



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 4th November 2014

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

**Officers in Attendance**

Andy Birchley, Senior Planning Compliance Officer

Gavin Jones, Development Control Manager

Joann Meneaud, Principal Planning Officer

Michael Jones, Locum Solicitor

**APOLOGIES** : Cllrs. McLellan, Mozol and Toleman

### **40. DECLARATIONS OF INTEREST**

Councillor Hilton declared a personal interest in agenda item 4 by virtue of his association with the applicant and announced that he would withdraw for this agenda item.

Councillor Ravenhill declared a personal interest in agenda item 4 as one of the objectors in the public gallery was related to him.

The Chair declared a personal interest in agenda item 4 by virtue of his working relationship with one of the objectors as a school governor for Heron Primary School.

### **41. MINUTES**

The minutes of the meeting held on 7 October 2014 were confirmed as a correct record and signed by the Chair.

### **42. 15, RIVERSLEY ROAD - 14/00722/FUL**

The Principal Planning Officer presented a retrospective application made by Mr Chris Witts of 15 Riversley Road, Gloucester for the erection of a weather

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monitoring station comprising a wind vane and anemometer mounted on a 7.4 high metre pole within the rear garden of 15 Riversley Road, Gloucester. The Committee was informed that four letters of representation had been received from local residents. The application had been brought before Members by virtue of Mr Witts being a City Councillor, necessitating its determination by Planning Committee in accordance with the Council's Constitution and agreed scheme of delegation. The recommendation of the Development Control Manager was to grant permission subject to conditions as set out in the report,

The Principal Planning Officer summarised the main points and issues which Members needed to be mindful of. A short video taken by one of the objectors was also shown to Members.

The Principal Planning Officer drew the Committee's attention to the late material which had been circulated. The document comprised a further three letters of representation from residents and an additional representation from the applicant stating that he would not be able to paint the equipment on the top of the mast as it would affect the readings obtained from the weather station and invalidate his certificate. The Principal Planning Officer advised the Committee that after further consideration it was proposed that condition 2 of the recommendation to grant planning permission be amended to remove the requirement to paint the weather vane. There was a short adjournment whilst Members read the late material.

**Mr Chris Witts addressed the Committee in support of the application**

Mr Witts pointed out the value of his weather station to the community and referred to inaccuracies within the letters of representation. He reiterated his intention to remove the three solar lights and his agreement to painting the pole as recommended by the Development Control Manager. He advised the Committee that it was not possible to paint the anemometer as this would invalidate the readings he received. He confirmed that the weather station had been erected professionally. Mr Witts concluded his statement by reminding the Committee that only a small number of objections had been received to the proposal.

**Mr Timothy Wilton addressed the Committee**

Mr Wilton remarked that he had been told 24 hours ago that the applicant would not be painting the weather vane. He described to Members the negative impact of the weather station on the enjoyment of his home and his concerns for epileptic friends who experienced the constant flashing and flickering of the equipment when visiting him. Mr Wilton questioned the fact that the weather station had been erected by professionals and drew the Committee's attention to what he perceived as inaccuracies in the planning application process and concerns that guidance on wind turbines had been ignored. Mr Wilton added that he had attempted unsuccessfully to get further details via the Freedom of Information procedure and the process has lacked transparency. He concluded that he could not see how the Committee could approve the application.

**Mr Thomas Haswell addressed the Committee**

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Mr Haswell expressed the strength of his objection to the application and said that the weather station posed an unreasonable impact on his visual amenity. He stated that the Planning Officer who came to inspect the pole had only attended his property for 5 minutes and had not viewed the weather station from any other nearby residences.

The Committee discussed the following matters:-

1. The Chair queried the reference to Government guidelines relating to masts in one of the letters of representation. The Principal Planning Officer advised that there were no policies specifically relating to a development of this type and that the guidance pertaining to wind turbines was not directly relevant.
2. Councillor Lewis agreed that the flickering was a nuisance and sympathised with the objectors, but speculated as to whether this would be a good enough reason to refuse planning permission. Councillor Smith concurred with this view and was pleased to see that the lights were being removed. The Locum Solicitor advised the Committee that there was insufficient evidence to sustain refusal and that whether or not the vane constituted a statutory nuisance would be a separate matter for Environmental Health to determine.
3. Councillor Noakes agreed that the flashing would not be acceptable and queried whether the Committee had the full facts before them to enable them to reach a decision.
4. Councillor Dee asked whether there was a health and safety requirement to have lights on the pole and referred to the proximity of the local airport. The Principal Planning Officer responded that there was no requirement for lights for a pole of that height and that as they were solar lights which could not be switched off that it was necessary to remove them.
5. Councillor Lewis asked if it was possible to purchase a vane which was darker or more matt in appearance and questioned whether this had been explored.
6. Councillors Hobbs and Chatterton believed that the availability of a black anodised weather vane should be investigated
7. The Chair considered that the Committee could defer the application in order for the applicant to look into alternative weather vanes. The Locum Solicitor advised Members that a deferral was the best option to avoid imposing a condition which might not be enforceable.

**RESOLVED - That the application be deferred.**

**43. 84, FALKNER STREET - 14/01161/FUL**

The Development Control Manager presented an application submitted by Mr Sajid Bala for the erection of a two bed roomed chalet bungalow on land to the rear of 84,

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86, and 88 Falkner Street Gloucester. The application had been called to Planning Committee by the Ward Member, Councillor Sajid Patel on the following grounds:-

- that the development would not be out of line with the characteristics of the area and the street
- highly unlikely to increase any flooding in the area
- the land had no historical significance
- the proposed development was highly unlikely to result in any increase in crime and/or anti-social problems
- there were sufficient on road parking spaces available in close proximity,
- development would enhance the street area and be more aesthetically pleasing
- Councillor Patel welcomed any new housing development in the area where demand seemed to significantly outstrip supply

Members were briefed on the main points and issues they needed to be mindful of. The Development Control Manager recommended refusal of the application for the reasons set out in the report.

The Committee's attention was drawn to the late material which had been circulated. The document contained a letter of representation and a consultee response from Severn Trent Water. The Development Control Manager advised that consideration of these items had not resulted in a change to his original recommendation. There was a short adjournment whilst Members examined the late material. Mr Bala had also provided some photographs of the site which were circulated to Members prior to the commencement of the meeting.

**Mr Sajid Bala addressed the Committee in support of the application.**

Mr Bala stated that he believed the application was sound. He addressed each of the reasons for rejection of the proposal in turn:-

- Impact on Street scene – Mr Bala said that no two houses were the same and that the dwelling would add to the character of the street. He pointed out that the same materials would be used as those for number 84.
- Overshadowing of neighbours – Mr Bala disputed this by giving measurements for the distance to the nearest neighbour and from the kerbside.
- Lack of amenity space – Mr Bala believed that the demolition of the shed would create enough amenity space. Added to that would be a terrace area in front of the building.

Mr Bala concluded by reminding the Committee that the dwelling would provide much needed accommodation and that the proposal had the support of his neighbours and Councillor Patel.

The Chair queried whether the amount of amenity space could be used as a reason for refusal when other properties in the area had less amenity space. The

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Development Control Manager advised that the planning guidance and policy was clear on this point and that the fact that other properties had poor amenity space was not a sufficient reason to grant the application.

The Committee discussed the following matters:-

1. Councillor Smith stated that it was a poor application and that it would be remiss of the Committee to allow a property to be built that had such little amenity space and an overbearing effect on other properties.
2. Councillor Lewis concurred with Councillor Smith's view and said he believed the application should be refused.
3. The Chair agreed that the site was constricted.

**RESOLVED – that the application be refused for the reasons set out in the report.**

**44. PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (JULY - SEPTEMBER 2014)**

The Senior Planning Compliance Officer presented Members with a report which detailed the level and nature of enforcement activity undertaken by the Planning Enforcement Team between July and September 2014. The report also updated the Committee on formal action being taken against more serious planning breaches, including the results of legal actions undertaken. Members were shown photographs of successful enforcement actions. The Chair thanked the Senior Planning Compliance Officer for the report.

**RESOLVED – that the report be noted**

**45. DELEGATED DECISIONS**

The Committee considered a schedule of applications determined under delegated powers during the month of August 2014.

**RESOLVED – that the schedule be noted.**

**46. DATE OF NEXT MEETING**

Tuesday 2 December 2014 at 18.00 hours.

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

**Time of conclusion: 19:30 hours**

**Chair**

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