

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 10 April 2018 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

P W Awford, G F Blackwell, D M M Davies, M Dean, D T Foyle, R Furolo, M A Gore,
J Greening, R M Hatton, A Holloway, E J MacTiernan, J R Mason, A S Reece, T A Spencer,
P E Stokes, P D Surman and P N Workman

PL.71 ANNOUNCEMENTS

- 71.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 71.2 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.72 DECLARATIONS OF INTEREST

- 72.1 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.
- 72.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown. 17/01284/FUL 42 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
G F Blackwell	17/00539/APP Parcel 5922, Green Acres, Tewkesbury Road, Norton.	The applicant is known to her but she has made no comment on the application.	Would speak and vote.

D T Foyle	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown. 17/01284/FUL 42 Brookfield Road, Churchdown.	Is a Borough Councillor for the area and had visited both application sites but had not expressed an opinion.	Would speak and vote.
P E Stokes	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown. 17/01284/FUL 42 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

72.3 The Chair noted that all Members of the Committee had received correspondence in relation to Item 1 - 17/01041/FUL Parcel 5736, Land South of B4077, Newtown, Toddington.

72.4 There were no further declarations made on this occasion.

PL.73 MINUTES

73.1 The Minutes of the meeting held on 13 March 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.74 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

74.1 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.

17/01041/FUL – Parcel 5736, Land South of B4077, Newtown, Toddington

74.2 This application was for the erection of nine dwellings (in place of three dwellings as approved under application ref: 17/00179/APP) and provision of associated access road, vehicular parking spaces and landscaping.

74.3 The Chair indicated that he had found it difficult to understand the application and he asked the Development Manager to provide some clarification. The Development Manager explained that plans had been displayed showing the previously approved and proposed schemes; the previous approval showed three large four/five bedroom dwellings and the current proposal showed that these had been replaced with pairs of semi-detached units with eight units to one side of the access road and a smaller unit adjoining a previously permitted semi-detached pair to form a terrace of three on the opposite side. He advised that the principle of development had been established as a result of the previous planning permission and approval of reserved matters. Officers felt that replacing the previously approved larger units would result in some benefit to the development in terms of improving the housing mix in accordance with Joint Core Strategy policy SD11. It

was also noted that two additional affordable dwellings would be secured through a Section 106 Agreement. Members had recognised that, as a service village, Toddington was an area that could accommodate further growth, the site had already been granted planning permission and there were no additional harms arising from the current proposal which would justify refusal. He explained that the Officer recommendation was delegated permit rather than permit, subject to the resolution of the Section 106 Agreement, and also to amend conditions, where appropriate, to reflect details that had already been approved as part of the previous planning permission. In terms of the Section 106 Agreement, the education and library contributions were set out in the Additional Representations Sheet, attached at Appendix 1; however, there were some corrections to the amounts set out in the Officer report in respect of off-site play provision which was £30,264 rather than £31,278, playing pitches and/or changing rooms which was £37,450 rather than £35,675, and sports facilities which was £38,862 rather than £34,927.

74.4 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that this application formed part of an extant development for 33 homes had been approved in 2016 with subsequent reserved matters approved in 2017. The site was currently under construction and consisted of 21 large detached homes and 12 affordable units; this application proposed to replace three large detached homes with more modest two and three bedroom semi-detached houses. This improvement within the existing development site followed positive discussions with Planning Officers and was an opportunity to provide homes that offered an alternative range of housing types which would include first time buyers or those looking to downsize. Dialogue with Officers, neighbours and Toddington Parish Council had been maintained throughout the initial planning application and this subsequent application, where it had continued to guide and inform improvements to the scheme. Detailed aspects of the application, including information to comply with highways and drainage, had been accepted in relation to this application and as part of the overarching detail approved for the wider site. Proposals included policy compliant affordable housing provision, a large area of open space to the south of the site which was approved as part of the extant approval, and Section 106 contributions which would be increased to reflect these additional houses. The proposals worked within the footprint of an already approved development and had the support of Planning Officers and statutory consultees who considered the proposals to have no detrimental impact on the surrounding area. With construction works on the approved scheme progressing well, the opportunity to provide a number of lower cost houses across the site - combined with affordable housing and Section 106 contributions – was considered to be positive for the area and he hoped that Members would follow the Officer recommendation.

74.5 A Member noted that a skate park was currently being built in Winchcombe and she queried whether the proposal included a contribution toward that. The Development Manager advised that it was his understanding that the contributions would go toward facilities within Toddington itself. The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the resolution of the Section 106 Agreement including the following amendments to the proposed contributions: off-site play provision - £30,264; playing pitches and/or changing rooms - £37,450; and sports facilities - £38,862; and to amend conditions, where appropriate, to reflect details already approved. 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 resolution of the Section 106 Agreement including the following amendments to the proposed contributions: off-site play provision - £30,264; playing pitches and/or changing rooms - £37,450; and sports facilities - £38,862; and to amend conditions, where appropriate, to reflect details already approved.

17/01187/FUL – Bramley Lodge, 17 Brookfield Road, Churchdown

74.6 This application was for a proposed two storey side extension.

74.7 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. Upon being taken to the vote, it was

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

17/01284/FUL – 42 Brookfield Road, Churchdown

74.8 This application was for single storey and two storey side and rear extensions. The Committee had visited the application site on Friday 6 April 2018.

74.9 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 put to the vote, it was

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

18/00127/FUL – 66 Station Road, Bishop's Cleeve

74.10 This application was for the installation of new roof lights, material alterations to external walling materials and window alterations.

74.11 The Chair invited the applicant's representative to address the Committee. With regard to the letter that had been received from a neighbour raising concern about the Velux roof light in the rear elevation, the applicant's representative clarified that this was an existing window which would remain unchanged. In terms of the choice of materials for the front elevation and the cladding of the dormer window on the side elevation, he explained that consideration had been given to other properties in the vicinity to determine suitable materials that would be in keeping with the area. There were a wide range of properties of varying ages and construction types in the area and a number of houses very close to the property were finished with the same materials, or very similar, to the ones which he was proposing to use. A light coloured render had been chosen for the front elevation, broken up with some cedar in the small recessed area to the front right hand corner of the house. The existing dormer window would be clad with cedar to replace the green tiles. He felt that the choice of materials was sensitive to the area and would improve the appearance of the property.

74.12 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 and, upon being taken to the vote, it was

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

17/00983/FUL – Land at Apple Tree Inn, Main Road, Minsterworth

74.13 This application was for the erection of five new dwellings, including alterations to the existing access serving the public house and demolition of non-historic additions to the Apple Tree Inn. The Committee had visited the application site on Friday 6 April 2018.

74.14 The Chair indicated 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 legal agreement to secure an off-site affordable housing contribution and a restriction on the implementation of this application alongside the recommencement of the use of the public house, 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. 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 legal agreement to secure an off-site affordable housing contribution and a restriction on the implementation of this application alongside the recommencement of the use of the public house.

17/00539/APP – Parcel 5922, Green Acres, Tewkesbury Road, Norton

74.15 This was a reserved matters application for a detached dwelling (pursuant to application ref: 14/01095/FUL).

74.16 The Development Manager advised that the Officer recommendation had been changed from delegated approve to approve following written confirmation from the owner of the oil pipeline that ran parallel to the eastern boundary of the site that the revised layout was acceptable. This was set out in the Additional Representations Sheet, attached at Appendix 1.

74.17 The Chair invited a local resident to address the Committee. The local resident indicated that he wished to object to the proposal on the grounds of loss of amenity; singularity of impact; and engagement over the outline planning phase. He explained that the proposed development would reduce the light into the rear of his property and would overlook the back garden. His property had floor to ceiling glass in the main bedroom that would face directly into the proposed development which would mean that the curtains could barely be opened and the bedroom would be in permanent darkness. He felt this needed to be considered both for his own privacy and that of the new neighbours whose garden would be overlooked by his bedroom. He pointed out that amenity could be defined as agreeable, attractive or desirable and from his family's perspective, this development would result in a loss of all three. He went on to advise that the only property impacted by the proposed development was his own – it would bear 100% of the impact of any decision and would differentiate it from others in the street, reducing its appeal. The proposed development would also be out of keeping with the outlook and amenity of the village of Norton. Events to date had meant that his views and perspective had not been considered fully prior to the outline permission; he pointed out that this was the first time he had been afforded the opportunity to speak at Planning Committee. He had never agreed that any part of the development was appropriate and felt that a fair decision would be to refuse the application in order to allow further consideration to be given as to how the space could be better used to benefit the village.

- 74.18 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that this was a detailed reserved matters proposal for a dwelling that had already been granted outline planning permission by the Planning Committee in March 2015 for a total of four dwellings, three of which were either under construction or completed – this dwelling was the final piece of the jigsaw. The outline plans showed a dwelling in the same general location as what was currently proposed and depicted a large, detached family property, as with the other plots on the site. The principle of a dwelling on the plot had therefore already been established, as had its general siting and scale. Whilst there was sympathy for the concerns raised by the Parish Council and immediate neighbour, these appeared to relate to the principle of providing a dwelling on the site; planning permission already existed for a dwelling of this scale on this site and ultimately this must be delivered to contribute toward the Council's housing supply requirements. The current proposal retained the originally agreed parameters and reflected the character of the other three dwellings on the site. This dwelling had been sited and designed to provide uniformity with the remainder of the development which was critical to respecting the character of the wider area. In acknowledgement of the neighbours, the applicant had worked positively with Officers to provide a design solution that would have as minimal impact as possible. The design had gone through a number of iterations and the property would be set back from the boundary significantly more than had originally been envisaged. The previous projecting gable had also been removed and replaced with a small single storey element which was much less visible from the neighbouring property. As stated in the Officer report, the proposed changes were beneficial and would result in a more balanced appearance with significantly less bulk and mass than previously proposed. In addition, County Highways had confirmed that the access arrangements met the relevant highway safety standards – this took account of other committed developments elsewhere. He stressed that the applicant had gone above and beyond to minimise the impact on neighbours and the proposal complied with all development management standards. Ultimately the neighbour did not want a dwelling on the site and whilst this was appreciated, unfortunately, it was not an option. Norton was committed to a level of growth as part of its service village status and this application would complete an already committed development. He hoped Members would now feel able to allow this well-designed development of four dwellings to be completed.
- 74.19 In response to a query regarding the plan set out at Page No. 781/B of the Officer report, the Planning Officer confirmed that this showed the proposed elevations; the elevation at the top right of the plan was the one that would face the neighbouring property. He drew attention to Page No. 781/F which showed the original elevations and clarified that the projecting gable had been negotiated out in the interests of the neighbours' amenity. In view of this amendment, and given that the dwelling would be set back further from the boundary, Officers considered that the proposal was acceptable.
- 74.20 The Chair indicated that 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 taken to the vote, it was
- RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

PL.75 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

75.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 25-31. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

75.2 It was

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

The meeting closed at 9:29 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 10 April 2018

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	
748	1	<p>17/01041/FUL</p> <p>Parcel 5736, Land south of B4077, Newtown, Toddington</p> <p>The education and library contributions required in respect of the proposed development are as follows:-</p> <p>Education - Winchcombe School - £110,261 (previous contribution based on 33 dwellings - £93,298);</p> <p>Library contribution - £7,644 (previous contribution based on 33 dwellings - £6,468).</p>
777	6	<p>17/00539/APP</p> <p>Parcel 5922 Green Acres, Tewkesbury Road, Norton, Gloucestershire, Parish Council</p> <p>A further objection has been received from the Parish Council in response to the revised plans:</p> <p>Although we accept that modifications have been made to the previous application, the Parish Council considers that the development will have a negative impact on the lives of the residents especially those neighbouring the site.</p> <p>Three large houses have already been given permission on that site. The village would benefit more from smaller properties ie bungalow(s) that could be built on that site. They would reduce the effect on the neighbourhood and better serve the needs of the village.</p> <p><u>Local Residents</u></p> <p>A further objection has been received from a neighbour in response to the revised plans:</p> <p>We wish to state our whole hearted objection to any further planning permission being granted on plot 4 (or subsequent development of housing on plot 4)</p> <p>We object for all the reasons we have previously stated, these are repeated below for the record</p> <p>Objection 1 - The proposed properties block out the view that we and our neighbours in the adjoining properties currently enjoy of Wainlode and Sandhurst Hills. We purchased our family home specifically to be able to enjoy and benefit these views and can't overestimate how significant it is to our enjoyment of life in Norton.</p>

Objection 2 - Given the close proximity to us, there will be a significant increase in noise and light pollution from the construction of these properties and subsequently from the occupiers of the properties.

Objection 3 - There will be a significant increase in the volume of traffic attending the proposed building site and from the residents of the proposed properties. The adjoining road is narrow and quiet with a Primary school very close by.

Objection 4 - The design of the new properties is not in keeping with the current properties in the area and will create an eyesore.

Objection 5 - The properties will be approximately 3 metres from our boundary significantly reducing the privacy of our property and also the amount of light to our southerly facing garden.

Objection 6 - The proposed properties will cause upset, stress and therefore a significant deterioration in the quality of our family life.

We have retained this stance as the revised plans do not significantly change anything from our perspective and will have a significant impact on us.

Agent acting on behalf of Local Residents

Note from the application form that all matters were reserved at outline stage and the current application seeks approval for siting, design and layout.

The proposed dwelling is large, presenting a long elevation facing the road.

In order to protect the amenity of the closest rear gardens of houses on Mandalay Drive it is suggested that the dwelling should be moved so that it is right against the eastern boundary of the plot further away from Mandalay Drive and that consideration is given to a different design with a narrower elevation facing the road.

It would also help in terms of impact on the amenity of the rear garden of No.1 Mandalay Drive if the siting of the proposed dwelling could be moved closer to the road, this would reduce the impact on its rear garden which will be significantly overshadowed by the development if constructed as shown on the current reserved matters application.

CLH Pipeline System

CLH Pipeline System confirm in writing that following further discussion and a site inspection by their line technician, they are happy with the revised plan layout.