



## **PLANNING COMMITTEE**

**MEETING** : Tuesday, 6th February 2018

**PRESENT** : Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Walford and Coole

**Officers in Attendance**

Mella McMahon, Planning Consultant, Business Improvement

Nick Jonathan, Solicitor, One Legal

Caroline Townley, Planning Officer

Joann Meneaud, Planning Officer

Tony Wisdom, Democratic Services and Elections Officer

**APOLOGIES** : Cllr. Fearn

### **51. DECLARATIONS OF INTEREST**

Councillor Toleman declared a personal interest in agenda item 5, application 17/00488/FUL, as he had had a conversation with the applicant but at no time had he discussed the possible decision.

### **52. MINUTES**

The minutes of the meeting held on 9<sup>th</sup> January 2018 were confirmed and signed by the Chair as a correct record.

### **53. LATE MATERIAL**

Late material in respect of agenda items 5 and 6 had been circulated and published on the Council's website as a supplement.

### **54. LAND SOUTH OF RECTORY LANE - 17/00488/FUL**

The Principal Planning Officer presented the report which detailed an application for the erection of a detached dwelling house with attached garage. Revised enlarged dwelling to that approved under ref: 13/00977/FUL including the addition of a conservatory, dormers/velux windows in loft room space and enclosing of front

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entrance porch, (retrospective application) on land south of Rectory Lane, Hempsted.

She drew Members' attention to the late material which contained an amendment to paragraph 6.14, additional representations, amended and additional conditions.

She advised that Condition 5 in the original report had been removed as the boundary wall was no longer required to be completed prior to occupation of the dwelling.

She noted that the principle of a detached dwelling on the site had been established by the Inspector's decision relating to the appeal following the Committee's refusal of application 13/00977/FUL. She advised that building without planning permission was not a material planning consideration.

Councillor Melvin, as a Ward Member, addressed the Committee in opposition to the application.

Steve Crichard, a local resident, addressed the Committee in opposition to the application.

Mr K. Varghese, the applicant, addressed the Committee in support of the application.

Members discussed a number of issues including the following:-

- Definition of a conservatory. They were advised that there was no formal planning definition.
- Removal of Permitted Development Rights. Members were advised that Permitted Development Rights were effective once the dwelling was substantially completed, normally after occupation of the dwelling. Members were advised that the conservatory that had been constructed was slightly larger than what could have been built under Permitted Development Rights if the approved dwelling had been constructed and occupied.
- Paragraph 6.17 was corrected to refer to a height of 8.9 metres for the approved plans.
- The ridge height of the building now exceeded that of dwellings in Chartwell Close.
- Concern that the house as built was bigger in size, height and footprint than allowed at appeal.
- Presence of Great Crested Newts on the site. Members were advised that the ecologist had found no evidence of Great Crested Newts on the site although residents had stated that they were in the area. He had stated that it would be important to ensure the provision of the hibernaculums and maintenance of the rough tussocky grass areas in the mitigation strategy.

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- Concerns about the overbearing impact on neighbouring dwellings thereby resulting in a loss of amenity and concerns about the impact on the Landscape Character Area.

The Chair moved that the application be approved subject to the conditions as amended and removal of Permitted Development Rights. The motion was not seconded.

Councillor Morgan moved that the application be refused as the building was overbearing and damaging to the amenity. The motion was seconded.

**RESOLVED that the application be refused for the following reason:-**

The dwelling by virtue of its overall size, siting and height results in unacceptable harm to the amenity of the occupiers of the neighbouring properties in Chartwell Close and Foxleigh by virtue of its overbearing impact. The proposal is therefore contrary to paragraph 17 of the National Planning Policy Framework (March 2012) and Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adoption Version 2017.

Councillor Morgan left the meeting at this point to attend a Civic duty.

**55. ST JAMES CITY FARM, ALBANY STREET - 17/00833/FUL**

The Principal Planning Officer presented the report which detailed an application for the erection of six floodlights (four metres high) around riding arena. Retention of timber clad stables already built at St James City Farm, Albany Street.

She drew Members attention to the late material which included a statement from the applicant, the views of the City Centre Improvement Officer and amended conditions.

Members had no questions and indicated that they did not wish to debate the application.

**RESOLVED that planning permission be granted subject to the following conditions:-**

Condition 1

The floodlights hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the submitted application form, location plan, block plan, proposed site plan, proposed

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elevations and lora luminaire detail sheet except where these may be modified by 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 the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3

The floodlights hereby permitted shall not be operated after 19:00 hours on any day.

Reason

To protect the amenity of neighbouring occupants in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 4

The measures as detailed in the email dated 1<sup>st</sup> February 2018 for the storage and disposal of horse manure at/from the site, shall be implemented and adhered to for the duration of the development.

Reason

To protect the amenity of neighbouring occupants in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Note 1

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

**56. DELEGATED DECISIONS**

Consideration was given to a schedule of applications determined under delegated powers during the month of December 2017.

**RESOLVED that the schedule be noted.**

**57. DATE OF NEXT MEETING**

Tuesday, 6<sup>th</sup> March 2018 at 6.00 pm.

**Time of commencement: 6.00 pm**

**Time of conclusion: 7.22 pm**

**Chair**

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