

# TEWKESBURY BOROUGH COUNCIL

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

## **Present:**

Chair

Councillor J H Evetts

## **and Councillors:**

R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, 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

## **PL.89 ANNOUNCEMENTS**

89.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

89.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

## **PL.90 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

90.1 Apologies for absence were received from Councillor R D East (Vice-Chair). There were no substitutions on this occasion.

## **PL.91 DECLARATIONS OF INTEREST**

91.1 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.

91.2 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>
R A Bird	17/00017/FUL Noverton Farm, Noverton Lane, Prestbury	Is a Member of Gloucestershire County Council, which is the applicant, but had not been involved in the promotion of the application.	Would speak and vote.
Mrs G F	17/00123/FUL	Is a Member of	Would speak

Blackwell	24 Pirton Lane, Churchdown	Churchdown Parish Council but does not participate in planning matters.	and vote.
M Dean	17/00017/FUL Noverton Farm, Noverton Lane, Prestbury	Is a Borough Councillor for the area.	Would speak and vote.
Mrs A Hollaway	17/00017/FUL Noverton Farm, Noverton Lane, Prestbury	Is a Borough Councillor for the area.  Is a Member of Southam Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	17/00224/FUL 9 Kenelm Rise, Winchcombe	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
Mrs P E Stokes	17/00123/FUL 24 Pirton Lane, Churchdown	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	17/00017/FUL Noverton Farm, Noverton Lane, Prestbury	Is a Member of Gloucestershire County Council, which is the applicant, but had not been involved in the promotion of the application.	Would speak and vote.

91.3 There were no further declarations made on this occasion.

**PL.92 MINUTES**

92.1 The Minutes of the meeting held on 11 April, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.93 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

## Schedule

- 93.1 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.

### **17/00224/FUL – 9 Kenelm Rise, Winchcombe**

- 93.2 This application was for a single storey rear extension and side extension. The Committee had visited the application site on Friday 5 May 2017.
- 93.3 The Chair invited Lindsey Wallace, a local resident speaking against the application, to address the Committee. She explained that some of her concerns about the proposed development of 9 Kenelm Rise - access to guttering and insulation along the common wall - had been addressed in the latest revised plans and she was grateful that the applicant's agent had taken time to discuss this matter with herself and her husband. Notwithstanding this, they continued to feel that, due to its overall size and height, the extension would have an overbearing impact on their property and also on No. 11 Kenelm Rise. It would restrict the light into their conservatory and main living room, which had no other source of light, particularly in the winter months. They had calculated that the proposed extensions would result in an increase of more than 70% of the original footprint of the building and the side wall adjacent to No. 7 would, at its full length of 6m, be in the region of 3m above the ground level of their garden due to the slope. The ridge of the pitched roof would be almost 2m above that. She asked that the Committee reject the application on those grounds.
- 93.4 The Chair invited the applicant's agent, Ian Povey, to address the Committee. Mr Povey explained that his client had been searching for a long time to find a suitable property to become her 'forever' home. It was very important that the property enabled her to look over her late husband who was laid to rest in the town's cemetery. As the property would be her forever home, it was imperative that it was a bungalow and, therefore, only a small number of properties were suitable which seldom came up for sale. The applicant, who originated from Winchcombe and whose family resided in the town, had been lucky enough to purchase No. 9 when it had come onto the market in 2016. One of her daughters lived in Dubai with her young family and it was important that the proposed alterations allowed for an additional bedroom to be created, whilst maintaining a single storey layout. Similar properties in the area had already been altered to provide an additional bedroom; however, this had been undertaken by converting the loft space. In many cases this had resulted in the construction of large box dormers, either to the front or rear of the property. In some cases these could look overbearing and dominate the original buildings which could also result in a loss of privacy to neighbouring properties. One constraint that affected these properties was the location of Severn Trent Water's foul and surface water drains within the rear gardens. Due to the transfer of ownership of the mains drain in 2011, development over and around the drains became subject to far stricter regulations, for example, manholes could not be built over to ensure access for maintenance purposes. Drains could be built over in most cases; however, construction in close proximity was far more difficult. The proposed footprint of the extension to No. 9 was therefore governed greatly by the existence of two manholes and two drains within the rear garden. A scheme had been prepared to provide a kitchen, utility and living space to the rear of the property and this had been submitted in October 2015. Due to objections from the immediate neighbours and concerns from the Planning department, a site meeting had been undertaken with the Planning Officer where it had been advised

that the extension would be more acceptable if it were reduced in length and the design simplified slightly. It had therefore been decided to withdraw the application and prepare a reduced scheme. Sketches had been prepared to reflect these discussions and they had been submitted for comment. Additional concerns had been raised over the impact of the extension on the adjoining property to the east. An inspection of the neighbouring garden had been undertaken and two further schemes had been submitted for further comment. The final scheme, which formed this application, reflected a reduction in length, width and height over the original proposals. The side wall closest to the adjoining property was now 935mm from the boundary and, in some cases, as little as 150mm, and the design of the gable elevation had also been simplified. Internal improvements were proposed to increase the level of insulation on the party wall. The applicant had been prepared to take on board any feedback and adjust the scheme accordingly. Copies of the proposed drawings had been issued to immediate neighbours when the application had been submitted. It was now felt that this scheme would prevent any detrimental impact on the neighbouring properties and provide a sympathetic solution.

93.5 In response to a query as to what would be allowed under permitted development rights, the Planning Officer clarified that the main element of the rear extension would project approximately 6m into the garden, the extension would measure 4.4m in height to the ridge line and approximately 2.6m to the eaves, at its highest point. Under permitted development rights, the projection would need to be within 3m and the ridge and eaves height would both need to be reduced. 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 as the proposal was of an acceptable size and scale that would not result in a significant overbearing impact on the surrounding properties. The proposer of the motion explained that the applicant had worked with the Planning Officer to reduce the extensions to ensure that the resulting property would not have an unacceptable adverse impact and it was not dissimilar to what would be allowed under permitted development rights. A Member noted that the acceptable ridge height under permitted development was 4m whereas this proposal was 4.4m and, more significantly, it was almost twice the length of that which would be acceptable under permitted development rights which he considered to be unacceptable. If Members were minded to permit the application, the Development Manager recommended the inclusion of standard conditions in relation to time period and materials, and a condition to control the windows on the side elevations to prevent overlooking.

93.6 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** on the basis that the proposal was of an acceptable size and scale that would not result in a significant overbearing impact on the surrounding properties, subject to conditions in relation to time period, materials and to control the windows on the side elevations to prevent overlooking.

**17/00221/FUL – Windrush, High Street, Stanton**

93.7 This application was to raise part of the roof, together with associated gable walls, chimneys and tabling; part retrospective application for the retention of a single storey bay extension to the rear of the property.

93.8 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the

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

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

**16/01452/APP – Part Parcel 3400, Columbine Road, Walton Cardiff**

- 93.9 This was a reserved matters application for 261 dwellings with affordable housing plus associated landscaping, drainage, public open space and highway associated works (associated with planning permission reference 16/00177/FUL) seeking consent for appearance, landscaping, layout and scale.
- 93.10 The Planning Officer explained that, following receipt of a number of updated drawings in relation to the highway layout, the County Highways Authority had now formally confirmed that appropriate visibility splays had been provided and it raised no objection to the proposal, subject to conditions. The Lead Local Flood Authority had sought clarification on certain elements of the proposal and, on the basis of the information that had been provided, had also confirmed that it had no objection to the proposal. As such, these matters no longer needed to be delegated to Officers and the Officer recommendation had been changed to approve.
- 93.11 A Member sought confirmation as to who would be responsible for the maintenance of the balancing ponds. The Planning Officer advised that management and maintenance had been agreed as part of the outline application via a Section 106 Agreement. The Council would adopt all public open space which would include the balancing ponds. All surface water drainage would be above ground in the ponds which meant that maintenance was essentially a mowing regime. A commuted sum in the Section 106 Agreement would cover all maintenance and management and a separate sum was available for the headwalls and filters which would also be the responsibility of the Council. All pipework beyond that would be adopted by Severn Trent Water and they would be managed either by Severn Trent or the County Highways Authority.
- 93.12 The Chair invited Nick Rawlings, representing the applicant, to address the Committee. Mr Rawlings indicated that there had been a lot of pre and post application discussion with Officers regarding planning, urban design, spatial arrangement of housing, landscaping and materials. He felt that it was a really good scheme in terms of layout and the issues in respect of vehicle tracking had been satisfactorily resolved with both the County Highways Authority and Lead Local Flood Authority confirming that they had no objection to the proposals. Members had heard that the Council would be adopting the public open space and full details had been submitted as required by the condition which had been included in the hybrid application. He stressed that the developer had always sought to liaise with the Parish Council and local residents and to keep Ward Members up to date throughout the planning process and during site preparation works which had been ongoing. It was noted that the delivery of the link road was being continued and was progressing well. He hoped that Members would support the Officer recommendation and approve the application.
- 93.13 The Chair confirmed that the Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. The proposer of the motion welcomed the development which would contribute to the five year housing land supply and he supported the fact that the site would be developed by local people. Further to the comments he had made at the last meeting, the seconder of the motion was pleased to note that adequate provision had been made for refuse bins. A Member sought clarification that the concern about the lack of information regarding flooding and sewerage had been addressed and the Planning Officer reiterated that, whilst most of the information

had been submitted, it had been encompassed within the management scheme and it had not been easy for the Lead Local Flood Authority to unpick it all; this had now been done and its concerns had now been satisfied. Upon being put to the vote, it was

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

**17/00179/APP – Parcel 5736, Newtown, Toddington**

- 93.14 This was an approval of reserved matters application for 33 dwellings including appearance, landscaping, layout and scale (access already approved).
- 93.15 The Development Manager explained that amended plans had been submitted to address the outstanding highway issues in respect of visibility splays, vehicle tracking and parking and the County Highways Authority had confirmed that it had no objection to the proposal. The Council's Strategic Housing and Enabling Officer had also confirmed that the revised parking layout was acceptable as it now provided parking adjacent to Plot 31 to serve its occupiers. On that basis, the Officer recommendation had been changed to approve.
- 93.16 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was

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

**16/01360/FUL – East of the Lodge, Hygrove Lane, Minsterworth**

- 93.17 This application was for change of use of land to a gypsy site for five family pitches.
- 93.18 The Planning Officer explained that, whilst the Council was now able to demonstrate a five year supply of market housing, the government also required the Council to demonstrate a five year supply of traveller and travelling showpeople sites; this was a distinct and separate requirement. At the present time, although the Council was getting closer through recent planning permission and appeal decisions, there was still a shortfall. This was the first of two applications on the Planning Schedule for gypsy sites in Minsterworth, which was a service village, and both sites were outside of the Green Belt and in a location which Planning Inspectors had previously deemed as suitable for traveller sites. In terms of the landscape impact, views of the site would be limited and screened to some extent by the existing traveller sites in the vicinity. Overall it was considered that the identified need for gypsy and traveller pitches within the borough outweighed the landscape harm and the proposal was recommended for permission on that basis.
- 93.19 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion felt that this was a very difficult decision as he understood the position with the shortfall of gypsy and traveller sites in the borough, however, he also sympathised with the residents of Minsterworth which already contained a high proportion of traveller sites. He pointed out that there were benefits of having additional sites in the area, not least that it would bring new pupils to the local school, but he shared the Parish Council concerns about creating an imbalance between villagers and travellers. Whilst he would be supporting the application, he did so with a heavy heart.
- 93.20 A Member noted that the Planning Officer had alluded to the fact that the Council

was 'getting closer' to meeting the requirements in terms of gypsy and traveller sites and she questioned exactly what the shortfall was and what impact this, and the next application, would have on the figures if they were to be permitted. The Planning Officer explained that there was still a presumption in favour of sustainable development if sites were sustainable. Even if the Council was able to demonstrate a five year supply there needed to be a rolling supply. This site was considered to be sustainable and the application should be supported accordingly. With regard to the supply, this was a very difficult question to answer; in terms of the Joint Core Strategy, there was a requirement for Tewkesbury Borough to demonstrate 147 pitches which would create a significant shortfall, however, this figure had been reduced quite a bit in the main modifications version of the Joint Core Strategy document. Looking at the recent ORS document, there were a number of unknowns under the new definition of gypsies and travellers and, without an agreed position on those, it was unclear exactly what the shortfall was.

93.21 Upon being taken to the vote, it was

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

**17/00083/FUL – Parcel 7710, Hygrove Lane, Minsterworth**

93.22 This application was for the variation of Condition 2 of planning permission 13/01216/FUL to allow a change to the layout and variation of Condition 4 to allow an increase in gypsy and traveller pitches from five to 10.

93.23 The Chair indicated that there were no public speakers for this item. 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 refused on the grounds that it would cause significant landscape harm. Although he had been supportive of the previous application, the proposer of the motion found it unacceptable to expect to add extra pitches to this existing site. He felt that the proposal did not accord with the National Planning Policy Framework and, given the uncertainty around the figures in relation to the shortfall of gypsy and traveller sites in the borough and the adverse impact that the additional pitches would have on the landscape, he could not support it. The seconder of the motion agreed that the existing site had been granted planning permission on appeal for a certain number of pitches and to decide that number should be increased after permission had been granted went against the fundamental principle of planning and was essentially 'development through the back door'. He appreciated that the Council was obliged to demonstrate a five year supply of gypsy and traveller sites but Officers had already pointed out that this was not an exact science. Doubling the number of pitches would clearly have a significant impact in terms of landscape harm and he felt that the application should be refused.

93.24 The Development Manager reminded Members that applications must be dealt with in a like manner. The Planning Officer had explained the situation in relation to the shortfall of gypsy and traveller sites in the last application and, although it may have been unsatisfactory, Members had accepted that the figures were unclear and this was important to bear in mind in the determination of this application. Looking at the impact on land use in planning terms, one of the issues was cumulative impact and the additional impact of five extra caravans on the site – this was a material planning consideration upon which Members could make a judgement. A Member indicated that she shared the Parish Council's concerns regarding highway safety on the basis that Hygrove Lane was both narrow and unmarked and could not take any more traffic. Another Member drew attention to Page No. 1018, Paragraph 5.23 of the Officer report, in relation to the need for gypsy and traveller sites and expressed the view that this was a speculative proposal which was not based on specific needs. He appreciated that each application must be taken on its own merits but on this occasion he would be

supporting the motion to refuse the application. Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the proposal would cause significant landscape harm.

**17/00017/FUL – Noverton Farm, Noverton Lane, Prestbury**

- 93.25 This application was for two flood storage areas, creating new ditches and installation of new culverts. The application had been deferred at the last Planning Committee meeting in order to obtain further information: on the selection process, including details of other sites and why they were rejected; to confirm that the scheme was the top priority for the county; to justify why the storage areas were needed; on the proposed landscape mitigation required; to clarify which flood zone the site fell within; to establish how the attenuation measures would be maintained in the long term and who would be responsible; to clarify the means of construction access; to identify what flood alleviation measures had been used for the new residential development at Oakley and Noverton and why they could not be upgraded to provide sufficient flood alleviation; and to establish what mechanisms would compensate the landowner for inconvenience or impact upon his businesses given that the works would be carried out under the Land Drainage Act powers and not through a Compulsory Purchase Order. The Committee had visited the application site on Friday 5 May 2017.
- 93.26 In terms of background to the application, the Head of Development Services explained that a key finding of the Pitt Review into flood risk management was for local authorities to prepare Surface Water Management Plans for areas most at risk of flooding. Gloucestershire County Council had commissioned Halcrow to prepare a Surface Water Management Plan for Cheltenham and it had identified Whaddon, Lynworth and Oakley as high risk areas. In accordance with the Flood Risk Regulations 2009 as Lead Local Flood Authority, the County Council had carried out a preliminary flood risk assessment and had identified the Priors/Oakley area as having the most number of people and properties at significant risk of flooding in the county making it the highest priority for Gloucestershire as a whole; this had been endorsed by the Environment Agency. Six other sites had been considered and Pages No. 1028/I-K of the Officer report set out the advantages and disadvantages of each option. This site had been considered the most appropriate and the proposal had been put forward following discussion with landowners. She confirmed that the scheme would be constructed and maintained using powers under Section 64 of the Land Drainage Act 1990. Those powers would provide compensation to affected landowners.
- 93.27 The Planning Officer indicated that a number of questions had been raised on the site visit in relation to the specifics of the application. She reiterated that over 300 properties in the area had been affected by flooding in 2007 and a similar number of properties were still at risk. She drew attention to a map which showed the properties affected and the depth and velocity of the flood water – the darker the colour the deeper and faster flowing the flood water. It was to be borne in mind that the map showed reported incidents only and there were likely to be many more which had gone unreported. Environment Agency data set out that six inches of water of the velocity experienced in 2007 could knock over an adult and two feet could sweep away a four by four vehicle. Pages No. 1028/E-F of the Officer report showed the section drawings and the embankment report stated that there would be a 3m difference between the highest and lowest points. Section A-A showed that it would be 2.2m higher than the existing ground level and Section B-B showed the top of the embankment level with the ground level on the other side; the top of the embankment would be lower than the other side. Gloucestershire County Council considered that, in a 1/100 year flood event, the basin would be drained within 24 hours; in lesser events, which could be expected once a year, it would drain in 4-6 hours. Given the infrequency, duration and



depth, the ponds would be dry for the majority of the year and existing access could continue without any problem. Pages No. 1028/I-K of the Officer report showed that the County Council had not carried out a full cost breakdown for each option. Whilst Option D had been considered to be most suitable location, and Option F was more expensive than Option D, Option F had been selected following discussion with landowners.

- 93.28 A Member noted that there had been a mixture of hedgerow and mature trees on the site, however, the pictures at Page No. 1028/T seemed to show that this would be impacted by the proposal and asked if this was correct. The Planning Officer confirmed there would be some loss of hedgerow and trees but not all would be removed. Another Member sought further details in respect of compensation for the landowner. The Head of Development Services explained that it was not intended to carry out a Compulsory Purchase Order, rather the scheme would be constructed and maintained using powers under the Land Drainage Act 1990. These powers provided compensation under a separate process which would be negotiated by the County Council and landowners. If an amicable solution could not be reached, it would be referred to the Land Tribunal for a decision. She stressed that this was completely separate from the planning process.
- 93.29 A Member pointed out that it had been evident on site that the brook had not been maintained for some time and, whilst she fully understood the riparian ownership issue, she found it quite surprising that it was within the ownership of the farmer who would be affected. She questioned whether the Lead Local Flood Authority had served notice on the landowner to undertake the works. The Head of Development Services recognised that the brook had not been particularly clear and there had been a conversation with the Lead Local Flood Authority in relation to that, however, as she understood it, no enforcement action had been taken in respect of clearing the brook. The Member went on to raise concern about the lack of a cost-benefit analysis for the alternative schemes and she felt that it was very difficult for the Committee to make a decision without that comparative information. The Head of Development Services recognised that a number of questions of this nature had been raised both at the last meeting and on the site visit and additional information had been included in the Officer report as a result. There were no detailed costings of the other sites; however, she understood that the cost of this particular scheme had increased in order to alleviate concerns of the landowners. Another Member went on to indicate that, from the information provided, he could not be sure that all other sites had been properly evaluated and he questioned whether this site had been chosen on the basis that it was more convenient for Gloucestershire County Council. The Head of Development Services reiterated that the Lead Local Flood Authority had provided information on the options that had been considered; seven schemes had been looked at as part of the work in relation to the issues arising in this location, although there had potentially been more options. A Member raised concern that a number of the points being raised were not material planning considerations and were outside of the remit of the Committee. The Head of Development Services echoed this point and indicated that there was a scheme before Members upon which they had to make a decision taking into account the information which had been provided at the last meeting, on the site visit and that which was before them today.
- 93.30 The Chair invited Oliver Rider, speaking on behalf of the owner of Noverton Farm, to address the Committee. Mr Rider confirmed that he represented the Sinnett family of Noverton Farm who were the landowners but not the applicants. The family had been based at Noverton Farm since 1938 and ran livery, riding schools and hay-making businesses; they strongly opposed the scheme. At the last meeting, he had set out a number of unresolved issues with Gloucestershire County Council's submission; he had queried the need for the scheme and whether £2M of the public purse was really warranted for the protection of so few properties. His primary concern was the effect on the Sinnett family's businesses

and the fact that no independent appraisal had been commissioned to assess both the short and long-term impacts on those businesses. He had also queried the proposed use of Land Drainage Act provisions to force access, rather than Compulsory Purchase and why the land to the south, owned by Cheltenham Borough Council, had been ruled out as a preferred option given the inevitable impact on the Tewkesbury Borough-based businesses. Those concerns had been echoed by Members and the application had been deferred to seek further assessment on a number of matters. He had expected such evidence to comprise a number of separate appraisals, each containing extensive analysis, and he had been disappointed that the County Council had only provided a single document on which to address the Committee's concerns. The document provided brief statements on the County Council's position but did not contain any of the thorough analysis requested and the submission contained no reference to the likely impact on the businesses at Noverton Farm. As explained last month, the project would take six months to construct and he questioned what would happen to the businesses during that time. If clients were forced to move their horses elsewhere, their custom would be lost and would not return. Horses were temperamental and did not react well to changes in surroundings; some clients had already stated they would stop using the facilities if planning permission was granted today. An independent equestrian report exploring the actual impact on those businesses should have been carried out. The information submitted by the County Council did nothing to address the concerns; it was unclear precisely what the public benefits of the scheme would be and there was no independent analysis to show how the development would affect local businesses. The only thing which could be gleaned from the submission was that this development could be provided on public land in Cheltenham Borough but the County Council preferred to build here instead. This decision had seemingly been made without any regard to the longstanding businesses. He asked the Committee to refuse the application on two grounds; firstly, the development would cause undue harm to the setting of the Area of Outstanding Natural Beauty by virtue of its siting and engineered form and it was not demonstrated that the harm was outweighed by public benefits; secondly, the application failed to provide evidence to show there would not be unacceptable short and long-term impacts on existing businesses at Noverton Farm.

- 93.31 The Chair invited Simon Excell, Gloucestershire County Council's Planning Officer, to address the Committee. He indicated that there were three main issues he wished to address; the need for the scheme, the question of whether the money could be better spent elsewhere and the use of the land. In terms of need, the area where the scheme was proposed to be built did not flood, however, the residential properties down the hill from the scheme did flood. It was known that over 300 properties had flooded in 2007 and, although he accepted that half the county had been under water at that time, since then, several residential properties had again been flooded in this area including Prior's Road in 2011, Imjin Road in 2012, the High Street in Prestbury in 2012 and Cromwell Road where there had been five different flooding instances in the last 10 years. Without this scheme, those properties would flood again but all would be protected by this scheme. This scheme was Gloucestershire County Council's number one priority for the county and would protect 213 properties from flooding. DEFRA had stated that it would fund four flood storage areas in the county, all of which were in Tewkesbury Borough. These flood storage areas could only be delivered if planning permission was granted. DEFRA funding of £1.7M had been secured in March to build this scheme which had been put forward for consideration at the next available Planning Committee in April. In order to comply with the conditions of the funding, it was necessary to start the work within three months of receiving it, i.e. next month. If the Committee refused or deferred the planning application today this would not be possible and the funding would go back to the government and would not come back to Gloucestershire. In terms of the options for the site, seven sites

had initially been analysed but not fully designed or costed. This had been narrowed down to two sites and this site had been selected following consultation with the landowner. The landowner was not going to lose the land and the County Council would not be compulsorily purchasing it; 99.9% of the time, the landowner would be able to continue using it as they did currently. He recognised that there would be an inconvenience during construction but the landowner would be financially compensated for that. Members needed to weigh up an inconvenienced landowner for a few months versus a flood storage area to protect 213 properties from flooding for 50 years.

93.32 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 permitted in accordance with the Officer recommendation. The proposer of the motion explained that the two questions in his mind had been answered; whether or not the scheme had been assessed and was appropriate and whether the landowner would be compensated. The technical experts had made a decision as to which scheme would be best and there was a legal process which could be followed if the two parties could not agree. The seconder of the motion felt that the scheme had been adequately assessed and, whilst it might not be the ideal solution, it was the one which was available and should be judged on its own merits.

93.33 A Member stated that he had concerns as to the reasons why this scheme had been prioritised and the wider agenda; however, an assessment had been carried out and he could see no planning reason to refuse the application. Another Member indicated that she had a real problem with the proposal in that the properties had flooded in 2007 and yet it had only been identified as a priority 10 years on. She understood that funding needed to be secured but she shared the previous speaker's concerns in relation to the reasons for this being prioritised at this time. The Planning Committee was not a finance committee and, as such, she could not support the proposal. Upon being put to the vote, it was

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

**17/00123/FUL – 24 Pirton Lane, Churchdown**

93.34 This application was for a two storey side extension and single storey rear extension.

93.35 The Chair indicated that there were no public speakers for this item. 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.

**17/00189/FUL – Greensleeves Shooting Club, The Range, The Park**

93.36 This application was to replace the existing timber-clad target shed with a dual purpose target shed/store.

93.37 The Chair indicated that there were no public speakers for this item. 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.

**PL.94 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

94.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 34-38. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued.

94.2 It was

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

The meeting closed at 10:30 am

## Appendix 1

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

Date: 9 May 2017

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

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

Page No	Item No	
986	2	<p><b>17/00221/FUL</b></p> <p><b>Windrush, High Street, Stanton.</b></p> <p><b>Additional Supporting Information:</b></p> <p>The applicant has commissioned a height survey (received by the Local Planning Authority on 2 May 2017) of neighbouring properties to show how these compare with the submitted proposals and a statement relating to these surveys. <b>Please see attached below plans and statement.</b></p> <p><b>Representations:</b></p> <p>In response to the commissioned a height survey, two further letters of objection have been received (both from the same household) The objections are outlined below:</p> <p><i>"The applicant has produced a survey report by Bury Associates which clearly shows the spot heights of the locality, including the levels in the High Street as it rises up the Cotswold Way towards the escarpment. The spot heights of the neighbouring roof ridges indicate a fairly constant increase between The Old Bakehouse at 16.04, Warren Farmhouse at 16.66, Manor Farm at 17.15, Jesters at 17.21, Orchard Farmhouse at 18.62 and Little Warrens at 18.63. The total difference is 2.59 metres at the ridge heights. Similarly along the centre of the High Street which rises from 6.96 opposite the Old Bakehouse to 10.61 opposite Little Warrens the difference is 3.65m.</i></p> <p><i>The High Street spot height opposite the driveway to Windrush is marked at 8.85 which rises to 10.70 (varies between 10.50 and 10.77) at ground level in front of Windrush. The current ridge height of 17.10 is in keeping with the other nearby buildings and is acceptable as a tandem developed home. If the eventual height is raised to 18.60 it will be almost as high as Little warrens further up the road and will disproportionately impact and overshadow the roofline of the neighbouring houses behind which Windrush was built along the same side of the road."</i></p> <p><i>"I wish to add to my original objection in the light of recent surveys carried out and the applicant's fresh observations. It should be appreciated that Windrush was built in the 2nd half of the 20th Century on backland to the south of the High Street on ground rising up to the Cotswold Escarpment which is at least 2 metres higher than the land on which the village houses were built 400 years ago. Thus any increase in the height of the roof of the application dwelling would have a disproportionate and overbearing affect upon neighbouring dwellings and the roof lines of the village street."</i></p>

		<p><b>Recommendations:</b></p> <p>The above objections are acknowledged, however, based on the additional information received it is still recommended that planning permission is granted for the reasons given within the Committee report.</p>
991	3	<p><b>16/01452/APP</b></p> <p><b>Part Parcel 3400, Columbine Road, Walton Cardiff.</b></p> <p><b>County Highways Authority Update</b></p> <p>The County Highways Authority (CHA) has now formally written to confirm that, following receipt of a number of updated drawings in relation to the highway layout in response to their previous comments, appropriate visibility splays have been provided at internal junctions and for individual driveway accesses and some of the longer cul-de-sacs have included speed reducing features, such as buildouts, to reduce vehicle speeds to an appropriate level. The CHA confirm that it therefore has no objection to the proposal, subject to the following conditions:</p> <p>Notwithstanding the submitted details a pedestrian crossing point shall be provided from the vicinity of plot 232 to the western side of the street including footway provision to provide pedestrian access to plots 210-218 inclusive prior to occupation of the se plots and maintained as such thereafter.</p> <p>Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.</p> <p>Prior to the street being made available for public use a scheme to prevent vehicle use of the pedestrian area between the kerbed build out and the carriageway edge adjacent to plot 185 as shown on submitted drawing 02491-05 A shall be completed and maintained as such thereafter.</p> <p>Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.</p> <p>Prior to the relevant street being opened to the public the visibility splays shown on submitted drawing 02491-01 E shall be provide clear of obstruction at a height of between 0.6 and 2m above the adjacent carriageway level and shall be maintained as such thereafter.</p> <p>Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.</p> <p>No vehicle access that crosses a footway shall be brought in to use until a 2x2m 45 degree pedestrian visibility splay has been provided at a height of not less than 0.6m and shall be maintained as such thereafter.</p> <p>Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.</p>

		<p><b>Flooding and Drainage Update</b></p> <p>All additional information requested by the Gloucestershire Lead Local Flood Authority (LLFA) has been provided and, on the basis of this additional information, the LLFA has formally responded approving those SUDs details.</p> <p>On the basis of the LLFA comments, Condition 12 of the Outline consent has now been discharged.</p> <p>With all the outstanding matters now having been satisfied it is accordingly recommended that the application be <b>Approved</b>.</p>
1000	4	<p><b>17/00179/APP</b></p> <p><b>Parcel 5736, Newtown, Toddington.</b></p> <p><b>Amended Plans</b></p> <p>Amended plans have been submitted to address the outstanding highway issues, particularly in respect of visibility splays, vehicle tracking and parking.</p> <p>On the basis of the amended plans the County Highways Authority has confirmed it has no objection. The amended plans show revised visibility splays for the private access drives which are now considered to be acceptable. Furthermore, the shared surface site access roads are suitable width for refuse vehicle forward gear entry and exit tracking and inter-visible two-way passing of an estate car. In terms of parking, the proposed plans illustrate in excess of local census car ownership data plus visitor parking.</p> <p>The Council's Strategic Housing and Enabling Officer has also confirmed that the revised parking layout is acceptable in that it now provides for parking adjacent to Plot 31 to serve its occupiers.</p> <p><b>Recommendation</b></p> <p>On the basis of the amended plans the recommendation is now amended to <b>APPROVE</b>.</p>
1005	5	<p><b>16/01360/FUL</b></p> <p><b>The East of The Lodge, Hygrove Lane, Minsterworth.</b></p> <p>The following corrections are made to the report and to the wording of condition 8:</p> <p>Reference to a recent appeal made in Paragraph 5.12 should be application 13/01216/FUL, a neighbouring site.</p> <p>Paragraph 5.23 should refer to 'on this site'</p> <p>This application would contribute towards meeting the identified need for gypsy and traveller pitches in the Borough, not transit pitches as stated in Paragraph 6.2. The word 'transit' is therefore removed from Paragraph 6.2 of the report.</p> <p>Condition 8 is amended so that it is negatively worded as follows:</p> <p>8 Notwithstanding the submitted plans no development shall commence on site until details of passing places for vehicles in the vicinity of the site accesses and where Hygrove Lane meets the lay-by onto the A48 have been submitted and approved in writing by the Local Planning Authority. No development will commence on site until the approved passing places have been constructed in accordance with the approved details.</p> <p>Reason: To mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework and in accordance with paragraph 35 of the National Planning Policy Framework and ensure that a safe means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is</p>

		provided in accordance with paragraph 35 of the National Planning Policy Framework.
1013	6	<p><b>17/00083/FUL</b></p> <p><b>Parcel 7710, Hygrove Lane, Minsterworth</b></p> <p>The following corrections are made to the report and to the wording of condition 12.</p> <p>No condition is required for this application to narrow the site access. Paragraph 5.17 of the report is therefore not applicable to this application and is removed from the report.</p> <p>Reference to a recent appeal made in Paragraph 5.10 should be application 13/01216/FUL, a neighbouring site.</p> <p>This application would contribute towards meeting the identified need for gypsy and traveller pitches in the borough, not transit pitches as stated in Paragraph 5.25. The word 'transit' is therefore removed from Paragraph 5.25 of the report.</p> <p>Condition 12 is amended so that it is negatively worded as follows:</p> <p>12 Notwithstanding the submitted plans no development shall commence on site until details of passing places for vehicles in the vicinity of the site accesses and where Hygrove Lane meets the lay-by onto the A48 have been submitted and approved in writing by the Local Planning Authority. No development will commence on site until the approved passing places have been constructed in accordance with the approved details.</p> <p>Reason: To mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework and in accordance with paragraph 35 of the National Planning Policy Framework and ensure that a safe means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 35 of the National Planning Policy Framework.</p>



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LANCE TANKARD  
WINDRUSH  
STANTON  
GLOUCESTERSHIRE  
WR12 7NE



30 April 2017

Dear Planning Committee

**Planning Application, Windrush, Stanton.**

Firstly, I do apologise for not attending the hearing in person. I am currently out of the country and not home until mid May.

I am sure you already have information at hand on which you will decide this application but if I may I would just like to add a couple of points that I would like consideration to be given.

The common theme running through the objections from my neighbours is that this increase in ridge or gable height will dominate the village and in particular the listed buildings on the High Street. Windrush sits almost entirely out of sight of the High Street and is rarely found by visitors or delivery drivers.

I have instructed a firm of surveyors to record the building heights of the houses in the High Street as a comparison to my own. I have attached a hand drawn plan which shows fairly accurately the layout of the surrounding houses but of course is not to scale. The position of the houses is correct though.

Windrush is currently 6.38 metres tall. If planning were allowed it would become 7.88. As the plan shows and the surveyors figures outline, Windrush will still be significantly lower in height than the surrounding homes if planning were approved. It is true that all homes on the right side of the High Street start life higher than the left due to the raised ground level. It becomes even more pronounced as you travel further into the village.

Another point touched upon by a neighbour is that Windrush has already been over developed. We purchased the property in 2007 and the footprint has changed little since then. A single garage extension to the left side, the addition of a porch with gable over and the granting of permission for an orangery to the rear in place of a tiled but open outdoor sitting area.

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I honestly feel that the mistake I made was in not seeking to apply for this change from the outset. I sought and obtained permission in 2008 to raise the existing gables by a couple of feet to meet the existing ridge height. I had thought and hoped this would provide the height to our first floor that would make life more comfortable. We even consulted on the view that we should knock the original house down and re-build. If we had done that I feel sure that a two storey home would have been allowed.

As it is, the wall height from front to back in my bedroom is 32 inches and then the roof slope begins. You will see that the bottom of my window sill is higher than the start of the roof. There are several pinch points within this area that are downright dangerous where the valleys meet to the rear. I have once knocked myself clean out and twice had cuts to my head. I can only place a small chest of drawers into these areas and then limbo up towards them if I want to open a drawer.

I have been very mindful of the front aspect and any change. I have four gables to the front of the house. I only seek to raise one of them. (The far left). To the rear, I cannot see another house and no other house overlooks me. I am not seeking to be a dominant village house and I really don't feel this will impact my neighbours in a negative way.

There seems to be an impression that I am trying to achieve a third floor as many of the neighbours have. I am only trying to achieve a full second floor and actually, only for half of my home. If I could achieve more first floor wall height without raising the ridge line I would do it but as we know the roof requires a certain pitch or lean angle. I have attached a badly printed photograph of three cottages in the High street. They are directly opposite the home of Mr Tucker and Mr and Mrs Cordell, both of whom are complainants. If granted, Windrush would be slightly lower in height than the two on the left and one foot higher than the one on the right. These cottages (Shepherd Hay, Stanton Cottage and Quince Cottage) are lovely and hardly dominant or overbearing.

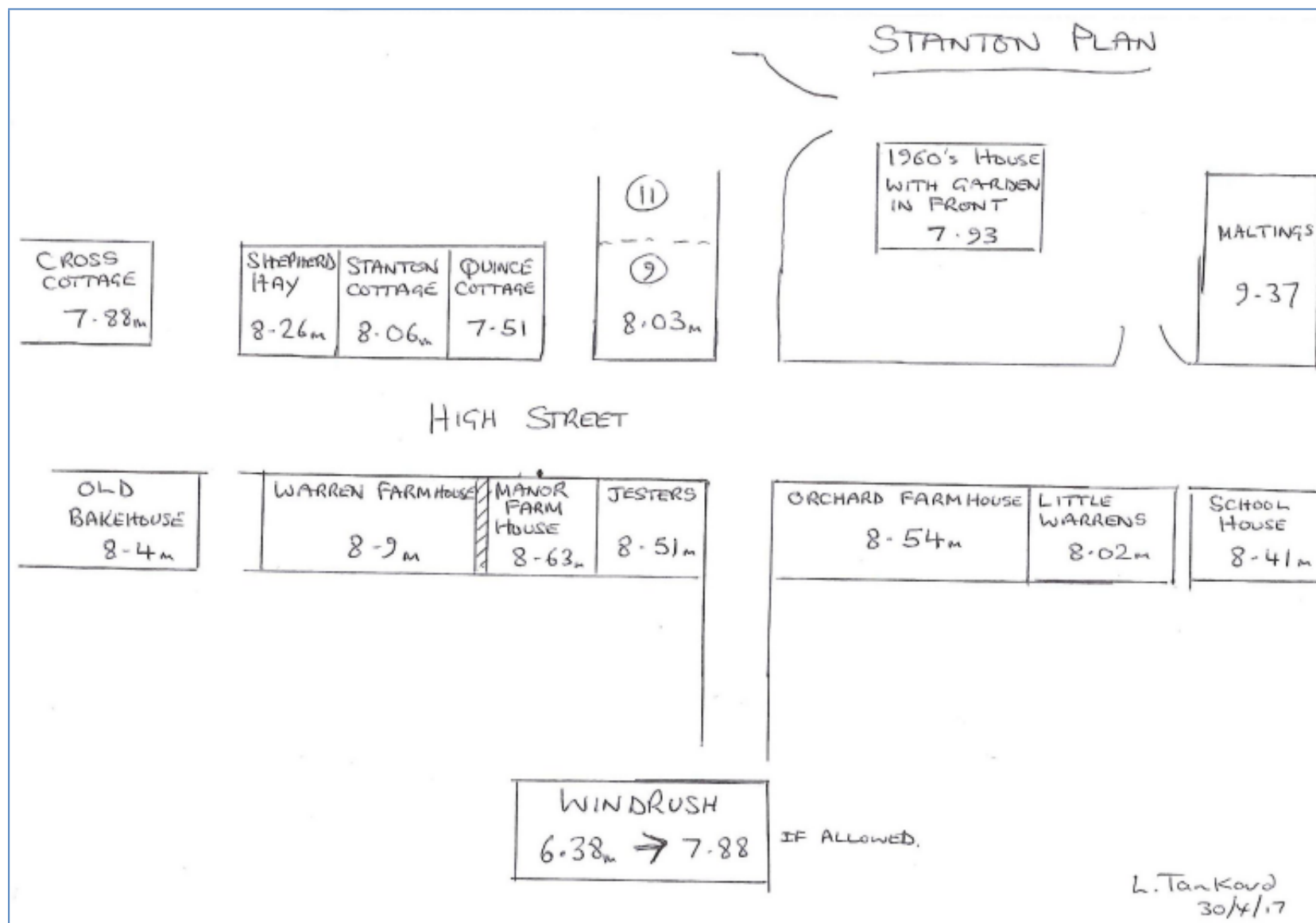
Thank you for taking the time to read my additional submission. I have informed my neighbours of the surveyors findings in order that they may make further representations to you if they desire.

Yours Sincerely,

A solid black rectangular box used to redact the signature of Lance Tankard.

Lance Tankard

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All heights in metres

**Windrush**

- Ground level 10.72
- Ridge 17.10
- Height 6.38

**Old Bakehouse**

- Ground level 7.64
- Ridge 16.04
- Height 8.4

**Warren Farmhouse**

- Ground level 7.76
- Ridge 16.66
- Height 8.90

**Manor Farmhouse**

- Ground level 8.52
- Ridge 17.15
- Height 8.63

**Jesters**

- Ground level 8.70
- Ridge 17.21
- Height 8.51

**Orchard Farmhouse**

- Ground level 10.08
- Ridge 18.62
- Height 8.54

**Little Warrens**

- Ground level 10.61
- Ridge 18.63
- Height 8.02

**School House**

- Ground level 12.71
- Ridge 21.12
- Height 8.41

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**Maltings**

- Ground level 10.70
- Ridge 20.07
- Height 9.37

**House in own garden set back**

- Ground level 10.87
- Ridge 18.82
- Height 7.95

**No.9?**

- Ground level 8.53
- Ridge 16.56
- Height 8.03

**Quince**

- Ground level 8.16
- Ridge 15.67
- Height 7.51

**Stanton**

- Ground level 7.58
- Ridge 15.84
- Height 8.26

**Shepherd Hay**

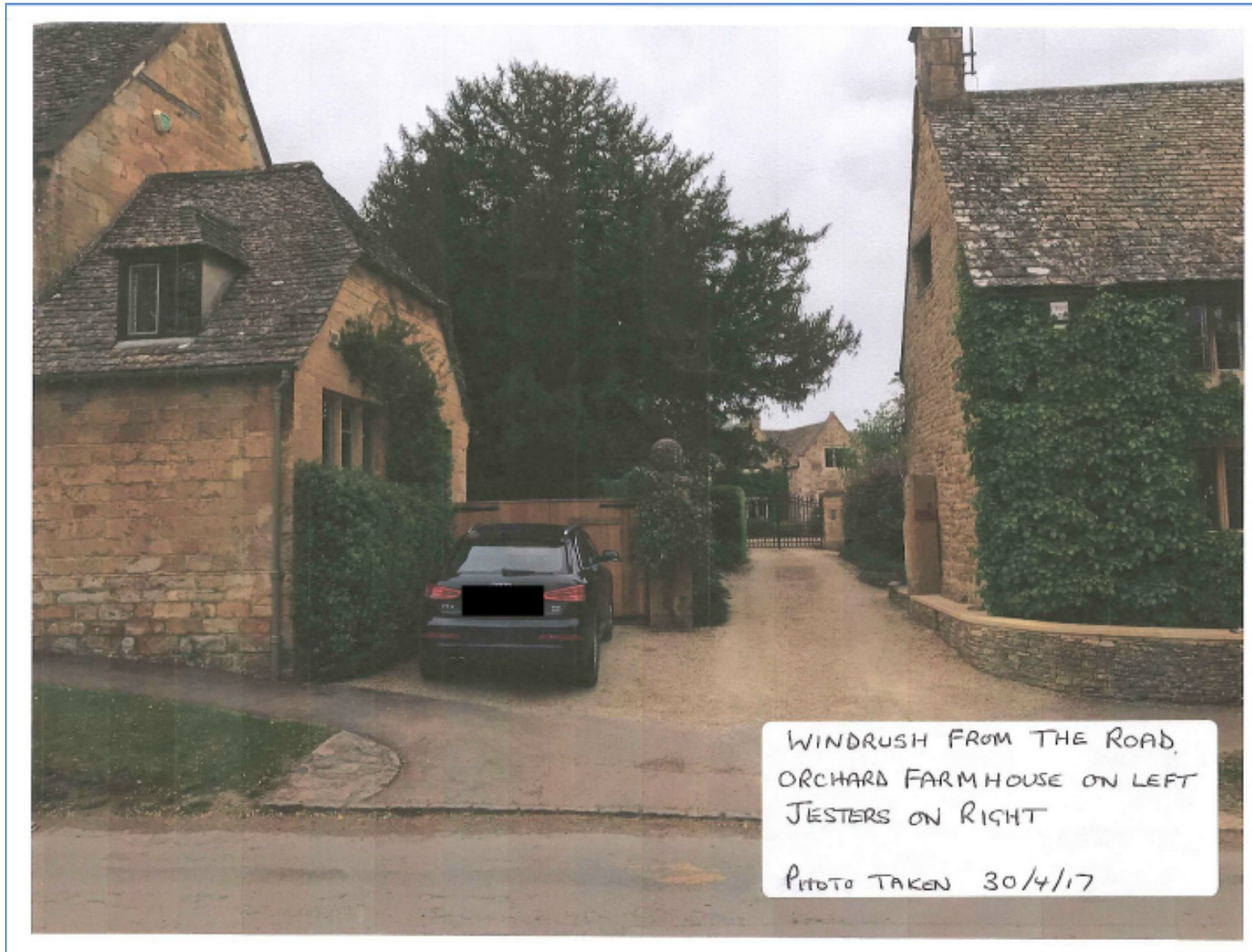
- Ground level 7.58
- Ridge 15.74
- Height 8.16

**Cross Cottage**

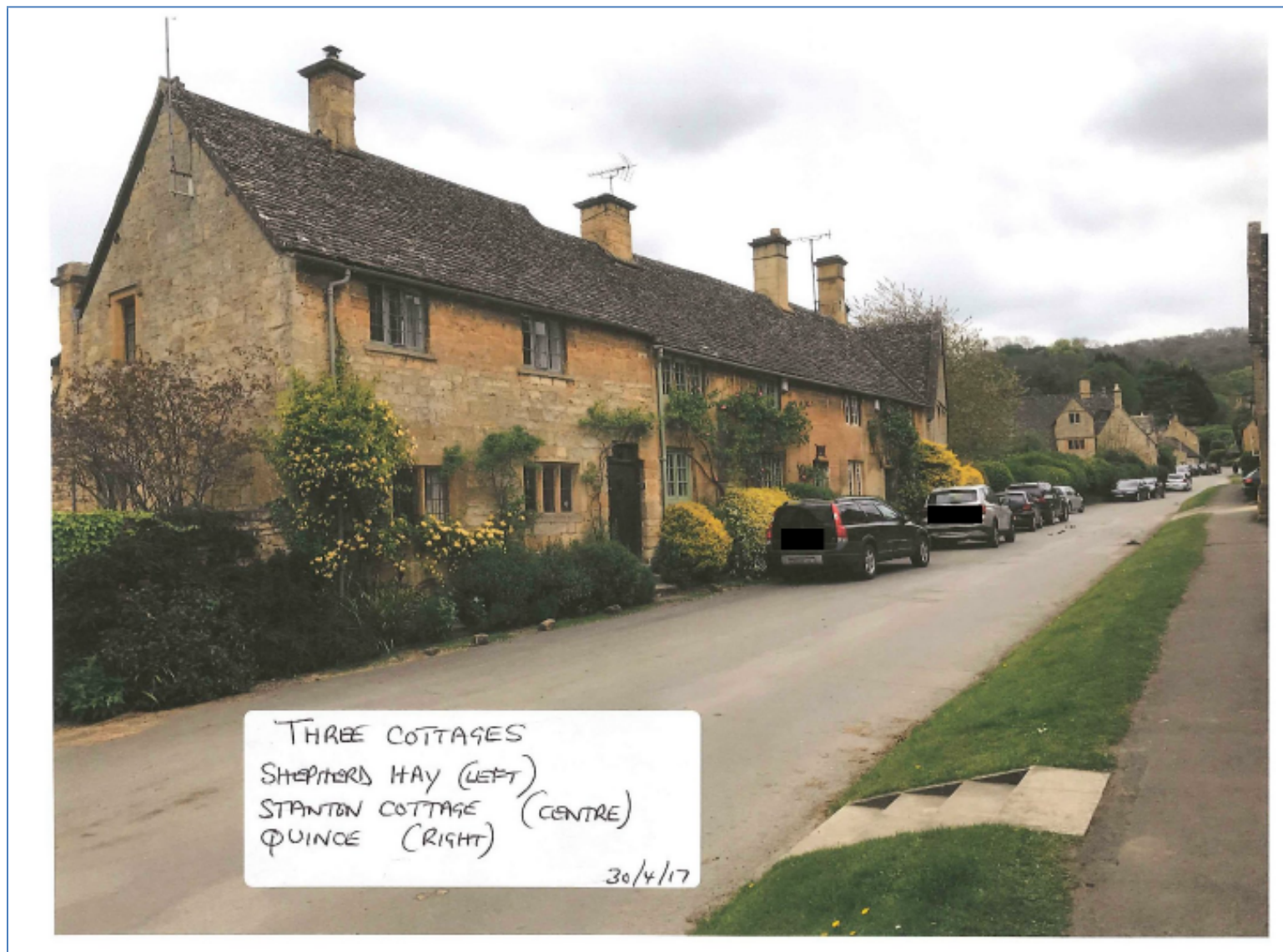
- Ground level 7.05
- Ridge 14.93
- Height 7.88

I believe the Surveyor  
had these names in  
wrong order.

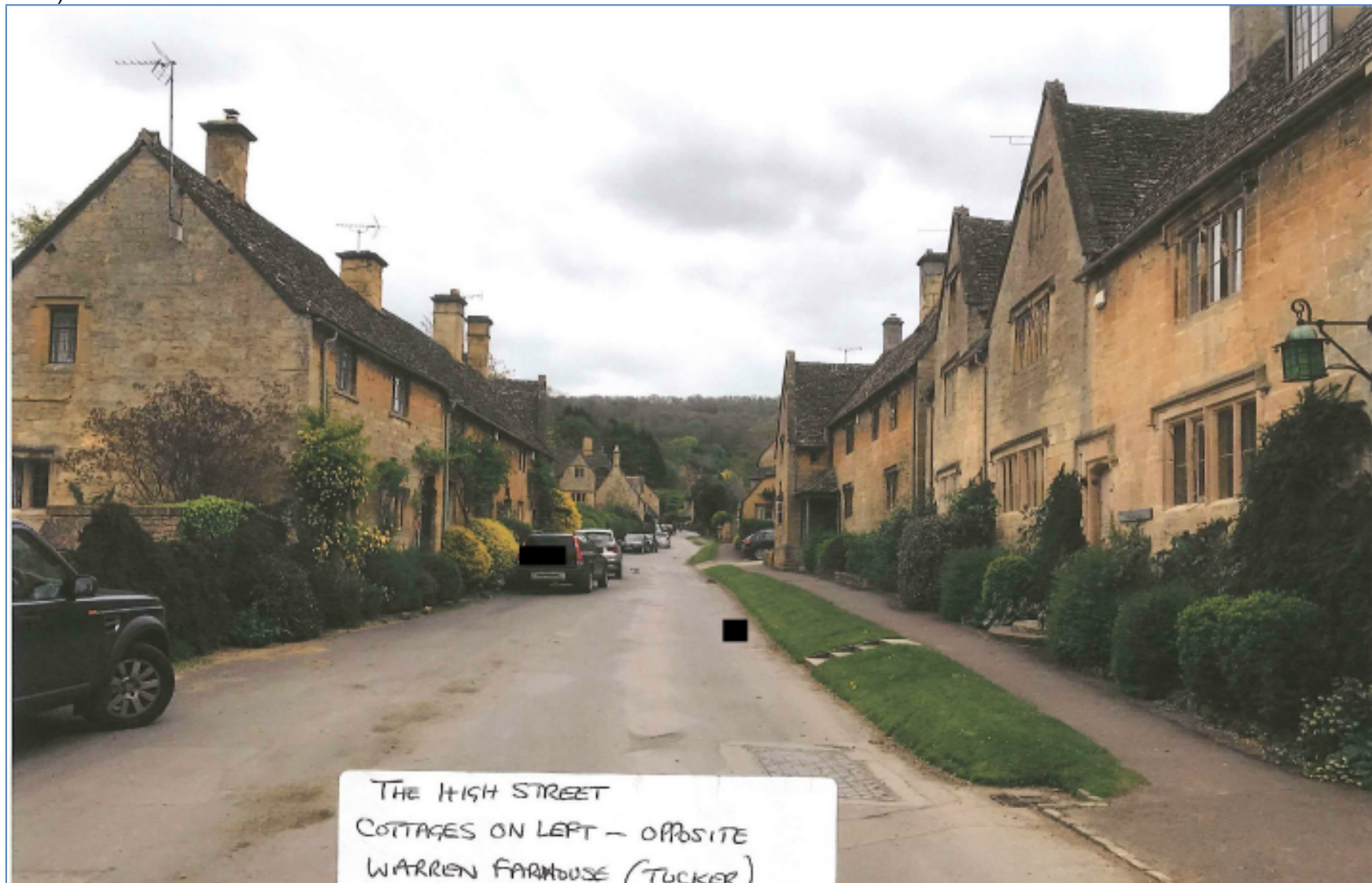
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