

21 September 2015

Committee	Planning
Date	Tuesday, 29 September 2015
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for 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 - 17
<p>To approve the Minutes of the meeting held on 1 September 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	18 - 22
<p>To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.</p>	
7. ADVANCED SITE VISITS BRIEFING	23 - 24
<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, 27 OCTOBER 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, 1 September 2015
commencing at 9:00 am**

Present:

Chairman
Vice Chairman

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillors P W Awford and Mrs S E Hillier-Richardson

PL.24 ANNOUNCEMENTS

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

PL.25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 25.2 Apologies for absence were received from Councillors D T Foyle and R J E Vines. Councillors Mrs R M Hatton and H A E Turbyfield would be acting as substitutes for the meeting.

PL.26 DECLARATIONS OF INTEREST

26.1 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.

26.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R D East	15/00238/FUL Home Farm, Brockhampton Lane, Brockhampton.	Is a friend of the landowner.	Would speak and vote.
Mrs A Hollaway	15/00238/FUL Home Farm, Brockhampton Lane, Brockhampton.	The applicant's wife's mother was her father's cousin.	Would speak and vote.
A S Reece	15/00738/FUL 7 Read Way, Bishop's Cleeve.	Had been to visit the site.	Would speak and vote.

26.3 There were no further declarations on this occasion.

PL.27 MINUTES

27.1 The Minutes of the meeting, held on 4 August 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

PL.28 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

28.1 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.

15/00350/FUL – Lower Stanley Farm, Gretton Fields, Gretton

28.2 The application was for the construction of a ground mounted 4MW solar farm and associated infrastructure including substation, transformer stations, access, roads and fencing. The Committee had visited the application site on Friday 28 August 2015.

- 28.3 The Planning Officer referred to the Additional Representations Sheet, attached at Appendix 1, which set out that, following the publication of the Committee papers, 40 additional letters of support had been received based on grounds similar to those already raised. One further letter of objection had also been received which was not included on the Additional Representations Sheet. In addition, comments had now been received from Gretton Parish Council which had raised no objection to the application.
- 28.4 The Chairman invited Mrs Alison Ensor, speaking in support of the application, to address the Committee. She indicated that she lived in Gretton Fields, directly opposite the site. She did not often feel moved to speak on planning applications, but she felt very strongly in favour of this proposal and was speaking on behalf of many others who felt the same. It was easy to think that all opinion was based on house values and 'nimby-ism' and that nobody actually cared about the threat which climate change brought to the future generations, however, the high level of community engagement with this scheme had proven otherwise. Local supporters included a senior planning barrister; the wife of Gretton Parish Council Chairman; the Alstone Parish Council Chairman; several Councillors from Alderton; four bed and breakfast owners who clearly did not feel it would impact local tourism; and over 50 residents from surrounding villages who had written letters of support. She also reiterated that Gretton Parish Council had no objection to the application. Local residents walked their dogs and rode their horses in the area; they loved the Vale and wanted to conserve it but they disagreed with the Officer recommendation. The supporters of the application felt that the Officer report had overreacted to the Cotswold Conservation Board's comments about its impact; had not given any weight to the environmental and community benefits; and had not realised how much local support there was for protecting the landscape by actively doing something to mitigate climate change. The scheme was well-screened and set back and was not visible from surrounding properties. The site was close to a haulage yard, overhead pylons and commercial greenhouses which would exist for far longer than this scheme. It was recognised that it would be visible from some higher points but she would not class that as 'harmful' as, from those sorts of distances, she felt that it would look more like water reflecting the sky. There had been a great deal of concern about housing in the area but that had not been raised in respect of this application. Unlike local housing applications, one which had received 136 local objections and another which had received 97, this project had only received 10. The benefits of the scheme included 1,300 homes being provided with renewable energy by 20 acres of low grade agricultural land, saving nearly 65,000 tonnes of carbon emissions; a virtual nature reserve would be created, saving 25 years of chemical and fossil fuel; unlike the solar farms granted at Claydon and Troughton Farms, the scheme would provide a guaranteed contribution of £4,000 per year for 25 years to support local initiatives, a fantastic opportunity to help a whole generation live more sustainably; a Community Trust with local trustees liaising with Parish Councils had already been set up ready to administer the money to local groups; and, £437,500 would be retained by Tewkesbury in business rates over 25 years of the lifetime of the scheme. In conclusion, it was not until the Officer recommendation had been published that the strong opinion of the local community had been revealed. It was thought that the application would have been easily permitted, since Tewkesbury was trying to improve its poor rate of renewable energy generation, the second worst rate in the South West region, so local residents were dismayed when they had heard otherwise. She hoped that Members would place significant weight behind the overwhelming support from the community and the environmental benefits of the scheme; as local representatives, it fell to Members to take action now.

- 28.5 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. The proposer of the motion explained that the majority of those people supporting the application did not live in Gretton Fields and would not be directly affected by the development. It had been apparent on the Committee Site Visit that the solar farm would be highly visible on the escarpment and would be incredibly intrusive. He reminded Members that the haulage yard referenced by the public speaker was an unauthorised development at this stage and two wrongs did not make a right. A Member disagreed with the motion and considered that the application should be permitted on the grounds that it would not be harmful to the rural character and visual amenities of the Special Landscape Area, or to the setting of the Area of Outstanding Natural Beauty.
- 28.6 The Planning Officer clarified that a Unilateral Undertaking had been submitted in support of the application which indicated that the Greenfields Trust, a community ownership organisation, would be able to distribute up to £4,060 per year for the benefit of local residents, if the solar farm was operational by March 2016. Whilst the proposed Unilateral Undertaking would no doubt provide a financial benefit to the local community, such an agreement would not accord with the provisions of the Community Infrastructure Levy (CIL) regulations and, as such, it could not be given any weight in support of the planning application. The seconder of the motion expressed the view that the authority would be letting down future generations if it failed to protect the magnificent views and amazing countryside. Whilst there were some parts of the Borough where a solar farm may be acceptable, this site was not one of them. The Planning Committee was a serious Committee and was not looking for monetary gain; he urged Members to support the motion to refuse the application. The Legal Adviser confirmed that a Unilateral Undertaking was similar to a Section 106 Agreement which could not be accepted if the subject matter was immaterial to the granting of planning permission, as in this instance. On that basis, the offer of the Unilateral Undertaking was an indication that that particular element of the proposal had not been thought through in the way which would be expected.
- 28.7 A Member indicated that he had been on the Committee Site Visit and had found it useful to look at the various aspects from the surrounding hills. He noted from the Officer report that a landscape and visual impact assessment had been submitted with the application which had concluded that, given the limited contribution that the application site made to the quality of the Special Landscape Area, the development would have a very limited impact on the Area of Outstanding Natural Beauty. It went on to state that the proposed development would be very hard to recognise within the Vale itself and from higher ground the solar farm would be seen as a darker area within a landscape of varied colours. He did not feel that the Unilateral Undertaking was a factor; rather, it was about the need to obtain energy from renewable sources. He recognised that the development would have an impact on the countryside but, as it was a temporary structure, it would be dismantled after 25 years at which point technology would have moved on considerably and the countryside could be restored back to its former glory; the same could not be said about housing development. It was important to allow developments such as this in parts of the countryside where it could be accommodated and he could not support the motion to refuse the application. Another Member expressed the view that the area had already been destroyed by electricity pylons and she saw no reason for the application to be refused. A Member indicated that he lived in the area and regularly walked the hills to enjoy the views, however, it was an ever changing world and he felt that renewable energy was the future. It was a closely balanced decision and he could understand a recommendation for refusal if the site was located within the Area of Outstanding Natural Beauty, however, it would just be the view of the Area of Outstanding Natural Beauty which would be affected in this instance and that was already dotted with pylons and agricultural buildings. In his opinion, the view from

Dixton Hill would not be significantly impacted by the solar farm and he felt that the Council's policies regarding renewable energy outweighed any harm which may be caused on this occasion. A Member indicated that she was reminded of the application for a site outside of the boundary of Alderton, within a Special Landscape Area, which had been refused by the Committee on the basis of the visual impact on the Area of Outstanding Natural Beauty; the application had subsequently been allowed on appeal. The Government was, quite rightly, pushing for renewable energy and, looking at the site from Dixton Hill and the road going through, she could see no reason to refuse the application. The development would be well screened, and was relatively small for a solar farm, and on that basis she would be voting against the proposal to refuse.

28.8 In response to the comments regarding the planning policy context, the Development Manager indicated that he fully understood the issues around housing and other development and assurance was provided that each application was taken on its own merits. Notwithstanding this, it was clear from a number of decisions that the Government was very focused on new housing development and that was something which had to be taken into consideration when determining applications. There were particular policies in terms of renewable energy, as set out in the Committee report, and Paragraph 5.4 referred to a letter from the Minister for Energy and Climate Change to the Planning Inspectorate in November 2013 which stated that "inappropriately sited solar PV is something that I take extremely seriously and I am determined to crack down on". This was a clear steer for Inspectors that too much weight had been given to the positive benefits and not enough to the landscape harm caused by solar farms. He stressed that this was a matter of judgement but it was to be borne in mind that the policy context was different for housing development and solar development.

28.9 The proposer of the motion indicated that various sections of the papers had been quoted by Members and he felt that some had been taken out of context. For instance, the reference to the Landscape and Visual Impact Assessment at Page No. 184, Paragraph 5.14 needed to be taken in the context of the impact on landscape, character and visual amenity which was referenced in subsequent paragraphs. He felt that this was not the ideal site for renewable energy provision by virtue of the significant harm which would be caused to elevated views of the site. Upon being put to the vote, the motion to refuse the application was lost. It was subsequently proposed and seconded that the application be permitted on the basis that there would be no significant impact on the rural character and visual amenities of the Special Landscape Area and the setting of the Area of Outstanding Natural Beauty. The Planning Officer indicated that, should Members be minded to permit the application, she would recommend the inclusion of a number of conditions relating to the decommissioning of the development; landscaping; ecological mitigation; highways; drainage and archaeology. The proposer and seconder of the motion indicated that they would be happy to amend the motion to a delegated permit in order for Officers to include appropriate planning conditions. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** on the basis that there would be no significant impact on the rural character and visual amenities of the Special Landscape Area and the setting of the Area of Outstanding Natural Beauty subject to appropriate conditions including the decommissioning of the development; landscaping; ecological mitigation; highways; drainage and archaeology.

15/00571/FUL – Part Parcels 2255 and 3453, Gander Lane, Teddington

- 28.10 This application was for the erection of a field shelter/stable.
- 28.11 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

15/00354/FUL – Trovemore, 2 Wainlode Lane, Norton

- 28.12 This application was for a proposed dropped kerb at the front of Trovemore to allow access to park at the front (permeable driveway created).
- 28.13 The Chairman indicated that there were no public speakers for this item. The Development Manager explained that a late issue had been raised in respect of recommended Condition 2 which related to the visibility splays towards the junction to the east of the property, as shown on the plan at Page No. 195/D of the Officer report. There had been a query around the ownership of the land required to achieve the visibility splays and whether it was within private ownership or part of the public highway. On that basis, the recommendation had been changed from permit to delegated permit in order to ensure that the County Highways Officer was satisfied that the visibility splays could be secured in perpetuity. The Chairman confirmed that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the County Highways Officer being satisfied that adequate visibility splays could be achieved to ensure that the access was safe, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being put to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the County Highways Officer being satisfied that adequate visibility splays could be achieved to ensure that the access was safe.

15/00683/FUL – 59 Pecked Lane, Bishop's Cleeve

- 28.14 This application was for a rear extension to provide additional living space.
- 28.15 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

15/00738/FUL – 7 Read Way, Bishop's Cleeve

- 28.16 This application was for a proposed front porch extension, first floor rear extension and single storey rear extension.
- 28.17 The Chairman invited Mr Peter Sollars, speaking against the application, to address the Committee. Mr Sollars explained that his main objection was aimed at the first floor rear extension part of the application; inclusive of the existing original ground floor rear extension it would produce a 49% increase over the original wall area presented to his property. The Tewkesbury Borough Local Plan Policy HOU8 did not give any physical limitations, however, it did require an evaluation of the impact that the application would have on his property in terms of bulk, massing and size. From his perspective the extension would produce an imposing and overbearing

wall and Bishop's Cleeve Parish Council had made similar comments. He felt that justifying the application by suggesting there were similar extensions was misleading. There was only one similar extension, built over 25 years ago in a row of 26 properties, and the proposed extension was 20% larger than that. His claim for loss of daylight had been weakened by use of the ambiguous term "given the orientation of the sun" and de-rating his kitchen window as "secondary". HOU8 required that the proposal did not have an acceptable impact on his property, however, from dawn until 11.00am his kitchen window was the prime source of light to that area, which would be in shadow if the extension was permitted. Although his rear entrance door was obscure glazed, daylight did beam through it and, in the winter, when the sun did not rise so high, the situation would be even worse. He felt sure that a site visit from the Planning Department must have been made at some point and he found it odd that no attempts had been made to contact him; as far as he was aware the situation had not been evaluated from his property. As arbitrators on the application, he appealed to Members to give due consideration to his two representations, the representation from the resident of No. 5 Read Way and the consultation with Bishop's Cleeve Parish Council, in their undiluted form, before passing judgement.

- 28.18 The Chairman invited Councillor Mrs S E Hillier-Richardson, Ward Member for Cleeve Grange, to address the Committee. Councillor Hillier-Richardson indicated that she did not normally comment on individual applications but the Parish Council had objected to this application and she was in agreement with some of the comments which had been made. She felt that the height of the two storey extension would result in overlooking and would impact on the openness of the adjacent dwelling. The residential amenity of the neighbours on both sides would be compromised. She confirmed that she had no objection to the porch and storeroom elements of the proposal but she felt that the applicant should be asked to reconsider the size and mass of the other proposed structures. She would have requested a Committee Site Visit so that Members could assess the impact for themselves but unfortunately she had been away on holiday. She asked the Committee to consider the application carefully and not to set a precedent for large scale extensions such as this.

- 28.19 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 deferred for a Committee Site Visit in order to assess the impact on the living conditions at the neighbouring properties. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Committee Site Visit in order to assess the impact on the living conditions at the neighbouring properties.

15/00131/OUT – Land Rear of Rectory Farm, Main Road, Maisemore

- 28.20 This was an outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration).

- 28.21 The Planning Officer advised that a response had now been received from the County Highways Authority which had confirmed that adequate visibility could be achieved and that there was sufficient space for vehicles turning within the site. On that basis County Highways had no objection to the application, subject to a number of standard highway conditions. Eight additional letters of objection had been received since the publication of the Committee papers which had not been included on the Additional Representations Sheet. The objections reiterated the points which had previously been submitted. It was noted that a lengthy objection had been received from the occupier of No. 7 Main Road which reiterated concerns regarding access to Rectory Farm and the detrimental impact on residential amenity.

- 28.22 The Chairman invited Councillor Andrew Cooley, representing Maisemore Parish Council to address the Committee. He indicated that the application raised three concerns for the whole of Maisemore: the surcharging of sewers; changes to the character and overdevelopment of the village; and the lack of facilities for potential new residents. Maisemore's sewers were surcharged from the stormwater drains; somewhere in the village, at some time in the past, the stormwater and foul drains were linked, although Severn Trent Water did not know where and had no plans to deal with the problem. 25mm of rainfall generated 1M litres of stormwater from the A417 through Maisemore and from the drives and roofs of houses along it. A significant amount of that water went into the sewers and, if the rain fell over a short period, the sewers were surcharged, forcing manholes up and discharging raw sewage onto the street. The proposal would increase both the quantity of sewage and the volume of water, forcing the discharge. Approval of the application would, therefore, condemn the people of Maisemore to having raw sewage on the streets, several times each year, for the foreseeable future. Maisemore consisted of individual or small groups of dwellings that had been built over a long period; the largest private development was only eight houses. This character would remain if the 'disaggregation' of Joint Core Strategy and Local Plan figures were to be followed, as suggested in the Council's own background paper to the Borough Plan on the approach to rural sites. This set the Maisemore target at just 28 houses over the whole life of the plan. This proposal, and the recently approved Bell Farm estate, would alter the nature of the village forever, introducing larger groups of similar houses and, together with the four other houses permitted, would result in 47 new homes before the Borough Plan had even been adopted. The Parish Council was also concerned at the lack of facilities for potential new residents. Maisemore had no school or shop; the only retail outlets were the public house and coal merchants. There was some employment in the village, but little prospect of new jobs for new residents, and approval of the application would force one business to close and adversely affect another. Whilst there was a bus service, it would be impossible to rely on it to get to work in Gloucester and the A417 was a very busy road which was liable to flooding and had been closed for three weeks during the previous year. New residents would have to go out of the village to shop and to work, and would need to do so by car, which was contrary to all of the policies designed to reduce car dependency and to build new homes close to places where public transport was a practicable option. For all of those reasons, Maisemore Parish Council hoped that the Committee would refuse the application.
- 28.23 The Chairman invited Mr John Kerry, speaking against the application, to address the Committee. Mr Kerry explained that the application site consisted of a field behind Rectory Farm, where it was proposed to build the houses, and a corridor of land to connect them to Main Road in Maisemore. Members would be familiar with how the A417 went uphill from the river resulting in Rectory Farm being at a higher level than the houses in the cul de sac to the east. The proposed connecting road was squeezed in between Rectory Farm and those houses, running behind their garden fences. For simplicity he referred to Rectory Farm as one building, although it had recently been extended and divided. The applicant's landscape reference concentrated on the field part of the site which led to a statement that vehicles on the proposed site would be largely concealed from view, however, that was not the case for the connection road which was only an arm's length from the back door of the existing house. Although he was untrained in planning requirements, he could see that the application reference stated that there were no trees on the site and that the existing boundary treatment was retained when in fact it was proposed to remove a row of trees from the boundary to Rectory Farm in order to build the connecting road. This matter had been pointed out in written comments in April but had not been included in the Committee report. Section 6 of the Landscape and Visual Impact Assessment similarly discussed the field part of the site in detail but there was no equivalent discussion for the connecting road part of the site where there was limited space and level changes and where the removal of existing trees

would lead to a significant impact on houses. The additional driveway shown to the elevated Rectory Farm may well lead to overlooking and headlights illuminating the rear of the existing houses. The detriment was dismissed in Paragraph 11.4 of the Officer report because of the downward gradient of the driveway, however, vehicles, including heavier works traffic, were unlikely to only be on the slope. A cross-section through the driveway had been provided in August and it was included in the Officer report, however, the section was not taken on its centre line, elongating horizontal distances; a retaining wall that was part of the original construction of the house shown had been omitted; and the house was shown at a 90 degree angle from its actual orientation, all of which degraded its usefulness. Officers had not been to see the site of the proposed development from the garden in the cross-section, despite being invited, and residents were mindful that the road may eventually serve rather more houses than were being discussed today.

28.24 The Chairman invited Councillor P W Awford, a Ward Councillor for Highnam with Haw Bridge, to address the Committee. Councillor Awford confirmed that he would be asking the Committee to consider deferring the application for a Committee Site Visit. The proposal raised several areas of concern, not least in relation to foul drainage in Maisemore. He was amazed that there was no comment from the Council's Environmental Health Officer given the obvious increase in demand which the proposed development would produce and the fact that Severn Trent Water could not refuse a connection to the drainage system. If permitted, the Parish would increase by 20%, however, the village was lacking in any local facilities. Historically there had been objections to applications, albeit for single dwellings, on highway grounds and he referred to recent accidents on the A417. He felt that the new development would be far too close to existing houses and it would be a huge site for a Parish the size of Maisemore; far in excess of the figures which had emerged for service villages in the Joint Core Strategy. The proposal would have a severe impact on existing residents and he raised concern that, once permitted, a precedent for further development would be set.

28.25 The Chairman indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, 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 the character and appearance of the village and the impact of the access on neighbouring residential properties. The proposer of the motion indicated that he would like more information on drainage from Severn Trent Water prior to the site visit and that the neighbouring property should also be visited. A Member agreed that the issue of sewerage was extremely important and he did not feel that the Committee had sufficient factual information before them to make a decision on the application. He felt strongly that additional information was essential to the acceptability of the application. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Committee Site Visit in order to assess the impact of the proposal on the character and appearance of the village and the impact of the access on neighbouring residential properties. Additional information was to be sought from Severn Trent Water regarding the drainage and the application site would be viewed from the neighbouring property as part of the site visit.

15/00238/FUL – Home Farm, Brockhampton Lane, Brockhampton

- 28.26 This application was for the installation of standalone PV modules and associated infrastructure covering a 10 hectare site.
- 28.27 The Chairman invited the applicant's agent, Nick Leaney, to address the Committee. He stated that the application submitted had set out all potential impacts of the proposal and defined its numerous economic, social and environmental benefits. The Planning Officer had very comprehensively summarised those impacts within his report and concluded that, on balance, the significant benefits of the scheme outweighed the impact. The proposal did not sit within a nationally designated landscape and was situated within an area described by the Planning Officer as "already degraded with regard to landscape quality". The application had received support from the local Parish Council and a number of local residents. The proposal would not result in the long term loss of agricultural land, was fully reversible and the applicant was legally obliged, through the terms of his option on the land, to reinstate the land back to its current state at the end of the lease period. In line with planning policy, the development allowed for continued agricultural use of the site and targeted biodiversity enhancing measures were proposed. There would not be a significant adverse impact on ecology, flood risk, highway safety, designated heritage assets or residential amenity and the proposed installation would not generate emissions or noise that would cause disturbance. Impacts upon non-designated heritage assets were yet to be fully assessed, however, the scheme had been designed around a possible area of archaeology and, in accordance with the National Planning Policy Framework, the Planning Officer had set out a proactive approach that would allow the principle of the development to be agreed and ensure that any potential archaeological assets were fully assessed and, if necessary, protected. He had worked proactively with the County Archaeologist and had agreed a Written Scheme of Investigation. Elements of the scheme would cause slight inevitable harm to the Green Belt, however, as directed by planning policy, special circumstances had been demonstrated in the application which made the scheme and its effects acceptable. The landowner had written to the Planning Officer to outline the demonstrable benefits that the proposal would deliver for his existing rural enterprise. His view was that the proposed development would enable the family to remain at Home Farm as it offered the opportunity for the landowner to receive an annual rental income from the land, whilst continuing to harvest a hay crop, in line with current onsite activity. Planning support for renewable energy development was clear, with the National Planning Policy Framework stating that local authorities should, when considering renewable energy developments, approve applications if impacts were, or could be made, acceptable. In summary, the potential impacts of the scheme had been comprehensively assessed and shown to not outweigh the significant benefits, therefore Members were respectfully asked to consider that the proposal was acceptable and that it would provide a valuable and positive contribution to renewable energy generation.
- 28.28 The Chairman indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the necessary archaeological work being completed to the satisfaction of the County Archaeologist, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member queried why the amount of power generated was greater with a smaller area of land than that which would be generated in the application for a solar farm which had been determined earlier in the meeting. The Planning Officer indicated that this was due to the way in which the figures had been calculated and, whilst he could not provide a more detailed explanation, he confirmed that the figures were accurate. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the necessary archaeological work being completed to the satisfaction of the County Archaeologist.

PL.29 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

29.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 27-31. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued in July and August 2015.

29.2 It was

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

PL.30 ADVANCED SITE VISITS BRIEFING

30.1 Attention was drawn to the Advanced Site Visits briefing, circulated at Page No. 32, 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.

30.2 It was

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

The meeting closed at 10:05 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 1st September 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	
179	1	<p>15/00350/FUL</p> <p>Lower Stanley Farm, Gretton Fields, Gretton, Cheltenham, GL54 5HQ</p> <p>Representations:</p> <ul style="list-style-type: none"> • 40 additional letters of support on similar grounds already raised. • One further letter of objection - Note that the majority of those posting letters of support do not live in Gretton Fields. It would be a shame if the views of residents directly affected by such a development were ignored or overlooked in favour of others who will not have to view it from their homes.
199	5	<p>15/00738/FUL</p> <p>7 Read Way, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8EL</p> <p>Representations:</p> <p>The neighbour at 9 Read Way has requested that his letter of objection (including the plans and photographs) be added as a late representation, attached in full below.</p> <p>The letter / plans will also be displayed at Committee.</p>
219	7	<p>15/00238/FUL</p> <p>Home Farm, Brockhampton Lane, Brockhampton, GL51 9RS</p> <p>Additional information:</p> <p>The applicants have now agreed a Written Scheme of Investigation for an Archaeological Evaluation with the County Council's Archology department and this would be commenced the week beginning 7 September 2015 if Members are minded to support the application.</p>

**Item 5 – 7 Read Way, Bishops Cleeve
(Page 1 of 5)**

Julie Wood
Development Services Group Manager
Ref.Nos.15/00738/FUL

9 Read Way,
Bishops Cleeve,
Nr. Cheltenham,
Gloucestershire,
GL52 8EL.

Dear Madam

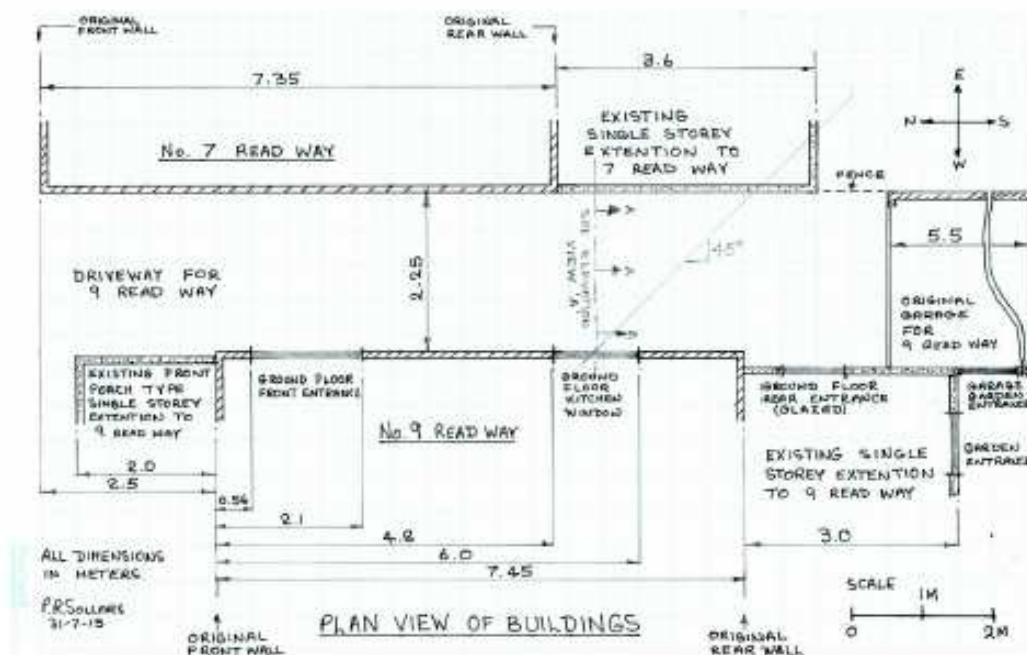
I wish to elaborate and add to my representation on the proposed alterations to 7 Read Way, which was submitted on 19/7/15.

This application has three separate issues. For the purpose of this correspondence I wish to concentrate on my objection to the 2nd storey extension at the rear of the property.

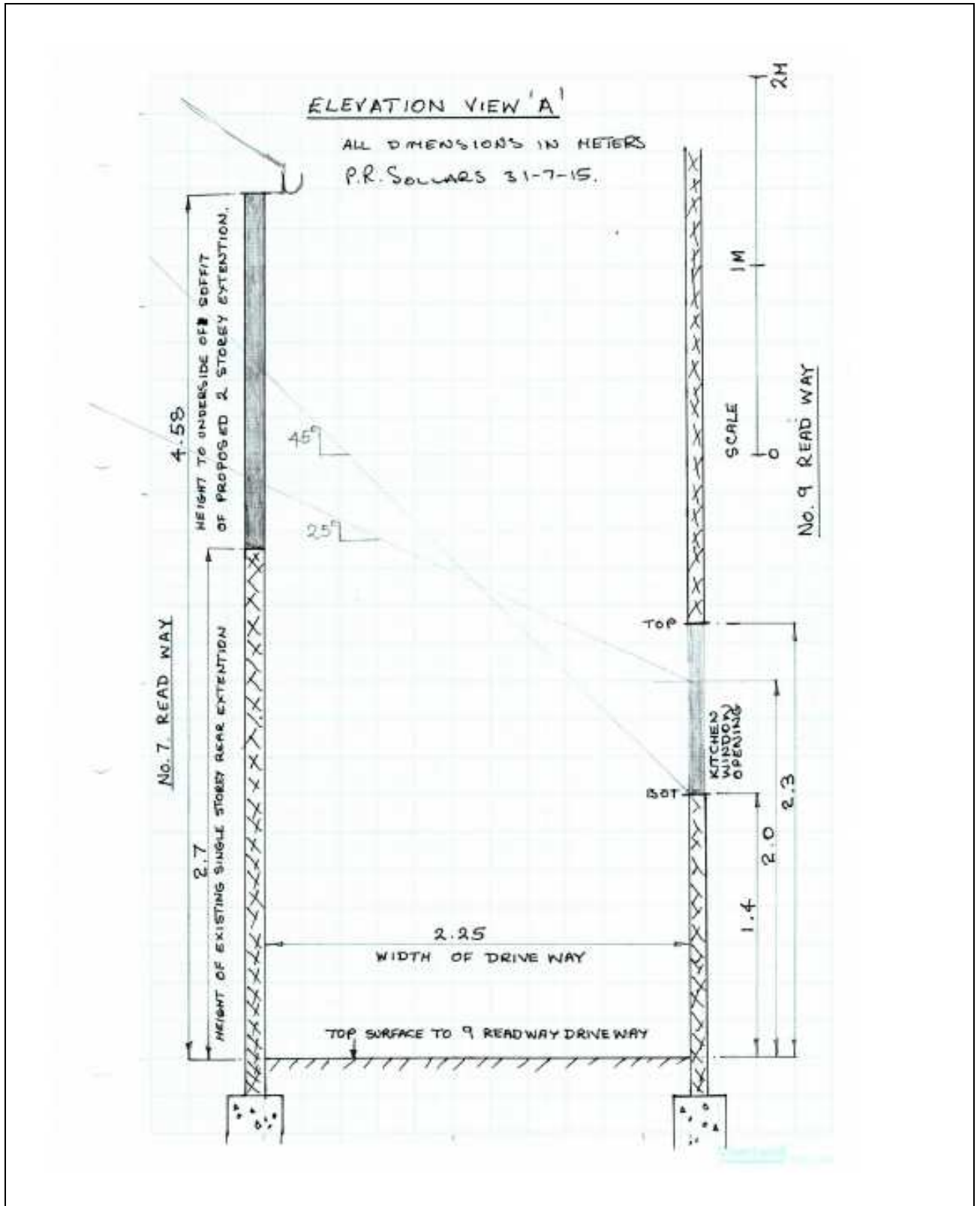
This extension will produce an imposing and overbearing wall, which will considerably reduce the natural light to my property.

The original application gave no indication of the relationship between the properties. I have produced the plan and elevation views below to aid your assessment of this case. These have been produced using the limited tools and knowledge that I have, however, I can vouch for the accuracy of the dimensions. I have also attached copies of these views in PDF format, in case you require better clarity. The situation at the rear of the properties has been unchanged for 25 years.

I have tried to research Prescription Act 1832; Right of Light Act 1959; Party Wall etc. Act 1996, but to a layman it is difficult to deduce information which is relevant to my case, amongst all the legal jargon and different interpretations various authorities make. If you would give me guidance on any action required by ourselves, this would be appreciated.



Item 5 – 7 Read Way, Bishops Cleeve
(Page 2 of 5)



**Item 5 – 7 Read Way, Bishops Cleeve
(Page 3 of 5)**

May I also include the photographs below, which are intended to show how the day light will be lost and give some idea how overbearing the proposed alteration would be. I attach copies of the photographs in JPEG format, in case better clarity is required.



**Item 5 – 7 Read Way, Bishops Cleeve
(Page 4 of 5)**



Item 5 – 7 Read Way, Bishops Cleeve
(Page 5 of 5)



The third part of this application i.e. the proposed single storey extension at the rear would add to the overbearing wall and loss of daylight situation.

Yours Sincerely
P.R.Sollars. 2nd August 2015

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	29 September 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 in August.</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	14/00211/OUT
Location	Land West Of , Bredon Road, Tewkesbury
Appellant	Mactaggart and Mickel
Development	Outline application for residential development on land west of Bredon Road with associated open space and new access
Officer recommendation	Permit
Decision Type	Committee
DCLG Decision	Allowed
Reason (if allowed)	<p>The application had been refused on landscape grounds.</p> <p>In determining the appeal, the Inspector considered that the development would result in only limited harm to landscape character but would deliver a range of other environmental, social and economic benefits. He concluded that the limited harm identified was significantly and demonstrably outweighed by the benefits of the scheme in delivering both market and affordable housing towards the Council's identified housing need and in the context of the need to boost significantly the supply of housing, as set out in the Framework. Finally, the Inspector concluded that the development represented sustainable development to which the presumption in favour applies.</p>
Date	11.08.15

Application No	14/01086/FUL
Location	Land Adjoining 27, Court Road, Brockworth, Gloucester
Appellant	Mr R J Franklin
Development	Construction of a single storey dwelling (revised scheme to 14/00424/FUL)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Allowed
Reason (if allowed)	<p>The application was refused on the basis that the creation of a new dwelling, shoe-horned into this site, would result in a private amenity area to the front, with privacy secured by the erection of a 1.8m high close boarded fence which was incongruous with the established pattern of development in the area.</p> <p>The Inspector observed that, although many of the houses along Court Road in the vicinity of the proposal were of traditional domestic design, on the opposite side of the road were community use buildings (a church and library) and so the road had a mixed character and performed a transitional role in the area. For these reasons, he felt that the proposal would not be incongruous and overall would be acceptable to the character and appearance of Court Road.</p> <p>In respect of the close boarded fence itself, the Inspector judged that, at a height of 1.8m, the proposed fence would be lower than the existing hedgerow and result in no more visual intrusion and would be similar to other boundary treatments in the area.</p>
Date	27.08.15

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: 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
15/00027/FUL	Uphill Cottage Churchdown Lane Churchdown GL3 2LR	Change of use of barn to a dwelling and associated works	15/09/2015	W	HMS	20/10/2015
15/00134/FUL	2 Paynes Pitch Churchdown GL3 2NP	Proposed two storey rear extension and alterations to include new pitched roof to existing two storey side extension and new front porch.	02/09/2015	W	LIV	07/10/2015
14/01286/FUL	Land Opposite The Orchard & Lamorns Dixton Road Alstone Tewkesbury Gloucestershire	Proposed 3 no dwellings with garages, access, drives/turning & parking spaces - revised scheme to 14/00299/FUL	10/09/2015	W	CIP	22/10/2015

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
15/00131/OUT (Planning Committee - 29 September)	Land Rear Of Rectory Farm, Main Road, Maisemore	Outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration)
15/00738/FUL (Planning Committee - 29 September)	7 Read Way, Bishops Cleeve	Proposed front porch extension, first floor rear extension and single storey rear extension
15/00783/FUL (Planning Committee - 29 September)	Oaklands, 16 - 18 Gretton Road, Winchcombe	Change of use from bed and breakfast accommodation to nursery daycare for up to 60 child places, and guest house accommodation at first floor level comprising 3no service rooms, and associated alterations to car parking layout (revised scheme)
15/00638/FUL (Planning Committee - 29 September)	Hill Barn, Dryfield Meadow, Winchcombe	Proposed extension to front of property
14/00838/FUL (Planning Committee – 29 September)	Land to the West of Farm Lane Shurdington	Full application for residential development comprising 369 dwellings, including access and associated infrastructure.
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).
15/00166/OUT	Land At Stoke Road, Bishops Cleeve	Outline Planning Permission for up to 265 dwellings and A1 convenience retail store of up to 200 sq m, with associated open space and landscaping with all matters reserved, except for access.
15/00749/OUT	Land Adjacent Ivy Cottage, Innsworth Lane, Innsworth	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, A6, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.