

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 4 August 2015 commencing  
at 9:00 am**

**Present:**

Chairman  
Vice Chairman

Councillor J H Evetts  
Councillor R D East

**and Councillors:**

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

**also present:**

Councillor D J Waters

**PL.17 ANNOUNCEMENTS**

- 17.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 17.2 Member were reminded that the Council had resolved to introduce a Scheme of Public Speaking at Planning Committee for a 12 month period, starting with the new term of the Council in May 2015, which had therefore commenced with the meeting on 9 June 2015. The Chairman gave a brief outline of the scheme and the procedure for Planning Committee meetings.

**PL.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 18.1 Apologies for absence were received from Councillor R A Bird.  
Councillor P W Awford would be acting as a substitute for the meeting.

**PL.19 DECLARATIONS OF INTEREST**

19.1 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.

19.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Awford	14/01224/FUL Vine Tree Farm, The Wharf, Coombe Hill.	Is a Gloucestershire County Councillor for the area.  He attends meetings of the Leigh Parish Council but does not participate in planning matters.	Would speak and vote.
Mrs G F Blackwell	14/01267/FUL Land At Stump Lane, Hucclecote.	Is a Borough Councillor for the area.  Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
R D East	15/00601/FUL 3 Tobyfield Road, Bishop's Cleeve.	Is a Borough Councillor for the area.	Would speak and vote.
D T Foyle	14/00993/FUL Churchdown Village Infant School, Station Road.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs J Greening	15/00159/FUL 215 Queen's Road, Tewkesbury.	Is a Borough Councillor for the area.	Would speak and vote.
J R Mason	15/00384/FUL Parrs Farm,	Is a Member of Winchcombe Town	Would speak

	Broadway Road, Winchcombe. 15/00385/LBC Parrs Farm, Broadway Road, Winchcombe. 15/00370/FUL Land Adjoining Hillberry, Becketts Lane, Greet. 15/00454/FUL 30 Barnmeadow Road, Winchcombe.	Council but does not participate in planning matters.	and vote.
A S Reece	15/00601/FUL 3 Tobyfield Road, Bishop's Cleeve.	Is a Borough Councillor for the area.	Would speak and vote.
T A Spencer	General Declaration	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
Mrs P E Stokes	14/00993/FUL Churchdown Village Infant School, Station Road.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	14/01267/FUL Land At Stump Lane, Hucclecote. 15/00278/FUL 8 Ermin Street, Brockworth. 15/00609/FUL 9 Boverton Drive, Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

19.3 It was noted that all Members of the Committee had received correspondence in relation to various applications on the planning schedule but they had not expressed an opinion.

19.4 There were no further declarations made on this occasion.

## **PL.20 MINUTES**

20.1 The Minutes of the meeting held on 7 July 2015, copies of which had been

circulated, were approved as a correct record and signed by the Chairman.

## **PL.21 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

- 21.1 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 them prior to decisions being made on those applications.
- 14/01224/FUL – Vine Tree Farm, The Wharf, Coombe Hill**
- 21.2 The application was for a proposed replacement dwelling and detached double garage, hard and soft landscaping and provision of new access and driveway. The application had been deferred at the last Committee meeting for a site visit to assess the impact of the proposed development on the landscape and setting of the nearby listed buildings and the Committee had subsequently visited the site on Friday 31 July 2015.
- 21.3 The Chairman invited the applicant, Mr John McCreadie, to address the Committee. Mr McCreadie felt that the application should be very straight forward as outline planning permission had already been granted for the erection of a replacement dwelling to replace the one which flooded. It was not in the Area of Outstanding Natural Beauty, Green Belt or Conservation Area and the proposed home was within the same size parameters as those already granted within the outline permission. Due to there being no mains drainage, the replacement dwelling had been moved up the hill to allow space for a sewerage treatment plant. The sewage discharge pipes needed to be 10m long due to the clay soil and they must be located 10m away from the proposed house and outside of the flood zone which substantially dictated the position of the new dwelling. Since the last Committee meeting, two professional consultants' reports had been submitted analysing the issues raised by Officers regarding the effect on landscaping and heritage. Although they had been submitted on 21 July, they had not been added to the website or mentioned in the Officer's updated report to the Committee. The landscape assessment was a very comprehensive 35 page report with many photographs, prepared by Davies Landscape Architects. It related directly to the potential harm to the Landscape Protection Zone and the character and design element of HOU7. In summary, the findings had concluded that the proposed house could only be viewed from a very limited area and would not have a detrimental impact upon the wider character or features that the policies set out to protect. The Heritage Assessment, by an ex-National Trust specialist, concluded that there would be no detrimental impact upon the listed building and its historic setting. It noted that the modern conversion of outbuildings into Evington Lodge some years ago had allowed it to become the most prominent building and reduced the setting of listed Evington House significantly. Consequently the current proposals would have no detrimental impact on the heritage or the setting of the listed building. The replacement dwelling was the same square footage as the outline permission, 194sqm, and although slightly taller, by 1.4m, did not affect any neighbours privacy or amenity. He sincerely believed that the replacement home would be an excellent contribution to the built environment and it had significant local support, particularly from the immediate neighbours. He hoped that the Committee would permit the application.
- 21.4 The Chairman invited a local Ward Member for Coombe Hill, Councillor D J Waters to address the Committee. He thanked the Committee for visiting the application site and indicated that he was in favour of the proposal. He felt that it was significant

that the majority of local neighbours most affected by the application had written letters of support for the application and the one who had complained could not really see the property from their location. He endorsed the points which had been made by the applicant and thanked Members for their time.

21.5 In response to some of the points raised by the applicant, the Planning Officer confirmed that the additional information submitted had been considered and was referenced in the Additional Representations, attached at Appendix 1. Officers had noted the Heritage Assessment and Landscape Character Appraisal but had considered that they did not adequately address the concerns which had been raised. In terms of the parameters, the Planning Officer clarified that the existing property had a footprint of approximately 103sqm and a height of 7.7m. The replacement detached house which had been granted outline planning permission was 6.5-8m in height, 15-17m in length and 7-8m in width; taking the maximum of those parameters, this would result in a footprint of approximately 136sqm. The proposed dwelling had a height of 9.3m, a length of 17.4m and the proposed width was stated to be 7m, however, the width of the main part of the dwelling was 7.6m and the L-shaped layout resulted in a maximum width of 12.1m. This resulted in a dwelling footprint in excess of 157sqm which was beyond what was considered to be appropriate. It was noted that the proposed dwelling would be located approximately 30m further up the slope and the increased height, in combination with the increase in size and scale from both the original and previously approved dwellings, was the reason for concern regarding the impact on the landscape.

21.6 The Chairman 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 permitted. The proposer of the motion felt that there would be no adverse impact on the rural landscape and no harm would be caused to the heritage assets. Another Member was of the view that this application made more sense than the previous one and he felt that it would be a positive move to permit it. A Member sought a point of clarification regarding the existing cottage and the Planning Officer confirmed that the extant outline planning permission required that it be demolished; if Members were minded to permit this application, a similar condition would be required. She went on to explain that the extant permission had a number of other conditions in relation to levels, materials, landscaping boundary treatment and access details. She indicated that Members might also want to include conditions regarding design details, drainage and ecology in order to protect bats and badgers. In response to a query regarding the timing of the removal of the existing building, the Planning Officer advised that it was normal practice that it would be removed before the occupation of the new dwelling. Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** on the basis that it would not result in a significant adverse impact on the rural landscape and would cause no harm to the setting of the nearby heritage assets subject to conditions in relation to levels, materials (facing and surfacing), design details, landscaping, access/parking, demolition of existing dwelling, ecology and drainage.

### **15/00159/FUL – 215 Queens Road, Tewkesbury**

21.7 This application was for the proposed erection of a pair of semi-detached dwellings. The Planning Committee had visited the application site on Friday 31 July 2015.

- 21.8 The Chairman indicated that there were no public speakers for this application. The Officer recommendation was that the application be refused and he invited a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion explained that there was a need for this type of housing in Prior's Park which comprised high density, low cost housing and was an area of social and economic deprivation. The local housing authority had a long list of prospective tenants and no property to house them. The application site was close to local amenities, a school and pre-school, and was on a bus route as well as being within walking and cycling distance from the town centre. The streetscene contained a mix of housing, so the dwellings would not be out of place, and the proposal included parking which was a problem in the area.
- 21.9 A Member raised concern that there was a danger of disregarding the planning policies if the application was permitted. He noted that there was a significant highway concern, the dwellings would be outside of the building line and there was no requirement in planning terms for affordable housing on the site. This was all in addition to the refusal reasons put forward by Officers and he saw no reason to go against their advice. Another Member indicated that he took the opposite view and he felt that the Officer recommendation had been made on balance. In planning terms, one dwelling would have been acceptable on the site but two was too many. He understood from the Housing Enabling Officer who had stated that there was a need for affordable, low cost housing in Prior's Park. She had indicated that the site was situated within a popular area where there was great demand for affordable housing and the need for affordable housing within Tewkesbury Town was significant with almost one in three requiring a two bed property. The Member indicated that, as Lead Member for Built Environment, this application would be a small opportunity to improve a site with two dwellings in an area where low cost affordable housing was in demand and he believed that it should be permitted. In response to a query regarding the comments made by the Lead Member, the Planning Officer recognised that the type of dwellings proposed would help to meet the local need, however, the proposed dwellings would be within the Residential Development Boundary and there was no requirement for affordable housing provision and the application had not been made on the basis that the proposed dwellings would be affordable. A Member went on to indicate that there was adequate space on the site for two dwellings and there was a need for small affordable homes across the Borough generally, and particularly within Prior's Park. He could not see any reason why the proposal would be unacceptable and he welcomed the fact that there would be a parking space at the front of each house. He confirmed that he would be minded to permit the application on the basis of what he had seen on the Committee Site Visit and what was needed in the area.
- 21.10 A Member expressed the view that the design of the dwellings was appalling, particularly the elevation to Queen's Road, and he did not see why something better could not be achieved. A Member queried whether a delegated permission would provide an opportunity to renegotiate the design and the Development Manager indicated that that was within the gift of Members and design was a concern shared by Officers. The proposer of the motion indicated that she was not unhappy with the design of the proposal and pointed out that the roof had been changed so that plans were in line with other developments in the area. The Development Manager confirmed that amended plans had been submitted which did change the design, but not to such an extent as to make it acceptable. He clarified that the main concern was in relation to the blank elevation which went right up to the footpath and would have a significantly overbearing impact on users of the footpath. The proposer of the motion indicated that the large expanse of wall would face onto the parking area and would not overlook any houses so she did not feel that it was an issue. The Planning Officer went on to advise that there were two main issues, one in relation to the nondescript elevation which would project onto the footpath and another regarding residential amenity. The issue regarding the elevation was subjective,

however, as the dwellings would be located much further back on the plot, there would be an unacceptable relationship between the first floor windows of 2 Lancaster Road and the new dwellings, resulting in loss of privacy and overlooking. The applicant had felt that changing the roof would address the issues and make the proposal acceptable but that was not a view shared by Officers who felt that one dwelling would fit comfortably on the site but that two would have an unacceptable impact on the streetscene and existing properties.

- 21.11 The proposer of the motion confirmed that she did not wish to amend her motion based on the Officer comments and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to conditions in relation to materials, parking, boundary treatments and the removal of permitted development rights for extensions/outbuildings.

**15/00384/FUL – Parrs Farm, Broadway Road, Winchcombe**

- 21.12 This application was for the erection of a detached dwelling. The Planning Committee had visited the application site on Friday 31 July 2015.
- 21.13 The Chairman invited Councillor Judith Petchey, Chairman of Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey indicated that the Winchcombe Town Council Planning Committee supported both the full and listed building applications in relation to the site. Parrs Farm and the entire site in which it sat were within the ownership of a local family and the proposal was to construct a house on part of the site for the son and his family. Keeping the family located within the town would assist the efficient running of their bakery business which would be to the benefit of the residents of Winchcombe. The site was located within flood zone 2 but the design of the building and flood mitigation measures proposed by the applicant should overcome any flooding issues. The availability test outlined by the Planning Officer at the Committee Site Visit had been met and letters from two local estate agents confirmed that no alternative land was currently available nearby in order to construct a suitable dwelling. In the opinion of the Winchcombe Town Council Planning Committee, the new dwelling would not have an adverse impact on the historic building. The new dwelling was set well back on the site and would sit well in the landscape. Neighbouring buildings were constructed of a variety of materials, the nearest being Bradstone bungalows that had been built within the last 30 years. Winchcombe Town Council Planning Committee asked that Members approve the application.
- 21.14 The Chairman invited the applicant's agent, Mr Russell Ranford, to address the Committee. He explained that it had been clearly demonstrated by an extensive flood risk assessment that the proposed development would not be at risk of flooding, nor would it exacerbate the risk of flooding elsewhere. The creation of a balancing pond as part of the proposed development would significantly reduce the risk of flooding to the existing listed building and the adjacent properties in Kenulf Road which suffered from flooding in 2007. In addition, the risk of flooding to the recently created riverside walkway would also be reduced on the opposite side of the river. Rather than refusing the application based on the opinion that the sequential test did not cover a wide enough search area, he believed that Members should judge the application on the positive benefits that it would have in terms of reducing the flood risk to adjacent properties. For the purposes of identifying the search area for the sequential test, pre-application discussions had been held with a former Senior Planning Officer. It was agreed at that time that Winchcombe was probably a large enough area within which to search for other sites. Although subsequently the Planning Officers had requested that a wider area be examined, the reality was that no precise area of search had ever been put forward and, in his opinion, identifying a parcel of land many miles away did not serve the purpose for which the development was sought. In real terms there were no other sites which

were comparable in size for a single plot within Winchcombe which were available and deliverable at that point in time. His client's parents were the landowners and his client ran a successful bakery business within Winchcombe and was looking to build a home for his family which was sustainable going forward. Whilst there had been an objection from the Conservation Officer about the proposals, he felt that it was important to recognise that the proposed development area had only belonged to Parrs Farm since the later part of the twentieth century so did not form part of the historic curtilage. The so called 'buffer' that Officers were trying to preserve was not noticeable when travelling along Broadway Road and did not genuinely add anything to the character of the area. This proposal would see the introduction of new gates and railings which would open up and enhance the setting of the listed building when compared to the existing close-boarded fence. For clarity there was a planning history of consents in the 1970s for a detached property being approved on the plot of land in question. He was aware that the Planning Committee had recognised the positive benefits of proposals in flood risk areas and had overturned Officer recommendations in relation to the sequential test. He urged Members to take a common sense approach to determining the application as he believed it was another site where the positive sustainable benefits outweighed the perceived failings.

- 21.15 The Chairman 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 permitted. The proposer of the motion indicated that the Town Council were well aware of areas of potential flood risk and yet no objection had been raised. The proposed house would be in line with 1 Kenulf Road and would be further away from the River Isbourne than other developments which had been built in recent years, furthermore, a comprehensive scheme of mitigation would be carried out if the application was to be permitted. In addition, the proposal would help to open up the close board fencing along the drive into Winchcombe and would have a positive effect on the streetscene at that point. He considered that these were adequate reasons to permit the application and, whilst he understood the Officer recommendation to refuse the application, in this instance he felt that it was appropriate to take an opposite view based on local knowledge of the area. The seconder of the motion explained that the Parrs Farm site had previously been identified for potential development and he felt that the proposed scheme would not have a detrimental effect on the listed building as it would be well screened by trees. The dwelling would provide a home for a local family with a long standing business in the area which was something he felt should be supported.
- 21.16 The Development Manager explained that, whilst the personal circumstances of the applicant had been noted, they would rarely be relevant in planning terms. There was no planning reason to tie the use of the dwelling to the applicant and his family which meant that it could potentially be sold on the open market in the future. It would be dangerous to allow new housing in areas at risk of flooding and this was something which the Council and the Planning Committee had taken a firm view upon, particularly following the 2007 flood event. It was a question of whether the need for a single dwelling outweighed the national and local planning policies which restricted housing in areas at risk of flooding and the nature of the impact on the adjacent listed building. Whilst it was a matter of judgement for the Committee, the strong advice from Officers would be that the application should be refused for the very clear reasons set out in the report. In terms of the sequential test, the

Winchcombe Strategic Housing Land Availability Assessment (SHLAA) had identified other land which was not in areas at risk of flooding and would be available for development. Some of the sites were included in the current draft Borough Local



Plan which was out to consultation.

- 21.17 A Member queried why there was no comment from the Council's Flood Risk Management Engineer given the concerns regarding flood risk. In response, the Planning Officer explained that this was a resubmission of a previously withdrawn application for an almost identical scheme. The Flood Risk Management Engineer had commented on the previous application and those comments were relevant in relation to the current application. He had stated that it was a planning judgement in terms of the sequential test and the availability of alternative sites. He had also commented that the proposed flood mitigation measures would be acceptable. The Member indicated that it would have been useful if these comments had been included in the original report and he queried why Planning Officers continued to have concerns despite confirmation from the Flood Risk Management Engineer that the mitigation measures would be acceptable. The Development Manager explained that the sequential test needed to be applied in assessing whether a site was acceptable from a flood risk perspective, the aim being that all development was within flood zone 1. Whilst the details of the proposal may be acceptable, in principle there was a strong policy objection as the site was located within an area at risk of flooding and therefore contrary to national and local policies.
- 21.18 A Member noted that the site was within a Conservation Area and an Area of Outstanding Natural Beauty and planning policy stated that any development must enhance and preserve the natural setting of those areas. He did not consider that the proposal would achieve that and he saw no reason for it to be permitted. Another Member indicated that none of the Committee would be keen to permit an application for a dwelling which could be at risk of flooding, or would have an adverse effect on neighbouring properties, however he felt that, in this instance, the flood mitigation measures proposed would be adequate, regardless of the outcome of the sequential test, and that there may even be a reduction in flood risk. He noted the comments made by the previous Member and agreed that it was right and proper that development should enhance the natural environment which he considered would be the case if this proposal was permitted.
- 21.19 A Member noted that the second refusal reason recommended by Officers set out that the proposed development would significantly compromise the retained setting of Parris Farm, a Grade II listed building, further eroding its rural setting and harmfully and irreversibly eroding its significance. However, she found this very confusing given that the neighbouring property, Cider Mill Cottage, was much closer to the Grade II listed building than the proposed new development which would be well screened, with existing trees being retained and a new wall being built.
- 21.20 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** as the flood mitigation put forward would adequately address any flooding issues and the proposal would not have an adverse impact upon the adjacent listed building, subject to conditions in relation to material samples, flood mitigation measures being carried out in accordance with the Flood Risk Assessment, tree protection, removal of permitted development rights, relevant highway conditions and details of boundary treatments.

### **15/00385/LBC – Parris Farm, Broadway Road, Winchcombe**

- 21.21 This application was for the proposed erection of a five bedroom detached dwelling, associated access, garaging, car parking and landscaping (Listed Building Ref:

1340271). The Planning Committee had visited the application site on Friday 31 July 2015. The Development Manager clarified that this application was specifically for the demolition of a single storey garage already built on the site.

- 21.22 The Chairman indicated that the Officer recommendation was to refuse consent and he invited a motion from the floor. It was proposed and seconded that the application be granted consent. The proposer of the motion stated that the external building was a fairly recent addition and he felt that, overall, the establishment of the dwelling would have a beneficial impact on the open aspect and the curtilage of the listed building. He considered that the garage should be demolished as it would not affect the setting of the adjacent listed building and was justified by the proposed development. Upon being taken to the vote, it was

**RESOLVED** That the application be **GRANTED CONSENT** as it would not affect the setting of the adjacent listed building and was justified by the proposed development, subject to standard conditions.

**13/00985/FUL – Manor Farm, Gretton Road, Gretton**

- 21.23 This application was a revised scheme for the retention of an existing garage in an amended design with one bay removed and the rear wall reconstructed in brickwork. The Planning Committee had visited the application site on Friday 31 July 2015.

- 21.24 The Chairman indicated that the Officer recommendation was to permit the application and he invited 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 was of the view that, in light of its previous history, if the application was permitted, it should be inspected within a certain timeframe. In response, the Planning Officer confirmed that a condition could be included on the planning permission requiring that the development be completed in all respects, in accordance with the approved plans, within six months of the date of the decision. The seconder of the motion was keen to ensure that the rear wall was reconstructed in brickwork as opposed to simply being added to. The Development Manager confirmed that the recommended condition was very specific in stating that the wall of the garage adjoining 1 Manor Fields be removed in its entirety and rebuilt in brick to match the brick work of the existing front and gable elevations. If that was not the case then appropriate enforcement action would be taken. Upon being taken to the vote, it was

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

**15/00370/FUL - Land Adjoining Hillberry, Beckett's Lane, Greet**

- 21.25 This application was for the proposed erection of six detached dwellings. The Planning Committee had visited the application site on Friday 31 July 2015.

- 21.26 The Planning Officer advised that there were a number of updates following the publication of the Committee report which were set out on the Additional Representations Sheet, attached at Appendix 1. County Highways had raised no objection to the application subject to conditions relating to the provision of a bin storage area and details of the existing highway being implemented and managed. The Flood Risk Management Engineer had also raised no objection subject to appropriate drainage conditions and it was proposed that condition 7 would be amended on the basis of his comments, particularly in respect of Sustainable Urban Drainage Systems (SuDS). Severn Trent Water had raised no objections subject to a condition. Members were advised that the Campaign for Rural England (CPRE) objected to the application on the grounds that the site was not allocated in the Tewkesbury Local Plan; Greet was small hamlet with no amenities and a limited bus service and the proposals would be contrary to the aims of sustainable development; the site was located within a Special Landscape Area and would be visible from the Area of Outstanding Natural Beauty; and Becketts Lane was narrow,

with a tight bend near to Hillberry, and used by tractors and other large farm vehicles. An additional objection had been received from the neighbouring resident in relation to the loss of native hedgerow and management of the hedge to 1m in order to achieve the desired visibility splay; the objector had commented that it would reduce the visual amenity of the area and be harmful to the ecology and wildlife in the area. The objector had also pointed out that the Otters Fields houses were flooded in 2007 and the proposed development would result in further flooding. With regard to affordable housing, following a Ministerial Statement in November 2014, Government policy and guidance did not allow local planning authorities to seek contributions to affordable housing on schemes of 10 dwellings or less. However, on Friday 31 July 2015, the High Court had determined that the policies in the written Ministerial Statement must not be treated as a material consideration in development management decisions, or in considering other planning matters. As such, the relevant sections of the Planning Practice Guidance had been removed and contributions from developments of fewer than 10 dwellings could now be sought in line with Local Plan Policy HOU13 which set the threshold for seeking contributions towards affordable housing outside settlements with a population of 3,000 people at five dwellings. As a result, Officers would be seeking an offsite contribution for affordable housing provision if planning permission was to be granted for the development. The applicant's agent had been made aware of the issues, however, given the very short timescale involved they had been unable to provide confirmation as to whether that was acceptable to the applicant. In terms of highways concerns, it was noted that the County Highways Officer had confirmed that adequate visibility could be secured without the need to remove the silver birch or hedgerow in the neighbour's garden. Revised plans had been received which simplified the design of the proposal and would better reflect the existing development in the area. Confirmation was provided that Officers were happy for the materials to be subject to condition. On that basis, the Officer recommendation had been changed from permit to delegated permit subject to a Section 106 Agreement to secure an off-site affordable housing contribution and alterations to, and addition of, conditions relating to highways, drainage and design.

- 21.27 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey advised that the Town Council had difficulty understanding how the application could be recommended for permission given that the Joint Core Strategy and the emerging Borough Plan both advised that the construction of domestic dwellings should be focussed on rural service centres and towns that had the services to support such dwellings. The hamlet of Greet had no services apart from a bus stop and public house that was frequently closed. The occupants of the proposed houses would have to travel to Winchcombe along roads that were already congested in order to access shops, schools and medical services. The site was on a busy narrow lane that was used as a shortcut from the B4632 to Winchcombe, avoiding some of the roads leading through the town. Visibility for approaching traffic from the B4632 was poor as there was a bend just before the site. There were no footpaths along that stretch of the road and the lane was bordered by high hedges and fences. She also pointed out that the adjacent properties were single storey bungalows. Those who had attended the Committee Site Visit would have observed that the site was part of a productive field with a fine growing crop and the loss of good agricultural land would be of further concern. Winchcombe Town Council asked that the application be refused.
- 21.28 The Chairman invited Kevin Boyle, speaking against the application, to address the Committee. Mr Boyle indicated that he was a resident of Greet. Whilst it was true to say that Tewkesbury Borough Council could not demonstrate a five year housing

supply, in 2012 at a case in Wellingborough, the Planning Inspector had stated that absence of a five year supply did not provide carte blanche for any development on any site which set a precedent that Councils need not be shoehorned by such an opportunistic tactic. Since the publication of the Planning Officer's report, County Highways had insisted upon a 54m visibility splay in both directions; 2.4m back into the access road. The applicant's response was to destroy a hedgerow which was classified as both important and species-rich; that was forbidden by the Hedgerows Regulations 1997 unless exceptional circumstances applied. The destruction would only provide the required visibility in one direction as, in the other direction, there was 6ft high hedge and a 40ft high tree which abutted the pavement edge where his property was located. Given the siting of the access road, the required visibility to the westerly direction could not be achieved and he felt that the Committee needed to satisfy itself that the critical road safety issues had been taken care of. A further point was that the cutting down of the roadside hedge to the east compromised the applicant's original argument that the development would hardly be visible from Becketts Lane. The application seemed to contravene so many planning guidelines. Firstly, it was prime agricultural land which should be preserved for future generations, particularly when it was situated in a Special Landscape Area and so close to an Area of Outstanding Natural Beauty. It was the last remaining open space on Becketts Lane which was why this was such an important decision. Once built upon, Greet moved, irrevocably, from being a rural location to an urban landscape which was his reason for asking the Committee to protect it. The development itself was overbearing and totally out of character within its surroundings. All of the houses on the same side of the street were single storey bungalows; the proposed houses were double their height and would completely ruin the roofline. In his view, the development was utterly incongruous and unsympathetic in its setting. His final point related to the fact that local residents had been encouraged to participate in the development of a Neighbourhood Plan and the Plan had ruled the site out as a development option. Winchcombe Town Council had objected to the application on that basis and over 30 households in Greet had also objected. In his opinion, the reason there were not more objections was that people felt that nobody listened to them; the Committee had a chance to prove them wrong by rejecting the application.

- 21.29 The Chairman invited the applicant's agent, David Jones, to address the Committee. He explained that the application sought planning permission for the erection of six dwellings. The Officer's introduction had set out the revised national policy guidance following a judicial review case at the end of the previous week which effectively stipulated that the developer would be required to make a contribution of £103,500 for offsite affordable housing provision. He confirmed that, should the Committee be minded to permit the application, the applicant would enter into the required legal agreement to pay the assessed commuted sum. Other issues raised by local residents, together with the Town and Parish Councils, were accurately recorded and assessed within the Officer's report to the Committee, however, he did wish to clarify some of the issues which had been raised in the submitted representations. The proposed single point of access has been carefully designed so as to minimise the loss of existing hedgerow, that said, the ecology report confirmed that the hedgerows were "close-cropped species-poor" hedges. Therefore the development provided an opportunity for improvement in the ecological value of the hedgerows abutting the site. County Highways raised no objection to the development, subject to a number of conditions, all of which were acceptable to the applicant. Planning permission for seven dwellings had been refused in 1983 and many objectors had cited that as a reason why consent should be withheld now. The previously refused application pre-dated the Council's adopted Local Plan; more telling, however, was the fact that planning policy had evolved and the need for new housing had increased significantly since 1983. The publication of the National Planning Policy Framework in March 2012 enshrined the policy requirement of a presumption in favour of sustainable development. This presumption was fully engaged in this case

and objectors had failed to demonstrate how the adverse impact of granting consent would significantly and demonstrably outweigh the benefits. National Planning Policy Framework Paragraph 47 required all authorities to “boost significantly the supply of housing”. In this case, the prevailing social, economic and housing supply benefits justified the approval of this application. Neither the Joint Core Strategy or Winchcombe and Sudeley Neighbourhood Plan were sufficiently far advanced to alter the presumption in favour of sustainable development, therefore, weighing all relevant planning consideration in the balance, he urged the Committee to support the Officer recommendation and resolve to approve the application subject to completion of a Section 106 Agreement requiring the payment of the fully assessed affordable housing contribution.

- 21.30 A Member sought a point of clarification in relation to how much of the hedgerow would be lost in order to provide the necessary visibility splays. Another Member indicated that a silver birch within the ownership of an adjoining property could be under threat during the construction of the development, should Members be minded to permit the application, and he queried whether it could be protected from accidental damage. The Development Manager explained that it was not possible to secure the protection of a tree which was outside of the application site. He fully understood the Members’ concern regarding the silver birch but that was not something which could be delivered through this planning application. In terms of the hedgerow, the County Highways Officer explained that the transport statement included a plan showing visibility of 54m from the site access. It was up to the local planning authority to make a decision as to whether safe and suitable visibility could be achieved and how much hedgerow would need to be removed in order to secure that. The Planning Officer confirmed that approximately 10.5m would need to be removed from the hedgerow within the application site.
- 21.31 The Chairman indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to a Section 106 Agreement to secure an off-site affordable housing contribution and alterations to, and addition of, conditions relating to highways, drainage and design. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion indicated that many people did not have suitable accommodation and he felt that the development would help to deliver some much needed affordable housing. A Member disagreed with the motion and felt that the application should be refused on the grounds that Greet was not a service village and was not suitable for residential development. He explained that, whilst developing the Neighbourhood Plan for Winchcombe, Officers had advised that Greet was unsustainable and did not meet the criteria and therefore it should not be considered. He questioned the value of having a Plan if people were allowed to build what they wanted in any location. He reiterated that Greet was completely unsustainable and he could not support the application. This view was shared by another Member who felt that the demonstrable harm to the Special Landscape Area and the surrounding Area of Natural Beauty would not be outweighed by the benefits of the proposal. A Member recognised the need for the affordable housing which would be provided by the development, however, he was in two minds about whether the application should be permitted given the close proximity of the site to the existing houses at Otters Field.
- 21.32 Upon being taken to the vote, it was
- RESOLVED** That authority be delegated to the Development Manager to **PERMIT** the application subject to a Section 106 Agreement to secure an off-site affordable housing contribution and alterations

to, and addition of, conditions relating to highways, drainage and design.

**15/00454/FUL – 30 Barnmeadow Road, Winchcombe**

- 21.33 This application was for change of use from an extension to provide a separate dwelling.
- 21.34 The Chairman invited Councillor Judith Petchey, Chairman of Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey explained that, when the application for the extension had come before Winchcombe Town Council Planning Committee some time ago, the immediate response was that it had all the design hallmarks of something that could very easily be made into a separate dwelling. It was a former housing authority property and part of a group of semi-detached houses. Separation of the extension from the main building would provide a sub-standard property and was not in keeping with the Winchcombe Town Design Statement which, until it was withdrawn by the Town Council, or superseded by the Neighbourhood Plan, remained as adopted planning guidance. The Town Council asked that the Committee reject the application.
- 21.35 The Chairman 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. A Member indicated that a neighbour at 28 Barnmeadow Road was concerned about rainwater run-off onto their roof and he queried whether a condition could be included on the planning permission to ensure that any rainwater was directed into a drain or waterbutt. The Planning Officer explained that the property was already in existence but the applicant wanted to use the extension as a separate unit. There was no proposal to alter the existing drainage arrangements and as such it would not be reasonable to attach a condition of the nature suggested. A Member noted that Winchcombe Town Council had raised concern that the separation of the extension from the main building would result in a sub-standard property and sought comments from the Planning Officer regarding the design. The Planning Officer clarified that the application was for a change of use and therefore there would be no alterations to the external appearance of the building. Notwithstanding this, the proposal did include the removal of the remaining front wall to create improved car parking provision as parking availability was an issue in the area. The removal of the wall would ensure that at least one car parking space was provided per unit. The seconder of the motion expressed the view that the development already existed and the proposed change of use would cause no harm to anyone. Upon being put to the vote, it was

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

**15/00512/FUL - 25-27 Willow Bank Road, Alderton**

- 21.36 This application was for the erection of one dwelling with associated garage, drive, parking and turning area. The Planning Committee had visited the application site on Friday 31 July 2015.
- 21.37 The Chairman invited Graham Outhwaite, speaking against the application, to address the Committee. Mr Outhwaite indicated that he lived at 23 Willow Bank Road. He quoted Dr Simon Thornton Wood, Director of Science and Learning at the Royal Horticultural Society who had welcomed any measure that protected the vital resources that gardens could be. Gardens, like parks, were the green lungs of cities, improving air quality, controlling air temperature and flood risk and providing a haven for wildlife. Beyond the very practical benefits of gardens, gardening helped with mental and physical health which was why planning measures should go further than protecting existing gardens, to guarantee high quality green space and gardening opportunities in all new building developments, wherever they may be.

Greg Clark MP had spoken about planning reform in 2010 and stated that the wishes of local people had been ignored for years as the character of neighbourhoods and gardens had been destroyed, robbing communities of vital green space. Reclassifying garden land would enable Councils to protect gardens from inappropriate development by rejecting planning applications for development that was objected to by the local community and spoil the character of neighbourhoods. These points had been confirmed in March 2015 by Rt Hon Eric Pickles MP as an achievement giving Councils powers to prevent such developments. This application had received eight objections and a recommendation of refusal from the Parish Council, all of which had been disregarded despite the guidelines. Gardens were for enjoyment, entertaining friends and family and growing flowers and vegetables; they were essential for health and wellbeing. The proposal had no garden and adversely affected the size and utilities of 25 and 27 Willow Bank Road, as well as surrounding properties for generations to come. When the gardens had been put under concrete they would be gone forever and dangerous precedents would be set for all properties with large gardens, leaving them subject to exploitation by aspiring developers.

21.38

The Chairman invited the applicant, Keith Davison, to address the Committee. Mr Davison explained that he had been working with a village architectural consultant who had designed a retirement home which was a bungalow with a cellar to the house in order to provide extra bedrooms and storage. This kept the footprint to a minimum and allowed the roofline to be designed with two lower ridges rather than a single tall one, therefore reducing the height and minimising the visual impact. It was positioned right at the very end of a large plot so as not to interfere with the neighbour's privacy or amenity space. To the north and south the roof sloped away from the 2m high boundary fences and the proposed patio area was purposely positioned solely adjacent to the neighbour's large vegetable patch hidden by the 2m high privacy fence. Pre-application discussions had taken place with the Planning Officer who had visited the site and spoken to colleagues. The Planning Officer had stated that backland development was acceptable in Alderton and would be acceptable on the site in question. A formal application had therefore been submitted and revised after consultation with his neighbour at 29 Willow Bank Road to further reduce the ridge line. After visiting the site, the Planning Case Officer had also indicated that he would support the application and recommend that it be permitted. Overdevelopment had been cited as an objection even though two Planning Officers were the only ones to visit the site and gain a visual perspective. He felt that many of the objectors had misread the drawings, assuming that it was a house and not a bungalow on account of the two floors. In comparison to village properties, whether recent backland or infill developments, the large plot was underdeveloped. To put that in perspective, the proposed bungalow sat on approximately 20% of the plot, leaving a large amenity space that could be divided up as 20% for parking and turning, 40% for patio/recreation and 10% to replace and reposition an existing garage away from the neighbour's patio area. This would leave adequate amenity area for 25 and 27 Willow Bank Road. In addition to the plot there was an existing 30m drive. All objections, including seven from the three immediate neighbours, were dealt with to the Planning Officer's satisfaction. The Planning Officer had recently visited the site to validate every objection for himself and had concluded that none were valid planning objections. The Parish Council had submitted a very late objection days before the decision was, as he understood, to be delegated with a positive outcome. The objection, made at the Parish Council meeting in May was based on original drawings and they had still not visited the site or discussed the application with him. He was pleased that the Planning Committee, as the decision-making body, would base its decision on the facts, including the recommendations from experienced Planning Officers, and that they had physically seen the site for themselves. This was a unique opportunity for him to build himself a retirement home, designed to his needs but with a number of compromises to

ensure that his neighbours' privacy and amenity areas were not affected.

- 21.39 The Chairman indicated that the Officer recommendation was to permit the application and he invited 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 indicated that there were many confusing elements to consider but he felt that the correct solution had been found. Upon being put to the vote, it was

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

**15/00534/FUL – Robin Hill, Laverton**

- 21.40 This application was for the demolition of an existing detached bungalow and erection of a detached two storey dwelling.
- 21.41 The Development Manager advised that the site notice for the application was posted on 15 July 2015 with the closing date for comments on 5 August 2015. On that basis, the Officer recommendation had been changed from permit to delegated permit subject to no substantive objections raising new issues being received by the expiry of the site notice. The application itself was very similar to the previously permitted replacement dwelling with the main changes set out at Paragraph 3.1 of the Officer report. There were no significant changes in terms of design and the impact on neighbouring residents and, whilst the concerns of local residents were noted, there was no planning reason to refuse the application.
- 21.42 The Chairman indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to no substantive objections raising new issues being received by the expiry of the site notice on 5 August 2015, 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. In response to a query regarding the removal of permitted development rights, the Development Manager explained that the site lay within the Laverton Conservation Area and Article 4 Direction boundary and, as such, the property would not benefit from permitted development rights for extensions if Members were minded to permit the application. Upon being taken to the vote it was

**RESOLVED** That authority be delegated to the Development Manager to **PERMIT** the application, subject to no substantive objections raising new issues being received by the expiry of the site notice on 5 August 2015.

**14/00993/FUL – Churchdown Village Infant School, Station Road, Churchdown**

- 21.43 This application was for a two cubed canopy to act as an outside learning area as required by Ofsted for Early Years settings.
- 21.44 The Development Manager advised that a very late representation had been received from a neighbour reiterating the points which had previously been made regarding the brightly coloured canopy which was clearly visible from her parents' garden. It had urged the Committee to refuse the application and to take down the canopy and replace it with something more in keeping.
- 21.45 The Chairman indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. A Member proposed that the application be refused on the basis of the Parish Council objection which set out that



the colour of the canopy was not in keeping with the streetscene or the old school building. The motion was not seconded and the Chairman sought a substantive motion. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the major complaint seemed to be the colour of the canopy and the Development Manager advised that one of the recommended conditions was that the existing canopy be replaced with a canopy finished in Moss Green which would be softer and more in keeping with the traditional buildings. He clarified that the canopy would be replaced as opposed to the existing one being painted. Upon being taken to the vote it was

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

**14/01267/FUL – Land At Stump Lane, Hucclecote**

- 21.46 This application was for change of use of land for the keeping of horses and the erection of stables and associated works. The Planning Committee had visited the application site on Friday 31 July 2015.
- 21.47 The Planning Officer advised that concerns had been raised over whether the necessary visibility could be achieved due to the ownership of the frontage of the site. Additional information had now been received from the applicants which had confirmed that they did have control over the relevant land to ensure that appropriate visibility could be provided.
- 21.48 The Chairman invited Ted Stevens, a representative from the Churchdown Hill Alliance and speaking against the application, to address the Committee. Mr Stevens explained that Churchdown, or Chosen, Hill with its woods, numerous walks and wildlife habitat was enjoyed by thousands of people every year, from ramblers and dog walkers to schoolchildren on nature trails, bird watchers, runners and local Scout and Brownie groups. It was a wonderful public facility and had unsurpassed views of the Cotswolds, the Malvern Hills and the Severn Valley; it was no surprise that there was an Iron Age fort on the top, that it had been crowned with a beautiful medieval church or that Gloucestershire's most famous poet and composer, Ivor Gurney, wrote lovingly about it – there was even a piece of classical music dedicated to the Hill. The area was also special because it had remained largely unscarred by modern development. The mature woods on one side of the proposed development were sustainably managed by the Woodland Trust, and on the other side the nature reserve was run by the local wildlife trust. The 12 acres site itself had been untouched for around 30 years so had not been subject to chemical sprays or intensive farming. Consequently it had become a haven for wildlife, from rare albino badgers to countless wild birds, foxes, slowworms, bats and a host of other species. It was also the reason that so many wild flowers grew there, including several types of orchid. He hoped that, following the Committee Site Visit, Members now recognised what a special part of Gloucestershire it was and why it needed to be preserved rather than built upon. Hundreds of local people had objected to the application as had the Campaign to Protect Rural England (CPRE), the Woodland Trust, the ramblers, the local volunteers who maintained the footpaths and both of the local Parish Councils. They all felt that there were several sound reasons to reject the development, not least that it was in the best part of Gloucestershire's Green Belt and the stable building would be bigger than an average new house. An application for a new house on the site would almost automatically be rejected, yet this proposal would have a much greater impact, generating more traffic from larger vehicles. It was in the Special Landscape Area and the Council's own policies stated that developments that impacted the quality of the natural built environment should be rejected; he felt that this development would definitely have significant impacts on both counts. Policy RCN6 of the Local Plan stated that horse riding facilities must relate to the existing bridleway network and must not have an impact on the landscape, nor must they create traffic problems. This site was not connected to any bridleways, would be a blot on the landscape

and it would create traffic problems. The applicant's planning consultants had argued that 'outdoor sport and recreational use' could be permitted in the Green Belt, but this was not recreation use, it simply involved turning 12 acres of public access land, that was open to everyone, into a private paddock and stable complex. He urged the Committee to listen to the concerns which had been raised by the CPRE and the Woodland Trust, as well as many other well respected organisations, and to reject the application.

- 21.49 The Chairman invited the applicant, Mr Nick Chapman, to address the Committee. Mr Chapman indicated that, a little over a year and a half ago, he had noticed a piece of land for sale on Chosen Hill which was advertised as amenity land or for equestrian use. Having grown up in Churchdown, and subsequently living in Hucclecote, he had seen it as an exciting opportunity to create a fantastic environment for his family to enjoy their hobby of horse riding in an area that was part of his childhood. He explained that he could have purchased fields elsewhere but had chosen that piece of land primarily because of its diverse wildlife and the fantastic views and also because he was a little saddened that, over the years, large areas had been neglected. It was being suggested by the Churchdown Hill Alliance that it was his intention to clear the entire 12 acres, remove the trees and destroy the area; he stressed that was the last thing he intended to do and not what he and his wife had applied for. The greatest pleasure to them was the trails that ran through the existing scrub habitat, up to the view points and through wooded areas, and to destroy those would ruin that benefit. Since owning the land, they had returned the central area to an open meadow which was used for grazing horses which had the added benefit of providing a large foraging habitat for badgers, deer and many of the other wild animals found both on their land and across the hill. Open grassland would also encourage the spread of the many wild flowers, including orchids that were found on one of the tumps. As part of the planning application, they had instructed two professional ecologists to advise on best practice, recommendations on the locations of the proposed stables and how to mitigate any negative effect to the wildlife and enhance biodiversity across the entire 12 acres. Both ecologists had concluded that the outcome of the work done to date had achieved that. They had also worked with the footpaths authority to correctly reinstate pathways that had been closed for a number of years. It had been noted that the application had attracted opposition from two of their neighbours, collectively known as the Churchdown Hill Alliance, who had actively campaigned within both Churchdown and Hucclecote with a Facebook page and posters. He felt that it was worth pointing out that the posters made several inaccurate and misleading claims, including threatening the hill's unique flora and fauna and changing the look and feel of the hill forever. As a result of that deliberately inaccurate interpretation of the application, almost all of the objections were simply not relevant to the actual proposals but, for example, simply objections to horses being on the hill. The planning application was not a 'zero to full activity' proposal; as the land was open access land they were currently permitted to graze and ride horses across the entire 12 acres. The proposed stable location had been carefully selected to ensure that it was unseen from almost all directions, further ensuring that the proposal had a negligible impact on its surroundings. They were currently entitled to drive to and from the site with or without horseboxes and, as mentioned in Gloucestershire Highways' consultation response, the stabling of horses at the site may decrease traffic movements. The application was recommended for permission by the Planning Officer, with no objections from Highways or Natural England; they were simply a family wishing to increase their currently permitted use to include stabling

and animal welfare on their land. They were good people trying to do something good that, ultimately, the wider community would benefit from with increased access

to the countryside, and he respectfully urged the Committee to support the application.

- 21.50 The Chairman indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed that the application be refused due to highway safety concerns, design of the stable block and impact on landscape and ecology. The County Highways Officer explained that the County Highways Authority could only object to an application if the cumulative transport impact would be severe and, in his professional opinion, that could not be proven in this instance. Any objection on highway grounds which was considered to be unreasonable could lead to an award of costs against the Council at appeal. As the applicant had stated, the land in question was open access land and the applicant already had planning permission to ride and graze horses on the land. The stabling of horses on site could potentially reduce the daily trips required to the site and, even if that did not prove to be the case, any increase would be within the daily variation of the flow of vehicles on Stump Lane. In light of the information provided by the County Highways Officer, the proposer of the motion indicated that she would be happy to make an amendment to remove highway safety from her proposal. The motion was seconded and the seconder indicated that he totally agreed with the Churchdown Hill Alliance that the hill should be protected and he felt that the impact of a stable block on the hill had been quietly disregarded.
- 21.51 A Member indicated that the posters which had been produced by the Churchdown Hill Alliance had suggested that the whole 12 acre site would be desecrated by the proposal, however, it had been very apparent on the Committee Site Visit that that would not be the case. The majority of the site would be invisible, and the stables would not be particularly salient, and as such he felt that the application should be permitted. A Member queried whether, in light of the comments from the County Highways Officer, a condition could be included to ensure that the land use was restricted to the family's horses and could not be rented out in the future and, in response, another Member referred to condition 2 within the conditions which had been recommended by Officers. Another Member indicated that he was in two minds about the application, whilst he did not know a lot about horses, he did not feel that it was the right terrain for the stable block and he was concerned about penalising other users of the hill who would not be able to enjoy that particular part of Gloucestershire. A Member explained that she had lived in Churchdown for almost 50 years and had fought to protect the hill from building and she was concerned that allowing this development to go ahead would be the start of its destruction. On that basis she would be supporting the motion to refuse the application.
- 21.52 A Member expressed the view that it was a very interesting application and what was most apparent to him was that the applicant was already permitted to ride horses on the land. He did not feel that the erection of a stable block would be a problem as there were similar types of building just below the site and he personally saw no reason to refuse the application. Another Member felt that it was quite natural to see people on horseback in the countryside and he reiterated that there were three large stables just down the hill. The building itself would be lowered into the ground and would be barely visible. On that basis he could not support the motion to refuse the application. The seconder of the motion explained that the other stable blocks were much lower down and he was concerned that permitting this application would set a dangerous precedent for the future.
- 21.53 The Development Manager explained that Members had heard from the County Highways Officer in terms of the highway issues and the Government had set the bar for refusing applications on transportation grounds particularly high. The

guidance was very clear that there would have to be severe harm arising from a proposal to sustain an objection on highway grounds and it was not considered that would be the case with this application. In terms of ecology, he felt that Members needed to be more specific in terms of what those issues were as Officers considered that the proposed mitigation measures would address any ecology concerns. It was not unusual for buildings such as stable blocks to be found in the countryside and it was a judgement for Members as to whether it would be so harmful as to warrant refusal in this particular location.

- 21.54 Upon being taken to the vote, the motion to refuse the application was lost. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was **RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**15/00278/FUL – 8 Ermin Street, Brockworth**

- 21.55 This application was to remove and vary conditions relating to application 14/00052/FUL: removal of condition 1 to allow continued use of the site for prayer and bible study and reading of Holy Scriptures, and variation of condition 2 to allow up to 40 persons to attend the site at any one time.
- 21.56 The Planning Officer explained that planning permission had been granted in 2014 for the use of 8 Ermin Street by the Church. The occupation of the premises had been limited to no more than 17 persons at any one time and planning permission had been granted for a temporary period of 12 months in order to allow monitoring of the impact on residential amenity. Attendance at the site by up to 17 persons had not resulted in any noise complaints or significant issues and it was considered reasonable that the existing level of use would be acceptable on a permanent basis. The proposed application sought an increase in overall numbers from 17 to 40 which had the potential to result in additional noise and disturbance and, on that basis, it was recommended that a temporary permission for up to 40 persons should be granted in order to allow continued monitoring to assess whether there was an impact on local residents. Clarification was provided that, at the expiration of the 12 month period the maximum number of persons would revert back to 17 and any increase beyond that would require a further application. If the application was forthcoming, Officers would have an opportunity to consider any complaints received over the 12 month period in order to better inform their decision.
- 21.57 The Chairman invited the applicant's agent, Andrew Beard of CSJ Planning, to address the Committee. He explained that he represented the Brethren Church in many parts of the UK and the small local halls, which held up to 50 people, were usually adjacent to residential properties and caused no undue disturbance. He explained that this was a low key and small community use which was ideally suited within a residential area to meet local needs. The original permission allowed 17 persons on a temporary basis and there had been no formal complaints made during that time. He indicated that there had been one objection when the hall had been purchased but that objector had since moved away. The Brethren community were respectful and went about their business quietly being mindful of the fact that they were next to residential occupiers. There was no highway objection to the application and there was no need for roadside parking as many people attending the church were families and, as such, they shared transport. He understood if the Committee wanted to undertake further monitoring in terms of the cumulative impact but he felt that additional persons attending the church would not increase the noise level. The church had been operating without any problems and he did not anticipate that would change due to a marginal increase in people. He would like to see permanent permission granted but felt that the recommended condition 2 was very specific about the use of the premises and he asked that it be reworded to make it more general e.g. 'church activities'.

21.58 The Chairman indicated that the Officer recommendation was to permit the application and he invited 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 sought a view as to whether condition 2 should be amended in light of the applicant's request. The Development Manager accepted that the definition of use of the premises may be too narrow but that the wording suggested by the agent may be too vague in his view. He suggested that Members might wish to consider a delegated permission to allow the issue to be resolved. The proposer and seconder of the motion indicated that they would be happy to amend the proposal on that basis and, upon being taken to the vote, it was

**RESOLVED** That authority be delegated to the Development Manager to **PERMIT** the application subject to the rewording of condition 2.

**15/00601/FUL – 3 Tobyfield Road, Bishop's Cleeve**

21.59 This application was for the erection of a detached garage.

21.60 The Chairman invited the applicant, Mr Luke Fry, to address the Committee. Mr Fry explained that the area of land he would like to build his garage upon was currently disused, overgrown and untidy to look at. All of his immediate neighbours who would be able to see the proposed garage from their properties had given their full support as they had put up with it in its current state for some time. Other than building a garage on the area of land, it had no other use to him. It was not an option for him to build to the side of his property as there was no space. He had tried to design the proposed garage to fit in with the character of the local area and ensure that it was not out of place within the neighbourhood, or fully visible from the road. He would be fitting large waterbutts to collect as much stormwater as possible, to reduce ground saturation and to water his plants. If his application was permitted he could then proceed to make his front garden and driveway look more presentable, not only for himself but for the benefit of his neighbours.

21.61 The Chairman indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and second that the application be permitted in accordance with the Officer recommendation. The proposer of the motion welcomed the application, however, he asked whether something could be included in the planning permission to ensure that the watercourse which ran through the site did not become blocked. The Development Manager indicated that he would be wary of including a condition, however, an advisory note could be included to ensure that the watercourse did not become blocked at any stage during the construction.

21.62 Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of an additional note in relation to damage/blockage of the watercourse.

**15/00609/FUL – 9 Boverton Drive, Brockworth**

- 21.63 This application was for a proposed new attached three bedroom dwelling to the side of 9 Boverton Drive; revised design with gable end and dormer to the rear.
- 21.64 The Chairman indicated that there were no public speakers for this application. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was **RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

## **PL.22 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 22.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 26-31. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions that had been issued.
- 22.2 A Member noted that application 13/01216/FUL Parcel 7710, Hygrove Lane, Minsterworth, regarding use of land for the stationing of static and transit caravans for residential purposes for five gypsy pitches, had been allowed on appeal, and that Officers had taken legal advice in relation to whether the decision could be challenged as the Inspector had concluded that the development would not adversely affect the appearance of the site or landscape which was unusual given that the site was currently an open field. The Member sought clarification as to the legal advice which had been received. The Development Manager explained that, although it was a bizarre judgement, there was nothing fundamentally wrong in law with the decision that had been arrived at and therefore it was not considered it could be successfully challenged.
- 22.3 It was **RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

## **PL.23 ADVANCED SITE VISITS BRIEFING**

- 23.1 Attention was drawn to the Advanced Site Visits briefing, circulated at Pages No. 32-33, which set out those applications that had been identified as ones which would be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they would be considered. Members were asked to note the applications included in the briefing.
- 23.2 It was **RESOLVED** That the Advanced Site Visits briefing be **NOTED**.

The meeting closed at 12:15 pm

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

Date: 4th August 2015

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.

<b>Page No</b>	<b>Item No</b>	
115	1	<p><b>14/01224/FUL</b></p> <p><b>Vine Tree Farm, The Wharf, Coombe Hill, GL19 4AS</b></p> <p><b>Consultations &amp; Representations</b></p> <p><u>Comments from local resident</u> - Have expressed concern that the cones placed on site for the Committee Site Visit were much lower down the slope than shown on the most recent drawings. The proposed drawings should be referred to and request that Members do not rely on the cone features which are considered to be misleading.</p> <p><b>Additional Information</b></p> <p>Further information has been submitted by the applicants in respect of drainage. A drainage plan and statement has been submitted to provide additional justification for the proposed position of the new dwelling within the site. The proposed drainage strategy states that the package treatment plant has been located downslope of the dwelling, with the required drainage discharge area, in order to meet relevant guidance and regulations. Therefore, the dwelling must be sited further up the slope.</p> <p>A Heritage Assessment has been submitted by the applicants on 22.07.2015.</p> <p>The assessment concludes that the impact on designated and non-designated heritage assets within or adjacent to the proposed development site, or their settings, through the proposed development would be minimal.</p> <p>A Landscape Character Appraisal has been submitted by the applicants on 24.07.2015.</p> <p>In summary, the Appraisal concludes that the proposal will be experienced from a limited area and will not have a detrimental impact upon the wider character or features that the policies set out to protect. The report also sets out a series of additional mitigation and enhancement proposals that have been included to alleviate Officer concerns and provide benefits to the site and its surroundings.</p> <p><b>Officer Comments</b></p> <p>The submitted Heritage Assessment and Landscape Character Appraisal are noted. Nevertheless, these documents do not successfully address the Officer concerns raised within the report and the recommendation remains that the application should be refused for the reasons set out in the report.</p>

135	6	<p><b>15/00370/FUL</b></p> <p><b>Land Adjoining Hillberry, Becketts Lane, Greet, Cheltenham</b></p> <p><b>Consultations and Representations:</b></p> <p><b><u>County Highway Officers</u></b> – raise no objection subject to conditions relating to the provision of a bin storage area and details of the existing highway being implemented and managed.</p> <p><b><u>Flood Risk Management Officer</u></b> – No objection. The proposed development is located in Flood Zone 1. In line with the NPPF; in this zone the authority would seek evidence that the overall level of flood risk in the area and beyond is reduced and water quality improved, through the layout and form of the development and the appropriate application of Sustainable Drainage Systems (SuDS) - designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk, by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge and improving water quality and amenity. The range of SuDS techniques available means that a SuDS approach in some form will be applicable to almost any development. A condition is proposed which would amend the proposed condition 7.</p> <p><b><u>Severn Trent Water</u></b> - No objection subject to a condition.</p> <p><b><u>CPRE</u></b> - object to the application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The site was not allocated in Tewkesbury Local Plan.</li> <li>2. Greet is a small hamlet with no amenities and a limited bus service. The proposals would be contrary to the aims of sustainable development in the NPPF.</li> <li>3. The site is located in a Special Landscape Area and would be visible from the AONB.</li> <li>4. Becketts Lane is narrow, with a tight bend by Hillberry, and used by tractors and other large farm vehicles.</li> </ol> <p><b><u>Local Residents</u></b> – An additional objection from the neighbouring resident has been received maintaining and supplementing the objection on the loss of native hedgerow and management of the hedge to 1 metre in order to achieve the desired splay. The objector comments that this reduces the visual amenity of the area and harms the ecology and wildlife in the area.</p> <p>The objector also highlights that Otters Field houses were flooded in 2007 and if this development goes ahead flooding will ensue.</p> <p><b>Officer comments</b></p> <p><b><u>Affordable Housing</u></b></p> <p>Following a Ministerial Statement in November 2014, Government guidance in respect of affordable housing hitherto did not allow local planning authorities to seek contributions to affordable housing on schemes of 10 dwellings or less.</p> <p>However, on Friday 31st July 2015 the High Court determined that the policies in the Written Ministerial Statement must <u>not</u> be treated as a material consideration in development management decisions (or in considering other planning matters). As such, the relevant sections of the Planning Practice Guidance has been removed and contributions from developments of under 10 dwellings can now be sought in line with Local Plan policy HOU13 which sets the threshold for seeking contributions towards affordable housing outside settlements with a population of 3,000 people at 5 dwellings.</p>
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144	7	<p><b>15/00454/FUL</b></p> <p><b>30 Barnmeadow Road, Winchcombe, Gloucestershire, GL54 5QA</b></p> <p><b>Additional information:</b></p> <p>The applicant has provided a further statement that the application is made to provide affordable rental accommodation to those currently living in Winchcombe and those wishing to relocate. The property is a two bedroomed house and is finished to a high specification. The applicant has further stated:</p> <p><i>I have allocated one parking space and would draw your attention to new build houses in Gretton Road and Pennylands where two bedroomed houses have been allocated one parking space. Currently the property (30 Barnmeadow) has one parking space within the boundary with intention to expand to two allocated spaces, one for 30 and one for 30a. I do have an allocated parking space in the 'parking bay' created some time ago. I would also like to draw your attention to successful planning applications of a similar nature made for 22 Barnmeadow Road, 32a Barnmeadow Road and 24 Barnmeadow Road and ask you to review my application with these in mind.</i></p> <p><i>The intention is to offer the property on the private rental market but to also provide housing for elderly parents where care is required as well as offering an independent dwelling to my children should they require it. Currently there is no requirement to offer the property to parents or children hence my application to enable me to offer it on the private rental market.</i></p>

152	9	<p><b>15/00534/FUL</b></p> <p><b>Robin Hill, Laverton, Broadway, Worcestershire, WR12 7NA</b></p> <p><b><u>Recommendation:</u></b></p> <p>The site notice for the application was posted on 15 July 2015 with the closing date for comments not expiring until 5 August, the day after Committee. To date, no further letters of representation have been received, other than those already referred to within the committee report.</p> <p>It is therefore recommended that permission is <b>DELEGATED to the Development Manager</b>, subject to no substantive objections raising new issues being received by 5 August 2015.</p>
159	10	<p><b>14/00993/FUL</b></p> <p><b>Churchdown Village Infant School, Station Road, Churchdown, GL3 2NB</b></p> <p><u>Further representation from Churchdown Parish Council</u></p> <p>The Parish Council has been consulted on the revised colour (i.e. Moss Green). The objection to the canopy is maintained and the following comments are made:</p> <ul style="list-style-type: none"> <li>– The design is out of keeping with the historic school building - it does look like a circus tent as the neighbours have said.</li> <li>– The canopy has an unacceptable detrimental impact on the amenity of the neighbouring property.</li> <li>– The requirement for provision of outdoor learning space is understood, but OFSTED would not dictate that a structure such as this would be built - Parton Manor Infants, for example, has a very pleasing wooden structure for outdoor learning.</li> <li>– The canopy is unnecessarily high, which has a great impact on the amenity of the neighbour. A lower structure should be used instead - there is no benefit to children from the height.</li> <li>– The proposal for it to be painted dark green is not practical. It will be very dark for the children underneath, and if the existing plastic is painted, no doubt the paint will flake over time, and the canopy become even more of an eyesore.</li> <li>– Any new structure for outdoor learning should enhance not detract from the existing building. When the windows were replaced in the school building some years ago much care was taken (and the necessary monies expended) to choose windows which were sympathetic to this historic site. To allow the canopy would be a deviation from the previous (and correct) approach which is to develop the building in a way which is sympathetic to its period architecture.</li> <li>– It is understood that historically the School had consulted neighbours on any proposed developments, but no consultation took place on this occasion which is regrettable.</li> </ul>
173	13	<p><b>15/00601/FUL</b></p> <p><b>3 Tobyfield Road, Bishops Cleeve, GL52 8NS</b></p> <p>A letter of support has been received from a local resident. It is noted the current proposal would improve the appearance of the area and would not impact on the existing water course which the applicant is trying to maintain.</p>