

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 23 October 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.

Recommendation:

To CONSIDER the report.

Reasons for Recommendation:

To inform Members of recent appeal decisions.

Resource Implications:

None

Legal Implications:

None

Risk Management Implications:

None

Performance Management Follow-up:

None

Environmental Implications:

None

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 The following decisions have been issued by the MHCLG:

Application No	17/00170/CONDIS
Location	Land Rear Of Queens Head Inn A46 Aston Cross Aston Cross Tewkesbury Gloucestershire
Appellant	
Development	Application for approval of details subject to conditions 10 (materials blue/black roof slate, terracotta roof slate, flame red slate, vertigo blue/black slate, wiewerberger roy stow mixed red brick), 11 (Vehicle tracking), 12 (New site internal layout road), 15 (construction method statement), 17 (Management of Streets), 18 (Fire hydrants) of planning application ref number 16/00665/FUL
Officer recommendation	Split decision
Decision Type	Delegated
DCLG Decision	Allowed
Reason	<p>The Inspector considered that proposed palette of facing materials submitted in pursuit of the discharge of Condition 10 of planning application ref number 16/00665/FUL (and that had already been applied by the appellant), would not appear out of place with the contemporary design approach of the development set out in the Design and Access Statement (DAS). He considered that the materials palette delivers a scheme that provides the houses with a distinct character and cohesive whole that does not represent the tipping point whereby the development appears more urban and prominent in the landscape.</p> <p>Although not utilising the materials specified in the DAS the Inspector highlighted that the site is not within a conservation area or designated landscape and the local context does not display a cohesive or consistent character. He recognised that although such factors do not necessarily justify accepting a lesser quality development, he did not consider the site to be sensitive to the changes that have been applied, nor the quality of the approved development envisaged in the DAS unacceptably diminished between permission and completion stage.</p> <p>In conclusion the Inspector found that the external materials do not result in unacceptable harm to the character and appearance of the development or surrounding area and do not conflict with JCS Policy SD4 or section 12 of the NPPF. For these reasons he found no sound material reason to withhold approval of the details submitted in respect of the discharge of Condition 10.</p>
Date	25.09.2018

3.0	ENFORCEMENT APPEAL DECISIONS
3.1	None
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
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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/00520/OUT	Land At Fiddington Ashchurch	Residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 sq m gross internal floor area (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 sq m gross internal area), supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking). Demolition of existing buildings. New primary access points from the A46(T) and Fiddington Lane defined as: Western Access point from A46(T) up to 153 metres measured from the southern edge of the carriageway of the A46(T) into the site, Eastern Access point from Fiddington Lane (via A46(T)) up to 50 metres measured from the western edge of the carriageway of Fiddington Lane into the site.	14/09/2018	P	CAS	21/12/2018
18/00056/PDAD	Barn At Woodfold Down Hatherley Lane Down Hatherley GL2 9QB	Prior approval for conversion of agricultural building into 1 no. dwelling (use class C3) and associated building operations	24/09/2018	W	DEK	29/10/2018

Process Type

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