

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 3 May 2018 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillor S E Hillier-Richardson

PL.76 ANNOUNCEMENTS

- 76.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 76.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.77 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 77.1 Apologies for absence were received from Councillors P W Awford, T A Spencer and P D Surman. Councillor R E Allen would be acting as a substitute for the meeting.

PL.78 DECLARATIONS OF INTEREST

- 78.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

78.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
J H Evetts	18/00028/FUL Land at 1 Consell Green, Tewkesbury Road, Toddington.	Had met with the applicant but had not expressed an opinion.	Would speak and vote.
J Greening	17/01101/FUL 15 Abbots Road, Tewkesbury.	Had received email correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
P N Workman	18/00028/FUL Land at 1 Consell Green, Tewkesbury Road, Toddington.	Is a relative of the applicant.	Would not speak or vote and would leave the Chamber for the consideration of this item.
P N Workman	17/01101/FUL 15 Abbots Road, Tewkesbury. 18/00254/FUL Tewkesbury Abbey Caravan and Motorhome Club Site, Gander Lane, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

78.3 No further declarations were made on this occasion.

PL.79 MINUTES

79.1 The Minutes of the meeting held on 10 April 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

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

80.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

18/00028/FUL – Land at 1 Consell Green, Tewkesbury Road, Toddington

80.2 This application was for the erection of five detached dwellings with garages and provision of associated parking, vehicular access and landscaping (alternative proposal to withdrawn application 17/00424/FUL). The Committee had visited the application site on Tuesday 1 May 2018.

80.3 The Development Manager explained that, as set out in the Officer report, the application was contrary to Policy SD10 of the Joint Core Strategy and, as a result, there was a presumption against the granting of planning permission in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework unless there were material considerations to indicate otherwise. Attention was drawn to the Additional Representations Sheet, attached at Appendix 1, which included a letter from the applicant referring to previous appeal decisions in the area and why the site should be considered as infill, which Officers did not agree to be the case. Policy SD10 was very clear in that it allowed infilling in built-up areas of villages; however, Members had seen from the Committee Site Visit that this site could not be described that way. There were more recent appeal decisions than the ones referenced by the applicant which supported the application of Policy SD10, for example, Chargrove Paddock, Two Mile Lane in Highnam and Ashmead Drive in Gotherington. The Gotherington case had been similar to the current scheme in that it was next to, but outside of, the built-up area of the village and within the Special Landscape Area. In that case, the Inspector had recognised the importance of Policy SD10 and the Council's five year housing land supply position and, despite the fact that he considered there would be limited landscape harm, had dismissed the appeal primarily due to that policy conflict.

80.4 In terms of other material considerations, there would be clear economic benefits arising from the proposal in terms of the construction period and the likely spend in the local economy by future occupiers but, as with any development of this scale, these benefits would be limited. In terms of environmental considerations, the Special Landscape Area provided the foreground setting to the Area of Outstanding Natural Beauty. The applicant had suggested that the adjacent site had a greater impact than this proposal; however, permitting one site did not necessarily mean that it was appropriate to permit a new development next door. In terms of that site, Members would recall that the original outline for 72 houses had been refused and subsequently dismissed at appeal. The revised scheme - initially for 33 dwellings but increased by a further six when it had recently been considered by the Planning Committee – had taken great care in terms of preventing the southward spread of that development. The area immediately next to this site, to the west of the Newland Homes site, had specifically been retained as open space. In contrast, the current proposal for five very large suburban houses did not fit well with the surroundings from either a landscape or a detailed design perspective. The layout and siting would result in a "backland" development which would be poorly related to the rest of the village and at odds

with the generally linear form of development in Toddington. Whilst there was some depth to the Newland Homes site, significant negotiations had taken place to ensure that this reflected the frontage pattern of the existing dwellings on the north side of Toddington Road. In terms of social considerations, whilst the proposal would deliver five additional houses, the proposed dwellings would not be the type identified by the Gloucestershire Strategic Housing Market Assessment (SHMA) which set out a clear need for two and three bedroom houses. Furthermore, there was no affordable housing provision currently proposed; affordable housing was a key issue for the borough, particularly in high-value areas such as this. The applicant had suggested in their letter that they would be willing to enter into a Section 106 Agreement to make a financial contribution, although this probably should have been included in the original proposal. The Development Manager advised that, in situations like this, there was an expectation that affordable housing would be delivered on site and there were no exceptional reasons in this case why that could not be achieved. Overall, the development conflicted with Policy SD10 and would harm the character and appearance of the Special Landscape Area. The application did not provide a suitable mix of dwellings or affordable housing and it was not felt that there were any material considerations which outweighed the clear policy conflict. On that basis, the Officer recommendation was that the application be refused.

80.5 The Chair invited the representative from Toddington Parish Council to address the Committee. The Parish Council representative indicated that the Development Manager had outlined the majority of the Parish Council's concerns, the main one being that this development did not align with the linear character of Toddington. He reiterated that the site was located in a Special Landscape Area, adjacent to the Area of Outstanding Natural Beauty, and pointed out that local residents would be unable to afford large, luxury houses such as the ones proposed, therefore it was considered to be unsuitable for the location. Furthermore, the proposal did not satisfy the National Planning Policy Framework in terms of the need to protect and enhance the built environment. Whereas the Newland Homes development respected the character of the existing dwellings and fitted well with its surroundings, the Parish Council felt that this proposal would detract from the linear form of the village which it wished to retain as far as possible.

80.6 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that, prior to this application being resubmitted, the applicant had been advised that it would be recommended for refusal and this had been taken on board as unambiguous pre-application advice. The application submitted was in accordance with policy at the time; unfortunately, the adoption of the Joint Core Strategy meant that Policy HOU4 no longer applied. In its place was the promotion of Service Villages; infilling was clearly defined by recent appeal decisions, as was the relationship with the Area of Outstanding Natural Beauty – it was no longer sufficient for an application to be refused on the grounds of its proximity to the Area of Outstanding Natural Beauty, rather it was necessary to demonstrate that there would be actual harm which was difficult to see in this instance. He questioned whether the pre-application advice would be different had it been given now. He pointed out that the roof height had been lowered and the houses repositioned slightly in response to the comments on the previous application. He felt the changes to the design and materials meant that this would be a quality development which would contribute towards the five year housing supply. Six houses in Broadway Road, Toddington had been approved by the Council in February and it was difficult to see what benefits that had over this proposal. The applicant's representative made reference to the applicant's personal circumstances as regards his relationship with Toddington and indicated that he wished to see the site developed in a positive manner.

- 80.7 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member pointed out that the Joint Core Strategy had recently been adopted and housing must be provided in accordance with the development plan. Toddington was unique in that it comprised two main areas: the village and the New Town. The application site was in the New Town, next to the nursery and village hall and within walking distance of the only shop and public house. The site itself would be lower than the existing houses on the main road and in his view would have very little impact. As such, he was unable to support the proposal to refuse the application; the Council had a duty to deliver housing and the applicant had offered a contribution towards the provision of affordable housing which he felt should not be turned down. Another Member indicated that Toddington had seen quite a large amount of residential development over the last year; notwithstanding this, there was a lack of affordable housing in the area and, given that the average income in Tewkesbury Borough was approximately £27,000, the proposed dwellings would be unaffordable for the vast majority of people. She was of the opinion that a mix of housing options were needed and this proposal did not support what the Council was trying to achieve.
- 80.8 Upon being put to the vote, it was
- RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.
- 17/01101/FUL – 15 Abbots Road, Tewkesbury**
- 80.9 This application was for the erection of a single dwelling at the side of 15 Abbots Road and provision of associated vehicular access and parking.
- 80.10 The Chair indicated that there were no speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion felt this was a very good example of Officers and the applicant working together to come up with an acceptable proposal. The Planning Officer made reference to Page No. 794 of the Officer report and explained that condition 7 required the first floor window on the north elevation, serving the bathroom, to be obscure glazed and fixed shut. This was not considered to be very practicable and therefore, should Members be minded to permit the application, she recommended that this condition be amended to restrict the opening to 150mm. The proposer and seconder of the motion indicated that they were happy with the amendment and, upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to an amendment to condition 7 to require that the first floor window to the north elevation, serving the bathroom, be obscure glazed and the opening restricted to 150mm.
- 18/00254/FUL – Tewkesbury Abbey Caravan and Motorhome Club Site, Gander Lane, Tewkesbury**
- 80.11 This application was for proposed site improvements to Tewkesbury Abbey Caravan Club Site: demolition of both existing toilet blocks and construction of a new central toilet block; construction of 50 new all-weather pitches; construction of new tarmac roads; three service points to be relocated and rebuilt and a Motor Van Waste Point to be repositioned; provision of central calor gas compound with fencing; raised platform for water storage tanks in warden's compound; and new landscaping. (Revised application to planning permission 16/01041/FUL to include amended toilet block design).

80.12 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to no new material planning objections being received as a result of the statutory consultation, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to no new material planning objections being received as a result of the statutory consultation.

17/01027/FUL – 11 Hardy Road, Bishop’s Cleeve

80.13 This application was for the retention of a dormer extension as built.

80.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion recognised that Officers had entered into a lot of discussion around the proposal and he felt that they had come to an acceptable conclusion. Upon being put to the vote, it was

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

18/00151/FUL – 24 Woodman’s Way, Bishop’s Cleeve

80.15 This application was for the demolition of garage and outbuildings; erection of replacement garage and single storey side and rear extensions.

80.16 The Chair invited the applicant to address the Committee. The applicant indicated that the neighbour had expressed concern about the lantern light to the rear elevation and she wished to clarify that it would be a velux window, not a lantern light.

80.17 The Development Manager confirmed that the plans did refer to a lantern light; this would be very quick and easy to resolve and he suggested that the Officer recommendation be changed to a delegated permit to facilitate the amendment of the plans.

80.18 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to amended plans to remove the reference to the lantern light and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to amended plans to remove the reference to the lantern light.

PL.81 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 81.1 Attention was drawn to the current appeals and appeal decision update, circulated at Pages No. 10-19. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.
- 81.2 A Member was very disappointed to see that the Inspector had allowed the appeal in respect of 17/00785/FUL 82 Gretton Road, Winchcombe. The Planning Committee had felt that the proposed building was too large and too high and had refused the application only for the applicant to complete the building, move in, put the house up for sale and then submit an appeal. He raised concern as to what sort of precedent this might set and expressed the view that local authorities needed more enforcement powers. He also felt that there was a need for better working between the Planning department and Building Control. With regard to the appeal decision in relation to 17/00303/FUL Sunset, Sunset Lane, Southam, the Member was pleased to see that traditional housing was being supported and felt that this was particularly important in terms of protecting the Area of Outstanding Natural Beauty. The Development Manager understood the Member's disappointment with the Gretton Road appeal decision; however, he reminded the Committee that each case was considered on its own facts and, on this occasion, the Inspector had looked at what had already been permitted compared with what had been built and did not feel this was enough of a departure to withhold planning permission. In terms of enforcement generally, a significant amount of progress had been made since the introduction of the Senior Planning and Enforcement Officer post. Although this post was currently vacant, the previous Officer had been instrumental in the production of the Planning Enforcement Plan which was currently subject to public consultation. This additional resource had meant that the Planning department had been much more effective in terms of planning control and enforcement and would be looking to build on that going forward. Applications for the post had recently closed and interviews would be conducted within the next week.
- 81.3 The Member understood that it was normal practice for an Inspector to notify the Planning department when they were visiting a site and they would usually be accompanied by a Planning Officer; this had not happened in terms of the Gretton Road site. The Development Manager advised that site visits could be accompanied or unaccompanied depending on what the Inspector felt they could see – with regard to Gretton Road, the dwelling had already been built and therefore there was no need for an accompanied visit. He clarified that, if the Inspector was accompanied, this was not an opportunity for representations to be made, it was simply to point out factual characteristics of the site. Another Member indicated that he was also disappointed with the outcome of this appeal and pointed out that the situation had arisen from an admitted mistake with the measurements in the early stages of construction; had this been picked up sooner it could have been rectified but, given that it had already been built, the only other option would be demolition and that was not something which tended to happen. The Head of Development Services reiterated that a lot of positive work had been done in relation to enforcement and the new Planning Enforcement Plan would be implemented shortly. In terms of Building Control, whilst this was a shared service with Cheltenham Borough Council, Building Control Officers regularly attended the Tewkesbury Borough Council Offices and there was a good relationship between the departments. The Head of Development Services understood that, in this particular case, the building regulations approval for the development had been dealt with by an approved Inspector rather than the Council's Building Control Service which had complicated matters, although she noted the general point being made. The Member who had initially raised the concern clarified that he was not blaming individual Officers and felt that the government needed to give more

powers to local planning authorities, for example, being able to physically stop work until an application had been heard. He indicated that Winchcombe Town Council had also been extremely disappointed by the appeal decision and had written to the local MP about it.

- 81.4 Having considered the information provided and views expressed, it was
RESOLVED That the current appeals and appeal decisions update be
NOTED.

The meeting closed at 9:45 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 3 May 2018

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the day 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	
782	1	<p>18/00028/FUL</p> <p>Land At 1 Consell Green, Tewkesbury Road, Toddington</p> <p>One further letter of representation has been received from the applicant and is attached in full.</p> <p>Reason for refusal 1 should refer to JCS Policy SD10 and not SP10 as published. The revised reason is set out below:</p> <p>The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.</p> <p>The recommendation remains unchanged.</p>
796	3	<p>18/00254/FUL</p> <p>Tewkesbury Abbey Caravan And Motorhome Club Site , Gander Lane, Tewkesbury</p> <p>GCC Lead Local Flood Authority (LLFA)</p> <p>Additional information was submitted to the LLFA during the course of the application, which included the proposed drainage strategy plan. As a result the LLFA have receded their initial objection and confirmed they have no objections to this application.</p> <p>Condition Updates</p> <p>Work has already started on the site therefore this removes the need for Condition 1.</p> <p>The applicant has submitted an up-to-date landscape proposal plan, drainage strategy plan and proposed toilet block elevations plan. The only change proposed is additional landscaping around the toilet block. The other two drawings have been submitted to ensure the plans accurately reflect the development.</p> <p>As such, it is proposed to amend Condition 2 (which would become Condition 1) by replacing drawing no. CSA/3047/100 Rev D with CSA/3047/100 Rev E, replacing drawing no.TEW-2017-P-302 with TEW-2017-P-302A and replace drawing no.L33526-A2-SK01 with L33526-A2-Sk02B.</p>

		<p>The applicant has submitted an annotated proposed site plan, drawing no.TEW-2017-P-108, which usefully demonstrates the proposed revisions to the approved scheme, reference 16/01041/FUL. It is proposed to add this drawing to the list of approved plans in Condition 2 (which would become Condition 1).</p>
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Item No. 1 - 18/00028/FUL (letter from applicant)

Mr and Mrs P Workman
 1 Consell Green
 Newtown
 Toddington
 Cheltenham
 GL54 5DU

30th April 2018

Planning Committee Members
 Tewkesbury Borough Council
 Via E Mail

Dear Councillor

**Planning Committee - Item 1 - Land at Consell Green, Newtown, Toddington
 18/000/28 FUL Planning for 5 dwellings.**

The above application will be heard on 3rd May 2018. The recommendation before you is for refusal, however analysis indicates the application fits completely within the recently adopted development plan. (JCS) Policies within of the JCS which apply to our application, SP1, SP2, SD7 and SD10 have been tested and clarified by:-

- I. Successful appeal at 'Inglecroft' , Cleeve Hill, October 2017
- II. Successful appeal at 'Coach House', Cleeve Hill, December 2017
- III. Approval of 6 houses, Broadway Road, Toddington, February 2018

The current recommendation is silent as to how its conclusions are consistent with the above three guidelines: they would appear totally inconsistent.

Sustainable development as referred to in the JCS and NPPF can be analysed into 3 categories:

Economic - Building a strong economy by providing sufficient and suitable land.

- The development is in a service village consistent with JCS policy SP2 and also policy SD10
- The site is underdeveloped as this is now defined as 'currently free from development' (Cleeve Hill appeal)
- The site would constitute infill (Cleeve Hill appeal)
- It is contained on three sides (Cleeve and Broadway Rd are 2 sides)
- The Planning recommendation states the proposal is not infill. This is clearly contrary to recent appeal decisions where the inspector confirmed 'infill' can mean building behind existing development rather than fronting the road.

Social - providing for the needs of present and future generations in a high quality built environment

- The site would consist of 5 quality homes which would attract the premium end of the local market for which few houses have been built

Environmental.

- The plot is only a foreground to the ANOB (Cleeve Hill and Broadway Rd were in AONB)
- The plot is enclosed on three sides (Cleeve Hill and Broadway Rd 2 sides)
- The adjacent new development of 39 houses would have a much greater impact on AONB
- The Impact on ANOB is minimal (JCS. SD8)

Concerns have been raised by planning about the site mix particularly the lack of affordable houses. However on the adjacent site 33 houses were approved by council May 2107. Of the largest houses 3 have been replaced by 9 of the smallest house design through delegated authority (Feb 2018). Our scheme effectively rebalances the overall housing mix in this area of the village as approved by council and conforms with SD11.

Strategic objective 8 (JCS) calls for a mixed community with a housing supply meeting the needs of all. Paragraph 2.25 of the vision statement (JCS) states 'By 2031 rural areas will be prosperous and play their part in the economy' the housing supply must cater for people of all income levels and their housing needs.

Summary :-

The application fits within the policies and requirements of the JCS and is consistent with recent appeals and a relevant council decision. The development is in a suitable location with regard to the JCS spatial strategy and close to all the local amenities the village has to offer. The development will contribute to the balance, vitality and economics of the service village of Toddington. The proposal is not over prominent as it is infill and therefore complies with policy SD7 by conserving the landscape and protecting the ANOB. There are no material adverse circumstances.

We would ask that our proposal be supported.

Yours sincerely

Paul D.E. Workman

Note – We have made clear to planning in our application and in subsequent E mails our willingness to enter into S106 or C.I.L. discussions in respect of affordable housing contributions.

CC - Bob Ristic M Cotter