

14 December 2015

Committee	Planning
Date	Tuesday, 22 December 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 - 33
<p>To approve the Minutes of the meeting held on 24 November 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	34 - 37
<p>To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.</p>	
7. ADVANCED SITE VISITS BRIEFING	38 - 39
<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, 19 JANUARY 2016
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, 24 November 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, D T Foyle, Mrs M A Gore,
Mrs J Greening, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer,
Mrs P E Stokes, P D Surman, R J E Vines and P N Workman

also present:

Councillors P W Awford and Mrs S E Hillier-Richardson

PL.45 ANNOUNCEMENTS

- 45.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 45.2 The Chairman indicated that the sites in relation to Items 10 and 18 on the Planning Schedule, due to be considered at Agenda Item 5A, were close in proximity in terms of location and shared many of the same issues. On that basis, he advised that Item 18 would be taken after Item 10.
- 45.3 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.46 DECLARATIONS OF INTEREST

46.1 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.

46.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	15/00409/FUL Over Farm, Over Bridge, Over.	Is a Borough Councillor for the area.	Would speak but would not vote as he is not a Member of the Planning Committee.
	15/00410/FUL Land at Highnam Farm, Two Mile Lane, Highnam.	Is a non-pecuniary member of the National Flood Forum.	
		Is a Borough Council representative on the Lower Severn (2005) Internal Drainage Board.	
		Is a representative on the Severn and Wye Regional Flood and Coastal Committee and on the Wessex Regional Flood and Coastal Committee.	
M Dean	15/00680/FUL Hillside Cottage, Stockwell Lane, Cleeve Hill.	Is a Borough Councillor for the area.	Would speak and vote.
	15/00905/FUL Badgerbank Farm, Bushcombe Lane, Woodmancote.		
	15/00981/FUL 12 Beverley Gardens, Woodmancote.		
M Dean	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.

J H Evetts	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
Mrs A Hollaway	15/00680/FUL Hillside Cottage, Stockwell Lane, Cleeve Hill.	Is a Borough Councillor for the area.	Would speak and vote.
	15/00905/FUL Badgerbank Farm, Bushcombe Lane, Woodmancote.		
	15/00981/FUL 12 Beverley Gardens, Woodmancote.		
J R Mason	15/00339/FUL Giles Piece House, Langley Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
Mrs P E Stokes	14/01169/FUL 77 Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Surman	15/00882/FUL Burley Fields Farm, Crippetts Lane, Leckhampton.	Is a Borough Councillor for the area.	Would speak and vote.
	15/00443/FUL Flight Farm, Leckhampton Hill, Leckhampton.	Is a Member of Shurdington Parish Council but does not participate in planning matters.	
R J E Vines	15/00882/FUL Burley Fields Farm, Crippetts Lane, Leckhampton.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
	15/01107/FUL Yew Tree Cottage, Church Lane, Badgeworth.		
	15/00443/FUL Flight Farm, Leckhampton Hill, Leckhampton.		

46.3 There were no further declarations made on this occasion.

PL.47 MINUTES

- 47.1 The Minutes of the meeting held on 27 October 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

PL.48 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 48.1 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.

15/00339/FUL – Giles Piece House, Langley Road, Winchcombe

- 48.2 This application was for the demolition of existing cattle shed and erection of a detached dwelling, together with associated landscaping and works. The Committee had visited the application site on Friday 20 November 2015.
- 48.3 The Chairman invited Mark Le Grand, the architect and agent acting on behalf of the applicant, to address the Committee. Mr Le Grand explained that the proposed site, which measured just over two acres and was located adjacent to Giles Piece House on the north side of Langley Road, was currently occupied by a large derelict cattle shed and was accessed from Langley Road via an existing five bar gate which had been incorporated into the proposal. The proposal comprised the demolition of the cattle shed; the construction of a private dwelling; the formation of a permeable driveway; and the planting of an orchard and a semi-mature Holm Oak tree. During the design and application process, himself and the applicant had worked closely with the assigned Planning Officer and a highly regarded landscape and arboricultural consultant, as well as the surrounding landowners and local residents, in order to produce a scheme which would not simply be deemed acceptable but one that would be welcomed by the local residents; illustrate exemplary design incorporating locally sourced materials and renewable technologies; and, most importantly, enhance the surrounding environment, both aesthetically and in terms of the localised biodiversity. In summary, the proposal was to replace one built form for another on an almost like for like footprint. The new dwelling would be constructed using locally sourced natural stone and timber and, in terms of scale and massing, would replicate the existing pattern of residential property on the north side of Langley Road. The use of natural materials and proposed planting scheme would allow the dwelling to sit harmoniously within its surrounding natural and built environment and the proposed use of renewable technologies would enable the future owners and occupiers to live almost entirely off the main grid. The land surrounding the dwelling would be maintained for grazing small livestock and horses and the southern slopes of the site would be transformed into an apple, pear and plum orchard which would increase and enhance the biodiversity of the local environment exponentially. He asked that it be noted that the scheme had been prepared in strict accordance with all of the assigned Planning Officer's recommendations and he had originally been informed that the application would be recommended for approval. The scheme had also been prepared in strict accordance with the Landscape and Visual Impact Assessment. He felt that it

should be borne in mind that there had only been one local resident objection. It was felt very strongly that the proposed scheme was suitable for the site and would significantly enhance the surrounding environment and, on that basis, he kindly requested that the Committee carefully consider the sympathetic proposal and he sincerely hoped that Members would be mindful to approve it.

- 48.4 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. Another Member proposed, and it was seconded that the application be permitted. A Member noted that the agent had stated that the Planning Officer had initially indicated that the application would be recommended for approval and he sought an explanation from the Development Manager. The Development Manager advised that there had been discussions throughout the application process and the Case Officer had indicated that he was likely to recommend approval, however, there were situations, albeit rare, where the management team disagreed with the Case Officer recommendation and this was an example of a situation where it was considered that the harm caused to the Area of Outstanding Natural Beauty would be significant. Whilst there was currently an existing building on the site, it could best be described as 'ramshackle' and was the type of building which people might expect to see in the countryside. An existing agricultural building was not justification for a large new dwelling in the Area of Outstanding Natural Beauty and, as such, Officers could not support the application. A Member raised concern about the process whereby the Case Officer recommendation had been overruled and the Development Manager explained that, upon reviewing the application, he had referred the application to one of the Senior Planning Officers and, given his concerns, he had asked them to visit the application site. They had echoed his views and the recommendation had been amended on that basis.
- 48.5 A Member noted that the existing building on the site was 'ramshackle' and he suggested that a replacement dwelling of a similar sized footprint would be an improvement. A local Member for the area indicated that he shared the same view as the Town Council and considered that the proposal represented opportunistic development. He understood that concern had been raised as to the existence of Cotsmore, which was located within the Area of Outstanding Natural Beauty, and he explained that it had been built many years ago and had been used as an isolation hospital. It had fallen out of use when medicine improved and people had started living in it, however, it was a sub-standard dwelling and had subsequently been torn down and replaced. A number of ramshackle sheds had been erected in the adjacent fields over the years but had never operated as a proper farm. Winchcombe was fortunate to be surrounded by the Cotswold Area of Outstanding Natural Beauty and the site in question was one of the most important parts with lovely views up to Langley. He considered that the proposal would have a detrimental impact on the Area of Outstanding Natural Beauty which needed to be protected in accordance with the National Planning Policy Framework and he would be supporting the proposal to refuse the application.
- 48.6 The proposer of the motion to permit indicated that he took an alternative view in line with the Government policy on the reuse of redundant agricultural buildings. The application site already contained development and Local Planning Authorities were expected to take a positive and proactive approach to sustainable development and to balance that with the social and economic wellbeing of the area. The dilapidated building looked very out of place and Winchcombe Town Council's suggestion that there was historic value to the building had been disproved. He felt that the proposed dwelling would be an enhancement over the existing building and he was more than happy to propose that the application be permitted. Another Member agreed with this view and indicated that he did not think that the building would be

visually intrusive, nor would it have a harmful impact on the landscape. A Member shared this opinion and could not see how the proposed dwelling would be of detriment to the area. It would be located only 400-500m from the last house built in Langley Road and he felt that it was a good design. He suggested that a delegated permission may be appropriate to secure an appropriate landscaping scheme.

- 48.7 The proposer of the motion to refuse the application in accordance with the Officer recommendation felt that there was a danger of the planning rule book being thrown out and he urged Members to think very carefully before making their decision. The proposal would bring no significant economic value and would be visually intrusive. The seconder of the motion to refuse the application agreed that the Committee must follow the planning rules and the Area of Outstanding Natural Beauty was one of the most protected areas in the country. If this application was permitted, she feared that there would be a real risk of other agricultural buildings being left to fall into disrepair in order to facilitate change of use applications. The application site was outside of the Residential Development Boundary and was located within the Area of Outstanding Natural Beauty and she considered that it would be entirely wrong for the application to be permitted.
- 48.8 A Member understood that this part of the Area of Outstanding Natural Beauty had been identified as an area for development within the Joint Core Strategy and he sought confirmation from Officers. The Planning Officer advised that there were no proposals currently in terms of land being identified for housing in Winchcombe. Winchcombe was constricted as the majority of land was within the Area of Outstanding Natural Beauty; she stressed that there may be a need to build on that land at some point in the future but there was no plan or intention at the present time.
- 48.9 The Chairman reminded Members that if they were minded to permit a new dwelling in the Area of Outstanding Natural Beauty they must have a very clear reason for doing so. The proposer of the motion to permit the application had alluded to the policy around agricultural workers' dwellings, however, those were not the grounds upon which this application was to be judged. The proposal did not represent innovative design or exceptional quality and he felt that it would be a terrible shame to permit the application. The proposer of the motion to permit the application indicated that there was only one recommended reason for refusal and he did not believe that the proposed development would be visually intrusive or have an unduly harmful impact on the landscape and scenic beauty. He considered that beauty was in the eye of the beholder and, as such, he felt that the application should be permitted. The Development Manager clarified that the Government guidance and Ministerial Statement referenced by the proposer of the motion to permit the application related to barn conversions as opposed to new dwellings. One of the local Members had described the harm which would be caused and the proposer and seconder of the motion to refuse the application had highlighted the potential problems in terms of permitting a speculative application such as this. In terms of the statement that beauty was in the eye of the beholder, the local community and the Town Council were the people who lived and experienced the area, and the Cotswold Conservation Board was the body tasked with protecting the character and appearance of the Area of Outstanding Natural Beauty, and he could not understand why Members would wish to permit the application against the strong concerns of those two groups. He urged Members to think very carefully about applications such as this and stressed that the clear recommendation from Officers was that the application should be refused.
- 48.10 The motion to refuse the application in accordance with the Officer recommendation was taken to the vote and it was

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

15/00841/FUL – Land Rear of Church Row, Church Row, Gretton

- 48.11 This application was for residential development for the erection of 23 dwellings (including nine affordable units) and associated landscaping, a new access, public open space and associated works.
- 48.12 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being taken to the vote, it was
- RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.

15/00801/FUL – Land Off Cursey Lane, Elmstone Hardwicke

- 48.13 This application was for a proposed solar photovoltaic farm with associated landscaping; ground-based racking systems; static-mounted solar panels; associated infrastructure; site security fencing; and security system. The Committee had visited the application site on Friday 20 November 2015.
- 48.14 The Chairman invited Sophie Voyce, speaking against the application, to address the Committee. She explained that she was the daughter of the owners of Harrow Farm. In January 2014, the then Planning Minister had made a statement to Parliament indicating that the policies in the National Planning Policy Framework were clear and that there was no excuse for putting solar farms in the wrong places. She felt that this application should be refused as it had failed to follow the specific guidance on solar farms and the cumulative visual impact of yet another solar farm in the area was unacceptable to the local residents. The application had failed to show that use of a greenfield site was necessary and, furthermore, it had failed in its assessments of alternative sites of poorer land quality. The Planning Officer's report stated that, as the land was not classed as Best and Most Versatile (BMV), it was not subject to the sequential test and she believed that was wrong. The test was to determine whether there was any lower grade land available as a more suitable alternative site which she felt was plain common sense. Grade 4 land was available within the same land ownership and, what had angered many local residents was that the initial consultation had been described as 'land at Copse Green Farm', which most felt was a more suitable alternative on the basis that the site was at the end of a no-through road and only impacted the views of the landowners who would receive the financial benefit from it. The applicants had deliberately omitted to highlight this. The harsh black metallic reflective panels in rows would be a huge blot on the landscape which was rural and open. She felt that, because it was not an Area of Outstanding Natural Beauty, Elmstone Hardwicke was being burdened with more than its fair share of solar panels and was fast becoming a dumping ground. An application for 66 hectares of solar panels had already been granted planning permission, with a further 42 hectares proposed, and that was too much. The proposed connection route would be along the entire length of Stoke Road and the applicant had not detailed any of the significant roadwork disruption in the application. The fact that an Iron-Age settlement had been found on the site had been omitted from the Committee report which did not instil confidence that the application had been properly assessed, or that the objection letters from residents had been given the full consideration required. These archaeological findings were regarded as significant and constituted a heritage asset. The expected cuts in subsidies for sites such as this might render the scheme unviable and therefore unsustainable. The Government's preference was for solar panels to be on buildings and the opinions of the local residents had been very clear – they did not want a solar farm in the proposed location.

- 48.15 The Chairman invited James Ryle, representing the applicant, to address the Committee. Mr Ryle explained that Good Energy was the UK's first dedicated renewable electricity supplier and believed that more renewable home-grown electricity was needed to make a difference to climate change. In terms of the proposed site off Cursey Lane, he explained that the land was classed as Grade 3b and was therefore considered to be lower quality agricultural land. The landowner found it difficult to get a yield from the land and was keen to diversify; sheep could be grazed between the solar panels if the application was permitted. It was also noted that the site was not located in Green Belt or within the Area of Outstanding Natural Beauty. Following feedback from the local community, a change had been made to scale back development from the south-east corner to incorporate an orchard which would screen the site. The proposed access had been designed to ease congestion and would prevent vehicles exiting the site from turning right onto Cursey Lane. He explained that it was intended to establish a community fund which would be controlled by local people to support local causes and projects, and discussions would be held with the Parish Council and local community as to how the money would best be used. He stressed that, by choosing clean energy and supporting projects like this, Members would help to safeguard the health of the planet for their children and grandchildren and he urged them to support the application.
- 48.16 The Officer recommendation was to permit the application and the Chairman 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 felt that more needed to be done to protect the environment and that solar power was the way forward. Whilst she understood the need to generate solar power within the Borough, a Member did not feel that this was the right location given that there was another solar farm being built in close proximity and on the basis of the negative impact it would have upon the landscape and local residents. A Member agreed with this view and he raised concern that viable land was being assaulted by solar panels all because companies wanted to safeguard their electricity supplies before the Government grants came to an end.
- 48.17 A Member understood that the panels would need to be set at a steeper angle than that which had been proposed which would make them somewhat higher than the applicant had suggested. He also questioned why other sites had not been considered if there were alternatives with poorer quality land available. In terms of the angle of the panels, the Planning Officer confirmed that, if Members were minded to permit the application, the angle set out in the application would be what was granted and any deviation from that would represent a change from the approved plans. Quite a lot of work had been done by the applicant in respect of alternative sites, however, they had been found to be more susceptible to flooding and potentially more visible. The Member was of the view that more needed to be done, both in terms of the checks on the angles and the selection of land, before the application could be permitted. In response, the Development Manager reminded Members that they must make a decision on the basis of the application before them. In terms of the land assessment, there had been quite a lot of correspondence in relation to the sequential test and the briefing note prepared by the planning consultant. A number of appeal decisions had been considered in light of the Government guidance and, without exception, the Inspector had looked at whether the land was BMV. In this instance the land was Grade 3b and, therefore, there was no need for a further sequential test.

- 48.18 A Member expressed the view that visual impact was quite significant in this case and there were better opportunities locally than this particular site. He picked up on the comment that Elmstone Hardwicke Parish Council had made about Tewkesbury Borough becoming a dumping ground for solar panels and he sought a view from Officers as to when enough would be enough. The Development Manager explained that the Council's Landscape Consultant had assessed the application and had taken a very clear view based on the visual impact from any particular location, not the cumulative impact. There may be an impact from distant locations but this would not cause any undue harm. One issue which the Landscape Consultant had raised related to the 'sense of place' which was gained from walking or driving through an area and whether Elmstone Hardwicke would be remembered simply on the basis of solar panels rather than as a small, rural community with a rural landscape. There was a potential visual impact but the combination of solar farm developments would not be seen together in the immediate context and Officers did not feel that the harm caused by the proposal would outweigh the benefits of the renewable energy which the scheme would provide.
- 48.19 A Member questioned whether Officers were entirely satisfied that the application site was on land which was of poorer quality as opposed to not being 'top' quality. The Development Manager drew attention to Page No. 427, Paragraph 6.2 of the Officer's report, which stated that the application site was classed as Grade 3b and therefore did not qualify as BMV agricultural land and was considered to be lower quality agricultural land as defined by Planning Practice Guidelines. He reiterated that it was the Officers' opinion, which appeared to be shared by the Planning Inspectorate, that there was no need to go any further in terms of sequential testing. A Member drew attention to Page No. 430, Paragraph 11.0 of the Officer report, which set out that the Environment Agency raised no comment in respect of the proposals but that additional information had been provided, upon which further comments were awaited, and that an update would be given at Committee. The Planning Officer confirmed that no objections had been raised in relation to the additional information and it was not proposed that any conditions should be added.
- 48.20 Upon being taken to the vote, the motion to permit the application in accordance with the Officer recommendation was lost. It was subsequently proposed and seconded that the application be refused on the grounds of the harm which would be caused by the introduction of an extensive area of development and its damaging cumulative effect which would significantly influence the character of the local landscape. It was subsequently
- RESOLVED** That the application be **REFUSED** on the grounds of the significant harm to the character and visual quality of the area which would be caused by the introduction of an extensive area of development and its damaging cumulative effect which would significantly influence the character of the local landscape
- 15/01088/FUL – Daffodil Cottage, Deerhurst**
- 48.21 This application was for the proposed conversion of a stable adjoining a dwelling to form a dining room.
- 48.22 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

14/01245/OUT – Land Off Aston Fields Lane, Ashchurch

- 48.23 This outline application was for residential development of up to 550 dwellings, potential site for a primary school; ancillary facilities; open space; and landscaping, including means of vehicular access from Aston Fields Lane.
- 48.24 The Planning Officer clarified that the site formed part of the wider strategic allocation in the emerging Joint Core Strategy at Ministry of Defence (MOD) Ashchurch. The application had been made to the Council in December 2014 and, since that date, the Council had been seeking additional information from the applicants so that the application could be properly considered. Unfortunately, the requested information had not been provided and the applicant had instead chosen to lodge an appeal with the Secretary of State. The Council must therefore advise the Secretary of State of its views on the proposals. As the proposal was for housing development, Members would be aware that the appeal proposal needed to be considered in the context of Paragraph 49 of the National Planning Policy Framework and the presumption in favour of sustainable development. As the Council could not demonstrate a five year supply of housing land, its policies in relation to the supply of housing were out of date and, in such cases, it was necessary to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits. In this case, this would include whether it would be premature to grant permission given the site's proposed allocation as part of the wider strategic allocation at MOD Ashchurch.
- 48.25 The Planning Officer's report set out the main considerations, including landscape impact, highway safety, drainage, social and community infrastructure and comprehensiveness/prematurity. One of the main outstanding concerns related to highway safety and the proposed means of access from Aston Fields Lane over the level crossing. County Highways had raised an 'in principle' objection to the use of the level crossing and Network Rail had submitted a holding objection as it had major safety concerns. County Highways had also advised that Aston Fields Lane was not of an appropriate standard to take the increase in traffic flows and had raised concerns about the level of visibility required at the Aston Fields Lane/B4079 Bredon Road junction; no information had been submitted to allay those concerns. In addition, Highways England had issued and renewed a series of non-determination recommendations, as the appellant had not provided satisfactory information to show that the operation of the A46 and the M5 would not be adversely affected by the traffic impacts of the development proposal. Due to the scale of the development proposed, and existing capacity issues on the A46 through Ashchurch, as well as junction 9 of the M5, Highways England had concluded that the proposals were likely to result in a severe impact upon the strategic road network. Whilst this was an outline application, with matters such as layout and landscaping reserved, the Landscape Consultant considered that the proposed development, as illustrated in the masterplan, would result in a stark, highly visible, urban edge that would be unsympathetic to the surrounding open countryside and views from the north and east. The application also failed to present a vision or strategy for green infrastructure for the wider strategic allocation. In terms of its allocation as part of the MOD Ashchurch site, Policy SA1 of the emerging JCS sought to ensure that such sites were developed in a comprehensive manner to ensure that the development would integrate with, and complement, its surroundings in an appropriate manner. The proposed development was a substantial part of the emerging allocation and granting permission at this stage would prejudice decisions about how this allocation should be delivered, especially in terms of the infrastructure necessary to achieve a high quality development. The application also failed to provide the necessary infrastructure as a stand-alone development.

48.26 In summing up, the Planning Officer explained that the economic and social benefits of the appeal proposal were recognised in terms of the delivery of housing which would contribute to economic growth and the provision of a good mix of housing, including affordable housing, which would weigh significantly in favour of the proposal. With regards to the environmental dimension, the proposed development would result in a conspicuous encroachment into open countryside and the application failed to provide satisfactory information to address highway safety concerns with both Network Rail and County Highways advising that the use of the level crossing would be unacceptable. The proposal would prejudice the development of the wider strategic allocation at MOD Ashchurch as proposed in the emerging JCS, including the necessary infrastructure to achieve a high quality development. The proposal failed to provide for the social and community infrastructure, including the required amount of affordable housing to fully meet the identified needs for affordable housing in the Borough, nor was there any provision for Gypsy, Traveller and Travelling Showpeople accommodation. There was no agreed Section 106 Agreement to ensure that developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches, health and community facilities and improvements to public transport. Those harms in combination carried substantial weight against the scheme. In weighing up the planning balance, it was considered that the harms identified significantly and demonstrably outweighed the benefits and, as such, the proposal was not considered to represent sustainable development in the context of the National Planning Policy Framework. Furthermore, as set out in the report, there were various Section 106 obligations which had not been agreed in principle, and there was no signed Section 106 Agreement, as such, those matters would, if unresolved, have constituted reasons for refusal. On that basis, the recommendation was that Members be minded to refuse planning permission on the grounds stated in the report and those refusal reasons would then comprise the Council's case at the forthcoming appeal Inquiry.

48.27 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was that the Committee be minded to refuse the application and he invited a motion from the floor. It was proposed and seconded that the decision should be 'minded to refuse' in accordance with the Officer recommendation. A Member indicated that the strategic allocation of the MOD Ashchurch site was of vital importance to the Joint Core Strategy and she found it outrageous that a developer would try to dictate the future of the entire site by submitting a purely speculative application such as this. She hoped that Members would be unanimous in supporting the proposal. Another Member shared this view and raised concern about the inadequacy of the proposed infrastructure to support the development. The proposer of the motion agreed that the developer's actions were disgraceful. Unfortunately the application demonstrated the wider problem which the Council was facing in relation to strategic planning for the area and the sooner the Government approved the Joint Core Strategy the sooner the Council could get on with building houses in the right places with the right infrastructure. Upon being put to the vote, it was

RESOLVED That Members be **MINDED TO REFUSE** the application in accordance with the Officer recommendation.

15/00882/FUL – Burley Fields Farm, Crippetts Lane, Leckhampton

- 48.28 This application was for a change of use of agricultural land to a dog day care facility (sui generis) including the installation of a portacabin for use as an office and an agricultural livestock polytunnel for an all-weather facility. The Committee had visited the application site on Friday 20 November 2015.
- 48.29 The Chairman invited the applicant, Lorraine Thibault, to address the Committee. She explained that she was a graduate in Environmental Management and a trained animal behaviourist who was committed to animal welfare. She intended to provide a day care service to look after dogs in a personal manner, providing them with the mental stimulation that they needed and preventing separation anxiety. She would provide an informative environment with a structured programme of activity throughout the day which would ensure that the dogs were not barking and being disruptive. The location was essential as it needed to be on relatively open land whilst also being close to the appropriate customer base. The day care centre would provide a means for the farm to diversify and it would provide economic benefits as the business grew and additional members of staff could be taken on. She explained that she was also working with JobCentre Plus to become a work experience host, providing placements for young, unemployed people, and she hoped that the centre would also have a community feel and could be visited by the elderly and disabled who could interact with the dogs. Furthermore, owners would be able to receive training on being responsible dog owners. The structure on site would not be visible from Crickley Hill and would not be unduly obtrusive and, on balance, the benefits the proposal would bring to the area would far outweigh any negative impacts. It represented sustainable development and would help to meet the needs of the community.
- 48.30 The Chairman indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion advised that the Council had recently granted planning permission for 350 houses on site SD2 where the farmer had been renting land as a large part of his business and, given that this was now to be lost to the proposed development of that site, he was now seeking to diversify. The proposal included a portacabin and an agricultural livestock polytunnel which would be dug into the ground and did not require a hard base. The whole site was fairly low lying, and in a sheltered position, and was ideally located for the new housing development which would inevitably produce a lot of dog owners. He did not feel that the proposal would cause any harm to the Area of Outstanding Natural Beauty and he would like to see the application permitted. The seconder of the motion fully supported this view and felt that the applicant had stated her case very clearly. In his opinion, the proposal would cause no harm to the Green Belt and, therefore, there was no requirement for very special circumstances to be identified. The Development Manager reminded Members that there were very specific policies relating to the Green Belt and, whilst there would undoubtedly be benefits to the applicant and the people using the business, the proposal would represent inappropriate development and required very special circumstances to be demonstrated which clearly outweighed the harm to the Green Belt. The Council's adopted Local Plan and the emerging Joint Core Strategy also set out that development such as this would not be permitted in the Green Belt.
- 48.31 A Member queried whether the application would be recommended for refusal if it was an active farm and the farmer decided he wanted to grow crops inside a polytunnel. In response, the Development Manager explained that the Government stated that agriculture was appropriate development in the Green Belt and he stressed that this was a very different planning policy context. The Member felt that the proposal would supply a service and would remove environmental disturbance away from residential development and into the countryside which he felt could be considered to be a very special circumstance. There were no permanent structures

being erected on the site and, whilst the business was not agricultural, he felt that it would be located in the best place. A Member praised the applicant's knowledge and indicated that he could not see why the application was recommended for refusal given that there were no permanent structures and, in his view, it made little difference if the site was used to house dogs or pigs, as it was currently. A Member agreed with the views expressed but noted that objections had been raised by local residents about noise. In response, another Member drew attention to Page No. 462, Paragraph 5.10 of the Officer report, which stated that noise was not considered to be a problem. Another Member explained that he could understand that Officers had taken a particular view based on planning policy and regulations, however, he could not see how this particular proposal would cause harm to the Green Belt. It was not a permanent development and it had nothing to do with the overall concept of the Green Belt in terms of preventing the coalescence of communities. As such, he felt that the application should be permitted.

- 48.32 The Development Manager picked up on the point which had been raised about location and indicated that applicants would normally be expected to undertake sequential testing to look at other suitable locations outside of the Green Belt. In terms of the proposed structures, which some Members had referred to as 'temporary', he clarified that they were crucial to the business and were meant to be in place for the lifetime of the development so they would not be temporary in that sense. In respect of the policy position and the Green Belt itself, the Government guidance set out that development in the Green Belt was harmful by reason of its inappropriateness. Local Planning Authorities had a duty to protect the openness of the Green Belt and, although permitting a single application may seem of little importance, if other applications were permitted over time, the openness would soon be lost. It was a matter of judgement for Members as to whether very special circumstances existed to outweigh the harm caused to the Green Belt but Officers could not see how simply allowing a business amounted to those very special circumstances. If the Government had intended that the requirements of businesses amounted to very special circumstances then it would state as much in the National Planning Policy Framework. A Member noted that the Committee was often reminded that each application must be considered on its own merits and the Development Manager confirmed that the merits of this particular case were clearly set out in the Officer report; the application represented inappropriate development in the Green Belt which was by definition harmful and required that very special circumstances be demonstrated.
- 48.33 A Member queried why the Cotswold Conservation Board did not appear in the list of consultees set out in the Officer report and was informed that the Board was not consulted as a matter of course and nothing had been submitted in relation to this application, however, the Board did comment if it was considered necessary. A Member indicated that he had been on the Committee Site Visit and had not felt that the proposal would impose on the countryside; there was already an area for pigs which would be used by dogs instead. The Officer report set out that the applicant had stated that not all dogs would be accepted and that they would be assessed before enrolment to try to prevent disruptive individuals. It was a dog day care centre rather than kennels where dogs were caged for long periods. They would be professionally cared for and he felt that it would help to prevent complaints made to the Council's Environmental Health department regarding barking dogs. He saw no reason for the application to be refused and would be supporting the motion to permit the application. Another Member indicated that he totally supported the proposer of the motion and the Members who had spoken in support of it. A Member expressed his surprise at the comments made by Members. He warned against the danger of re-writing planning policy and indicated that he took the comments of the Development Manager very seriously.

- 48.34 A Member noted that the access road was quite narrow and the site was quite close to the access point from the main road and she questioned if there was any parking provision as customers would need to park their vehicles for a period of time. The Planning Officer advised that there was an area of hardstanding adjacent to the existing building to the south-east of the site which could be used for customer parking. It was an informal area which did not have delineated spaces and it was not known how many spaces would be required, however, Members were reminded that the business would initially only employ one member of staff and Gloucestershire County Highways had raised no objection to the application, therefore, it was considered to be acceptable.
- 48.35 The Chairman reminded Members that, if they were minded to permit the application, very special circumstances would need to be demonstrated to outweigh the identifiable harm which would be caused to the Green Belt and he sought an indication of what Members considered those to be. A Member was of the view that the issue of very special circumstances did not apply given that the application did not represent inappropriate development and would not cause undue harm. The Development Manager stressed that it was a matter of fact that the type of development proposed was inappropriate in the Green Belt and, if permitted, very special circumstances must be stated. On the basis of the discussion, Members had suggested that the specific nature of this particular business dictated that it should be situated in a location like this, close to customers but away from residential development to avoid complaints from residential properties, and that it would have little impact on the openness of the Green Belt. If Members were minded to permit the application, the Planning Officer recommended the inclusion of conditions to limit the hours of operation to between 8:00am and 6:30pm Monday to Friday; to limit the number of dogs to 25; and to require the submission of a landscaping scheme which would include the erection of a physical barrier along the boundary to keep vehicles out of sight of the dogs. The proposer and seconder of the motion confirmed that they would be happy to amend the motion to include those conditions. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that very special circumstances had been demonstrated that the specific nature of this particular business dictated that it needed to be situated in a location such as this, close to customers but away from residential development, and that it would have little impact on the openness of the Green Belt, and that it would not harm the Area of Outstanding Natural Beauty, subject to the inclusion of conditions to limit the hours of operation to between 8:00am and 6:30pm Monday to Friday; to limit the number of dogs to 25; and to require the submission of a landscaping scheme which would include the erection of a physical barrier along the boundary to keep vehicles out of sight of the dogs.

15/01104/FUL – 2 Southam Fields Farm, Meadoway, Bishop’s Cleeve

- 48.36 This application was for the demolition of stables/store building and the erection of a single storey dwelling with parking etc. The Committee had visited the application site on Friday 20 November 2015.
- 48.37 The Chairman invited one of the applicants, Cheryl Stennett, to address the Committee. She asked Members to consider a number of points in relation to the recommendation for refusal. She advised that the site was not based in open countryside and would not go further into the Green Belt, but rather a few metres into their current large garden. They felt that, in reality, it was not classed as Green Belt as the build was within their garden parameter and the Cotswold end brick wall had been part of the garden for over 12 years so it could be considered to be within the parameter of their domestic curtilage. They would be replacing the current unattractive set of run down barns with a small attractive dwelling utilising the

current build footprint and the openness of the Green Belt would be unaffected by the proposed build. The proposed build would be in keeping with the surrounding buildings with a twin gable the same as the existing property which would also lower the roof and have less impact on the surrounding environment; there would only be a one metre difference from the current building height. The proposed build would be timber clad, natural stone and slate roof, again in keeping with the existing building so as not to have an adverse effect on the look of the area. The architect had designed the property to make the best use of the available space, whilst providing a comfortable living environment, and the dwelling would have a small garden with a walkway around the property with views across the farm. There was a very large driveway into the property which would easily accommodate up to three cars and a private road would lead from the main road into the property. It was considered that it would be a unique property for a retired person with little outside upkeep needed. Currently there was a 1.8m fence to the right of their existing property which would be matched with the fencing around the new dwelling so as to be in keeping with the area. The existing dwelling on the other side would not be affected and the residents had no problem with the proposed build. It was noted that the owners of the garden machinery shop to the other side of the application site also supported the proposal. No objections had been received in relation to the application, including from the surrounding neighbours, and a number of letters of support had been received from the Parish Council, Highways Agency and members of the public. Local Plan Policy HOU4 stated that there was not enough land in the area for housing sites and this had created a lack of affordable housing. Finally, the proposed dwelling would provide a home for her recently widowed mother who had relocated to Cheltenham from Scotland. The build was about creating a low cost home as other houses in the area were not affordable for her mother and she needed to live close by.

- 48.38 The Chairman invited Councillor Mrs S E Hillier-Richardson, Ward Councillor for Cleeve Grange, to address the Committee. Councillor Hillier-Richardson echoed the points raised by the applicant. Although the application site was technically located within the Green Belt, policy stated that replacement dwellings could be permitted provided that they did not result in a disproportionate addition over and above that which currently existed, and would not be materially larger than the dwelling being replaced. The replacement dwelling would not be materially different in size from the existing barn, and would not be disproportionately larger, nor would it have a significant impact on the openness of the Green Belt as it would be a single building on a small farm complex which sat further into the Green Belt. Furthermore, the design would be in keeping with the general surroundings and she considered that it would enhance and improve the setting of the Green Belt. She reiterated that no objections had been received, the Parish Council Chairman was fully supportive of the plan, and she urged Members to permit the application.
- 48.39 The Development Manager clarified that the proposal was for a new dwelling in the Green Belt, not a replacement dwelling, and the policy was very clear that this represented inappropriate development. Green Belt was subject to the strictest policy controls and very special circumstances must be demonstrated to clearly outweigh any Green Belt policy objections. Officers were sympathetic to the personal circumstances of the applicant but planning policy and guidance was very clear that these would rarely be a material consideration and, even then, only if there were truly exceptional reasons. Whilst he understood the circumstances raised by the applicants in this case, it was impossible to know how long those circumstances would continue to exist but the dwelling, if permitted, would be a permanent structure. It was not unusual for people to want to live close to their parents but there were no very special circumstances to warrant permission in this instance.

- 48.40 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 sought clarification as to whether there was a difference in the application of the policy between replacement dwellings and replacement buildings. The Development Manager explained that the National Planning Policy Framework did allow for replacement buildings but there was very clear wording for new dwellings in the Green Belt and the proposal did not fit with that, the National Planning Policy Framework providing that as regards the replacement of building exception that the new building is in the same use and not materially larger than the one it replaced. The Member indicated that there was some confusion between the Ministerial Statement and the National Planning Policy Framework. He was informed that the Ministerial Statement related to the reuse of buildings and whilst the Government supported replacement buildings, that was not the case for those within the Green Belt. The Member was of the view that the proposed development would not compromise the fundamental function of the Green Belt and he felt that the replacement of the existing structure with a new building was an appropriate purpose i.e. to provide accommodation for a family member. It was not for the Committee to speculate what may happen in the future and the application should be considered on the basis of whether it met the policy regulations as they currently stood. In his opinion, the proposal would not create undue harm to the Green Belt and he did not see how it could be considered to be inappropriate development. He appreciated that the Officer recommendation had been made based on a balance of opinion but he felt that the proposal should be permitted. A Member supported this view and expressed his frustration that Members were often warned against challenging planning policy when they simply had a different interpretation. He felt that the Planning Minister had been quite clear that better use should be made of redundant or underused agricultural buildings and that did not exclude the Green Belt. The Development Manager stressed that the Member had been referring to the reuse of buildings whereas this was an application, not for re-use but for a new dwelling in the Green Belt which was inappropriate as a matter of fact rather than being a matter of interpretation. There was a judgement to be made as to whether very special circumstances existed which would outweigh the harm that would be caused to the Green Belt; Officers had not found that such circumstances existed in this instance.
- 48.41 A Member questioned whether the application would be looked upon more favourably if it was for a conversion as opposed to a rebuild and he was advised that it would be considered in a different, and more favourable, policy context. Another Member drew attention to Page No. 466, Paragraph 3.3 of the Officer report, which set out that one of the substantive reasons for the proposal was allowing the applicant's mother to live in close proximity to the applicant and that had been put forward by the applicant as a very special circumstance for allowing the development in the open countryside and Green Belt. He queried whether an ancillary dwelling, or 'granny annexe', might be an alternative solution which could be pursued in the interest of proactive engagement. The Development Manager advised that a granny annexe would be very different to a new dwelling with its own curtilage and boundary fence. He was not aware that those discussions had taken place but it was an avenue which could be explored. Notwithstanding that, Members were required to take a decision based on the application before them and, if they were so minded, it could be deferred in order to go back to the applicant to seek an alternative solution which would be ancillary to the main house if that was the will of the Committee. The proposer and seconder of the motion to refuse the application indicated that they would be happy to amend the motion in order to defer the application for further discussions with the applicant to seek an alternative solution along the lines of a granny annexe which would be ancillary to the main dwelling. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for further discussions with the applicant to seek an alternative solution along the lines of a granny annexe which would be ancillary to the main dwelling.

15/01107/FUL – Yew Tree Cottage, Church Lane, Badgeworth

- 48.42 This application was for a single storey rear garden room extension. The Committee had visited the application site on Friday 20 November 2015.
- 48.43 The Chairman indicated that there were no public speakers for this item. 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 on the basis that it would not be a disproportionate addition over and above the original dwelling. The proposer of the motion noted that there was no reference to the Human Rights Act 1998 in the policies and constraints section of the Officer report, whereas there had been in the report for the previous item. The Officer report set out that the proposal was acceptable in design terms but, as the dwelling had been extended in the past, any further extensions would be 'disproportionate' and he questioned what that assumption was based on. The fact that it would be considerably larger than the original dwelling did not necessarily make it disproportionate in his view. He indicated that the dwelling was in an isolated location and the extension would not be seen by anyone, therefore, there would be no additional impact. Another Member who had attended the Committee Site Visit agreed with the proposer of the motion and endorsed the nature of the proposed extension.
- 48.44 A Member drew attention to Page No. 471, Paragraph 5.3 of the Officer report which stated that the proposed garden room, with a floor area of approximately 18.6sqm, would increase the overall floor area to 417.6sqm. The proposed garden room, combined with the previous extensions, would result in a 416% increase in floor area over and above that of the original dwelling. The Planning Officer advised that the policy position in relation to the Green Belt had already been discussed in detail at the meeting and he reiterated that the National Planning Policy Framework and Local Plan policy were absolutely clear that the proposed extension would result in a disproportionate addition and would be harmful to the Green Belt on that basis. The dwelling had already been extended, resulting in a 392% increase in floor area, and any further extension would be harmful to the Green Belt in policy terms. It was also worth noting that two applications, albeit for large extensions, had been refused by Planning Officers quite recently.
- 48.45 A Member felt that Officers were referring back to the previous development on the site, rather than on its own merits. He questioned how long planning history must be taken into account in these circumstances as he felt that there must come a point when additions and extensions were considered to be part of the original dwelling. The Development Manager explained that the planning merits of this particular case included the planning history of the site and, given the extent of previous additions to the property, this weighed against the current application. Further, he advised that, in planning law, an original dwelling was as first built, or as it existed on 1 July 1948, if it had been built before that date. Planning permission had previously been granted in 1986 for alterations and extensions to the existing dwelling to provide enlarged living accommodation which was prior to the existence of modern Green Belt policy which included restrictions in terms of disproportionate additions. A Member expressed the view that the people living in the house were entitled to extend their property given that it had last been extended some 29 years earlier. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that it would not be a disproportionate addition over and above the existing dwelling. subject to standard conditions including in respect of materials/development in accordance with plans.

14/01169/FUL – 77 Cheltenham Road East, Churchdown

- 48.46 This application was for the erection of four terraced dwellings. The Development Manager explained that this application had been deferred at the last meeting of the Committee to negotiate the design to reduce the proposed dwellings to true two storey dwellings which would be more in keeping with the streetscene, including reduced ridge height, and to include front doors facing the street; and to further consider the concerns raised by Gloucestershire Airport. Members were advised that the scheme had been amended on that basis and it was therefore recommended for permission.
- 48.47 The Chairman invited the applicant's agent, Oliver Rider, to address the Committee. He indicated that the comments made by the Planning Committee in relation to the size and design of the scheme had been fully taken on board. As requested, the front porches had been removed from each property and front doors had been placed in the front elevations. This had significantly improved the visual appearance of the properties and he thanked Members for the suggestion. It had also been requested that the height of the dwellings be reduced to better reflect the character of the area. The architect had spent a lot of time adjusting the plans and had managed to provide a reduction of approximately 0.5m. The visual impact of that change was actually quite significant and the plans now showed much more evenly proportioned dwellings, which would better reflect the streetscene. There was still accommodation at second floor level, which was necessary to secure a third bedroom and make the development viable, however, what was important was that the visual appearance would be of two storey dwellings. There were also many examples of two and a half and three storey properties in the wider context of the village. The Committee had raised some concerns over the proximity of the development to the landing strip of Gloucestershire Airport. Some Members would recall that similar concerns had been raised in respect of the 2014 application for the extension of Ashville Business Park which also sat in close proximity to one of the Airport's runways. In that case, Members had been advised by Officers that there was no planning policy basis for refusing that application on those grounds. Members had taken that advice and the application had not been refused on that basis; that advice similarly applied in this case. He advised that there had been no adverse comment by the Civil Aviation Authority, the key advisory body on such matters which kept a close eye on all applications near the Airport and would have objected had there been overriding grounds to do so. He therefore respectfully suggested that there was no substantive ground for refusal on that basis. In conclusion, he hoped that Members would note the effort that had been made to amend the scheme in line with their comments. He thanked the Committee for their constructive dialogue and for helping to improve the design of the scheme and he hoped that it could now be permitted in the context of the National Planning Policy Framework and the Local Plan.
- 48.48 The Chairman reiterated that the Officer recommendation was to permit and he invited a motion from the floor. It was proposed and seconded that the amended application be permitted in accordance with the Officer recommendation. The seconder of the motion indicated that it was a real delight to secure an improved scheme which was appropriate for the location and she welcomed the collaborative approach taken by the Planning Committee, Officers and the applicant and their agent. Upon being taken to the vote, it was

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

15/00409/FUL – Over Farm, Over Bridge, Over

- 48.49 This application was for the construction of a ground-mounted solar photovoltaics generation project, including 9.6 hectares of solar panels, and associated works. The Committee had visited the application site on Friday 20 November 2015.

- 48.50 The Chairman invited Nick Cook, speaking against the application, to address the Committee. Mr Cook indicated that he would be making two individual submissions for the solar farm applications, Over Farm and Two Mile Lane, which had strong similarities. He had serious concerns for both in terms of siting, the process and accuracy of the applications and whether they were appropriate. He indicated that the Over site was on rising ground and clearly visible from the A40, from Gloucester and the hinterland to the south. No mitigation planting could diminish the size of the development; even with revisions it was still the size of 14 senior football pitches. The land was agricultural and had not previously been developed. It had been repeatedly cropped with wheat being planted for the last year. The land was graded as 3b, Grade 3 being the quality of half the farmed land in the UK, and was far from being low quality let alone a brownfield site. He also had concerns about the application itself as the power generation claims made by the applicant were flawed. The original 9.9MW would not have powered 8,000 homes rather, according to the Solar Trade Association figures, it would have powered just 3,000 homes. The planning amendments reduced this further to 1,457 homes. The applicant had not demonstrated need but had relinquished capacity just to secure planning permission. In addition, the quoted 25 degree angle of solar panel tilt was not suitable; a more accurate angle of 41 degrees would involve a 23% increase of panel height. The amended design had involved reducing the development area by over 50% which he considered to be a major change and should have been treated as a completely new application. He was of the view that the proposed Decommissioning Statement to be implemented within 25 years, as recommended as a condition by Planning Officers, was completely unenforceable. The Planning Officer had also sought to speed up the determination of the application due to pressure from the applicant as the cut-off for Government grants was approaching and he felt that financial pressure from the applicant was a serious matter. He considered that the application itself would be inappropriate development. The claim made by the Planning Officer that “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development” was a misinterpretation and fundamentally incorrect; the presumption was firmly against solar generation in the countryside. The UK Government had fired a warning shot over the bows of developers and local authorities to change their ways and statements had been issued in Parliament which changed the emphasis of the National Planning Policy Framework guidelines. The Secretary of State, Eric Pickles, in his planning update in March 2015 had emphasised “the importance of focusing growth on domestic and commercial roof space and previously developed land”.
- 48.51 The Chairman invited the applicant’s agent, Robin Williams, to address the Committee. Mr Williams indicated that the Officer report detailed the complex nature of the application. Both this application and the Two Mile Lane application had been subject to extensive discussion with Planning Officers in terms of the landscape impact, the sequential test and the issue of BMV agricultural land. The scheme before Members would have an insignificant impact upon the landscape and the applicant had agreed to the imposition of a condition to limit the height of the panels to 2.6m. The Planning Officer concerns regarding the loss of BMV land had been noted, however, Over Farm was comprised mainly of Grade 3b agricultural land and there had been numerous appeals by the Planning Inspectorate allowing similar developments on that class of land. The impact of the development would ultimately be reversible as the lifecycle of the farm was 25 years and the land would be improved by allowing it to remain fallow for that period. The revised application had been subject to consultation and no technical objections had been raised. He requested that the Committee permit both this application and the Two Mile Lane application in accordance with the Officer recommendation.

48.52 The Chairman invited Councillor P W Awford, a Ward Councillor for Highnam with Haw Bridge, to address the Committee. Councillor Awford shared the concerns which had been raised by the Parish Council and local residents. There would be a very significant negative impact on the approach to the Village and the area itself which would not benefit from the solar panels. The agricultural land was far more versatile than had been stated and it produced high quality crops, as such, he felt it should be allowed to remain. He also had concerns about flooding and drainage as the Flood Risk Assessment had indicated that the site was located in Flood Zone 1 and he was surprised that had not been referenced within the Supplementary Planning Document. There was a danger of pluvial flooding; the highway frequently flooded and there was a record of traffic problems. Gloucestershire County Council had funded defences in the past despite it being the responsibility of Highways England. The solar panels would reduce the natural infiltration and increase run-off and he failed to see how that would be offset by improving the soil over the remaining site. Interception swales were vital but the applicant was vague in terms of size and detail and no information had been provided on the potential capacity which would need to be significant to mitigate the increased run-off.

48.53 The Chairman advised 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 refused. The proposer of the motion indicated that the original application was much larger than the revised version but the reduction in the area covered by solar panels would be of no benefit to the landscape and the development would ruin the countryside for the next 25 years. He did not feel that Planning Officers should be put under pressure just because the deadline for Government grants was approaching. He drew attention to Page No. 481, Paragraph 5.3, which referred to further guidance in the UK Solar Photovoltaics Strategy which set out four guiding principles for solar photovoltaics, the third of which stated that solar photovoltaics should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact. The Minister for Energy and Climate Change had produced a letter, dated 1 November 2013, which indicated that inappropriately sited solar photovoltaics was something which he took extremely seriously and something which he intended to crack down on. He felt that the short term financial gain would be at the expense of the countryside and the application warranted refusal on that basis. The Development Manager indicated that it would be very difficult, in terms of interpretation of the Government policy, to refuse the application on the grounds of agricultural land quality as the land had been classed as Grade 3b which was not BMV land. The proposer of the motion felt that the application should be refused on the basis of landscape harm and, upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** on the basis that the proposed solar farm would be harmful to the character and appearance of the area.

15/00410/FUL – Land at Highnam Farm, Two Mile Lane, Highnam

48.54 This application was for the construction of a ground-mounted solar photovoltaics generation project and associated works.

48.55 The Chairman invited Nick Cook, speaking against the application, to address the Committee. Mr Cook indicated that the application had similar issues to the Over Farm application which had been refused in the previous item and he reiterated that there were concerns regarding the siting, the process and accuracy of the applications and whether it was inappropriate development. Beauchamp Lodge was a Grade II Listed Building located to the southern boundary of the site and an industrial solar development of approximately 11 hectares, the size of 17 senior football pitches, was not a suitable neighbour; a small orchard could not mitigate

against a sea of black glinting panels as seen from a first floor child's bedroom window. Being on rising ground, the panels would be seen from a distance and from along the A40. The land was agriculturally productive and it had been successfully cropped with oil seed rape during 2015. The land was Grade 3b, 'moderate', with a band of Grade 3a, 'good', rendering it totally inappropriate for this type of development under National Planning Policy Framework guidelines. Other concerns related to the quoted 25 degree angle of solar panel tilt which he felt would be unsuitable. As with the Over Farm application, the original power generation claims were flawed, in this case with an energy generation inaccuracy of 62%. The revisions in the amended design involved reducing the development area by over 50% and he felt that such a significant change should have been treated as a new planning application. Two Mile Lane was a centuries old single track road with a 7.5 tonne weight limit and was showing advanced signs of subsiding and crowning. This was unsuitable for 44 tonne articulated vehicles which would damage the road further. The application represented fundamentally inappropriate development and Government policy relating to solar generation in the countryside had meant that the presumption was firmly against it. In his planning update in March 2015, the Secretary of State, Eric Pickles, had indicated that the Government was looking to reform permitted development rights to encourage larger scale solar power generation on non-domestic buildings and he had stated that "protecting the global environment is not an excuse to trash the local environment". Decommissioning was also a major concern. Current industry expectations were that panels had a lifespan of between 25 and 30 years with a shorter economic life. That lifespan would be significantly reduced further as a result of the withdrawal of grants, with some businesses failing. With falling revenues there would be no incentive to reinvest, with profits taken during the early years leaving nothing at the end. This was a typical industrial wasteland scenario where there was no funding to clean up the site, or any new investment opportunity to fund the decommissioning either. A Decommissioning Statement planning approval condition was unenforceable and would do nothing to prevent acres of obsolete solar panels rotting in the rural landscape. These two applications were out of time and inappropriate, the tide had turned and he asked that the application be refused.

48.56 The Chairman invited Councillor P W Awford, a Ward Councillor for Highnam with Haw Bridge, to address the Committee. Councillor Awford indicated that he shared the Parish Council and local residents' concerns. Two Mile Lane was used by considerable traffic, despite being narrow and full of potholes. He suspected that it was also subject to considerable local pluvial flooding and was occasionally impassable by car. He had the same concerns in relation to the surface water runoff which he had expressed when speaking to the previous item but there was no suggestion of swales in this proposal and he questioned how well hedgerows and undergrowth would be able to mitigate the impact. Furthermore, he considered that the solar farm should be sited on non-agricultural land. He reiterated that the financial need of the applicant was not a valid reason to permit the application and there was no evidence that the local community would benefit from the proposal.

48.57 The Chairman indicated that the Officer recommendation had been changed from delegated permit to permit on the basis of the highway standards being met to the satisfaction of the County Highways Authority and he invited a motion from the floor. It was proposed and seconded that the application be refused on landscape grounds. The seconder of the motion explained that he had worked on the farm many years ago and the land was very productive so he did not consider that it should be used for a solar farm. He also highlighted the dangerous nature of Two Mile Lane. The Chairman suggested that the loss of good agricultural land should be included in the reasons for refusal, if Members were minded to support the motion, and the proposer and seconder indicated that they would be happy with its inclusion. The proposer of the motion drew attention to Page No. 529, Paragraph 4.0 of the Officer report, which set out the policy context. He felt that Officers had been forced

to generalise the National Planning Policy Framework context in terms of the three dimensions of sustainable development due to the absence of the development plan. He felt that Highnam deserved better and he urged Members to reject the application.

48.58 Upon being put to the vote, it was

RESOLVED That the application be **REFUSED** on the basis that the proposed solar farm would be harmful to the character and appearance of the area and would result in a loss of best and most versatile agricultural land.

15/00417/FUL – Land Adjacent To Millham House, Evesham Road, Bishop’s Cleeve

48.59 This application was for two dwelling houses (use Class C3) together with hard and soft landscaping, drainage and access.

48.60 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which referred to a query from the Parish Council relating to the revised plan. He explained that the access to the site would be via an existing lane to the south of Millham House, however, the Parish Council had raised concerns that the revised plan seemed to show an additional access to the north. He clarified that it was in fact a connection to the foul sewer as opposed to an access road.

48.61 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

15/00443/FUL – Flight Farm, Leckhampton Hill

48.62 This application was for an Exceptional New Dwelling under the policy provisions of Paragraph 55(4) of the National Planning Policy Framework. The Committee had visited the application site on Friday 20 November 2015.

48.63 The Chairman advised 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. The proposer of the motion considered the design to be exceptional and that the harm which would be caused to the landscape would be limited and would not outweigh the benefits.

48.64 A Member noted that the Cotswold Conservation Board had objected to the proposal as it did not consider that there were any exceptional circumstances which met with the tests of Paragraph 55 of the National Planning Policy Framework that would overcome and take preference above the protection afforded to the Area of Outstanding Natural Beauty and protection of the countryside against sporadic development generally. The Development Manager indicated that the Planning Officers were there to advise on the planning context and the positive and negative aspects of the development. Whilst the Cotswold Conservation Board had taken a view that the proposal did not represent exceptional and innovative design, it was a matter of judgement and there were different views to take into consideration.

48.65 A Member expressed the view that the proposal did represent an exceptional dwelling and, if Members were minded to permit the application, she suggested that it might be beneficial for the Planning Committee to visit the site. The Development Manager indicated that a Members' tour would be arranged in the New Year and would include some examples of modern architecture. Upon being taken to the vote, it was

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

15/00680/FUL – Hillside Cottage, Stockwell Lane, Cleeve Hill

48.66 This application was for a detached double garage. The Committee had visited the application site on Friday 20 November 2015.

48.67 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

15/00893/OUT – Brookelands, Tewkesbury Road, Norton

48.68 This was an outline application for the erection of three detached dwellings with all matters reserved except access.

48.69 The Chairman advised 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 and, upon being put to the vote, it was

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

15/00905/FUL – Badgerbank Farm, Bushcombe Lane, Woodmancote

48.70 This application was for the conversion of existing stables to provide a single dwelling house.

48.71 The Chairman advised that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member understood that, although the application site was within the Area of Outstanding Natural Beauty, it was a conversion as opposed to a replacement dwelling which was the reason it was acceptable and the Planning Officer confirmed that was the case. Upon being put to the vote, it was

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

15/00981/FUL – 12 Beverley Gardens, Woodmancote

48.72 This application was for the demolition of ancillary buildings and the erection of a new two storey dwelling in the subdivided existing curtilage plus minor alterations to the existing bungalow to be retained and associated external works.

48.73 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. In response to a Member query, the Development Manager indicated that this application site was within the Area of Outstanding Natural Beauty which had a separate context to the Green Belt policy which had applied when discussing some of the other applications on the Planning Schedule.

He clarified that the application site was within the Residential Development Boundary and the principle of development was acceptable which was why the application was recommended for permission. Upon being taken to the vote, it was

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

15/00992/FUL – The Coach House, Pigeon Farm Barns, The Green

48.74 This application was for the construction of a single storey extension.

48.75 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

15/00898/OUT – Part Parcel 2691, Tewkesbury Road, Twigworth

48.76 This was an outline application for the erection of up to 10 dwellings, with all matters to be reserved for future consideration.

48.77 The Chairman advised that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to a Section 106 Agreement to secure 40% affordable housing on the site; any community contributions, to include £30,898 to Norton Primary School, £28,272 to Churchdown Secondary School, and £776 per household to off-site public open space; and any alterations necessary to conditions, as amended by the Additional Representations Sheet set out at Appendix 1. 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 a Section 106 Agreement to secure 40% affordable housing on the site; any community contributions, to include £30,898 to Norton Primary School, £28,272 to Churchdown Secondary School, and £776 per household to off-site public open space; and any alterations necessary to conditions.

15/00575/APP – Part Parcel 6134, Phase 2 Homelands, Gotherington Lane, Bishop's Cleeve

48.78 This reserved matters application was for the erection of 127 dwellings and garages, associated roads, sewers, landscaping and external works, together with strategic parkland and community sports and play facilities.

48.79 The Planning Officer explained that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to confirmation of the acceptability of the proposed Multi-Use Games Area and pitch specifications and other conditional requirements as necessary. There had been a significant number of changes to the proposal which had implications in terms of assessing the highways information. Confirmation had now been provided by the County Highways that the technical information had all been received and the application was considered to be acceptable. However, no formal response had been received in writing and Officers had been advised that conditions would be recommended. Officers had been in discussion with the Parish Council regarding the Multi-Use Games Area and pitch specifications but a final decision had not yet been made. On that basis, the application was now recommended for delegated approval subject to the resolution of those two issues.

- 48.80 The Chairman invited Rachel Capener, a representative for the applicant, to address the Committee. She indicated that there were several issues that the Parish Council had raised during the outline planning stage which had been carried through to this application and she wished to take the opportunity to reassure Members. It was appreciated that flooding was a major concern for all development across the country and she reiterated the points made by the Planning Officer in his report in that surface water drainage details had been accepted for the whole Homelands 2 development via an outline planning condition. Additionally, it had been demonstrated that floor levels to all plots would be 300mm above ground level, in compliance with the outline consent, and Severn Trent Water had not raised any objections. In terms of parking, the scheme provided 220 designated parking spaces and, additionally, 82 oversized garages. There would also be 50 visitor spaces, providing a total of 352 available parking spaces for 127 homes. With regards cycle routes, there were several routes which ran through the overall Homelands 2 development and that connected to existing routes. There was also a requirement for a cycleway to be implemented from this development to Gotherington which the consortium had committed to provide. The mix of affordable housing was in accordance with the Officer recommendations and, overall, it was felt that the applicant had worked well with the various consultees to produce an attractive and desirable place to live.
- 48.81 The Chairman indicated that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to confirmation of the acceptability of the proposed Multi-Use Games Area and pitch specifications; the receipt of written confirmation from County Highways that it had no objection to the proposal; and other conditional requirements as necessary, 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 amended Officer recommendation. The proposer of the motion indicated that he was a local Member for the area and he thanked Officers for the work which had gone into the application. He was aware that there had been a lot of negotiations and that a number of changes had been made in order to deliver significant improvement. He also thanked the developers for their co-operation in producing a scheme which was worthy of approval and indicated that he was particularly pleased with the parking provision for this phase of the development.
- 48.82 Upon being taken to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to confirmation of the acceptability of the proposed Multi-Use Games Area and pitch specifications; the receipt of written confirmation from County Highways that it had no objection to the proposal; and other conditional requirements as necessary.
- 15/00814/APP – Land to the East of Tewkesbury Road and North of Longford Lane, Longford**
- 48.83 This was a reserved matters application for part of Phase 2 for the residential development of 137 units at Longford Lane with associated landscape and infrastructure (outline planning permission ref: 11/00385/FUL).
- 48.84 The Development Manager advised that Planning Officers and the Urban Design Officers had undertaken significant work in order to get to a stage where they were happy with the scheme. There had been concerns amongst the community regarding the design of the blocks of flats at Plots 90-98. The applicant had been happy to negotiate that element of the scheme and had removed that part of the reserved matters from the application. As such, the plot containing the offending flats had been removed and Officers were satisfied that there would be no knock on design implications for the remainder of the site; that part of the scheme could be

redesigned to fit in with the remaining 107 dwellings. The Officer recommendation had therefore been changed to recommend that authority be delegated to the Development Manager to approve the application subject to a Section 106 Agreement. It was noted that there would now be less affordable houses in this phase, however, the applicant would seek to make up the balance of affordable houses and tenure splits in the later phases of the development and the Housing Enabling Officer was satisfied with the amendment. Confirmation was still awaited from County Highways regarding a number of technical issues; it was understood that the information had been sent to County Highways very recently and early indications were that those issues could be easily resolved. On that basis, it was now recommended that authority be delegated to the Development Manager to approve the application, subject to a Section 106 Agreement and confirmation from County Highways that the scheme was acceptable together with any additional conditions as a result.

- 48.85 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be deferred on the basis that the Committee had not had adequate time to assess the amendments which had been made to the application. Upon being taken to the vote, it was

RESOLVED That the application be **DEFERRED** in order to allow Members adequate time to assess the amended application.

PL.49 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

- 49.1 The following decision of Gloucestershire County Council was **NOTED**:

Site/Development	Decision
<p>15/00985/LA3 Woodmancote Primary School Station Road Bishop's Cleeve</p> <p>The development of a new block for additional classrooms and toilet facilities. An extension to the existing staff room and offices to provide larger space for current staff numbers. Reorganisation of the existing car parking scheme, with additional parking spaces for staff, along with a revised pedestrian access.</p>	<p>Application PERMITTED subject to conditions relating to the commencement of development; commencement notification; scope of the development; trees – pre-commencement; soft landscaping – pre-commencement; lighting – pre-commencement; reptiles; tree works; hours of working and materials for the following summary of reasons:</p> <p>‘The proposal would not be detrimental to the aesthetics of the locality and would provide extra school places on a permanent basis. No statutory consultees have objected to the proposal and the authority is of the opinion that the development will not adversely affect the amenity of neighbouring users, the visual character of the area or the long term biodiversity of the site when balanced against the requirements of Paragraph 72 of the National Planning Policy Framework in “ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”. Subject to conditions, it is considered that the proposal has been sufficiently mitigated to ensure that the development will not have an unacceptable adverse effect upon the amenity of neighbouring</p>

residents and the general locality by reason of its design, appearance, scale and siting'.

PL.50 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

50.1 Attention was drawn to the current appeals and appeal decision update, circulated at Pages No. 18-22. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

50.2 It was

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

PL.51 ADVANCED SITE VISITS BRIEFING

51.1 Attention was drawn to the Advanced Site Visits briefing, circulated at Pages No.23-24, 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 in the briefing.

51.2 It was

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

The meeting closed at 1:05 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 24th November 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	
409	2	<p>15/00841/FUL</p> <p>Land rear of Church Row, Church Row, Gretton, Cheltenham</p> <p>Archaeology</p> <p>The applicant has now submitted the results of further archaeological investigation surveys and as a result the County Archaeologist no longer raises any objection to the proposals subject to the imposition of a planning condition requiring the development to be carried out in accordance with a programme of archaeological work to be approved in writing before work starts.</p> <p>Reason for refusal 5 is therefore no longer considered necessary and is removed from the recommendation.</p> <p>Highway Safety</p> <p>Further to Paragraph 10.2 of the Officer Report, a consultation response has now been received from the County Highways Officer who is satisfied that the application demonstrates that the internal layout can accommodate parking and turning. As such there is no objection to the proposed development on highway safety grounds.</p> <p>Contributions to Education Provision</p> <p>Further to Paragraph 15.2 of the Officer Report, Gloucestershire County Council has confirmed that the development would generate the need for 2.85 secondary School places at a cost of £53,717. No primary provision is required as there is existing capacity in local schools. This therefore confirms the need for reason for refusal 8.</p>
423	3	<p>15/00801/FUL</p> <p>Land off Cursey Lane, Elmstone Hardwicke, Cheltenham, GL51 9TF</p> <p>Consultations & Representations</p> <p>3 letters of support have been received stating that the proposals are the most sensible way to go in order to supply electricity and the proposals would benefit wildlife, uses only grade 3 land, and is well surrounded by trees and hedges.</p>

435	4	<p>15/01088/FUL</p> <p>Daffodil Cottage, Deerhurst, Gloucester, GL19 4BX</p> <p>Analysis</p> <p>The applicant has responded to the concerns of the Parish Council and states that, should it be considered appropriate by the Committee, the applicants are happy to use part of their paddock area as an overflow car park for contractors vehicles whilst the proposed is under construction. We trust this practical solution overcomes the expressed concern.</p>
465	7	<p>15/01104/FUL</p> <p>2 Southam Fields Farm, Meadoway, Bishops Cleeve, Cheltenham, GL52 8ND</p> <p>The applicants have provided a written response making the following points (summarised):</p> <ul style="list-style-type: none"> • The site is not open countryside and would be located in a large garden. • This in reality is not Green Belt as the development is within a domestic curtilage. • The openness of the Green Belt would not be affected. • The proposal would replace a set of rundown unattractive buildings. • The proposal is in keeping with the surrounding buildings • The external materials of construction would be sympathetic and appropriate. • The resulting dwelling incorporated an acceptable level of amenity space and a confrontable living environment. • Adequate off-street parking is available. • The proposal is suited for a retired person with little upkeep of outside space required. • There are no objections from neighbours on the application and the Parish Council and other consultees support the development. • The proposal would provide affordable housing for an elderly relative.
478	10	<p>15/00409/FUL</p> <p>Over Farm, Over Bridge, Over, GL2 8DB</p> <p>Consultations & Representations</p> <p>Highnam Parish Council would like to reiterate its previous objection to the updated version of this application, and supports the objections of other submissions against this application.</p> <p>A further letter of objection has been received from a local resident making the following comments:</p> <ul style="list-style-type: none"> • Highnam village has the Holy Innocents Church, a Grade I Listed Building, one of the most significant Victorian churches in the country, the church is absolutely stunning and any elevated view of this beautiful local treasure should be preserved for our future generations.

		<ul style="list-style-type: none"> • The main viewing point to see the Holy Innocents Church is along the cycle path that runs adjacent to the proposed site for solar panels and/or a housing development. So let's be sensible and protect something that's irreplaceable', our view of our county's most prestigious church. • The Church of the Holy Innocents, Highnam was constructed between 1849 and 1851 at the request of Thomas Gambier Parry in memory of his first wife and those who died at an early age. • The church was built in a Gothic style and designed by Henry Woodyer. Gambier-Parry adorned the whole of the chancel, including the roof, and much of the nave with frescoes using a new "spirit fresco" method he adapted from his study of Italian fresco painters. • Referencing England, the church has been described by John Betejman as the most complete Victorian Church in this country. • In Simon Jenkin's book England's Thousand Best Churches, (Holy Innocents was rated no. 4.) • A major restoration of the church and frescoes was brought to completion in 1994. the grade 1 listed church forms an ensemble with the listed Church Lodge, Rectory, Memorial Hall and Old Schoolhouse on the edge of the park of Highnam Court.
489	11	<p>15/00417/FUL</p> <p>Land adj to Millham House, Evesham Road, Bishops Cleeve, Cheltenham, GL52 8SA</p> <p>Consultations & Representations</p> <p>The Parish maintains its objections to the revised proposal and request clarification on the revised red line and comment that the proposed PV panels, due to their inclination towards the proposed dwellings, will be in shadow.</p>
528	18	<p>15/00410/FUL</p> <p>Land at Highnam Farm, Two Mile Lane, Highnam, GL2 8DN</p> <p>Consultations & Representations</p> <p>County Highway Authority</p> <p>Further to Paragraph 5.22 of the Committee Report the County Highway Authority confirms that it raises no objection to the proposal subject to the following conditions:</p> <ol style="list-style-type: none"> 1. No works shall commence on site on the development hereby permitted until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 47m north and 51m south (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained for the duration of the development so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level. <p>Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraph 32 and 35 of the National Planning Policy Framework.</p>

		<p>2. No works shall commence on site on the development hereby permitted until the existing roadside boundaries have been set back to provide the visibility splays illustrated on drawing 'Figure 3.2 - Access on to Two Mile Lane with visibility splay'. The area between those splays and the carriageway shall be reduced in level and thereafter maintained for the duration of the development so as to provide clear visibility between 1.05m and 2.0m at the X point (2.4m back along the centre of Two Mile Lane from the A40) and between 0.26m and 2.0m at the Y points above the adjacent carriageway level (160m along the nearer carriageway edge of the A40).</p> <p>Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraph 32 and 35 of the National Planning Policy Framework.</p> <p>3. No works shall commence on site on the development hereby permitted until the passing place and forward visibility splays illustrated on drawings 'ATR01 – Preliminary pass-by lane showing 16.5m articulated vehicles', '1 – Forward visibility Northbound' and '2 - Forward visibility Southbound' have been provided and maintained for the duration of the development. The area of the forward visibility splays shall be reduced in level and thereafter maintained for the duration of the development so as to provide clear visibility between 0.26m and 2.0m.</p> <p>Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the paragraph 32 and 35 of the National Planning Policy Framework.</p> <p>4. No works shall commence on site (other than those required by this condition) on the development hereby permitted until details of the site access road have been submitted and approved in writing by the Local Planning Authority and carried out in accordance with approved details with the first 20m of the proposed access road, including the junction with the existing public road and associated verge over-run areas indicated on drawings 'ATR02 - Swept path analysis 16.5m Articulated vehicle' and 'ATR03 – Swept path analysis 16.5m Articulated vehicle' have been completed to at least binder course level.</p> <p>Reason: - To minimise hazards for users of the development and the public by ensuring that there is a safe, suitable and secure means of access for all people in accordance with the paragraph 32 and 35 of the National Planning Policy Framework.</p> <p>5. No construction works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:</p> <ol style="list-style-type: none"> i) confirm the type and number of vehicles; ii) provide for the parking of vehicles of site operatives and visitors; iii) provide turning space for construction/delivery vehicles; iv) provide for the loading and unloading of plant and materials; v) provide for the storage of plant and materials used in constructing the development;
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		<p>vi) provide for wheel washing facilities;</p> <p>vii) specify the intended hours of construction operations including avoiding peak hours;</p> <p>viii) measures to control the emission of dust and dirt during construction;</p> <p>ix) provide off-site holding area for construction/delivery vehicles;</p> <p>x) measures of communication between construction/delivery vehicles, off-site holding area and site.</p> <p>Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 32 and 35 of the National Planning Policy Framework.</p> <p>Having regard to the above, if Members are minded to grant planning permission then it is recommended that the above conditions be imposed in addition to those outline in the Committee Report.</p> <p>3 further letters of representation received raising the following concerns(summarised):</p> <ul style="list-style-type: none"> • The Sequential Analysis should not be considered as admissible evidence in consideration of the application. • The amended scheme is a major redesign and should not have been treated as an amendment to the original application • Planning Committee hearing has rather hastily been set for Tuesday the 24th November, just 4 weeks after that latest and significant redesign of the scheme. This could be viewed as irregular and has compromised the democratic process. • The Farm and Over Farm planning applications are largely inseparable • The current and future viability of power generation from solar farms is a concern • The financial interests of the developer should have no bearing on the planning process. • The proposed development would be detrimental to listed buildings. • The red line should be amended to reflect to now reduced scheme. • The proposal as amended would be on the most elevated part of the site elevated land and the more appropriate area of land to the East • The proposal would be detrimental to highway safety. • The area to be covered by solar panels is considerably more compact, and this, together with the proposed planting of hedges around the panels, will reduce the visual impact of the proposed development. • Remain concerned about the traffic situation during the construction phase and I hope that, if consent is given, conditions will be imposed to mitigate this. • The flooding problem in Two Mile Lane should not be exacerbated by the development. I hope that this too will be dealt with in the next stage of consideration.
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536	19	<p>15/00898/OUT</p> <p>Part Parcel 2691, Tewkesbury Road, Twigworth, Gloucester</p> <p>Analysis</p> <p>A request for community contributions to meet the community needs arising from the proposed development has been received from the S106 Officer at Gloucestershire County Council, who advises that the proposed scheme for 10 new dwellings on this site justifies a contribution to both primary and secondary education. Norton Primary and Churchdown Secondary are both forecast to be over capacity, and details of these forecast figures are provided with the S 106 Officer's response. The community infrastructure requirement towards Norton Primary would be £30,898 and the community infrastructure requirement towards Churchdown Secondary would be £28,272. The S 106 Officer advises that no contributions would be required towards pre-schools or libraries.</p> <p>A request for community contributions to meet the community needs arising from the proposed development has also been received from Tewkesbury Borough Council's Community and Economic Development Manager, who advises that the proposed scheme on this site justifies an off-site contribution to Public Open Space (POS). The community infrastructure requirement towards off site POS would be £776 per household.</p> <p>Recommendations</p> <p>It is therefore recommended that permission is delegated to the Development Manager subject to conclusion of a S106 legal agreement to secure 40% affordable housing on the site; any community contributions, to include.£30,898 to Norton Primary, £28,272 to Churchdown Secondary and £776 per household to off-site POS; and any alterations necessary to conditions".</p>
558	21	<p>15/00814/APP</p> <p>Land to east of Tewkesbury Road & north of Longford Lane, Longford, Gloucester</p> <p>Amended proposal</p> <p>An amended plan has been received (P-02 Rev F) removing the plots of concern and related plots from this Reserved Matters submission. The amended total of proposed dwellings is now 107 dwellings. Based on this the proposals for the remainder of the phase is considered acceptable and this alternative Reserved Matters can be progressed with a recommendation for approval. The plans and S106 will need to be amended to reflect this amendment. The amended plan will be displayed at Committee</p> <p>The proposed amendment results in the removal of 6 affordable rent (Plots 87-89 and 99-101) and 5 shared ownership houses (Plots 108-112) from the affordable housing offer in the first Phase leaving 26 (24.2%). The proposed mechanism, outlined in the main report, to make up difference in future phases is unaltered.</p> <p>Recommendation</p> <p>In light of the above change, it is therefore recommended that Approval is delegated to the Development Manager subject to resolution of the necessary variation of the S106 agreement.</p>

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	22 December 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: To inform Members of current Planning and Enforcement Appeals and of recent Communities and Local Government (CLG) Appeal Decisions.</p>
<p>Recommendation: To CONSIDER the report</p>
<p>Reasons for Recommendation: To inform Members of appeals that have been submitted and of recent appeal decisions.</p>

<p>Resource Implications: None</p>
<p>Legal Implications: None</p>
<p>Risk Management Implications: None</p>
<p>Performance Management Follow-up: None</p>
<p>Environmental Implications: 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	15/00016/FUL
Location	Coombs Farm, Goodiers Lane, Twyning
Appellant	Mr and Mrs Tony Bayliss
Development	Erection of new dwelling
Officer recommendation	
Decision Type	
DCLG Decision	Allowed
Reason (if allowed)	<p>This was a non-determination appeal. The Council considered that the proposed development was acceptable and would have granted permission if the appeal had not been made.</p> <p>The Inspector agreed with the Council that, despite the fact that the site lay outside the residential development boundary, given its location and the fact that Policy HOU4 was out of date as the Council could not demonstrate an up to date five year supply of deliverable housing land, the proposal was acceptable in principle. Further, he accepted that there would be no undue landscape harm and would be acceptable in terms of highway safety and residential amenity.</p>
Date	02.12.15

Application No	15/00093/FUL
Location	Ashley Villa, Badgeworth, Glos
Appellant	Rob and Shaun McKelvey
Development	Construction of two new residential single storey houses
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	
Date	02.12.15

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
15/00738/FUL	7 Read Way Bishops Cleeve Cheltenham Gloucestershire GL52 8EL	Proposed front porch extension, first floor rear extension and single storey rear extension	09/11/2015	HH	SNB	N/A
15/00481/FUL	The Paddock Cheltenham Road Teddington	Change of use to a single family Gypsy and Traveller residential site involving the siting of an amenity building, a portacabin and up to eight caravans of which no more than four will be static caravans	18/11/2015	H	CIP	23/12/2015

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 may 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
15/00965/FUL (Planning Committee – 22 December 2015)	Land off Nup End, Ashleworth	Development of up to 35 dwellings with all matters except for "access" reserved for future consideration
15/00755/FUL (Planning Committee – 22 December 2015)	Land at Ashville Business Park, Commerce Road, Churchdown	Extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover
15/00982/FUL (Planning Committee – 22 December 2015)	Hayden Hill Fruit Farm, Old Gloucester Road, Boddington	Erection of ground mounted solar panels with an electrical output of approximately 5MW along with associated infrastructure, landscaping and ancillary structures
15/01142/FUL (Planning Committee – 22 December 2015)	6 St Margarets Road, Alderton	Erection of 1 no. dwelling in rear garden area of existing dwelling, to include an integral garage, and provision of new vehicular access, parking and turning area
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.
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.

Reference No.	Site	Description of Development
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.
15/01293/OUT	Land On East Side Of Mythe Road, Tewkesbury	Residential development of up to 250 dwellings, public open space, vehicular and pedestrian access, and associated infrastructure. Detailed approval is sought for access arrangements from Mythe Road, with all other matters to be reserved