



PLANNING COMMITTEE

MEETING : Tuesday, 2nd September 2014

PRESENT : Cllrs. Taylor (Chair), Noakes, Hilton, McLellan, Smith, Hobbs, Hanman, Ravenhill, Dee, Mozol and Chatterton

Officers in Attendance

Gavin Jones, Development Control Manager

Joann Meneaud, Principal Planning Officer

Michael Jones, Locum Solicitor

Alex Mason, Environmental Protection Officer

Andy Powick, Planning Enforcement Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs. Lewis and Toleman

24. DECLARATIONS OF INTEREST

Councillor Hobbs declared a prejudicial interest in Agenda item 5, Gala Club, Fairmile Gardens as a trustee of ASPIRE and left the meeting during consideration of that item.

The Development Control Manager declared a non-prejudicial interest in Agenda item 5 as a non-playing member of the Gala Club.

25. MINUTES

The minutes of the meeting held on 5 August 2014 were confirmed and signed by the Chair as a correct record.

26. 107 EASTGATE STREET - 14/00785/FUL

The Development Control Manager presented the report which detailed an application for change of use of premises from hairdresser to taxi office with taxi parking at Julian Rogers Autoservices at 107, Eastgate Street.

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He advised Members that the application was retrospective and referred to the late material which contained an additional representation objecting to taxis parking in Kings Barton Street and a representation from Councillor Dallimore.

He noted that the premises had had the benefit of Class A2 use which had now lapsed, there were no flooding issues as the built footprint was unchanged and there were no objections from Environmental Health.

He advised that the majority of points raised by Andy Cabs were not material planning considerations. The Licensing Team had been monitoring the business and had not reported any concerns.

Councillor Noakes expressed concern that the business had been described as a taxi and private hire service when in fact it was solely a private hire operator.

Azam Choudry, applicant, addressed the committee in support of the application.

Mr Choudry advised Members that the shop premises had been vacant and he required premises for an office and had been able to rent parking spaces from Julian Roberts Autoservices at night.

His business was very busy but he believed that the noise in the area was mainly attributable to the large number of fast food delivery drivers and other company's vehicles. He had instructed his drivers not to park on double yellow lines and was trying to comply fully with the law.

Neil Mackie addressed the Committee in opposition to the application.

Mr Mackie drew Members' attention to the fact that the business was a private hire operator that operated three vehicles that were regularly parked on double yellow lines.

He stated that Andy Cabs positively welcomed competition but expressed concerns that the additional traffic would add to the congestion of Kings Barton Street which was blocked and became a one way street on Friday and Saturday nights. He expressed concern that emergency vehicles may be unable to access the street which comprised mainly of old buildings with a higher fire risk. He believed that the operation would devalue properties in the area.

He noted that the operation would require passengers to be picked on double yellow lines and that was prohibited by the Council's rules.

He reiterated that competition was welcomed if within the law and the Council's rules but residents had genuine concerns.

He referred to the nuisance suffered by residents particularly on Friday and Saturday nights, specifically door slamming, engine noise and people shouting and he believed that the protection of residents should be the responsibility and primary objective of the Council.

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Councillor Chatterton queried whether use of the car park after midnight was permitted and he was advised that such use would be in breach of Condition 2. The Chair suggested that an additional condition be imposed specifically detailing the permitted hours of operation.

Councillor Dee expressed concern at the location of the car park and was advised that the car park was intended for vehicles to wait before proceeding to pick up passengers.

The Chair expressed concerns regarding vehicle noise in Kings Barton Street but acknowledged that there had been no Environmental Health or Highways objections.

Councillor Smith noted that the Committee could not take into consideration the potential devaluation of property. She believed that one full time and two part-time vehicles would not cause large problems and difficulties caused by other drivers were not a matter for the Committee.

Councillor Chatterton expressed concern that granting permission to the application would condone picking up passengers on double yellow parking restrictions.

The Solicitor advised Members to apply the policy framework consistently. He believed that there were no grounds to refuse the application that would stand up on appeal and other matters could be dealt with by the Police or the Council's Licensing Team.

Councillor McLellan expressed concern that the number of vehicles could increase. He was advised that the application was primarily concerned with the change of use of the premises and it would be difficult to control the number of vehicles by condition which could be considered a restraint on trade.

The Solicitor advised that should the applicant be unable to provide the level of service he wished with the number of parking spaces available he would have to consider making a further application.

Councillor Hanman referred to Councillor Dallimore's representations and he questioned whether the Committee would ignore the views of the local community. The Solicitor advised that the Planning Committee was required to consider only the material planning considerations of the application.

Councillor Noakes believed that the application would have a negative impact on residents as following the Eastgate Street closures, passengers would use the residential area to be picked up.

Councillor Hobbs asked if the permission could be made personal to Mr Choudry and was advised that this was not possible but a condition could be imposed to limit use to a private hire operator.

Members requested that a letter be sent to the applicant requesting that he remove the word 'Taxi' from his signage to avoid confusion and that the Licensing Team and the Police be advised of Members' concerns.

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RESOLVED that planning permission be granted subject to the conditions in the report and the imposition of additional conditions relating to:

- 1) specification of the hours of operation
- 2) confirmation that the use restricted to private hire only, and not taxis.

27. GALA CLUB, FAIRMILE GARDENS - 14/00506/FUL

Councillor Hobbs having declared a prejudicial interest left the meeting during consideration of this application.

The Development Control Manager declared a non-prejudicial personal interest in this application as a non-playing member of the Gala Club.

He presented the report which detailed an application for the erection of floodlights, 1 metre concrete hard standing and spectator covered area at the Gala Club, Fairmile Gardens.

He drew Members' attention to the recommended amendment to Condition 2 within the late material. He advised that twelve representations had been received which were summarised at Paragraph 5.2 of the report.

He noted that although parking could present problems when there was a rugby match at Kingsholm, the average attendance at Wilton AFC matches was 43 and the car parking on site was sufficient. The football pitch was in Flood Zone 1 and presented no flooding issues. The floodlights may allow noise to continue later than previously but Environmental Health raised no objection having considered the proposed hours of operation. He confirmed that any extension of days and hours of operation would require a further application to be submitted.

Wayne Irvine, Vice Chairman of Wilton AFC addressed the Committee in support of the application.

Mr Irvine, who had responsibility for the planning application, advised Members that that Club had sympathy with the residents' comments but believed some to be misinformed.

He stated that car parking was adequate as no increase in spectators was anticipated. The average attendance in the previous season was 43 although exceptionally a local derby had resulted in 105. The floodlights would be situated on the 18 yard line with two being on the Clubhouse side and one in front of trees.

The floodlights were to a modern specification and would go on and off quickly. Light levels one metre from the pitch perimeter would be minimal. The floodlights would be used on Tuesdays and Wednesdays and would be switched off by 21.00 hours. He noted that this included an allowance for extra time.

Ben Hill, on behalf of the residents of Fairmile Gardens and High Bank, addressed the Committee in opposition to the application.

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Mr Hill believed that the increase in noise would impact particularly on the young and elderly residents. He noted the NHS recommendation that young children should have ten hours sleep each night. He stated that the noise extended beyond full time.

He believed that light pollution would impact on those residents who used their gardens at night as the floodlights would be 30 metres from properties.

Should the club gain promotion to the Hellenic League, traffic and parking problems would increase. He believed that properties would be devalued as a result of the application and asked if it was right that the interests of the club should be put before families and residents.

He believed that it was short-sighted to presume that spectator numbers would not increase and there was a need for compromise between the development of sport and impact on residents.

The Chair noted that property values were not a planning issue and asked Mr Irvine if the issue of noise was new. Mr Irvine advised that matches were already held during the week from 18.30 -20.30 hours when permitted by the hours of daylight.

Alex Mason, Environmental Protection Officer, explained the matrices which had been submitted as part of the planning application. He noted levels of 0.1 and 0.2 around the pitch and almost zero on the remainder of the site. He noted that the football season extended from August to March/April and that there was a reasonable expectation that people would have curtains closed in the evenings for much of that period.

Councillor Chatterton noted that typical light levels from street lamps in a residential street were 5 Lux and 15 Lux for the lighting associated with a main road which was indicated.

Councillor Hilton noted that the light levels at the rear of the properties would remain significantly lower than at the front.

Mr Mason advised that should there be issues it would be a matter for Environmental Health as a possible statutory nuisance. He confirmed that the levels illustrated were within the application site area.

Councillor McLellan asked if the impact of the floodlights on daytime amenity as 18 metre high structures had been taken into account and was advised that officers had no issue with that aspect.

RESOLVED that planning permission be granted subject to the conditions in the report subject to the amendment of condition 2 to include reference to read "...and e-mails received on 30th July, 6th August 2014 and any other conditions attached this permission."

28. UNIT 2B AND PART OF UNIT 2A, 108 EASTERN AVENUE - 13/00397/FUL

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The Principal Planning Officer presented the report which detailed an application for the variation of Condition 9 attached to planning permission 98/00119/FUL at Unit 2b (former Apollo 2000) and part of Unit 2a (Staples), 108 Eastern Avenue.

She referred to the agent's comments regarding the proposed conditions contained within the late material. She advised that Condition 2 would prohibit any further subdivision of the units and Condition 3 would remove permitted development rights for a mezzanine to protect the vitality of the City Centre.

Councillor Hilton could not see the point of the application other than the unit sizes which he believed to be acceptable.

The Principal Planning Officer confirmed that she had examined other recent relevant applications.

The Chair believed that the application could make it easier to find tenants for the units. He noted the importance of protecting the vitality of the City Centre and that the non-open Class A1 use remained and he hoped that it would bring the units back into use

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

29. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (APRIL TO JUNE 2014)

Mr Andy Powick, Planning Enforcement Officer presented the report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement team between April and June 2014.

He requested that Members disregard Pages 63 and 67 which had been included in error.

He displayed slides illustrating recent activity including:-

Waterwells Business Park - unauthorised sign board
Southgate Street - satellite dish removed
Lock Warehouse – removal of unauthorised signage
Unauthorised surfacing – soakaway installed
Stroud Road – unauthorised access blocked
Bybrook Gardens – untidy land cleared by direct action
36 unauthorised signs removed from highway and public land.

Councillor Hilton expressed concern at the apparent lack of consideration in the City's 13 Conservation Areas.

The Development Control Manager noted that the refusal of consent at 47-49 Worcester Street had been upheld on appeal. He noted that Conservation Areas did not enjoy the same status as Listed Buildings and the planning system could not

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necessarily prevent works being undertaken before a retrospective application was submitted.

He noted that the Council's two conservation officers were kept very busy.

Councillor Hilton questioned whether purchasers were made aware that properties were within a Conservation Area and was advised that this should appear in land searches.

Councillor Dee referred to informal sales being regularly held in Finlay Road and he was advised that such activity could be held on up to 28 days each year anything in excess would require a change of use application. If the activity was on highway land it would also be a matter for the County Council.

The Chair thanked the Planning Enforcement Team for their work.

RESOLVED that the report be noted.

30. DELEGATED DECISIONS

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

RESOLVED that the schedule be noted.

31. DATE OF NEXT MEETING

Tuesday, 7 October 2014 at 18.00hrs.

Time of commencement: 18:00 hours

Time of conclusion: 19:50 hours

Chair