

3 April 2017

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 11 April 2017
<b>Time of Meeting</b>	9:00 am
<b>Venue</b>	Council Chamber

**ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**



**for Sara J Freckleton  
Borough Solicitor**

<b>Agenda</b>
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**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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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 - 34

To approve the Minutes of the meeting held on 14 March 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. CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

35 - 39

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

**DATE OF NEXT MEETING****TUESDAY, 9 MAY 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, 14 March 2017 commencing  
at 9:00 am**

**Present:**

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

**and Councillors:**

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

**also present:**

Councillor D J Waters

**PL.76 ANNOUNCEMENTS**

- 76.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 76.2 The Chair welcomed Annette Roberts, the new Head of Development Services, and Catherine Ashby, the new North Team Leader, to the meeting.
- 76.3 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.77 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 77.1 Apologies for absence were received from Councillors D T Foyle, Mrs A Hollaway and R J E Vines. Councillors P W Awford, R Furolo and H A E Turbyfield would be acting as substitutes for the meeting.

**PL.78 DECLARATIONS OF INTEREST**

- 78.1 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.

78.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Awford	16/01434/FUL Lowdilow Farm, Lowdilow Lane, Elmstone Hardwicke.  16/01293/OUT Pound Cottage, Main Road, Minsterworth.  16/01172/FUL Part Parcel 3100, Wainlode Lane, Norton.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P W Awford	16/00486/OUT Land South of Oakridge, Highnam.  16/01293/OUT Pound Cottage, Main Road, Minsterworth.	Is a Borough Councillor for the area.	Would speak and vote.
P W Awford	16/00670/OUT Land at Hector Farm, Hygrove Lane, Minsterworth.	The applicant is known to him.	Would not speak or vote and would leave the Chamber for the consideration of this item.
Mrs G F Blackwell	16/01315/FUL 3 Parklands, Salvia Close, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
D M M Davies	16/00486/OUT Land South of Oakridge, Highnam.	Is a resident of Highnam.	Would speak and vote.

M Dean	16/01457/FUL The Old Vicarage, Stanley Pontlarge, Winchcombe.	Is the applicant.	Would not speak or vote and would leave the Chamber for the consideration of this item.
M Dean	16/00860/FUL Land at Hillview Stables, Bushcombe Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs P E Stokes	16/01315/FUL 3 Parklands, Salvia Close, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Surman	16/01268/FUL Land at Gwinnett Court, Main Road, Shurdington.  16/01393/FUL Shalands, Main Road, Shurdington.	Is a Borough Councillor for the area.  Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.

78.3 It was noted by the Chair that all Members of the Committee would have received correspondence in relation to various applications on the Planning Schedule but they did not need to declare an interest where they had not expressed an opinion.

78.4 No further declarations were made on this occasion.

## **PL.79 MINUTES**

79.1 The Minutes of the meeting held on 14 February 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.80 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

80.1 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.

**16/01304/OBM – Land North East of Duckstone House, Dean Lane, Stoke Orchard**

- 80.2 This application was for modification of a Section 106 Agreement for the release from the obligation to transfer the public open space to the Council.
- 80.3 The Chair advised that there were no public speakers for this item. 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 was of the view that safe and unfettered access to the public open space would be at risk if the application to modify the Section 106 Agreement was granted. The applicant had stated that they had maintained and fenced the land since 2007; however, the photographs at Pages No. 746/F-746/G showed that this was not the case. Another Member disagreed with the proposer of the motion and felt that the applicant had been looking after the land. In response to a query, the Development Manager advised that there was a long history on the site as to why the land had not yet been transferred to Tewkesbury Borough Council with a number of discussions at various points. He clarified that this application was identical to the one that had been refused by the Planning Committee in September 2016 and there had been no changes in circumstances since that time.
- 80.4 Upon being put to the vote, it was
- RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.

**16/01434/FUL – Lowdilow Farm, Lowdilow Lane, Elmstone Hardwicke**

- 80.5 This application was for the development of one accessible dwelling (ancillary to the principal dwelling) following demolition of existing agricultural building. The Committee had visited the application site on Friday 10 March 2017.
- 80.6 The Chair invited the applicant, James Warren, to address the Committee. Mr Warren explained that his mother was disabled from the neck down and required around the clock care. She had been in this condition for the past 20 years and, after coming to terms with the fact that she was never going to make a full recovery, his family had focused their efforts on making sure she could get the most out of life. Over the years that had involved many alterations to his parents' previous accommodation, for example, a ceiling hoist, stairlifts, special furniture etc. The main problem was moving his mother from her bed as the severe pain caused by back spasms meant that, unless it was absolutely necessary, moving her was avoided. This had meant that social gatherings were simply too painful; she had missed both of her parents funerals in recent years. It was intended that the proposed annex would have a specially designed layout with extra wide doorways and hallway so that his mother could be easily wheeled out of her bedroom into the living room or kitchen where she could socialise with her friends and family in a more dignified way. He could not imagine being confined to one room with the same view day after day as his mother was and the proposal would not only help to improve her quality of life but would integrate her into the welcoming and supporting village that he and his wife were fortunate to be a part of. The bespoke bungalow, which would be ancillary to his house, was important to create a place where his family, under these unfortunate circumstances, could live comfortably and self-sufficiently. It would enable him to support his parents closely whilst also giving them enough room for each family to have their own independence; he pointed out that his parents were only in their early 60s, an age when most would not yet need the help of their children to live. The materials for the annex had been carefully chosen to retain the character of the buildings, even though it was no longer a working farm. This had already been achieved with the successful refurbishment of

the large barn which was now in a more sympathetic juniper green colour. He hoped that Members could support him and his family in their application so they could improve his mother's quality of life and give his parents the close family support that they needed.

80.7 The Chair invited Councillor David Waters, a Ward Member for the area, to address the Committee. Councillor Waters felt that those working in local government could not be insensitive to the needs of adult social care; whilst families had previously looked after one another, there was now much greater reliance on the state with all of its inherent costs and problems. Behind this application was a severely disabled lady who wished to be near to her relatives, where she could be a part of that family and cared for by them. The family did not want to put her in a care home or move away and the approach they had taken would reduce the burden on the state. The National Planning Policy Framework set out that the Green Belt served five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration. This application would not lead to unrestricted urban sprawl or the coalescence of neighbouring towns and there was an existing building on the site so there would be no additional impact on the countryside. The building itself was not disproportionate to the original; the ridge height was only 0.274m higher than the original and was lower than the barn behind. He accepted that the site was remote and not served by adequate footways, cycleways or public transport facilities but it would not increase reliance on the private motor car as people were already living on the site. Every village and hamlet in the borough had areas which would contravene policy TPT1, as they were highly unlikely to be served frequently by public transport, and yet development was often permitted in such places. It seemed wrong to him to have a family, which included a disabled person, living in a small mobile home, 'out of sight, out of mind'; they were entitled to a family life and this proposal would help to keep them together and ensure that necessary care and support was provided to the applicant's mother to enable her to live in comfort and dignity. Policies needed to be borne in mind but, as well as the black and white letter of the law, there was also the spirit of the law which meant that it could not be unbending or unfeeling. He firmly believed that this application should be permitted and he hoped that the Committee would agree.

80.8 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 permitted. The proposer of the motion indicated that it was clear from the Committee Site Visit that the proposed dwelling would match the existing floor area of the ramshackle building already on the site. The roof height would be similar to the existing building and lower than the barn behind so it would not intrude on the view of the countryside. He welcomed the replacement of an unsightly building with something useful and more attractive, without extending further into the countryside. Furthermore, the building would be ancillary to the existing house and he suggested that a condition could be included in the planning permission to ensure that this was maintained in perpetuity. The seconder of the motion echoed these sentiments. The Development Manager advised that, if Members were minded to permit the application, this should be subject to the condition suggested by the proposer to tie the use of the annex building to the existing house and conditions in respect of materials. The proposer and seconder of the motion indicated that they were happy with the conditions suggested and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED**, subject to conditions in respect of materials and to tie the use of the annex building to the existing house.

**16/01457/FUL – The Old Vicarage, Stanley Pontlarge, Winchcombe**

- 80.9 This application was for a proposed garage/store and increased parking and turning area. The application had been deferred at the last meeting for a Committee Site Visit to assess the impact of the proposal on the character of the area and the adjacent listed buildings and the Committee had visited the site on Friday 10 March 2017.
- 80.10 The Chair advised 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 that the application be permitted in accordance with the Officer recommendation. A Member indicated that he would like to second the motion but questioned whether it would be advisable to make the garage/store ancillary to the Old Vicarage. The Development Manager confirmed that, if Members felt it to be appropriate, a condition could be included in the planning permission to ensure that use was ancillary and incidental to the main house. In response to a query as to why this was felt to be necessary, the Member explained that the design of the proposal meant that it could easily be converted to a residential dwelling and a condition to tie the use to the main house would ensure that did not happen in the future. The proposer of the motion indicated that she did not wish to amend her original motion to include the suggested condition and a seconder was sought. The motion to permit the application in accordance with the Officer recommendation, without any additional conditions, was seconded and, upon being put to the vote, it was

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

**16/00665/FUL – Land Rear of Queen’s Head Inn, A46 Aston Cross, Tewkesbury**

- 80.11 This application was for the erection of 12 dwelling houses, garages and internal estate road together with vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space.
- 80.12 The Planning Officer drew attention to Page No. 765, Paragraph 13, of the Officer report which covered open space, outdoor recreation and sports facilities and stated that formal comments were still awaited from the Council’s Economic and Community Development Manager. Members were advised that this was still the case; however, he had been verbally advised by the Manager that the applicant was agreeable to contributions of £14,500 for playing pitches and £780 per household for maintenance. On that basis, should Members be minded to permit the application, this could be dealt with in the Section 106 Agreement.
- 80.13 The Chair advised that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a Section 106 Agreement.



**16/00486/OUT – Land South of Oakridge, Highnam**

- 80.14 This was an outline application for the erection of 40 dwellings, with all matters reserved except for access. The application had been deferred at the last meeting of the Committee to enable the proposal to be considered more fully by relevant parties, in accordance with the request made by the Parish Council.
- 80.15 The Chair invited Councillor Charles Coats, representing Highnam Parish Council, to address the Committee. Councillor Coats advised that Highnam Parish Council strongly opposed the application as, for the first time, development would breach Oakridge Road which formed the long established boundary to the village and would create an unacceptable intrusion into open countryside. The Planning Officer considered the arguments for the application to be finely balanced and Councillor Coats asked Members to keep this in the forefront of their minds in their determination of the application. There had been a significant change in material circumstances since the report had first been written in that the Borough Council could now demonstrate a five year land supply. Whilst the need to maintain a rolling supply of fresh sites was understood, there was currently no pressure to determine additional sites, especially one so manifestly unsuitable. It would be more beneficial to take time to work with the Parish Council in its refresh of the recently adopted Neighbourhood Development Plan and look creatively at more suitable opportunities, either in the parish or elsewhere. The Officer report stated that there should be a presumption against granting consent given the conflict with Policy HOU4, unless material circumstances indicated otherwise, and the Parish Council contended that none of the arguments put forward were strong enough to overcome this. The report referred to an allocation of 108 additional houses for Highnam as a service village, and he reminded Members that permission for 94 additional dwellings – including 88 at Lassington Lane – had recently been granted. This would increase the figure to 134 which was 24% over the allocation and would add a further 18.6% to the existing stock of dwellings in the village. Communities needed time to properly assimilate new development; this proposal would swamp the village and destroy the community cohesion which was currently enjoyed. The recently approved Highnam Neighbourhood Development Plan, which was now a statutory document, contained a number of relevant key visions, most importantly, the need for Highnam to remain separate and distinct from Gloucester. The Officer report dismissed this by claiming there would still be a one mile gap, totally ignoring the recently approved 25 hectare solar farm which, at its closest point to the development, would only be 200m away. Finally, the development would create a major traffic hazard at its crossing with Oakridge, particularly for primary school children going to the village school. On that basis, the Parish Council asked Members to do the right thing and refuse the application which was inappropriate, unwanted and premature. There was time for the Borough and Parish Councils to work jointly using the Neighbourhood Development Plan as a tool to constructively plan for what the community really wanted.
- 80.16 The Chair invited Nicholas Cook, speaking on behalf of the interests of the Fenton estate and opposition parties, to address the Committee. Mr Cook explained that there had been considerable opposition to this application in Highnam with 156 submissions from individual objectors. There were concerns not only about the appropriateness of the application but the cumulative impact of other recent applications on the community. During the last 18 months, 88 dwellings on Lassington Lane had been approved, along with two solar farms with a combined area of 45.5 hectares – the equivalent of 69 football pitches. These were all unplanned, speculative approvals, only made possible because there was inadequate policy in place to prevent them. The Officer report recognised there had been a significant recent change in material circumstances as, on 31 January 2017, the Council had approved the objectively assessed need and Tewkesbury Borough now had a robust allocation of 9,899 dwellings, with an annual requirement of 495 across the whole borough. A 5.3 year supply could now be met so the target had

been exceeded with a surplus of 135 dwellings in 2015/16 alone. In short, there was no need for a headlong rush, or rolling programme, for unplanned development. Significantly, Highnam Parish could already demonstrate 94 dwellings approved this year which was almost 20% of Tewkesbury Borough Council's entire annual allocation. There was no pressure or requirement for Highnam to take any more housing at this time. He went on to point out that planning policy had been strengthened in other ways too; Policy HOU4 was no longer considered out of date, the presumption in favour of sustainable development set out in the National Planning Policy Framework no longer applied and the Highnam Neighbourhood Development Plan was ratified and enforceable. These events were 'game changers' and, given the circumstances, he found it strange that Officers were still recommending approval for a development which was unplanned; outside of the established village boundary; visually prominent; had road safety concerns; and could be used as a precedent to extend the development in the same field to the south east towards Gloucester which would undermine the Neighbourhood Development Plan requirement for Highnam to remain separate and distinct from Gloucester. The Borough Council was at a pivotal point – for the first time since 2011, there was sufficient policy in place to properly take control of development again. If the Planning Committee decided to refuse this application and it went to appeal, the Planning Inspector was now more likely to uphold the Committee's original decision. He asked that the Planning Committee refuse the application.

80.17 The Chair invited the applicant's agent, Mark Campbell, to address the Committee. Mr Campbell explained that Highnam was defined as a local service centre in the emerging Joint Core Strategy and, as such, was capable of supporting, and being supported by, new housing development. This was a sustainable location for the proposed development; the site was a logical physical extension to the built up area which offered efficient, safe and convenient access to the highway network and the land was not subject to any restrictive land designation i.e. Green Belt, Area of Outstanding Natural Beauty or Special Landscape Area. The recently adopted Neighbourhood Development Plan did not contain any policies which restricted development of this type and, in accordance with Policy H1 of the Neighbourhood Development Plan, the applicant had agreed to provide an element of self-build plots and affordable bungalows according to identified local need. The applicant endorsed the findings of the Officer report in which it was confirmed that no objections had been made by any of the technical consultees in respect of such matters as highway impact and safety, drainage and flooding, landscape, ecology or heritage. The development would provide for 40% affordable housing, together with over £230,000 contributions towards local services. The Officer report also confirmed that the Council could allegedly deliver a five year supply of housing sites; whilst he found this conclusion highly doubtful, notwithstanding the five year housing land supply figure, there remained an obligation to significantly boost housing supply. He had submitted to Officers two recent appeal decisions in which Inspectors had considered the same issue; in both cases it had been concluded that a five year housing supply was a minimum provision, not simply a target to be met. Furthermore, there remained an acute need for affordable housing which would be provided by this development. Whilst it was noted that the application had generated significant local opposition, Members would be well aware that local opposition in itself was not a satisfactory reason for withholding consent. Officers had carefully analysed the relevant planning considerations and rightly recommended the proposal for permission. He therefore urged the Committee to support the Officer recommendation and permit the application.

80.18 In response to a Member query, the Development Manager explained that, as the application had been deferred at the last meeting of the Committee, the previous Officer report had been updated at Page No. 780, Paragraph 18, to reflect the changes that impacted on the proposal since that time. Another Member sought clarification as to whether a compulsory purchase order would be necessary to

provide access to the site. In response, the Planning Officer explained that access to the site would be over third party land within the ownership of Tewkesbury Borough Council. The applicant had suggested that this could be achieved through a “Grampian” style condition i.e. a planning condition that prevented the start of a development until off-site works had been completed on land not controlled by the applicant; however, discussions were ongoing as to whether this would be acceptable or whether this could be achieved more appropriately through a Section 106 Agreement. Pages No. 775-776, Paragraph 8, of the Officer report explained the land disposal process and the steps the applicant needed to go through and he clarified that this would be either through a Grampian style condition or Section 106 Agreement; there was no suggestion that a compulsory purchase order would be necessary.

- 80.19 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to consideration as to how visibility could be secured at the access to the site and the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that the application be refused due to the conflict with Policy HOU4 and on the basis that it would have a negative impact on the landscape, was outside of the residential development boundary and would have an adverse effect on social cohesion. The proposer of the motion explained that the Joint Core Strategy Inspector had agreed the housing figures for service villages; for Highnam this was 105 for the period, of which 90 were under construction. The Officer report went to great lengths to persuade Members that the application was acceptable, however, he pointed out that the proposal would break the horseshoe which formed the boundary to the village and would pose a danger to pedestrians, who were mainly children accessing the school and shops etc. This site was not included within the Highnam Neighbourhood Development Plan which had recently been approved, with the backing of 96% of the community who had voted in the Referendum, and he felt that should be given significant weight. He pointed out that the Ministerial Foreword to the National Planning Policy Framework stated that “the purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations”. The seconder of the motion echoed the sentiments in respect of the Neighbourhood Development Plan which had been developed by a team of volunteers over hundreds of hours. He pointed out that 156 letters of objection had been received, which represented approximately 10% of the village, and he drew attention to the Parish Council’s objection, set out at Pages No. 787/C-787/D of the Officer report, with particular reference to the point that the service village allocation of additional housing for the whole of the plan period for Highnam would be exceeded given the planning permissions which had already been granted. The application site was outside of the residential development boundary and concerns had been raised that a dangerous precedent could be set if this development was allowed to go ahead. There was no local need for development on this scale and, despite the concerns around the lack of bungalows in the area, only two were proposed within this scheme. He went on to explain that Highnam School was oversubscribed with a long waiting list and this would be exacerbated by the 94 dwellings already granted permission, let alone an additional 40 if this application was permitted. The historic environment was also a major consideration which Officers did not seem to recognise. On the approach to Highnam there was clear delineation of the village and his fear was that the 40 houses would be more urban in design and would detract from the village setting.
- 80.20 With regard to the suggested refusal reasons, the Development Manager advised that it was difficult to understand exactly what the harm would be in respect of social cohesion given the level of development proposed and what had been accepted elsewhere, albeit in a slightly different context in terms of the five year housing land supply. With respect to the emerging housing numbers for Highnam, figures of

104/105 dwellings had been referenced and these had been taken from a background paper to the emerging Borough Plan which had clearly stated that these were not fixed. The Joint Core Strategy talked about service villages and the level of housing they could support being dependent on proximity and access to Cheltenham and Gloucester. Areas such as Toddington were not as well related to large urban areas, whereas places like Highnam, which could be seen to have reasonably good access to facilities, may be able to take a higher level of housing proportionally. He understood the comments in relation to highway safety, however, County Highways had raised no objection to the application. With regard to landscape harm, this was a matter of planning balance and a judgement for Members to make. The historic environment had been considered by Historic England which was comfortable that there would be no impact on the setting of nearby heritage assets. The Officer report recognised that the application was in breach of Policy HOU4 and Members were aware of the current position in relation to that and the five year housing land supply which was a rolling requirement. If Members were minded to refuse the application, he suggested that the refusal reasons which would be most easily sustained through an appeal would be landscape harm and the conflict with Policy HOU4.

- 80.21 A Member expressed the view that it was important to include as many refusal reasons as possible in order to formulate a defence at appeal and it was for the Inspector to decide upon their relevance. He felt that social cohesion was relevant as an increase of 20% residential development would be a major change for a relatively small community. Another Member recognised that statutory consultees were required to provide their professional views; however, local knowledge could be invaluable. The local residents had stated that there were issues in terms of highway safety and accessibility and this should be included within the refusal reasons on that basis. This view was supported by another Member who indicated that the route was a traffic hotspot which caused problems on a daily basis and that would only be compounded by this development. The Development Manager accepted what Members were saying, however, he explained that refusal reasons needed to be robust and defensible as there was potential for an award of costs against the Council if those reasons could not be sustained. In the context of highways, whilst it was by no means certain that the Inspector would agree with its views, County Highways was the specialist adviser in this regard. He reiterated that more information was needed in respect of social cohesion and what the actual harm would be; in his view it had not been explained well enough for this to be a robust reason for refusal.
- 80.22 With regard to allocations, a Member pointed out that they were not maximums. He represented Woodmancote - also in a Conservation Area – which had been subject to additional development over and above its allocation in the service village agreement due to its proximity to Bishop's Cleeve. In his view, local knowledge of traffic problems or flooding issues did not help when there were statutory consultees and specialist advisers whose views were more likely to be heeded by the Inspectors and he pointed out that the refusal of the solar farm had been won on appeal. A Member stressed that Highnam was not seen as an urban extension to Gloucester. The biggest concern in Highnam was its urbanisation; it was a rural service village and should remain as such.
- 80.23 The Chair indicated that a motion to refuse the application had been proposed and seconded and, having listened to the debate, he understood the reasons to be: the conflict with Policy HOU4; the fact that a five year housing land supply could now be demonstrated; potential landscape harm as identified by the Gloucestershire Garden Landscape Trust and the potential harm to the historic environment; social cohesion as across the horseshoe boundary to the village; the fact that the development would breach the established boundary of Highnam; and highway safety. A Member expressed the view that it would be better to have two or three strong refusal reasons than a plethora of weaker ones. A Member indicated that the Highnam

Neighbourhood Development Plan had been approved by the Council and was a statutory document. As the Council was now able to demonstrate a five year supply of deliverable housing sites, significant weight should be applied to the information set out within the Plan. The Parish Council had stated that the proposal did not comply with the Plan and therefore she felt this should be referenced within the refusal reasons. The Development Manager understood that the proposal was against the vision of the Neighbourhood Development Plan and what it was trying to achieve but he found it difficult to identify any specific policies which it conflicted with, for example, there was no policy restricting housing outside of the village limits. Several Members continued to express the view that the conflict with the Neighbourhood Development Plan should be included as a refusal reason; it appeared that the Neighbourhood Development Plan was being ignored. The Legal Adviser explained that it was not the case that the Plan should not be given weight, however, it would be difficult to defend this as a refusal reason without being able to identify a specific policy which the proposal conflicted with. The Development Manager suggested that there were three main reasons for refusal: the conflict with Policy HOU4 given that a five year housing land supply could now be demonstrated; the adverse impact on the landscape and rural setting; and the issues around social cohesion and the impact of breaking the historic residential boundary of Highnam. The fourth issue regarding the Neighbourhood Development Plan could be subsumed into the arguments around the impact on the landscape and rural setting, and potentially the social cohesion argument as regards referring to specific policies in the Neighbourhood Development Plan that would support those refusal reasons, rather than its vision. In addition, he pointed out that technical reasons would also need to be included around the mechanism for securing visibility splays, the lack of affordable housing contributions and contributions towards libraries, education, healthcare and sports provision; it was noted that these were all matters which were due to be considered as part of the Section 106 Agreement and were likely to be resolved in the run up to an appeal. The proposer and seconder of the motion to refuse the application confirmed that they were happy with the refusal reasons put forward by the Development Manager and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that it conflicted with Policy HOU4 as the Council could now demonstrate a five year housing land supply; that it would have an adverse impact on the landscape and rural setting; that it would have an adverse impact on social cohesion in terms of the impact of breaking the established residential boundary of Highnam; and for technical reasons including the lack of a mechanism to secure the visibility splays, the lack of affordable housing contributions and lack of contributions towards libraries, education, healthcare and sports provision.

#### **16/01463/FUL – Land Between Brook Cottage and Brook House, Shurdington Road, Shurdington**

- 80.24 This application was for a proposed new dwelling house in place of existing derelict farm buildings.
- 80.25 The Chair invited the applicant, Richard Street, to address the Committee. He indicated that the Planning Committee had visited the application site in relation to the previous application for the erection of a new residential dwelling and double garage which had been refused in October 2016. He had carefully considered the comments and reasons for refusal and the new application had been amended accordingly with the dwelling house reduced by 30% in size and a new 'farmhouse' design. He pointed out that there were currently large and unsightly buildings on the site; both neighbours were supportive of the application and felt that the proposed new dwelling would be far better to look at. The proposal would be a significant enhancement to the Green Belt and, whilst he appreciated that it was against policy,

ultimately the decision lay with the Planning Committee. The proposal would comply with the National Planning Policy Framework which allowed limited infilling as an exception within the Green Belt. The application would remove the existing hardstanding area and replace the derelict buildings with an infill dwelling. If Members were minded to permit the application it would not be the first time housing had been permitted in the Green Belt as limited infilling and he cited examples at Bentham Lane, Badgeworth Nurseries and Ash Lane. He asked the Committee to be pragmatic and take a sensible approach to this limited infill. On balance he felt that planning permission should be granted and he hoped Members would agree that the application was worthy of support.

- 80.26 The Planning Officer clarified that there was no difference between this application and the previously refused application in terms of how the principle of development was considered. Whilst the floorspace had been reduced by 30%, the principle of a new dwelling in this location in the Green Belt was unacceptable and remained inappropriate. The National Planning Policy Framework made clear that development could only be allowed in very special circumstances which outweighed the harm that would be caused; no very special circumstances had been proposed by the applicant in this instance. As had been stated many times before, removing agricultural buildings and replacing them with dwellings could not be considered as very special circumstances and, whilst the National Planning Policy Framework allowed limited infilling, this applied to villages rather than very isolated locations in the open countryside such as this. As set out in the report, the Officers' view was that there would be very clear harm to the openness of the Green Belt and the slight reduction in floorspace could not overcome the previous refusal reasons.
- 80.27 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 was of the view that the size of the property had not been sufficiently reduced in order to change any of the Green Belt issues. The seconder of the motion felt that the reasons to refuse the application were quite clearly set out at Page No. 791, Paragraphs 6.1-6.4, of the Officer report.
- 80.28 A Member expressed a different view on the basis that the proposed dwelling had been reduced by almost a third and would be between two large houses. The existing farm buildings had been redundant for a number of years and the proposal would ensure their removal which would enhance the Green Belt. The applicant had referred to the Badgeworth Nurseries site where a number of greenhouses had been removed and houses built in their place and he felt this was a good example of what could be achieved. Another Member was of the opinion that there was no need for the applicant to set out the very special circumstances to justify development given that the National Planning Policy Framework allowed limited infilling. The Development Manager reiterated that this applied to villages; the application site was not within a village and the Officer recommendation to refuse the proposal was supported by previous decisions. Furthermore, it was very dangerous to allow development in the Green Belt on the basis that it would improve unattractive sites as this could encourage people to neglect sites. The application was contrary to national and local policy as, in the Officer view, it did not constitute infilling in a village.
- 80.29 Upon being put to the vote, with an equal number of votes for and against, the Chair exercised his casting vote and it was
- RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.

**16/00670/OUT – Land at Hector Farm, Hygrove Lane, Minsterworth**

- 80.30 This was an outline application for the erection of up to nine dwellings and new vehicular access (all matters reserved except access).
- 80.31 The Planning Officer drew attention to Condition 21, set out at Page No. 800 of the Officer report, which referred to a scheme of surface water treatment but did not mention foul water. It was noted that a package treatment plant was proposed and, should Members be minded to permit the application, this condition would need to be amended to refer to foul water as well.
- 80.32 The Chair advised that there were no public speakers for this item. The Officer recommendation was to permit the application, subject to the amendment to Condition 21 as explained by the Officer, and he sought a motion from the floor. It was 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, subject to an amendment to Condition 21 to refer to foul water.

**16/00860/FUL – Land at Hillview Stables, Bushcombe Lane**

- 80.33 This application was for the erection of a single dwelling. The Committee had visited the application site on Friday 10 March 2017.
- 80.34 The Chair invited Stephen Barnes, a local resident speaking in objection to the application, to address the Committee. Mr Barnes indicated that he was representing a number of Woodmancote residents who wished to object to this planning proposal for a single storey dwelling on land that was part of Hillview Stables. The original planning consent to build Hillview Stables was for a charitable venture involving the rehabilitation of horses and permission to erect the stables was on condition that no commercial activity was involved and there would be no future change to residential use. 34 written letters of objection had been submitted by local residents and the Parish Council had voted unanimously to reject the application. The proposed single storey dwelling was unlike any in the immediate area; it was three times larger than the dormer bungalows in the adjacent Beverley Gardens and would dominate the immediate area - even more so since the landscape report had recommended that the building be moved from the bottom corner of the plot to a position closer to the existing stables, giving an increase in altitude of 50 feet which would significantly increase its visual impact on the slopes of this Conservation Area escarpment. The proposed site was in an Area of Outstanding Natural Beauty and Paragraph 2.22 of Pre-Submission Joint Core Strategy stated that, by 2031, "in addition to any special provision through a Green Infrastructure Strategy, distinctive landscape character will have been protected, landscape features maintained and enhanced, and the countryside will be richer in wildlife with improved access for all. The tranquillity of the countryside will have been safeguarded, and noise and light pollution minimised. New development will be appropriate in scale, design and energy efficiency". Paragraph 3.2.16 stated that "The Joint Core Strategy area is constrained by Green Belt land, areas at risk of flooding and the Cotswolds Area of Outstanding Natural Beauty, which is the highest national landscape designation within the Joint Core Strategy area. It is considered that land within the Area of Outstanding Natural Beauty is not an appropriate location for urban extensions and it has therefore been excluded from this site selection process". To compound his concerns, there had been a number of planning applications to build multiple houses in the Area of Outstanding Natural Beauty and he felt that, if this application were permitted, it would be difficult for the Committee to reject such applications in the future, thus eroding the Area of Outstanding Natural Beauty further. The objectors strongly asked the Committee to reject the application to help conserve the wonderful county and this exceptional Area of Outstanding Natural Beauty.

- 80.35 The Chair invited the applicant's agent, Adam White, to address the Committee. Mr White indicated that there had been a very positive dialogue with Officers over the months which had shaped the proposals right from the pre-application stage. This collaboration had resulted in a bespoke, 'design-led', contemporary dwelling which responded fully to the site's constraints and opportunities; it was a design that genuinely sought to significantly raise the architectural quality of the area. Tewkesbury Borough Council had shown that it was not afraid to grant permission for good quality, contemporary architecture and Members had permitted many contemporary schemes close to the application site, notably around Cleeve Hill – the results spoke for themselves and were something to be proud of. As noted in the Officer report, the site was located in a sustainable and accessible location immediately adjacent to the settlement boundary of Woodmancote. All technical matters had been fully addressed throughout the application. A further benefit of the proposal was the package of additional planting which would provide wider landscape enhancements to the surrounding area. This included further orchard planting as well as new hedgerows running parallel to the fence lines either side of the path which ran to the north of the site. These hedgerows would also be planted with hedgerow trees. The scheme had been designed by a well-regarded local architect and examples of his work could be found throughout the borough. If Members agreed with the Officer recommendation to permit the application they would not be disappointed.
- 80.36 The Chair indicated 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 refused on the grounds of landscape harm, the detrimental impact on the Area of Outstanding Beauty and the conflict with Policy HOU4. The proposer of the motion accepted that it was a finely balanced decision; however, ultimately the proposal was for a dwelling in an open field, next to a public footpath, and within the Area of Outstanding Natural Beauty. Woodmancote was a victim of its accessibility and proximity to Bishop's Cleeve and had been identified as a service village in the Joint Core Strategy. Notwithstanding this, it was within the Area of Outstanding Natural Beauty and would cause significant landscape harm to the detriment of the people using the public footpath running through the field in question. The seconder of the motion indicated that he did not favour the type of architecture proposed; Members had a duty to protect the beauty of the Area of Outstanding Natural Beauty and he felt that would be adversely affected by the proposal. A Member indicated that, whilst she did like modern houses, she understood that dwellings within the Area of Outstanding Natural Beauty should be of an exceptional design and innovation and she did not feel this proposal offered either.
- 80.37 Upon being put to the vote, it was
- RESOLVED** That the application be **REFUSED** on the grounds of landscape harm, the detrimental impact on the Area of Outstanding Beauty and the conflict with Policy HOU4.
- 16/01185/FUL – 5 Trumpeter Road, Badgeworth**
- 80.38 This application was for a two storey rear extension.
- 80.39 The Chair advised 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 and, upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.



**16/01268/FUL – Land at Gwinnett Court, Main Road, Shurdington**

80.40 This application was for the erection of a single village infill dwelling with detached garage and associated access. The Committee had visited the application site on Friday 10 March 2017.

80.41 The Chair advised 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. The proposer of the motion advised that planning permission had been granted for the original five dwellings on Land at Gwinnett Court some 30 years ago. This single plot had been neglected and was now overgrown with brambles so he welcomed the proposal for a single infill dwelling to complete the development. Upon being put to the vote, it was

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

**16/01293/OUT – Pound Cottage, Main Road, Minsterworth**

80.42 This was an outline application for the erection of seven detached dwellings (all matters reserved).

80.43 The Chair advised 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. The proposer of the motion felt that seven dwellings would be acceptable on the site. The original Pound Cottage had been knocked down and rebuilt and looked very stylish; if the rest of the development was built in the same way it would be welcomed. Incidentally, the number of children attending Minsterworth School was very low so the new dwellings may also assist in that regard. Upon being put to the vote, it was

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

**16/01315/FUL – 3 Parklands, Salvia Close, Churchdown**

80.44 This application was for the erection of five bungalows and erection of an extension to the existing building; and associated alterations to parking and amenity space.

80.45 The Planning Officer explained that the recommendation was that authority be delegated to the Development Manager to permit the application, subject to no objection being raised by the Lead Local Flood Authority in respect of surface water drainage. These comments were still awaited and, whilst it was expected that any concerns could be addressed, if Members were minded to permit the application and that proved not to be the case, the application would be brought back to the Committee.

80.46 The Chair advised that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to no objection being raised by the Lead Local Flood Authority in respect of surface water drainage, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion indicated that bungalows in the area were oversubscribed and, although Severn Vale Housing was doing a wonderful job with what was there, more were needed. The Parish Council had raised concern regarding the access but she did not feel this would be a problem.

80.47 A Member was concerned that the Lead Local Flood Authority had originally objected to the proposal due to lack of information regarding surface water management and she questioned how long it had been since that information was obtained from the applicant and how long it had taken the Lead Local Flood Authority to respond. The Development Manager indicated that he did not have this information to hand but he provided assurance that Officers would be contacting the Lead Local Flood Authority for its response to bring the matter to a close as soon as possible. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to no objection being raised by the Lead Local Flood Authority in respect of surface water drainage.

**16/01393/FUL – Shalands, Main Road, Shurdington**

80.48 This application was for a proposed dwelling, turning and landscaping (revised scheme). The Committee had visited the application site on Friday 10 March 2017.

80.49 The Chair invited the applicant, Charlotte Timony, to address the Committee. She explained that an initial application had been submitted with existing tall hedges to screen the front garden. The Parish Council had been notified when the application was being processed and it was understood that it was happy with the proposals. Unfortunately, during the progress of the initial outlay, the boundary hedges had been removed which had opened up the site. The application had been refused and it had not been possible to liaise with the Planning Officer at that time. When speaking to the Planning Officers, it was clear that their view was that the private garden space should be located to the rear of the dwelling. A new application had subsequently been submitted with the dwelling moved forward to allow a private garden space to the rear which it was understood would be acceptable to the Planning Department. The new dwelling would be no further forward than Cornerways to the north and Quaintways to the south. The Parish Council had objected to the new application on the basis that the layout would be detrimental to the streetscene; however, the existing dwellings on Shurdington Road were already irregular in their forward and backward location and the new proposed dwelling would be no further forward than the other dwellings previously mentioned. In respect of the comments from the Parish Council relating to the safety of the new vehicular access, she confirmed that it was an existing access but the proposal would provide two on-site parking spaces with turning to allow the vehicles to exit the site in a forward gear which would satisfy highway requirements.

80.50 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was 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.

**16/01400/FUL – Easy Bee, Shurdington Road, Shurdington**

80.51 This application was for the erection of two poly tunnels for cultivation of bee-friendly nectar-rich plants.

80.52 The Chair advised 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 and, upon being put to the vote, it was

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

**16/01172/FUL – Part Parcel 3100, Wainlode Lane, Norton**

- 80.53 This application was for the erection of 22 new dwellings. The Committee had visited the application site on Friday 10 March 2017.
- 80.54 The Planning Officer advised that the County Archaeologist had recommended that the applicant provide the results of a programme of archaeological assessment and evaluation which described the significance of any archaeological remains contained within the application site and how they would be affected by the proposed development. The applicant had carried out the necessary investigation and, whilst the full results had not been submitted, he understood that the concerns had been addressed and the matter could be dealt with by condition. The Officer recommendation was, therefore, that authority be delegated to the Development Manager to permit the application, subject to the formal response being received and completion of a Section 106 Agreement.
- 80.55 The Chair invited Councillor David Rolls, representing Norton Parish Council, to address the Committee. Councillor Rolls indicated that the Parish Council believed that the evidence of need provided by the Strategic Housing and Enabling Officer was flawed. The number of households in need of affordable housing had been justified by the bizarre method of adding the results of successive surveys. It was noted that this had not been done for the recent proposal at Sandhurst where two successive survey results were also available. The real need based on the latest survey was five or six households of unspecified size - not the 14 claimed. The allocation set out in the Tewkesbury Borough Plan had largely been met, with the exception of one property, and would be exceeded within the plan period taking into account existing applications. As a result, the proposal would double the provision of new housing in the village, double that already delivered in the plan period and double that required by the allocation. This needed to be considered in the context of the borough's five year housing land supply now having been met. He pointed out that the proposal would provide 10 market houses which it was alleged were necessary to make the provision of affordable housing on the site commercially viable. The Parish Council's own research and meetings with local housing associations at a senior level made it clear that affordable housing could be delivered on small sites without any cross-subsidy, as well as on larger sites. It was clear that cross-subsidy was not required to provide the numbers of affordable homes needed in the area. The Planning Committee had permitted developments in the parish which could have delivered affordable housing, but it had instead chosen to take financial contributions. The Parish Council had, within just three weeks, identified two further sites where the landowners were prepared to make land available at low cost to enable affordable housing to be built; these details had been provided to the Council. The proposed developments in Twigworth would include up to 400 affordable homes within two miles of Norton meaning this development was unnecessary. In summary, the application failed to meet a number of key criteria contained within the relevant policies and guidance. The proposal was four times larger than necessary and contained a further 10 unnecessary market houses when there were two other sites which could adequately provide the five or six affordable homes actually needed without any cross-subsidy. The Parish Council and local residents urged Members to refuse the permission for this development on the grounds that the case was deeply flawed.
- 80.56 The Chair invited Colin Edwards, speaking against the proposal, to address the Committee. Mr Edwards explained that he was a resident of Norton Parish and he was there to represent the residents of Cook Lane, which was opposite the application site, who believed that they would be seriously impacted by the proposed development. Their concern was with the proposed provision for sewage removal which would involve connecting the proposed development into the existing Cook Lane pumping station without any upgrade. He was not qualified to comment on the technical veracity of the Sewer Capacity Assessment report, prepared by Black and

Veatch on behalf of Severn Trent Water, but he wished to point out that it was based on an amended theoretical model which did not seem to be supported by empirical experience. There had been a number of incidents in the past of sewage flooding back into the homes on Cook Lane. The residents had written to Severn Trent to request an upgrade for the pumping station but had not had the decency of a response. They had hoped the transfer of responsibility of the pumping station to Severn Trent last autumn would prevent further incidents but only last Tuesday, after some not particularly heavy rain, the pump had stopped working again and sewage had started to back up into downstairs sinks in Cook Lane houses. The pumping station alarm rang constantly throughout Wednesday and into Thursday before Severn Trent responded, despite several unreturned calls to them from concerned residents. Late last year, and after the latest incident, residents had contacted Central and Country developments – the original designers of the pumping station – which had questioned the adequacy of the diameter of the pipe leading from the pumping station. The design engineer had stated in writing his opinion that any additional flows contributing to the pumping station would cause design capacity to be exceeded. On installation, the outflow pipe diameter was apparently restricted at the request of Severn Trent to strictly control outflow due to downstream capacity issues which, to his knowledge, had not been resolved. The Central and Country engineer considered the pipe diameter to be too restrictive for the 13 houses in Cook Lane, never mind the additional four approved on the adjacent plot and the 22 proposed in this application, the inference being that it would get worse for the Cook Lane residents and the future did not look rosy for the 26 households in the other two developments. He did not find this acceptable, neither did the residents of Cook Lane or the two other developments, and he was sure Members would not find it acceptable if their homes were affected in that way. As such, he requested that the application be deferred, as a minimum, or preferably refused, until existing problems had been eliminated and a clean, reliable solution to the provision of foul water drainage at Cook Lane had been fully proven in practice.

- 80.57 The Chair invited Councillor David Waters, a Ward Member for the area, to address the Committee. Councillor Waters raised concern that there was no protection for the unpaid volunteers that were working on Neighbourhood Development Plans from speculative development such as this. He questioned the methodology used to identify housing need and the evidence to support that but his main concern related to highways and education. The school in Norton was at capacity, therefore, if planning permission was granted, many of the children would be transported to the school in Apperley along Wainlode Lane which was very narrow and would suffer from increased traffic flow. He felt that a more joined-up approach should have been taken when considering these aspects of the proposal.
- 80.58 In providing clarification as to the way in which housing need had been identified, the Planning Officer drew attention to the Additional Representation Sheet, attached at Appendix 1. He explained that housing need was derived from combining the results of a 2013 and 2016 survey. The Council's Strategic Housing and Enabling Officer pointed out that, whilst the 2016 survey was the most up-to-date, this had only attracted 15 respondents compared with 83 respondents in 2013. At the present time, there were only four affordable dwellings within the catchment of Norton so the previous need identified in 2013 had not been met. Even with the limited responses, the 2016 survey still identified the need for five affordable houses. The Strategic Housing and Enabling Officer had taken the view that it would not be a robust or correct assessment of current need to consider the 2016 survey alone and considered that the two surveys combined were likely to best reflect the true affordable housing need in Norton. The Planning Officer recognised that this was a slightly unusual way to make the calculation but the Officer view was that it was appropriate in this case. A Member understood that the guidance on rural exception sites required the views of the Parish Council and local residents to be taken into account, however, the housing need figures had been taken from a questionnaire so

it did not appear that any work had been done with the Parish Council. The Planning Officer advised that the surveys had been carried out in conjunction with the Parish Council; the 2016 survey had been requested by the Parish Council in order to update the figures. He was sure Members would agree that a response rate of 15 compared to 83 in the earlier survey did not give the whole picture and pulling together both results, as well as taking into account the Strategic Housing and Enabling Officer's experience of the area, was felt to be the best way of identifying housing need in Norton.

80.59 A Member raised concern about the disposal of sewage following the representations made by the local resident. Severn Trent had suggested that it would not be a problem but clearly there was an existing issue already being experienced by local residents. If the proposed dwellings were to be connected to the existing system he did not see how it would be able to cope with an additional 22 dwellings and suggested that a more appropriate solution needed to be found. Another Member noted that the engineer's comments on the Additional Representation Sheet indicated that there was an assumption that some upgrade had been carried out to the pumping station and she questioned whether Officers had established what had been done and when. She felt it would be very difficult to make a judgement on the application without that information. The Planning Officer advised that Severn Trent had been consulted on the application in the normal way and had responded to indicate that it had no objection to the proposal, subject to conditions. It had carried out a sewage capacity assessment and deemed that there was adequate capacity. In view of the local concern, Officers had approached Severn Trent to establish whether a "Grampian" style condition could be included to require further upgrades to the pumping station as a result of the development, however, based on the capacity assessment, it was confident that the new development could be accommodated. He went on to advise that the existing foul drainage issue occurred at times of high rainfall due to the lack of control over surface water drainage; this was a historic issue which meant that surface water ran into the foul sewer. In relation to the proposed development, surface water would be dealt with on-site so it would not impact on the existing capacity above and beyond the foul sewage produced by the development.

80.60 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that the application deferred in order to obtain further information from Severn Trent Water regarding the sewage disposal and for further clarification from the Strategic Housing and Enabling Officer as to how the housing need figures had been produced. A Member indicated that he would be supportive of this proposal and suggested that it would be beneficial for a representative from Severn Trent Water to attend the next Committee meeting. The Development Manager indicated that an invitation could certainly be extended to Severn Trent Water but attendance could not be guaranteed. Upon being taken to the vote, it was

**RESOLVED** That the application be **DEFERRED** in order to obtain further information from Severn Trent Water regarding the sewage disposal and for further clarification from the Strategic Housing and Enabling Officer as to how the housing need figures had been produced.

### Planning Application Reference 15/00749/OUT

- 80.61 Attention was drawn to the report of the Head of Development Services, circulated at Pages No. 95-122, which related to planning application 15/00749/OUT, Land North of Innsworth Lane, Innsworth. The Committee was asked to determine that the Secretary of State for Communities and Local Government be advised that the Council would be minded to refuse the application.
- 80.62 The Development Manager explained that, as Members would be aware, this application was the subject of a non-determination appeal and, as such, it was necessary to advise the Secretary of State how the Council would have determined the application had it remained the determining authority. The site was part of a draft allocation in the emerging Joint Core Strategy and therefore the broad principle of development had been approved by the Council through that process. Notwithstanding this, there had been a significant change recently with the inclusion of Twigworth as part of the strategic allocation and the new draft policy A1 in the proposed modifications to the plan which required the Innsworth and Twigworth sites, with an appeal in respect of Twigworth also to be heard at the same public inquiry in June, to be considered in a comprehensive way in the interests of the proper planning of the area.
- 80.63 There were 13 recommended refusal reasons listed in the Officer report and the Development Manager stressed that many of the reasons were technical and capable of resolution before the start of the inquiry. For example, reasons 1-3, set out at Page No. 120 of the report - which related to the conflict with HOU4, Green Belt and landscape - would effectively fall away if the other substantive reasons for refusal were properly addressed. Similarly, reasons 11-13, set out at Page No. 121 of the report, were capable of being addressed by the Section 106 Agreement. Other technical reasons, such as highways and ecology, needed more work. Discussions were currently underway with Highways England and County Highways concerning the issues of timing in terms of the modifications to the Joint Core Strategy which would inevitably impact on what could be agreed and when. He imagined that the Highways Agency would do everything possible to try to reach agreement with the appellant before the opening of the inquiry. In respect of ecology, the appellant was in discussion with Natural England regarding the potential impact on the Innsworth Meadow Site of Special Scientific Interest and how to resolve those issues. The key outstanding issues for Officers related to highways, which was inevitably affected by the fact that the transport modelling work to support the Joint Core Strategy was ongoing, and the issues in respect of cumulative impact and comprehensive development. The Planning Inspectorate had very recently requested further information in respect of the Environmental Statement and, whilst this would be submitted before the opening of the inquiry, there was currently no timetable. Refusal reason 4 dealt with comprehensive development and picked up on the detailed wording of the strategic allocation policy in the emerging Joint Core Strategy with a particular focus on flood risk and the issues raised by Michael Thomas Consulting discussed in the evidence supporting the Joint Core Strategy. Whilst this site was already supported in principle through the Joint Core Strategy process, it was important to ensure that it was brought forward in the right way through the appeal process.
- 80.64 A Member indicated that there were a lot of traffic issues locally and the fact that there was no entrance off the A40 was one of the main problems. She did not agree with the modelling work which had been carried out by County Highways and until this access could be provided she could not support the application. She also had concerns regarding Frogfurlong Lane which flooded during times of heavy rain. She pointed out that a lot of people were unaware of the flooding issues and the fact that there was no junction off the A40. The Development Manager felt that there was an important point in terms of local conditions. The report set out the modelling

work which had been undertaken by County Highways and it had been commented that this did not seem to reflect local knowledge, for instance, it set out that the traffic on the A38 went straight through but this was not the experience of those using that road at peak hours. The proposal did include access onto the A40 but there was little clarity in terms of what the junction would look like; viability would be an issue and that was something which would be looked at with Highways England and County Highways. A Member understood that the money available to look at the access onto the A40, and the Longford roundabout and link road to the A38, was significantly less than would be needed to meet the demands.

80.65 Having considered the information provided, it was proposed, seconded and

**RESOLVED** That the Secretary of State for Communities and Local Government be advised that the Council would be **MINDED TO REFUSE** the application in accordance with the Officer recommendation.

**PL.81 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL**

81.1 The following decision of Gloucestershire County Council was **NOTED**:

**Site/Development**

**Decision**

16/01317/LA3  
Shurdington Primary School  
Badgeworth Lane  
Badgeworth

Application **PERMITTED** subject to conditions relating to the commencement of development and scope of the development.

Variation of condition 4 (time limit) of planning consent  
16/0039/TWREG3 dated  
30/06/2016.

**PL.82 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

82.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 123-126. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued.

82.2 It was

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

The meeting closed at 12:10 pm

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 14 March 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.

<b>Page No</b>	<b>Item No</b>	
747	2	<p><b>16/01434/FUL</b></p> <p><b>Lowdilow Farm, Lowdilow Lane, Elmstone Hardwicke</b></p> <p><b>Consultations &amp; Representations:</b></p> <p>A letter in support of the application has been received from Laurence Robertson MP requesting a number of matters to be taken into consideration including:</p> <ul style="list-style-type: none"> <li>• Mrs Warren is a paraplegic and bed-bound and currently lives in a caravan on the site.</li> <li>• The plan of the bungalow is to create a sense of normality for Mrs Warren, allowing for extra wide doors and corridors allowing her to feel involved at family gatherings etc.</li> <li>• The design will allow Mrs Warren to see out of windows for different views of the outside world.</li> <li>• The family are currently funding care themselves.</li> <li>• These alterations could not be done if the family were to simply buy another property.</li> <li>• Planning permission has been granted for very similar applications for buildings to be converted in the immediate area and other parts of the Borough and not for any special circumstance for which this could be considered.</li> <li>• The planned building will not change in footprint, size or height so will be in keeping with the current building, but in a better maintained condition.</li> </ul>
754	3	<p><b>16/01457/FUL</b></p> <p><b>The Old Vicarage, Stanley Pontlarge, Winchcombe</b></p> <p>The applicant has submitted supporting information which is <b>attached</b>.</p>



770	5	<p><b>16/00486/OUT</b></p> <p><b>Land South of Oakridge, Highnam</b></p> <p><b>Consultations &amp; Representations:</b></p> <p>4 additional letters of representation received raising the following concerns:</p> <ul style="list-style-type: none"> <li>• The scheme is opportunistic and unplanned and represents nothing better than sporadic development.</li> <li>• The development breaches the development envelope and will create pressure and precedence for further development sprawl towards Gloucester- especially in the context of the proposed solar farm which will develop proximal land. Together this will threaten the separation of Highnam from Gloucester and the distinctiveness of Highnam as a community and settlement.</li> <li>• The development fails to take adequate account of the Neighbourhood Development Plan in relation to such matters as scale, landscape and environmental impacts as well as community needs.</li> <li>• The land in Lassington Lane now under development will create pressures on community services including education, health, transport infrastructure all of which are already fully stretched. This further development on Oakridge will significantly add to these pressures.</li> <li>• The development will destroy the beautiful views and surroundings and the village infrastructure is incapable of accommodating the development.</li> <li>• The existing road and community infrastructure cannot support the proposed development.</li> </ul> <p>Comments from Highnam Parish Council are <b>attached</b>.</p> <p>A photograph received from a local resident who is concerned about the impact of the development will destroy the beautiful views and surroundings and the village infrastructure in incapable of accommodating the development is <b>attached below</b>.</p> <p>Please also <b>see below</b> for photo and commentary forwarded by local residents.</p>
792	7	<p><b>16/00670/OUT</b></p> <p><b>Land at Hector Farm, Hygrove Lane, Minsterworth</b></p> <p>The applicant has requested that it be clarified that Condition 27 refers to gross internal area in accordance with Planning Practice Guidance. As such Condition 27 is amended as follows:</p> <p>27     The combined gross floorspace of the development shall be no more than 1,000 square metres <b>gross internal area</b>.</p>

804	8	<p><b>16/00860/FUL</b></p> <p><b>Land at Hillview Stables, Bushcombe Lane, Woodmancote</b></p> <p>A revised plan has been submitted removing an adjacent building to reflect separation distance of revised location, as such Condition 2 is amended as follows:</p> <p>2 The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• Proposed Elevations: Facing South plus west Dwg No: A - P - 200 - 01 <b>received 8 March 2017.</b></li> <li>• Proposed Elevations: Facing North plus east Dwg No: A - P - 200 - 02a.</li> <li>• Proposed Sections: Dwg No A - P-300 -01.</li> <li>• Ground Floor Plan: Dwg No: A - P - 100 - 02b.</li> <li>• Site plus Proposed Roof Plan Dwg No: A - P -100-03a.</li> </ul>
843	15	<p><b>16/01172/FUL</b></p> <p><b>Part Parcel 3100, Wainlode Lane, Norton</b></p> <p><b>Officer Update:</b></p> <p><b>Norton Parish Council - 10 March 2017</b></p> <p>The Parish Council has raised a number of points and an Officer comment is provided below:</p> <p><i>Progress of the Neighbourhood Development Plan (NDP)</i></p> <p>The Parish Council point out that the NDP is progressing which involves input from Tewkesbury Borough Council Officers and the evidence from the Council's Landscape Consultant. Whilst Officers are aware that work is ongoing on the NDP, the fact remains that it is at a very early stage of progression having not yet been consulted on and no draft version published. Having regard to this, it is considered that no weight can be afforded to the NDP in the determining of this planning application.</p> <p>The Parish Council also suggest that affordable housing could be delivered on smaller sites within the Parish and two letters have been submitted which indicate there may be some interest. However, the deliverability of these sites is unknown - in particular their viability and the resultant development would most likely be of a size that would be under the government threshold for delivering affordable housing or requiring an off-site contribution. Having regard to this, it is Officer's opinion that it would be difficult to secure affordable housing in Norton in the future through the provision of small scale development and, given the early stage of the NDP, it would not be reasonable to refuse planning permission on these grounds.</p> <p><i>Policy HOU14</i></p> <p>The Parish Council also feel that the proposal would be contrary to Policy HOU14 as there has been no serious search for sites and liaison with the Parish Council and joint discussions regarding alternative sites has been denied. Policy HOU14 requires development to meet local need which cannot be met any other way. Clearly the Council's Strategic Housing and Enabling Officer is of the strong view that the development would contribute towards meeting local need. In addition the Borough as a whole has an acute affordable housing shortfall. The applicant has considered nine alternative sites before selecting the current application site. The applicant confirms that, following numerous approaches to landowners, only the</p>

application site was deemed suitable, achievable and available on behalf of the landowner at 'rural exception' land values. Whilst the Parish Council suggest that two other sites have not been considered and have provided details, it is important that the applicant cannot be expected to be aware of all potential sites and, in any event, the proposals are much smaller sites which would deliver smaller numbers of dwellings. No assessment of viability has been carried out on this alternative site. Further, the other letter of interest refers to a small scale residential development and not an intention of providing a site to accommodate affordable housing. Having regard to this, whilst the Parish Council's aims of meeting its affordable housing need is understood - and could be explored through the NDP - it is not considered that there is currently any realistic prospect of accommodating the identified need.

*Assessment of Housing Need.*

The Parish Council has raised concern regarding how the assessment of housing need has been calculated. Indeed the need is derived from combining the results of a 2013 and 2016 survey. The Council's Strategic Housing and Enabling Officer points out that, whilst the 2016 survey is the most up to date, this only attracted 15 respondents compared with 83 respondents in 2013. Further, at the present time there are only four shared ownership homes in the Parish; these were sold in 2013 and there have been no re-sales since. Having regard to this, it is clear that the 2013 needs were not met which identified the need for nine affordable dwellings and, given the time passed, it is reasonable to assume that the need will have increased (which is a pattern true across Tewkesbury Borough). Even with the limited responses received in the 2016 survey, this still identified the need for five affordable houses. Having regards to this, the Strategic Housing and Enabling Officer considers that the two surveys combined are likely to best reflect the true affordable housing need in Norton in the context of Tewkesbury Borough and the nature of the responses received.

In relation to other concerns raised regarding developer contributions, five year supply and drainage, these are addressed in the Officer's report. An update in respect of archaeology will follow at Planning Committee.

**Amended Plans**

The applicants have submitted some minor amendments to the scheme which can be summarised as:

- Plot 19 - House type same but front gable, rear gable, and side has been positioned on the opposite side of this house.
- House Type K - Canopy on the rear elevation has been removed and corbelling detail added on the rear entrance. The kitchen has been rearranged which has a change to the bi-fold and window locations to the rear. The front canopy detail has been amended slightly.
- House Type D - Mini gable now over the front door to allow for the canopy to be fitted.
- Type C and Type M - Minor changing on the side elevation gutter.
- Type B - Front eaves line raised to improve design of house type.
- Type E - The garage door moved slightly and the French doors moved to the rear of the house in bed 1. The dormer window has a flat roof detail as per the G type.

Having regard to the above it is recommended that Condition 2 relating to approved plans should be amended to take account of the above revisions which Officers consider to be minor in nature. The condition should therefore read:

	<p>2 The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>D00 Site Location Plan, D01 Rev ZB Site Layout Plan, D02 Rev C House type D, D03 Rev D House type K, D04 Rev C House type E, D05 House type G2, D06 House type F, D07 Rev D House type B, D08 Rev C House type C, D09 House type G, D10 Rev C House type M.</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plan.</p> <p><b>Additional Representations - Received 13 March 2017</b></p> <p>One letter of representation received raising concerns about the capacity of the existing foul sewage drainage network to accommodate the proposed development. In particular the representation comments that an alarm system was in action at the Severn Trent Pumping Station from early Wednesday 8 March 2017 and was still going on Thursday 9 March 2017 following rain on Tuesday 7 March 2017. The representation also makes reference to an email, forwarded on 27 January 2017 by the complainant, from the drainage infrastructure designer of the Cooks Lane pump station project some 6 or 7 years ago. He notes that the residents served by the pump station have experienced foul sewer flooding in the past; however, the causes of the previous flooding have long since been resolved.</p> <p>The engineer also recalls that, during the design period for the project, the issue of capacity was not the private pump station (now known as Cooks Lane pump station) but the Severn Trent pump station located in the village of Norton, which the Cooks Lane pump station is connected to. He recalls Severn Trent Water severely restricting the rate of pumped effluent from the Cooks Lane pump station (up to the Severn Trent Water pump station) due to capacity restrictions on the station; this resulted in a very small diameter rising main coming from the Cooks Lane pump station.</p> <p>However, he observes that it would now appear as though there is adequate capacity to serve an additional 24 dwellings, so it was assumed some upgrade had been carried out to the Severn Trent Water pump station in the village.</p> <p>The representation also includes a chain of emails from other local residents who raise concern about the sewage capacity as well as Severn Trent Water's failure to satisfactorily maintain the pumping station.</p> <p>A further letter of representation was received which raised a number of points already addressed in the Officer report including:</p> <ul style="list-style-type: none"> <li>• Concern regarding the site for housing as it was previously considered in the Tewkesbury Assessment of Land Availability.</li> <li>• The need for affordable housing in Norton.</li> <li>• Concern regarding drainage and flooding issues.</li> </ul>
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**Item 3 – 16/01457/FUL**

FAO Ciaran Power  
Planning Reference 16/01457/FUL

I ask Councillors to consider the following when assessing this planning application.

1. The Old Vicarage is a single house, in approx 2.25 acres, which needs a garage and store.

2. We are already permitted to build, under Permitted Development Rights, a garage and store.

However the proposed plan has been submitted, and the Conservation Officer has recommended it, in preference to the PDR plan because it is considered to be less harmful to the AONB setting of the hamlet including the church and our own, historic, house.

3. Two garage and store buildings identical in size and design to the one proposed, plus similar outbuildings, and one far larger four bay outbuilding-were permitted quite recently at properties in the nearby Gretton Conservation Area. Stanley Pontlarge is not in a Conservation Area.

4. In relation to the amenity value of the adjoining property Three Arches: The access to the Old Vicarage and proposed garage plot, is the historic legal access to the Old Vicarage, and has been in use for centuries. The Old Vicarage has full and unequivocal rights of way through the access and over the adjoining unregistered land, at all times and for all purposes, with or without farm and other vehicles, and animals.

The adjoining unregistered land has belonged to the village as a whole for many decades and is registered against title. Land Registry document GR221514 (attached) shows the extent of the unregistered land, which is notably greater than may appear when attending the site.

Thank you,

Anne Dean  
Old Vicarage

## Item 3 – 16/01457/FUL (continued)

	<b>The Gloucester District Land Registry</b>			
<p>MICHAEL ROBERT DEAN          OLD VICARAGE          STANLEY PONTLARGE          GLOS          GL54 5HD</p>	<table border="1"> <tr> <td style="text-align: center;">ROYAL MAIL</td> </tr> <tr> <td style="text-align: center;"><b>2</b> POSTAGE PAID</td> </tr> <tr> <td style="text-align: center;">HQ 319</td> </tr> </table>	ROYAL MAIL	<b>2</b> POSTAGE PAID	HQ 319
ROYAL MAIL				
<b>2</b> POSTAGE PAID				
HQ 319				
Your ref: NONE				
Our ref: C2A/GR221514				
Date: 10 November 1999				
<b>COMPLETION OF REGISTRATION</b>				
Title Number	: GR221514			
Nature of Application	: CAUTION AGAINST FIRST REGISTRATION			
Application received on	: 8 NOVEMBER 1999			
Registered Proprietor:	N/A			
Property	: LAND ADJOINING OLD VICARAGE STANLEY PONTARGE			
Your application has been completed.				
There are no documents to send to you.				
<p>If we need to correspond with, or send a formal notice to, an owner, chargee or cautioner we will write to their address shown on the register. It is important that this address is correct and up to date. Please notify us at once of any change of address, quoting the title number. If you act for the owner, chargee or cautioner please advise them of the title number and of the need to contact us on a change of address.</p>				
<p>You do not need to reply unless you think a mistake has been made. If there is a problem, please write to this office.</p>				
<p><b>The Gloucester District Land Registry,</b>          Twyver House, Bruton Way, Gloucester, GL1 1DQ          DX No: 7599 Gloucester (3) TEL: 01452 511111 FAX: 01452 510050</p>				
				

Item 3 – 16/01457/FUL (continued)



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Item 5 – 16/00486/OUT

# Highnam Parish Council

Lassington Oak

Highnam ~ Linton ~ Over ~ Lassington

Chairman – Michael Welch

Clerk – Richard Hicks

Phone/Fax 01452 304500

The Old School

Newent Road

Highnam

Gloucester

GL2 8DG

10 March 2017

Dear Planning Committee Member,

## Land South of Oakridge, Highnam

**Planning Application: 16/00486/OUT**

You will be aware from copy correspondence contained in your committee papers that Highnam Parish Council (HPC) has met and corresponded with your planning officers over the past fortnight regarding this application. Your planning officer refers to these discussions in his report, in particular on Pages 780 to 783. This further letter sets out HPC's considered response which we shall be referring to in our presentation to committee next week.

In the report your planning officer clearly states (Cl.18.27) that the application is finely balanced. It is against this statement that we would ask that this application be judged. Additionally, in Cl. 18.1 the planning officer states that there has been a significant change in material circumstances since the production of the original report, but then dismisses this significant change without considered reasoning; surely a contradiction in terms.

Our first major concern relates to the issue of Land Supply. In the first report it was stated that as an adequate five year supply could not be demonstrated this justified granting consent. In the second report, although it had been discovered that an adequate land supply could now be demonstrated, indeed 5.3 years including a 20% buffer with a surplus of 135 dwellings delivered in 2015/16 alone, there is still a need to provide a continuing rolling supply of land although no end target is specified, which we would argue provides an open ended invitation to unlimited future development across the Borough, which we are sure is not what is intended. Given the plan period extends to 2031, a further 14 years, we would fundamentally question why there is any urgency to add to this provision so early in this timeframe, especially given the openly stated finely balanced case for this application. We have offered to meet with your planners with a view to refreshing our recently adopted Neighbourhood Development Plan in an endeavour to look strategically at development potential across the whole parish. This, together with your ongoing examination of the outcome of the JCS and other potential sites across the whole Borough, must surely be the most sensible way of ensuring future development in delivered in the most appropriate locations rather than this such manifestly unsuitable proposal so early in the plan period.

In Cl. 18.6 of the report it is stated that there is a presumption against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise. The report unsuccessfully endeavours to demonstrate that material circumstances do prevail. The report tries to compare Highnam with Alderton, an entirely different



community where a totally different set of circumstances exists, to prove the case. We would point out that Alderton planning decisions were taken well before the existence of the 5 year land supply had been identified, and was against the backdrop of five sites having previously been refused planning consent, subsequently upheld at appeal.

This proposal for 40 houses, taken together with the 88 recently granted consent at Lassington Reach and 6 other recent consents in the village, will increase the number of dwellings in the core village by 18.6%. The report somewhat blandly comes to the conclusion that these increases, all coming at the same time, will not negatively impact on community cohesion. We would strongly argue against this; Highnam is essentially a dormitory community not blessed with significant community facilities, especially retail provision. By adding a further 134 houses this will effectively destroy the finely balanced community cohesion we have proudly engendered over the years. Communities require time to effectively assimilate new dwellings; permitting this application at this time will run totally contrary to our desire to maintain a balanced community.

We have referred to the Key Vision Statements set out in our recently adopted NDP. We would remind you this is now a statutory document which must be given full regard to in your deliberations. In Cl. 18.21 of the report these Visions are somewhat blithely dismissed without any rigorous examination or reasoning as to why that is the case. We would ask you, therefore, to give these Visions greater prominence in your decision making.

We have expressed concern that this development would seriously compromise the first NDP Vision: *Highnam remains a separate and distinct community from Gloucester...* The report dismisses this by stating there would still be a 1 mile gap between Highnam and Gloucester *despite the inevitable harm arising from replacement of the current open land with housing*, totally ignoring the recently approved large 25 ha Solar Farm development at Over Farm which will significantly reduce this gap, indeed, at its nearest point, this development will be only 200 metres away from this scheme. This so called gap is already degraded by the existence of the railway line and A40 road. We contend this is a major and material ground for refusing this application.

We turn now to the Service Villages issue. Highnam's identified allocation, as stated in the report, is 108 additional dwellings over the entire plan period to 2031; 94 dwellings have already recently secured consent. This proposal will increase this to 134, 24% above this, a very significant consideration we contend. The report acknowledges this, but pays no regard to the JCS Inspector's comments that Service Villages should be held to their original provisional allocations. This application deserves to be refused on these grounds alone.

We have expressed considerable concerns on road safety grounds, particularly with regard to the dangers posed to pedestrians crossing the fast and busy stretch of Oakridge to access facilities and to visit people in the main core of the village, and to young children crossing the road to attend the village primary school. The report states that the Highway Authority has raised no objection to this as they are satisfied that appropriate visibility can be achieved. We very strongly dispute this. Oakridge has long defined the village envelope, and for good reason. This proposal would, for the first time, breach this and would, as a direct consequence, create a major danger to pedestrians. We must urge you to give our concerns due weight.

In conclusion, this application is in completely the wrong location, and is being promoted prematurely and at the wrong time in the planning cycle before your planning officers have had full opportunity to digest the implications of the JCS provisions. We trust that our detailed representations will be given due weight, and that you will, therefore, refuse this application.

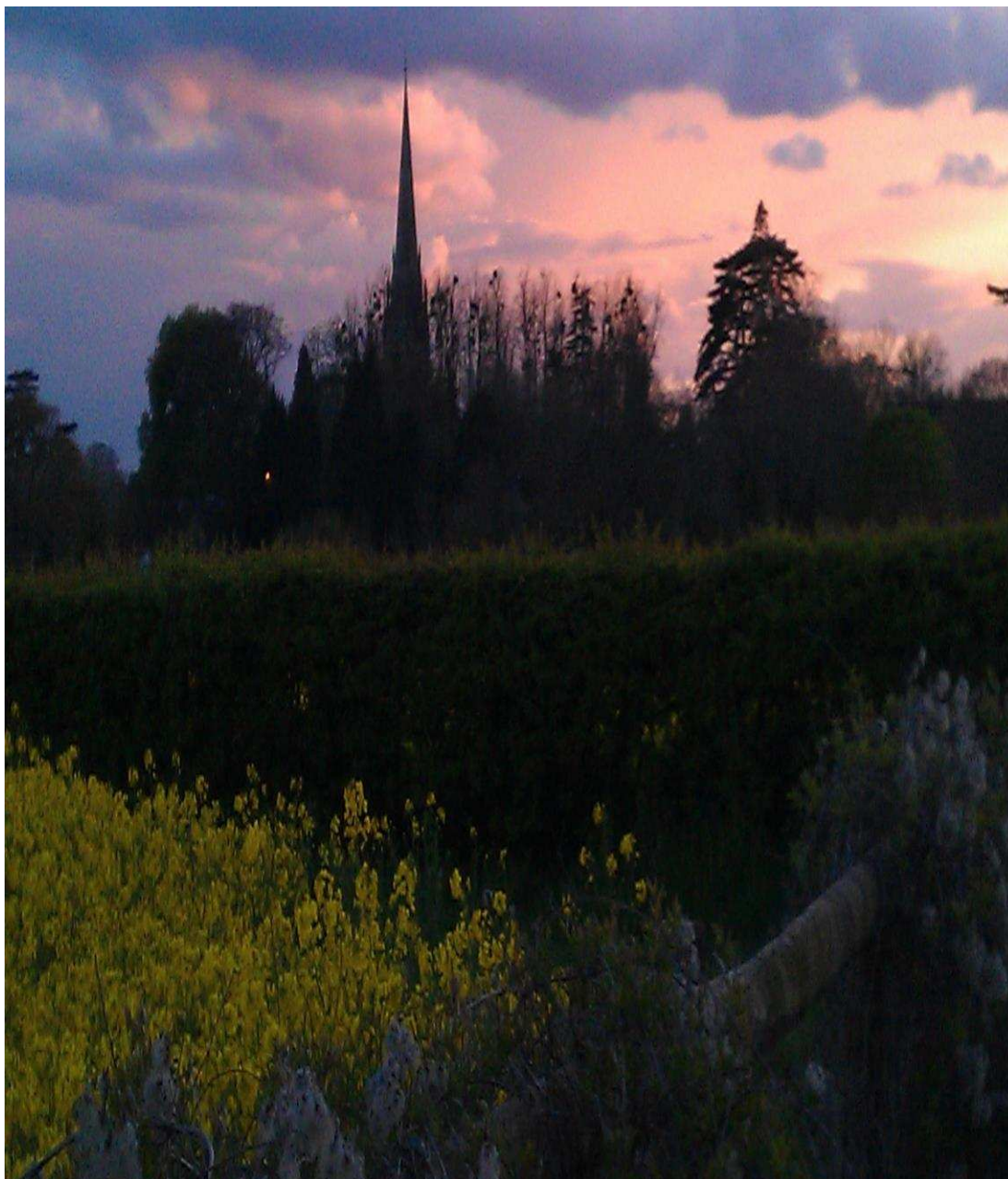
Yours faithfully,

Richard Hicks  
Clerk/RFO

Highnam Parish Council

**Item 5 – 16/00486/OUT**

(Photo & commentary from local residents)



Greetings from Highnam where you're looking at a view that's very special indeed to us local residents.

It's the crowning glory of the village, the 19th century Church of the Holy Innocents....built by Thomas Gambier-Parry in memory of his wife Isabella and their children.

The soaring spire is a landmark for miles around although, sadly, it can't actually be seen from most of the homes in the village.

That's why this particular view, as you drive down the Oakridge, or use this path - the Network Route number 42 - is very special indeed.

The parish council recognised just that when it planted spring flowers to enhance the view of the church and the stunning specimen trees of Highnam Court.

When you live in Highnam, as we have for 35 years, there's great pleasure to be had here - watching the seasons change and appreciating the environment.

Like many other locals, we've paused here countless times to look at the church silhouetted against a beautiful sunset sky.

Highnam hasn't got much of a village green, there's no picturesque pub with roses around the door but we do have is this view to treasure each time we pass.

But if houses are built right here they will ruin our view of the church which Sir John Betjemin described as the most perfect Victorian church in England.

As a village we must take our share of new housing but there are already enough rooftops in this corner of Highnam. There are other areas of the village where new houses would have relatively little impact.

We're not NIMBYs. We all live in houses where there were fields a generation ago. But we all came to Highnam understanding that the Oakridge was the development boundary and these fields would stay unspoilt.

This is the green and pleasant land where Hubert Parry wrote Jerusalem. Please listen to local people and allow us to keep this part of Highnam green and pleasant.

John + Janet Hawkins of Highnam.

**Item 5 – 16/00486/OUT**  
(Photo from local resident)



## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	11 April 2017
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Cllr D M M Davies, Lead Member for Built Environment
<b>Number of Appendices:</b>	1

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

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

## 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:

<b>Application No</b>	<b>16/00520/FUL</b>
<b>Location</b>	Treglos Fleet Road Twyning
<b>Appellant</b>	Miss Janet Houlan
<b>Development</b>	Slimline 1000L oil storage tank at front of property
<b>Officer recommendation</b>	Permit with conditions
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	Allowed with condition amendment
<b>Reason (if allowed)</b>	Permission had been granted for this application, subject to a condition requiring screening for the proposed oil storage tank to be provided in advance of the storage tank being put in place. The applicants were unhappy with the timing of the requirement. The Inspector concluded that the disputed condition was necessary, having regard to the impact on the character and appearance of the area and Government policy in the NPPF, however, the timescale originally given for implementation was not reasonable. Therefore the Inspector deleted the original condition (condition 3) and replaced it with the Council's suggested alternative condition, with some minor changes of wording to improve clarity.
<b>Date</b>	10.03.2017

<b>Application No</b>	<b>16/00344/PDAD</b>
<b>Location</b>	Hayden Farm Barns Hayden Farm Hayden Lane Boddington GL51 0SR
<b>Appellant</b>	Mrs T M Hadley & Mrs E James
<b>Development</b>	Conversion of two agricultural barns to 2. no residential dwellings, including the works necessary to allow them to function as dwellings.
<b>Officer recommendation</b>	Refusal
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed – Costs Application A and B refused.
<b>Reason (if allowed)</b>	Class Q of the General Permitted Development Order permits the change of use of an agricultural building to residential use, though the permitted development rights are restricted through conditions in the Order. Proposals must be a true conversion and not a rebuild and if a proposal fails this, then it is not permitted development. The Inspector considered that the structures required substantial rebuilding of the exterior walls for the building to function as a dwelling and this would not represent conversion. The proposal was therefore not permitted development and the appeal dismissed.  Both the Council and Appellant sought an award of costs for unreasonable behaviour however in both instances the Inspector considered that this had not been proven.
<b>Date</b>	21.03.2017

### 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

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**Background Papers:** None

**Contact Officer:** Jane Bagley, Appeals Administrator  
01684 272286 [Jane.Bagley@teWKesbury.gov.uk](mailto:Jane.Bagley@teWKesbury.gov.uk)

**Appendices:** Appendix 1: List of Appeals received



List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00610/FUL	Land Opposite The Orchard Alstone Tewkesbury Gloucestershire GL20 8JD	Erection of two new dwellings with garages including altered vehicle access, drives, turning, parking spaces and landscaping.	03/03/2017	W reps	CIP	07/04/2017
16/00640/OUT	Tredington House Tredington Tewkesbury Gloucestershire GL20 7BU	A pair of agricultural workers dwellings	03/03/2017	Hearing	LLJ	07/04/2017

**Process Type**

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