

Planning Committee

16th August 2018

Present:

Members (11)

Councillors Barnes, Chair (GB); Baker, Vice-Chair (PB); Barrell (DB); Cooke (SC); Fisher (BF); Flynn (WF); McCloskey (PM); Oliver (TO); Payne (JP); Seacome (DS); Wheeler (SW).

Officers

Emma Pickernell, Senior Planning Officer (EP)

Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Hobley, Hegenbarth and Collins.

2. Declarations of interest

18/01129/FUL 6 Wards Road

All members of the LibDem group declared a personal but not prejudicial interest – the applicant's wife is known to them, as treasurer of the LibDem Group in Cheltenham.

3. Declarations of independent site visits

18/01129/FUL 6 Wards Road

Councillors Fisher, Payne, Flynn, Cooke, Barrell and McCloskey all visited the site independently (there was no Planning View this month, due to the single-item agenda). Councillor Barnes is familiar with the site from the previous application in 2016.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19th July 2018 be approved and signed as a correct record *with the following corrections*:

i. Page 20, last line of paragraph 3

'MC: ... Notes the comments of the Environment Agency – worked ~~there~~ with the EA for ten years, and isn't sure what they are supposed to do.'

ii. Page 27, before item 18/01216/FUL Pittville Recreation Centre

Insert: Councillor Hobley left the meeting at this point and amend subsequent vote accordingly to 13 in support, not 14.

In addition, Councillor McCloskey made the following points:

- wasn't present at the July meeting, but was particularly concerned to read about the application at Cotswold View, The Reddings, to make three 3-bedroomed houses into three 4-bedroomed houses by way of permitted development, and the way in which this is presumed to happen and being used by developers. Feels this is a worrying trend, and some discussion between members and officers is needed;
- at the June meeting, under AOB, made the point that most of the applications on the agenda had history and several of the sites had been considered at Planning Committee before; suggested it would be helpful if the paperwork were to be more reflective of this. Officers agreed to look into this. Wonders what practical action may have been taken between the June meeting and tonight, when another application with recent history is being considered.

Before the start of the evening's business, Councillor Barnes thanked Councillors Hobley and Baker for chairing the last two meetings in his absence – they clearly did an excellent job.

6. Planning applications

Application Number:	18/01129/FUL
Location:	6 Wards Road, Cheltenham
Proposal:	Construction of an extension to the front of the house to accommodate a wheelchair lift to give access to the 3 floor levels of the house (revised scheme ref: 16/01597/FUL)
View:	(independent site visits, and site visited for previous application)
Officer	Refuse
Recommendation:	
Committee Decision:	Permit
Letters of Rep: o	Update Report: None

EP introduced the application to construct a lift shaft on the front elevation of the house, to allow access to the second floor for the disabled occupant of the house. Officers have strong concerns about the design and appearance of the proposal, which they do not consider to be outweighed by the circumstances of the applicant. A similar application for a smaller lift shaft was approved in 2016; officers recommended refusal but this was overturned at Committee and permitted with the addition of an S106 agreement to remove the lift extension when it is no longer needed. In view of the background of this application, officers felt it should come to Committee for a final decision.

Public Speaking:**Councillor McKinlay, in support**

Trusts that Members have read the submission from the agent, setting out the justification for this application. The medical requirements of the applicant are outlined, but will not repeat the detail here, as it is not a matter for public discussion. The officer report states that there have been no responses from local residents in objection; the agent states that all local residents are supportive of the proposal. The reason why the lift has to be external and not internal is that there is not sufficient space inside for a lift to accommodate a large wheelchair and allow any moving space. The officer report and Members' own experience confirm that this is a very similar application to the one considered in October 2016 – that received unanimous support from Members, and the principle of an external lift shaft is therefore approved. This application presents some minor changes – the officer report states at Para. 6.8 that this proposal is *slightly larger than the approved scheme in each dimension and will be finished with a different material*. This increase is due solely to the fact that the size of the lift has increased marginally and wouldn't fit the previously approved dimensions. The increase is 30cm-50cm.

Is slightly confused that the officer report refers to 'different material' being proposed, as in May 2018 an application was submitted to amend the previously approved materials to the black rock panel cladding which is proposed in this application, and this was approved. There is no change in material, so assumes this is a typing error?

Is not disputing there is a clash with JCS Policy SD4 and Local Plan Policy CP7 - this was known two years ago, when the previous permission was granted, but Members felt that the special circumstances overrode this. There has also been no objection from local residents. At Para. 6.12 of the report, the officer states that his recommendation to refuse is very much 'on balance' – takes this to mean that the proposal is outside policy, so officers cannot approve it – it is beyond their pay grade, so to speak. However Members can make a decision; their previous decision was the right one, and it is only logical that if the 2016 decision was correct, the correct decision tonight is to permit.

Member debate:

SW: As AM has said, the only thing to look at here is the difference in size, which is very minimal. Officers have suggested that the proposal will harm the street scene, but his rule of thumb is to consider what if every house in the street did the same thing – he wouldn't mind, and for him, this is not an issue. The last time the application was at Committee, a condition was added to remove the lift shaft as and when it was no longer needed. At the time, Councillor Savage made the point that we don't have enough houses of this kind in this town for the people that need them. Agrees with this, and is very much against any condition for its removal when no longer needed this time. For that reason, if any members are considering asking for a condition of this kind, would suggest they shouldn't. Would like to go against the officer recommendation – although fully understands that they can't do anything else, and have to consider applications by the book. Is in favour of permitting the scheme, without a condition for an S106 agreement.

BF: endorses SW's comments regarding any future removal, for the same reasons as last time. This is a very minor change, as AM has said. We should be encouraging people to stay in their own

properties with whatever ailments they may have, and not have to move. The trouble is that equipment changes all the time, and the lift shaft clearly has to be of certain proportions in order to accommodate the wheelchair. Supported the scheme last time. It is very important and necessary, and will give the applicant mobility.

DB: notes that the road has a great variety of architecture, as a result of which this proposal won't look out of place. Would prefer it not to be as tall as it is proposed, but understands that it has to be. Would also prefer it to be in stone cladding, as suggested by the architect. Is in favour of the proposal – it is important to have properties that can be used by people with disabilities – and would be sorry to have to remove it in the future when it might be appropriate for others.

JP: this is a real head and heart application. Fully understands the constraints on officers, and the policy guidance they have to use. Planning Committee is in a more fortunate position, and can use some discretion which, in this case, is quite appropriate. Making an alteration to a property to allow a disabled person to lead a fuller life is enough justification. Doesn't think it necessary to require the applicant to remove the lift when it is no longer needed. It may be an attractive feature for another family. Supports the proposal.

SC: this proposal is really important for the resident who lives here, and there have been no objections from neighbours. Therefore supports the application. Thinks what is proposed is nicer than what was previously approved – it has the look of an ecclesiastical 'bell tower'. The houses along this road are quite higgledy-piggledy, and the modifications to this house will not look out of place. In addition, it could technically be taken down when no longer needed. Regarding the facing material, presumes the architect takes a pride in his work and would want to install something which he would like to live opposite. Would prefer to retain the condition to take the lift shaft down – that way it will be executed in such a sympathetic way that no one could object to it being left there, and this will encourage the architect to make it as elegant as possible. This scheme should be supported. We need more properties to allow people to live their own lives without having to go into nursing homes.

PM: raised the question at the beginning of the meeting about relevant planning history; looked back at this case and noted that the decision was issued for the previous application on 31st July 2017 – yet the planning committee at which it was decided took place in October 2016. The reason why it took nine months to issue the decision was the S106 agreement. The applicant has a pressing medical need; had he known how long it would take to negotiate the S106, would not have voted for it. We should scrub the S106. Re. the facing material, agrees with SC – we should let the architect decide. In view of the applicant's pressing need for the lift and the delay to date, he should just go out and get on with it. Will vote in favour.

EP, in response:

- paragraph 1.2 of the report sets out the date when the previous application was considered. The delay in issuing the decision was due to the legal agreement. If a similar agreement is included with this application, it won't take as long this time – it will be a simple case of changing the reference number;
- regarding the need for a 106 agreement, the previous Committee voted for it because they felt it was necessary. The reason for this was that in granting permission for this proposal, the

authority is making an exception to all policy guidelines for a specific set of circumstances, relating to one person. The S106 agreement allows some flexibility – if a future occupant needed the lift, they could apply to remove the S106. This way, the local authority retains an element of control;

- without a condition and an S106, the lift shaft will be there for ever. The authority loses control and flexibility. The same advice applies to this application;
- regarding the facing material, there have been a series of amendments since the original application – first for aluminium, then for black cladding. The architect has now suggested stone cladding, which would lessen the impact of the lift shaft. This can be dealt with through a condition if Members want to pursue it;

SW: to clarify, is still of the same opinion, and doesn't feel that there is any great value in an S106 agreement. Would like to see stone cladding, but the architect has designed the lift shaft as he sees fit and would probably like to see it left as it is. If the applicant decides he would prefer to see it in stone, then would like the choice left to the architect and applicant.

GB: will take vote at this point.

Vote on officer recommendation to refuse

0 in support

11 in objection

NOT CARRIED

GB: Members can either vote on SW's move to permit as is, or do Members want to vote separately on whether or not to include an S106 agreement to remove the lift shaft when it is no longer needed.

SC: is there a way to have an S106 which carries the assumption that it will stay, but if neighbours find it an eyesore, it can be removed – allowing some flexibility? Would hope the lift shaft can be built and stay – would expect it not to be a problem – but can there be some flexibility and discretion here?

BF: if we remove the S106, when the current occupant no longer requires the house, whoever moves into the house would have to apply to remove it; it cleans the job up, and the applicant can get on and build the lift shaft, and when it changes hands, the new owners can take it down should they wish.

GB: the officer has said that holding on to the S106 gives the local authority some control. If someone wants to retain the lift, they would need to apply to remove the S106.

EP, in response:

- if an S106 is included, and future occupants want to retain the lift shaft, they would have to apply for the S106 to be removed; if they don't want to retain the lift shaft, they can simply remove it;
- if there is no S106 and a future occupant wants to demolish the lift shaft, no planning permission will be required for that;

- to SC, no – if an S106 is included, a further condition to modify its application cannot be included.

GB: will take vote on whether to include a condition requiring an S106 agreement for the removal of the lift shaft.

Vote on officer recommendation to include an S106 agreement

2 in support

8 in objection

1 abstention

S106 agreement not included

GB: members can now vote on SW's move to permit, without a condition for an S106 agreement to remove the lift shaft when it is no longer needed. Do Members want to vote on the stone cladding option?

SW: regarding a vote on this, is it a straight either/or decision, or a decision on whether we allow what was in the original design or insist on stone cladding? Does the applicant have a choice?

EP, in response:

- Members will be voting on whether to attach a condition, notwithstanding the drawings, for stone cladding to match the house. If they vote on the application as it stands, the cladding will be black.

SC: though black cladding was the original intention, this was amended to matte aluminium. It would be better to leave the decision to the client.

EP, in response:

- The original application was for black glass; the first amendment was for aluminium cladding and the second amendment and current application for matte black cladding.

SC: is the cladding anything like that used in the building that caught fire? It appears to have polyurethane backing.

EP, in response:

- It not an expert, but doesn't think this is the type of cladding used at Grenfell Tower.

JP: if we approve the proposal as is, with a recommendation for stone cladding, and the applicant then decides he doesn't like it, he would have to put in an application for an amendment. What is the timescale on this? Would not be happy for it to go on for weeks and months.

EP, in response:

- Yes, if a condition is included for the lift shaft to be clad in stone or to be clad in another material, the applicant would have to apply to vary that condition if he were to change his mind. It would have to go out to consultation, but this is not usually a lengthy process – probably taking 4-5 weeks altogether.

GB: so Members need to vote on whether it should be the original facing material or stone cladding.

Vote to approve facing material as proposed in application (black rock panel cladding)

7 in support

2 in objection

2 abstentions

CARRIED – proposed facing material to be used

GB: And now Members need to vote on SW's move to approve, with the cladding as set out in the application, and no S106 agreement.

Vote on SW's move to permit, as above

11 in support – unanimous

PERMIT

The meeting ended at 6.50pm.