

10 February 2020

Committee	Planning
Date	Tuesday, 18 February 2020
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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



	Item	Page(s)
4.	MINUTES	1 - 31
	To approve the Minutes of the meeting held on 21 January 2020.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) Schedule	
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	32 - 35
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 17 MARCH 2020
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), L A Gerrard, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

Substitution Arrangements

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

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

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

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 21 January 2020 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, G F Blackwell, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines
and M J Williams

PL.43 ANNOUNCEMENTS

- 43.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 43.2 The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings including public speaking.

PL.44 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 44.1 Apologies for absence were received from Councillor P N Workman. There were no substitutes for the meeting.

PL.45 DECLARATIONS OF INTEREST

- 45.1 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.
- 45.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	19/00738/APP Parcel 3745, Land at Pirton Fields, Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does participate in planning matters.	Would speak and vote.

R D East	General declaration.	Had received emails in relation to various applications but had not expressed an opinion.	Would speak and vote.
A Hollaway	19/01012/FUL Home Farm, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area. Had received an email from the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	19/00498/FUL Land Adjacent to Rosedale House, Main Road, Minsterworth.	The owner of the property is known to her.	Would not speak or vote and would leave the room for consideration of this item.
M L Jordan	19/00738/APP Parcel 3745, Land at Pirton Fields, Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	19/00726/FUL 4 Cheltenham Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P W Ockelton	19/00726/FUL 4 Cheltenham Road, Winchcombe.	Had received an email from a neighbour in relation to the application but had not expressed an opinion.	Would speak and vote.
P W Ockelton	19/00436/FUL Spring Farm, Wainlode Lane, Norton.	Had received an email from the Technical Planning Manager in relation to the application but had not expressed an opinion.	Would speak and vote.

P W Ockelton	18/01179/FUL Land East of Old Gloucester Road, Staverton.	Had received an email from the agent in relation to the application but had not expressed an opinion.	Would speak and vote.
R J E Vines	19/00653/FUL Hillview at the Rear of Ashley Villa, Badgeworth Lane, Badgeworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
M J Williams	19/00436/FUL Spring Farm, Wainlode Lane, Norton.	Has a property interest in the application.	Would not speak or vote and would leave the room for consideration of this item.

45.3 There were no further declarations made on this occasion.

PL.46 MINUTES

46.1 The Minutes of the meeting held on 17 December 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.47 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

47.1 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.

19/00726/FUL – 4 Cheltenham Road, Winchcombe

47.2 This application was for the erection of a single storey side and two storey rear extension to replace existing lean-to and single storey rear extension and erection of a detached garden store. The application had been deferred at the Planning Committee meeting on 17 December 2019 in order to negotiate a repositioning of the toilet extension.

47.3 The Planning Officer advised that the application had been deferred by the Committee in December to allow options to be explored to omit a downstairs toilet from the scheme in order to improve any potential impacts on the neighbouring amenity. Officers believed that the applicant had addressed these concerns by omitting the toilet from the scheme and they had submitted a revised floor plan and section showing that the new single storey extension would be used as a utility room

and not as a toilet. The Additional Representations Sheet, attached at Appendix 1, included further objections which raised concern over land ownership and Members were advised that this was not a planning matter. As such, the Officer recommendation remained as permit.

- 47.4 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that it was her understanding, which was confirmed by the Minutes of the Planning Committee meeting on 17 December 2019, that the applicant had been asked to secure a more appropriate design and to reposition the side extension, referenced as the toilet extension in the Minutes; however, they had not done this, they had removed the image of the toilet and washbasin and left the proposed extension structure in place with the same height and length dimensions. This was purely cosmetic and, she believed, non-compliant with the instructions. She hoped that the instruction given in December remained and reiterated that, if for any reason the proposed structure were to be built, there was nothing to stop the applicants inserting a toilet, washbasin and associated pipework in future. Whilst this had a direct impact on her property, the adjacent property owners also had continued objections. For the purposes of clarification, she pointed out that the current structure was an outbuilding – a shed – and did not form part of the current habitable footprint. It was only accessible from the outside rear garden and not internally. The applicant had changed the description from a garage to a lean-to and the applicant had confirmed that it was low enough for her to brush the top of her head; it was not an existing extension and was therefore not comparable on a like-for-like basis. She also indicated that the side structure would have an overbearing effect on her front door, hallway, dining room and kitchen which was confirmed by one of the Councillors at the December Planning Committee meeting. Should waste pipes be installed for any reason, they would be alongside the rooms where she prepared and ate food which was unhygienic and psychologically damaging to her wellbeing. She also had an objection to the proposed side window which would overlook her path, front garden and front door, causing an invasion of privacy. Furthermore, in the row of 17 properties on Cheltenham Road - the majority with side-facing doors – not one had extended to the boundary line, let alone sited a toilet. It was clear to her that the applicant had not followed the instructions of the Planning Committee, nor had they made any attempt to contact her to come to an amicable resolution. It was not acceptable for one person's gain to be at the expense of another and, in her view, it was important to be respectful, kind and considerate of others; that was clearly not the case here and she asked again for a refusal of the side extension and side lounge window.
- 47.5 The Chair invited the applicant to address the Committee. The applicant indicated that the Planning Committee in December had deferred its decision, asking for the toilet from the side extension rebuild to be moved and she confirmed that the toilet had been removed. The house would remain a two bedroom, two storey property smaller in scale than the four bedroom, three storey houses on either side. She reiterated that the house needed major repairs and renovation but this was an opportunity to make it suitable for modern living. To ensure compliance with all planning policies and the development plan, an architect had been engaged on all aspects of the proposed scheme and advice had been taken from a Planning Officer at a face to face meeting under the pre-application planning advice service; the Planning Officer had been positive on the drawn up scheme which had been modified to take on board the Conservation Officer's choice of front window style and the Planning Officer's preference that an angled window be made flush. These steps had all been taken to ensure there could be no reason for refusal. It was noted that the Town Council had confirmed it had no objection to the proposal. The applicant went on to explain that, in order to improve the appearance of the house, the proposed materials had been upgraded, for example, Cotswold stone for walls and pitched slate roofs instead of the existing flat corrugated iron and bitumen one and upgrading windows from UPVC. The Planning Officer had explained why the

two replacement extensions complied with planning policy when considering design, light, overlooking and overbearing. In terms of overbearing, the proposal was for a small increase in height on a side extension rebuild for the practical reason that their heads currently brushed the underside of the ceiling insulation in the existing lean-to. The proposed height was the lowest interior height that would satisfy building regulations and, to minimise the impact on the neighbouring property to the south, the proposal had a step down from the original house to the proposed side replacement and a mono-pitch roof with concealed guttering sloping favourably for the neighbour. The Planning Officer had judged both proposed extensions to be acceptable in terms of overbearing. Unlike overbearing, the question of any loss of light to the neighbour's window to the south could be determined objectively. Daylight to that window was blocked already by the original house which stood immediately behind the proposed single storey replacement; furthermore, there would be no loss of sunlight because that neighbour's side window faced north. The Planning Officer had stated that there were no planning grounds to object to the proposed ground floor windows which faced blank walls. In summary, the Planning Officer had recommended the proposal for permission twice – at the initial Planning Committee in December and again following the deferral – it was consistent with the development plan and planning policies and would upgrade the materials and house design, therefore she asked Members to support the Officer recommendation to permit.

- 47.6 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted that the revised plans showed that the toilet had been removed and he queried whether it had been repositioned elsewhere; he noted that the original location of the toilet would now be used as a utility room which he assumed would require some sort of drainage system so he questioned whether the toilet could be re-added at a later date without planning permission. In response, the Planning Officer confirmed that the toilet had been removed and not relocated elsewhere. As the drainage system was for a residential utility room and was not on an industrial scale, this was not something which Officers were concerned about – all underground infrastructure would be dealt with by Building Control. The Member went on to query whether it was possible to issue a split decision to permit the two storey rear extension and refuse the single storey side extension. The Technical Planning Manager firstly confirmed that the toilet could be added at a later date and, from a planning perspective, there was nothing to prevent that from happening. As there were two distinct elements to the proposal, there would be no problem with issuing a split decision, should Members so wish. It was subsequently proposed and seconded that a split decision be issued to permit the two storey rear extension and refuse the single storey side extension on the basis that, by reason of its scale and location, it would have an unacceptable impact on the living conditions of the neighbouring property. The proposer of the motion indicated that he had been concerned about the proximity of the toilet to the neighbouring property but there was also an issue with the overbearing impact as the ground did slope away. Another Member queried whether there was already a building to the side of the property and the Technical Planning Manager confirmed that there was an existing building but he was unsure whether it was an integral part of the house or an outbuilding. Members were required to make a judgement as to additional impact of the proposed side extension over and above the existing building; Officers had made that judgement and considered that the impact would be acceptable given the relatively small increase in height. A Member noted that the extension would be to the extent of the boundary of the property and he questioned how it could be built without accessing the neighbouring property which could be an issue if they refused entry onto their land. The Technical Planning Manager drew attention to the plan at Page No. 568/B which showed a small gap to the boundary; notwithstanding this, the view from Building Control in the past was that a competent builder could build up to the boundary without going onto the neighbour's land. Granting planning permission would not allow people to trespass and this was not

an issue for the Planning Committee to consider – the planning issue was the impact on the neighbouring property. The seconder of the motion felt it was important to remember that the neighbouring property had its front door on the side of the building and she had felt that it was obvious from the previous Planning Committee Site Visit that the increased height from the proposed side extension would have an unacceptable impact. She also felt that the neighbour's window would be adversely affected.

47.7 Upon being taken to the vote, it was

RESOLVED That a **SPLIT DECISION** be issued for the application to **PERMIT** the two storey rear extension and **REFUSE** the single storey side extension on the basis that, by reason of its scale and location, it would have an unacceptable impact on the living conditions of the neighbouring property.

19/00436/FUL – Spring Farm, Wainlode Lane, Norton

47.8 This application was for the part retention of an agricultural building to be used by the agricultural holding for use for storage of produce and equipment, sheep shearing, lambing and milking; external amendments to the elevations and roof of the agricultural building constructed pursuant to 16/01269/AGR; and the laying of a concrete surface adjacent to the existing gate. The Planning Committee had visited the application site on Friday 17 January 2020.

47.9 The Planning Officer advised that the application related to Spring Farm, an agricultural holding which was located to the west of Wainlode Lane, Bishop's Norton. The application was submitted in full and sought the part retention of an agricultural building permitted under 16/01269/AGR to be used by Spring Farm for the use for storage of produce and equipment, sheep shearing, lambing and milking. The application also sought design changes to the permitted barn and the laying of a concrete surface adjacent to the existing gate. The principal design changes arising from the current application related to external materials and the application proposed overlapping vertical timber boarding on the external walls at mezzanine floor level to provide ventilation to the hay loft and the installation of natural grey fibre cement roof sheeting. The remainder of the walls would be constructed of reclaimed brick and the current application proposed the inclusion of dove cote vents in the gable ends of the building. It was considered that the proposal would not have an undue negative impact on the surrounding landscape and would not cause unacceptable harm to the amenity of neighbouring residents. As such, the application was recommended for permission.

47.10 The Chair invited the representative from Norton Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council appreciated that planning permission had already been granted and that would not be altered by the decision today; however, it was the first opportunity to put an objection on public record and show that the original permission was misguided. The first planning notice stated that the building would not have an undue negative impact on the surrounding landscape and would not have a detrimental impact on the Landscape Protection Zone; however, Members of the Planning Committee had visited the application site and viewed the skeletal building and other structure so would be able to judge the impact on the landscape for themselves. It was an even more imposing structure when viewed from the bridle path on the hill and, from the Parish Council's perspective, it had a detrimental impact on the landscape that should have been protected under Policy LND3 of the Tewkesbury Borough Plan. It was amazing that the local planning authority considered that such a small enterprise needed such an extravagant building - it seemed that anyone was able to buy a few acres of land, obtain a County Parish Holding, buy some sheep and put an over the top building on the site, claiming it was essential for their business. The Parish Council considered that it was important to be realistic about any capital

expenditure and, if money was invested in enterprise, the returns should improve performance to a level that would exceed the cost but neither consultant had published its financial reasoning for claiming that the operation was sustainable. The Parish Council representative explained that he had done some calculations based on income generation which demonstrated that the expectations were not realistic; this was not a sustainable operation and was more of a hobby than a business.

- 47.11 The Chair invited a local resident, speaking in objection to the application, to address the Committee. The local resident explained that she was speaking on behalf of a group of local residents who wished to object to the application in the strongest possible terms. As she understood it, the purpose of the meeting was to review the planning application for the change of use of the unit and she drew attention to Page No. 572, Paragraph 5.5 of the Officer report which stated that “It was subsequently clarified that as the building was intended to be used for housing livestock...”; however, the initial application should never have been granted as the applicant had clearly stated in their Design and Access Statement that the proposed barn would primarily be used for lambing, shearing and flock maintenance. No other new buildings had been erected since this approval and the new application was for sheep shearing, lambing and milking so she questioned how this could be seen as a change of use. Furthermore, the agricultural report submitted with the application stated that the main impetus behind this latest application was the proposed use of the building for livestock which triggered the issue of protected dwellings and the 400m rule and she questioned why that issue had not been triggered in 2016. This was not a new proposal – it was the application that should have been put to Committee then and she therefore wished to see this reviewed and rejected as a new application, devoid of merit, and that the existing skeleton building be removed as unlawful. There was no agricultural business basis for this construction, as could be seen from the information provided by the Parish Council representative. This huge undertaking would lead to a generational debt for a business that was, by its own account, making “a small profit”. The application had not been scrutinised in any meaningful way by the Planning Officers, highlighted at Page No. 573, Paragraph 5.24 of the Officer report regarding the resubmission of a block plan as the scale was still incorrect and the bridle path was shown on the plan at Page No. 547/B of the Officer report as four metres wide, demonstrating the continued submission of false plans. She felt there was no justification for this building on the basis of the current application and it was her contention that the owners were looking to use this as a dwelling; they had illegally lived on site for most of the summer – this issue was currently outstanding with the Council following seven emails to the Planning Office across three months with only one response – the owners had also been advertising their farm camps and meals on a dedicated website. She felt that the applicants had treated the application process with contempt, continuing to build on site despite being told to cease work, leading to an advisory letter from Tewkesbury Borough Council on a planning enforcement issue on 19 December 2019. She urged the Committee to reject the application and pointed out that approval should never have been granted in the first instance – there had been a catalogue of historical errors in the planning scrutiny of the site which should not be compounded. The application was utterly without merit and, in her view, could not be justified through the agricultural use specified.
- 47.12 The Chair invited the applicant to address the Committee. The applicant explained that Spring Farm was currently a producer of lamb and wool from its flock of 30 Ryeland sheep, it also produced hay and some fruit and vegetables, chicken and duck eggs which were sold privately and at the farm gate. The barn was now required to expand production and develop new enterprises such as sheep milk and associated products and adding value to wool using natural dyes from farm plants grown on site. His wife was a member of the local Gloucestershire Guild of Weavers, Spinners and Dyers and was developing a range of naturally dyed yarns

and woven products which required processing space on site. The current application was preferred over an earlier prior notification permission in 2016 as it best met requirements to develop and expand the farm business. It should be noted that the majority of barn usage was not related to animal housing, but to the need to secure dry space for machinery and workshop, along with storage and processing space for wool and fruit and vegetables and dry, well-ventilated hay storage; however, the small amount of time the barn would be used for animals was pivotal to the safe and efficient development of the overall business. Lambing success rates would benefit from a dry protected animal yard when snow, wind and rain struck, especially when multiple births occurred simultaneously. Animal welfare was also paramount for dagging and shearing days, when the sheep needed to be kept off the grass and in dry conditions overnight prior to and during shearing. Health and safety for contract shearers was a high priority and a dry covered space was needed because they used electrical shears powered from a generator. Sheep milk was seasonal but a potentially viable niche market that required a well-equipped and clinically clean milking station out of the weather. Another occasional use for the barn was the provision of space for sheep or poultry that needed to be quarantined in order to meet government rulings - the avian flu epidemic four years ago had a disastrous effect on the poultry business because of a lack of indoor space for birds to comply with animal health rulings. The barn would also provide a dry, well-ventilated hay loft for between 400 and 600 small bales of hay. The applicant explained that the environmental impact of the barn would be minimal; soiled hay and straw would be recycled as mulch and composted for vegetable growing and the barn would be part of a new hedge planting along with some trees in surrounding fields. The visual appearance of the barn was designed to fit in with local barn architecture and the fibre cement roofing was typical of the region and did not creak in the wind as metal roofs were prone to which could disturb sheep. The recycled brick exterior gables, along with the traditional dove cote air vents in diamond shapes in the brick work, were also a common feature in the local village barns along the River Severn valley and the expansive open timber boarding above the bricks was also a typical agricultural feature. The applicant reiterated that the barn was required for reasons of animal welfare, farm worker health and safety and the development of a small family-run agricultural business designed to benefit the wider community.

- 47.13 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member questioned whether the Committee was required to consider whether the business would be profitable, the number of animals which would be stored in the building and if there was potentially a future case for the building to be used for non-agricultural purposes. In response, the Technical Planning Manager advised that, in terms of profitability, for holdings of this size there was generally a case for need and profitability was not something that would be taken into account. This building would be used in different way to how other animal storage buildings may be used but it had been assessed by an agricultural consultant who was happy there was a need for the building to serve the land. With regard to future use, it was necessary to consider each application on its own merits. Reference had been made to the building potentially becoming a dwelling in future and, whilst he did not think it had been designed in that way, he could understand why there may be concerns as the brickwork was not a typical feature but, in general terms, it was considered to be acceptable for its use. The amount of animals stored in the building was not something Officers would look at in terms of the numbers that had been put forward in the justification for the application as this seemed reasonable for the size of the building proposed as Members would have seen on the site visit. Another Member recognised that the proposal before the Committee was not for residential use but she questioned what the situation would be if such an application came forward for a plot further along the road. She pointed out that she could recall a very similar application where the viability of the business going forward had been taken into account and formed part of the

decision-making process. The Technical Planning Manager indicated that he could not say much more about the potential future use and Members were not there to judge whether the previous application had been an abuse of the planning system. In terms of viability of the business, his initial comment was based on the size of the site and it was only reasonable to expect that a building was necessary to serve the land.

- 47.14 The Chair indicated that Members had noted the extravagant use of materials on the Planning Committee Site Visit which had belied the use of the building as set out in the proposal before them; there had also been some scepticism about the use of the mezzanine floor for storing hay. As such, he would be uncomfortable in leaving a future Planning Committee with the problem of what the building may eventually become. He personally wanted some more information to establish what was being applied for and he hoped the Committee might feel able to request a deferral in order for an agricultural advisor to have another look and to ask the applicant to clarify the intended use. It was subsequently proposed and seconded that the application be deferred on the basis that further work was required to give Members reassurance that the building would be used for agricultural purposes. A Member indicated that, whilst he sympathised with the comments that had been made regarding use of the building, he did not believe there was a sustainable planning reason for a deferral. The Technical Planning Manager explained that his view was that it was reasonable for Members to want to be satisfied that the building was being constructed for the purpose proposed and to seek a deferral on that basis; however, it should also be borne in mind that this was inevitably a matter of judgement and Members may take a different view to Officers on what was before them. A Member expressed the opinion that it was the applicant's prerogative to submit an application which he saw fit and that would serve his purposes and it was not for Members to unnecessarily restrict the materials which could be used to construct an agricultural dwelling. Another Member concurred and indicated that it was being suggested that it would have a negative impact on the area when surely reducing the quality of materials being used would have a more harmful effect. A Member felt that the applicant had clearly outlined the various uses for the building in his speech and had explained why it had been designed that way so he did not feel it was appropriate to ask for a deferral in order for him to repeat that. The Chair took the point about the materials not necessarily causing a problem but he did question why it was necessary to have two rows of rooflights in a hay store and pointed out that hay storage should be well-ventilated. In response, a Member indicated that planning permission would still be required to change the building to a dwelling in future and that proposal would need to be assessed on its merits at that time. Another Member was of the opinion that it would be very helpful to have more information before making a decision. Upon being put to the vote, the motion to defer the application was lost. 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.

19/00569/FUL – 2 Haylea Road, Bishop's Cleeve

- 47.15 This application was for installation of a rear dormer window and front skylight to facilitate loft conversion.
- 47.16 The Planning Officer explained that a Committee determination was required as the Parish Council had objected on the grounds of overlooking and unsympathetic design. In terms of overlooking, the outlook from the rear dormer window would be virtually the same as the existing outlook from the first floor bedroom windows - one of the bedroom windows would serve as an ensuite so it would be conditioned to be obscure glazed. In relation to the design, the dormer as revised had been reduced in size and the design improved. With regard to the size of the dormer window, it

would be lower than the main ridge line and also set in. Overall, the proposal as revised was considered to be in keeping with the area and would not have a detrimental impact on the neighbour's residential amenity, therefore, the Officer recommendation was to permit the application.

- 47.17 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 put to the vote, it was

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

19/00653/FUL – Hillview at the Rear of Ashley Villa, Badgeworth Lane

- 47.18 This application was for the demolition of an existing dwelling and building of one dwelling house.
- 47.19 The Planning and Enforcement Team Leader (South) explained that the existing dwelling was formerly a workshop which had been granted planning permission for use as an independent dwelling in 2013. The principle of a replacement dwelling in this Green Belt location was acceptable, subject to the replacement dwelling not being materially larger than the one it replaced. There had been a number of revisions to the proposal over the course of the application which had reduced the overall size and scale of the replacement dwelling and, whilst the revised proposal remained slightly larger in terms of its volume than the existing building, consideration had been given to the fact that the existing building could be extended under permitted development rights to increase its footprint and volume. In view of this fallback position, the current proposal was considered acceptable and it was therefore recommended for permission.
- 47.20 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that planning permission was granted for the original workshop to be a separate dwelling known as Hillview, independent of Ashley Villa, in 2013. Since that time, Hillview had become uninhabitable due to severe structural defects hence the proposal to demolish the existing property and rebuild. The new building would be materially the same size as the existing building and situated virtually in the same position; both the existing and proposed buildings were single storey. The proposal did not interfere with the views or light to the neighbouring properties and access to the highway and site behind had not changed, although the surfacing would be subject to a suburban drainage system – foul water drainage would be through the same connection to the main drains and rainwater was via soakaways. He advised that the dwelling would be constructed of brick, with lintels and cills of reconstituted Cotswold stone, whilst the roof was slate with clay ridge, all of these materials being in common use in the area. Windows were to be UPVC and argon filled triple glazed, heating was via an air heat source pump and energy through an array of photovoltaic and solar panels on the roof, therefore being energy efficient and eco-friendly. The design and materials met the approval of the Urban Design Officer. Taking all of this into consideration, the proposal would surely be a welcome addition to the local housing stock and he asked Members to permit the application in accordance with the Officer recommendation.
- 47.21 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. Whilst he was supportive of the application, a Member indicated that he was interested in the overall balancing exercise and why similar applications for replacement dwellings in his Ward – a fully Green Belt location – were not always permitted. He drew attention to Page No. 584, Paragraph 7.1 of the Officer report, which gave a brief description as to why the very special circumstances were considered to outweigh harm to the Green Belt and pointed out that he had been told previously that very

special circumstances did not apply. In response, the Technical Planning Manager reminded Members that each application must be considered on its own merits. Upon being put to the vote, it was

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

19/01012/FUL – Home Farm, Stockwell Lane, Woodmancote

47.22 This application was for demolition of store/garage outbuilding and erection of annexe/garage/carport replacement building.

47.23 The Planning Officer advised that Home Farm was a Grade II listed building located in Stockwell Lane. There was a separate property attached to the south that was also Grade II listed and the site was located within a Conservation Area. The application related to a detached garage and store within the grounds which itself was not listed. The applicant proposed to replace this with a new building which would incorporate an annexe. He understood that Members had received a letter explaining the background to the proposals and the applicant's personal circumstances and he confirmed that Officers had also received that letter. In terms of the principle of development, whilst the proposal included an annexe element, the building was intended to be used ancillary to the main house and should therefore be treated as an extension to the property for the purposes of determining the application. Officers were satisfied that the proposal was acceptable in design terms and would not harm the setting of the listed buildings in the area and that it would have an acceptable impact on the Conservation Area. The proposal did not raise any residential amenity issues and the proposed parking arrangements were also acceptable. As such, the Officer recommendation was to permit the application.

47.24 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 put to the vote, it was

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

19/00498/FUL – Land Adjacent to Rosedale House, Main Road, Minsterworth

47.25 This application was for the erection of a detached dwelling and garage block with associated vehicular access. The Planning Committee had visited the application site on Friday 17 January 2020.

47.26 The Planning Officer advised that the application had been brought to the Committee due to an objection from the Parish Council on the grounds of overdevelopment of the site, privacy of neighbouring dwellings and surface water drainage. The dwelling was located to the rear of the site and was set back significantly from the rear boundary with Rosedale House. The design and location of the garage had been amended due to concerns regarding the overbearing impact on the Rookery. The design and layout was considered to be in keeping with the form and character of the adjacent residential development and the assessment of impact on the amenity of the neighbouring dwellings had found no substantial harm in terms of loss of light, overbearing impact or privacy. Notwithstanding this, the proposal would increase the residential development to six dwellings and cause intensification of the access and, whilst the County Highways had no objection to the parking arrangement, further details of the access and additional works to the A48 were required; those details were yet to be agreed with the applicant. The surface water drainage was to be incorporated into the drainage design for the residential development of the five dwellings and subject to a pre-commencement condition. Trees and planting were to be removed with additional planting proposed that would be subject to condition. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to the

recommendations of the County Highways Authority and variations to, or addition of, conditions as necessary.

- 47.27 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the application was for a single dwelling within the service village of Minsterworth. As Members were aware, the Joint Core Strategy designated 12 service villages which had a very important role to play in meeting the housing need of the borough across the plan period. Furthermore, the emerging Tewkesbury Borough Plan drew settlement boundaries around those villages with a view to directing new housing to those areas. The site before Members was within the proposed settlement boundary for Minsterworth and was surrounded by other residential development. Therefore, the proposal for an infill dwelling fit squarely with Policy SD10 of the Joint Core Strategy and that was the advice contained within the Officer report. Given the proximity of neighbouring plots, the dwelling had been carefully designed to ensure an acceptable impact on other properties with a single storey subservient element to the eastern side. The dwelling was of a size, scale and form that would respect the general character of the area and would be a two bedroom dwelling, for which there was a high demonstrated need within the latest Strategic Housing Market Assessment, which would help to ensure an appropriate mix of housing across the plan area. In terms of highways, his understanding was that County Highways was satisfied that an acceptable access arrangement could be achieved and for that reason he would be content to accept the delegated permit recommendation, or a planning condition to secure this. He noted there was some local concern in relation to the application and, whilst he appreciated the desire for locals to protect their existing living environments, this needed to be balanced against the need to deliver housing in sustainable locations. At a time when the Council still had an acknowledged shortfall of housing, the opportunity to provide much needed housing within a defined settlement boundary, where the development plan sought to direct such developments, must carry overriding weight. The expectation of the government and the local development plan was that such applications would be approved, particularly at a time when the Council was under attack from other speculative developments proposed outside service villages and defined boundaries. He hoped that Members would feel able to permit the application.
- 47.28 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to the recommendations of the County Highways Authority and variations to, or addition of, conditions as necessary, and he sought a motion from the floor. A Member had noted on the Planning Committee Site Visit that the dwelling would be quite high up compared to the one in front and he raised concern as to where rainwater would go and if the drains would get blocked. The Planning Officer explained that drainage would be incorporated into the design for the adjacent residential development which was subject to a pre-commencement condition. She confirmed that the drainage strategy had to comply with the drainage guidance and the Sustainable Urban Drainage policy. The Member did not find this response satisfactory and proposed that the application be refused on the grounds of overdevelopment and the increased surface water run-off that would be generated. This proposal was duly seconded.
- 47.29 A Member questioned whether it was usual to locate a bathroom on the ground floor as he noted that, although there was an ensuite upstairs, the main bathroom was downstairs. In response, the Head of Development Services advised that, although building regulations had not changed to that effect, there was more of a call for downstairs bathroom facilities for lifetime homes and adaptability purposes so this was not unusual and was not a reason to refuse planning permission. The Planning and Enforcement Team Leader (South) went on to explain that he had dealt with the original application next door which he reiterated was subject to a prior commencement condition requiring full drainage details to be approved before any

building started and this scheme, if permitted, would tap into that. He confirmed that the details had been submitted but they had not been approved and discharged, therefore, the local planning authority was able to ensure there was an adequate drainage scheme, not only for the five dwellings, but to also control the drainage for the additional dwelling in this proposal. The proposer of the motion indicated that the site was located within Flood Zone 1 but there was no mention of water run-off which would go straight out onto the road and could cause the drain to overflow. The Technical Planning Manager clarified that Flood Zone 1 was at least risk of flooding. The proposer of the motion questioned that classification but accepted the point, nevertheless, the land was considerably higher than the other properties in front which had not been acknowledged. The County Highways representative advised that County Highways would not allow the highway to take run-off generated by a development and the work proposed was considered appropriate to prevent this concern – he reiterated that the development could not commence without technical approval which would ensure that the flow of water referenced by the Member would not happen. The Member noted this point but indicated that this had also been the case in Innsworth which had experienced flooding. He did not believe that the water could be retained through the specification set out by Officers.

- 47.30 Upon being put to the vote, the motion to refuse the application was lost. It was subsequently 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 recommendations of the County Highways Authority and variations to, or addition of, conditions as necessary.

19/00738/APP – Parcel 3745, Land at Pirton Fields, Cheltenham Road East

- 47.31 This was an approval of reserved matters application (layout, scale, appearance, landscaping) pursuant to outline planning permission 16/00738/OUT for residential development comprising 465 new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access. The Planning Committee visited the application site on Friday 17 January 2020.
- 47.32 The Planning Officer explained that the reserved matters proposal built on the principles of design and layout established at the outline stage and would provide a residential development which would extend from the existing residential area at Parkside Drive and Dancey Road to the east. The site would be accessed from Cheltenham Road East which would, in turn, serve the various streets and character areas through the site. Revised plans had been received which now provided a satisfactory cycle/footpath link from Cheltenham Road East to Luke Lane and the west of the site. Further cycleways and footpaths would be provided through the site and public open space. A number of matters relating to vehicle tracking remained to be assessed. The scheme provided for a variety of house types and designs and would provide an acceptable mix of affordable housing. Revisions had been made to the house types adjacent to Parkside Drive and would now be an acceptable transition to adjoining development. The scheme would provide a comprehensive surface water drainage strategy and attenuation basin which would discharge to the adjoining watercourse. Outstanding matters regarding flow routes had been resolved and drainage could now be removed from the matters to be resolved in the recommendation. It was noted that revised landscape drawings had been received and were still being reviewed. As such, the Officer recommendation was to delegate authority to the Technical Planning Manager to approve the application, subject to matters concerning highways, landscaping and design as highlighted in the report being resolved and the imposition of any other conditions as appropriate.

- 47.33 The Chair invited the applicant's representative to address the Committee. The applicant's representative confirmed that, since the publication of the Officer report, revised drawings and supporting documents had been submitted to address the Officer concerns in respect of cycleways and footpaths and proposed surface water drainage, although she understood that the landscaping plans were still being reviewed. Clarification had been provided in relation to affordable housing tenure, as set out on the Additional Representations Sheet, attached at Appendix 1. The majority of objections had been removed and, as far as she was aware, a technicality in relation to highways was being ironed out. The applicant had submitted the information that had been requested and she appreciated that it was recommended for approval subject to the outstanding matters being satisfactorily addressed.
- 47.34 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to approve the application, subject to matters concerning highways, landscaping and design as highlighted in the report being resolved and the imposition of any other conditions as appropriate, and he sought a motion from the floor. It was proposed and seconded that the application be deferred in order to obtain more information. The proposer of the motion indicated that she had grave concerns about the access onto Cheltenham Road East as well as the drainage and accessibility for connecting. The applicant's representative had admitted that the majority of outstanding matters had been resolved which meant there were other matters that were yet to be resolved and she would like to reconsult County Highways on the access from the estate to Cheltenham Road East as she failed to see how a right turn could be achieved. Cheltenham Road East was already congested and needed to be looked at as a matter of urgency. The seconder of the motion supported a deferral for more information. He pointed out that the reserved matters covered layout, character and scale, housing types, traffic and transport, landscaping and open spaces, surface water drainage, existing and future residential amenity and affordable housing which had not all been satisfactorily addressed. He particularly sought clarification as to the affordable housing arrangements and expressed the view that the central cycleway needed further consideration. He noted that Highways England had stated that the application was unlikely to have an impact on the A40 and he questioned what traffic model that was based on and what impact assessment had been carried out with regard to Cheltenham Road East given the increased traffic from the Innsworth development and the future A40 gateway linking directly onto Innsworth Lane. In terms of the response from the Lead Local Flood Authority, he noted that a watercourse carried the flow of rainwater from the roof to an outfall, soakaway or watercourse to minimise the risk of blockage or leakage. The capacity of the drainage system should be large enough to carry the expected flow at any point in the system and, although he had not done the calculations, water feeding into a blocked watercourse could not be a good thing and yet the report was clear that the outfall water would be going into local brooks. He drew attention to Page No. 600, Paragraph 1.3 of the Officer report, which stated that the site adjoined existing residential development at Luke Lane and Nicholson Close to the north and Parkside Drive and Dancey Road to the east and, as the pedestrian and cycle link over the brook was on land in the ownership of the Defence Estates, he questioned what contact Officers had made with Defence Estates, as opposed to Imjin Barracks. In terms of Page No. 601, Paragraph 3.6 of the Officer report which set out that the application was supported by full plans and documents including a drainage strategy, he questioned why the Lead Local Flood Authority continued to have concerns if that had been dealt with at the outline planning stage. He went on to draw attention to Page No. 603 of the Officer report which related to traffic and transport and indicated that Paragraph 5.3.1 set out that Policy INF1 of the Joint Core Strategy advised that proposals should ensure safe and efficient access to the highway network for all transport modes and that the impact of development did not had a severe impact upon the highway network; however, as the site had no direct

link over the brook to the schools and other facilities, this would encourage car usage onto Cheltenham Road East, impacting on the junction with Parton Road and Innsworth Lane – he believed that, during both rush hours, this junction was 30% over capacity at the last traffic impact assessment. He also pointed out that County Highways had raised concern over the proposed central cycleway and reiterated that, with no direct link over the brook, connectivity to services would be limited. Page No. 604, Paragraph 5.5.3 of the Officer report set out that the drainage strategy proposed a scheme of surface water catchment and controlled discharge into adjoining watercourses but the Member had concerns about the flow capacity of the brook at that point and the impact of the water flow with the improvements and culverts moving water away from the Brockworth developments and the new culverts at Innsworth/Longford.

- 47.35 In response to the queries and concerns raised, the Planning Officer reminded Members that outline planning permission had already been granted and the traffic impact of the development had been assessed at that time. The impact of the single access onto Cheltenham Road East had been accepted at that stage and there had been further discharge of a condition relating to the technical design of the junction so that was considered acceptable. County Highways had raised concern regarding the cycle lane being on the highway so the cycleway/footway had been combined to create a safe route through the development. The Member was correct in stating that the cycleway only went as far as the boundary with Luke Lane and he confirmed that the whole northern boundary was under the control of the Ministry of Defence so the provision of the missing link into the area would require its agreement. The comments made by County Highways in terms of its favoured point over the brook into the Ministry of Defence estate had been taken on board. Officers had done as much as they could within their control and were continuing discussions to deliver the final link. In respect of affordable housing, there had been confusion regarding the make-up but the applicant had clarified it would be a 70/30 split of affordable rented and shared ownership properties which would reflect the requirements in the Section 106 Agreement. The Member indicated that he had questioned whether Officers had contacted the Defence Estates rather than Imjin Barracks and the Planning Officer confirmed that his colleagues at the County Council had been in discussions with various parties but he had not been personally involved besides feeding back on design. The County Highways representative explained that the Luke Lane entry was private and an engineering solution would be required to move the link more to the west; however, the proposal was acceptable in policy terms and County Highways was satisfied with the recommendation for a delegated approval.
- 47.36 The representative from the Lead Local Flood Authority advised that he had considered the application at the reserved matters stage. He explained that, when rainwater fell onto the field, a proportion would run-off into the adjacent watercourse; little would soak into the ground given that it was comprised of clay soil. The applicant had calculated the rate of water entry into the watercourse and was proposing to collect water into three attenuation basins and discharge it into the watercourse at the same rate – this would not impact the watercourse downstream as all surface water would come off the site at the same rate as it did currently. In terms of the point about the state of the watercourse along the bottom, whilst maintenance was the landlord's responsibility, if the normal flow of water was impaired by vegetation growth or debris, Tewkesbury Borough Council did have enforcement powers delegated to it by the Lead Local Flood Authority to ensure this was cleared. The Member was unconvinced that the Lead Local Flood Authority representative had actually been to visit the site and he pointed out that the problem with pavements and tarmac was that they altered the flow of water – in 2007 the whole site had been under water and in 2012 half of the site had been under water. He accepted that maintenance was the responsibility of the landowner but he questioned why the developers could not do the work and recharge all of the other landowners on the other side of the brook. He felt that the Lead Local Flood

Authority needed to check the culvert to the far right under the highway as that was a blockage point and would cause the site to flood. The Technical Planning Manager reiterated that the drainage information submitted showed that surface water run-off would essentially be the same as the existing greenfield run-off; there would be no difference between the amount of water going into the brook before and after the development. As had also been explained, Tewkesbury Borough Council had powers under other legislation to request ditches to be cleared to ensure water could run into streams etc. and the expert advice was that the drainage system was satisfactory. The representative from the Lead Local Flood Authority went on to explain that the applicant was proposing that surface water be discharged at a rate equal to a 1/2.5 year storm event; it was noted that this was quite a low storm event with a 1/100 year event being an extreme event with a 1% chance of occurring each year. The applicant had allowed for climate change so there was potential for the site to provide a betterment in an extreme event.

- 47.37 The proposer of the motion to defer the application indicated that she had looked at the site in great detail and her main concern was that the whole area was being developed, not just this site, and all water would feed into Horsbere Brook – however well it was managed, there must be a limit to how much it could take. The representative from the Lead Local Flood Authority advised that the watercourse flowed into Hatherley Book rather than Horsbere Brook and the fact that the applicant was limiting run-off from the site meant that it should not impact on the watercourse downstream. A brief debate ensued as to the Officer recommendation and clarification was provided that it was for a delegated approval rather than approval as incorrectly stated in the Officer report. The proposer of the motion to defer the application indicated that she would be willing to withdraw her motion and it was subsequently proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer report recommendation. A Member asked whether Officers could investigate the brook and, if necessary, enforce against any landowners to ensure maintenance was carried out as appropriate. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to matters concerning highways, landscaping, design and drainage as highlighted in the report being resolved and the imposition of any other conditions as appropriate.

18/01179/FUL – Land East of Old Gloucester Road, Staverton

- 47.38 This application was for change of use of land to provide nine travelling showperson's plots and associated work including hardstanding. The Planning Committee had visited the application site on Friday 17 January 2020.
- 47.39 The Planning Officer explained that there was an identified need for 24 travelling showpeople plots in the borough up until 2031 with an immediate need for 18 plots up to 2021 and this proposal would meet some of that need. The proposal was for a permanent and unrestricted permission. The application site was located to the south east of Old Gloucester Road and the east of the M5 and was outside of any recognised settlement boundary and within the Green Belt. The site was not subject to any formal landscape designation and was at low risk of flooding. It was proposed to access the site from the existing entrance off Old Gloucester Road and there were existing public rights of way running along the northern and eastern boundaries of the site, although they were not apparent on the ground due to dense vegetation. There was no planning history attached to the site, although it had been promoted through the emerging Tewkesbury Borough Plan and was currently identified in the submission version for nine plots; there were no other sites identified in the emerging plan. Members were informed that the application was currently the subject of a non-determination appeal, therefore it was necessary to ascertain what the Council's decision would have been had it gone on to determine the application.

Members should also be aware that an identical application had been submitted which was currently pending consideration and running alongside the non-determination appeal. In terms of the principle of development, the site was located in the Green Belt and therefore represented inappropriate development; whilst this was accepted by the applicant, they contended that there were very special circumstances in this case which outweighed the harm to the Green Belt. In summary, the case advanced included the need for travelling showpeople sites and the lack of alternative sites; the personal circumstances of the proposed occupants, the best interests of the children and human rights; the time limited option agreement; and compliance with Policy SD13 of the Joint Core Strategy. Whilst the very special circumstances case was compelling, Officers were of the view that it was not sufficient to tip the balance in favour of granting a permanent permission on this site at this moment in time. Officers therefore considered that very special circumstances did not exist in this case which clearly outweighed the harm to the Green Belt. Members had been sent a further letter on behalf of the applicant which stated that the disagreement between Officers was whether a permanent permission would be appropriate at this moment in time given the current position of the Borough Plan and it was suggested this was a prematurity issue; however, as set out in the Additional Representations Sheet, attached at Appendix 1, the Officer recommendation did not allege that the proposal would prejudice the plan-making process and Officers did not object to the proposal on the grounds of prematurity. There were also no recommended refusal reasons to that effect. As had already been mentioned, the fact that the site currently benefitted from a draft allocation in the emerging plan formed part of the applicant's very special circumstances case – it was simply the case that Officers had given less weight to the emerging plan than the applicant for the reasons set out in the Officer report. The Planning Officer also advised that further information had come to light in respect of the site access, as set out in the Additional Representations Sheet, as County Highways' records showed that the land required to achieve the visibility splay to the north east was not entirely within highway land and the land was also outside of the application site. Further correspondence had been received late the previous day suggesting there had been a pre-application discussion on highways and there was ambiguity as to who was in control of the highway land. Consequently, at this stage, it appeared that the visibility splays relied on third party land and there was no information available to demonstrate how the splay could be practically achieved – without this information, it was recommended that a cautious approach should be taken and that a further refusal reason be included on highway safety grounds.

- 47.40 The Chair invited the applicant to address the Committee. The applicant advised that, prior to having any talks with the landowner, he had checked with County Highways that the access was acceptable which they had confirmed it was; had they told him that the access could not be gained, he would not have signed the option agreement or taken the matter further in 2017. He was surprised that it had only just been picked up as an issue and he had only received notification of it the previous day. The Officer report set out the reasons that planning permission should not be granted at this time but he believed it was the right time, not least because the Council had been told by the government for 29 years that they needed to identify land for travelling showpeople and they had not done so until now. Furthermore, there were no alternative sites – he had been looking for over 20 years and this was the best opportunity. He stressed that this was a time sensitive matter as the option agreement was limited so it needed to be resolved as soon as possible. In his view he could see no good reason to refuse the application; he needed to ensure his family had a safe place to live and he urged Members to consider the matter carefully.
- 47.41 The Chair indicated that the Officer recommendation was that Members be minded to refuse the application and he sought a motion from the floor. It was proposed and seconded that Members be minded to permit the application subject to satisfactory

highways visibility being achieved. The proposer of the motion drew attention to Page No. 607 of the Officer report and the response received from the Campaign for the Protection of Rural England which he felt was incorrect and very misleading in stating that the site was not designated as a proposed allocation for travellers in the Tewkesbury Borough Plan preferred options. In fact, emerging policy GTTS1 identified the 1.7 hectare site in Staverton for an allocation of nine plots for travelling showpeople, as set out at Page No. 611, Paragraph 4.17 of the Officer report. He indicated that he was somewhat confused by Page No. 608, Paragraph 2.2. of the Officer report which stated that the applicant had submitted an identical planning application to the Council to run concurrently with the non-determination appeal which was currently pending consideration and would be presented to the Committee following the expiry of the statutory consultation period. He also felt that Page No. 609, Paragraph 3.4 of the Officer report which stated that an acoustic fence was proposed along the western and southern boundary to reduce road traffic noise was directly contrary to Paragraph 26 of the Department for Local Government Planning Policy for Traveller Sites which set out that, when considering applications, local planning authorities should attach weight to matters including sites being well-planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, as noted at Page No. 610, Paragraph 4.14 of the Officer report. With regard to Page No. 611, Paragraph 5.3 of the Officer report which stated that the local plan was not yet adopted and did not currently benefit from being an allocated site, he questioned what weight should be afforded to the Tewkesbury Borough Plan given that the urgency of getting the plan out to consultation had been impressed on Members when it had been considered by Council. In terms of Page No. 612, Paragraphs 5.5-5.7 of the Officer report in relation to the Green Belt, the Member felt that these comments would make sense had the site not already been identified through the needs-based process of the Tewkesbury Borough Plan. In respect of Page No. 613, Paragraph 5.14 of the Officer report, he noted that the local planning authority had identified the need for 24 plots up to 2031 with an immediate need for 18 plots and he asked whether this – and the fact that Tewkesbury Borough Council could not demonstrate a robust five year housing land supply – caused the tilted balance to be engaged. He suggested that more than 'some' weight should be given to the applicant's personal circumstances outlined at Page No. 613, Paragraphs 5.17-5.18 of the Officer report, particularly as no further alternative sites had been identified. Page No. 615, Paragraph 5.26 of the Officer report referred to the urgency for a decision before August 2020 due to the expiry of the option agreement and Paragraph 5.27 set out that compliance with Policy SD13 of the Joint Core Strategy would add weight in favour of the proposal when considered in the planning balance and he felt that all of these factors amounted to very special circumstances to outweigh the potential harm to the Green Belt. The seconder of the motion was happy to support a minded to permit decision provided that the issue with the access could be satisfactorily addressed.

- 47.42 A Member indicated that the Committee had previously been advised that land ownership was not an issue in terms of determination of planning applications and he sought clarification on this matter. The Chair advised that it had been quite clear from the Planning Committee Site Visit that a visibility splay was necessary; this could be achieved by removal of a hedge and that must be within the applicant's gift. Members had been shocked that the removal of the hedge had not been raised previously but it would be remiss to grant planning permission knowing that the hedge was not owned by the County Council or the applicant. Another Member indicated that she could not support the motion for a minded to permit as she believed there was a genuine risk to life in and out of the site as it stood. She was sure that something could be done to ensure the safety of residents and felt that it would be appropriate to go along with the Officer recommendation for a minded to refuse decision in the knowledge that a second identical application would be coming before the Planning Committee which would give time for the applicant to

work with County Highways to come up with a resolution. A Member sought clarification as to the status of the second application and was advised that it was essentially identical to the application before them today and, should the Committee resolve to permit that application, there may be an opportunity for the applicant to withdraw the appeal. Another Member pointed out that the motion for a minded to permit decision was subject to the resolution of the highway issues so Members all appeared to be saying the same thing, albeit in a different way. From the discussions, the Technical Planning Manager felt that Members generally considered this to be a suitable site for a permanent permission but they were being asked by the Secretary of State to make a decision on the application before them today and the consensus seemed to be that, as it stood, there was a highway objection in relation to the visibility splays which meant it should not be permitted in its current form. The proposer of the motion for a minded to permit was of the view that there were very special circumstances which would make this development acceptable in the Green Belt and he had made a case for that, as such, if Members were content to issue a minded to refuse decision on the grounds of the single refusal reason set out in the Additional Representation Sheet, as opposed to those within the Officer report, he would be prepared to withdraw his motion. A brief debate ensued as to the timescale for the second identical application coming to the Committee for determination and the Technical Planning Manager confirmed that, to a certain extent, that was within the gift of the applicant; however, he stressed that both Tewkesbury Borough Council and County Highways would be keen to avoid an appeal so it was in everyone's interest to ensure this happened as quickly as possible. The County Highways representative explained that the Planning Officer had raised concern regarding highway safety following the Planning Committee Site Visit. He apologised that he did not have a record of the County Highways Officer's decision in relation to this application but the matter was clear in that visibility splays were required to be in excess of 7.5 metres from the edge of the carriageway and, although he had not carried out a site visit, it was clear from his initial views that there was enough concern to refuse the application. He stressed that it was not to say that appropriate visibility could not be achieved and the applicant would have an opportunity to go away and do the work, County Highways was then able to issue a recommendation within 21 days and, once they were satisfied with the technical submission, would offer a condition to the Planning Officer. In response to a query, the County Highways representative explained that County Highways did not take action in relation to existing junctions unless they had a history of recorded accidents or incidents; however, it would be remiss not to ensure that appropriate visibility could be achieved on new accesses for new developments.

- 47.43 It was proposed and seconded that Members be minded to refuse the application on the basis that the proposed vehicular access was currently substandard due to severely restricted visibility to the north east and insufficient information had been provided to demonstrate that the required visibility splays could be provided in their entirety, either on highway land or land within the control of the applicant and retained for that purpose thereafter, and upon being put to the vote, it was

RESOLVED That Members be **MINDED TO REFUSE** the application on the basis that the proposed vehicular access was currently substandard due to severely restricted visibility to the north east and insufficient information had been provided to demonstrate that the required visibility splays could be provided in their entirety, either on highway land or land within the control of the applicant and retained for that purpose thereafter.

PL.48 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

48.1 Attention was drawn to the current appeals and appeal decision update, circulated at Pages No. 46-49. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

48.2 In response to a Member query regarding the Fiddington appeal, the Technical Planning Manager confirmed that a decision had originally been expected in December but had been delayed due to the UK Parliamentary Election and was now due by the end of the week; he undertook to ensure Members were notified as soon as it was received. Another Member noted there were several appeals relating to smallholdings at Warren Fruit Farm and he questioned if there was a reason for that. In response, the Technical Planning Manager explained that it was a very complex site with a significant history. This would now be dealt with via a Public Inquiry which he anticipated would take place in the summer.

48.3 It was

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

PL.49 ANNUAL REVIEW OF PLANNING COMMITTEE DECISION-MAKING 2018/19

49.1 Attention was drawn to the report of the Head of Development Services, circulated at Pages No. 50-62 which provided the annual review of Planning Committee decisions for 2018/19. Members were asked to consider the report and whether a workshop for Planning Committee Members and Planning Officers on the planning policy context for Green Belt applications would be beneficial.

49.2 The Head of Development Services explained that the Planning Committee could, and did, make decisions which were different from the Officer recommendation due to the weight attributed to the material considerations and this report provided an analysis of that. Appendix 1 to the report provided details of the Planning Committee decisions from April 2018 to March 2019 and the annual Planning Committee decisions that differed from the Officer recommendation dating back to 2016. The table at Page No. 52, Paragraph 2.4 of the report showed the percentage of overturned decisions year by year and demonstrated a consistent rate. Appendix 2 to the report provided details of each application where the Committee decision differed from the Officer recommendation, including a summary of reasons for the recommendation and the reasons why it was overturned. It was noted that six of the nine applications that were overturned had related to applications in the Green Belt. Appendix 3 to the report contained information about the four appeals against Planning Committee decisions made in 2018/19; two of the appeals had been made against decisions where the Planning Committee had taken a different view to the Officer recommendation and one had been allowed and one dismissed. No costs had been awarded against the Council in those appeals. On the basis that there had been a high number of overturns relating to Green Belt applications, it was felt that Members and Officers may benefit from a workshop to enable further assessment of this matter.

49.3 A Member found it heartening to see that Inspectors did not always agree when developers used the fact that Tewkesbury Borough Council could not demonstrate a five year housing land supply to try to get a decision overturned in order to gain planning permission. The Lead Member for Built Environment thanked the Head of Development Services for the informative report which had confirmed what she thought in that the Committee was generally doing a good job. She pointed out that the Tewkesbury Borough Plan Working Group had been asked to look at the Green Belt and it was agreed that a Supplementary Planning Document (SPD) would be

produced in order to set out how to consider extensions to premises in the Green Belt. She welcomed the suggestion of a workshop but felt it was necessary to also consider the SPD and how to make it easier for those living in the Green Belt to extend their properties whilst taking account of the National Planning Policy Framework guidance in respect of Green Belt policies. A Member was also supportive of a workshop and asked that consideration be given to holding this during the day as opposed to in the evening. A Member queried whether the workshop would be delivered by an external expert and the Head of Development Services confirmed that this was most likely and she would look into who would be most appropriate. Another Member felt it would be beneficial to also consider designations such as the Area of Outstanding Beauty at the same time and she asked for real examples to be used at the workshop to illustrate to Members how and why decisions were made. Another Member asked that safeguarded land be covered.

- 49.4 A brief debate ensued about the potential need to review the Planning Scheme of Delegation and whether that could also be considered at the workshop and the Head of Development Services explained that it was good practice to keep the scheme under review; however, she felt that would best be achieved through a working group or a separate workshop. She undertook to discuss this further with the Head of Democratic Services following the meeting and Members would be advised of the proposed way forward in due course; it was likely that a number of sessions would be needed and she took on board the comment about the use of examples. It was subsequently

RESOLVED That the report be **NOTED** and that a workshop(s) be arranged for Planning Committee Members and Planning Officers on the planning policy context for Green Belt applications and designations such as Area of Outstanding Natural Beauty.

The meeting closed at 12:48 pm

Appendix 1**SCHEDULE OF PLANNING APPLICATIONS**
ADDITIONAL REPRESENTATIONS

Date: 21 January 2020

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	
563	1	<p>19/00726/FUL</p> <p>4 Cheltenham Road, Winchcombe</p> <p>Three further letters of objection have been received which are attached.</p> <p>Officer comments:</p> <ul style="list-style-type: none"> – Boundary disputes are a civil matter outside of the jurisdiction of the local planning authority. – The impact of the side window serving the lounge has been assessed and it is not considered that there would be any unreasonable impact to the privacy of the occupant(s) of No. 6. – The rear window serving the dining room would be positioned behind a fence and there are no concerns relating to overlooking. – The amended plans showing changes to the internal layout (i.e. omission of downstairs W.C) are considered to be acceptable. There is no conflict with policy are no concerns in terms of impact to amenity.
569	2	<p>19/00436/FUL</p> <p>Spring Farm, Wainlode Lane, Norton</p> <p>The applicant has provided the following responses further to queries raised by Councillors to Officers at the Planning Committee Site Visit –</p> <p>Councillors' question: The sky lights are not necessary for a hay store and would cause damp to hay. Would they remove these?</p> <p>Applicant's Response: The sky lights will be helpful for the necessary light to store and move bales of hay. We do not have electricity or electric lighting at Spring Farm; however, I concede that condensation could be a problem. I suggest that we only have skylights on the south western side of the barn which will largely be an access corridor. Any dripping would occur at the lower end of the sky light (or below it). Consequently, there would be no sky lights on the bridle path side of the barn to solve this potential problem. This would be a beneficial change.</p> <p>Councillors' comment: The hit and miss boarding to blockwork would prevent ventilation to hay store. Lack of ventilation may be detrimental to livestock/fire hazard.</p>

		<p>Applicant's Response: The open boarding above the block and brick walls is intended to provide ventilation but would provide rain protection from driving rain. The applicant considers that the drawings may not have been clear enough and intends to clarify the position at Planning Committee.</p> <p>Councillors' comment: Will the 2 central bays be open storage - no doors are indicated. If they are voids there are no doors into the side spaces.</p> <p>Applicant's Response: The two middle sections are open areas in response to Officer comments (to minimise the visual impact of the building). The access doors to the end storerooms are from the open middle sections as marked on the plans; however, these doorway sizes could be increased to improve access.</p> <p>On a general note, the applicant has advised they are happy to concede changes to this barn design when they are in line with the common sense practical running of an agricultural enterprise.</p>
590	6	<p>19/00498/FUL</p> <p>Land Adjacent To Rosedale House , Main Road, Minsterworth</p> <p>The Highway Authority has confirmed that additional works will be required to the A48 and consider the access can be amended to suitably accommodate the development use for all users and provide the essential traffic island for pedestrian protection and to prevent inappropriate overtaking at this location.</p> <p>The Highway Authority recommends –</p> <p>Taper into the left turn in, to reduce access width and then demonstrate tracking for all movements and opportunity for island, ideally pedestrian but as a minimum to direct vehicles to keep left of ghost turning area for developments on both sides of road.</p> <p>The applicant has yet to confirm agreement to the above recommendations.</p>
598	7	<p>19/00738/APP</p> <p>Affordable Housing</p> <p>The applicant has clarified that, of the proposed 163 affordable houses, the proposed mix of dwellings would be 70% affordable rent and 30% shared ownership and this would accord with the requirements of the Section 106 agreement.</p> <p>The development would provide for a mix of affordable dwellings ranging from one bedroom flats to four bedroom houses. The Council's Strategic Housing Enabling Officer has been in discussions with the housing association taking on the properties and has confirmed that he is now satisfied with the proposals.</p> <p>Highways</p> <p>Following the consultee response, revised drawings have been provided.</p> <p>The County Highways Officer has advised that improvements have now been made to the layout to limit achievable speeds on the residential streets and the dedicated footway cycleway is now shown in an acceptable location. Other technical matters are still being assessed.</p> <p>Drainage</p> <p>Further surface water drainage details have been received.</p> <p>The Lead Local Flood Authority - Sustainable Drainage Officer has confirmed that the applicant has now submitted a satisfactory detailed drainage strategy which complies with the National Planning Policy Framework and the requirements of Condition 7 of the outline planning permission.</p>

		<p>Design</p> <p>Revisions to the design of the dwellings adjoining Parkside Drive have been made. It is considered that these latest proposals will result in a satisfactory transition and relationship between the existing dwellings and the new development.</p> <p>Other aspects of the revised drawings are still being considered.</p> <p>Landscape</p> <p>Further drawings in respect of the outstanding public open space and play space matters have been received and are being considered by the Council's Landscape Adviser.</p> <p>Should any matters arise, it is considered that these can be resolved through negotiations with the applicant.</p> <p>Other matters</p> <p>The applicant has advised in respect of proposed Condition 2 that their standard for window and doors recesses is 60mm. This is considered appropriate and it is recommended that Condition 2 is revised as follows.</p> <p>'All external doors and window frames shall be recessed into the external walls of the building by 60mm'.</p> <p>The recommendation remains as set out in the report.</p>
607	8	<p>18/01179/FUL</p> <p>Land East Of Old Gloucester Road, Staverton</p> <p>A further letter of representation has been received on behalf of the applicant, which has also been circulated to Members via email.</p> <p>It is stated that the disagreement with the Officer is whether permanent permission would be appropriate at this moment in time. It is suggested that the issue is one of prematurity. In this context, the letter cites paragraphs 49 and 50 of the National Planning Policy Framework, which states the following:</p> <p><i>'49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:</i></p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'</i></p> <p><i>'50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'</i></p> <p>It is suggested that the proposal is not "substantial" when compared to much larger proposals within the emerging plan. It follows that the site is self-contained and does not impact upon any other proposals in the area. Given that there are no other sites identified for Travelling Showpeople in the emerging plan, it is stated</p>

	<p>that it is difficult to understand how a grant of permission would prejudice the plan making process.</p> <p>It is important to note that the Officer recommendation does not allege that the proposal would prejudice the plan-making process and Officers do not object to the proposal on the grounds of prematurity. There are also no recommended refusal reasons to that effect.</p> <p>As set out in the Officer report, the fact that the site currently benefits from a draft allocation in the emerging plan forms part of the applicant's 'Very Special Circumstances' case. It is simply the case that, as a matter of planning judgement, Officers have given less weight to the emerging plan than the applicant for the reasons set out in the report.</p> <p>Following the publication of the Officer report, further information has also come to light in respect of the site access. Specifically, the County Council's highway records show that the land required to achieve the visibility splay to the north east is not entirely within highway land. The land is also outside of the red line, which depicts the application site on the submitted plans. Consequently, at this stage it appears that the visibility splay relies on third party land and there is no information available to demonstrate how the splay could be practically achieved and retained in perpetuity. Consequently, in the absence of this information, a further refusal on highway safety grounds is recommended as follows:</p> <p><i>'The proposed vehicular access is currently substandard due to severely restricted visibility to the north east and insufficient information has been provided to demonstrate that the required visibility splays can be provided in their entirety either on highway land or land within the control of the applicant and retained for that purpose thereafter. The proposed development would therefore not be served by a safe and suitable access contrary to Paragraphs 108 and 110 of the NPPF and Policy INF1 of the Joint Core Strategy (December 2017).'</i></p>
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Item No. 1 – 19/00726/FUL – 4 Cheltenham Road, Winchcombe

Dear Emily/Tewkesbury BC Planning Department

Objection to REVISED Planning Application - 4 Cheltenham Road, Winchcombe, GL54 5ND - 19/00726/FUL

In Summary

I attended the Dec planning meeting and have studied all the materials since, particularly the meeting minutes.

The lack of consultation, and the material changes proposed in the Revised Application clearly demonstrates the applicant is not seeking a solution that is to the mutual satisfaction of themselves, the neighbourhood and the Borough Council.

The only material change on the Revised Plan is to airbrush out the toilet and washbasin. I have lost trust in the applicant not to build the necessary pipework during this extension and, at a later date install the toilet.

Specifically

Below I have detailed my objections, quoting from and referencing against the meeting minutes.

PL41.27 The proposer and seconder of the motion to defer the application clarified that it was on the basis of negotiating a repositioning of the toilet extension

Comment

- There has been no communication from the applicant about the repositioning of the toilet extension with the neighbour. No communication, so certainly no effort at negotiation.
- The Revised submission is frankly an insult to the integrity, diligence and concerns of both the Borough Councillors and of the concerned neighbours. The toilet has simply been air brushed out from the original application. I call for it to be rejected on this point alone.

PL41.27 The proposer of the motion to refuse the application felt that the Council needed to be seen to be fair and he would be happy with a deferral to try to secure a more appropriate design; he hoped that the applicant had listened to the views expressed and would give further thought to the need for the side extension.

Comment

- The applicant has taken no notice of this request in their revised application. They have simply airbrushed the toilet from the plans.

PL41.27 The Technical Planning Manager felt it was important to clarify exactly what the deferral would be for as it seemed that some Members felt the position of the toilet was the only issue whereas others had raised concern about the side extension as regards loss of light etc.

Comment

- The applicant has NOT addressed the side extension in regards loss of light etc in the revised application

PL41.27 A Member questioned whether the side extension could be constructed under permitted development rights if that element of the proposal was refused and was informed that would not be possible due to the location of the property within the Area of Outstanding Natural Beauty.

Comment

- The applicant has previously implied an existing garage in their application which they withdrew on the morning of the Planning meeting, subsequently referring to it as a lean to. To clarify, the current building does not form part of the habitable footprint at present. It is a shed/lean to inaccessible from within the property. It does not have permitted development rights because it is an outdoor shed/lean to

PL41.23 *In the row of 17 properties on Cheltenham Road not one other home had extended a living space - let alone sited a toilet - up to the boundary line.*

Comment

- Building up to a boundary line is surely a principle that the Borough Council wishes to discourage.
- This application could set a precedence on Cheltenham Road, Winchcombe. The front door of most properties on this road are orientated to the side, facing the neighbours boundary line. The distance from the front doors to the boundary line is small, about 1 metre.

PL41.23 *She went on to explain that she also strongly objected to the planned side window which would overlook her front path and garden*

Objection

- The applicant has never responded against the objection against a side window which would be on the neighbours boundary line

Please reply to confirm you have received the application. And pass forward my objection, which I trust will be considered in full.

Dear Emily/ Development Applications Team

We are writing to continue to object to the planning application : 19/00726/FUL.

Our strongest objection is that the application diagrams continue to show an incorrect boundary line.

Number 4 Cheltenham Road, over a protracted period of time, took over land that historically belonged to number 2 Cheltenham Road in order to gain extra land to build a side protrusion to their proposed study. Despite being asked by Planning to remove this protrusion and the applicants having done so, the boundary line depicted is still incorrect.

We therefore continue to refute their certifying that they are the owner of '*any part of the land or building to which the application relates*' and therefore their declaration that '*any facts stated are true and accurate*' in their application form (sections 12 and 13).

Following the 17th December Planning Committee meeting the applicants were asked to rethink the proposed side extension impacting on number 6 Cheltenham Road, and in particular to resite the proposed wc. The revised drawings submitted on 6th January 2020 appear to be a purely cosmetic removal of the pictures of the proposed wc and sink. The extension dimensions are completely unchanged. They should at least be reduced by the space that a wc and sink would occupy. Otherwise, what is to prevent them being installed in the future 'empty space'? No alternative siting for the wc and sink has been proposed so are they actually necessary?

The discussion by the Committee on 17th Dec appeared to portray an existing side extension. This is not the case. The applicants may have wished it to appear so as they made an application saying it was for the demolition of an existing garage, which they finally changed to demolition of a lean to on 17th Dec. The Ordnance Survey Title Plan contains several errors in footprints and dimensions, one of which is that this lean to shed appears to be integral to the house. It is a completely separate shed accessed from the rear garden and low enough for Mrs Thomas to brush her head on entering as stated by her on 17th December. It has not been habitable nor is it internally accessed from the house. It is not an existing extension.

The proposal of this side extension takes it right up to the boundary with number 6. The proposed rear window, into the rear garden, is next to the dining room and kitchen of number 6. If this were to be a utility and wc, this would be an intrusive negative association and psychological impact on what should be an enjoyable eating/entertaining space for number 6.

At the Committee meeting, no discussion of what is to happen to the proposed side window of the living room was undertaken. This was written and recognised as a local residents concern in the formal planning response but not mentioned thereafter. We continue to object to this proposed side window as we feel it is an intrusion into the privacy of number 6's front garden and side access to its front door. As it is the only means of entry for number 6, anybody coming or going will be visible to the applicants. There is already a substantial bay window to supply sufficient lighting from the frontage of number 4 into the living room.

The applicants have not shown the expected levels of neighbourliness in the respectful and caring community that is Winchcombe. They will have owned that property for 4 years in March 2020. In their rare visits to this largely empty and deteriorating property, they have not been neighbourly in respect of communication nor in maintaining an acceptable level of maintenance of the front of house appearance and garden, very visible to all passing pedestrians and traffic, both residents and tourists.

Their non-disclosure of their long-term building plans at significant opportunities for openness over the last several months prior to the application submission, plus the taking of land that we believe is historically not theirs, leads us to question their future intentions regarding the latest revisions to the side extension.

The Committee decision was for the application to be deferred in order to negotiate a repositioning of the toilet extension. This has not happened with the revised drawings. The extension still exists as originally and there is no mention of the resiting of the now 'invisible' wc and sink, though room still exists for them to reappear in the future.

Please upload our latest objection to the website.

Regards

19/00726/FUL - 4 Cheltenham Road

With reference to the above planning application, please find below my continued objections (as resident of the neighbouring property), references to the recent submissions on 3rd Jan 2020 and the requests following the 17th Dec Planning Committee Meeting.

- The resubmission of plans, merely shows the removal of the diagram of the toilet and sink and is far removed from what was suggested by the committee. It is my understanding and confirmed by the minutes that revised plans were to be submitted without the single-storey extension (referred to in the minutes as the toilet extension). Removal of the toilet facility from the plans and indeed the structure does not mean it can't be returned at a later date, for which planning presumably would not be required if a structure were already present.
- To clarify - The existing building is in fact a small outbuilding / storage unit, not an extension. It currently has no internal access and it is not part of the current habitable footprint. The applicants changed the description from garage to lean-to prior to the December meeting and by her own description, Mrs Thomas said it was so low that she brushed her head on entering. I believe this description along with how it appears on the plans led to the misconception at the committee meeting of there already being an extension in place – there is not. It is not a like for like construction and therefore incomparable.
- Although the main focus of the committee discussion centred around the toilet, this is only part of the objection. The proposed side extension also has an increase in both height and length, which will, as confirmed by a Councillor the December committee meeting be over-bearing and have an impact on my light reduction. The length of the proposed building with or without toilet extends to across my front door and as previously said will be over-bearing, form a gulley and reduce my light. The proposed side extension would run alongside my boundary wall and any foul waste pipes (even if used as a utility) would still have a psychological, intrusive and detrimental impact, as this would run parallel with my dining room and kitchen – rooms where I prepare and eat food. The proposed rear windows would also have an over-bearing and invasive impact.

- At the December Committee meeting, there was no mention of what is to happen to the proposed side window of the living room, which overlooks my path, garden and front door. This was written in the formal planning response and was raised in writing as a concern. I still object to this as it is an intrusion into my privacy – it gives a feeling of being watched for myself or visitors entering the property and overlooks my front garden and side access to my front door. There is already a substantial bay window to supply sufficient lighting to No.4 from the frontage.

This reluctance by the applicants to take objections seriously and indeed poor communications and lack of transparency in the past, does not instil any feelings of trust. To further add to this lack of trust, it is worth noting that the applicants claimed land, that historically belonged to No. 2, for their own personal gain.

The applicants have not shown any respect, neighbourliness nor communicated well throughout this process. They have broken commitments to myself and have now not done as requested by the planning committee. Winchcombe is a caring, kind and respectful community of which this sort of behavior does not fit.

This is not the applicant's main residence (they are very rarely there) nor is there any apparent need for a downstairs toilet facility and although irrelevant from a point of view of Planning, the need obviously doesn't exist, as revised plans have simply removed the actual sanitary-ware without re-siting it elsewhere.

The Committee decision was for the application to be deferred in order to negotiate a repositioning of the toilet / single-storey extension. This has not happened. The extension still exists as per the original plans and there is no mention of the re-siting of a toilet and sink, though room still exists for them to reappear in the future.

On the basis of all that has now happened, I invite a refusal of this planning application.

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	18 February 2020
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.</p>
<p>Recommendation:</p> <p>To CONSIDER the report.</p>
<p>Reasons for Recommendation:</p> <p>To inform Members of recent appeal decisions.</p>

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

1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1

(A) Appeal Decision			
Officer	Dawn Lloyd		
Location	The Barn Half Penny Farm Cold Pool Lane Badgeworth Cheltenham Gloucestershire	Development	Prior approval for conversion of agricultural building into 1no. larger dwellinghouse (use class C3) and associated building operations (Amended)
Date of Decision	31.05.2019 Refuse	Appeal Decision	Appeal Dismissed 05.02.2020

3.0 ENFORCEMENT APPEAL DECISIONS

3.1

(A) Appeal Decisions			
Application No.			
Location	Warren Fruit Farm Evesham Road Greet Cheltenham Gloucestershire GL54 5BN	Development	Change of use of agricultural land at Plot 10 for siting and construction of a timber building for residential use
Date of Committee Decision	N/A	D of E Decision	Notice Quashed 04.02.2020
Planning Officer's Recommendation	N/A		
(B) Appeal Decision			
Officer	Will Cole		
Location	Parcel 8384 Broadway Road Winchcombe Cheltenham Gloucestershire	Development	Appeal against alleged unauthorised fencing
Date of Decision	N/A	Appeal Decision	Appeal Dismissed and Notice upheld 05.02.2020

- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1 None
- 5.0 CONSULTATION**
- 5.1 None
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1 None
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1 None
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1 None
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1 None
- 10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 10.1 None
- 11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 11.1 None

Background Papers: None

Contact Officer: Appeals Administrator
01684 272062 AppealsAdmin@tewkesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

None

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry