

DEVELOPMENT CONTROL COMMITTEE

21 April 2015

6.00 pm – 8.45 pm
Council Chamber, Ebley Mill, Stroud

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Minutes

Membership

Stephen Moore **	P	Haydn Jones	A
John Marjoram *	A	Dave Mossman	P
Liz Ashton	P	Steve Robinson	P
Dorcas Binns	P	Roger Sanders	A
Nigel Cooper	P	Emma Sims	P
Paul Hemming	P	Tom Williams	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Member in attendance

Councillor John Jones

Officers in attendance

Head of Planning	Solicitor
Principal Planning Officers	Environment Protection Manager
Senior Enforcement Officer	Democratic Services & Elections Officer

DC.118 APOLOGIES

Apologies for absence were received from Councillors Haydn Jones, John Marjoram and Roger Sanders.

DC.119 DECLARATIONS OF INTEREST

None pursuant to the Code of Conduct.

DC.120 PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of the following Applications:-

1.	S.15/0060/VAR	2.	S.15/0135/FUL	3.	S.15/0007/COU
4.	S.15/0179/FUL	5.	S.14/2883/HHOLD	6.	S.15/0121/HHOLD
7.	S.15/0121/BRCON				

Late Pages had been sent to Members prior to the meeting and were available at the meeting in respect of Scheduled Item 2.

DC.121 ITEM 1 – VARIATION OF CONDITIONS, INCLUDING RENEWALS AT WEDDING VENUE, ELMORE COURT, ELMORE, GLOUCESTER (S.15/0060/VAR)

The Principal Planning Officer provided Members with an amendment to Condition 2 that there shall be no external amplified music.

Mr John Field, Chair of Elmore Parish Council outlined the concerns that had been raised by local residents.

A local resident outlined his reasons for objecting to the Application.

Mr Anselm Guise, the Applicant explained that he had requested the variations to enable him to continue his business in a very competitive market.

In reply to Members' questions Officers confirmed:-

- That one breach had been reported last summer when a band had played on the front lawn and that had satisfactorily been resolved.
- After the 6 month trial period the Applicant could apply for full planning permission.
- The Applicant could apply for up to 12 Temporary Events Notices (TENS) within a 12 month period requesting music to be played beyond midnight.
- Any breaches to the Licence could be referred to the Council's Community Services and Licensing Committee (CS&LC) for a licensing hearing.
- The amplified music playing next to the porch would be provided for the benefit of guests when the bride and groom were signing the register.
- The three areas shown to Members on a map were furthest away from local residential properties.
- If there were significant problems after the first temporary event had taken place, the Environmental Health Team would investigate and if there were still serious concerns these could lead to objections to future TEN applications which would be heard by the CS&LC.

A Motion to ACCEPT the Officer's recommendation to grant permission, together with the amendment to Condition 2, was proposed by Councillor Liz Ashton and seconded by Councillor Emma Sims.

Councillor Dave Mossman was very supportive of the business and the work that had been undertaken by the Applicant to the venue. However, he did not agree with the termination hour of 6.00 am because in his opinion this was too late. He moved an amendment to the Motion to amend the termination hour to midnight. Upon the vote the amendment was not supported.

Councillor Dorcas Binns moved a further amendment to the original Motion that the termination hour should be 2.00 am, which was seconded by Councillor Steve Robinson.

Members debated the hour of termination and agreed 2.00 am would be a compromise and would still allow visitors two hours to leave the venue.

On being put to the vote, there were 7 votes for the amendment to the Motion, 1 vote against and 1 abstention; it was declared CARRIED.

On being put to the vote, there were 8 votes for the amended Motion, 1 vote against and 0 abstention; it was declared CARRIED.

RESOLVED To GRANT Application S.15/0060/VAR, as set out in these Minutes and in Appendix A.

DC.122 ITEM 2 – PROPOSED TWO DWELLINGS TO THE REAR OF THE PROPERTY INCLUDING ACCESS, BOUNDARY TREATMENT AND GARAGE/PARKING ON LAND AT 33 WOODEND LANE, CAM, GLOS (S.15/0135/FUL)

The Principal Planning Officer outlined the above Application and drew Members' attention to the Late Pages and amendment to conditions following the recent changes to the GPDO and GDO.

Mr Ian Horsley spoke on behalf of nearby residents who would be affected by the Application citing various reasons for refusal which included, overdevelopment of the plot resulting in the loss of light to other residents.

Mr Giovanni Meta, the Agent outlined the Application that had been amended to address local residents concerns.

A Motion to ACCEPT the Officer's recommendation, as amended, was proposed by Councillor Dave Mossman and seconded by Councillor Nigel Cooper.

During debate the Proposer stated that he had been impressed by the changes the Applicant had made to the Application to accommodate neighbours concerns which was a reasonable compromise. Other Members thought the site would be overdeveloped and one dwelling would have been more appropriate.

On being put to the vote to ACCEPT the Officer's recommendation, as amended, there were 3 votes for the Motion, 5 votes against and 1 abstention. The Motion was lost.

A Motion to REFUSE permission, contrary to the Officer's recommendation, was proposed by Councillor Dorcas Binns and seconded by Councillor Liz Ashton

because of the overdevelopment of the site and the overbearing impact the two dwellings would have on neighbouring residents.

Members debated the Motion.

On being put to the vote, there were 5 votes for the Motion, 2 votes against and 2 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.15/0135/FUL, as set out in these minutes and Appendix A.

DC.123 ITEM 3 –CHANGE OF USE OF THE FLAT ROOF OVER THE REAR OF THE SHOP TO DOMESTIC, RELATING TO 2 HILLESLEY ROAD, KINGSWOOD, WOTTON-UNDER-EDGE, GLOS (S.15/0007/COU)

The Principal Planning Officer confirmed that a further letter of support had been received, together with a letter outlining concerns regarding the above application. There were two amendments to the Officer's report, a revised plan had been received referenced AB1-2, Rev D and would be reflected in Conditions 1, 2 and 3. In Condition 1 the word "all" should be inserted to line four, to read ... shall, all be installed,

The Applicant Mr David Scott, outlined the Application and confirmed that planters containing bamboo plants would screen the roof garden.

A Motion to ACCEPT the Officer's recommendation to grant the Application, was proposed by Councillor Dave Mossman and seconded by Councillor Emma Sims.

Members debated the Application.

On being put to the vote, the Motion was unanimously CARRIED.

RESOLVED TO PERMIT Application S.15/0007/COU, as set out in these Minutes.

DC.124 ITEM 4 – NEW DWELLING AND ASSOCIATED LANDSCAPE WORKS AT ARLINGHAM FREE CHURCH, FRIDAY STREET, ARLINGHAM, GLOS (S.15/0179/FUL)

The Principal Planning Officer outlined the above Application. A letter received from Arlingham Free Church was read out and a photograph of the Church and its surrounding area was shown to Members.

Councillor John Jones, a Ward Member highlighted other developments that had been permitted within the vicinity and supported the views of the Parish Council and local residents requesting Committee to allow this Application.

Mr John Bircher, representing Arlingham Parish Council confirmed that there had been no objections to the Application and local residents were also in favour of the Application.

The Applicant, Mr David Merrett outlined the Application.

In reply to Members' questions the following points were clarified:-

- The porch was built before 1948 and had not required planning permission.
- Members were generally in favour of the Application but would have preferred a more sympathetic design.
- The Application could be deferred and an amended design could be submitted giving Members more control of the design.
- Plans showing the elevation were exhibited.
- The approximate distance between the new build and the back edge of the existing chapel is 9.5 metres.

In the absence of Councillor Haydn Jones, (a Committee and Ward Member), Councillor Nigel Cooper stated reasons why he supported the Application.

A Motion contrary to the Officer's recommendation was proposed by Councillor Nigel Cooper and seconded by Councillor Paul Hemming citing many reasons including that the area around the Chapel had already been redeveloped and that local people were in favour of the Application.

In debating the Application, Members had no objections to the development but some did not like the design and thought that the Application should be deferred. Others wished to grant consent and delegate authority to Officers to apply standard conditions to the Application, eg landscaping, materials and removing permitted development rights to a future Application.

On being put to the vote, there were 5 votes for the Motion, 4 votes against and 0 abstention; it was declared CARRIED.

RESOLVED To PERMIT Application S.15/0179/FUL, as set out in these Minutes and Appendix A.

DC.125 ITEM 5 – VARIOUS WORKS TO 19 WORDSWORTH ROAD, DURSLEY, GLOS (S.14/2883/HHOLD)

The Principal Planning Officer outlined the above Application for the conversion of the existing loft space and flat roof area to the rear of the property onto new second storey living space. The erection of a single storey extension with mono pitched roof to the rear of the property to the rear of the existing garage. The Officer also confirmed receipt of a letter and photograph received from K Wyatt, a local resident unable to be present at the meeting, that had been circulated to Members prior to the meeting.

Mr Christopher Mydlowki, the Applicant outlined the various works that had the support from the Parish Council and adjacent neighbours.

The Officer confirmed that after several meetings with the Applicant to discuss a more suitable design no agreement could be reached.

A Motion to ACCEPT the Officer's recommendation to refuse permission, was proposed by Councillor Liz Ashton and seconded by Councillor Dave Mossman.

During debate Members all agreed that the design was unacceptable, but sympathised that the Applicant required more living space.

On being put to the vote, there were 7 votes for the Motion, 0 vote against and 2 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/2883/HHOLD, as set out in these Minutes.

DC.126 ITEM 6 – RETROSPECTIVE APPLICATION FOR THE ERECTION OF A SINGLE STOREY EXTENSION TO THE REAR OF WYLLEDEN, RODBOROUGH HILL, STROUD, GLOS (S.15/0121/HHOLD)

The Principal Planning Officer had nothing to add to her report.

Rodborough Parish Council had raised objections because the Applicant had not adhered to the original planning permission.

A neighbour objecting to the Application highlighted their concerns that included the overbearing effect the extension had on them and the ducts that had been situated outside of their window.

The Applicant confirmed that there were no smells or fumes coming from the ducts and outlined the Application.

The Head of Planning confirmed that had appropriate notice of the extension been provided by the applicant it would have constituted permitted development and would not have required planning consent at all.

Members had the option to grant retrospective permission or to take enforcement action.

A Motion to ACCEPT the Officer's recommendation for permission, was proposed by Councillor Dave Mossman and seconded by Councillor Emma Sims.

In debate it was confirmed that an informative requesting the owner to relocate the vents and plant greenery to the southern elevation to soften the landscape could be included in any permission. The Proposer and Seconder confirmed that they wished the informative to be added to their Motion.

On being put to the vote, there were 7 votes for the amended Motion, 0 vote against and 2 abstentions; it was declared CARRIED.

RESOLVED To GRANT Application S.15/0121/HHOLD, as set out in these Minutes and Appendix A.

DC.127 ITEM 7 – LAND OFF POTTERS POND, WOTTON-UNDER-EDGE, GLOS (S.15/0121/BRCON)

The Senior Enforcement Officer had nothing to add to his report but provided Members with a summary. The affect of the breach was a loss of 30cm to the width of garages and would not alter their use.

Councillor Paul Smith, a Ward Member for Wotton-under-Edge reminded Committee that they had debated the Application at length and had raised many concerns, including parking and asked Committee to approve taking enforcement action because of non-compliance with a Condition.

Councillor Paul Smith also spoke on behalf of the Wotton-under-Edge Town Council who had similar concerns regarding parking.

Mr Daniel Weaver from Pegasus confirmed that there had been no deliberate intention to breach Condition 15 and the garages were fit for purpose.

Gloucestershire County Highways had confirmed that the garage design was suitable for a vehicle. Members agreed that the mistake should not have arisen but that enforcement action was not practicable. They felt that their hands were tied.

A Motion to amend the condition to the permission relating to the minimum dimensions of the garages and not to take enforcement action, was (with some reluctance) proposed by Councillor Nigel Cooper and seconded by Councillor Dave Mossman.

On being put to the vote, there were 7 votes for the Motion, 0 vote against and 1 abstention; it was declared CARRIED.

RESOLVED That no enforcement action be undertaken and a minor amendment to Condition 15 of the permission be approved.

The meeting concluded at 8.45 pm.

Chair

**Amendments for Development Control Committee
21 April 2015**

In addition to the amendments stated on the Late Pages.

ITEM No: 1	Application: S.15/0060/VAR
Address: Wedding Venue, Elmore Court	

Officer recommendation **ACCEPTED**.

Amend condition 2:

Any live, unamplified external musical entertainment associated with functions may be utilized up to 21:00 hours and shall be restricted solely to the following areas:

- A) The East Lawn
- B) The Cedar Lawn; and
- C) The grassed areas to either side of the Front Porch.

There shall be no external amplified music.

Reason:

To ensure no significant adverse impact on neighbouring properties with regard to noise nuisance.

Amend condition 3:

The use hereby permitted shall not be open to customers outside the following times 09:00 to 24:00 Monday to Friday and 09:00 to 02:00 Saturday, Sundays and on Bank Holidays.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Local Plan Policy GE1.

ITEM No: 02	Application: S.15/0135/FUL
Address: Land at 33 Woodend Lane, Cam	

Officer recommendation **OVERTURNED**.

Refusal reason:

The proposed layout would result in an overdevelopment of the site and would provide an inadequate amount of private amenity space for future occupants. The provision of two units on the site would give rise to an overbearing impact to neighbouring residents, contrary to Policies HN8 and GE1 of the adopted Local Plan, November 2005.

ITEM No: 03	Application: S.15/0007/COU
Address: 2 Hillesley Road, Kingswood	

Amend conditions 1, 2 and 3 to refer to plan AB1-2, Rev D, Received 21.04.2015.

ITEM No: 04	Application: S.15/0179/FUL
Address: Arlingham Free Church, Friday Street, Arlingham	

Officer recommendation **OVERTURNED**.

Conditions attached to permission:

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

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the submitted plans, no dwelling shall be occupied until a comprehensive scheme of hard and soft landscaping (including boundary treatments) for the site has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area.

4. Notwithstanding the submitted details, no construction work on the dwelling hereby permitted shall take place until details, including samples, of the materials to be used in the external surfaces of the building has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development, in accordance with Policy HN8 of the adopted Stroud District Local Plan, November 2005.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A to E of Part 1 of Schedule 2 (includes extensions and outbuildings), shall take place.

Reason:

In the interests of the amenities of the area.

6. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Site Plan Proposed of 22/01/2015
Plan number = 02

Proposed plans and elevations of 22/01/2015
Plan number = 04

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

ITEM No: 05	Application: S.14/2883/HHOLD
Address: 19 Wordsworth Road, Dursley	

Officer recommendation **ACCEPTED**.

ITEM No: 06	Application: S.15/0121/HHOLD
Address: Wyllesden, Rodborough Hill, Stroud	

Officer recommendation **ACCEPTED**.

Informative added:

The applicant is respectfully requested to consider moving the vents that face towards the neighbouring property and to redirect any vented air away from the neighbouring dwelling positioned to the south. The applicant is also requested to include any additional soft landscaping and screening wherever possible on the southern elevation of the extension hereby approved.

ITEM No: 07	Application: S.15/0120/BRCON
Address: Potters Pond, Wotton-Under-Edge	

Officer recommendation **ACCEPTED**.