This is not the original window although Karen Radford says it dates back to before the 1900s. Duncan Hage was not at the meeting – Dave Burrows turned up uninvited and knowing nothing about the site. Duncan Hage had previously said that the downstairs window could not take the deflection. Karen Radford rejected this proposition, and other suggestions have also been rejected by Martin Chandler. Believes all propositions are rejected due to a complaint he made about Karen Radford's behaviour towards him in 2012.

Councillor Walklett, in support

Addressed Committee in support of Mr Burnett's application in 2012, which was refused by just two votes. It is worth bearing in mind the forthcoming major developments in the area – the new supermarket, Brewery, lower High Street will all change the nature of the area, which has been a mix of shops and residential for 40+ years. Councillor Ryder and he want to help Mr Burnett create good-quality rented accommodation, in a property of dubious heritage value. All attempts at compromise have failed, and we have now reached an impasse. In July 2013, Eric Pickles stated that brownfield land should be brought back into productive use as much as possible, and amendments to the Town and Country Planning (General Permitted Development) Order, August 2013 allow for greater flexibility for change of use applications which turn commercial properties into residential ones, including five new PD rights, one of which concerns the conversion of shops to homes. The majority of the proposed amendments were officially confirmed on 14th March 2013 and came into force 6th April 2014. Planning minister Nick Boles has expressed concern that thousands of buildings are going to waste, not want the hassle, and keen to give a boost to town centres and shops etc. There is no reference to this Order or any suggestion of its existence in the officer report or notes, and has been told this morning that the planning officer did not know about the act. Does the Planning Committee want to turn down applications for brownfield sites? This gives the wrong message to the electorate – development of brownfield should be encouraged over greenfield sites. As speaking as ward member and would not himself ask for a recorded vote, but encourages Members to do so. Finally, has an email from Cheltenham Development Task Force stating that 25 Bennington Street is currently an eyesore to be deplored and needs to be brought back into use.

CC: there is a blue update with officer response to the photographs provided by Mr Burnett.

[Time allowed for Members to read this.]

CL: regarding comments from the applicant regarding his earlier complaint, Members can be confident that officers have given their professional views on the proposal. Regarding Councillor Walklett's suggestion of a recorded vote, eight Members need to request this for it to be brought forward.

LG: is seeking advice. Having listened to the two speakers, is it not dangerous to make a decision today – there is a good opportunity to defer, to allow the applicant and officers to sit round a table and hammer out common ground principles. It would not be safe to make a decision on the report as it stands. Proposes deferral to allow further discussion to take

place; this can then be relayed back to Committee when the application comes back for consideration.

MS: recognises the importance of listed buildings and that if this building was to be made into a museum it would be essential to preserve the frontage as it is, but the window is already compromised – a large portion of it has been legitimately removed, and what remains is quite strange-looking. Tourists won't be coming to look at this building. Supports the view that the time has come to move on and allow the residential development to take place. It won't look out of place. Recognises that there are policies concerning this but we need to apply a degree of common sense.

PT: regarding the applicant's photographs and the officer comments on the blue update – if these are examples of unauthorised work, what action is being taken to correct it?

SW: can understand why the applicant wants to change the shop front to a sash window, but the reasons being given are structural, which is of great concern. If there are structural reasons why the window can't be supported, how would it get support from even more brickwork? Do officers believe it can be made structurally sound in any way or is the applicant's argument valid? It is a lovely shop front and would be missed.

AC: sees very little merit in the window – it is ugly and ruins the look of the road. The room it will serve will be a bedroom, so maintaining privacy could be difficult with the shop window. The property would look better with a normal sized sash window. Appreciates the Planning Inspector's comments, but in his heart, cannot see the need to preserve this window.

BF: the applicant says that the building is not structurally capable to supporting the work as granted with the window in place. Is not a civil engineer or a structural engineer, but believes it would be possible to restore the window, and the planning permission should be carried out as granted. Supports LG's move to defer.

HM: reading the Inspector's summing-up of the appeal, in support of the timber shop-front and its historic link, but also aware of the structural problems, would like decisive evidence as to whether this can be resolved or not. Goes along with the move to defer, to allow further information to be provided.

AM: there are some unanswered questions here, concerning the structural condition of the existing beam and how long it has been like that, and how retaining the shop front can allow it to be reduced in size. There are no clear answers to these questions, so deferral seems a sensible way forward.

PT: referring to the drawings, when was this building turned into a shop and the shop front put on? If it was already a shop when the houses on either side were built, that puts a different complexion on it, but if it became a shop afterwards, and was originally a house, we should consider this application to return it to the original original.

PH: stated that the Planning Inspector's report should be given great weight in this case, but felt Councillor McKinlay raised a very a very important point. If deferred for more on the discussions already taken place and then if so accords could vote more wholeheartedly

MJC, in response:

- in discussing the structural soundness of the building, we are straying into areas that Planning Committee isn't usually involved with. The 2011 consent essentially recognised the issues with the shop front and that the conversion would need to be treated carefully, and a method statement was required to set out how the shop front would be made good and be a suitable element of the ground floor apartment. This is an important issue and sets the scene – the applicant did not go into this blindly;
- planning permission was granted, quite rightly, for two apartments, and included a requirement to preserve the important shop front. However, no method statement was

provided and work commenced on site with no details about how the shop front would be preserved. This is the nub of the issue;

- regarding the proposed deferral to iron out the issue, is not sure what this will achieve – officers and the applicant have already been in discussion for a number of months;
- officers – KR, MJC, LW and Building Control officers – have visited the site and the applicant has been to the Planning Department a number of times. There have been several discussions to try and resolve the issue but it has not been possible to reach a compromise;
- officers could not support the removal of the old shop front and replacement with a new one – a further planning permission would be needed;
- if Members opt for deferral, officers will continue discussions with the applicant, but the application will remain to remove the shop front and replace it with sash windows. Deferral may seem a sensible option tonight but officers have been trying to reach a compromise solution with no success;
- regarding structural issues, the shop front is in a poor state of repair, propped up by a beam in the shop front. To make the beam permanent, it needs something to sit on at basement level. The applicant says this cannot be done, but has provided no evidence to back this up;
- the shop front is important – it contributes to the conservation area, and the Planning Inspector felt very clearly that it should be retained. There is no evidence pointing to a different conclusion;
- regarding harm to the conservation area, the NPPF states that this has to be weighed up against the benefits, but any justification for removing this window is lacking so there is nothing to weight the issue against;
- the appeal decision gives a very clear conclusion, and there are few material issues that carry more weight than that. It makes it clear that the shop front is important and should be retained. In light of that, officers cannot arrive at any different conclusion;
- Councillor Walklett mentioned permitted development rights but those regulations are not relevant to this application – planning permission was granted for the COU to residential, and building work is required to allow this to take place. The PD rights don't apply in conservation areas.

CC: Members commented that the original window has already been reduced in size and part of it replaced by breeze blocks.

MJC, in response:

- this was permitted to make the building more useable and the window narrower, so allowing the conversion to apartments to work. The main part of the important shop front has been retained. This was a compromise.

KR, in response:

- to PT's question re the age of the building, it is thought that it was built in 1884. It is shown on historic maps, though not possible to tell from these what the front of the building looked like then – there is no historical evidence. It is also listed as commercial premises in Kelly's Directories of 1927 (as Bastin & Sons, Printers) and 1930 (as Hayman and Walter, Printers). Officers cannot say definitively what it looked like, but there is no doubt that it was commercial premises;
- from her experience of commercial buildings, is confident that the shop front is old. It may have been repaired over the years, but there is no proof that the timber is not historic;
- there have been several compromises from CBC officers. When the original application was submitted in 2011, they took the pragmatic view that they wanted to building to be used for residential, but also wanted to retain the historic shop front – hence the reduction in its width. The result would be a residential property in the town centre which maintained its historic element;
- regarding deferment, cannot see that this will help. The application has been discussed a lot, and the Appeal Inspector has agreed with the original decision. A construction

method statement was requested three years ago and has still not been produced. Does not feel that deferment will resolve the issue;

- regarding the structural comments, wrote a statement of case for the Inspector, which is in the public domain, as is an email from MJC to Mr Burnett, detailing a meeting on site to discuss the structural stability of the shopfront and remedial work, which was quite straightforward. That email is dated from before last summer and was included in the appeal statement;
- there is an opportunity here to have a building that combines residential use and the historic shop front – cannot add any more than this.

LG: disagrees with the officer response. This case has been going on for a long time, and one more month won't make a lot of difference. The applicant has intimated that things have happened in the last couple of hours which have a bearing on this case and may alter the scenario, and it is important that these be aired. If we ignore it, the applicant could go to appeal or the ombudsman and say that he was not allowed to present his information to the Committee – this would not be a good route to take. There was an application in 2011, an appeal in 2012, and now another application in 2014 – it can't be beyond the wit of man for adults to sit down and sort out the substantive points across a table and come back to Committee in one or two months' time. The ward councillor should be present at these meetings. If no agreement can be reached and the application remains the same, at least the Committee can be clear that it has taken the right course of action. It would be wrong not to defer to allow this to be opened up and some common ground sought – we are talking about a planning application, not a state of war, and should be able to come to a compromise. Suggests deferral for one or two months.

DS: has looked at the pictures, and listened to KR's historical analysis of the shop front, but considers it to have been compromised already by being reduced in size. If it is replaced by a wooden sash window, the upper floor windows should be wooden as well.

MJC, in response:

- if Members want to defer the application, officers will continue to negotiate with the applicant and try to find some middle ground – although as this has been tried on numerous occasions, can only commit officers to trying to find a solution. The applicant will have to buy in to this too, hopefully taking notice of the Members' comments he has heard tonight. However, cannot promise that a different scheme can be worked out.

AC: cannot support deferral. The window is compromised and boarded up, and two families will be denied a home for another two months.

HM: regarding the age of the windows, could the census returns of 1898 and 1901 be used to discover if a shop-keeper was living at this address?

Vote taken on LG's move to defer

6 in support
5 in objection
1 abstention

DEFER

CC: LG stated that he hoped the application can come back to Committee in one or two months, but considers it fair that it should be allowed to take its course. Is sure that the applicant and officers will want to see the back of this application as soon as possible.

LG: will the discussions include the ward councillor?

CC: the ward councillor has been involved to date and will continue to be.

MS: as the other application at this address depends on what is agreed for the ground floor, suggests that it is deferred as well.

102. 14/00298/FUL 25 Bennington Street

Application Number:	14/00298/FUL
Location:	25 Bennington Street, Cheltenham
Proposal:	Replacement sliding sash UPVC windows in first floor (front elevation) - RETROSPECTIVE APPLICATION
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Defer
Letters of Rep:	0
Update Report:	None

CC: MS has raised an important point as to whether or not it is appropriate that this application is discussed tonight. Proposes hearing from the officer and applicant and then deciding whether there should be move to defer or not.

MJC: this application for the retention of two UPVC windows concerns the same scheme as the previous one, and dates back to the 2011 application. Permission was granted for timber windows but the applicant installed UPVC. This application seeks to retain them.

Public Speaking:**Mr Burnett, applicant, in support**

Referred again to the photographs he has provided which show several examples of UPVC windows in older properties in conservation areas. With the emphasis on affordable living, these windows are energy-efficient and help reduce the cost of bills. Their installation also helps to make it possible to convert dilapidated commercial buildings into affordable homes. With regard to COU applications in conservation areas, The Town and Country Act says, in respect of shops in conservation areas, it is better to conserve than preserve. There have been no comments from local residents. MJC has said CBC has to comply with planning guidance, but UPVC is in keeping with the rest of the street scene and not detrimental - 80% of the windows in Bennington Street are UPVC. Affordable housing is of paramount importance, and the windows installed are of high quality and meet all the new requirements. Has been told by a member of the Civic Society that it was not consulted and took no responsibility for 2007 report – this is very, very important. [Note: Mr Burnett did not specify which report he was referring to here.]

Member debate:

MS: in view of the previous discussion, moves to defer this application, so that the whole frontage of the building can be sorted out in one go, rather than piecemeal.

SW: considers the two applications to be very separate. Went on planning view, and felt that unless you looked extremely closely at the UPVC windows they look a lot like wooden sash windows. They have been tastefully done and are not big and bulky like some UPVC windows – is happy for them to stay. The design is OK and it is a little bit picky to insist the windows are timber. If all the others in the street were made of timber, this would be a different matter, but it seems a little unfair to pick on this particular building, and pushing a bit too far to insist on the windows being changed.

AC: agrees with SW. There is a mishmash of windows along the street, and these tick the right boxes – conserve heat, reduce draughts. Whatever is eventually decided for the ground floor, considers these upper windows to be OK.

HM: we need to think about the building as a whole. If we agree to UPVC upstairs, this will prejudice what is done downstairs. If one application is deferred, the other should be too.

BF: agrees with HM. Wooden windows were stipulated in the planning permission and accepted by the applicant at the time, and he should therefore work to it – cannot see any argument here. As for the higher cost of timber windows, the applicant knew this at the time he accepted the planning consent.

PT: is torn here – unless we are prepared to do something about the unauthorised UPVC windows in the street and elsewhere in the town, we are on sticky ground if saying no to these.

MJC, in response:

- to PT, the blue update makes it clear that the enforcement team has been notified of the unauthorised windows highlighted by Mr Burnett. These photos were the first the enforcement officers knew of these breaches – it is impossible for them to keep track of all UPVC windows in the town – but as soon as they are made aware, they will investigate;
- HM's point has some merit. Members need to consider the two applications – one to insert a timber window, the other to retain two UPVC ones – and aim for consistency. As the previous application has been deferred, there is some merit in deferring this one too.

PT: if people are served with enforcement notices regarding unauthorised windows, would like to know the outcome. Are all the other houses with UPVC windows in this street going to be served with notices?

MJC, in response:

- the existing UPVC windows in Bennington Street have been installed out of the Council's control, but the applicant knew about the requirements when he made the original application in 2011. Policy hasn't changed since then, and recommends therefore that we stick to our guns – it would be wrong to say that Bennington Street is perfect, but the local authority doesn't have control over all alterations.

Vote on MS's move to defer

10 in support

1 in objection

1 abstention

DEFER

103. 14/00122/FUL Ham Court, Ham Road

Application Number:	14/00122/FUL
Location:	Ham Court, Ham Road, Charlton Kings
Proposal:	Erection of freestanding solar panels
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Councillors Godwin and Fisher were absence from the Chamber for the debate and vote on this item

MJC introduced the application, which is at Committee because the Parish Council has objected, believing the proposal to be inappropriate in the AONB. The applicant had previously installed unauthorised solar panels on the barn, but these have now been removed and this application is to replace them.

Public Speaking:

None.

Member debate:

HM: as a member of the Cotswold Conservation Board, said their management plan is keen to promote renewable energy so as not to despoil the countryside, but is also concerned about the look of the countryside too. As it has raised no objection here, it seems reasonable that the Committee cannot object either.

Vote on officer recommendation to permit

11 in support – unanimous

PERMIT

104. 14/00177/FUL & LBC 7 Ashford Road

Application Number:	14/00177/FUL & LBC
Location:	7 Ashford Road, Cheltenham
Proposal:	Installation of full height glazed patio doors at lower ground floor level on rear elevation
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Refuse
Letters of Rep:	0
Update Report:	Officer comments

EP told Members that this is a full planning and listed building consent application to enlarge the opening at ground floor level, and is at Committee at the request of Councillor Garnham. The recommendation to refuse is due to concerns about the impact of the work on the listed building.

Public Speaking:**Mrs Diana Jones, agent, in support**

There is concern about the harm to the listed building and loss of historic fabric from the original rear wall, and that the proposal will be out of character. The existing double doors are not the original fenestration, are narrower than the sash windows above, and not in alignment with them. They were approved in 1999, when the lower ground floor was modified with minimum loss of original fabric. The applicants have tried to address the officers' concerns by reducing the width of the proposed door from four panes to three. The LPA approved alterations required when converting three houses in Ashford Road to maisonettes in 1999, involving staircases, fenestrations, ground, upper ground, metal balconies. The proposed changes at No. 7 are inconsequential, and the conservation officer's views are therefore disappointing. This is a single family dwelling, and it is absurd to take issue with minor change which creates a single opening at basement level, preserves the character of the listed building, and is complementary not jarring with original windows.

Member debate:

AC: would want to do the same himself if he lived in this house. Considers the proposal eminently sensible, the alterations will only be seen by the occupants, and there is no reason not to permit it.

SW: is of the same view – this is a very small alteration. Has heard KR's table top analogy about the cumulative effects of small alterations to listed buildings, and if the proposed changes were at the front of the building or to be viewed widely, would be very concerned. However, the door is not centred under the window above and the proposal will make it more balanced and look better aesthetically. If the officer can make a recommendation as to the

type of door, has no worries, and has no issue with widening the opening. Proposes that the application is permitted.

JW: also sees nothing to object to here, and agrees with AC and SW.

MS: agrees with them too. You would need to be in a helicopter to see this alteration; it will do no harm and will improve the quality of life for the residents. Supports the move the permit.

EP, in response:

- to reiterate the issue, officers are principally concerned with the loss of historic fabric and widening of the opening, with no justification regarding public benefit.

KR, in response:

- is glad to hear that Members are aware of the table top analogy - if the legs of an antique table are removed one by one, you end up with a table top - in respect of small, successive changes to listed buildings. If the same is applied to an old building, the historic structure is lost and what is left is a series of modern alterations;
- PPS5 Practice Guide gives advice on the insertion of new elements likely to adversely affect a listed building, the removal of historic fabric, and the need to follow the character of the building. This application in contrary to PPS5 Practice Guide;
- in response to SW and AC's comments that the proposed works won't be seen from outside, the whole building is listed whether it can be seen or not, it is in a conservation area, and some of the historic fabric will be lost to accommodate a new door. The proposed door is a contemporary, bi-fold design, bearing no resemblance to the existing door, which is in keeping with the building;
- these are essentially the issues of concern and which have informed the recommendation to refuse.

BF: if we allow things to be done to listed buildings a bit at a time, do we need a conservation officer? If people are allowed to keep chipping away at these properties, we will end up with nothing of any value. People know what they're taking on when they buy a listed property in a conservation area, and should stick by the rules, restoring it as near as possible to how it was originally. Otherwise, what is the point of living in a listed building? This is the price owners have to pay. KR is right.

SW: would be more than happy, if the application is approved, that officers are involved in the design of the replacement doors. In response to KR's table top analogy, said Greyfriars in Gloucester looks unaltered from the outside but inside has been subject to considerable alteration but remains a very interesting building with great historical value. The proposal is a miniscule change for more acceptable living accommodation, not a big thing. If the applicant wanted to change all the windows to UPVC, that would be another matter.

AM: the best way to preserve a historic building is by making sure that people want to live in it. Can think of listed buildings which have fallen down, because planning issues and constraints have made alterations and improvements unaffordable. The logical conclusion of what has been said would be no indoor bathrooms in old properties – it is ludicrous. These buildings cannot be preserved in aspic – this is poor thinking.

JW: if officer advice and permission is granted, would the building lose its listed status?

PT: the present doors were only installed in 1999 and are a good copy of the original, although is not keen on the little windows at the side. Can the new doors look like what is there now, but on a folding basis, as a compromise?

LG: alterations to listed buildings depend very much on the degree of change, exactly as the success or otherwise of applications in conservation areas depends on the degree of change the applicant is trying to make. Each case must be judged on its merits, and due

weight given to the application as it stands. A proposal for windows at the back will carry less weight even at appeal than one for windows at the front. In response to BF's comments, just because someone lives in a listed building, this doesn't mean it can't be altered, but a planning application has to be put in and due process has to be followed. Listed buildings don't have to stay as they are for ever.

PH: the proposal is for the current doors to be replaced with sliding patio doors – there is no alternative other than to say yes or no. Any other recommendations would invalidate the whole application.

GB: agrees with PH – we are not here to redesign buildings. Agrees with officers here – the proposal will substantially change the whole aspect of the rear elevation. The existing doors complement the listed building, and if they are changed, this should not make it look worse. The doors should be kept to the original design. Doesn't see why we should have to consider whether or not the doors improve the residents' lives – doors open and close, allow egress and ingress – whether bi-folding or traditional, they do the same job. The proposed doors will not make any change to the use of the building, but will change the look of it. They will not enhance the listed building.

AC: agrees with PH – it is not our job to design doors – we have better things to do. There is a proposal to be accepted or rejected – that is all.

CC: if SW's move to approve succeeds, will officers want to add conditions?

EP, in response:

- a condition about the detailed design would be appropriate, together with the usual time limit condition;
- to JW, allowing this alteration would not affect the listed status of the building;
- to PT, the current door and small windows were installed in 1999. Prior to that, there were casement windows, which were extended downwards but the same width;
- regarding the design of the doors, agrees that Members need to approve or refuse rather than stipulate what the doors should look like. This can be dealt with by condition if Members are minded to approve.

KR, in response:

- the LG's comment that an appeal inspector would give less weight to work on the back of a listed building, doesn't agree. Has experienced a case where the applicant wanted to remove an internal door and section of wall; the application was refused, and at the subsequent appeal, the Inspector said the door and wall were of value and should remain. Therefore Officers do not consider that, just because this application is concerned with the back of the building, it is any less important than the front.

Vote on SW's move to permit

6 in support
7 in objection
0 abstentions
REFUSE

105. 14/00184/FUL Lyndale, Charlton Drive

Application Number:	14/00184/FUL
Location:	Lyndale, Charlton Drive
Proposal:	Remodelling of dwelling comprising side extensions, rear and front extensions, loft conversion and extensions to the roof including dormer windows and gabling of hipped roof.
View:	Yes

Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

Councillor Walkett left the meeting before the debate and vote on this item

EP described the application for a number of alterations to an existing bungalow, at Committee because the Parish Council consider these to be excessive and have objected. Officers consider the proposals to be acceptable, as set out in the report.

Public Speaking:

None.

Member debate:

MS: contrary to the Parish Council, considers this proposal a planning gain – the building will look better from the front, and it will be good to see the sheds at the back disappearing.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

106. 14/00255/FUL Bush Court, Priors Road

Application Number:	14/00255/FUL
Location:	Bush House, Priors Road
Proposal:	Proposed new soil pipes to exterior of building
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

EP explained that the external soil pipes will replace internal ones which are beyond repair, and will primarily be situated at the back of the building.

Public Speaking:

None.

Member debate:

MS: can any new down pipes on the front of the building be the colour of the existing ones?

EP, in response:

- confirmed that the new pipes will be in keeping with existing ones.

Vote on officer recommendation to permit

12 in support - unanimous

PERMIT

The meeting ended at 8.00pm

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

There were none.

Chairman

The meeting concluded at Time Not Specified