

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 22 January 2019 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R E Allen, P W Awford, D M M Davies, D T Foyle, M A Gore, J Greening, R M Hatton, A Hollaway,
E J MacTiernan, J R Mason, A S Reece, T A Spencer, P D Surman, H A E Turbyfield, R J E Vines
and P N Workman

also present:

Councillor M J Williams

PL.55 ANNOUNCEMENTS

- 55.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 55.2 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.56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 56.1 Apologies for absence were received from Councillor P E Stokes. There were no substitutes for the meeting.

PL.57 DECLARATIONS OF INTEREST

- 57.1 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.

57.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	18/01023/FUL Holborn House, Main Road, Minsterworth.	Is a Borough Councillor for the area. Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P W Awford	18/00361/FUL Land to the West of Ash Lane, Down Hatherley. 18/01125/FUL Land Adjacent to 4 St Clair Cottages, Staverton.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P W Awford	18/00748/FUL Land at Sandhurst Lane, Sandhurst.	Is a Gloucestershire County Councillor for the area and had become aware the land is owned by the County Council. Is a life member of the National Flood Forum. Is a Borough Council representative on the Lower Severn (2005) Internal Drainage Board. Is a representative on the Severn and Wye Regional Coastal Committee and on the Wessex Regional Flood and Coastal Committee.	Would speak, at the Chair's discretion, but would not vote.
A Hollaway	18/01086/FUL 15 Apple Tree Close, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.

J R Mason	18/00773/FUL The Stables, Postlip, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P D Surman	18/01096/FUL Shrublands, Leckhampton Hill, Leckhampton.	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.
R J E Vines	18/01096/FUL Shrublands, Leckhampton Hill, Leckhampton.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
R J E Vines	18/00748/FUL Land at Sandhurst Lane, Sandhurst.	Is a Gloucestershire County Councillor and had become aware the land is owned by the County Council.	Would not speak or vote and would leave the room for consideration of this item.
P N Workman	18/00557/FUL 149 High Street, Tewkesbury. 18/01046/LBC 149 High Street, Tewkesbury. 18/01060/FUL Tewkesbury Nature Reserve, Tewkesbury Bypass, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

57.3 There were no further declarations made on this occasion.

PL.58 MINUTES

58.1 The Minutes of the meeting held on 18 December 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.59 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

59.1 The Technical Planning 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.

18/00557/FUL – 149 High Street, Tewkesbury

59.2 This application was for a change of use from retail (Class A1) to café (Class A3) at ground floor level only.

59.3 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.

18/01046/LBC – 149 High Street, Tewkesbury

59.4 This was a listed building consent application for installation of bathroom extract through rear elevation wall and internal alterations (including removal of existing partitions and provision of new stud partitions and joinery) in association with proposed change of use from retail (Class A1) to café (Class A3) at ground floor level only.

59.5 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

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

18/00773/FUL – The Stables, Postlip, Winchcombe

59.6 This application was for amendments to the conversion of disused former stable building to form two holiday let units (resubmission of planning application reference: 16/01095/FUL). The Committee had visited the application site on Friday 18 January 2019.

59.7 The Planning Officer advised that there had been some very minor drafting changes to some of the proposed conditions; however, this did not alter their meaning. The Chair invited a local resident speaking against the application to address the Committee. The local resident indicated that he was very concerned about the impact of this proposal upon his property and those of his neighbours whom he was also representing. His main concerns related to the use of outside space immediately outside his property; lack of allocation of garden space resulting in people spilling into neighbouring gardens; noise arising from vehicles manoeuvring; people outside, particularly late on a summer's evening; loss of light to adjacent cottages in the small, enclosed stable yard; allocated parking for this

development restricting parking for existing vehicles; and, doubling of traffic through and under his property as the main access to the development went under his lounge and bedroom and alongside his hallway – he pointed out that there was an alternative access but it was not direct, was longer and required the opening of three gates therefore was not a realistic option. His view was supported by various planning policies which were referenced in the Officer report and he wished to add balance to that interpretation. When adapting the use of existing rural buildings for tourist accommodation, an application should not be permitted if the amenity of adjoining residents was affected; this was a key point which had been highlighted by Winchcombe Town Council in its objection. Furthermore, the applicant failed to acknowledge the contained nature of the site; it was inconceivable that holiday makers would not try to make use of the space immediately outside, even though it had not been identified on any plan. This meant that the full impact on amenity had not been addressed for existing residents or holiday makers. He indicated that there were specific policies which made reference to EU and national objective standards when considering the unacceptable harm to neighbours with respect to noise and light but the Officer's report only partially and subjectively assessed these potential nuisances. His family and neighbours had already experienced holiday makers wandering on their properties as a result of the existing holiday lets and they had caused disturbance late at night with vehicles and conversations and, on one occasion, with a camera crew filming a shooting scene. This application would compound this loss of amenity. The development was very restricted in its offer of accommodation and provided no amenity for its visitors so it would appeal to a limited market in his view. The Committee was asked to weigh economic development against the significant loss of residential amenity to both his family and their neighbours; therefore, he urged Members to refuse the application and asked them to consider if they would be happy with this degree of intensification of use through, under and around their properties.

59.8 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that she supported the recommendation made by the Planning Officers – the professional advisers - to permit the application. The proposal was exactly the type of development supported in the new National Planning Policy Framework, Joint Core Strategy, emerging local plan, the Council's Economic Development and Tourism Strategy and the Winchcombe Marketing Plan. It was a sustainable development that would bring substantial benefits in terms of supporting the rural economy and would bring a disused building back into use. She clarified that the yard referenced by the previous speaker was private and owned by the applicant who had taken on board the concerns of local residents; the claims that there would be an adverse impact on neighbouring amenity were unsupported – many of the adjoining buildings were of similar use and, notwithstanding this, holiday lets could co-exist alongside residential properties. On that basis, she respectfully requested that the Committee support the application before them.

59.9 A Member advised that he was a Ward Councillor for the area and, along with the other local Members, had received various emails from residents living on the site regarding the way the application had been dealt with. The Chair advised that this was not a material consideration in the determination of the application before Members and any concerns in that regard should be taken up outside of the meeting. He 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 confirmed that he had also received many emails in relation to the application but most of the matters raised were outside of the scope of planning law and, whilst they were relevant objections to those making them, they were not planning reasons for refusal. In his opinion, the Officer report was

comprehensive, well-researched and made an important point with regard to the future of the building which was likely to fall into disrepair if left alone. He welcomed the opportunity to bring a redundant building back into use and felt that the proposal should be viewed in a positive light.

59.10 Upon being put to the vote, it was

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

18/00911/FUL – Land South of A46 Pamington Lane, Ashchurch

59.11 This application was for the substitution of 23 plots (13-15; 18-30; 37-43) as approved through outline consent ref: 14/00972/OUT (150 dwellings including access, landscaping, open space and associated infrastructure with all matters reserved other than access) and the subsequent reserved matters ref: 15/01002/APP.

59.12 The Planning Officer advised that, following the recent adoption of a Community Infrastructure Levy (CIL), a development of 23 plots would now be subject to CIL and there were ongoing discussions about the implications for the contribution secured through the existing legal agreement covering the site. Irrespective of the outcome, should Members resolve to permit the application, the applicant would need to enter into a deed of variation to amend the legal agreement with Tewkesbury Borough Council and Gloucestershire County Council to take account of the new permission.

59.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to the resolution of the outstanding legal agreement issue, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the resolution of the outstanding legal agreement issue.

18/01060/FUL – Tewkesbury Nature Reserve, Tewkesbury Bypass, Tewkesbury

59.14 This application was for the excavation and removal of material to create a 12 space car park with high bar gates, kissing gate and perimeter boundary fence.

59.15 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to agreement of details to improve the existing accesses and additional conditions as necessary, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning 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 Technical Planning Manager to **PERMIT** the application, subject to agreement of details to improve the existing accesses and additional conditions as necessary.

18/01096/FUL – Shrublands, Leckhampton Hill, Leckhampton

- 59.16 This application was for replacement of the existing garage/store with garage gym/home office and store (revision of permitted application 17/01294/FUL). The Committee had visited the application site on Friday 18 January 2019.
- 59.17 The Chair invited the applicant to address the Committee. The applicant explained that planning permission had been granted for a replacement outbuilding in 2018 but, due to its location, they had wanted to provide something more visually interesting and suitable for a variety of uses. They felt that the design met those aims with a modest floorspace increase compared to that which was approved last year and what was there now. She referred to the letters of support which had been submitted by their neighbours and pointed out that there were no objections and the Parish Council was happy with the proposal. They were keen to enhance the area and would not propose anything which would be damaging to the neighbourhood, the streetscene or the house itself. As things stood, it was unsecure and in a state of disrepair – as well as being an eyesore, it had been broken into a number of times when the previous owners had lived there, therefore her family were reluctant to use it to store anything of value. Due to the shape and layout of the building, the space was inefficient and not fit for purpose; if planning permission was granted today, the resulting development would be far more safe, secure and functional without any negative impacts on neighbours, members of the public or the landscape. She indicated that the current building was very unattractive and the proposal would ensure it was replaced with a far more appealing building of the same height using reclaimed materials that were approved when planning permission was granted last year. Although Officers had recommended the application for refusal, the reasons made no reference to the impact on the residential amenity of neighbouring properties and they had welcomed the proposed precautionary approach to construction in order to protect wildlife and the integrity of the building and landscape. She recognised that the Council had a strong duty to protect the Green Belt for future generations and agreed that care should be taken with applications in the Green Belt, but this proposal would not be harmful and would really improve the site in visual terms.
- 59.18 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 development would not be harmful to the Green Belt or the Area of Outstanding Natural Beauty. The proposer of the motion pointed out that planning permission had already been granted for a replacement of the existing dilapidated building and he did not consider that the increased size proposed in this revised application would be harmful as the site was very well screened by trees and shrubs so there would be no adverse impact on the Green Belt. It was not a big building in the context of the size of the house. In terms of consistency, he indicated that planning permission had recently been granted for the rebuild of a house around 100 yards away and three or four years earlier planning permission had been granted for a very large, modern home to be built opposite the site. Should Members be minded to permit the application, the Planning Officer recommended the inclusion of conditions to ensure that the development commenced within five years; that the materials used were reclaimed brick and reclaimed tiles for the roof; and that it be implemented in accordance with submitted plans. The proposer and seconder of the motion confirmed they were happy with the suggested conditions and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as the development would not be harmful to the Green Belt or the Area of Outstanding Natural Beauty.

18/00793/FUL – 7 Moselle Drive, Churchdown

59.19 This application was for a single storey front and side extension and single storey side/rear extension.

59.20 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.

18/01023/FUL – Holborn House, Main Road, Minsterworth

59.21 This was a retrospective application for the erection of a detached garage with storage over. The application had been deferred at the Planning Committee meeting on 18 December 2018 for a Committee Site Visit in order to assess the Parish Council's concerns in relation to the garage being out of character with the streetscene and overpowering in relation to the adjoining two storey building. The Committee had visited the application site on Friday 18 January 2019.

59.22 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the Parish Council had reiterated its concerns as set out on the Additional Representations Sheet, attached at Appendix 1, and he had welcomed the opportunity for Members to visit the site. Even though the proposal was for a garage, the applicant had described it as a workshop which had been quite obvious when looking at the main entrance. The Parish Council was unhappy that the application had been submitted retrospectively, and that the loft space was now being used, and his concern related to consistency as it had been suggested at the last meeting that someone could live in the building provided that they were part of the household; in his view this was an extension which would provide accommodation and he could not support the proposal to permit the application. The Technical Planning Manager understood the frustrations of the Member and the Parish Council in terms of how the application had come about; however, the Committee needed to consider the planning policy situation – if the garage was used as an annex, this did not make it unacceptable in policy terms. The size of the building was very similar to the previous planning permission and the use of the upper floor did not create any additional issues in terms of the residential amenity of neighbouring properties. Furthermore, it should be borne in mind that this could have been carried out under permitted development rights if the building had been completed in accordance with the original plan.

59.23 During the debate which ensued, a Member expressed the view that the way the application had come forward did seem unfair to the village but Officers had a difficult task as they were bound by planning policy; notwithstanding this, he had sympathy with the Parish Council and felt that training would be beneficial to foster improved relations with Planning Officers. This was noted by the Technical Planning Manager. A Member went on to indicate that the site visit had been very illuminating and, whilst she understood that the building could be used for ancillary purposes rather than as a garage, she took exception to the applicant's comment, set out on the Additional Representations Sheet, which confirmed that the front part of the building was for the storage of his tools, the rear section was his workshop and the upstairs was for general storage, and questioned why this had not been applied for. Applying for planning permission with no intention of actually

using the building for that purpose was unacceptable in her view and she felt the true use of the building needed to be reflected. Another Member supported this view and indicated that it had been clear from the site visit that the building was nothing like a garage and would be accessed as if it was an annex so he agreed that the description was misleading. The Technical Planning Manager advised that, should Members be minded to permit the application, the description could be amended with the applicant to more accurately reflect what the building would be for; however, he stressed that there was nothing to justify a refusal in planning policy terms and he encouraged Members to focus on the proposal before them and what any potential harms might be. A Member welcomed the suggestion that the description could be amended and explained that his greatest concern was the fact that the previous application had been refused but the applicant had gone ahead with the build regardless and then submitted a retrospective application. In response, the Technical Planning Manager explained that the previously refused application was very different and what had been granted planning permission was similar to the building before Members with the exception of the first floor, fenestration and use. In view of Members' concerns, he suggested that a delegated permission might be more appropriate to allow the description to be amended to accurately reflect what was being applied for and to add a condition to ensure that the building remained ancillary to the main dwelling. The proposer and seconder of the motion agreed that they were happy to change the proposal to a delegated permit and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the amendment of the description to accurately reflect what had been applied for and the inclusion of an additional condition to ensure that the building remained ancillary to the main dwelling.

18/01086/FUL – 15 Apple Tree Close, Woodmancote

- 59.24 This application was for the erection of a two storey rear extension. The Committee had visited the application site on Friday 18 January 2019.
- 59.25 The Chair invited the applicant to address the Committee. The applicant indicated that they had purchased the house in 2015 and, whilst they loved the location, they had now outgrown it so the proposed extension would allow them to build a family home for the future. He agreed with the comments made in the Officer report which had dealt with the concerns raised by neighbours and the Parish Council but he wished to emphasise a few key points. Whilst it may appear a large extension in terms of the area to be extended, he confirmed that the property was smaller than neighbouring properties on Apple Tree Close. The extended property would be in keeping in terms of size, the rear garden was sufficiently large enough to accommodate the extension and the extended roofline would be lower than the existing roofline. He valued his relationship with his neighbours and had consulted his immediate neighbours prior to making the application. The impact of the extension would be minimised by high-level obscure windows on the side elevations; the windows to the rear were merely replacing existing windows so there was no significant change to the current position in respect of overlooking. In any event, the properties on Byfield Close would still be approximately 24 metres from the proposed extension. Finally, it was wrong to imply that all properties on the Pottersfield estate consisted of entirely Cotswold stone; a number of properties, including those on Byfield Close, were originally built with cladding on large parts of the walls and planning permission had previously been granted for a rear extension using render as a finish. He did not believe that render de-valued a property, rather it provided an alternative to any mismatching with original stones.

59.26 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed that the application be refused on the basis of its size and overbearing impact and as the proposed materials were of an inferior quality and out of keeping with the streetscene. There was no seconder for this proposal. It was subsequently 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.

18/00361/FUL – Land to the West of Ash Lane, Down Hatherley

59.27 This application was for the construction of five detached single storey dwellings with associated garages and new vehicular access points.

59.28 The Chair indicated that there were no public speakers for this item. The Officer recommendation had been amended to delegate authority to the Technical Planning Manager to permit the application, subject to the resolution of outstanding highway and ecology issues; additional/amended conditions as appropriate; and the completion of a legal agreement to secure a financial contribution towards affordable housing and a developer contribution towards education and library provision subject to confirmation or otherwise by Gloucestershire County Council, and he sought a motion from the floor. A Member noted from the Officer report that an update would be provided to the Committee as to whether any contributions were required for community, education and library provision and whether the applicant had agreed to enter into a legal agreement. The Planning Officer confirmed that the application was subject to Community Infrastructure Levy at £35 per square metre as it was part of the wider strategic allocation in the Joint Core Strategy at Innsworth and Twigworth. The Additional Representations Sheet, attached at Appendix 1, set out that a financial contribution towards community provision, open space, outdoor recreation and sports facility provision and highway improvements was not required in this case; however, no response had been received to date from Gloucestershire County Council in respect of the need for a financial contribution towards education and library provision. Another Member noted that the description of development stated that there would be five single storey dwellings whereas the Officer report referred to three single and two 1.5 storey dwellings. The Planning Officer advised that revised plans had been received during the course of the application and confirmed that the description should have been updated to reflect the change to three single and two 1.5 storey dwellings.

59.29 It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application subject to amendment of the description of development to reflect the change from five single storey dwellings to three single storey dwellings and two 1.5 storey dwellings; resolution of outstanding highway and ecology issues; additional/amended conditions as appropriate; and the completion of a legal agreement to secure a financial contribution towards affordable housing and a developer contribution towards education and library provision subject to confirmation or otherwise by Gloucestershire County Council, and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application subject to amendment of the description of development to reflect the change from five single storey dwellings to three single storey dwellings and two 1.5 storey dwellings; resolution of outstanding highway and ecology issues; additional/amended conditions as appropriate; and the completion of a legal agreement to secure a financial contribution towards affordable housing and a developer contribution towards education and library provision subject to confirmation or otherwise by Gloucestershire County Council.

18/00748/FUL – Land at Sandhurst Lane, Sandhurst

- 59.30 This application was for the erection of eight affordable dwellings, landscaping, access and associated works. The application was deferred at the Planning Committee meeting on 18 December 2018 in order for Members to be provided with further information on flooding issues and for the Flood Risk Management Engineer to attend the next Committee to answer questions. The Committee had visited the application site on Friday 18 January 2019.
- 59.31 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that Members would be aware of the photographs of flooding within Sandhurst that had been circulated prior to the meeting, attached at Appendix 1, and pointed out that only one of the photographs was dated but it was assumed they were all of the July 2007 floods. The photographs showed extensive flooding in Sandhurst and it was inferred that the application site was unsuitable for development on flood risk grounds. Whilst it was fully accepted that Sandhurst had suffered severe flooding in 2007, these highly emotive pictures were not particularly helpful to the determination of the application. Importantly, none of the photographs showed the application site, rather, they showed various locations in and around Sandhurst where it was clear from the flood maps, and available records, that flooding occasionally occurred. Four of the photographs were within Flood Zone 3 where there was a higher risk of flooding. To assist Members, the location of the photographs had been plotted on a flood map, circulated separately and attached at Appendix 1. The applicant's agent went on to confirm that the application site was entirely within Flood Zone 1 and therefore was at low risk from flooding; this had been confirmed by the Council's Flood Risk Management Engineer who also confirmed that there would be an acceptable drainage solution for the site. There was also no objection from the Lead Local Flood Authority or Severn Trent Water. In terms of planning policy, Policy INF2 of the Joint Core Strategy stated that development proposals must avoid areas at risk of flooding in accordance with a risk-based sequential approach and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or wider environment on the site or elsewhere. As the site was entirely within Flood Zone 1 it avoided areas at risk of flooding and therefore was fully in accordance with the policy. There was no policy requirement to look at other sites within Sandhurst. With regard to flooding from surface water, he explained that the Environment Agency's flood maps demonstrated that flooding could occur along roads surrounding the site and this was confirmed by the photographs which showed surface water flooding outside Tarren's Farm and St Lawrence's Church; however, this should not present an overriding barrier to development as it should still be possible to access these locations given the relatively shallow depth of the water. It should also be noted that the floor levels of the proposed properties were at least 0.5 metres above the level of the lane. Whilst there was a risk of flooding on the roads surrounding Sandhurst, this should not automatically preclude development – if that approach was taken there would be no development at all

within the village. This application was for eight much-needed affordable houses to meet an identified need in Sandhurst that was accepted by the Council. Preventing this development based on flooding to surrounding roads would mean that this identified need would never be met in Sandhurst – if the same logic was applied, there would arguably be no development in Tewkesbury Town either. In the planning balance, delivery of much-needed affordable housing in Sandhurst should far outweigh the marginal risk of flooding on the surrounding roads, especially when the site itself was not at an unacceptable risk of flooding. He urged Members to permit the application that basis.

- 59.32 The Chair invited a local Ward Member for the area to address the Committee. The Member pointed out that the flood map referenced by the applicant's agent was inaccurate and did not show the correct location of the site. He went on to explain that, when the initial water from the 2007 floods had subsided, Sandhurst had been affected by significant further flooding a few days later when the river had overflowed its banks. He did not have an issue with residential development in the village, particularly affordable housing; however, this was the wrong location in his view and he was concerned about who would be responsible if planning permission was granted and the houses subsequently flooded.
- 59.33 The Chair indicated that he had exercised his discretion under the Constitution to allow a Member of the Committee who had disclosed an interest in the application to speak. The Member wished to support the comments made by the local Ward Member and reiterated that surface water flooding was not the concern here, rather it was main river flooding akin to that which had occurred in 2007 and 2014. He indicated that the whole area could be cut off during a flood, as such, there would be no safe and dry access to and from the site. This was a particular concern given that the proposal was for affordable housing and could mean that vulnerable people were at risk of being isolated in their properties. He was not opposed to affordable housing but it needed to be in the right place and he did not feel this location was suitable.
- 59.34 A Member noted that the local Member had indicated that the flood map provided by the applicant's agent was incorrect and clarification was given as to the location of the site. The Member went on to question whether there was a possible escape route if the site and surrounding roads were to flood and the Council's Flood Risk Management Engineer confirmed that the site was located solely in Flood Zone 1 so it was more a question of where the residents would be escaping to – if the site was flooded, the surrounding area would also be flooded. A Member noted that the photographs that had been provided were thought to relate to the 2007 floods and the Committee had been provided with visual evidence of the flooding in 2014; she queried how often the area flooded consistently and whether that had been taken into account. The Flood Risk Management Engineer reminded Members that flood risk could not be completely eliminated, rather it had to be mitigated. The Council's Flood and Water Management Supplementary Planning Document required developments within Flood Zone 1 to provide for a 1 in 100 year event plus an allowance for climate change and he reminded Members that the 2007 and 2014 events were exceptional. The Technical Planning Manager noted that the local Ward Member was not opposed to development in Sandhurst per se; however, any location within the village was likely to be subject to the same issues being discussed today. With regard to the topography of Sandhurst, a Member was aware that the ground elsewhere was quite substantially higher than this particular site so he felt there would be better locations for residential development. He questioned whether it would be right to allow planning permission for housing that would potentially be cut-off and leave people stranded in severe weather conditions and indicated that he would be concerned about emergency vehicles being able to access the site. The Technical Planning Manager noted and

understood the comments that had been made but he reiterated that there were no planning policy flood risk concerns with the application. In times of extreme flooding it was accepted that access would be difficult, if not impossible, within the highway network and he recognised the importance of emergency vehicles being able to leave Sandhurst via a dry access in such conditions; however, he was also mindful of what the applicant's agent had said regarding other areas of the borough being in a similar situation. The application needed to be carefully considered in terms of whether there was any conflict with planning policy. In response to a Member query regarding the water situation in 2007 and 2014 in relation to sites opposite, the Flood Risk Management Engineer confirmed that there were empirical records available but he did not have these to hand.

59.35 A Member indicated that the housing need survey conducted in 2010 had identified a need for seven affordable houses within the parish and she questioned whether this was still required as she understood there was social housing vacant in Sandhurst currently. She was unhappy with the mix and tenure of housing proposed as four one bedroom maisonettes/flats seemed at odds with the rural location and shared ownership also caused her concern. The Planning Officer confirmed that the housing needs survey had been undertaken in 2010 but there was also an ongoing housing register for the borough which listed people in need of affordable housing. The Council's Housing Enabling Officer had been consulted on the application and had liaised with the applicant on proposed tenure and size prior to its submission.

59.36 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement to secure the dwellings as affordable units in perpetuity, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion indicated that he made the proposal with a heavy heart on the basis that the site was within Flood Zone 1 and other houses were established on either side of the site on the high side of the lane. There were fears all over the borough regarding flooding of all kinds but this should not prevent development where appropriate. He was reluctant to turn down a proposal for affordable dwellings and, given the safeguards set out in the Officer report and the comments made by the Flood Risk Management Engineer, he could see no policy reason to go against the Officer recommendation. Upon being put to the vote, the proposal was lost. It was subsequently proposed that the application be refused as the proposed development would create an incongruous and unsympathetic intrusion and would detract from the character and appearance of the area; as such, the proposed development failed to take the opportunities available for improving the character and quality of an area and the way it functioned and was contrary to the National Planning Policy Framework 2018, Policy SD6 of the Joint Core Strategy and saved Policy LND3 of the Tewkesbury Borough Local Plan. This proposal was duly seconded and, upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** as the proposed development would create an incongruous and unsympathetic intrusion and would detract from the character and appearance of the area; as such, the proposed development failed to take the opportunities available for improving the character and quality of an area and the way it functioned and was contrary to the National Planning Policy Framework 2018, Policy SD6 of the Joint Core Strategy and saved Policy LND3 of the Tewkesbury Borough Local Plan.

18/01125/FUL – Land Adjacent to 4 St Clair Cottages, Staverton

- 59.37 This application was for the erection of seven affordable housing units and associated works.
- 59.38 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement to secure the dwellings as affordable units in perpetuity, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation. A Member indicated that she had difficulty in understanding why there were differing views on applications in the Green Belt and why some applications were considered to be harmful whereas others were acceptable. In response, the Technical Planning Manager reminded Members that each application must be considered on its own merits. He stressed that the Officer recommendation was based purely on an assessment of planning policy. The National Planning Policy Framework allowed affordable housing in the Green Belt subject to various criteria and the application before Members was acceptable in policy terms - and all material considerations were also considered to be acceptable - therefore it was recommended for a delegated permit.

59.39 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to completion of a Section 106 Agreement to secure the dwellings as affordable units in perpetuity.

18/01215/TPO – Behind 11 Stoke Park Close, Bishop's Cleeve

- 59.40 This was a tree preservation order application (TPO298-G1) in relation to rows of trees behind Stoke Park Close on Tewkesbury Borough Council land which required works to raise the canopy and cut-off overhanging branches as part of the winter maintenance programme and raise the canopy to open light into property.
- 59.41 The Chair indicated that there were no public speakers in relation to this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that consent be granted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

PL.60 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

60.1 Attention was drawn to the current appeals and appeals decision update, circulated at Pages No. 29-35. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

60.2 It was

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

The meeting closed at 11:38 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS ADDITIONAL REPRESENTATIONS

Date: 22 January 2019

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	
535	3	<p>18/00773/FUL</p> <p>The Stables, Postlip, Winchcombe</p> <p>At a meeting with County Highway Authority on 11 January 2019, it was confirmed that the previous comments for passing spaces were based on a desktop exercise. The Planning Officer had visited the site and discussion had taken place regarding the tree line nature of the access road and areas where two vehicles can pass safely. Highways confirmed there would no objection if passing places were not provided. In addition, it was agreed that the secure cycle storage could be external or internal and the details covered by condition.</p> <p>Two neighbour comments have been received since writing the Officer report regarding points of procedure and asking for clarification regarding the cycle storage.</p> <p>Additional neighbour comments were received on 20 January 2019 commenting on the Officer's report - circulated to Members and attached in full.</p> <p>The Officer's response to the neighbour comments is summarised as follows:</p> <ul style="list-style-type: none"> - The impact on residential amenity is addressed in Paragraph 6.0 of the Officer's report. - Parking spaces for the holiday lets are within the blue line of the application site. - Access to the site is available under West Lodge and via the access road to the south. The agent submitted land registry documents on 21 January 2019 indicating the applicant has the right of access through the site. - The holiday let units are a business for the applicant, who is the owner of Stable Cottage, and not a separate residential property.

Page No	Item No	
		<ul style="list-style-type: none"> - The reason the listed buildings have been generally referred to as non-domestic is because, architecturally, the primary purpose of the buildings is not residential but is related to the provision of transport for the estate, albeit they do incorporate an element of residential accommodation. It should be noted that the first line of the Secretary of State's description of the listed buildings states: "<i>Lodge, coach house and stables, converted into two houses</i>". However, whether these listed buildings were originally residential or not does not have a bearing on the determination of the application. - County Highways confirmed there is no objection to the proposal if passing places are not provided, subject to previous conditions for visibility splays. - The impact of noise is addressed in Paragraph 6.4 of the Officer's report.
552	5	<p>18/01060/FUL</p> <p>Tewkesbury Nature Reserve, Tewkesbury Bypass, Tewkesbury</p> <p>At a meeting with the County Highway Authority on 11 January 2019, it was confirmed that details for the widening of the access road and access visibility splays could be controlled by planning condition.</p>
562	8	<p>18/01023/FUL</p> <p>Holborn House, Main Road, Minsterworth</p> <p>Minsterworth Parish Council has commented further about the submitted block plan not being correct and attached a block plan of the neighbouring property Stonelea which is correct. It shows the garage which has now been built at Stonelea. In the Parish Council opinion, this plan shows that the double garage at Holborn House is more overpowering than it looks on the submitted block plan.</p> <p>In terms of the use of the 'garage' outbuilding, the applicant has confirmed that the front part of the building is for the storage of his tools etc. The rear section is his workshop as he has a lathe and does woodworking. The upstairs is for general storage purposes.</p> <p>Officer comments:</p> <p>In terms of the proposed block plan, whilst the neighbour at Stonelea is shown to be further away than it is, in reality, a full assessment has been made on site and there would not be an undue impact on the neighbour's residential amenity. No objections have been received from the neighbour and the rooflight on the side elevation would be obscure glazed.</p> <p>In relation to the use of the building, whilst it would not be used to store a car, it would be used for ancillary purposes by the applicant as set out above. The following condition could be attached to the permission if deemed necessary: 'The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Holborn House.'</p>

Page No	Item No	
565	9	<p>18/01086/FUL</p> <p>15 Apple Tree Close, Woodmancote</p> <p>Further Representations</p> <p>A letter of representation has been sent in by objectors who are unable to attend to speak at Committee. The letter does not outline any new material further to the prior objections as outlined in the Officer's report.</p> <p>A full copy of that letter is attached.</p>
569	10	<p>18/00361/FUL</p> <p>Land To The West Of, Ash Lane, Down Hatherley</p> <p>Officer Update</p> <p>Highways</p> <p>The additional highway plans requested (see Paragraph 6.22 of the Officer report) have not been submitted to date; however, the applicant's agent has confirmed they are in the process of preparing the plans and will be submitting them shortly. The recommendation reflects the need to resolve this matter.</p> <p>Ecology</p> <p>The Great Crested Newt mitigation scheme required (see Paragraph 6.24 of the Officer Report) has not been submitted to date; however, the applicant has instructed his ecologist to carry out the work and the report should be submitted in due course. The recommendation reflects the need to resolve this matter.</p> <p>Developer Contributions</p> <p>Having regard to the consultee responses received, Officers recommend that a financial contribution towards community provision, open space, outdoor recreation and sports facility provision and highway improvements is not required in this case. No response has been received to date from Gloucestershire County Council in respect to the need for a financial contribution towards education and library provision.</p> <p>Additional Informative Note</p> <p>In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, from 1 October 2018 planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).</p> <p>The applicant has confirmed they agree to the two recommended pre-commencement conditions and therefore it is recommended that the following informative note is included:</p> <p><i>In accordance with the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant has agreed to pre-commencement condition 6 requiring details of the precise floor slab levels of each new dwelling prior to the commencement of construction works and condition 8 requiring detailed drainage arrangements to be submitted prior to the</i></p>

Page No	Item No	
		<p><i>commencement of development.</i></p> <p>Revised Recommendation</p> <p>In light of the above the recommendation has been revised to the following:</p> <p>the grant of permission be delegated to the Technical Planning Manager subject to the resolution of the outstanding highway and ecology issues; the addition to/amendment of planning conditions as appropriate; and the completion of a legal agreement to secure a financial contribution towards affordable housing and a developer contribution towards education and library provision subject to confirmation or otherwise by Gloucestershire County Council.</p>
579	11	<p>18/00748/FUL</p> <p>Land At Sandhurst Lane, Sandhurst Lane, Sandhurst</p> <p>Further to the December 2018 Planning Committee an objection has been received from Twigworth Parish Council as follows:</p> <p><i>With all other strategic housing planned for the Twigworth area and the Yew tree Farm outline planning, this area cannot sustain any more housing. The rural roads around Sandhurst and Down Hatherley will have a significant increase in traffic.</i></p> <p><i>The area floods significantly already and will substantially be increased due to additional concrete from these 8 houses and the strategic development planned for the Twigworth area</i></p> <p>The applicant has also provided a copy of a response to a 'Development Enquiry Request' from Severn Trent. The letter states that the sewer records show a 150mm diameter foul water sewer in Sandhurst Lane fronting the site and Severn Trent confirm that <i>'foul flows from the development should not have an adverse hydraulic impact on the existing network. A connection is therefore acceptable to the company in principle subject to formal S106 approval. In respect to surface water drainage the letter states 'You have indicated soakaways for the disposal of water and this the preferred method as far as this company is concerned. As there will be no connection to a Severn Trent asset, we have no further comments to make.</i></p> <p>Further to the December Committee the applicant has also submitted an Updated Flood Risk Assessment. The Updated Assessment has been reviewed by the Council's Flood Risk Management Engineer who advises <i>'that the scheme captures, stores and subsequently slowly releases the rainwater to ground and therefore is more managed than the predevelopment situation. The infiltration rates, whilst not exceptional, are acceptable with factors of safety having been added to account for variance. The overall level of flood risk to the site and beyond is deemed acceptable.</i></p> <p>Further to the December 2018 Committee, Councillor Williams has submitted photos (attached) which show locations within and around Sandhurst at times of flood. The applicant's flood risk and drainage advisor has reviewed the photos and has stated:</p> <ol style="list-style-type: none"> <i>None of the pictures relate to the site itself but are in other parts of Sandhurst where it is clear, from the flood maps and available records, that flooding occasionally occurs.</i>

Page No	Item No	
		<p>2. <i>Only one of the pictures has a date, which predictably is July 2007. The flooding is near the junction of Alcotts Green & Sandhurst Lane, which is in Flood Zone 3 some 240m East of the application site. It is an accepted fact that the 2007 floods were in excess of a 200yr event in Tewkesbury (Met. Office).</i></p> <p>3. <i>The aerial photograph uploaded is of the same location and therefore of little relevance to the application.</i></p> <p>4. <i>The picture with the gauge board is at the junction of Base lane and Sandhurst Lane, which is over 1.5km south of the site in flood zone 3.</i></p> <p>5. <i>The picture outside St Lawrence's church confirms that there is a surface water flooding issue on this section of the lane as indicated on the EA surface water flood mapping. This has no relevance to the application site.</i></p> <p>6. <i>Similarly the picture opposite Tarrens Farm reflects surface water flooding on the lane as per the EA mapping. Given that the properties are at least 0.5m above the level of the lane this should not be a material issue for planning.</i></p> <p>7. <i>The picture of a semi submerged vehicle could be anywhere but is clearly in the flood zone and not relevant to the application site.</i></p> <p><i>It is disappointing that these photographs have been submitted as an attempted scare tactic, albeit they should have no material bearing on the fact that the site is in Flood Zone 1 and is in our opinion sustainable from a drainage and flooding viewpoint'</i></p> <p>The applicant's flood risk and drainage advisor has also provided extracts from the Environment Agency Flood Risk Map and Surface Water Flood Map which are included in the Committee Presentation. The latter identifies localised low depression areas where ponding would occur as identified by Lidar mapping based on a deluge map providing drainage was not present or not suitably maintained. Their advisor maintains that <i>'The fact remains that the site is in Flood Zone 1 and is in our opinion sustainable from a drainage and flooding viewpoint.</i></p>

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property the persons exercising such rights doing as little damage as possible to the retained property and making good any damage done and in so far as any such damage cannot be made good making compensation to the Vendor and her successors in title to the retained property therefor

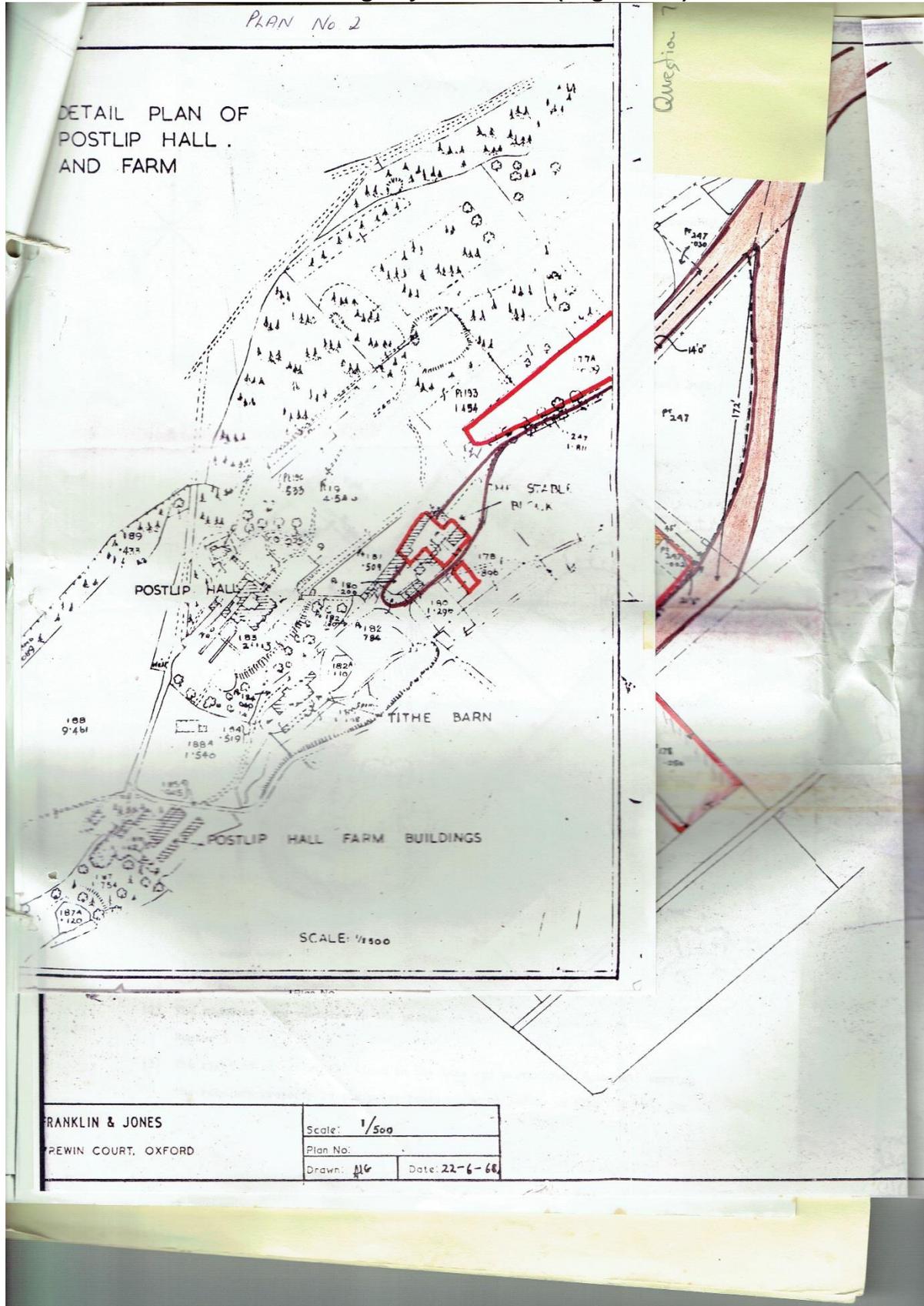
- (2) A right of way at all times with or without vehicles for the Purchaser and his successors in title the owner or owners for the time being of the property and his and their servants tenants and licencees over the entrance drive marked V W and coloured brown on Plan Number 1 and the farm road extension marked W X Y and coloured brown on Plan Number 2 for all normal domestic and agricultural purposes and for such other purposes as shall be reasonably necessary for the Purchasers business of a Race Horse Trainer
- (3) A right of way for the Purchaser and his successors in title as aforesaid over the gravelled yard marked B Y and coloured brown on Plan Number 3 annexed hereto for vehicles horses on hoof and pedestrians
- (4) A similar right of way over the roadway marked W A on Plan Number 3 through and under the property known as West Lodge to the yard forming part of Ordnance Survey Map Number 180 which said yard is included in the property now being sold to the Purchaser
- (5) The right for the Purchaser and his successors in title as aforesaid (in common with all other persons having like rights) to use the drain pipe leading from the property through enclosure Number 179a and the purifying system therein

THE THIRD SCHEDULE

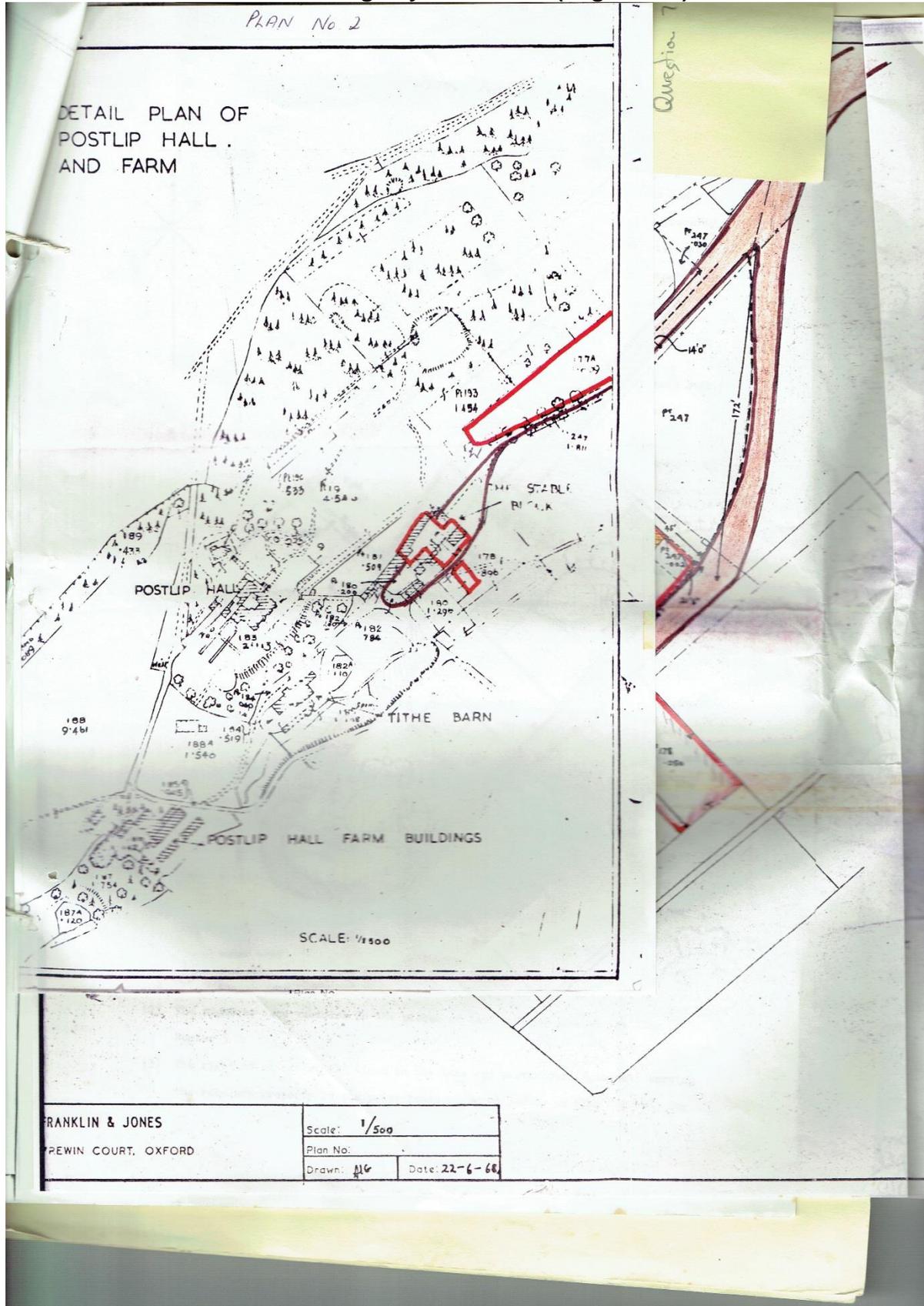
(Rights to be reserved to the Vendor)

- (1) The right from time to time as shall be necessary and after giving reasonable notice to the Purchaser for the Vendor and her successors in title the owner or owners for the time being of the retained property and any part thereof and her and their servants tenants and workmen to enter upon the property for the purpose of maintaining and repairing the buildings then standing upon the retained property and the gutters and downpipes attached thereto and all party walls chimneys gutters downpipes and other party structures and all surface water and foul drains water pipes electricity cables and gas pipes serving the retained property the persons exercising such rights doing as little damage as possible to the property and making good any damage done and in so far as any such damage cannot be made good making compensation to the Purchaser and his successors in title therefor
- (2) The right to turn vehicles on the pieces of land hatched blue on the Plan Number 3
- (3) The right of access at all times to the fuse and switchboard equipment serving the retained property in the power house coloured yellow on Plan Number 3 for

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HM Land Registry

TITLE NUMBER : GR170177

Edition date : 7 May 1997

Entry No.	A. PROPERTY REGISTER <small>containing the description of the registered land and the estate comprised in the Title</small>	
	COUNTY	DISTRICT
	GLOUCESTERSHIRE	TEWKESBURY
1.	(25 January 1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Stables Cottage, Postlip, Winchcombe, (GL54 5AQ).	
2.	(25 January 1995) The land tinted pink on the filed plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 31 December 1968 referred to in the Charges Register.	
3.	(25 January 1995) The Conveyance dated 31 December 1968 referred to above contains a provision as to light or air.	
4.	(25 January 1995) The land tinted blue on the filed plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 7 February 1969 referred to in the Charges Register.	
5.	(25 January 1995) The land tinted yellow on the filed plan has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 26 January 1977 referred to in the Charges Register:- "TOGETHER WITH a right of way at all times with or without vehicles for the Purchaser and her successors in title the owner or owners for the time being of the said property and her and their servants tenants and licensees over the entrance drive coloured brown on the said plan EXCEPT AND RESERVED unto the Vendor and her successors in title all such privileges advantages and quasi easements which are necessary to the reasonable enjoyment of her adjoining property which have been and shall be at the time of this Conveyance used by the Vendor." NOTE:-The entrance drive referred to is that running along the South Eastern boundary of the land tinted yellow on the filed plan.	
6.	(25 January 1995) The land has the benefit of the rights reserved by but is subject to the rights granted by the Deed of Exchange dated 23 May 1979 referred to in the Charges Register.	
7.	(25 January 1995) The land tinted yellow on the filed plan has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 25 August 1983 referred to in the Charges Register:- "TOGETHER WITH the right to the remaining water rising from the spring situate within the Vendor's retained land and the right to have the same conveyed through the water pipes which traverse the Vendor's retained land TOGETHER WITH the right to enter upon the Vendor's retained land for the purpose of inspecting repairing renewing and cleansing such pipes the person entering doing as little damage as possible and making good any	

Continued on the next page

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property the persons exercising such rights doing as little damage as possible to the retained property and making good any damage done and in so far as any such damage cannot be made good making compensation to the Vendor and her successors in title to the retained property therefor

- (2) A right of way at all times with or without vehicles for the Purchaser and his successors in title the owner or owners for the time being of the property and his and their servants tenants and licencees over the entrance drive marked V W and coloured brown on Plan Number 1 and the farm road extension marked W X Y and coloured brown on Plan Number 2 for all normal domestic and agricultural purposes and for such other purposes as shall be reasonably necessary for the Purchaser's business of a Race Horse Trainer
- (3) A right of way for the Purchaser and his successors in title as aforesaid over the gravelled yard marked B Y and coloured brown on Plan Number 3 annexed hereto for vehicles horses on hoof and pedestrians
- (4) A similar right of way over the roadway marked W A on Plan Number 3 through and under the property known as West Lodge to the yard forming part of Ordnance Survey Map Number 180 which said yard is included in the property now being sold to the Purchaser
- (5) The right for the Purchaser and his successors in title as aforesaid (in common with all other persons having like rights) to use the drain pipe leading from the property through enclosure Number 179a and the purifying system therein

THE THIRD SCHEDULE

(Rights to be reserved to the Vendor)

- (1) The right from time to time as shall be necessary and after giving reasonable notice to the Purchaser for the Vendor and her successors in title the owner or owners for the time being of the retained property and any part thereof and her and their servants tenants and workmen to enter upon the property for the purpose of maintaining and repairing the buildings then standing upon the retained property and the gutters and downpipes attached thereto and all party walls chimneys gutters downpipes and other party structures and all surface water and foul drains water pipes electricity cables and gas pipes serving the retained property the persons exercising such rights doing as little damage as possible to the property and making good any damage done and in so far as any such damage cannot be made good making compensation to the Purchaser and his successors in title therefor
- (2) The right to turn vehicles on the pieces of land hatched blue on the Plan Number 3
- (3) The right of access at all times to the fuse and switchboard equipment serving the retained property in the power house coloured yellow on Plan Number 3 for

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Dear Councillors,

There are several inaccuracies in the officer's report to the planning committee that suggest it is not ready for consideration by the committee for the following reasons.

Referring to her comments:

- 1) Policies and Constraints – ‘Tewkesbury Borough Local Plan to 2011 (March 2006) – AGR6’ is not mentioned although it is referred to later in paragraph 5.4 but only in relation to “the re-use and adaptation of rural buildings in the countryside ...”. It fails to mention “unless it can be demonstrated that the proposed use is not practical or viable within the building(s), **or that it is unsuitable due to amenity**, environmental or highway reasons”. Given that the decision on this application will hinge on whether economic use overrides amenity, the fact that the latter phrase has not been mentioned suggests an unbalanced interpretation of the policy.
- 2) Paragraph 7.4 – “...*there is access through the site for vehicles.*”. Access is not permitted through the site to anyone. There are two separate points of access to the site. Technically, access to the site should then be followed by exit from the site using the same route i.e. no access through the site from one entry point to the other.
- 3) Paragraph 7.4 - Access through West Lodge is only for the purpose of gaining access to the following properties; Stables Cottage (owned by the applicant), Muir Cottage and South Lodge. West Lodge and South Lodge also have access to the stable yard for the purpose of turning in a designated area.
- 4) Whilst there is no restriction to the number of times a vehicle can pass under West Lodge, the purpose is restricted to the aforementioned limitations. Currently, vehicles relating to Stables Cottage (owned by the applicant) and the owner of South Lodge are the only ones actually passing under West Lodge. The additional vehicles would approximately double the traffic.
- 5) Paragraph 7.4 – “*Although at the time of the visit an openable fence had been erected across part of the stable yard*”. It is not clear what the intention of this sentence is other than it may be related to the incorrect comment: “...*there is access through the site for vehicles.*”. The “openable fence” is in

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fact a set of gates, the upkeep of which is the applicants' responsibility. They were erected at the time Muir Cottage was separated from the stable yard by deed of exchange dated 1979. There is a requirement in the deed for these gates to be 'stockproof' and therefore kept closed. This requirement also underlines the fact that there is no access through the site for vehicles other than that described in 3 above. NOTE there is no dispute amongst any of the residents surrounding the stable yard about the access rights. Merely that the planning officer has misunderstood them and has therefore not accounted for them in her assessment of the application. There are also no records in this or previous case files that the applicant has contested any of them.

6) Paragraphs 1.1, 3.2 and 9.2. There are several references to the effect that most of the buildings have been converted to residential use including West and South Lodge. These assertions are factually incorrect. The only non-residential building from inception is the stable building.

The assertion regarding residential use of West and South Lodge arises from the Conservation Officer comments 12 Nov 2018. It asserts that the Lodges were "*non-domestic*". There followed an email exchange with the Conservation Officer (planning officer on copy) which has not been placed on the publicly accessible part of the application consultation. The listing description is shown below:

Lodge, coach house and stables, converted into two houses. Circa 1900; by H.A. Prothero; altered C20. Dressed limestone with freestone dressings. Cotswold stone tile roof with gabled ends. Ashlar axial stacks with moulded cornices. PLAN: Lodge [East Lodge] at south east end incorporating former coach house and with carriageway at centre and stables with loft above [West Lodge] at north west end. EXTERIOR: 1 storey and attic. Asymmetrical 5-bay NE front with large projecting gable on right with ball finial, 3 and 4-light stone mullion windows and moulded Tudor arch doorway; lower eaves to left of centre with small stone mullion windows; similar 2-light stone mullion windows in range set back on right and to right of centre a wide gable with ball finial, a 4-light stone mullion window and a moulded 4-centre-arch carriage arch with a hoodmould carried over Tudor arch doorway to right; inside the carriageway there is a 3-bay ashlar arcade to one side and a former coach house to the other side with a covered area open at the rear with a Tuscan column supporting the eaves; at rear cambered arches to stables on left and gable on right. Small gabled dormers at front and at rear and larger dormer at centre of rear. INTERIOR not inspected.

Listing NGR: SP0001226927

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Referring to the listing:

- The first word in the listing description is “Lodge” – the meaning of which normally pre-supposes domestic use.
- The last sentence is “INTERIOR not inspected” i.e. the listing is silent on the interior description.
- From the site visit on Friday, 18 January, 2019 you should have noted the dormers in the roof with leaded light windows all contemporary with the Arts and Crafts style in practicality and asymmetry. It is difficult to view these as other than domestic and original.
- There are two very obvious chimney stacks, one in what is now South Lodge and one in West Lodge, both with three flues which are original and strongly suggestive of residential use. The chimney stack in West Lodge terminates at the first floor with two flues serving two different rooms and one used for ventilation. I have not seen an Arts and Crafts barn or hay loft incorporating chimney stacks.
- South Lodge looks like a house from the exterior which again is original.
- H.A. Prothero was a proponent of the Arts and Crafts movement and clearly designed the lodges in an Arts and Crafts style. The whole ethos of the Arts and Crafts style is function, need and simplicity. H.A. Prothero could not have designed a building as a ‘folly’ and remain true to this ethos.
- The Lodge was residential from inception and, from my previous messages to the Conservation Officer and Dawn Lloyd, the South Lodge part of the building served as a carriage house with accommodation for the carriage driver and his family.
- The part known as West Lodge served as a stable below and stable lads accommodation above. The large dormer windows facing onto the stable yard were originally obscure-glazed to prevent the stable lads observing the ladies as they mounted their horses.

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Master
Bedroom

- West Lodge was separated from South Lodge in 1935 and remained largely in its original layout until 2006 when permission was obtained for change of use for the ground floor only.
- South Lodge has remained largely in its original layout apart from minor changes to the interior and the carriage garage into extra kitchen space.

Therefore there has not been either the degree or progression of conversion as implied in her comments. This application rather represents a step change from what has gone before.

7) Paragraph 7.6 – Provision of passing bays – the passing bays, if required, would have to be agreed with the landowner prior to being brought before the committee. The private access road to the public road is not in the ownership or responsibility of the applicant. Surely, any discussions about the private access road should include the landowner, yet the landowner reports no discussions with either the officer or the applicant.

8) Impact of noise and nuisance - Environmental Health Comments, Paragraphs 6.4 and 12.2. The Environmental Health Officer, when challenged regarding his statement that he had no objection to this application in terms of noise and nuisance he replied as in the e-mail below:

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From: Steve Williams
Sent: Tue, 20 Nov 2018 14:53:20 +0000
To: Dawn Lloyd
Subject: RE: Comments for Planning Application 18/00773/FUL

Dear Dawn,

As discussed, I have no further comments regarding potential nuisance issues relating to this application. I believe the noise issues raised are a matter of amenity and this is not something EH would comment on as this is a matter for the planning department.

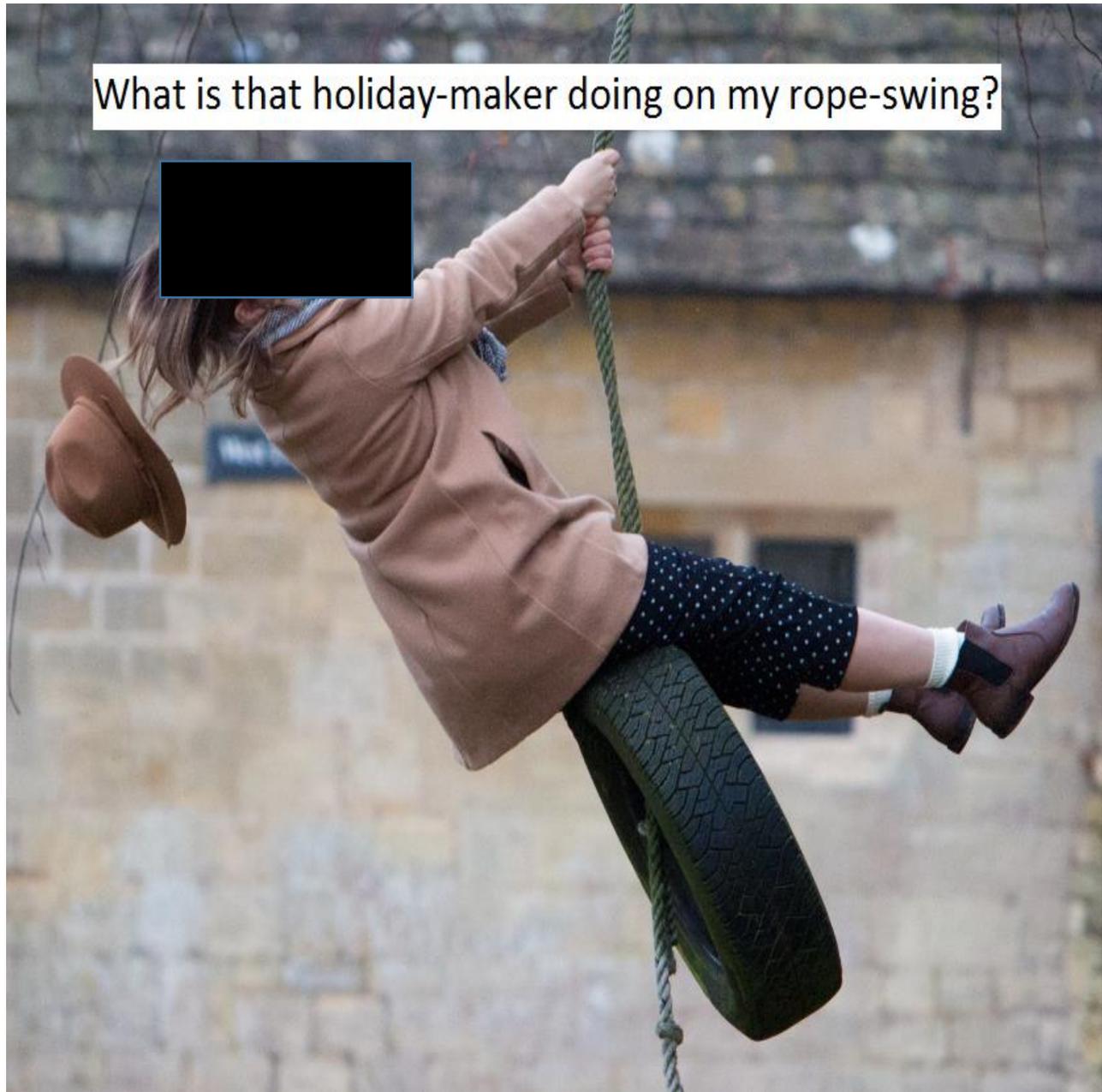
Regards,

Steve Williams
Senior Technical Officer (Technical Services)

However, in paragraph 6.4 and 12.2, she merely makes reference to the EHO Officer's original comment that he has no issues with regards to noise, i.e. they are 'passing the buck' to one another and no-one has taken responsibility of the noise issue. Any decision is about weighing the policy of economic development against loss of residential amenity to neighbouring properties. How can an impartial assessment be made if due diligence with regards to loss of residential amenity with respect to noise has not been followed?

9) Condition 10 - This condition should be changed to 'prior to commencement or any site preparation works'. If it turns out that this work is not feasible, how will the situation be resolved other than the Enforcement Officer stating that it is not in the public interest to pursue? There will be increased traffic into the private access road as a result of this development, should it proceed, causing greater risk on the highway than the intended use.

ITEM 3 – 18/00773/FUL – Neighbour Comments (Page 6 of 6)



ITEM 8 – 18/01023/FUL – Minsterworth Parish Council Further Comments (Page 1 of 5)

From: Clerk <clerk@minsterworthparishcouncil.org.uk>
Sent: 17 January 2019 07:57
To: PlanningCommitteeAdmin; Development Applications; Sarah Barnes
Cc: philip.awford@gloucestershire.gov.uk; Councillor Davies
Subject: FW: Holborn House, Main Road, Minsterworth
Attachments: Stonelea.docx; Holborn House Block Plan.tif

Importance: High

To Whom It May Concern

Further to the Parish Council's email of the 13 December when the Parish Council referred to an incorrect block plan.

Attached is the Holborn House planning files (see attached file Holborn House Block Plan.tif). and a block plan for the neighbouring property "Stonelea" which is correct and shows the garage that has now been built and was not shown on the Holborn House block plan.

This shows that the double garage is more overpowering than it looked on the plan.

Kind regards

Fiona Wallbank - Clerk

From: Clerk <clerk@minsterworthparishcouncil.org.uk>
Sent: 13 December 2018 11:36
To: 'PlanningCommitteeAdmin' <PlanningCommitteeAdmin@tewkesbury.gov.uk>; 'developmentapplications@tewkesbury.gov.uk' <developmentapplications@tewkesbury.gov.uk>; 'Sarah Barnes' <Sarah.Barnes@tewkesbury.gov.uk>
Cc: phillip.awford@gloucestershire.gov.uk; councillor.davies@tewkesbury.gov.uk; 'Roger Blowey' <rogerblowey@hotmail.co.uk>
Subject: Holborn House, Main Road, Minsterworth
Importance: High

To Whom It May Concern:

The Parish Council request the following synopsis relating to the above property presented to the Planning Committee prior to the meeting on Tuesday 18 December 2018. The Parish Council feel that the members should be aware of the full details.

17/00596/FUL Two storey extension to side and rear:
The Parish Council had no objections to this application

ITEM 8 – 18/01023/FUL – Minsterworth Parish Council Further Comments (Page 2 of 5)

17/00849/FUL Construction of a double garage with storage room above

The Parish Council **objected** to this application as the proposed application is out of keeping with the street scene.

This application was subject to revised plans and the Parish Council's response was as follows: The block plan is inaccurate, and this should invalidate the application. As the application stands the Parish Council cannot support this application, as a two-storey garage would be overpowering to the adjacent single-storey residence. Then the application was revised again stating it would be a single storey garage with no storage above which the Parish Council had no objection to.

The Parish Council wrote to the Enforcement Department at TBC as follows: Minsterworth Parish Council has received the following concerns and request that this is investigated as soon as possible:

1. Holborn House has planning consent for a single storey garage, after their initial double storey garage was refused.
2. The garage being built has an area left in the roof space for two roof windows which were on the original plans that were refused.
3. Also on the consented plans there is a rear window on the ground floor, but two windows have appeared on the ground floor level also a window on the second floor level.
4. There is definitely going to be a upper floor making this building a double storey building.

Mr Will Cole responded as follows:

After visiting the site it was clear the garage was different from the approved plans. After discussion with the planning team, we've invited a retrospective planning application to remedy the breach. The owner has advised this application should be submitted to our Authority sometime next week.

Another application was submitted 18/01013/FUL Retrospective application for a erection of a detached garage with storage above. The Parish Council's response was as follows:

The Parish Council **objects** to this application for the following reasons:

- Out of character with the street scene
- The block plan is incorrect
- The garage is overpowering in size to the adjoining two-storey residence

NB The incorrect block plan showed the adjoining building (i.e. next door) as being much further away to the Holborn house garage than stated on the block plan submitted, and hence the double garage would be more overpowering than it looked on the plan.

ITEM 8 – 18/01023/FUL – Minsterworth Parish Council Further Comments (Page 3 of 5)

Now the application is going to committee and is down for permit. Basically the applicant applied for a garage with storage above which the Parish Council objected to then the applicant removed the storage above but built it anyway so then has submitted a retrospective application.

How can an applicant be advised by 'the planning team' to submit a retrospective application after proceeding with a building for which planning approval was rejected by the same planning team? How is this right and fair when other people stick to the planning rules?

This matter puts the whole planning system, including the role of Parish councils, into disrepute and actively invites breaches of planning decisions.

We look forward to your response.

Kind regards

Mrs F Wallbank – Clerk
Minsterworth Parish Council

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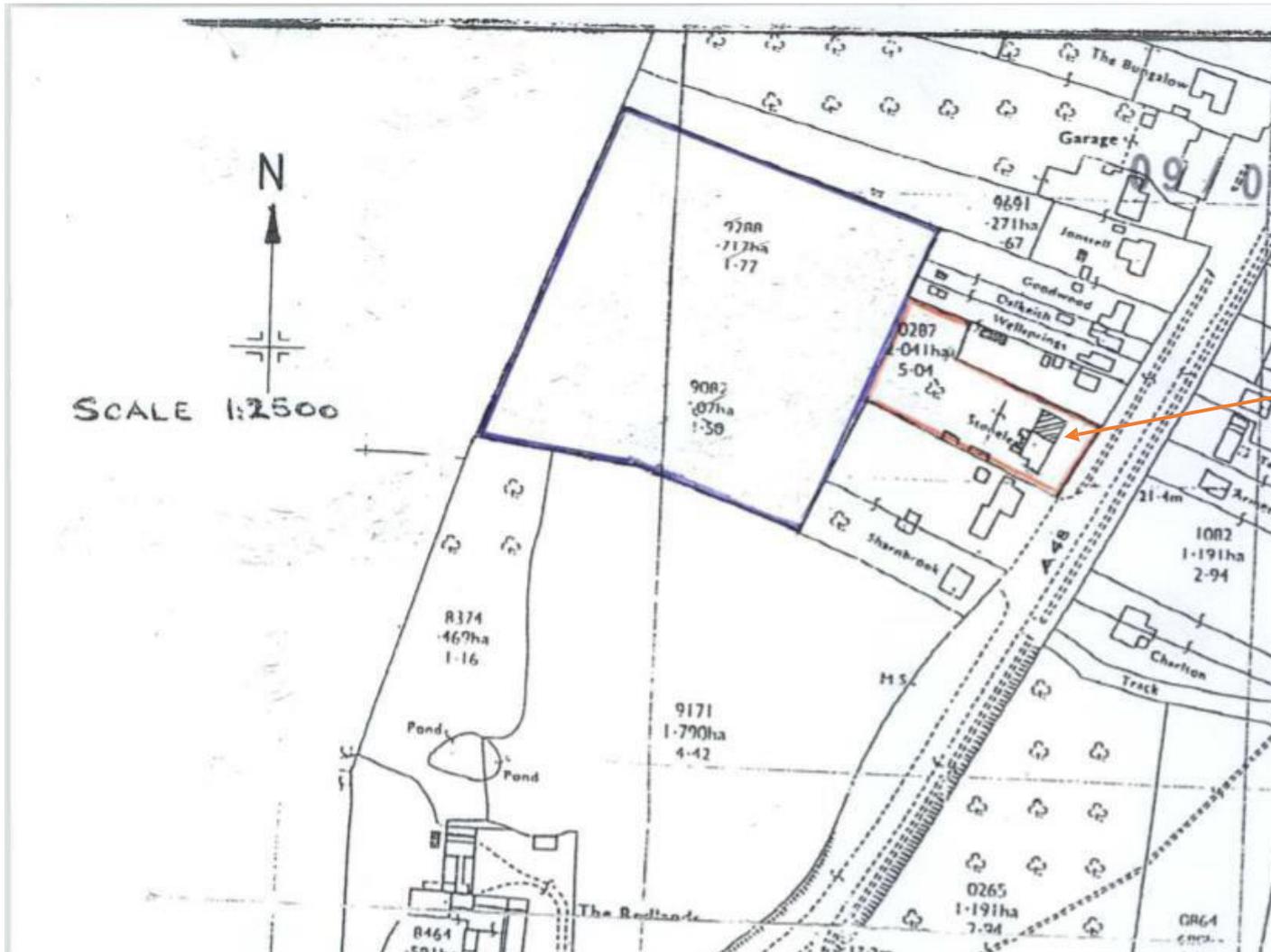
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ITEM 8 – 18/01023/FUL – Minsterworth Parish Council Further Comments (Page 4 of 5)



ITEM 8 – 18/01023/FUL – Minsterworth Parish Council Further Comments (Page 5 of 5)



**proposed
block plan**

OS MasterMap
1250/2500/10000 scale 31 May
2017, ID: HMC-00628047
www.themapcentre.com



ITEM 9 – 18/01086/FUL – Letter of Objection**Letter to the Committee from Objectors on 18/01086/FUL****Date 14th January 2019**

This letter is to be passed to the Planning Committee as none of the objectors can make the date of the planning committee to address them on the objections submitted.

1. When the Pottersfield Estate was granted planning permission in the early 1960's it was Tewkesbury Council that mandated the estate would be built only with Cotswold (Bradstone) Stone. Will the council now be looking to overturn this decision that has been in place for over 50 years?
2. Houses in Byfield Close were built with the main living areas at the rear of the property so that home owners had views up to Cleeve Hill AONB. This extension will reduce the views and remove any privacy and amenities from these properties.
3. Numerous planning requests on the Pottersfield Estate in the last few years have been granted permission to build with the caveat they use Bradstone. In most cases this has been due to keeping with the character of the local estate and visibility from either the road or a public walk way.
4. This proposed extension will pull down an established Cotswold stone extension built in character with the local area and replace it with an extension with rendered walls on the sides and a rendered wall with Stone Effect at the back, which will be visible from the public walkway and the road both in Byfield Close and Pottersfield Road and out of character with the local area.
5. The protrusion of the proposed extension will expand an already extended property, both at the front and the rear potentially exceeding the 50% permitted development of current property. This extension will Garden Grab leading to overcrowding and over building on a property that already has multiple extensions and extend beyond what would be considered reasonable for the size of the plot the currently extended property resides on.
6. The proposed development of a two storey double apex extension will result in a loss of outlook creating an over-bearing / intrusive impact on properties in Byfield Close.
7. How will this proposed development affect the water course from Cleeve Hill (originally running along the back of the gardens of Byfield Close). The previous owners often complained about how water logged the garden became during periods of heavy rain. This also affects houses in Byfield Close that are behind the Apple Tree Close development.

Item 11 – 18/00748/FUL – Land at Sandhurst Lane

FURTHER UPDATE CIRCULATED SEPARATELY

Photographs provided by local Ward Councillor









Representation from Applicant's Agent**Planning Committee Item 11**
Land at Sandhurst Lane,
Sandhurst 18/00748/FUL

1

1. I refer to the above planning application, which will be determined by Planning Committee on the 22nd January 2019.
2. Following the publication of the Committee report a number of photographs were submitted to the Council, depicting various areas of flooding within Sandhurst. Only one of the photos was dated (July 2007), however, it is assumed all the photos had been taken during the 2007 floods.
3. This matter was originally raised at the December 2018 Committee, where it was resolved to defer the application to further assess flooding at the site. This note is in response to those concerns.
4. The location of the photographs has been marked on a flood map as a point of reference (enclosed). This highlights that none of the pictures relate specifically to the application site. The photographs show other parts of Sandhurst, which are located within an area which is known to be at a higher risk of flooding (i.e. Flood Zones 2 and 3). Three of the photos show areas within Flood Zone 3.
5. In considering the photos taken outside of the flood zone, such as that along Sandhurst Lane, it is important to note that the proposed properties are at the lowest point 0.5m above the level of the lane.
6. It is also important to note that if these photos were of the 2007 floods, which was an extreme flooding event in excess of a 200-year event.
7. The Flood Risk Management Engineer had been consulted on the application and considers that an acceptable drainage solution can be secured given the site's location entirely within Flood Zone 1. This position is supported by the Planning Officer who considers the application to be acceptable in respect to flood risk and drainage in accordance with JCS Policy INF2 – Flood Risk Management.
8. Members are reminded of the planning history of this site, with the Council previously refusing application 15/00941/FUL for 16 dwellings (8 affordable) on the basis that a small part of the site was situated within Flood Zone 2. The Council did not refuse the application on the basis of safe and dry access, with both the Flood Risk Management Engineer and the Lead Local Flood Authority not raising this matter as a concern.
9. Notwithstanding this, in the case of an emergency, access out of the site can be taken over the parcel of land to the north which connects further up Sandhurst Lane, outside of Flood Zone 1. This site therefore benefits from a means of escape in the event of a flood and will not put pressure on emergency services at such times.

