

6 February 2017

Committee	Planning
Date	Tuesday, 14 February 2017
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 11

To approve the Minutes of the meeting held on 17 January 2017.

5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

(a) Schedule

To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".

6. DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

To note the following decision of Gloucestershire County Council:

Site/Development	Decision
15/01227/CM Land Adjacent to Pages Lane Twynning Extraction of sand and gravel and restoration to agriculture, amenity and nature conservation use. Resubmission following refusal of 13/0017/TWMAJM dated 16.10.14.	Application REFUSED for a number of reasons relating to: failure to demonstrate that noise from mineral extraction operations could be mitigated to an acceptable level so as not to interfere with local residents' use and enjoyment of their property; unacceptable adverse impact on the environment arising from the impact of dust for those living, visiting and working in the vicinity of the site; insufficient buffer zones being provided to protect sensitive land uses in the vicinity of the application site and adversely affecting the economic wellbeing of local businesses; harm to the setting of the Church End Conservation Area by virtue of the erosion of the rural character through the introduction of mechanised working and processing of sand and gravel in close proximity to heritage assets; and, lack of an acceptable restoration scheme for the eastern part of the site which would restore the best or most versatile agricultural land back to

grade for the following summary of reasons:

'The proposal is for the excavation of sand and gravel from a depth of up to 5m in two phases. The extraction with progressive restoration using imported fill material would take place over a period of two and half years, restoring the western part of the site to agricultural land and the eastern part of the site to an amenity/nature conservation area with two ponds and footpath. The applicant considers that the mineral on the site has special qualities which would increase the county's reserves and reduce reliance of the mineral being imported from other areas of the country and make a small contribution to the projected future sand and gravel resource requirements. The site is constrained by roads on its northern and western boundaries and residential development in the hamlet of Church End to the south and east of the site boundary. There are 10 residential properties within 100m of the eastern boundary, some of which are listed buildings and within the Church End Conservation Area. The proximity of other sensitive land uses and small site area means that the proposal involves the construction of noise and dust attenuation bunds which would be 5m in height in some places immediately adjacent to the site boundary and close to the rear gardens of dwellings along the south eastern site boundary. Mitigation in the form of earth bunds has been proposed in order to bring the sound from plant and machinery within acceptable levels; however, this creates an obtrusive feature in the landscape which adversely affects the visual appearance and attractiveness of an area where tourism makes an important contribution to the local economy.

The applicant considers that the demand for this type of mineral justifies working the site which, if approved, would make a welcome contribution to the landbank of reserve for sand and gravel. The county needs to satisfy government requirements set out in the National Planning Policy Framework by making provision for a steady and adequate supply of minerals. However, insufficient evidence has been presented that supports the applicant's claims that the material from this site is special and unique, nor has it been satisfactorily demonstrated that there is a demand for this material which cannot be potentially met from other sources.

Although it is accepted that, if permitted, the proposal would make a contribution to the county's sand and gravel landbank, the Minerals Planning Authority considers that the applicant has failed to show the overall benefits of the proposed development in terms of the contribution it would make to the landbank outweighing the combined adverse impacts of noise and dust from the proposed development, even with the mitigation measures, on those living, visiting and working in the vicinity of the site contrary to Minerals Local Plan Policies DC1 and E14. The development of the site is considered to harm the setting of Church End Conservation Area. As no justification has been provided to outweigh the harm to historic assets, the proposal would be contrary to National Planning Policy Framework. The restoration of the site following extraction is not considered to benefit the local community as it does not restore the best and most versatile agricultural land back to grade contrary to Minerals Local Plan Policy R2. For these

reasons the application should be refused.'

7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

12 - 16

To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.

DATE OF NEXT MEETING

TUESDAY, 14 MARCH 2017

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, Mrs M A Gore, Mrs J Greening, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman, R J E Vines and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 17 January 2017 commencing
at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R E Allen, Mrs G F Blackwell, D M M Davies, M Dean, D T Foyle, Mrs M A Gore,
Mrs J Greening, Mrs R M Hatton (Substitute for P D Surman), Mrs A Hollaway,
Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, H A E Turbyfield
(Substitute for R A Bird), R J E Vines and P N Workman

PL.63 ANNOUNCEMENTS

- 63.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 63.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.64 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 64.1 Apologies for absence were received from Councillors R A Bird and P D Surman. Councillors Mrs R M Hatton and H A E Turbyfield would be acting as substitutes for the meeting.

PL.65 DECLARATIONS OF INTEREST

- 65.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 65.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M Dean	16/01229/FUL Apple Tree, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.

R D East	16/01229/FUL Apple Tree, Stockwell Lane, Woodmancote.	Is a customer of the public house and uses the smoking shelter.	Would speak and vote.
Mrs A Hollaway	16/01229/FUL Apple Tree, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area. Is a customer of the public house and uses the smoking shelter.	Would speak and vote
A S Reece	16/01280/FUL Orchard Cottage, Aston Carrant Road, Aston-On-Carrant, Tewkesbury.	Is known to the applicant.	Would not speak or vote and would leave the Chamber for the consideration of this item.

65.3 There were no further declarations made on this occasion.

PL.66 MINUTES

66.1 The Minutes of the meeting held on 20 December 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.67 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

67.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

16/01272/OUT – Little Holborn, Church Lane, The Leigh

67.2 This was an outline application for the erection of two dwellings and associated access with all matters reserved for future consideration except for access. The Committee had visited the application site on Thursday 12 January 2017.

67.3 The Development Manager reminded Members that each application should be determined on its own merits and the Officer objections around landscape harm, accessibility and site location in relation to this particular application were clearly set out within the report. He had previously highlighted to Members the importance of the development plan, and development plan process, and, whilst Officers did not disagree that some villages needed growth, this should be facilitated through the Borough Plan. Permitting applications on an ad-hoc basis, and the cumulative impact of such development, was contrary to the aim of protecting the countryside and character of villages such as The Leigh, especially when the site location was not well related to the village core. An application for the construction of a two storey detached dwelling at Todpool Cottage, The Leigh had previously been

permitted by the Committee but this was located within the village core and, therefore, did not have the same implications in terms of landscape harm. The report also made reference to an application for a new bungalow and detached garage building at Blacksmith's Lane, The Leigh which had been permitted by the Planning Committee in March 2016, however, it was clear from the Minutes of that meeting that there were personal circumstances which had been in Members' minds when that decision had been made. Whereas those two applications had been supported by Leigh Parish Council, it was unable to support this application for the reasons set out within the report. Whilst permitting one application would not necessarily set a precedent, especially when looking at the particular facts of that case, continuing to permit applications outside of policy in one particular location would pose a real risk in that regard. The Development Manager reiterated that any further growth should be through the plan-led process rather than on the basis of ad-hoc decisions.

- 67.4 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider noted that the Committee had permitted two separate applications in The Leigh in 2016. In both of those cases a representative from the Parish Council had addressed the Committee and spoken passionately in favour of development explaining that the Parish Council was supportive of small-scale growth and wished to see development evenly spread across the Parish. The Planning Committee had concluded that The Leigh was a reasonably sustainable village, given its siting along the A38, which was one of Gloucestershire's primary transport routes, and it had been acknowledged that the village benefited from a regular bus service between Tewkesbury, Cheltenham and Gloucester. Contrary to those decisions, the application before Members was recommended for refusal on the grounds of unsustainability with the recommendation simply dismissing the recent decisions on the basis of "each application on its own merits". Whilst applications should indeed be determined on their merits, it was clear that such merits included an assessment of other material considerations. The recent decisions of the Committee were strong material considerations and planning law required them to be properly taken into account. He hoped that the Committee would reject the recommendation and grant planning permission on the basis that this was sustainable development and would represent organic growth of the type which the Parish Council had previously advised it wished to deliver.
- 67.5 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion expressed the view that the proposal was contrary to saved planning policy statements; the site was within a Landscape Protection Zone where any development should seek to protect or enhance the environment; and the Parish Council had objected to the application despite previously being supportive of small scale development within the village.
- 67.6 A Member expressed the opinion that residential development did not always have to be in the context of an urban extension for multiple numbers of dwellings. This proposal was for two dwellings in a village where planning permission had previously been granted for residential dwellings and he was of the firm view that villages should be allowed to grow rather than being left to stagnate. In terms of the recommended refusal reasons, it was stated that the site was in a remote location in the open countryside, outside of any recognised settlement, in a location where new residential development was strictly controlled; however, he did not feel that should rule out applications in more remote locations. The second recommended refusal reason referenced the Landscape Protection Zone and stated that the proposed development would result in an unwarranted and significant intrusion into the landscape which would harm the rural character and appearance of the area. He felt strongly that this statement could apply to every application as any development would be an intrusion in the landscape. The seconder of the motion raised concern

that ad-hoc development such as this would make it extremely difficult to resist other applications for residential development in the same area. The Parish Council had been vocal in supporting other applications in the past and he felt that it had taken a sensible view in this instance which should be supported by the Committee.

67.7 With regard to the comments made by the applicant's agent suggesting that Officers had dismissed the previous applications as irrelevant, the Development Manager pointed out that they had been considered on the context of this application, both in the Officer report and in his introduction where he had explained how they differed from this particular proposal. He reiterated that one of the previous applications had been located within the village core, and therefore the landscape harm was less significant, and there had been particular circumstances which Members had deemed to be acceptable whereas uncontrollable expansion was a real risk in this instance. He noted the point about inconsistencies in terms of the transport assessments and undertook to look into this aspect following the meeting; whilst Twigworth was slightly different to The Leigh, he noted that the bus service to both villages would be the same. He had stated in his introduction, and at the Planning Committee meeting in December in respect of the Alstone application, that there were good reasons to consider outlying villages for residential development, nevertheless, it was important for the integrity of the planning system that this was done through the plan-led process in order to retain some control and that was the reason for the Officer recommendation.

67.8 Upon being taken to the vote, the proposal to refuse the application in accordance with the Officer recommendation was lost. It was subsequently proposed and seconded that the application be permitted on the basis that the dwellings would be within a sustainable location on the A38 with a bus stop at the top of the road, and the Highways Authority raised no objection to the proposal, and that there would be no significant landscape harm. The Development Manager advised that, should Members be minded to permit the application, it should be subject to standard outline conditions as well as conditions in respect of levels, architectural detail and materials, parking and turning, lighting and landscaping, although it was noted that some of those aspects would be part of a subsequent reserved matters application. A Member drew attention to Page No. 583, Paragraph 5.20 of the Officer report, which set out that the site had been identified as being in close proximity of a buried oil pipeline and he questioned whether it would be prudent to wait for a response from Government Oil Pipelines which had been consulted but had not yet provided comment. In response, the Development Manager explained that the construction zone for the pipeline cut across one corner of the site and a note would need to be included within any planning permission drawing the applicant's attention to that. He provided assurance that the applicant's agent was fully aware of the situation.

67.9 A Member suggested that the Committee carefully consider the recommended reasons for refusal and the fact that the application was quite clearly contrary to national and local policy before making its decision. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that the proposed dwellings would be within a sustainable location on the A38 with a bus stop at the top of the road, and the Highways Authority raised no objection to the proposal, and that there would be no significant landscape harm.

16/01280/FUL – Orchard Cottage, Aston Carrant Road, Aston-On-Carrant

67.10 This application was for the demolition of an existing detached garage and outbuildings; erection of a two storey detached dwelling; and alterations to, and extension of, existing driveway and parking area to include provision of vehicular access to adjacent paddock.

67.11 The Chair invited the applicant's agent, Wendy Hopkins, to address the Committee. Ms Hopkins wished to confirm the request for the application to be deferred to the next Planning Committee meeting in order to allow additional drainage information to be submitted. She explained that soakaway tests needed to be carried out and an appropriate Drainage Strategy submitted and assessed to the satisfaction of the Council's Flood Risk Management Engineer.

67.12 The Chair noted the request for a deferral in order to allow time for soakaway test results and an appropriate Drainage Strategy to be submitted and assessed, as set out on the Additional Representations Sheet, attached at Appendix 1. The Chair confirmed that, if Members were minded to defer the application, a Committee Site Visit would take place ahead of the application being brought back for determination at the next meeting and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the revised Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **DEFERRED** in order to allow time for soakaway test results and an appropriate Drainage Strategy to be submitted and assessed.

16/00593/FUL – 38 High Street, Tewkesbury

67.13 This application was for a change of use of ground floor from retail to sui generis (taxi hire).

67.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member drew attention to Page No. 596, Paragraph 5.4 of the Officer report, which referenced the fact that the applicants were moving from existing premises at No. 41A High Street which was subject to a change of use application from the current taxi hire business to A1 retail. If nobody took up the change of use then this would revert back to the current use which would not comply with Policy RET1 of the Local Plan which required 75% of units within 100m of the centre point of the frontage of the application site to remain as Class A1 use. She queried whether that would have any impact on this application given that there could effectively be two taxi businesses next door to one another. The Planning Officer advised that it was acknowledged in the report that, even if planning permission was granted for the change of use, the local planning authority had no control over future occupation of No. 41 High Street and, should no tenants take up the lease, the established use would remain as a taxi business. The applicant had undertaken an assessment of the existing uses within the required 100m catchment which had indicated that only 70% of the frontage was in A1 use which was below the 75% threshold. Notwithstanding this, 75% was quite a high percentage compared with other local planning authorities and this did not reflect the changing nature of retail on the High Street so, whilst the proposal did not comply with Policy RET1 of the Local Plan, this would be reviewed as part of the Borough Plan process and the Planning Policy team was quite comfortable with 70% retail use.

67.15 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

16/01256/FUL – 24 Elmbury Drive, Newtown

- 67.16 This application was for a new dwelling.
- 67.17 The Chair invited Claire Miers, a neighbour speaking against the proposal, to address the Committee. Whilst she recognised that the Committee was not permitted to consider the potential loss in value and difficulty in selling her home that would result should the application be granted, she hoped that Members would consider the reasons that would occur, namely, the potential disturbance associated with another dwelling being built in such close proximity to her bedroom and living room windows. Common sense should dictate that development should only take place where it did not have the potential to cause disputes between neighbours resulting from noise disturbance. It was clear from the actions of the applicant, in the positioning of the proposed new build as far away from his own dwelling as possible, that he was concerned about the potential for disturbance from the proposed new dwelling spoiling his enjoyment of his own property. Not only would the proposed new dwelling have very little amenity space but it would reduce that of the existing dwelling to a great extent and, as such, it appeared to her that it would be in breach of Policies HOU5 and HOU3. The proposed new dwelling would be situated 9m away from the Sycamore tree which was subject to a Tree Preservation Order and, according to her research, could have root growth extending to 11m when it reached maturity. A new dwelling would interfere with this root growth and there could potentially be damage to the footings and drains of the property. Whilst her greatest concern was the fact that the proposed dwelling would spoil her enjoyment of her own property, she was also concerned about the precedent it might set. The existing property was one of a number of identical properties and its garden was only marginally larger than the other dwellings. If this proposal was granted it could open the flood gates for development all over Newtown with dwellings shoehorned into tiny plots. Along with a number of others, she had chosen to live in Newtown because the area had not been over-developed and had a feeling of space which some newer developments did not. It would be a sad day for residents if the character was changed by garden grabbing and over-development. She hoped that Members would take her concerns, which were shared by Tewkesbury Town Council, into consideration and refuse the application.
- 67.18 The Planning Officer explained that a planning application for a bungalow in the rear garden of No. 24 Elmbury Drive had been approved in 2012. Officers shared the concerns regarding cramped development and the impact on neighbours and an application for a much larger dwelling had been refused in 2016 on the grounds that it would result in a cramped form of development and a poor level of outlook for future residents. Although the extant planning permission was for a one bed dwelling and the current proposal was for a two bed property, it would not be significantly larger and was felt to be acceptable given the fall-back position. The impact on the Sycamore tree had been considered in detail as part of the previous application and, in this instance, given that there would only be a very minor intrusion into the root protection zone, the Council's Landscape Officer was satisfied that there would be no impact on the long-term health of the tree.
- 67.19 The Chair confirmed that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member indicated that several Members of the Committee would not have been party to the decision made in respect of the planning permission that had been granted in 2012. Given the increased size of the proposed dwelling in comparison to that which had previously been permitted, she proposed that the application be deferred for Committee Site Visit in order to assess the impact on neighbouring properties. This proposal was duly seconded. A Member sought clarification as to the dimensions of the permitted dwelling in comparison to the proposed dwelling and the Planning Officer indicated that he did not have the measurements to hand, however, the previous application was for an 'L' shaped dwelling whereas this proposal was more rectangular with low eaves and

ridge height. The Chair indicated that the measurements could be provided should Members be minded to defer the application for a Committee Site Visit and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Committee Site Visit to assess the impact upon the residential amenity of neighbouring properties.

16/01207/FUL – Land at Twigworth Court, Tewkesbury Road, Twigworth

67.20 This application was for demolition of an existing garage and construction of a new dwelling.

67.21 The Chair invited the applicant's agent, David Jones, to address the Committee. Mr Jones explained that this was a revised application for a single dwelling and followed the approval of planning permission for an alternative scheme in January 2016. The application had generated one letter of support during the consultation and no objections from neighbouring residents. It was noted that the application had been brought to the Committee for determination at the request of the Parish Council which had expressed three concerns: the scale of the building which was unsympathetic to the historic farmhouse and adjacent business centre; the building being 1,000sqft too large; and, the building being too close to the boundary with Twigworth Court. He believed some of the Parish Council concerns had been addressed following revisions made to the scheme, however, he wished to deal with each in turn. With regard to scale, he explained that the proposal was of a similar design to the three dwellings which had been approved on the adjacent site in May 2016 and this proposal sought to ensure that there was a consistent design approach across the whole site. In terms of size, he clarified that the footprint of the revised dwelling was approximately 10% larger than that previously approved which equated to an increase of 250sqft, not 1,000sqft as the Parish Council had suggested. Finally, the revised dwelling was positioned further away from Twigworth Court than the dwelling which had been approved on the same site in January 2016 so, again, the Parish Council objection did not correlate with the proposal that had been submitted for consideration. The revised scheme came before the Committee with a recommendation for permission and the Council's Conservation Officer was supportive of the proposal. The scheme had been designed to a high standard and this dwelling, together with the three approved dwellings under construction on the adjacent site, would provide a high quality development which would complement Twigworth Court and the adjacent business park. He urged the Committee to support the Officer recommendation and permit the application.

67.22 The Chair clarified that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that he was fully supportive of the proposal and agreed with the overall balancing exercise and conclusion set out within the Officer report. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

16/01229/FUL – Apple Tree, Stockwell Lane, Woodmancote

67.23 This application was for a smoking shelter.

67.24 The Chair indicated that there were no public speakers for this item and he invited a motion from the floor. A Member noted that the existing smoking shelter was enclosed by timber boards on three sides, however, he understood that the Conservation Officer had asked for those panels to be removed from the new shelter, leaving it open at the sides. The Planning Officer confirmed that was correct and advised that the scheme had been amended to provide an open shelter which would reduce its impact on the character of the Public House and the surrounding Conservation Area. The Member raised concern that an open shelter would be more intrusive and, should Members be minded to permit the application, he questioned whether it was possible to condition the planning permission to require it to be enclosed with timber boards as it was currently. The Borough Solicitor explained that the application before Members had been amended at the request of the Conservation Officer and that was what must be taken into account by Members in their determination. It would be inappropriate to include a condition simply because Members had a different preference to that which was before them in terms of design; if Members did wish to see a different design then the application could be deferred, or authority could be delegated to the Development Manager to negotiate that aspect of the proposal with the applicant.

67.25 It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

PL.68 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

68.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 33-28. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued.

68.2 It was

RESOLVED That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 9:50 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 17 January 2017

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

Page No	Item No	
578	1	<p>16/01272/OUT</p> <p>Little Holborn, Church Lane, The Leigh.</p> <p>Consultee comments:</p> <p>The Local Highway Authority (LHA) has provided comments on the application, as follows:</p> <p>The northern boundary of the site lies adjacent to Church Lane, which is a class 4 highway featuring a 30 mph speed limit. The LHA notes that the nearest bus stop provision is approximately 400m east of the site, which is within the desired comfortable walking distance recommended by the IHT providing for journeys on foot guidance table 3.2. However, the LHA also notes that there is no street lighting or footways in the vicinity of the site.</p> <p>In addition to the comments already made within the Committee report, the LHA notes that Gloucestershire does not currently have parking provision standards. Parking provision would therefore be assessed against Paragraph 39 of the National Planning Policy Framework, 2012 (NPPF) with consideration given to the accessibility of the development; the type use and nature of development; the availability of, and opportunity for sustainable transport; local car ownership levels; and the need to reduce the use of high emission vehicles. Further consideration should be given to the DCLG Residential Car Parking Research Document. The LHA advises that local car ownership levels for the Ward, in accordance with census data, determined an average car or van availability of two per dwelling. Therefore two spaces per dwelling would be a reasonable starting point. The spaces should comply with the minimum dimensions of 2.4m x 4.8m for a standard space with 6.0m of drivable space in front of them for ease of access.</p> <p>The LHA further advises that the proposed turning facility on the development should be designed and constructed to Standing Advice 3.11 turning areas. Vehicle tracking of a large saloon vehicle would need to be submitted at reserved matters stage.</p> <p>In terms of vehicular trip generation, the LHA advises that the proposed development, comprising two dwellings served by separate accesses, would generate approximately five daily vehicle trips, and that approximately two trips would occur at peak hours. The increase in the number of trips from a suitable access onto a class 4 highway would not be regarded as significant and the residual cumulative impacts of the development would not be regarded as severe. Consequently, no objection is raised by the LHA, subject to conditions for the details to be submitted for the approval of reserved matters to include (1) the layout and internal access roads within the site, and (2) vehicular parking and</p>

turning facilities within the site. The LHA further recommend that a condition is attached to any approval of outline planning permission for a Construction Method Statement to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of building operations, including any works of demolition, in order to reduce the potential impact on the public highway and to accommodate the efficient delivery of goods and supplies.

The LHA notes that, in the absence of a speed survey, the required emergent visibility would be 2.4m x 54m to the nearside kerb edge in either direction in accordance with DMRB standards. The LHA therefore recommends that a condition be attached to any approval of outline permission for details of the visibility splays measuring 2.4m (X-distance) x 54m (Y-distance) to the nearside carriageway edge in either direction to be submitted to and approved in writing by the LPA prior to the commencement of building operations, and that the dwellings shall not be occupied until the area between those splays and the carriageway have been reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

All matters are reserved for future consideration as part of this outline application except for access. Therefore, if the Planning Committee resolves to approve this outline planning application, it is recommended that authority be delegated to the Development Manager to give consent, subject to the receipt of suitable information and/or plans regarding visibility splays from the applicant as requested by the LHA, and subject to no subsequent objection being raised by the LHA.

The LHA further note that the proposed development would involve works to be carried out on the public highway and advise that the applicant/developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Representations:

One additional letter of objection has been received, from occupiers of Bramley, Church Lane, The Leigh. The main points raised were as follows:

- This would create a very dangerous precedent and would inevitably lead to further housing development and the demise of The Leigh as a village. *"This thin end of the wedge principle occurs in just about every location. It starts with a seemingly small number of houses, then becomes a few more, then a dozen more, then an estate".*
- This development does not meet the sustainability criteria, and the need for additional housing in this area is being met by new developments at Coombe Hill and therefore it is not required in The Leigh. All the other houses built in The Leigh in recent years have been permitted on the basis of valid sustainable planning reasons - for agricultural use (as per the applicant's own house), accommodation for a disabled person or building on brownfield land. This application does not have any of these reasons; it just proposes building houses on agricultural land.

Recommendations:

It is recommended that outline planning permission is refused for the reasons given within the Committee report.

585	2	<p>16/01280/FUL</p> <p>Orchard Cottage, Aston Carrant Road, Aston-On-Carrant,</p> <p>The Agent has requested that application reference 16/01280/FUL be deferred to the February Planning Committee meeting, in order to allow time for soakaway test results and an appropriate Drainage Strategy to be submitted and assessed. This would need to demonstrate that surface water and foul drainage could be appropriately managed in order to overcome 'Reason for refusal 2' as detailed within the Committee report.</p> <p>Recommendation:</p> <p>That the planning application be deferred to the February Planning Committee meeting, in order to allow time for soakaway test results and an appropriate Drainage Strategy to be submitted and assessed.</p>
610	6	<p>16/01229/FUL</p> <p>Apple Tree, Stockwell Lane, Woodmancote</p> <p>Comments from Environmental Health - No objection</p> <p>Officer comments - The Council's Environment Health Officer has no objection to the proposal in respect of any noise. This reinforces the views of Officers as set out at Paragraphs 5.3 and 5.4 of the Committee report.</p>

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 14 February 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued.</p>
<p>Recommendation:</p> <p>To CONSIDER the report</p>
<p>Reasons for Recommendation:</p> <p>To inform Members of recent appeal decisions</p>

<p>Resource Implications:</p> <p>None</p>
<p>Legal Implications:</p> <p>None</p>
<p>Risk Management Implications:</p> <p>None</p>
<p>Performance Management Follow-up:</p> <p>None</p>
<p>Environmental Implications:</p> <p>None</p>

1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the First Secretary of State of CLG:

Application No	15/00410/FUL
Location	Highnam Farm Two Mile Lane Highnam Glos GL2 8DW
Appellant	Highnam Farm Solar Ltd
Development	Construction of a ground mounted solar PV generation project and associated works
Officer recommendation	Delegated Permit
Decision Type	Committee
DCLG Decision	Allowed
Reason	<p>The inspector considered that whilst the proposed development would have an adverse impact on the character and appearance of the surrounding area, this would be mitigated to ensure that the impact would be reduced over time. Also, there would be less than substantial harm to setting of listed buildings. In addition, there would be harm due to the loss of some Best and Most Versatile (BMV) agricultural land, but in the Inspectors opinion this had been kept to a minimum and support had been provided in a sequential assessment.</p> <p>The inspector concluded that development would power a significant number of homes and its benefits also include the valuable contribution that it would make towards the reduction of greenhouse gas emissions and its contribution towards the rural economy as a result of it representing farm diversification. In addition, the proposal would offer energy security benefits and improve biodiversity. Overall the Inspector considered that the benefits would clearly outweigh the identified harms and the Appeal was allowed.</p>
Date	05.01.2017

Application No	16/00477/FUL
Location	Harvest Home Evesham Road Greet Cheltenham GL54 5BH
Appellant	Mr M Doughty
Development	Demolition of existing pub and erection of 3 new 5 bedroom dwellings
Officer recommendation	Refused
Decision Type	Delegated
DCLG Decision	Allowed
Reason	The Inspector concluded that the proposed development would not harm the character and appearance of the area. He identified that the development would result in the reuse of previously development land and the development would contribute, albeit in a small way, towards meeting the housing shortfall within the Borough. As he did not identify any adverse impacts of granting permission, the clear benefits of the development would not be outweighed by any harms in the planning balance. The appeal was therefore allowed.
Date	20.01.2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: Jane Bagley, Appeals Administrator
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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00757/FUL	The Old Mill House Oxenton Cheltenham Gloucestershire GL52 9SE	Demolition of existing outbuilding and replacement with new, detached ancillary building.	05/01/2017	W	LJD	09/02/2017

Process Type

- “HH” Indicates Householder Appeal
- “W” Indicates Written Reps
- “H” Indicates Informal Hearing
- “ I ” Indicates Public Inquiry