

11 January 2016

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| Committee | Planning |
| Date | Tuesday, 19 January 2016 |
| 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 - 29 |
| <p>To approve the Minutes of the meeting held on 22 December 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 | 30 - 33 |
| <p>To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.</p> | |
| 7. ADVANCED SITE VISITS BRIEFING | 34 - 35 |
| <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, 16 FEBRUARY 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, 22 December 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, G J Bocking, A J Evans and Mrs S E Hillier-Richardson

PL.52 ANNOUNCEMENTS

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

PL.53 DECLARATIONS OF INTEREST

- 53.1 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.
- 53.2 The following declarations were made:

| Councillor | Application No./Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
|-------------------|--|---|--|
| P W Awford | 15/00965/OUT Land Off Nup End, Ashleworth. | Is a Borough Councillor for the area. | Would speak but would not vote as he is not a Member of the Planning Committee. |

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| A J Evans | 15/00755/FUL Land at Ashville Business Park, Commerce Road, Churchdown. | Is a Borough Councillor for the area. | Would speak but would not vote as he is not a Member of the Planning Committee. |
| Mrs J Greening | 15/01098/FUL Brooklands, Abbots Road, Tewkesbury. | Is a Borough Councillor for the area and had visited the application site. | Would speak and vote. |
| Mrs A Hollaway | 15/01081/FUL Land on the West Side, New Road, Southam. | Is a Borough Councillor for the area. Is a Member of Southam Parish Council but does not participate in planning matters. | Would speak and vote. |
| Mrs P E Stokes | 15/00755/FUL Land at Ashville Business Park, Commerce Road, Churchdown. | Is a Member of Churchdown Parish Council but does not participate in planning matters. | Would speak and vote. |
| R J E Vines | 15/00982/FUL Hayden Hill Fruit Farm, Old Gloucester Road, Boddington. 15/01068/APP Land Parcel 21A Gloucester Business Park, Brockworth 15/00816/APP Parcel 5B, Gloucester Business Park, Brockworth. | Is a Gloucestershire County Councillor for the area. | Would speak and vote. |

53.3 There were no further declarations made on this occasion.

PL.54 MINUTES

54.1 The Minutes of the meeting held on 24 November 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

PL.55 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 55.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by them prior to decisions being made on those applications.

14/01201/FUL – Todpool Cottage, The Leigh

- 55.2 This application was for the demolition of three pre-fabricated concrete garages/lean-to and construction of a two storey detached dwelling house.
- 55.3 The Chairman invited John Arkle, a representative from Leigh Parish Council, to address the Committee. He advised that Leigh Parish Council represented Coombe Hill and The Leigh which joined along the A38 and was counted as one community. They shared the same local services including a pub, church, farm shop, convenience store and garage. They were ideally situated alongside the A38 with bus services to Cheltenham, Gloucester and Tewkesbury, and therefore convenient for major stores, employment and rail stations. Faster broadband had been provided in early 2015 allowing residents to take advantage of the shift towards online working. The children were collected by bus for the local school, unlike urban communities where most parents now seemed to take their children by car. They were able to walk safely down the village roads where there was no through traffic. The Parish Council had therefore been amazed that the site was referenced by Tewkesbury Borough Council as an 'isolated countryside location'. The latest report seemed to have no knowledge of country living, or any understanding of the Parish, and had not listened to the Parish Council's comments. The Parish Council supported this application, and another being progressed, as it wanted to ensure that the next generation was able to live in the village whilst allowing existing residents to remain. The Leigh village started just half a mile from the shop and pub and was the larger of the two settlements within the Parish with 80 houses, compared to 49 at Coombe Hill which had been designated as a Service Village in the Joint Core Strategy. He indicated that Paragraph 55 of the National Planning Policy Framework stated that, where there were groups of smaller settlements, development in one village may support services in a nearby village. As a Parish, discussions were ongoing with Gloucestershire Rural Community Council in relation to the options regarding affordable homes in The Leigh and, following a request from Tewkesbury Borough Council and Gloucestershire Rural Community Council, a Committee had been established to develop a Neighbourhood Plan which Tewkesbury Borough Council agreed should include the entire Parish. However, based on the latest report on this application, with its misconceptions and mistaken conclusions, it was felt that the Parish Council could be wasting its time. The Parish Council appreciated any development on an infill basis and, whilst it did not wish to see large scale, profit-led development, it welcomed sustainable growth which benefited residents rather than the developers. That approach would maintain the village atmosphere and easily absorb new residents into the existing community and, therefore, it was hoped that the Committee would support the application.

- 55.4 The Chairman invited the applicant, Colin Withers, to address the Committee. Mr Withers indicated that he was disappointed with how the application had been handled in both time and consistency. It had been submitted over a year ago and had received the support of the Parish Council with no objections from any of the consulted departments including the Environment Agency, County Highways etc. The original Case Officer, an impartial expert with over 30 years experience as a principal planning officer and consultant, had recommended the application for permission only to be told by the Development Manager that her conclusion was wrong and she should redraft her report. The report before Members today had clearly been delivered under instruction to refuse. The first reason for refusal was that it was an 'isolated countryside location'. Members had already heard how Leigh Parish Council refuted that description and the report highlighted how the site was located between just two houses; it was actually surrounded by 20 other houses in the heart of the village – hardly isolated. The second reason attacked the design and relationship to the footpath. He indicated that the footpath was used by less than 20 people per year, had houses at either end and passed through four rear gardens. The Planning Officer stated that the entire depth of the side adjacent to the footpath was without windows, however, the plans clearly showed that there were five windows, all either obscure or high up in order to provide privacy for himself and his neighbours. Design was a matter of personal viewpoint and there was no particular characteristic design in The Leigh. The proposal reflected many features of brick and timber accepted by the Officer as representing traditional design. The design was not in 'stark contrast' to Todpool as its mass was less and it used a similar tiled roof and dormer windows with a shallow roof line. It satisfied sustainability criteria in being highly insulated with solar panels, ground source heating, water recirculation and other eco friendly features. He was sure that, had he chosen a flat roof, concrete and glass structure, the planners would have been supportive but the local residents would have been appalled. The report failed to mention that the proposal was over one metre lower than the properties which were opposite and adjacent. Despite critical comments, the report concluded that 'the proposal would not result in an undue impact on the living conditions of neighbouring properties'. In another application due to be considered later on the Schedule, the Officer stated that the Joint Core Strategy could only be given limited weight at this stage and he felt that was equally applicable to this application. National guidelines stated that there should be a presumption in favour of sustainable development unless it could be shown that any harm would outweigh the benefits. This house was sustainable, as was the village, and the lack of opposition, and the Officer's report itself, highlighted that the proposal would do no harm. He hoped the Committee would support the initial expert's report on the application and grant permission.
- 55.5 The Development Manager indicated that he had apologised to the applicant for the delay in determining the application which he agreed was not acceptable. He went on to say that there were occasions when he, as Manager, disagreed with recommendations from Case Officers. Whilst the Case Officer in this instance was experienced, she had little experience in rural areas. In terms of the Parish Council's comments, it was recognised that areas such as The Leigh needed growth and Officers would support that, if it was the will of the community, but it must be achieved through the plan-led process and not via individual planning applications.
- 55.6 The Chairman advised that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member indicated that, whilst he understood the professional advice from the Development Officer, he felt that planning was subjective and he proposed that the application be deferred for a Committee Site Visit in order to assess the impact of the proposed development on the surrounding area. This motion was seconded and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Committee Site Visit to assess the impact of the proposed development on the surrounding area.

15/01142/FUL – 6 St Margaret’s Road, Alderton

- 55.7 This application was for the erection of a dwelling in the rear garden area of the existing dwelling at 6 St Margaret’s Road, Alderton, to include an integral garage, and provision of new vehicular access, parking and turning area. The Committee had visited the application site on Friday 18 December 2015.
- 55.8 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 its scale, form, massing and proximity to adjacent dwelling would not have a detrimental impact. The proposer of the motion indicated that there were occasions when Members had to look at applications from a more humane perspective and they had all received an email from the applicant’s agent explaining the circumstances of the applicant and the need for the dwelling. He understood that the applicant did not have any family and had built up a network of friends in the area who would be very supportive in the future. He strongly believed that those factors overcame the reasons to refuse the application. He was particularly concerned about the recommended refusal reason based on the size of the proposed residential garden area as there were other examples of properties with much smaller gardens in the area. The seconder of the motion understood that one of the concerns was that there was inadequate space for the dwelling, however, he drew attention to the site location plan, set out at Page No. 571/A of the Officer report, which showed that there were a lot of small bungalows alongside the space where the proposed dwelling would be and those plots were manifestly smaller. In his opinion, the space was perfectly adequate and that had been evident from the Committee Site Visit. Furthermore, the application site was within the Residential Development Boundary and there was no objection from the Parish Council. He felt that there was ample reason to support the proposal and he was happy to second the motion.
- 55.9 During the debate which ensued, conflicting views were expressed regarding the sizes of the gardens of surrounding properties and whether the proposal included adequate outdoor space. A Member agreed with the motion to permit the application and, whilst the proposed garden may be small, many new build properties also had very small gardens and she felt that it would certainly be adequate, both for the applicant’s needs and for future sale. In response to a Member query regarding the reasons for refusal, the Planning Officer clarified that there were two recommended refusal reasons relating to the development’s cramped appearance, which would erode the spacious character of the area, and the proposed residential garden area being insufficient for future occupiers of the development. The Development Manager advised that, should Members be minded to permit the application, he would recommend that conditions be included on the permission in respect of parking, access, materials, obscure glazing of the first floor windows on the side and rear elevations and the removal of permitted development rights for extensions and outbuildings. The proposer and seconder of the motion indicated that they would be happy to include those conditions and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** subject to conditions relating to parking, access, materials, obscure glazing of the first floor windows on the side and rear elevations and the removal of permitted development rights for extensions and outbuildings.

15/01098/FUL – Brooklands, Abbots Road, Tewkesbury

- 55.10 This application was for a proposed timber garage and conservatory.
- 55.11 The Chairman indicated that there were on 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 taken to the vote, it was

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

15/00965/OUT – Land Off Nup End, Ashlworth

- 55.12 This application was for a development of up to 35 dwellings on land off Nup End, Ashlworth with all matters, except for access, reserved for future consideration. The Committee had visited the application site on Friday 18 December 2015.
- 55.13 The Chairman invited the applicant's agent, Guy Wakefield, to address the Committee. He explained that the Officers and the applicant had worked together to get to a position where the application could be recommended for permission. The applicant had approached the local community in order to attempt to resolve any concerns and the initial Parish Council meeting had demonstrated that residents recognised the need for some growth in the village as well as affordable housing and community facilities. The proposal would include 40% affordable housing and £230,000 worth of investment into local facilities as set out in the Section 106 Agreement. In terms of the concern expressed in relation to the cars passing along Nup End Road, passing places had now been provided and were supported by the Highways Agency. He appreciated the concerns regarding flooding and drainage given the increase of impenetrable surface area but advised that the proposed attenuation features would limit surface run off rate to the existing greenfield rate, including a 30% allowance for climate change, and therefore would actually result in a betterment. In addition, the Council's Urban Design Officer considered that the site was within the context of recent residential development and was a logical area for the village to grow into. Whilst the proposal would have an impact on the landscape, this would be contained within the immediate area and the proposed landscaping and planting would reduce harm over time. In summary, the site was suitable for development, the Section 106 Agreement would help to improve existing facilities and the development would provide much needed affordable housing; he urged the Committee to support the application on that basis.
- 55.14 The Chairman invited Councillor P W Awford, a local Ward Councillor for the area, to address the Committee. Councillor Awford advised that the application had been met with considerable opposition locally, particularly in relation to the highway impact in terms of the narrowness of the road, and he did not feel that the provision of passing places would significantly address the problems which would be caused. The existing sewage system was already at capacity and he did not feel that the proposed attenuation measures for surface water run-off were viable. The development would change the approach to the village and would have an adverse impact on the rural setting. Ashlworth had been removed from the JCS as a Service Village for good reason, not least its remote location. The site was outside of the Residential Development Boundary and the development would increase the size of the village by 15%, which he felt was unacceptable given that it was not based on local need. Whilst he recognised that there was a need for affordable housing, this should be in the right location and not based on opportunistic development. In his view the development was in the wrong place and the Committee should refuse the application in order to retain the character of the rural village.

- 55.15 The Chairman indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to the signing of a Section 106 Agreement, and he invited a motion from the floor. It was proposed and seconded that the application be refused on the basis that Ashleworth was an isolated village which had been removed as a Service Village from the Joint Core Strategy; the site was outside of the Residential Development Boundary and the proposal would cause problems regarding flooding in the area. The seconder of the motion indicated that, when the Committee had visited the site, there had been surface water all across the road and she had been amazed at the amount of cars travelling along it. Another Member advised that some of the drains had appeared to be blocked and it had been quite clear to him that there had been no maintenance by County Highways or Severn Trent Water for quite some time. There was a drastic amount of work required to make the situation agreeable and he was not prepared to support the application.
- 55.16 The Development Manager clarified that the Residential Development Boundary related to the Tewkesbury Borough Local Plan which was out of date given the Council's inability to demonstrate a five year housing land supply, as such, it would be very difficult to use this as a reason to refuse the application. The issue was more about accessibility which was something on which Members would have to make a judgement. The Planning Officer explained that the Lead Local Flood Authority was the responsible authority for flooding matters and it had raised no objection to the application. It was to be borne in mind that this was an outline application and, if permitted, Officers would be able to investigate the drainage proposals in more detail in the subsequent reserved matters application. The existing surface water flooding problem on Nup End was caused by existing drainage ditch outfalls to the north west of the site which generated shallow overland flows across the site during times of heavy rainfall that drained into a ditch running along the eastern boundary of the site before entering the highway drain. The applicant proposed to address that problem by providing a new land drain to intercept the existing surface water flows and convey them safely through the site. The land drain would flow under the proposed access road and outfall into an attenuation feature which would then outfall into the existing ditch running along the eastern boundary of the site at a controlled rate, mimicking the existing run-off regime. This would then flow into either the highway drain or surface water sewer network in Sawyers Rise. Run-off from the proposed development would be piped into the attenuation feature and drainage system. He reiterated that, as a result of the proposed attenuation and flow control measures within the outline drainage strategy, the surface water run-off would be limited to existing green field rate up to the 1 in 100 year return period with a 30% allowance for climate change which would provide significant betterment to the existing situation. On the advice of the Lead Local Flood Authority, the proposals were considered to be acceptable and would cause no increase to flooding in the area.
- 55.17 The proposer of the motion indicated that she had concerns about who would be responsible for the ongoing maintenance of the Sustainable Urban Drainage System (SuDS) attenuation feature and the drainage ditch as this had proved to be an issue for the Council with other developments. Another Member indicated that he continued to be nervous about the potential flooding issue and, whilst he noted the comments of the Planning Officers, he questioned what would happen if there were problems once the development had been built and felt that some sort of assurance was needed that it would not create additional problems. In response, the Planning Officer explained that a condition had been recommended for inclusion on the planning permission to ensure that development did not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development had been approved by the Local Planning Authority, and that the scheme must subsequently be completed in accordance with the approved details before the development was

first brought into use/occupied. If Members so wished, this could be amended to secure an appropriate maintenance scheme in perpetuity, although it was noted that this would typically be secured through the Section 106 Agreement and he provided assurance that this was not something which would be overlooked. Given all the specialist advice, and the fact that there was a way to resolve any potential flooding issues through the planning process, the Development Manager indicated that an Inspector was likely to draw a line under that particular issue at the outline application stage. A Member queried whether there was a way to hold the Lead Local Flooding Authority to account and was informed that the Section 106 Agreement, and the planning condition, would be the method used to ensure that any issues were resolved in the future; ultimately that would be via prosecution. In respect of future maintenance, the proposer of the motion noted that there were various developments in Tewkesbury Borough where ongoing maintenance had not been possible and the Council had been required to expend its own money to clear attenuation features. She questioned what would happen if the developer, or a management company formed to manage the development, went out of business and was therefore unable to maintain the drainage features in perpetuity. The Development Manager indicated that safeguards could be put in place so that was not something which was anticipated but, in the very worst case scenario, the responsibility would fall to the households as riparian owners, which was the same as with any other residential development.

- 55.18 A Member noted the narrowness of the road and queried whether this would be addressed as part of the negotiations under a delegated permission, as recommended by Officers. The Development Manager advised that County Highways had indicated that it was happy with the access as proposed by the applicant so this would be very difficult to negotiate and was not something he would recommend.
- 55.19 A Member disagreed with the views expressed by his colleagues and considered that the application should be permitted. He explained that a lot of villages were dying and there was a distinct lack of affordable housing which was badly needed by young people who did not want to move out of the area but could not afford to live there. There was a need to breathe new life into villages through applications such as this and, given that no objections had been received from the statutory consultees, he failed to see how the Council would be successful at appeal if the application was refused; he reminded Members that there would be a risk that the contributions offered under the Section 106 Agreement would be lost in that scenario. Another Member supported this view and felt that the principal objection was in relation to flooding and that had been dealt with clearly in the Officer report and reiterated by Officers at the meeting. He felt that the other major question around landscaping had also been addressed and that the application should be permitted.
- 55.20 The Chairman indicated that the Development Manager had given advice in relation to several of the concerns which had been cited as refusal reasons in the motion and he queried whether the proposer and seconder of the motion would like to amend their motion on that basis. From what he had heard, it appeared that to the Chairman that the key concerns related to accessibility/sustainability, and harm to the landscape. The proposer and seconder of the motion confirmed that the motion to refuse the application was now on the basis of sustainability/accessibility and landscape harm. The Development Manager advised that, if Members were minded to refuse the application, the refusal reasons should also make reference to the provision of affordable housing, playing pitches and library provision which would have been secured via the Section 106 Agreement had the application be delegated for permission. Upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** as the site was in an unsustainable location which was not served by adequate public transport facilities and had poor accessibility to employment opportunities; the development would represent a significant encroachment into the open countryside and would have a harmful impact on the character and appearance of the landscape which would significantly and demonstrably outweigh the benefits of the proposed development; and, the application did not make adequate provision for housing that would be available on the existing market, or for on-site or off-site playing pitches with facilities to meet the needs of the community, or for the delivery of library provision.

15/00755/FUL – Land at Ashville Business Park, Commerce Road, Churchdown

- 55.21 This application was for an extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover. The Committee had visited the application site on Friday 18 December 2015.
- 55.22 The Development Manager clarified that planning permission for an outline application for the extension of Ashville Business Park had been refused on Green Belt, landscape and employment policy grounds in January 2014. In terms of archaeology, the County Archaeologist had expressed the view that the results of an archaeological field evaluation should be provided prior to the determination of the application, however, the previous application was not refused on those grounds and the appeal Inspector had not referenced this in her decision letter. On that basis, it was considered that the archaeological issues could be addressed via an appropriately worded planning condition. In terms of flood risk, comments had now been provided by the Council's Flood Risk Management Engineer who was unconvinced by the drainage proposal which was based on a pipe and tank solution, however, given the extent of the site and the rest of the intercepting sustainable drainage features to deal with drainage, he was happy that appropriate details could be secured by condition. The recommended refusal reasons in the Officer report were based on Green Belt and landscape grounds. It was noted that the applicant did not agree with the landscape objection and had drawn attention to the recent appeal at Cornerways, Twyning where the Inspector had stated that Policy LND4 of the Local Plan, which set out that regard should be had to protecting the character and appearance of the rural landscape when considering development in rural areas, was out of date and should not warrant a refusal. Whilst the Twyning appeal Inspector's comments were noted, the policy remained part of the development plan and should be afforded weight alongside the National Planning Policy Framework which set out that the planning system should contribute to, and enhance, the local environment by protecting and enhancing valued landscapes. The National Planning Policy Framework demonstrated the importance the Government placed on the Green Belt, the fundamental aim of which was to maintain the open character of the countryside and prevent urban sprawl. It required Local Planning Authorities to ensure that substantial weight was given to any harm to the Green Belt and very special circumstances would not exist unless the potential harm, either by inappropriateness or other harm, was clearly outweighed by other considerations. Whilst there were exceptions, commercial properties were not one of them. The Development Manager had sympathy with the needs of the two businesses, which both made a significant contribution to the economy of the Borough, and that was something which the Council tried to support where possible, nevertheless, there was no way to satisfactorily ensure that the two businesses quoted in the application would occupy the proposed building. Government and Planning Practice Guidance

specifically warned against planning conditions restricting occupancy to particular companies. If such a condition was attached to the planning permission and the circumstances were to change, for instance, if the companies relocated elsewhere, the building would need to be demolished. In summary, the development would cause harm to the Green Belt by loss of openness and would be inappropriate by definition. In terms of the economic benefits, the previous appeal Inspector had actively stated that they would not be sufficient to override the harm caused to the Green Belt. There was no satisfactory way to control the occupancy of the building and the applicant was not one of the companies looking to occupy the building so it was very much a speculative proposal which could lead to similar applications being submitted. There may be situations where new business development in the Green Belt would be acceptable but his very firm advice would be that this should be done through the plan-led process and not through individual applications. In addition, it was noted that Officers were disappointed by the design of the proposal, given that it was such a sensitive site, however, it was not so bad to warrant refusal on that basis. The applicant's agent had shown a willingness to look at alternative designs but that had not happened to date.

55.23 The Chairman invited Councillor Julie Evans, representing Churchdown Parish Council, to address the Committee. Councillor Evans indicated that she wanted the Committee to be aware of the mixed feelings over the application and, although the Parish Council had written to object to the application. Councillor Evans was reminded that the Parish/Town Council speaking slot was purely to express the formal views of the Parish Council and not those of individual Parish Councillors. In the circumstances, no further comments were heard by the Committee.

55.24 The Chairman invited Mark Drain, speaking in support of the application, to address the Committee. Mr Drain indicated that he was the co-founder and Financial Director of Spectrum Medical, one of the companies which planned to occupy the site. He lived and worked in the area and wished to expand his business there. Spectrum Medical made specialist heart and lung monitoring equipment for hospitals around the world; it was so specialist that it was the only manufacturer in the country, and one of the only three in the world, supplying not only the NHS but exporting over 90% of the product. The business was currently based on the Staverton Industrial Park adjacent to the airport but it was such small premises that it was now bursting at the seams. The company employed highly skilled engineers to design and manufacture its products and he was desperate to employ more people but could not do so due to the lack of space. The product which had been developed was new and revolutionary but it was constrained from expanding due to current facilities. At present there were 25 employees and another 30 skilled personnel were urgently needed. This was the current requirement with up to 100 new jobs over the next five years, increasing the business to £100M turnover. The Government had an agenda for encouraging employment growth and he was ready to deliver extra jobs. He stressed that they would be skilled jobs, as opposed to low paid and unskilled jobs, and the new facility would allow him to restart the apprenticeship scheme. He reiterated that he was a local man who had a great business and wanted to continue supporting the local area by creating more jobs for local people. 15% of the suppliers were local firms so those businesses would also be at risk if the business could not expand. He had been searching for a new premises locally for the last three years and this was his last chance. The business already had a division in the United States where the local authorities had indicated that permission would be granted to build the factory; if this proposal was not approved he would have no alternative but to leave Tewkesbury Borough and relocate the whole business to America. He could not believe that Planning Officers had recommended the application for refusal, forcing the business to relocate with the loss of so many jobs. He was fully aware that the land was within Green Belt which, as a local resident, he had a desire to maintain. However, the site was adjacent to the existing industrial units and at the

end of one of the airport runways, so he believed that the need for economic growth and employment opportunities the proposals would bring far outweighed Green Belt issues. He was not a politician, he was a businessman employing local people, desperate to provide more local jobs for local people, and he wanted his business to stay local.

- 55.25 The Chairman invited Councillor A J Evans, a Ward Councillor for the area, to address the Committee. Councillor Evans indicated that he was supportive of the development, although it was not a decision he had come to lightly given the impact on the Green Belt. Whilst he understood the need to retain the Green Belt, it should be balanced against competing objectives one of which was to maintain a strong, competitive economy. It was only with a strong, healthy economy that a strong and prosperous community could be maintained. Spectrum Medical and Stratstone Land Rover were both local companies which employed local people and that was something which must be supported as they ultimately supported the Borough. He did not feel it was a speculative application as the building had been specifically designed for the two businesses and the co-founder of Spectrum Medical would not have taken the time to address the Committee if he was not behind the development. The Development Manager had stated that there were no very special circumstances which warranted development in the Green Belt but the potential need for additional employment land had been highlighted in the Joint Core Strategy. Companies needed to expand and he felt that this would be a natural extension to the existing business park which would cause limited harm to the Green Belt.
- 55.26 The Development Manager advised that the need for employment land had been recognised through the evidence base of the Joint Core Strategy and was something which Officers would be working on both via the Joint Core Strategy and the Borough Plan. As set out in the report, it was considered that there was currently land available which would be suitable for businesses. Whilst Officers fully understood the desire to support the two businesses, he reiterated that there was no mechanism to tie the development to those companies and it was that which suggested that the application was speculative; ultimately, any company could end up occupying the premises.
- 55.27 The Chairman clarified 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 on the grounds that very special circumstances did exist which would outweigh any potential harm to the Green Belt. Another Member proposed, and it was seconded, that the application be refused in accordance with the Officer recommendation. The proposer of the motion to permit the application recognised that Planning Officers at Tewkesbury Borough Council were professionals who were knowledgeable and balanced in their advice and he fully understood the reasons why they had recommended the application for refusal. Notwithstanding this, he felt that the debate hinged on the issue of whether very special circumstances existed to outweigh the harm which would be caused to the Green Belt; he believed that they did. Members had heard extensive reasons as to why the application should be permitted, from both the co-founder of Spectrum Medical and the local Ward Councillor, and he pointed out that the economy was a priority in the Council Plan. The development would generate a number of jobs as well as an interesting apprenticeship scheme for young people. The company currently employed local people and their jobs would be at risk if the application was not permitted. Furthermore, it was quite clear from the findings of the Joint Core Strategy, and the report by Nathaniel Litchfield and Partners, that there was a serious shortage of employment land in the area. Members were frequently reminded to determine each application on its own merits; references to the previously refused application and the Inspector's appeal decision were all very well but the world had moved on since that time. Inspectors were well aware of the pressure for employment land in the area and he cited the BMW site on the edge

of Cheltenham as an example of development in the Green Belt. He felt that very special circumstances did exist in this instance, namely, the demand and need for employment land and sites within the Borough. He could not accept the suggestion that the application was speculative given that the co-founder of one of the companies that would occupy the building had taken the time to set out his business plan for the Committee. The seconder of the motion to permit the application echoed the views which had been expressed by the proposer of the motion and the public speakers. He reiterated that there was little difference between this proposal and the application which had been permitted in Cheltenham Borough. The co-founder of Spectrum Medical lived locally and the company employed a local workforce which he hoped to expand. He felt that it was a perfectly acceptable location for the development and would help to address the concerns which had been raised about the lack of employment opportunities for people moving to the area as a result of the Joint Core Strategy proposals. The Development Manager took the opportunity to remind Members that the applicant was Ashville Business Park Ltd, not Spectrum Medical or Stratstone Land Rover.

- 55.28 The seconder of the motion to refuse the application explained that he had initially been minded to support the application given its economic value but, having re-read the Officer report following the Committee Site Visit, he no longer felt able to do so. He was of the view that employment land in the Green Belt needed to be considered in the same way as housing land in the Green Belt and that must be through the plan-led process. He recognised that it would be very convenient for the two businesses to move just over the road but indicated that there was land available within Gloucester Business Park which was within 10 miles of the site.
- 55.29 A Member noted that there was no consultation response from Gloucestershire Airport, which was a surprise given the proximity of the site to the airport runway, and he questioned whether it had been given the opportunity to comment. The Development Manager advised that he did not have the specific details as to whether the airport had been consulted but he clarified that no comments had been received. He referred to the previous appeal where this had not been raised as an issue and advised that it would therefore be difficult to raise it as an issue in this case.
- 55.30 The Chairman drew attention to Page No. 596, Paragraph 7.3, of the Officer report which set out that Officers considered that the overall design of the Spectrum Medical building was disappointing, given the prominent location in the countryside. He felt that the applicant was unlikely to have made any amendments to the design on the basis that it was recommended for refusal but suggested that an improved design might be something which could be sought if Members were minded to permit the application. The Development Manager confirmed that discussions with the applicant regarding design had been good natured and there seemed to be a willingness to make alterations, however, the applicant had been very anxious that the application be determined by the Committee and the negotiations had come to a standstill as a result. The proposer of the motion to permit the application indicated that he had no personal objection to the design but, in light of the comments made by the Development Manager, he would be happy to amend his proposal to a delegated permit on that basis. The seconder of the motion to permit the application confirmed that he would welcome a delegated permission to allow Officers to enter into further discussions with the applicant. The Development Manager advised that, should Members be minded to delegate authority to permit the application, he would recommend the inclusion of conditions in respect of materials, landscaping, drainage, access and parking, levels and the submission of a construction method statement. Both the proposer and seconder of the motion for a delegated permission indicated that they would be satisfied with the suggested conditions. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to securing an improved design and conditions in relation to materials, landscaping, drainage, access and parking, levels and the submission of a construction method statement.

15/00982/FUL – Hayden Hill Fruit Farm, Old Gloucester Road, Boddington

- 55.31 This application was for the erection of ground mounted solar panels with an electrical output of approximately 5MW, along with associated infrastructure, landscaping and ancillary structures. The Committee had visited the application site on Friday 18 December 2015.
- 55.32 The Chairman invited the applicant's agent, Guy Maxfield, to address the Committee. Mr Maxfield advised that he had been unaware of additional comments made by the Parish Council, set out on the Additional Representations Sheet, attached at Appendix 1, until that morning. The Parish Council had indicated that there might be a solution to resolve its concerns in relation to the panels being sited on the upper slopes of the areas in fields 2 and 4 by re-siting them to the slopes of the hill to lower ground levels and he suggested that a delegated permission could be considered on the basis of the amendment put forward by the Parish Council. He drew attention to Page No. 608, Paragraph 6.3, of the Officer report which stated that the application was finely balanced and he considered that this amendment would tip the balance in favour of the application in terms of very special circumstances. He provided assurance that no work would take place on the site before an archaeological investigation had been carried out and he would be happy for a condition to be included in relation to the submission of a detailed landscaping scheme.
- 55.33 The Planning Officer advised that this scheme differed from the Over Farm application, which had been determined at the last Planning Committee meeting, in that the majority of panels for that scheme had been on relatively flat land where landscaping would have a buffer effect. The Parish Council had stated that the sloping land was of particular concern in this instance and discussions had subsequently taken place with the Council's Landscape Consultant. This had resulted in the submission of the late representation from the Parish Council which indicated that the re-siting of the panels from the upper slopes of the areas in fields 2 and 4 to the slopes of the hill to lower ground levels would be a solution to that issue. This was something which Members may wish to consider as a way forward. In terms of archaeology, the Planning Officer explained that the applicant had submitted information to demonstrate that an archaeological field evaluation could be controlled by way of a pre-commencement of development condition, however, the County Archaeologist strongly disagreed with that approach as it would fail to conform to Paragraph 128 of the National Planning Policy Framework which required the results of archaeological evaluations to be provided in advance of determination so as to allow an informed planning decision to be made.
- 55.34 The Chairman advised that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed that the application be deferred on the basis of the Planning Officer's comments. The Planning Officer clarified that amending the scheme on the basis of the Parish Council's suggestions may not alter the Officer recommendation to refuse the application but, if there was a significant reduction in terms of the panels on sloping land, this may address the Landscape Consultant's concerns. This must be fed into the planning balance; there was a clear drive from the Government to encourage renewable energy which could constitute very special circumstances and that may tip the balance in favour of the application but more detail would be needed before that judgement could be made.

- 55.35 A Member proposed that authority be delegated to the Development Manager to permit the application subject to negotiations to re-site some of the panels from the upper slopes of fields 2 and 4 to the slopes on lower ground levels, in accordance with the Parish Council's suggestion, on the basis that it would tip the planning balance in favour of the scheme. The Development Manager explained that he would be more comfortable with a deferral as it was possible that the Officer recommendation would still be for refusal even once the amended scheme had been considered. He stressed that this did not necessarily mean that there would be a longer delay in determining the application and it would be better for Members to make their decision on the basis of properly considered advice from the Planning Officers rather than making assumptions about what the amended scheme might look like.
- 55.36 A Member indicated that she was of the view that the application should be refused in accordance with the Officer recommendation as that would allow time for the archaeological field evaluation to be undertaken and a new application submitted.
- 55.37 The Chairman indicated that he had proposals for two separate motions but neither had been seconded. The motion to defer the application was subsequently seconded. A Member indicated that he saw little difference between a deferral and a delegated permission; he understood that the amendment would be relatively minor and, if the application was granted delegated permission and Officers did not agree with the revised scheme put forward, the application would come back before the Committee as it would had it been deferred. The Development Manager explained that, if Members felt that they were in a position to be able to make a judgement on the application without an amendment to address the panels on sloping land, which was an issue for both the Parish Council and the Landscape Consultant, the application could be determined today on that basis. Nevertheless, he reiterated that he would be more comfortable if Members were able to make a decision on the basis of the Officer views on the amended application.
- 55.38 Several Members agreed that the most appropriate way forward would be to defer the application and, upon being taken to the vote, it was

RESOLVED That the application be **DEFERRED** in order to negotiate a reduced scheme.

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

- 55.39 This application was for the demolition of stables/store building and erection of single storey dwelling with parking etc. The application had been deferred at the last Planning Committee meeting 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.
- 55.40 The Development Manager advised that amended plans had been received which appeared to address the issues raised at the last Committee meeting. The site boundary had been amended and the proposed annexe would now be within the residential curtilage of 2 Southam Fields Farm; previous internal boundary treatments had been removed. If Members were minded to permit the application on that basis, it was recommended that it should be subject to conditions relating to materials and tying the use of the annexe to the main dwelling.
- 55.41 The Chairman invited Councillor Mrs S E Hillier-Richardson, Ward Councillor for the area, to address the Committee. Councillor Hillier-Richardson reiterated that discussions had taken place between the applicant and the Planning Officers and amendments had been made on the basis of the comments made by Members at the last meeting of the Committee. The proposal was now for an annexe to the main property as opposed to a separate dwelling and she hoped that it could now be permitted.

55.42 The Chairman confirmed that 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 permitted, subject to conditions relating to materials and tying the use of the annexe to the main dwelling. The seconder of the motion queried whether the condition tying the annexe to the existing dwelling was strictly necessary given that the boundary had been amended and it was now one plot. The Legal Adviser explained that there were different ways of ensuring that it was absolutely clear to anyone purchasing the property that the annexe was part and parcel of the dwelling. One way was via a Section 106 Agreement setting out that the annexe could not be separated; however, most appeal Inspectors took the view that a condition would be sufficient. In response to a query as to whether the applicant was happy with the condition, the Development Manager advised he had not been involved in those discussions but on the basis that the description of the development had been amended by the applicant to refer to an annexe, it could only be assumed that this was the case.

55.43 Upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** subject to conditions relating to materials and tying the annexe to the existing dwelling.

15/01081/FUL – Land on the West Side, New Road, Southam

55.44 This application was for an extension to the existing field shelter to provide two additional stables and feed room.

55.45 The Chairman invited the applicant, Steve Savage, to address the Committee. Mr Savage explained that the extension would be an improvement both for himself and for his neighbours. The existing shelter was very poorly designed and the ground was comprised of clay which caused water to run straight off; this had led to his horses contracting fevers and abscesses and having to be sent to Great Washbourne at great inconvenience. The proposal would provide a dry place where feed bins could be kept out of sight, as they had been stolen in the past. He believed the overall appearance of the site would be improved by the proposal and the horses would be healthier and happier.

55.46 The Chairman advised that the Officer recommendation was to permit the application and 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.

15/01113/FUL – 8 Haylea Road, Bishop's Cleeve

55.47 This application was for a two storey rear extension and single storey side extension.

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

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

15/01068/APP – Land Parcel 21A, Gloucester Business Park, Brockworth

- 55.49 This application was for a proposed development of 23 residential dwellings with associated roads, footways, parking, drainage and landscaping.
- 55.50 The Chairman invited Rachel Capener, a representative for the applicant, to address the Committee. She indicated that the application was for Parcel 21A of the wider Gloucester Business Park development. A masterplan and design code had been approved for the overall site and this application was in accordance with the requirements of those documents. In particular, the design of the houses and materials used were in line with the design code and sympathetic to the surrounding parcels; the mix and location of affordable housing accorded with the requirements set out in the Section 106 Agreement and the area masterplan; the proposed drainage strategy followed the existing strategy for the overall development; and the finished floor levels of the proposed dwellings were in accordance with the approved minimum floor levels drawing. Overall it was felt that the applicant had worked well with Officers to produce an attractive and successful scheme.
- 55.51 The Chairman indicated that the Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member raised concern that on-street parking often caused access problems for refuse and emergency vehicles when new housing estates were developed and he questioned whether that had been taken into account for this particular development. The Planning Officer agreed that this was something which needed to be taken into consideration and had been a problem on older sites when the regulations had required a maximum, rather than a minimum, number of parking spaces. This particular application, and the next one on the Schedule, included parking provision in excess of 200% overall which went above and beyond the requirements of the design code. Developers recognised that parking was a serious issue for Members and he provided assurance that County Highways had looked at the proposals in detail.
- 55.52 Upon being put to the vote, it was
- RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

15/00816/APP – Parcel 5B, Gloucester Business Park, Brockworth

- 55.53 This application was for a proposed development of 31 residential dwellings with associated roads, footways, parking, drainage and landscaping.
- 55.54 The Chairman invited Rachel Capener, a representative for the applicant, to address the Committee. She indicated that she would like to reiterate some of her earlier points and clarified that this application was for Parcel 5B of the wider Gloucester Business Park development. A master plan and design code had been approved for the overall site and this application was in accordance with the requirements of those documents. In particular, the design of the houses and materials used were in line with the design code and sympathetic to the surrounding parcels; the mix and location of affordable housing accorded with the requirements set out in the Section 106 Agreement; the proposed drainage scheme followed the existing strategy for the overall site; and the finished floor levels were in accordance with the approved minimum floor levels drawing. In addition, Hucclecote Parish Council had raised concern regarding construction traffic for the parcel and she wished to assure Members that traffic routing plans, including the provision of site operative parking, would be in place. The parcel

partially fell within the noise abatement zone for the overall development and a noise attenuation strategy had recently been submitted which confirmed that standard noise attenuation methods were required in order to mitigate excess noise from the M5 motorway.

55.55 A Member questioned whether there would be a parking area for the construction site and if that was something which could be secured through a legal agreement. The Planning Officer indicated that the original outline planning permission had been granted some time ago and he was unsure of the proposals regarding construction traffic, however, a construction method statement had been agreed at that stage and, as such, it may not be something which could be insisted upon. In terms of the delegation and the noise issue, he explained that, as part of the site fell within the noise abatement zone, it was a requirement of the condition for developers to set out the potential noise issues and how they would be mitigated. This report had been submitted and it was proposed to install double glazing with trickle vents to ensure ventilation whilst the windows were closed. He apologised that the revised plans had not been included in the Officer report but indicated that they had been displayed on the walls for the Committee. It was noted that the design code was quite particular in how the development should be delivered but the house types were considered to be appropriate in relation to the General Residential Character Area.

55.56 The Chairman advised that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to receiving confirmation of the acceptability of the proposed noise mitigation strategy and additional conditions as necessary. It was proposed and seconded that authority be delegated to the Development Manager to approve 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 **APPROVE** the application, subject to receiving confirmation of the acceptability of the proposed noise mitigation strategy and additional conditions as necessary.

15/00814/APP – Land to the East of Tewkesbury Road and North of Longford Lane, Longford

55.57 This application was for the reserved matters approval for part of Phase 2 for the residential development of 107 units at Longford Lane with associated landscape and infrastructure (outline planning permission ref: 11/00385/FUL). This application had been deferred at the last meeting of the Committee to allow full consultation on the amended plans.

55.58 The Chairman advised that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the completion of a deed of variation to the Section 106 Agreement to formally agree the change in number and tenure mix of affordable housing in this phase, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the completion of a deed of variation to the Section 106 Agreement to formally agree the change in number and tenure mix of affordable housing in this phase.

PL.56 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

56.1 Attention was drawn to the current appeals and appeal decision update, circulated at Pages No. 34-37. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

56.2 It was

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

PL.57 ADVANCED SITE VISITS BRIEFING

57.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Pages No. 38-39, 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.

57.2 A Member indicated that she found it quite confusing that some of the applications in the briefing note were included on the Planning Schedule for the present meeting and therefore the Committee would have already visited those sites by the time the meeting took place. The Development Manager explained that Members were usually notified of the sites which would be subject to a Committee Site Visit on the Tuesday prior to the visit i.e. one week before the Committee itself, but the Planning Agenda was published before that time. He undertook to discuss this with his colleagues following the meeting to see if it could be dealt with in another way.

57.3 It was

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

The meeting closed at 12:00 pm

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

Date: 22nd December 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 | |
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| 574 | 4 | <p>15/00965/OUT</p> <p>Land off Nup End, Ashleworth</p> <p>At the Committee Site Visit on Friday 18 December 2015 clarification was sought on the surface water drainage proposals for the site, the density of the proposed development, the agricultural land classification of the site and the proposed parking provision.</p> <p>Surface water drainage</p> <p>The Flood Risk Assessment (FRA) submitted with the application indicates that an existing drainage ditch outfalls at the north west corner of the site where, during heavy rainfall, it generates shallow overland flows across the site in a west to east direction. This creates a minor risk of surface water flooding at the southern and eastern parts of the site based around depressions in the land. Surface water eventually drains into a ditch running along the eastern boundary of the site (parallel to the highway) and then into the highway drain.</p> <p>The outline surface water drainage proposals for the site involve the provision of a new land drain along the southern and eastern boundaries of the site in order to intercept the existing surface water flows described above, and convey them safely through the site. The land drain will then flow under the proposed access road and outfall into a Sustainable Urban Drainage System (SuDS) attenuation feature (i.e. a pond/basin) such as that shown on the indicative masterplan for the site. This will then outfall into the existing ditch running along the eastern boundary of the site at a controlled rate mimicking the existing run-off regime. This will then flow into either the highway drain of surface water sewer network in Sawyers Rise. Run-off from the proposed development will be piped into the attenuation feature and drainage system described above.</p> <p>The FRA confirms that, as a result of the proposed attenuation and flow control measures within the outline drainage strategy, the surface water run-off from the site will be limited to existing green field rate up to the 1 in 100 year return period with a 30% allowance for climate change. This would reduce impacts on the receiving system in extreme storm conditions and <u>provide significant betterment to the existing situation.</u></p> <p>Members will note that <u>the Lead Local Flood Authority has raised no objection to the application</u> subject to conditions to secure a suitable surface water drainage system as demonstrated above. Officers therefore consider that <u>the site does not present any inherent problems in drainage terms.</u></p> |

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| | | <p>The density of development</p> <p>The average density of development across the site is 21 dwellings per hectare (dph). This is considered to be an appropriate density for this rural location and would be consistent with the other modern developments in the area including Miller Close (21dph) and Sawyers Rise (14dph).</p> <p>Agricultural land classification</p> <p>The site is classified as Grade 3 indicating that it is good to moderate quality agricultural land. It is not known whether this is Class 3a which would mean that it is 'best and most versatile' (BMV) agricultural land. However, as the site area is relatively small (1.7 hectares) this is not considered to be an issue that requires further investigation. For example, consultation with Natural England is only required on such matters where a development would lead to the loss of 20 hectares or more of BMV agricultural land, and the National Planning Policy Framework (NPPF) only seeks to avoid 'significant' development on BMV agricultural land. On this basis, even if the proposal would lead to the loss of BMV agricultural land, given the small size of the site it is not considered that this could be substantiated into a reason for refusing the application.</p> <p>Car parking</p> <p>The Transport Assessment submitted with the application indicates that two spaces will be provided for all dwellings except for the two 1 bed flats which would each have one space. This is consistent with local car ownership levels and supported by the County Highways Authority.</p> |
| 590 | 5 | <p>15/00755/FUL</p> <p>Land at Ashville Business Park, Commerce Road, Churchdown</p> <p>The applicant has made a number of comments regarding the Officer Report - please see letter attached below from Hunter Page Planning. Officer comments are set out below.</p> <p><u>Speculative Nature</u></p> <p>In respect of an occupancy condition as proposed by the agent, the Government's Planning Practice Guidance is very clear on this issue in that the Guidance states:</p> <p><i>A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.</i></p> <p>Furthermore, such a condition would pose practical difficulties, for example if a named company went bust or decided to relocate elsewhere, after the building was substantially completed but before occupation, an occupancy condition would therefore require the building to be demolished. Officers feel it is unlikely that any applicant would want to expose themselves to such a risk and it would not be reasonable to expect them to do so.</p> <p><u>Gloucester Business Park</u></p> <p>The applicant's submission indicates that 15.3 hectares of land is available for industrial use and no firm evidence has been put forward to alter this position.</p> |

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| | | <p><u>Employment Land Supply</u></p> <p>The agent's comments regarding employment land supply are noted and this is addressed in the Officer report. These are matters which are rightly being considered through the plan-led process. In terms of the comments regarding the retention of the two businesses, this, in general terms, was considered by the appeal Inspector. It was not intended to suggest that the specific reference to possible relocation to the US was an issue referred to in the Inspector's decision. Further, despite the fact that the previous application was made in outline, the appellant's evidence to the appeal stated that buildings had been designed for Spectrum Medical and Stratstone Land Rover's requirement and were identified on the proposed masterplan.</p> <p><u>Landscape Impact</u></p> <p>The agent's comments on landscape are noted, however, there would be clear landscape harm and it is considered that this represents a clear reason for refusal. Whilst the Twyning appeal Inspector's comments are noted, the policy remains part of the development plan and should be afforded weight alongside the NPPF which requires consideration. Despite concluding that Policy LND4 should attract only limited weight, the appeal Inspector in the Twyning case concluded that <i>'Nevertheless, applying the statutory test, there is a need for material considerations to indicate that the determination should be made otherwise than in accordance with the [Development Plan]'</i>.</p> |
| 600 | 6 | <p>15/00982/FUL</p> <p>Hayden Hill Fruit Farm, Old Gloucester Road, Boddington, GL51 0SW</p> <p>Environmental Health</p> <p>Following the submission of additional information, the Environmental Health Officer has raised no objection regarding the noise associated with the proposed development subject to the following condition:</p> <p><i>Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be implemented prior to use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the local planning authority.</i></p> <p>Campaign for the Protection of Rural England (CPRE) Gloucestershire</p> <p>CPRE Gloucestershire has requested that the Planning Committee consider the following points carefully:</p> <ul style="list-style-type: none"> • This is Green Belt land and it is questionable whether it is a suitable location for solar farm development. • The application is for a large solar farm and by its very nature is unsuitable for screening as it would create shadows where sunlight is required. It will therefore be very visible in the landscape from the road and Hayden Hill. • The suggested screening will take a long time to grow so will be visible in the short term. • Public Houses are considered a valued local asset and this solar farm will be visible from the nearby 'House in the Tree' and could deter clientele. • The application describes the solar farm as diversification of agricultural use. If it is passed, it is important that this is recorded and the land is not considered as brownfield land at the end of its 25 year use. Similarly, if the Company fails, the land should revert to agriculture. |

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| | | <ul style="list-style-type: none"> We query whether the planning conditions can be enforced in relation to the screening for the full 25 years of the development. <p>Boddington Parish Council</p> <p>Following further discussions, the Parish Council has commented that it has a problem with the panels being sited on the upper slopes of the areas in fields 2 and 4. It is suggested that a simple solution would be to re-site the panels on the slopes of the hill to lower ground levels which will then be well shielded and out of view but will retain the overall acreage and therefore will not impact on the amount of power generated. However, the Parish Council still raised an objection to the application as it stands due to the solar panels in field areas 2 and 4.</p> |
| 610 | 7 | <p>15/01104/FUL</p> <p>2 Southam Fields Farm, Meadoway, Bishops Cleeve, GL52 8ND</p> <p>The applicant has submitted revised plans (see attached below) for the erection of a self-contained annexe. The site boundary has been amended and proposed annexe would be included within the residential curtilage of 2 Southam Fields Farm. Previous internal boundary treatments have been removed. There has been no change to the size or design of the proposed annexe and it would remain a single storey building with a floor area of approximately 77 square metres. The revised plans are shown below and are considered to accord with comments made by Members at Committee in November.</p> |

Item 5 – 15/00755/FUL, Land at Ashville Business Park, Commerce Road, Churchdown
Page 1 of agent letter

thornbury house · 18 high street · cheltenham · GL50 1DZ
t: 01242 230066 · e: info@hunterpage.net · w: www.hunterpage.net

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p l a n n i n g

PF/JH/eds/3712

15th December 2015

Paul Skelton Esq.
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

via e-mail only

Dear Paul

15/00755/FUL Response to Committee Report: Application for the Extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover

I note that the committee report for the above application has now been published. Concern is raised over a number of the assumptions you have made in the report. Therefore, I have addressed these in this letter and I would be grateful if these could be presented to the committee as late representations.

Speculative Nature

As mentioned at our meeting, the scheme has been designed specifically for the named occupiers, Stratstone Land Rover and Spectrum Medical. In comparison to the previous application, this application has been made in full to demonstrate that the application is for those end users. Nevertheless, I note the concern that there is no certainty that the companies would occupy the site and therefore in order to ensure that this concern is addressed, and to demonstrate the commitment to the site, Ashville Staverton Ltd would be happy to accept an *occupancy condition* which would restrict the buildings to those named occupiers. Such conditions are generally only used to help a local firm to expand and are sufficiently exceptional to justify a departure from a general policy of restraint.

Gloucester Business Park

You are correct to assume that there is 15ha of undeveloped land still available at Gloucester Business Park. However, nearly all of this land is now committed to other end users and consequently *not available* to Spectrum Medical. The site has not simply been rejected because it was in Gloucester. Further comments on the employment land supply of the area are made below and are pertinent to this point.

Stratstone Land Rover is looking to expand their existing facility which can only be achieved on site. Considerable investment has been made in the current facility and customers are now aware of the Landrover marque in the Staverton area. To relocate away from this site would be costly and commercially damaging and accordingly expansion can only be undertaken in situ to safeguard the company's investments and the jobs on site.

Employment Land Supply

During the Green Belt session of the JCS Examination, Elizabeth Ord also confirmed that ***'there are exceptional circumstances related to housing and employment land supply, to release some Green***

cheltenham (head office) thornbury house · 18 high street · cheltenham · GL50 1DZ t: 01242 230066
swindon office suite 14 · pure offices · kembrey park · swindon · SN2 8BW t: 01793 238075

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Belt land for development. These special circumstances did not exist at the time of the previous planning appeal for this site.

In paragraph 5.7 of your report, you state that *no further weight should be given to the employment arguments* relating to this case. Conversely, I would have to state that the JCS Examination has given considerable weight to the current lack of an employment strategy for the area, to the extent where the JCS Team considered that it was prudent to have this position reassessed by their consultants.

This resulted in the release of the *Employment Land Assessment Update (ELAU)* (October 2015) which recognises that there is currently a lack of employment land within the JCS area which currently threatens the well-being of the economy and undermines the ability of existing companies to expand and new companies to invest in the area (para 5.3). The report goes further to state that this position has been exacerbated by recent losses of employment land and has resulted in a pent up demand for employment land. This report needs to be read and reported to members.

You report differently and do not accept that Tewkesbury has a lack of employment land but have not clarified how you reach this conclusion when the Council's own evidence reports otherwise. I have demonstrated above that Gloucester Business Park is simply no longer available even though buildings have not been completed. The ELAU concludes by stating that:

"Based upon this analysis, it is evident that an increase from the level of employment land set out in the JCS is now required."

Therefore your assertion that no further weight can be given to the economic arguments is not supported by evidence and is wrong.

In paragraph 5.10 of your report, you state that the needs of Spectrum Medical and Strastone Landrover were taken into account in the previous appeal. Whilst the companies were identified in the appeal, it was presented in outline, with no indication of the type of buildings associated with the development. In the absence of alternative sites, both companies have now needed to design exactly the buildings they require for now and the future, which was not shown at the previous appeal. You also state that the possible relocation of Spectrum Medical to the USA was considered at the appeal. This is not correct and has only become a recent option for the company, who were invited by the local administration of Fort Mill SC to relocate their entire operation to the State where they would ensure that buildings and employees would be made available to them.

Landscape Impact

Views have been sought from the applicant's landscape consultants, Peter Brett Associates (PBA), in respect of the comments made at paragraph 6.4 of the committee report. PBA state the following:

"Paragraph 6.4 states that the frontage of the development is the same as the previous outline proposal. This is not the case. The current proposal sets the proposed building further away from Cheltenham Road. The southern elevation of the Spectrum Medical building is shown, on the proposed site layout plan, to be between 30m at its closest point to the road, and up to more than 50m at its greatest distance from the road. In addition, the building's orientation, and the southern boundary of the proposed car park, is angled; enabling retention of a much larger area of open space adjacent to Cheltenham Road. This open space provides a green and landscaped setting to the proposed building, with new tree planting. This area allows views from Cheltenham Road, through the boundary railings and into the site, across the frontage open space to the hedgerow boundary of the proposed car park; and beyond to the retained open space in the north of the site, including part of the northern boundary of existing trees."

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With regards to the comment that the eastern elevation of the proposed building "extends across the majority of the length of the eastern boundary", the eastern elevation of the building is set approximately 30m away from that eastern boundary. The eastern boundary comprises substantial mature trees and large hedgerow shrubs, and is proposed to be retained and enhanced by additional planting. The eastern boundary vegetation provides strong visual enclosure to the site, and the proposals ensure that it will remain to do so.

The existing Stratstone site includes a car display area for car sales, at the corner of Commerce Road and Cheltenham Road within the existing business park. I note the Council's reference to car sales associated with the Stratstone site adding to visual clutter/harm. The current proposal is designed so that the proposed Stratstone expansion building and extended vehicle display area sit comfortably with the existing building and display area. Existing trees on the boundary with Cheltenham Road are proposed for retention.

Paragraph 6.4 concludes with a statement that the "development as a whole would be a clear intrusion into the landscape...". As previously identified in the application's accompanying LVA, the site is well contained and benefits from strong visual enclosure as a result of the substantial trees and shrubs to the northern and eastern boundaries. These separate the site from the adjacent farmed land, and the site does not have intervisibility and a perceived association with the wider landscape. The LVA, informed by site visits, found that the proposed development would result in limited landscape and visual effects due to the enclosed character of the site and its location adjacent to the existing business park."

In light of the above, it is considered that the conclusions made in respect of landscape impact are incorrect and exaggerates the harm caused. Whilst it is acknowledged that a vacant site will be developed, in comparison to the outline scheme, there is a greater landscape buffer proposed along the frontage providing a landscape setting to the proposed buildings.

Policy LND4 is referenced throughout the committee report and in the recommended reasons for refusal. You state at paragraph 6.1 that LND4 is consistent with the NPPF. However, reference must be made to the recent appeal at Cornerways, Tywning, where this policy was considered in detail (against Case Law and other recent decisions). In this decision notice, the Inspector states the following (paragraphs 12 and 17):

In the circumstances the test in LP Policy LND4, which is the need to give particular attention to protect the character and appearance of the rural landscape, is not only out-of-date, but also inconsistent with the policy of the Framework. This reduces the weight that it is appropriate to attach to LP policy LND4, which will be quantified following my review of other salient material...

..Given that the key test, in paragraph 215 of the Framework, is consistency with policies in the Framework rather than whether it reflects the thrust of the document, I attribute LP Policy LND4 limited weight.

In this context, it is considered that the perceived inconsistency with this policy cannot be given significant weight in the determination of the application, and certainly should not warrant a reason for refusal on this matter.

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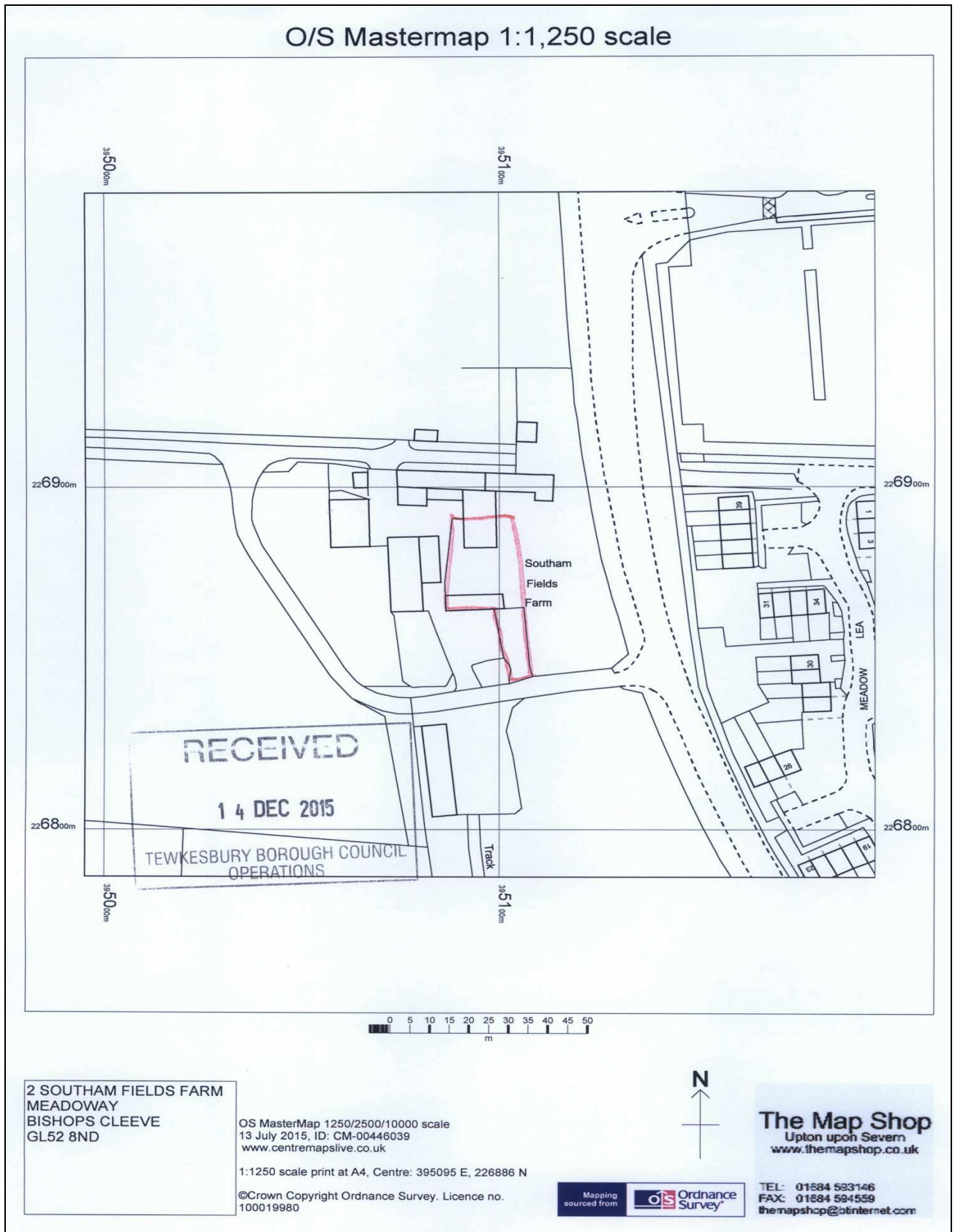
I would be grateful if you would present this update to planning committee members so that they are aware of the facts pertaining to this application.

Yours sincerely

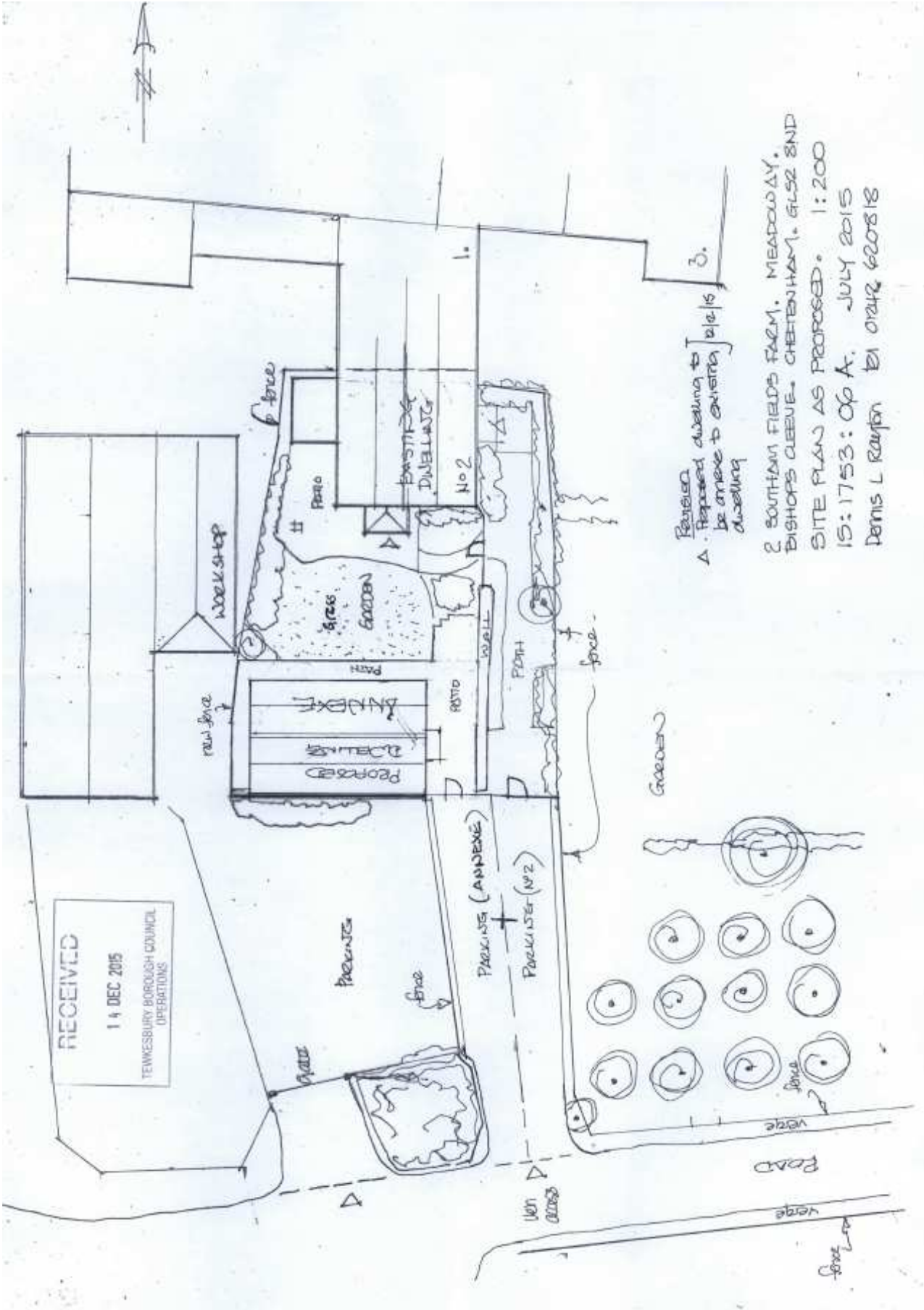


Paul Fong MRTPI
Hunter Page Planning

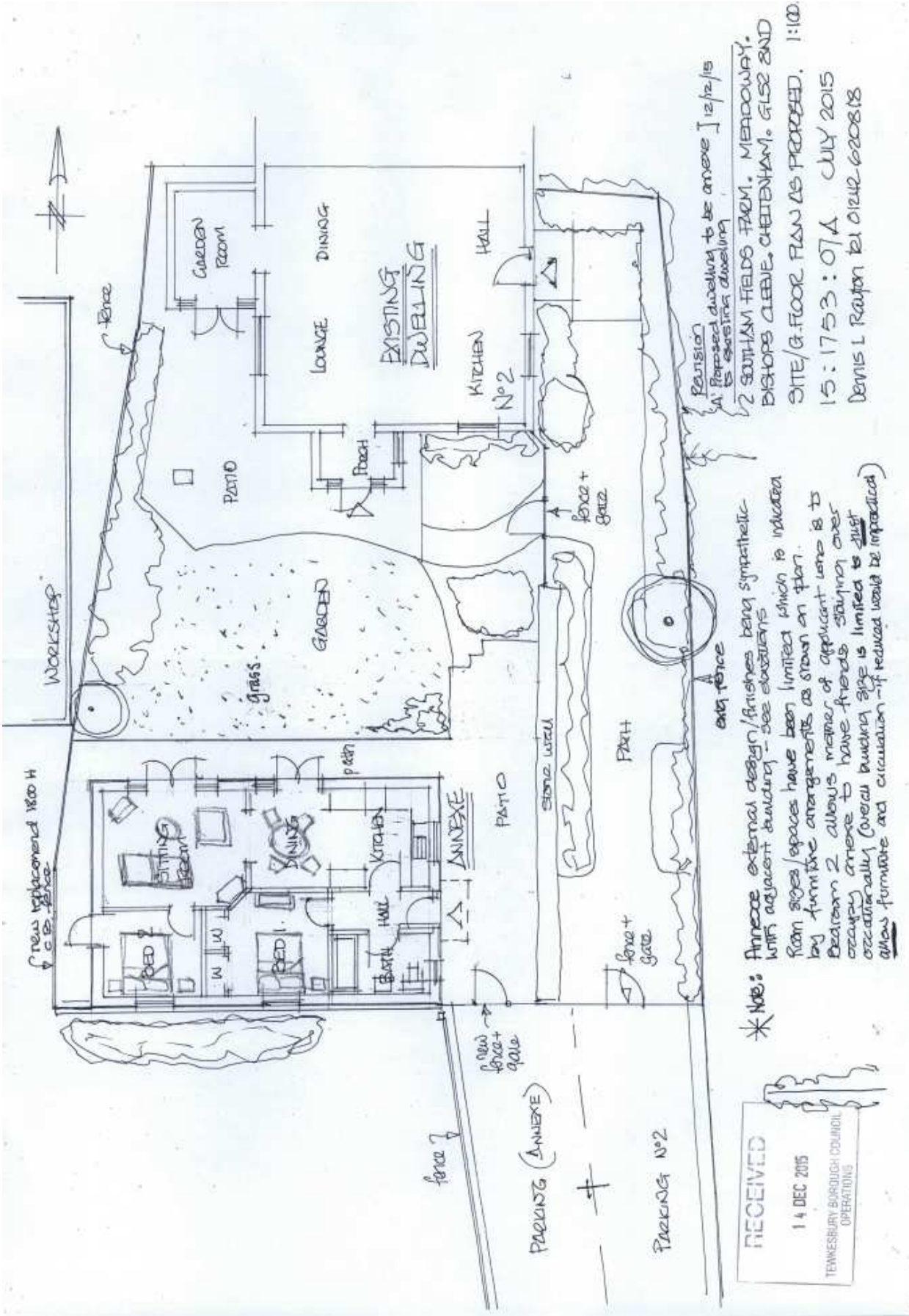
Item 7 – 15/01104/FUL, 2 Southam Fields Farm, Meadoway, Bishops Cleeve
Revised site location plan



Item 7 – 15/01104/FUL, 2 Southam Fields Farm, Meadowway, Bishops Cleeve
Revised proposed block plan



Item 7 – 15/01104/FUL, 2 Southam Fields Farm, Meadoway, Bishops Cleeve
Revised proposed ground floor plan



TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|---|
| Report to: | Planning Committee |
| Date of Meeting: | 19 January 2016 |
| Subject: | Current Appeals and Appeal Decisions Update |
| Report of: | Paul Skelton, Development Manager |
| Corporate Lead: | Rachel North, Deputy Chief Executive |
| Lead Member: | Cllr D M M Davies |
| Number of Appendices: | 1 |

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

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

1.0 INTRODUCTION/BACKGROUND

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

2.0 APPEAL DECISIONS

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

| | |
|-------------------------------|--|
| Application No | 14/01151/FUL |
| Location | Land Adjoining Thatch Cottage Woolstone |
| Appellant | D.G and D.V Andrews |
| Development | Proposal erection of two detached dwellings and access provision |
| Officer recommendation | Refuse |
| Decision Type | Committee |
| DCLG Decision | Dismissed |
| Reason (if allowed) | |
| Date | 17.12.15 |

| | |
|-------------------------------|---|
| Application No | 15/00361/FUL |
| Location | Barn Fam cottage, Stanboro Lane, Elmstone Hardwicke |
| Appellant | Mr Mark Benson |
| Development | Construction of 2 link-detached dwellings on land adjacent to Barn Farm Cottage |
| Officer recommendation | Refuse |
| Decision Type | Delegated |
| DCLG Decision | Dismissed |
| Reason (if allowed) | |
| Date | 24.12.15 |

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 |
| 15/00836/PDAD | The Dutch Barn Sawpit Lane Apperley Gloucester Gloucestershire | Change of use of existing agricultural barn to 1 no. residential dwelling and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) | 14/12/2015 | W | LJD | 18/01/2016 |
| 15/00587/FUL | Woodlands Bank Gander Lane Teddington Tewkesbury Gloucestershire | Erection of stabling for Alpaca breeding herd | 17/12/2015 | W | EMB | 21/01/2016 |

Process Type

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

Agenda Item 7

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 |
|----------------------|--|---|
| 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. |
| 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. |

| Reference No. | Site | Description of Development |
|---------------|---|---|
| 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 |