



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 2nd December 2014

**PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Noakes, Hilton, McLellan, Smith, Hobbs, Hanman, Dee, Mozol, Toleman and Chatterton

**Officers in Attendance**

Anthony Wilson, Head of Planning

Michael Jones, Locum Solicitor

Adam Smith, Principal Planning Officer, Major Developments

Joann Meneaud, Principal Planning Officer

Carly Holder, Planning Officer

Meyrick Brentnall, Environmental Planning Manager

Louise Follett, Planning Policy Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. Ravenhill

### **47. DECLARATIONS OF INTEREST**

Councillors Hilton, McLellan and Mozol declared personal prejudicial interests in agenda item 5, 15, Riversley Road, by virtue of their association with the applicant.

Councillor Taylor declared a personal non-prejudicial interest in agenda item 5 by virtue of his working relationship with an objector as a governor of Heron Primary School.

### **48. MINUTES**

The minutes of the meeting held on 4 November 2014 were confirmed and signed by the Chair as a correct record.

### **49. LAND EAST OF HEMPSTED LANE - 13/01032/OUT**

The Principal Planning Officer presented the report which detailed an outline planning application for residential development of site, open space including orchard, cycleways, footpaths, and associated works. Means of access offered for

**PLANNING COMMITTEE**  
**02.12.14**

approval (layout, scale, appearance and landscaping reserved for future consideration) on land east of Hempsted Lane.

He referred to the late material and advised that 50 units were now envisaged and he displayed an indicative layout and visualisations that had been supplied by the applicant.

**Tim Partridge, planning agent for the applicant, addressed the committee in support of the application.**

Mr Partridge stated that there were no sound planning reasons to refuse the application which had been the culmination of 14 years work by the charity and the site had emerged as part of the work on the draft City Plan.

He noted that the application had been reduced from an original 60 dwellings to 50, and would deliver 40 per cent affordable housing. A buffer of 14 metres from Hempsted Lane had been included to separate the development from the Conservation Area together with a 10 metre green link to the east side.

Half of the site would be developed and the remainder would be dedicated as public open space. This land, which had previously been private, would be open to the public and the orchard would be retained and enhanced.

The development would enhance the experience of the area including the Conservation Area, and the delivery of housing would help meet the City's need, in line with the requirements of the National Planning Policy Framework to significantly boost housing supply. The Landscape Conservation Area policy had been overtaken by emerging policy and could be given only limited weight, and there was, in fact, low/medium landscape sensitivity.

He advised that the Section 106 obligations also included a contribution to education which would enable the much needed extension to Hempsted School.

**Ray Dyer, Secretary of Hempsted Community Forum, addressed the Committee in opposition to the application.**

Mr Dyer stated that the Forum was in the process of producing a neighbourhood plan for Hempsted and granting the application would overthrow policy which had been in place for 20 years. He noted that the National Planning Policy Framework was not just concerned with the delivery of housing but was designed to encourage sustainable development.

He noted that the application would result in the loss of green fields and he referred to the Council's Conservation Officer's comments in the report. The application was contrary to the findings of the WSP report and had previously been considered unsuitable for development in the Strategic Assessment of Land Availability. A Medieval ridge and furrow field system would be lost. It was considered that the report failed to give sufficient weight to environmental issues.

He stated that the Forum disagreed with the landscape assessment and called for the retention of the field immediately to the east of Hempsted Lane. He noted that

**PLANNING COMMITTEE**  
**02.12.14**

the WSP appraisal considered that the applicant's appraisal may not be supported at public inquiry. He believed that the application was not infilling as the term was usually used for much smaller developments. He also noted that a 5 year housing land supply could be demonstrated.

Councillor Hilton considered that on the face of it the proposal looked good, and questioned what the normal level of public open space requirement would be. He queried that if the application was approved, would that land come to the City Council; and added that while it looked good now, could that provision be revisited and a different arrangement end up occurring. He was advised that the public open space would be adopted under the terms of the Section 106 Agreement and the green links and extent of residential development would be secured by condition. The Environmental Planning Service Manager advised that the usual start point for negotiation would be 2.8 ha per 1,000 population and the application included significantly more public open space than would usually be expected. He was also advised that although those terms would be secured in this application, there was nothing to stop further applications for the site being made to alter the arrangements, which would have to be considered at that time.

The Chair asked about the SHLAA process and was advised that the site had been included in the Strategic Housing Land Availability Assessment 2012 as part of the Joint Core Strategy work and was considered to be suitable, available and achievable. In terms of the WSP appraisal of the application, the Environmental Planning Service Manager confirmed that there were some deficiencies but that it was considered to be, on balance, a proportionate response to the scale and sensitivity of the proposal.

Councillor Toleman believed that should the application be refused, the applicant would lodge an appeal which could result in the local taxpayer having to face costs, and that more houses could be proposed and proposed public open space could be lost.

The Chair believed that 40 per cent affordable housing was a significant achievement, the housing would support the Joint Core Strategy requirements, and the proposed density was good, as was public access to the orchard and other open space.

**RESOLVED that planning permission be granted subject to the conditions in the report and the satisfactory completion of a Section 106 Agreement to secure the terms set out in paragraphs 6.134 – 6.142 of the report.**

**50. 15 RIVERSLEY ROAD - 14/00722/FUL**

Councillors Hilton, McLellan and Mozol having declared personal prejudicial interests left the meeting during the consideration of this application.

The Chair had declared a non-prejudicial personal interest and remained in the meeting.

**PLANNING COMMITTEE**  
**02.12.14**

The Principal Planning Officer presented the report which detailed a retrospective application for a weather monitoring station comprising a wind vane and an anemometer mounted on a 7.4 metre high pole within the rear garden of 15 Riversley Road.

She advised Members that the application had been presented to Committee as the applicant was a Member of Gloucester City Council. She drew Members' attention to the late material which contained two further representations, one from the applicant and one from Mr Ravenhill and further information relating to anemometers provided by Mr Wilton. She also advised committee of the works that had been undertaken to the pole and equipment since the previous meeting.

**Chris Witts, the applicant, addressed the Committee in support of his application.**

Councillor Witts advised that he removed the lights and halyard from the pole and painted the pole and wind-vane with anti-reflective paint. He advised Members that the pole was designed to be lowered to lie along the length of his garden. He noted that the installation had never, and would never, include a web-cam. He stated that it was not a wind turbine and reminded the Committee that it was a slim pole that was not illuminated and caused no noise. He had received a considerable amount of support around the world including enthusiasts from America and New Zealand and he noted that if he had not been a Member of the City Council the application would have been determined by Officers under delegated powers.

He commented that the information provided in respect of anemometers related to the hand-held devices used by yachtsmen and were not suitable for his requirements. Information provided by his weather station had been requested by Environmental Health and had proved valuable during the flooding of 2007.

**Tom Haswell of 16 Merevale Road, also representing 14 and 18 Merevale Road, addressed the Committee in opposition to the application.**

Mr Haswell reiterated his strong objection to the application which he believed should be considered to be a wind turbine as the anemometer generated electricity and therefore be situated its own length plus ten per cent from the site boundary.

He believed that the application would create a precedent and there were safety issues as the top was only secured by a scaffolding clamp. He questioned the issue of public liability and any potential liability falling upon the local planning authority should consent be granted.

He believed that the pole was overbearing, dominating, was not sympathetic and ruined the views from neighbouring properties. He suggested that the pole be moved back from the boundary as a compromise.

**Timothy Wilton addressed the Committee in opposition to the application.**

Mr Wilton reiterated that the installation was a wind turbine so should be positioned accordingly.

**PLANNING COMMITTEE**  
**02.12.14**

The Chair questioned the relevance of insurance and the Solicitor advised that the Committee should focus on planning considerations and insurance issues were not to be taken into account.

Councillor Smith noted that the applicant had done all he could to mitigate the impact of the pole and permission should be granted. Councillor Lewis concurred and regretted that relations between the neighbours had broken down.

Councillor Noakes stated that she had visited the area and if it was possible would have liked the pole to have been moved back away from the boundary further into the applicant's garden. . She questioned the safety of the installation and was advised that this was the responsibility of the applicant.

Councillor Hobbs thanked the applicant for addressing concerns expressed by Members at the previous meeting. He noted that many gardens had poles to support washing lines and he would rather have a pole in a garden than a Leylandii tree of the same height. He did not consider it to be overbearing.

Councillor Toleman stated that as he had not been present at the November Committee he would not be taking part in the discussion and abstained from the vote.

**RESOLVED that permission be granted subject to the conditions in the report.**

**51. 11A WELLSRING ROAD - 14/01124/FUL**

The Planning Officer presented the report which detailed an application for the erection of a single storey side and rear extension at 11a Wellsprings Road.

She advised Members that the application had been referred to the committee at the request of Councillor James. She noted that had the side and rear extensions not been linked they could have been built as permitted development.

**Suzanne Hare, neighbour, addressed the Committee in opposition to the application.**

Miss Hare outlined the objection which was appended to the report. She believed that the 10 metre wall of the extension would replace the property boundary and would be overbearing. It would be opposite her kitchen window which would be overshadowed and the ventilator to the WC would be opposite.

She noted that a small number of properties had built side extensions in the locality and only three were full length. The extension would be built over the public sewer and Severn Trent had written to the applicant.

The Chair noted that most of the extension would have been permitted development.

**PLANNING COMMITTEE**  
**02.12.14**

Councillor McLellan asked why the application had been referred to Committee and was advised that Councillor James considered that the extension could be overbearing on the neighbouring property given its size and scale and the closeness to the property's boundary.

Councillor Mozol asked about building over the public sewer and was advised that was a matter between the applicant and Severn Trent. Councillor Lewis stated that the issue could be overcome and it was for Severn Trent to advise what was required.

Councillor Toleman was advised that a condition was proposed prohibiting any new windows on the side elevation of the extension. The Planning Officer advised that there was a circular window on the side of each property and the front wall of the extension was set back sufficiently so as to be aligned behind the windows.

Members requested that a note be attached to the decision notice requesting that the WC ventilation be relocated.

\* Post-committee note – the applicant confirmed that the vent would be directed to the rear elevation, and this was secured by condition.

**RESOLVED that permission be granted subject to the conditions in the report and the additional instruction regarding the WC ventilation.**

**52. FORMER ORCHARD PUBLIC HOUSE, OLYMPUS PARK - 14/01158/FUL**

The Head of Planning presented the report which detailed an application for the erection of a building to provide mixed use facilities comprising restaurants/cafes (Use Class A3/A5) and site manager's office (Use Class B1) at ground floor and apart-hotel units (Use Class C1) at first and second floor. (Alternative proposal to development approved under application 13/00420/FUL).

He referred to the late material which contained amended and additional conditions.

He advised that the site area was 1,021 square metres which was 21 square metres over the limit for the application to be determined under delegated powers. The amended condition would remove permitted development rights in respect of changes from Use Class A3/5 to A1/2.

Councillor Taylor stated that it was unfortunate that there had been no interest in taking up the pub use but that the location on the edge of the business park would be useful for those working in the local area. He did have some concerns at any potential A1 use.

Councillor Mozol was advised that up to two take-away businesses were potentially included in the application.

Councillor Lewis welcomed the application and believed that hotel guests would benefit from an increased choice with four catering units. He noted that Quedgeley had expanded significantly since the fire at the public house.

**PLANNING COMMITTEE**  
**02.12.14**

Councillor Hilton expressed concern over potential problems with access and egress for the take-away and was advised that the former use as a public house would have generated similar levels of traffic. He was also advised that hours of operation were controlled by condition, discussions had been held with the applicant regarding sound insulation to protect the amenity of the upper floor and that it was believed that the applicant had been trying to find a suitable tenant for some months.

Councillor Hobbs raised the matter of lighting and was advised that a condition could be applied to request details of such. Similarly signage that needed consent would be subject to a separate application.

**RESOLVED that permission be granted subject to the conditions in the report with an additional condition and condition 1 amended as follows and a further condition to request details of external lighting and an amendment to condition 10 to refer to A3 and A5 not A3 and A4**

Amended Condition 1

The development hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved drawing nos.PG/02, 05 and 06 received by the Local Planning Authority on 29th September 2014 and drawing nos. PG/03 rev.A and 04 rev.A received by the Local planning Authority on 26<sup>th</sup> November 2014 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Additional Condition

The building shall be used for purposes within Use Class A3/A5 - cafe/restaurant/takeaway on the ground floor and purposes within Use Class C1 - hotel at first and second floor and for no other purpose including any other changes permitted by the schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended), or in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

Any alternative uses of the building will require further consideration by the local planning authority in the interest of local amenity and any impacts upon the existing designated district centre and highway safety in accordance with policies S.4a, TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and in accordance with the principles set out within the NPPF.

**53. DELEGATED DECISIONS**

**PLANNING COMMITTEE**  
**02.12.14**

Consideration was given to a schedule of applications determined under delegated powers during the month of September 2014.

**RESOLVED that the schedule be noted.**

**54. DATE OF NEXT MEETING**

Tuesday 13 January 2015 at 18.00 hours.

The Chair wished all present a Merry Christmas and a Happy New Year.

**Time of commencement: 18:00 hours**

**Time of conclusion: 19:35 hours**

**Chair**