



GILLINGHAM TOWN COUNCIL

PLANNING COMMITTEE

The Town Hall, School Road, Gillingham, Dorset SP8 4QR
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Minutes of an interim meeting of the **Planning Committee** held on **Monday 25th January 2016** commencing at 8.23pm in The Jubilee Room, Town Hall, School Road, Gillingham.

Present: Cllr B Von Clemens (Chairman), Cllr D Griffin (Deputy Chairman),
Cllr Ms A Baker, Cllr Mrs A Beckley, Cllr Mrs S Hunt, Cllr A Frith, Cllr S Joyce,
Cllr Mrs V Potheary and Cllr Miss Purkis.

In attendance: Mrs Julie Hawkins, Planning Committee Clerk, Cllr P Harris (non-member),
Cllr R Monksummers (non-member) and three members of the public.

131. To receive apologies for absence.

Apologies were received from Cllr D Walsh.

132. Declarations of Interest - Members are required to comply with the requirements of Section 27 of the Localism Act 2011 discloseable pecuniary interests.

Cllr Mrs Potheary declared a personal interest in Planning Application 2/2015/1713/FUL as she is a smoker.

133. Planning Applications:

a. Application No: 2/2015/1713/FUL

Proposal: Create smoking/sitting area to front of premises and install metal roller shutter door.

Location: Chantry TV, 23 High Street, Gillingham, Dorset, SP8 4AA

COMMENTS:

The Chairman informed members that a letter has been received from a neighbouring business stating that although they have no objections to the change of use to a café, they have concerns regarding the proposed smoking area and the affect this will have on their business.

The Chairman informed the meeting that he has visited the site and discussed the concerns with neighbouring business. The Chairman explained that any development of this nature must comply with the requirements of the smoke-free legislation, Health Act 2006, The Smoke-free (Premises and Enforcement) Regulations 2006.

The Chairman stated that it was his understanding that any enclosed 'smoking shelter' which includes a roof, must be open on at least 50% of the sides, or would be considered to be "substantially enclosed" for the purposes of the Health Act, whereby smoking would not be permitted.

The Chairman advised members that the Environmental Health Officer has raised concerns regarding the proposed smoking area and has stated that should smoking regularly occur in the area to the front of the premises, this has the potential to have a detrimental impact upon the occupiers of any residential premises in the vicinity – i.e. 'smoke drift' affecting flats above the shops.

133. Planning Applications continued:

Cllr Monksummers concurred with the Chairman and reiterated the concerns regarding the proposed smoking area. Cllr Monksummers stated that people using the café will also be affected by smoke drifting into the premises and emphasised the fact that the proposal is contrary to the smoke-free legislation. Cllr Monksummers referred to existing businesses in the town operating a similar smoking area and informed the meeting that a report has been made to the relevant authority.

Cllr Griffin concurred with Cllr Monksummers and raised concerns over the possible obstruction to pedestrians using the adjacent pavement.

The Chairman informed the meeting that it is proposed to remove the existing windows and set the area back by 200cm.

Cllr Miss Purkis stated that in her opinion there was insufficient space and raised concerns that the proposed area could over-spill onto the pavement.

Cllr Joyce referred to the proposed shutter doors and stated that he would prefer them to be painted green.

Cllr Mrs Hunt reminded members that they should look at the application as it is presented before them and if the proposals are contrary to legislation then they should not be approved.

Cllr Monksummers stated that although other businesses in the town are operating a similar smoking area, this is illegal and has been reported.

The Chairman invited local resident, Mr Herbie Light to speak.

Mr Light stated that he welcomed businesses investing in the town, however, careful consideration has to be given to the proposal and the affects it could have to pedestrians using the adjacent pavement which is close to the Zebra Crossing.

RECOMMENDATION:

Cllr Ms Baker supported the application subject to enforcement of the no-smoking regulations.

Six members recommended refusal of the application for the following reasons:

- The proposals are contrary to the requirements of the smoke-free legislation, Health Act 2006, The Smoke free (Premises and Enforcement) Regulations 2006.
- Insufficient space has been allowed for the proposed sitting area.
- Concerns regarding the possible obstruction of the adjacent pavement.

Cllr R Monksummers left the meeting.

b. Application No: 2/2016/0035/HOUSE

Proposal: Erect replacement garage (demolish existing garage).

Location: Elm Croft, Wyke Road, Gillingham, Dorset, SP8 4NG

COMMENTS:

Ward member, Cllr Frith expressed his support for the application.

RECOMMENDATION:

All voting members recommended approval of the application.

c. Application No: 2/2015/1865/LBC

Proposal: Carry out internal alterations, including the removal of internal partitions, formation of ensuite shower room, and the installation of secondary double glazing.

Location: The Old Orangery, Wyke Hall, Wyke Road, Gillingham, Dorset, SP8 5NS

COMMENTS:

Ward Councillor, Cllr Frith stated that he had no objections to the application.

133. Planning Applications continued:

Cllr Joyce referred to the existing stone mullioned windows and raised concerns over the proposal to install a new aluminium framed secondary glazing system.

Cllr Mrs Hunt asked if a report had been received from the District Conservation Officer.

The Chairman informed the meeting that a report from the Conservation Officer was not yet available but the Officer had verbally stated that it is not unusual for aluminium framed secondary glazing systems to be used and generally there are no objections.

RECOMMENDATION:

All voting members recommended approval of the application.

d. Application No: 2/2015/1537/HOUSE

Proposal: Form vehicular access with double gates and create 2 No. parking spaces.

Location: Chantry Cottage, The Square, Gillingham, Dorset, SP8 4AY

COMMENTS:

Cllr Mrs Beckley referred to the objection from the Tree and Landscape Officer regarding the proposed gates and stated that in her opinion the gates were in character with the area and would fit in well. Cllr Mrs Beckley informed the meeting that she had spoken to the resident of the neighbouring property who was in support of the application.

Cllr Ms Baker stated that in her opinion the proposed gates were a little overbearing.

Cllr Harris explained that at the present time there are two properties with an access point directly onto Le Neubourg Way. Cllr Harris stated that one of the properties is approximately 150m away from the proposed vehicle access point at Chantry Cottage and informed the meeting that the gates at this property are very similar to the ones proposed. Cllr Harris expressed his support for the application.

Cllr Griffin expressed concerns regarding highway safety.

The Chairman reminded the meeting that the Highways Authority had no objections to the application.

Cllr Mrs Potheary informed the meeting that the permission granted for the previous application had now lapsed. Cllr Mrs Potheary reminded members that she had objected to the previous application as it was her opinion that the proposed access will spoil the cottage and will result in an increase in danger to road users.

Cllr Harris informed the meeting that the proposed access for Chantry Cottage would be further away from the traffic lights than the existing access for Plank House and Old Beech House. Cllr Harris referred to the proposed gates and stated that it is proposed that the gates will be set five metres back from the road edge and will open inwards.

RECOMMENDATION:

Six voting members recommended approval of the application.

Cllr Mrs Potheary and Cllr Griffin abstained from voting.

e. Application No: 2/2015/1835/HOUSE

Proposal: Erect two storey extension.

Location: 30 Chestnut Way, Gillingham, Dorset, SP8 4RT

COMMENTS:

Cllr Frith stated that he would have preferred a design that followed the lines of the existing building.

Cllr Mrs Potheary stated that it is a requirement that extensions are subservient to the existing building.

133. Planning Applications continued:

Cllr Ms Baker referred to the proposal to render the new walls and raised concerns over the proposed colour which the applicants have stated, will match the existing brickwork.

Cllr Griffin stated that in his opinion the proposed extension won't look out of place and will be in character with the area.

RECOMMENDATION:

Seven voting members recommended approval of the application.

Cllr Frith recommended refusal of the application.

f. Application No: 2/2015/1918/VARIA

Proposal: Application to vary condition No. 2 from planning permission 2/2015/0805 to allow an additional window at first floor level on the side elevation.

Location: Land West Of Shearstones, Wavering Lane East, Gillingham, Dorset,

COMMENTS:

Cllr Mrs Beckley stated that in her opinion the window is small and will not be a problem.

Cllr Griffin stated that in comparison to the original application the current proposals are a great improvement.

Cllr Mrs Potheary asked if any comments had been received from neighbours.

The Chairman confirmed that at the present time no comments had been uploaded and he was unaware of any comments being submitted to Gillingham Town Council.

Cllr Ms Baker stated that the additional window will be at first floor level and the proposed position will mean it will not be possible to look out of the window.

RECOMMENDATION:

All voting members recommended approval of the application.

134. Tree Work Applications:

a. Tree Works Application No: 2/2016/0039/CATREE

Proposal: G1 - 8x Ash trees - Remove. Trees are too close to the building and one is already leaning across the garden.

T1/T2 - 2x Ash trees - Remove to let in more light and to stop them overhanging the neighbouring properties.

T2/T3 - 2x Elm trees - Remove to let in more light and to stop them overhanging the neighbouring properties.

Location: Chantry Farm, Wyke Street, Gillingham, Dorset, SP8 4FZ

COMMENTS:

Gillingham Tree Warden, Cllr Ms Baker, presented a report to members of the committee (Appendix A).

Cllr Ms Baker informed the meeting that she has visited the site and showed the meeting a series of photographs. Cllr Ms Baker referred to G1 and recommended that the committee recommend a refusal of permission to fell the trees unless it can be confirmed by the North Dorset Tree Officer that there are grounds for removal due to canker.

Cllr Ms Baker referred to the trees in group 2 and explained that the proposal is to remove 4 out of 6 trees to let in light. Cllr Ms Baker recommended allowing the work on condition that the Tree Officer confirms that the remaining trees will not be adversely affected by the removal.

Cllr Mrs Beckley stated that in her opinion the removal of the trees would have an adverse affect on the character of the area and will spoil the setting of the historic bridge.

134. Tree Work Applications:

Cllr Mrs Beckley stated that she had no objections to the trees being cut back but objected to their removal.

Cllr Mrs Potheary concurred with Cllr Mrs Beckley and stated that in her opinion they should not be removed just because they are inconvenient. Cllr Mrs Potheary stated that the trees are a part of the character of the area and if they are not diseased they should remain.

Cllr Frith asked if badgers still use the badger run.

Cllr Ms Baker informed the meeting that there is evidence that the badger run is being used but there is no evidence to confirm that it is badgers.

Cllr Joyce agreed with Cllr Ms Baker and stated that he had no objections to the removal of the Elm Trees.

Cllr Harris suggested that an application is re-submitted should the trees start to show signs of disease.

Cllr Joyce emphasised the importance of monitoring the Elm Trees as they can come down on their own accord.

RECOMMENDATION:

G1 8x Ash trees – All voting members recommended refusal of the application to fell the 8 Ash trees.

T1/T2 - 2x Ash trees – Five voting members recommended refusal of the application to fell the 2 Ash trees. Three members had no objections.

T2/T3 - 2x Elm trees – Six voting members recommended refusal of the application to fell the 2 Elm trees. Two members had no objections.

Seven voting members voted in favour of placing a Tree Preservation Order on G1 8x Ash trees. Cllr Joyce voted against.

All members agreed that should the Tree Officer at North Dorset District Council have no objections to the proposals then the matter should be referred to the Development Management Committee at North Dorset District Council.

b. Tree Works Application No: 2/2015/1941/TPTREE

Proposal: G2 - Western Red Cedars - Crown reduce height of main trunks by approx. 4m, creating a straight level top. See agent's comment regarding reason for works.

G3 - Western Red Cedars - Crown height reduction by 1.5 - 2.5m maintaining natural crown shape. Crown lift lower laterals rubbing garage, to afford a minimum 1.5m vertical clearance over roof. Shorten lower laterals over driveway to enhance the tunnel/arch way that has developed. See agent's comment regarding reason for works.

Location: The Summer House, Wyke Hall, Wyke Road, Gillingham, Dorset, SP8 5NS

COMMENTS:

Gillingham Tree Warden, Cllr Ms Baker, presented a report to members of the committee (Appendix B) and recommended that the application is dealt with by the Tree Officer at North Dorset District Council.

Following the presentation of the report, the Chairman invited local resident Mr William Dean to speak.

Mr Dean stated that there was a presumption of a wilful desire for destruction. Mr Dean stated that in many cases applicants engage in expensive work and asked the council to give people the benefit of doubt. Mr Dean referred to the application for tree work at Wyke Hall and stated that a lack of maintenance in the past has resulted in a problem which the residents now have to resolve. Mr Dean stated that the council should offer to help in such circumstances rather than hinder.

134. Tree Work Applications continued:

Cllr Harris reassured Mr Dean that the application would be dealt with by the Tree Officer at North Dorset District Council who has the necessary skills set to deal with such situations.

RECOMMENDATION:

All members agreed that the application should be dealt with by the Tree Officer and Conservation Officer at North Dorset District Council

Closure. The meeting closed at 9.33pm.

2/2016/0039/CATREE

Chantry Farm application in a conservation area.

The group of ash trees in site 1 form a very important part of the street scene. Cllr Milsted has recalled that they should be subject of a TPO and believed their retention was a condition of the planning permission for the development. Correspondence with Charlotte Williams the North Dorset Tree officer has confirmed that at the time of the planning application the Conservation area protection was deemed to negate the need for a TPO and the planning condition referred to by Cllr Milsted requires trees covered by a TPO to be retained. This was either a standard planning condition at the time or was applied in error as no TPO was granted. A TPO request was made and Ms Williams agreed to assess the suitability when she does her site visit. We are awaiting an update.

However I visited the site with Peter Walker the agent who did point out some marks on some of the stems that he identified as canker (visible in the photos supplied as furry looking markings) The trees are all part of the same tree. If it is canker this may well affect the outcome of the application and I have asked Ms Williams how long it will take to affect the tree and would removing the affected stems prolong the life of the tree?

The trees in my opinion do not seem to be overly close to the building which is a garage and store. I recommend that we refuse permission to fell these valuable trees on the understanding that if there is grounds for removal due to canker that will be identified by the North Dorset tree officer.

With reference to the trees in group 2 the proposal is to remove 4 out of 6 trees to let in light. At a previous meeting Cllr Potheary raised the concern that doing works to trees that form part of a group may affect the trees left behind. She referred to a presentation by a previous tree officer. I have asked the tree officer if would that be the case here. I am awaiting a response. When seen in context with the other group of trees in the garden of the applicant and the mature yew trees behind I believe that the trees could be removed leaving the remaining trees to fill out the space not withstanding detrimental effects on the remaining trees.

Mr Walker made assertions that the Elm trees were lucky to have gotten so big and that the remaining ones were likely to contract Elm disease within the next 5 years and fail. I have requested confirmation from the Tree Officer if there any reasonable grounds to believe that.

These trees are not visible from the street and the neighbour directly behind is deceased and the house vacant. I recommend allowing this work on condition that the Tree officer confirms that the remaining trees will not be adversely affected by their removal.

2/2015/1941/TPTREE

Wyke Hall trees are covered by a TPO. None of the trees in the application are visible from outside the site. The work to the trees in group G3 to shape the arch way and give clearance to the garages seems in keeping with general maintenance.

I am concerned about their proposal to reduce the Cedar trees by a massive 4 metres to return it to the original hedge design. I spoke to the applicant Mr Horsfall and he explained that they wanted to retain them but they have gotten out of hand and are shading the pool area.

This 'hedge' is now a group of massive trees with trunks at least 25cms in diameter on most of them at the height they wish to reduce to. I understand the work is in two stages the first stage being to reduce the height and allowing the light to enter and stimulate new growth before reducing the width. But the laterals at the bottom of the trunks themselves are 15-20cms thick and stretch out to about 4-5 metres towards the pool area which is the side that they are hoping to eventually reduce by at least 2 metres. The interior of this space will need complete regrowth as it is currently bare branches up to the edge. I am unconvinced that it is possible to turn this back to a hedge as envisaged and if the regrowth does not reappear then the trees will be left in a very odd shape. I have requested advice from the tree officer as to whether the plan is at all feasible.

I am also concerned that the heritage argument for reducing the trees back to a hedge is valid? These were trees at the time the TPO was put in place -as they have clearly not been a hedge for at least 50 years. I have requested a copy of the TPO to confirm the date it was applied.

The trees do shade the pool area in the summer but this would indicate a crown reduction of a much less severe nature. It would be a devastating loss of beautiful trees if stage 2 of the works is unable to be completed. As I am still awaiting a response on these questions I would recommend referring this matter to the Tree and heritage officers for a decision.

CLlr Anna Baker