

27 July 2015

Committee	Planning
Date	Tuesday, 4 August 2015
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 25
<p>To approve the Minutes of the meeting held on 7 July 2015.</p>	
5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
<p>(a) Schedule</p> <p>To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".</p>	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	26 - 31
<p>To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.</p>	
7. ADVANCED SITE VISITS BRIEFING	32 - 33
<p>To note those applications which have been identified as being subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they will be considered.</p>	

DATE OF NEXT MEETING
TUESDAY, 1 SEPTEMBER 2015
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chairman), J H Evetts (Chairman), 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

Substitution Arrangements

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

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

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

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 7 July 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 J E Vines), R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, D T Foyle, Mrs M A Gore, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman and P N Workman

PL.10 ANNOUNCEMENTS

- 10.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 10.2 Members were reminded that the Council had resolved to introduce a Scheme for 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.11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 11.1 Apologies for absence were received from Councillors Mrs J Greening and R J E Vines. Councillor P W Awford would be acting as a substitute for the meeting.

PL.12 DECLARATIONS OF INTEREST

- 12.1 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.
- 12.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.

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.
M Dean	15/00228/FUL Land At Headlands, Mill Lane, Prestbury.	Is a Borough Councillor for the area.	Would speak and vote.
R D East	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
J H Evetts	15/00590/FUL Appledore, Corndean Lane, Winchcombe.	Had visited the applicant to look at a house he had built but had not entered into discussions regarding the current scheme.	Would speak and vote.
Mrs A Hollaway	15/00228/FUL Land At Headlands, Mill Lane, Prestbury.	Had discussed the application with residents of Mill Lane but had not expressed an opinion. Is a Member of Southam Parish Council but does not participate in planning matters.	Would speak and vote.
Mrs A Hollaway	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.

J R Mason	<p>15/00295/FUL 82 Gretton Road, Winchcombe.</p> <p>15/00482/FUL Spring House, Langley Hill Farm, Harveys Lane, Winchcombe.</p> <p>15/00504/FUL Cock Robin Farm, Gretton Road, Winchcombe.</p> <p>15/00251/FUL 33 Orchard Road, Winchcombe.</p> <p>15/00519/OUT Part Parcel 2816, Evesham Road, Greet.</p> <p>15/00590/FUL Appledore, Corndean Lane, Winchcombe.</p>	<p>Is a Member of Winchcombe Town Council but does not participate in planning matters.</p>	<p>Would speak and vote.</p>
J R Mason	<p>General Declaration.</p>	<p>Had received correspondence in relation to various applications but had not expressed an opinion.</p>	<p>Would speak and vote.</p>

12.3 There were no further declarations made on this occasion.

PL.13 MINUTES

13.1 The Minutes of the meeting held on 9 June 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

PL.14 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

14.1 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.

15/00295/FUL – 82 Gretton Road, Winchcombe

- 14.2 The application was for a proposed new dwelling on land to the rear of 82 Gretton Road. The application had been deferred at the last Committee meeting for a site visit to assess the impact of the proposal on the surrounding area and the Committee had subsequently visited the site on Friday 3 July 2015.
- 14.3 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey indicated that the Winchcombe Town Council Planning Committee had objected to the application due to its inappropriate design and the adverse impact the structure would have on surrounding properties. It was considered that the ultra-modern design would be totally out of keeping with other houses in the area. Furthermore, the design did not accord with the Winchcombe Town Design Statement which had been adopted as Supplementary Planning Guidance by Tewkesbury Borough Council some years ago. A previous application for a more conventional design was granted approval and this had been supported by the Winchcombe Town Council Planning Committee. Winchcombe Town Council Planning Committee asked that Committee reject the application.
- 14.4 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 the National Planning Policy Framework did not comment on design 'per se' and every age left its own footprint. Many contemporary buildings had been granted planning permission in the Borough, which he felt was a testament to the Council's forward thinking. Much had been made of the impact of the dwelling, however, he felt it should be noted that the proposal was 2m lower than the house which had been originally been granted planning permission and, due to the ground level change, almost 5m lower than the adjoining Redrow development. The site occupied a discreet position behind the existing development on Gretton Road and the emerging Redrow development and there would be significantly less impact on the neighbouring houses as the dwelling would sink down in the landscape. For those reasons, he had no doubts about endorsing the Officer recommendation. The seconder of the motion echoed those views and indicated that design was subjective, the professional Officers were satisfied with the integrity of the design and the quality of the materials and he could see no reason to turn down the application.
- 14.5 A Member indicated that he could not support this proposal and felt that the application should be rejected. The people of Winchcombe had recognised that growth would be inevitable within the Town and they had planned for the future via the Winchcombe Town Design Statement. Whilst he accepted that the proposed contemporary design would fit with certain parts of the Town, it would be totally out of keeping with the existing housing estate, which was traditional in style, and the bungalows which adjoined the site, and people entering the beautiful historic Town would be met with a modern monstrosity. Planning permission had been granted to build a house which would fit in with the area and he had no problem with a development of that nature, however, he found the proposed design to be completely unacceptable and, if permitted, it would result in another blot on valuable landscape. The Development Manager explained that Page No. 52, Paragraph 5.5, of the Schedule set out that the Winchcombe Town Design Statement recognised that modern design may be acceptable in certain places and it was the Officer opinion that it would be suitable at the application site. Upon being taken to the vote, it was

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

14/01224/FUL – Vine Tree Farm, The Wharf, Coombe Hill

- 14.6 The application was for a proposed replacement dwelling and detached double garage; hard and soft landscaping; provision of new access and driveway.
- 14.7 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 detached house to replace the dwelling which flooded. It was not in the Area of Outstanding Natural Beauty, Green Belt or Conservation Area. Following discussion with Officers, there had been a number of amendments to the proposals since the application had been submitted in December 2014 and it was now fully acknowledged in the Officer and Parish Council reports that the proposals were within the same size parameters as proposed in the outline permission. The detailed design of the replacement dwelling had necessitated it being positioned further up the hill than the outline permission as it now responded to the new and improved access from Tewkesbury Road, which was recommended by the Highway Authority, and also the drainage constraints, neither of which were known at the outline stage. The new access was a huge improvement on the outline permission as it did not pass through the flood zone and was accessible by car all year round. With the new access came the responsibility of integrating the design of the new house with the two neighbouring houses that would share the driveway; Evington House and Evington Lodge which were very large, impressive, seven bedroom properties with tall ceilings and an imposing period style. He indicated that his architects had moved the new home further away from the listed building and he felt that they had done a fantastic job of designing the three bedroom home to fit in with the style of the period architecture and the listed building. He went on to explain that there was no mains drainage at the property, so a sewerage treatment plant was needed. The clay soil was not able to permeate the treated foul drainage discharge which would have to be situated well out of the flood zone and away from all dwellings. Drainage engineers had conducted a detailed survey and outlined the space required to achieve drainage which complied with the Environment Agency and Building Control regulations. The application did not adversely affect the Landscape Protection Zone, as the location was well-screened, and it would only be Evington House and Evington Lodge which would catch a glimpse of the new home when they drove down the shared private drive. It could not be viewed by any other neighbours and could not be seen from Tewkesbury Road, The Wharf, Apperley or the other side of the valley due to the existing, very substantial, 20m high Willow tree screening. The Landscape Protection Zone would be further enhanced by additional tree planting and landscaping. He explained that his planning consultants had advised that, even if it was visible, it would not be harmful to the landscape. In addition, the property was now further away from the public footpath, which allowed greater privacy and security, and this provided the scope for more landscaping and screening.
- 14.8 The Officer recommendation was to refuse the application and the Chairman invited a motion from the floor. It was proposed and seconded that the application be deferred for a Committee Site Visit in order to assess the impact of the proposed development on the landscape and the setting of the nearby listed buildings. Upon being taken to the vote, it was
- RESOLVED** That the application be **DEFERRED** for a Committee Site Visit to assess the impact of the proposed development on the landscape and the setting of the nearby listed buildings.

15/00482/FUL – Spring House, Langley Hill Farm, Harveys Lane

- 14.9 This application was for extensions to the existing farmhouse to accommodate two new bedrooms (en-suite), enlarged lounge and kitchen, utility room, new entrance hall and conservatory to dining room. The Planning Committee had visited the application site on Friday 3 July 2015.
- 14.10 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey indicated that this application was fully supported by Winchcombe Town Council. In terms of background, she indicated that the farm had been in the same family ownership for 63 years and was now run by the sons of the original farm owner. It was an important business in the area and a vital source of employment locally. Spring House was the home of the son who dealt with the day-to-day management of the farm and, following the recent death of his father, responsibility for the entire business would fall to him. Winchcombe Town Council Planning Committee asked that the Committee permit the application whilst ensuring that the agricultural occupancy status be maintained.
- 14.11 The Chairman invited the applicant, Mr Michael Abbatt, to address the Committee. He explained that his family had purchased Langley Hill Farm in 2000 and Spring House had operated as the main farmhouse since that time. The day-to-day operations of the farm were conducted from Spring House and that was where the office was housed, where breakfast was served to farm workers and where visitors were received. As a result, there was considerable shared space and, with just over 120sqm of living accommodation excluding the garage, it was comparatively small for an agricultural worker's house, but especially small for the main farmhouse by comparison locally, and elsewhere. The applicant explained that the family had gone to great lengths to ensure that the proposed extension continued to respect and preserve the character of the Area of Outstanding Natural Beauty by ensuring that the bulk of the extension was behind the house and out of sight. The removal of the large, detached garage would result in a marked reduction and lowering of the overall visual mass of the site, already well-screened by mature trees. He pointed out that, in their assessment of the size of the extended farmhouse, Officers did not take into account the demolition of the garage and porch and, as a result, they substantially overstated the proposed new floor area, which was 295sqm rather than the 351sqm claimed – a net increase of 135sqm or 85%. More relevant to the visual impact on the Area of Outstanding Natural Beauty, the footprint would only increase by 60%. Since his family had purchased the farm, they had worked hard to expand the business and it was now the only dairy farm in the Parish, and one of comparatively few remaining in the Borough. The farm was a significant local employer, spending around £200,000 per year with businesses within a 10 mile radius, of which £125,000 was in the immediate Winchcombe area. They continued to look for innovative ways to maintain the viability of the business and the employment within it. The farm had converted to organic dairying in 2000, securing a premium price for the milk as a result, and now looked for further ways to underpin the business through diversification. The extension of the farmhouse would enable them to provide fully catered accommodation for veterinary students, for which there was considerable demand which the farm was currently unable to meet, and for visitors keen to stay on a farm and participate in day-to-day farm activities, or to enjoy the cycling and walking which Winchcombe successfully promoted. It was a matter of record that farm-stay holidays were growing in popularity but, in the Cotswolds particularly, declining in availability. He believed that the continued expansion and diversification of Langley Hill Farm was entirely in accord with the guidance contained within the National Planning Policy Framework, whilst continuing to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty and, particularly, of Langley Hill, his home and workplace for 52 years.

- 14.12 The Planning Officer provided clarification that the floor area stated within the Schedule was correct; it had been taken from the plans provided by the applicant's agent and excluded the garage. The application was recommended for refusal for design reasons on the basis that it conflicted with Policy HOU8 of the Tewkesbury Borough Local Plan as the extensions would not respect the character, scale and proportion of the existing dwelling. The Chairman confirmed 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 highlighted the importance of the farm, which was the last remaining dairy farm in the Parish, and he indicated that the Local Planning Authority had a history of supporting the agricultural industry where possible. The Committee Site Visit had been very valuable as it had given Members an opportunity to view facilities which were not apparent in the plans. The existing and proposed buildings were below the brow of the hill and the materials did not overwhelm from a distance. The extensions would be built behind the house and, as such, would be hidden from view behind the bulk of the house. The farm was also a great user of local services and he felt that the Committee should try to facilitate the continuation of local businesses. He felt that there were various reasons why the application should be endorsed and he urged Members to support his proposal. The seconder of the motion agreed with all of the points which had been raised and expressed the view that dairy farming should be encouraged, particularly given the UK's increased reliance on imported milk. The applicant had invested in the farm business and intended to provide accommodation for veterinary students which he felt should be supported. Businesses had to rely on diversification and he considered that farm-stay holidays would be an innovative way to bring people into the local community. A substantial house and premises would be required and he felt that the Committee should be helping to keep businesses viable.
- 14.13 A Member sought a point of clarification in relation to Page No. 62, Paragraph 2.4, of the Planning Schedule which stated that an application for a new agricultural worker's dwelling was permitted in June 2015. She queried whether that was a separate dwelling or the one which would be extended if the current application was to be permitted. The Development Manager confirmed that it was a separate dwelling on the farm unit. The functional requirements of Langley Hill Farm had been considered in detail by the Council as part of that application and it was accepted that there was a need for an additional dwelling in order to satisfy the growing requirements of the farm holding, however, that would be met by the existing dwelling and the proposed new dwelling. On that basis it was not considered that there was a functional requirement for a larger extended agriculturally tied dwelling on the site contrary to Policy AGR2 of the Tewkesbury Borough Local Plan. The proposal included the demolition of the existing garage, however, as a garage was something which tended to be necessary when creating a larger house, it should be borne in mind that the applicant may seek to rectify this situation in the future if planning permission was granted by the Committee.
- 14.14 A Member indicated that she was disappointed that the house which had been granted planning permission was not shown on any of the plans or indicated on the Committee Site Visit. She supported the motion to permit the application as it was a good farm which used local services. She understood that the farm was run by two brothers which necessitated two dwellings. A lot had been made of the fact that the applicants may look to remove the agricultural tie in the future but that was not something which should be discussed as part of the consideration of the current application. In response to a query by another Member as to the reference to a functional requirement in the Officer recommendation to refuse, the Planning Officer advised that the applicant's case was based on the diversification of the business and the provision of accommodation for students and farm-stay holidays. In line with the National Planning Policy Framework, Officers considered that such

accommodation should be provided in nearby rural service centres including Winchcombe. A Member expressed the view that that the purpose of a farm-stay holiday was to stay on a farm and it was completely unreasonable to expect people to stay in a village or town a few miles away. Another Member totally disagreed with the Officer recommendation; he felt that the applicant had made a very good case and he would be supporting the motion to permit the application. A Member went on to express the view that any landscape harm would be minimal and he agreed that it would be unrealistic, in terms of both availability and cost, to expect students to find accommodation in Winchcombe. He could not accept that argument and felt that the application should be determined on the basis of the economic value of the business which would outweigh any possible harm.

14.15

The Chairman indicated that, should the application be permitted, it would be necessary to consider whether any conditions should be attached to the planning permission. He expressed the view that the windows on the proposed south west elevation should match the existing windows in order to respect the Cotswold vernacular. The Development Manager indicated that Officers shared this concern and that it would be possible to include a specific condition requiring the submission and approval of revised plans showing traditional style windows on the proposed south west elevation. The proposer and seconder of the motion confirmed that they would be happy to amend the motion to permit the application subject to the inclusion of conditions relating to the commencement of the development; the external materials of the proposed extensions; the submission and approval of revised plans showing traditional style windows on the proposed south west elevation to match the windows on the existing dwelling; and the demolition of the existing garage. Upon being taken to the vote, it was

RESOLVED

That the application be **PERMITTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling.

Reason: To ensure that the extension is in keeping with the existing building.

3. Notwithstanding the approved plans, work shall not start until revised plans have been submitted which show traditional style windows on the proposed south west elevation to match the windows on the existing dwelling. The development shall only be constructed in accordance with the plans so approved.

Reason: To ensure that the extension is in keeping with the existing building.

4. The extensions hereby approved shall not be accepted before the existing garage shown to be demolished on the proposed site layout plan has been demolished and all materials and debris removed from the site.

Reason: To limit the impact of the proposed development on the landscape.

15/00504/FUL – Cock Robin Farm, Gretton Road, Winchcombe

- 14.16 This application was for the erection of a replacement dwelling. The Planning Committee had visited the application site on Friday 3 July 2015.
- 14.17 The Development Manager explained that, since the publication of the Schedule, the applicant's agent had submitted further calculations regarding the floorspace of the proposal and the fallback positions that could be carried out under permitted development rights. He explained that there may be situations where Officers were able to recommend applications favourably despite a significant increase in floor space, in cases where proposals had been well designed and related well to the landscape and surrounding features. However, HOU7 of the Tewkesbury Borough Local Plan was a landscape protection policy and was particularly important in Areas of Outstanding Natural Beauty where there would be a significant increase over and above the existing dwelling. Along with the previously permitted development, an outbuilding could be built under permitted development rights which would result in greater floorspace than that which was currently proposed. Nevertheless, the design, size and massing of the proposed development was considered to have a more harmful impact on the character and appearance of the Area of Outstanding Natural Beauty than the existing dwelling and the previously permitted replacement, even having regard to the potential fallback positions outlined by the applicant's agent.
- 14.18 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey advised that the Winchcombe Town Council Planning Committee had objected to the application due to the inappropriate design and the adverse impact it would have on the Area of Outstanding Natural Beauty surrounding the site. Furthermore, the design did not accord with the Winchcombe Town Design Statement. She indicated that a previous application for a more conventional design had been granted permission and that had been supported by Winchcombe Town Council Planning Committee. The Committee had looked at the plans and the photographs and considered that what would be seen in the open countryside would be quite horrendous, as such, Winchcombe Town Council Planning Committee asked that Members reject the application.
- 14.19 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 refused in accordance with the Officer recommendation. A Member indicated that the building had been an eyesore for some years. Whilst he did not have a problem with the principle of building one large house over the two plots, the proposal represented an increased floorspace of 31.7% and he had doubts about the proposed design in the context of the setting. He could not support the application in its current form and felt that the applicant should be required to come up with an improved design. Another Member agreed that, although he did not object to a single dwelling on the site, even a larger one, a different design would be preferable. Upon being taken to the vote, it was

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

15/00251/FUL – 33 Orchard Road, Winchcombe

- 14.20 This application was for a proposed single storey extension and garage extension, loft conversion with new dormer to provide additional bedroom and ensuite. The Planning Committee had visited the application site on Friday 3 July 2015. Members noted that the plans included within the Planning Schedule did not relate to this application and had been attached in error. The correct plans had been displayed at the back of the Chamber.
- 14.21 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey advised that Winchcombe Town Council Planning Committee objected to the application on the grounds of inappropriate design and scale. It did not conform to the Neighbourhood Plan or the Winchcombe Town Design Statement and it was considered that it would have a serious and adverse impact on the beneficial enjoyment of the owners of the adjacent property. The neighbouring property was occupied in part by an elderly lady in her nineties who still knitted and sewed and needed natural daylight to carry out those interests. Her sewing room, sitting room and bedroom were all on the side of the house adjacent to the development site and the extension proposed for that side of the property would seriously reduce the amount of natural daylight, making it almost impossible for her to continue to enjoy her hobbies. Furthermore, the view from her windows would be of a flat, featureless wall. The emerging Neighbourhood Plan asked that bungalow properties were not greatly extended and that loft conversions not be carried out. So much of the current stock of those type of properties was being lost, leaving a shortage of smaller homes for the elderly, disabled residents and couples with no family to accommodate. On that basis, the Winchcombe Town Council Planning Committee felt that the application should be refused.
- 14.22 In response to a Member query on the impact on light, the Planning Officer explained that the application had been revised to amend the roof design of the proposed garage and removed the balcony from the proposed rear dormer. Those changes would help to preserve the appearance of the streetscene and the low profile would mean that there would be no undue impact on the light to the window of the adjoining property. The Chairman indicated that the 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 the Committee Site Visit had been beneficial as it had shown that the house to the right of the site had a very large balcony off the first floor bedroom which was ironic given that the applicant had removed a Juliet balcony from the proposal in order to address concerns regarding the design of the proposed extensions. The seconder of the motion agreed that, having visited the site, he could see no good planning reason to refuse the application. A Member indicated that the Planning Officer had allayed his concerns by offering a full explanation of the reasons behind the proposals and he felt that the application should be permitted. A Member had concerns regarding the impact of the proposals on the neighbouring property as he felt the building would be too close to the boundary and that he could not support the motion on that basis. Another Member explained that he had no objection to the proposal in principle and felt that the amendments to the roof of the garage would address the shadowing concerns of the adjoining property.
- 14.23 Upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

15/00519/OUT – Part Parcel 2816, Evesham Road, Greet

- 14.24 This was an outline application for four market dwellings with all matters reserved with the exception of access.
- 14.25 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey advised that the Winchcombe Town Council Planning Committee had objected to the application on the grounds that the proposal was unsustainable within the confines of the Joint Core Strategy which identified Greet as a Hamlet, and not suitable for further residential development due to lack of local services; the only services available were a bus stop and a public house. In addition, there was no footpath on the narrow stretch of road connecting the proposed site with the rest of the Hamlet, or with other dwellings in nearby Littleworth. This was the sixth application for development of the site, most of which had been refused, one following an appeal, and another being withdrawn. It was considered that nothing had changed to make this application more acceptable. The site was on a notoriously busy and fast stretch of the B4078 connecting Winchcombe and Greet to areas to the north, including Evesham. Winchcombe Town Council had carried out a traffic survey on 1 October 2013 between 0700 hours and 1900 hours. During that period, 1,162 outbound traffic movements had been counted with 1,292 movements towards Greet/Winchcombe. Pedestrians had to take their life in their hands when walking along the stretch of road as the verges were steeply banked and, when confronted with vehicles travelling on both sides of the carriageway simultaneously, a dangerous situation could arise, particularly for the elderly or children walking to and from the nearby senior school. Winchcombe Town Council Planning Committee felt that the application should only be granted subject to the provision of a safe pedestrian footpath between the site and the Hamlets of Greet and Littleworth.
- 14.26 The Chairman invited the applicant's agent, Ms Rachel Padfield, to address the Committee. She indicated that she was speaking on behalf of the applicant, a local farmer, who was unable to attend the meeting. The application was a resubmission of a previously withdrawn application and the proposal before the Committee was the result of conversations with Planning Officers, County Highways and the Housing Enabling and Strategy Officer to improve the community benefits offered by the scheme. In terms of highway safety, it was recommended that a condition be included in the planning permission to provide highway signage warning of pedestrians in the road which would be of benefit to both new and existing residents. The three main objections to the development all related to highway safety and it was considered that the proposed signage would help to address those concerns. If granted, the development would result in the introduction of only four new households and it was noted that none of the residents immediately adjacent to the site had objected to the proposals. She was fully aware of the Town Council objection and the request for a pavement and she advised that this was the first option which had been put forward to County Highways. Unfortunately, it had been considered that the width of the highway was insufficient for the provision of a pavement and the warning signage had been suggested as an alternative solution. County Highways considered that the signage would be a safety improvement and had no objection to the proposals. She went on to explain that an affordable housing contribution was not required by policy, however, this was something which was still being offered by the applicant. It was considered by Officers to be a sustainable development which would improve linkages to Cheltenham and Winchcombe and the services which they offered. Whilst the Council's current housing land supply shortfall added weight, the proposal was acceptable and in line with policy in any event.

- 14.27 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 deferred for a Committee Site Visit to assess the impact of the proposal on highway safety. The proposer of the motion explained that housing allocations in Greet had been considered during the development of the Winchcombe Neighbourhood Plan and the Planning Policy Manager had provided assurance that the Winchcombe allocation would all be in Winchcombe. Whilst he accepted that the site could be appropriate for housing, the road was very dangerous and traffic travelled at a considerable speed despite the 30mph signs. Residents were very concerned about the speed of the traffic and he did not consider warning signage to be an acceptable solution. The Development Manager understood the concerns raised; however, County Highways did not consider a footpath to be acceptable for safety reasons and, if Members decided to defer the application for a Committee Site Visit that must be in the knowledge that there had been considerable discussion, and a condition recommended, regarding that particular issue. Upon being taken to the vote, the proposal for a Committee Site Visit was lost.
- 14.28 A Member proposed, and it was seconded, that the application be permitted in accordance with the Officer recommendation. The proposer of the motion agreed with Page No. 77, Paragraph 4.18, of the Schedule which set out that development would contribute towards housing need and the local economy, it would result in New Homes Bonus and would improve connectivity of the site and dwellings further along Evesham Road through improved safety signage. He felt that it was the presence of residential dwellings which indicated to drivers that they should slow down, rather than the speed limit signs, and he felt that the proposed dwellings would help to improve the safety of the road on that basis. He reiterated that there had been no objections from the neighbouring residents and he felt that the recommendation to permit the application was the right one.
- 14.29 A Member sought clarification as to the situation regarding affordable housing and the Development Manager advised that the applicant had offered a contribution towards affordable housing as opposed to providing it on the application site. As set out in the Schedule, there was no policy requirement for that type of contribution and it was the view of Planning Officers and One Legal that it should not be taken into consideration when determining the application. He confirmed that the application was recommended for permission without a contribution towards affordable housing. A Member drew attention to Page No. 79, Paragraph 9.1, of the Schedule which set out that the method for disposal of foul sewage was unknown and would need to be confirmed at the reserved matters stage. She queried whether this was something which would normally be agreed at outline stage. The Planning Officer explained that all matters were reserved with the exception of access and he indicated that, at this stage, it was not known exactly where the buildings would be so it was unclear whether they would be able to connect to the main sewage system. Severn Trent Water had been consulted on the application and had no objection to the proposals.
- 14.30 A Member indicated that he supported the substantive motion to permit the application in accordance with the Officer recommendation as the identified landscape harm which would be caused by the proposal would be outweighed by the benefits to the local economy. Another Member felt that he could not support the substantive motion as the site was located outside of the Residential Development Boundary and could therefore set a precedent if planning permission was granted. In response, the Development Manager advised that Policy HOU4 of the Local Plan was out of date and, in accordance with the National Planning Policy Framework, the proposal must be considered in the context of the presumption in favour of sustainable development. The National Planning Policy

Framework set out that, in such circumstances, development should only be refused where there were significant and demonstrable harms which outweighed the benefits of development. He noted that the speaker from the Parish Council had indicated that nothing had changed since the previous refusals and dismissed appeal, but what had changed as the National Planning Policy Framework. Whilst it was accepted that there would be an impact on the landscape, it was a question of whether that harm was significant enough to refuse the application. A Member indicated that he thought that the harm to the Special Landscape Area would be sufficient to outweigh the benefit of the application which he felt to be small. Upon being put to the vote, it was

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

15/00590/FUL – Appledore, Corndean Lane, Winchcombe

- 14.31 This application was for the proposed erection of a new dwelling and garage. Members noted that the plans included within the Planning Schedule in relation to this application were of poor quality and some had been attached in error. The correct plans had been displayed at the back of the Chamber.
- 14.32 In terms of the history of the site, Members were informed that an application for the erection of a replacement dwelling had been permitted in 2011. That proposal was to demolish the existing property and replace it with a contemporary dwelling located further into the plot. Planning permission was then granted in 2012 for a contemporary style dwelling of a slightly smaller scale; that permission remained extant until the end of August 2015 and was a legitimate fallback position. In 2014, a further application had been received for a redesign of the previously approved replacement dwelling. This proposed a more traditional style dwelling and the application had been permitted in April 2015. That planning permission also remained extant. The current application was for a further contemporary style dwelling with a similar floor space to the previously approved replacement dwellings. Given the fallback position which indicated that the site was acceptable for a contemporary dwelling, Officers felt that the application should be permitted. The design was good quality and was very similar to a replacement dwelling which had been permitted in Puck Pit Lane.
- 14.33 The Chairman invited Councillor Judith Petchey, Chairman of the Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey advised that the Winchcombe Town Council Planning Committee had objected to the application due to its inappropriate design which would be out of keeping with the houses in the surrounding area. It resembled a poorly designed 1960's school building and, when viewed from the scarp and nearby footpaths, would be regarded as intrusive. A previous application for a more conventional design had been found to be more acceptable by the Winchcombe Town Council Planning Committee which asked that the Tewkesbury Borough Council Planning Committee reject the application.
- 14.34 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 Members had visited the site in 2011 and had found it to be a very enclosed area. No objections had been received from local residents who were anxious to see the existing property replaced with a more contemporary building. The seconder of the motion felt that the proposal was a good design and the dwelling would be well screened from the road. He could see no reason why the application should not be permitted. In response to a query regarding the impact of the proposal upon residential amenity, the Planning Officer explained that all of the proposed replacement dwellings, and those previously granted planning permission, were set further away from the neighbouring

properties than the original dwelling. The impact of the replacement dwelling, whatever shape or form that would be, had been assessed and Officers were satisfied that there would be no impact in terms of overlooking and loss of light. The Member went on to question what effect the glazed section of the top would have when the lights were on in the building and he was advised that this had already been permitted as part of one of the previous applications; the current proposal would reduce the amount of fenestration.

14.35 Upon being taken to the vote, it was

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

15/00352/APP – Parcel 2521, Banady Lane, Stoke Orchard

14.36 This reserved matters application was for the erection of 45 dwellings, 29 open market and 16 affordable houses, with access from Banady Lane, the provision of balancing ponds and swale and public open space, including a Local Area of Play (LAP), pursuant to outline consent 14/00074/OUT.

14.37 The Planning Officer explained that the issue of public open space had been agreed at the outline stage and included a LAP. The Council's Community and Economic Development Manager was happy with the proposals for the LAP in principle, but had requested further details in the form of the manufacturer's specifications prior to agreeing the proposal. Further details on the specification of the play equipment had now been provided by the applicant and the Economic and Community Development Manager had confirmed that the specification accorded with the details in the Section 106 Agreement, however, Officers considered that the play equipment should utilise more natural materials given the prominent and sensitive location of the play area. The applicant had written to confirm agreement to the request and intended to submit revised details, however, the matter remained delegated until those details had been received. In terms of highways, the applicant had submitted further details in response to the County Highway Authority's request. County Highways had assessed the information and confirmed that the details satisfied all of the outstanding requirements. It was noted that further information had been requested on forward visibility splays throughout the layout which the Officer considered would be simple and straightforward for the developer to demonstrate and would be unlikely to have an impact on the layout. Nevertheless, this matter remained delegated until those details had been received and assessed. In respect of flooding and drainage, the additional details requested had been considered by the Council's Flood Risk Management Engineer and he had confirmed that they were sufficient to satisfy the condition of the outline consent.

14.38 The Chairman indicated that there were no public speakers for this application. The Officer recommendation was that authority be delegated to the Development Manager to approve the application, subject to confirmation from the County Highways Authority that the visibility splays were acceptable and the receipt of revised details in respect of the materials to be used for the LAP, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A Member drew attention to Page No. 89, Paragraph 2.2, of the Schedule which set out that, in allowing the appeal against the Council's refusal of the outline application, the Inspector had concluded that the likely reliance on the private car would be limited by the proximity of the site to larger towns and settlements and the improved bus service to be secured via Section 106 obligation. She questioned whether that obligation, and any other obligations, had been agreed. The Planning Officer advised that he was not the Case Officer for

that application and did not have a list of the other obligations, however, the bus provision had certainly been agreed and was in the Section 106 Agreement attached to the outline permission.

14.39 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to confirmation from the County Highways Authority that the visibility splays were acceptable and the receipt of revised details in respect of the materials to be used for the Local Area of Play.

15/00253/OBM – Snowhill Manor, Snowhill

14.40 This application was for the modification of the Section 106 Agreement dated 6 May 1994 under planning reference 93/3312/0131/FUL.

14.41 The Planning Officer explained that the application related to a planning permission granted in 1993 for new visitor facilities at Snowhill Manor and had been submitted under Section 106a(3) of the Town and Country Planning Act 1990 which allowed an application to be submitted to the Local Planning Authority requesting that a Section 106 Agreement be modified or discharged. The application proposed to modify clauses 4.1, 4.2, 4.4 and 4.8.2 of the Section 106 Agreement attached to planning permission 93/3312/0131/FUL. Additional information had been received on two of the clauses, further amending the modifications as set out at Appendix 1. Members were advised that clause 4.1 currently prevented car parking on the agricultural land surrounding Snowhill Manor. The applicant sought to vary this to remove land defined as 'The Paddock' from the relevant plan to allow temporary use of the land for car parking for up to 28 days a year. There would be no physical alteration to the land and the lawful use of the land would be agriculture, as such, it was considered that the proposal was acceptable. Clause 4.2 restricted the opening hours of the visitor facilities to 36 hours in any week during the months of May to September (inclusive) and the total number of opening hours must not exceed an average of 30 hours in any week during the months of April and October. The applicant sought a variation to allow public opening seven days per week during the main tourist season, 1 March-31 October, or the nearest weekend to each of those dates including any half term which fell in November, for a maximum of 60 hours per week. The Environmental Health Officer and County Highways Authority had been consulted and did not raise any objection. Clause 4.4 stated that, in addition to the days provided for in clauses 4.2 and 4.3, the visitor facilities may be open on five days in any year for the holding of special events relating to the Manor. The applicant had suggested that the use of visitor facilities should be increased to 20 days per year for special events relating to the Manor, for the opening season to be 1 March to 31 October, plus any of the autumn half term which fell in November in which there could also be additional small special events. Clause 4.8.2 limited the number of coaches per week to three and the applicant proposed that two coaches per weekday and one per weekend be allowed during the main tourist season. The other clauses on the existing Section 106 Agreement would remain unchanged and included limiting use of the visitor facilities to visitors of the Manor.

14.42 The Chairman invited Mr Terence King-Smith, Chairman of Snowhill Parish Meeting, to address the Committee. Mr King-Smith explained that, 20 years ago, the National Trust had purchased a neighbourhood farm and had been able to obtain planning permission to convert the farmhouse and barns into a shop, an assembly centre and restaurant, along with a driveway from those facilities to the rear of the Manor, much to the surprise of the residents of the village. The story had been covered by the national press and he had even received a call from someone in New Zealand who was concerned about the village. The National Trust had argued that it needed to control access to the Manor to ensure that the

ambiance of the property was maintained and supported. It had been accepted by the Trust that the newly purchased and converted facilities were to enhance and support the Manor experience, not to be operated as a separate commercial centre. The existing Section 106 Agreement had fulfilled those needs and the National Trust statistics showed that numbers had expanded, although it was acknowledged that customer satisfaction levels had gone down. The timed ticket controls were yet to be fully implemented and he asked why the expansion of almost every one of the controls that had been agreed and accepted 20 years ago needed to be changed now. He felt that the improvements sought by the National Trust lay within its own standards and organisation, not with unlimited expansion of its commercial activities. Whilst he believed that the Trust had the scope to improve its visitors' experience, he did accept that some minor modifications to the opening hours, up to seven days per week during the existing spring and autumn season, with up to seven coaches per week, would not be unfair to the Parish. However, he did question when enough would be enough and he doubted whether an application would be approved if a local entrepreneur had made the same requests as the National Trust. He did not feel that the National Trust should have a right to expansion given that it had not fixed the problems identified 20 years previously. In addition, the expansion would bring additional traffic to the road which was used extensively by cyclists, horse-riders and, since the opening of the Broadway bypass, as a rat-run out to the east from Broadway. The Parish needed the help of the Planning Committee to preserve the very thing which had been highlighted as important 20 years ago; the protection of the Area of Outstanding Natural Beauty and the ambiance of the village.

- 14.43 The Chairman invited Dominic Hamilton, a representative from the National Trust which was the applicant, who would be speaking in support of the application, to address the Committee. Mr Hamilton indicated that he was the General Manager in charge of caring for Snowhill Manor and Garden, one of the Borough's most intriguing tourist attractions and home to an extraordinary collection of craftsmanship and design. He felt that the proposals were reasonable as there had been no objections from County Highways or Environmental Health and the Planning Officers supported the application. The Section 106 Agreement was being revisited after 21 years, during which time the world had changed significantly. In his view, if the Section 106 Agreement was to remain unchanged, it would threaten the sustainability of the operation which employed 35 people and 200 volunteers, the vast majority of which lived within 20 miles of Snowhill. Contrary to the views of the Parish Meeting, the changes would allow the Manor and Garden to operate on a level playing field with other local attractions which did not have such restrictions and a broader strategy focusing on visitor numbers and visitor enjoyment would put the operation on a sustainable footing. In terms of sustainability, the National Trust was Britain's largest conservation charity and focused on protection rather than profit. The changes would allow greater investment in conservation work and the visitor experience on-site to better care for the extraordinary items entrusted to the organisation. Furthermore, it would restore visitor numbers to the sustainable level which was achieved five years earlier - no vast growth was anticipated - and it would allow the Trust to be able to continue to contribute to the local economy and community. His final point related to sensitively managed change. The National Trust had strived to be a good neighbour and there had been a lengthy consultation on the application involving two public meetings, individual representations and formal consultation which had led to a number of concessions and clarifications. He reiterated that only four of the 19 clauses would be modified; there was no proposal to discharge the Agreement and there would be no physical modification of the site. In his view, there would be minimal impact on Snowhill Village and the local environment and

approving the application would be another step towards securing the future of the Manor and Garden. With regard to the additional information, attached at Appendix 1, he clarified that, under clause 4.4., the National Trust was seeking unlimited small events.

- 14.44 The Planning Officer confirmed that special events were those accommodating more than 60 visitors, which was approximately one coachload. It was proposed that clause 4.4 be modified to restrict the use of the visitor facilities for up to 20 days for those events and that there be no restriction on the number of small special events during the opening season.
- 14.45 The Chairman indicated that the Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. The local Member for the area indicated that villagers had long memories, however, he did not feel that the proposals were unreasonable and there was a sound reason to refuse the application. He hoped that the amendments would not cause any disruption to the village.
- 14.46 A Member drew attention to Page No. 98, Paragraph 5.2 of the Schedule, which set out that the applicant intended to use the land for car parking for a period of 28 days per year and she questioned how that would be policed. With regard to Page No. 99, Paragraph 5.8, of the Schedule which related to clause 4.8.2, she noted that the number of coaches was currently limited to three per week and it was proposed that two coaches per weekday and one per weekend day be allowed during the main tourist season. It was recognised that would substantially increase the number of coach trips to and from the site, however, it was stated that routing was already controlled by the Section 106 Agreement under clause 4.8.3. Furthermore, Paragraph 5.12 indicated that a number of residents had concerns regarding the direction in which coaches travelled to Snowhill Manor and, again, it was stated that that was covered by clause 4.8.3 and the failure of the applicant to comply could result in the Council taking enforcement action. She questioned how that would be policed, what action would be taken and how it would be carried out. In response, the Planning Officer advised that the 28 day period being sought by the applicant would not be set days, rather it was intended that the land would be used flexibly for additional car parking when there was peak demand, which was likely to be during the summer months. The Legal Adviser confirmed that there would be no requirement for the applicant to inform the Council when the land was being used, however, if it was brought to Officers' attention that the period had been exceeded, this would be investigated and enforcement action taken if appropriate. The Member queried whether there would be a cost to the Council if a case was taken to the High Court and was informed that if it was a clear cut case, which she would expect it to be if it was being taken to the High Court, that the defendant would be required to pay the Council's costs. A Member sought clarification as to what the 'special events' referenced in clause 4.4 would involve and how long they would last. The Planning Officer advised that special events could cover a number of visitor days when specific events were taking place at the Manor, for example, a themed seasonal event. The clause currently allowed up to five special events per year and the applicant wanted to increase that amount in order to give more flexibility to arrange additional events to respond to demand etc.
- 14.47 Upon being taken to the vote, it was
- RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

15/00228/FUL – Land At Headlands, Mill Lane, Prestbury

- 14.48 This application was for an exceptional new dwelling. The Planning Committee had visited the application site on Friday 3 July 2015.
- 14.49 The Planning Officer explained that the application had been submitted on the basis that the proposed design of the dwelling would be truly 'outstanding' in architectural terms. It was also claimed that the dwelling would be 'innovative' and ground-breaking by virtue of the intention to use a number of modern technologies on the property, some of which had not previously been used anywhere in the UK. In accordance with the National Planning Policy Framework, the dwelling would be unacceptable in the countryside if it was not of exceptional quality or innovative design. Whilst it was acknowledged that the question of outstanding design was a subjective judgement, on balance, it was felt that the proposed design did represent a form of development which was considered to be truly outstanding, reflecting the highest standards of architecture, and would help to raise standards of design more generally in rural areas. It was noted that the proposal had been endorsed by the Gloucestershire Design Panel. In terms of the 'innovative' design argument, one of the proposals was that the 'leaf' part of the roof would capture solar energy, with its whole surface being a solar collector, and the heat energy would be stored for use during winter months to provide additional heating to the house. That method of inter-seasonal heat capture and storage had never been used before in the UK and would represent a further evolution of both Earth Energy Bank design and building integrated solar thermal energy harnessing technology. The application site was located within the Area of Outstanding Natural Beauty, therefore landscape impact was a critically important consideration. Overall it was considered that the proposed development would not result in a prominent form of development within the landscape. Many of the public views of the site were well-screened by existing vegetation and it was considered that the dwelling would be well-integrated into the landscape. As part of the proposed development, the orchard and woodland area to the north of the site, which were in poor condition, would be managed and replanted. A condition had been recommended to secure the submission of a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas in the applicant's control. All of the considerations were set out in the Schedule and, overall, it was considered that the proposed development represented truly outstanding innovative design and complied with the test in the National Planning Policy Framework. Furthermore, it would not unduly impact on the landscape character of the Area of Outstanding Natural Beauty and the proposed landscape enhancement measures would improve the site's immediate setting.
- 14.50 The Chairman invited the applicant, Mr John Eldridge, to address the Committee. He began by explaining that his wife was born and bred in Cheltenham and, after a short career in business, she had devoted her time to charity work, obtaining charitable status for St Vincent's School for handicapped children. She was also a Governor, and Vice-Chairman of the Governors of Cheltenham Ladies College for nine years. She had run a local charity in Prestbury for many years and had been a Magistrate for 17 years. Her father was a prisoner of war for five years and, when he had finally returned to Cheltenham, he had become senior surgeon at Cheltenham General Hospital. Mr Eldridge indicated that he had arrived in Cheltenham in 1941 and, after leaving college, was a Rotol apprentice before spending 34 years with the Dowty Group, where he was a director. He and his wife had lived in the Borough since 1961 when they were married, spending the last 44 years in Mill Lane, Prestbury. They loved the area and had created a butterfly reserve on Cleeve Hill as well as doing much to alleviate flooding in Mill Lane. They had purchased Whitehill and The Mill next door in 1970, when his father was Mayor of Cheltenham, and they had moved into Whitehill in January 1971. Whilst it had been a wonderful family home where they had brought up their

daughter and two sons, it was now much too large. They had wanted to build a house for their retirement on their own land for some time and, once the time was right, they had set about finding an architect and landscape architect. Their search had taken approximately one year until they had been introduced to a national architect, Richard Hawkes, who had already delivered sustainable houses in accordance with Paragraph 55 of the National Planning Policy Framework of the type which they wanted to build. They had also been introduced to Mike Davies, a landscape architect who had a major role in settling the proposed building into, rather than onto, the site. The proposed dwelling would be sustainable, being totally solar powered, and would have no gas or oil connections. It would generate electricity from solar power and be a net contributor to the national grid. Both architects had spent many hours trying to find the right solution and had arrived at a first; the roof would heat the ground under the living space during the summer and the heat would be controllably delivered back to the house during the winter. The technical issues had been very well documented in the numerous reports of the surveys which had been carried out and they had passed all of the tests. It was very important to himself and his wife that Headlands had the minimum impact on Mill Lane.

- 14.51 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. The proposer of the motion indicated that he had attended the Committee Site Visit and he could imagine the dwelling fitting well on the site. He noted that there had been no objections from County Highways or Severn Trent Water and the application was supported by the Council's Urban Design Officer and the Gloucestershire Design Panel. He found the proposals to be ecologically sound and architecturally innovative and the dwelling would be integrated into the hillside, thus well hidden from sight. The seconder of the motion agreed that it was a very innovative dwelling and would enhance the Area of Outstanding Natural Beauty. The fears of the local residents and Parish Council related to the design of the proposal, which was subjective, and fear of setting a precedent which he felt was unfounded given that, as Officers frequently reminded the Committee, each application should be determined on its own merits. It was very rare for anyone to be as thorough and meticulous as the applicant had been in terms of producing a design which would enhance the area and he fully supported the application.
- 14.52 A Member indicated that she could not support the motion and reminded Members that the Parish Council had objected to the application and 33 letters of objection had been received from local residents. The National Planning Policy Framework advised Local Planning Authorities to avoid new isolated homes in the countryside unless there were exceptional circumstances which meant that the dwelling would be truly outstanding or innovative; would significantly enhance its immediate setting; and would be sensitive to the local area. She did not agree that the proposal would enhance the setting as it would be located within open countryside on land within the Area of Outstanding Natural Beauty which was in close proximity to the Cleeve Common Site of Special Scientific Interest. She noted that the orchard would be replanted as part of the proposal and questioned whether that would compensate the adverse impact on the area. She expressed concern that work had already started on the access into the site before any decisions had been made. In addition, she had watched a DVD of the site during the 2007 floods which had showed water running off the orchard, cascading like a waterfall through Mill House and down Mill Lane. The flood event in 2007 was supposedly a one in 100 year event, however, the same thing had happened just two years later and the impact of flooding was something which the residents of Mill Lane were very concerned about. The Planning Officer explained that it had been obvious on the site visit that some of the trees near the entrance to the site had been cleared, however, that did not necessarily represent a breach as planning permission was

not required for clearance work. Officers considered that the improvement to the orchard and woodland, which acted as an important buffer, would significantly enhance the surrounding area, particularly in terms of securing a long term management plan. A Member questioned whether permitted development rights would be removed so that the property could not be extended in future and whether there would be any restrictions in terms of garden paraphernalia. He was advised that a condition had been recommended to remove the provisions in relation to Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015, which related to extensions; extension/alteration of the roof; and outbuildings. The residential curtilage associated with the dwelling would be clearly defined by condition and the curtilage would be tightly drawn around the built development and access track.

14.53 A Member was of the opinion that the proposed dwelling could not be justified in an isolated hillside location given its size and design. Another Member went on to raise concern that it would be setting a dangerous precedent for future building in the Area of Outstanding Natural Beauty. A Member indicated that she very much liked the design of the building, and there was no question that it was innovative in terms of the technology which would be used, however, she questioned whether it would be of benefit to the public as a whole and, whilst she would love to see the dwelling in a different location, she could not support the application on the site proposed. A Member indicated that he could not support the motion to permit the application on the basis that it would be inappropriate development within the Area of Outstanding Natural Beauty. A Member felt that it was a difficult decision to make, however, the Cotswold Conservation Board had provided five good reasons to refuse the application and he felt that those views should be taken into consideration.

14.54 A Member went on to explain that the proposed dwelling would be a building of special significance and would enhance the landscape as part of the Cotswold Area of Outstanding Natural Beauty. He did not understand the objections in relation to the application setting a precedent and he sought clarification on that issue. The Development Manager reiterated that each application must be determined on its own merits. Government policy allowed innovative and outstanding design in the countryside as an exception and, whilst it was not to say that permitting the application would not lead to similar proposals coming forward, any future applications would be assessed in light of that policy. A Member indicated that she had attended the Committee Site Visit and she felt that the dwelling would be a fantastic addition which she would support wholeheartedly. Another Member did not feel that the proposal would cause such significant harm as to warrant its refusal. He considered that it would be nicely set in the landscape and he would be supporting the motion to permit the application.

14.55 Upon being taken to the vote, it was

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

15/00503/FUL – Cedar House, Evesham Road, Bishop’s Cleeve

14.56 This application was for the construction of extensions to the front and rear elevations of the existing dwelling. It was a revised scheme to planning application 14/01083/FUL including additional single storey accommodation to the ground floor.

- 14.57 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. The seconder of the proposal expressed the view that the proposal represented tasteful and appropriate development of a nice area of Bishop's Cleeve and was the type of application which the Committee should be permitting. Upon being taken to the vote, it was

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

PL.15 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 15.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 28-31. 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.

- 15.2 It was

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

PL.16 ADVANCED SITE VISITS BRIEFING

- 16.1 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.

- 16.2 It was

RESOLVED That the Advance Site Visits briefing be **NOTED**.

The meeting closed at 12:20 pm

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

Date: 7 July 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.

Page No	Item No	
50	1	<p>15/00295/FUL</p> <p>82 Gretton Road, Winchcombe, Cheltenham, Gloucestershire, GL54 5EL</p> <p>Representation by applicant</p> <p>An email has been received from the application making the following points:</p> <ul style="list-style-type: none"> - The proposal is for the applicant's family with three young children and is not just a development opportunity. It is intended to be a family home where the applicant's children can grow up enjoying Winchcombe. This is a major catalyst for the change in design since the rooms now all benefit from more light and headroom compared to the previous dormer style. - Reference is made to a previous decision made by the Council at Meadow Lea, Langley Road, Winchcombe (10/01317/FUL) whereby a contemporary style flat roofed dwelling was permitted in a back garden site similar to the application proposal.
55	2	<p>14/01224/FUL</p> <p>Vine Tree Farm , The Wharf, Coombe Hill, GL19 4AS</p> <p>The Parish Council has provided a further response in the light of the current revised scheme. The comments are summarised as follows:-</p> <ol style="list-style-type: none"> 1. The reduction in overall size is welcomed and is more in line with the outline planning permission and complies more closely with Policy HOU7. 2. Concerns remain regarding proposed finished floor levels and resulting visual impact, especially when coupled with the proposed pale exterior. The dwelling would be over 7m higher than the original outline. 3. The dwelling would still be visible from the B4231. 4. Despite the Conservation Officer's comments, it is considered that the existing dwelling on the site must be removed. 5. The Parish would still wish to see more appropriate materials to reduce visual impact e.g. brick and timber rather than stone and render. 6. The dwelling should be set further into the ground in order to reduce finished floor levels, thereby reducing visual impact. 7. County Highways conditions should be met in full regarding access.

		<p>8. The existing dwelling and outbuilding should be demolished, subject to a conservation survey to establish any relative importance, as outlined within the Conservation Officer's letter of 30.01.2015.</p> <p>9. All ecological recommendations outlined previously should be adhered to.</p>
65	4	<p>15/00504/FUL</p> <p>Cock Robin Farm , Gretton Road, Winchcombe, GL54 5EN</p> <p>Planning Officer Comments</p> <p><u>Permitted development</u></p> <p>Further to the analysis set out at section 5 of the Officer report, the applicant's agents have demonstrated that a single storey rear extension (44sqm) and a detached outbuilding (176sqm) could be added to the existing site without the need for planning permission. The combined total floor area of the existing buildings on site as extended under permitted development would be 595sqm.</p> <p>The applicant's agents have also demonstrated that an addition could be made to the previously permitted replacement dwelling (14/01152/FUL) in the form of a detached outbuilding (176sqm) without the need for planning permission. The combined total floor area of the permitted schemes as extended under permitted development is 608sqm.</p> <p>The floorspace of the current proposal is 569 square metres. The applicant's agent therefore considers that there are 'fall-back positions' that could be carried out under permitted development and that this should be taken into account in determining the current application.</p> <p>The weight given to such fall-back would depend on such factors as whether the PD development would have a broadly similar or worse impact to what is proposed and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.</p> <p>It is accepted that the fall-back positions set out above could be carried out without the need for planning permission.</p> <p>Nevertheless, Officers consider that the dwelling as currently proposed would still have a more harmful impact than either of the suggested fall-back positions. Whilst the total floor area of the proposed dwelling would be slightly less than both the fall-back positions referred to, it would have a greater mass, particularly having regard to the two-storey element which extends to a depth of over 20 metres. The depth of the two storey element of the existing dwelling is approximately 8m, however, the low eaves of the rear projection reduces the impact of the side elevation. The two storey element of the previously permitted replacement dwelling has a maximum depth of 9 metres.</p> <p>Therefore, as a result of the increased mass in combination with the overall design, the proposal is considered to have a more harmful impact on the character and appearance of the AONB than the existing dwelling and the previously permitted replacement, even having regard to the potential fall-back positions outlined above.</p>
70	5	<p>15/00251/FUL</p> <p>33 Orchard Road, Winchcombe, Cheltenham, Gloucestershire, GL54 5QB</p> <p>Committee Schedule error</p> <p>Drawing attachments 73D, 73E, 73F, 73G, 73H, 73I, 73J and 73K do not relate to this application.</p>

88	8	<p>15/00352/APP</p> <p>Parcel 2521, Banady Lane, Stoke Orchard, Cheltenham, Gloucestershire,</p> <p>Up-dates:</p> <p><u>Play Equipment:</u></p> <p>Further details on the specification of the play equipment have been provided by the applicant. The Councils Community and Economic Development Manager has assessed the submitted details and confirms that the specification accords with the details in the Section 106 Agreement agreed at Outline stage. However, Officers consider that the play equipment should utilise more natural materials given the prominent and sensitive location of the play area.</p> <p>The applicant has written to confirm agreement to the request for more natural materials and intends to submit revised details - which are awaited. The matter therefore remains delegated at this time.</p> <p><u>Highways:</u></p> <p>The applicant has submitted additional details in response to the County Highway Authority's request, including: tactile paving details (and timetable or implementation); an amended construction method statement (now proposing an on-site compound); Stage 1 Road Safety Audit; internal junction/forward visibility/tracking/traffic calming details.</p> <p>The County Highways Authority (CHA) has assessed the submitted information and have informally confirmed that the submitted details now satisfy the conditional requirements of the Outline conditions and also that the proposed road layout is acceptable in principle. The CHA has requested further information on forward visibility splays throughout the layout, which the CHA Officer considers will be simple and straightforward for the developer to demonstrate and will be unlikely to have an impact on the layout of the development.</p> <p>The application has confirmed his intention to provide these details. The matter therefore remains delegated at this time.</p> <p><u>Flooding and Drainage:</u></p> <p>The applicant has submitted additional details in response to the Council's Flood Risk Management Engineer's request, including detailed design drawings and micro drainage calculations. The applicant confirms that the system has been designed in accordance with the Flood Risk Assessment produced by JBA Consulting Ltd in October 2013 - submitted with the Outline application. The system has been designed to accommodate up to and including a 1:100 year event (+30% for climate change) and by using a combination of Hydrobrake flow controls and orifice plates the discharge rate has been restricted to a maximum of 5.8l/s and 7.9l/s for the 1:30 and 1:100(+30%) events respectively. This is the equivalent of Green Field Run-off.</p> <p>The Council's Flood Risk Management Engineer has assessed the additional details and information and confirms that they are sufficient to satisfy the condition of the Outline consent and has no objection to the proposal.</p> <p>Recommendation: Delegated Approve</p> <p>The recommendation remains therefore that Approval be delegated to the Development Manager subject: to the County Highway Authority's confirmation of the acceptability of the proposed road layout; the acceptability of the LAP details; and other conditional requirements (as necessary).</p>
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96	9	<p>15/00253/OBM</p> <p>Snowhill Manor, Snowhill, Snowhill, Broadway, Gloucestershire, WR12 7JU</p> <p>Update</p> <p>It is recommended that permission is granted to allow the following modifications:</p> <ul style="list-style-type: none"> - The plan associated with Clause 4.1 be modified to omit the area of land known as "The Paddock". - Clause 4.2 be modified to allow unrestricted opening hours during the main tourist season (1 March-31 October or the nearest weekend to each of these dates). - Clause 4.4 be modified to restrict the use of the "visitor facilities" for up to 20 days per year for special events accommodating more than 60 visitors. - Clause 4.8.2 be modified to allow two coaches per weekday and one per weekend day be allowed during the main tourist season. <p>For avoidance of doubt the original S106 agreement would remain extant with all clauses other than those listed above remaining unchanged.</p>
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TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	4 August 2015
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued June and July 2015.</p>
<p>Recommendation:</p> <p>To CONSIDER the report</p>
<p>Reasons for Recommendation:</p> <p>To inform Members of recent appeal decisions</p>

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

1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the First Secretary of State of CLG:

Application No	14/00154/CLE
Location	Manor Farm, Alstone, Tewkesbury
Appellant	James Beynon-Brown
Development	Certificate of lawfulness for use of land as a commercial haulage yard.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal and costs dismissed
Reason (if allowed)	
Date	23.06.15

Application No	14/01021/FUL
Location	Land Adjacent Gretton View, Alderton
Appellant	Mr D Greening
Development	Revised submission of planning application 13/01018/FUL for the erection of 4 detached dwellings and associated works.
Officer recommendation	Minded to Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason (if allowed)	
Date	24.06.15

Application No	14/01129/FUL
Location	26 Drews Court, Churchdown
Appellant	Mr Lee Rudge
Development	Conversion of existing single storey bungalow to a two storey residential property with new roof over and new two storey kitchen and garage extension to side and rear elevations - revised scheme
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	
Date	01.07.15

Application No	13/01216/FUL
Location	Parcel 7710 Hygrove Lane Minsterworth.
Appellant	Mr A Smith
Development	The use of land for the stationing of static and transit caravans for residential purposes for 5 no. gypsy pitches, together with the formation of additional hardstanding and utility/dayrooms ancillary to that use.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Allowed
Reason (if allowed)	<p>The application was refused on landscape impact and sustainable transport grounds.</p> <p>The Inspector noted that residential caravan sites are already part of the character of the area so the additional development would not be out-of-keeping. He also bizarrely concluded that I find that the development would not adversely affect the appearance of the site or landscape. This is perhaps difficult to understand given that the site is currently an open field. Moreover it is a strange conclusion given that the Inspector found it necessary to require a detailed landscape scheme to mitigate the harm...having already concluded that there would be no harm.</p> <p>Officers have considered whether the above decision would be challengeable given the apparently strange conclusions of the Inspector on landscape issues. However, having taken legal advice, it is not considered that such a challenge would be successful.</p> <p>On sustainable transport grounds the Inspector found that nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation.</p>
Date	10.07.15

Application No	13/00978/FUL
Location	Cornerways, High Street, Twyning
Appellant	Persimmon Homes
Development	Residential development of 58 dwellings, access from Shuthonger Lane, landscaping, SUDs drainage, public open space and services and proposed community car park.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Allowed
Reason (if allowed)	<p>The application had been refused by the planning committee on landscape impact grounds.</p> <p>The Inspector concluded that, on balance the proposed scheme did comprise sustainable development because there were no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, which included the prospect of early implementation in order to meet the urgent housing need in the area. Taking account of all the identified benefits, he concluded overall that planning permission should be granted because material considerations clearly outweigh the adverse impacts, including the identified conflict with LP Policy LND4.</p>
Date	13.07.15

3.0 ENFORCEMENT APPEAL DECISIONS

Application No	13/00119/ENFB
Location	AA Services Centre, Cheltenham Road East, Churchdown
Appellant	Mr Timms
Enforcement Notice Served On	17.11.15
Unauthorised Development	Use of land for car wash business
DCLG Decision	Dismissed and notice varied
Reason (if allowed)	
Date	08.07.15

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: Marie Yates, Appeals Administrator
01684 272221 Marie.Yates@tewkesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
14/01160/FUL	Parcel 6329 Stockwell Lane Cleeve Hill Cheltenham Gloucestershire	Erection of new dwelling with associated access and landscaping (Revised scheme Ref: - 14/00691/FUL)	22/06/2015	W	PDS	27/07/2015
15/00016/FUL	Coombs Farm Goodiers Lane Twyning	Erection of new dwelling.	17/07/2015	W	LIV	21/08/2015
14/00915/OUT	Land At Toddington B4632 Toddington	Outline planning application for the erection of up to 25 dwellings and associated works with all matters reserved for future consideration with the exception of access.	24/06/2015	W	CIP	29/07/2015

Process Type

- “HH” Indicates Householder Appeal
- “W” Indicates Written Reps
- “H” Indicates Informal Hearing
- “ I ” Indicates Public Inquiry

Advanced Site Visits Briefing

The following applications have been identified as ones which will be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they will be considered:

Reference No.	Site	Description of Development
14/01224/FUL (Planning Committee – 4 August 2015)	Vine Tree Farm, The Wharf, Coombe Hill	Proposed replacement dwelling and detached double garage. Hard and soft landscaping. Provision of new access and driveway.
15/00370/FUL (Planning Committee – 4 August 2015)	Land Adjoining Hillberry, Becketts Lane, Greet	Proposed erection of six detached dwellings
15/00384/FUL (Planning Committee – 4 August 2015)	Parrs Farm, Broadway Road, Winchcombe	Erection of a detached dwelling
15/00512/FUL (Planning Committee – 4 August 2015)	25 -27 Willow Bank Road, Alderton	Erection of 1 dwelling with associated garage, drive, parking and turning area
14/01267/FUL (Planning Committee – 4 August 2015)	Land At Stump Lane, Hucclecote	Change of use of land for the keeping of horses and the erection of stables and associated works
13/00985/FUL (Planning Committee – 4 August 2015)	Manor Farm, Gretton	Retention of existing garage in amended design with one bay removed and rear wall reconstructed in brickwork (Revised scheme)
15/00159/FUL (Planning Committee – 4 August 2015)	215 Queens Road, Tewkesbury	Proposed erection a pair of semi-detached dwellings
13/01003/OUT	Land South Of The A46 And North Of Tirlle Brook, Ashchurch	Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping.

Reference No.	Site	Description of Development
14/01245/OUT	Land Off Aston Fields Lane, Ashchurch, Tewkesbury	Outline application for residential development (up to 550 dwellings), potential site for primary school, ancillary facilities, open space and landscaping. (Including means of vehicular access from Aston Fields Lane).
14/00838/FUL	Land To The West Of Farm Lane, Shurdington	Full application for residential development comprising 376 dwellings, including access and associated infrastructure.
15/00166/OUT	Land At Stoke Road, Bishops Cleeve	Outline Planning Permission for up to 300 dwellings and A1 convenience retail store of up to 200 sqm, with associated open space and landscaping with all matters reserved, except for access.
15/00638/FUL	Hill Barn, Dryfield Meadow, Cheltenham Road, Winchcombe	Extension to residential property