

7 March 2016

Committee	Planning
Date	Tuesday, 15 March 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 - 25
<p>To approve the Minutes of the meeting held on 16 February 2016.</p>	
5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
<p>(a) Schedule</p> <p>To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".</p>	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	26 - 31
<p>To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.</p>	
7. ADVANCED SITE VISITS BRIEFING	32 - 33
<p>To note those applications which have been identified as being subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they will be considered.</p>	

DATE OF NEXT MEETING
TUESDAY, 12 APRIL 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-Chair), J H Evetts (Chair), 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, 16 February 2016
commencing at 9:00 am**

Present:

Chair
Vice Chair

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 and R J E Vines

PL.64 ANNOUNCEMENTS

- 64.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 64.2 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.65 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 65.1 Apologies for absence were received from Councillor P N Workman. There were no substitutions for the meeting.

PL.66 DECLARATIONS OF INTEREST

- 66.1 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.
- 66.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	15/01317/FUL Sudeley Castle, Sudeley Road, Winchcombe.	Had spoken to the applicant's agent but had not expressed an opinion.	Would speak and vote.

R E Allen	15/01356/FUL – Westerham, Gretton Road, Gretton.	Had spoken to the applicant but had not expressed an opinion.	Would speak and vote.
R A Bird	15/00197/FUL – Land Adjacent to Minsterworth Village Hall, Main Road, Minsterworth.	Carried out work for the applicant in a professional capacity.	Would not speak or vote and would leave the Chamber for consideration of this item.
M Dean	15/01175/FUL – Upper Bottomley Farm, Gambles Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
R D East	15/01126/FUL – Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke. 15/01188/FUL – Fortitude, Birdlip Hill, Witcombe.	Had received a telephone call from the applicant's agent but had not expressed an opinion.	Would speak and vote.
J H Evetts	15/01188/FUL – Fortitude, Birdlip Hill, Witcombe.	Had received a telephone call in relation to the application but had not expressed an opinion.	Would speak and vote.
D T Foyle	15/01188/FUL – Fortitude, Birdlip Hill, Witcombe.	Had received a telephone call from the applicant and had been to visit the application site but had not expressed an opinion.	Would speak and vote.
Mrs M A Gore	Agenda Item 6 – Current Appeals and Appeal Decision Update	Is one of the appellants in respect of 14/01286/FUL – Land Opposite the Orchard and Lamorna, Dixon Road, Alstone, Tewkesbury.	Would not speak and would leave the room for the consideration of this item.

Mrs J Greening	15/01271/FUL – 1 Swilgate Road, Tewkesbury.	Had met with the applicant at the application site but had not expressed an opinion.	Would speak and vote.
Mrs A Hollaway	15/01188/FUL – Fortitude, Birdlip Hill, Witcombe.	Had received a telephone call in relation to the application but had not expressed an opinion.	Would speak and vote.
Mrs A Hollaway	15/01175/FUL – Upper Bottomley Farm, Gambles Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
R J E Vines	15/01188/FUL – Fortitude, Birdlip Hill, Witcombe. 15/01139/FUL – The Willows, Bamfurlong Lane, Staverton.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

66.3 There were no further declarations on this occasion, however, it was noted that the applicant for Item 7 – 15/01234/FUL – Brawn Farm, Rodway Lane, Sandhurst was a fellow Borough Councillor.

PL.67 MINUTES

PL.68 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

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

15/01126/FUL – Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke

68.2 This application was for the erection of two buildings for industrial/factory development (use classes B1(c), B2 and B8) with ancillary offices (use class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019). The Committee had visited the application site on Friday 12 February 2016.

- 68.3 The Planning Officer explained that a number of additional comments had been received since the publication of the Officer's report which were included on the Additional Representations Sheet, attached at Appendix 1. Stoke Orchard and Tredington Parish Council had objected to the application on a number of grounds but mainly in relation to highway safety, the isolated nature of the site and the fact that the site was not well served by the motorway due to the restricted access at the nearby motorway junction. Boddington Parish Council had made additional representations objecting to the application for a range of reasons including highway grounds; the unsustainable location of the site; concerns regarding drainage; and lack of supporting facilities including internet connection and mobile phone reception. It was noted that Leigh Parish Council had raised similar concerns. A total of 70 additional letters of support and 59 additional letters of objection had been received and summaries of the comments made were set out with the Additional Representations Sheet. A letter had been received from the occupants of the adjoining Public House who had expressed concern regarding the boundary treatment, in terms of landscaping and signage, and had raised other issues which they felt would need to be considered should planning permission be granted. It was noted that a letter of support had also been received from the applicant. A copy of a letter received from Gloucestershire First Local Enterprise Partnership (LEP) was attached to the Additional Representations Sheet; Members were reminded that the LEP generally supported applications which delivered economic growth in accordance with the requirement of the Strategic Economic Plan to provide sustainable sites for employment. The applicant's agent had submitted a letter which provided additional comments from the applicant's landscape consultant who considered that planting and landscaping of the development would reduce the urbanising effects and set out that the applicant would be willing to accept a condition requiring an appropriate landscaping scheme. The Council's landscape consultant had concluded that, if a condition was secured, the landscaping could be effective in screening daytime views across the car park to the facades from the A4019, however, due to the scale and nature of the development and the rural setting, there would be a strong urbanising influence on the local landscape character which would be emphasised by the isolated nature of the site in open countryside. In addition, he continued to have concerns in relation to night time illumination in the generally dark rural landscape.
- 68.4 The Chairman invited Kenneth Preece, speaking in objection to the application, to address the Committee. Mr Preece indicated that he was a parishioner who had lived in the area all of his life. He asked the Committee to refuse the application on the basis that the site was not included in the Joint Core Strategy and the development was unsuitable for rural open landscape and constituted spasmodic building in the countryside. He noted that Policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) set out that developments should protect the character and appearance of the local landscape. The Council's Economic Development Officer had stated that adequate employment land was available at both Gloucester Business Park and Malvern View Business Park. He felt that the proposed entrance to the site off the A4019 was dangerous as it was between two notoriously bad road junctions, it was also located close to two bus stops, neither of which had lay-bys to enable buses to pull-in. He advised that there had been five accidents in the area in recent years, two of which had been serious. A further accident had occurred in Boddington Lane earlier that month which had closed the A4019 for over an hour and caused chaos in the area. He pointed out that the development would rely upon car travel and the A4019 was already a busy road; 1,500 offences had been recorded during a recent Police crackdown on speeding. A development within a quarter of a mile of the site had been refused planning permission, despite only generating an additional 10 vehicle movements, with County Highways stating that it would have a significant detrimental impact upon highway safety, and he questioned what impact an additional 3,000-4,000 vehicles would have. He explained that access to the site for heavy goods vehicles

travelling down the M5 from the north was restricted; vehicles would be required to either perform a 'U' turn near Withybridge Lane in order to access Junction 10 of the M5, or exit at Junction 11 and travel through Cheltenham or Staverton/Boddington Lane, or exit at Junction 9 and travel through Tewkesbury and Coombe Hill. As well as the highway concerns, there was no apparent provision for management of storm water or possible toxic liquids associated with industrial works and the ground had been recently waterlogged, as demonstrated by the photographs. He understood that 59 or more letters of objection had been received from people living in the area all stating full and legitimate reasons for refusal. In contrast, some of the letters of support which had been received simply stated 'I wish to support...' and they had been received from as far away as Hereford and Evesham. He felt fortunate to live and work within the countryside and felt a duty to pass on the open countryside to future generations; once lost it could not be regained. He asked the Committee to refuse the application on that basis.

- 68.5 The Chairman invited the applicant's agent, Simon Firkins, to address the Committee. He indicated that the proposed scheme was the result of much hard work and discussions between the Borough and County Councils, Gloucestershire First LEP, the Parish Council, local residents and prospective end users. The design was specific for two local successful companies. As there were no other suitable sites in the area, this solution would enable them to stay in the county rather than moving elsewhere. They also had links with existing businesses in the vicinity. The LEP's Strategic Economic Plan showed that the expansion and location of employment land at M5 Junction 10 formed a key part of the plan for growth and the M5 Growth Zone and identified the need for an extra 150 hectares of employment land over the plan period. The proposal squarely aligned with those aspirations and, importantly, the scheme would result in over 300 jobs staying within the county, with the prospect of an extra 100 in due course. Unlike other sites, including the potential Joint Core Strategy employment allocations, the site was not within the Green Belt, nor was it in any designated area, so any suggestion of serious landscape impact was questionable, as confirmed by the applicant's landscape consultant. Members would be aware that there were many outstanding objections to the Joint Core Strategy and, as such, that was still some way off. Furthermore, there was no guarantee that the employment land within the JCS would meet the needs of the businesses involved with this proposal in the same way that existing allocations had not been taken up. The locally successful companies needed to expand now and any delay could hinder that. The Planning Officer's suggestion that the scheme could be 'split' failed to grasp the importance of economies of scale and local connections. It also went against case law which stated that possible alternative sites needed to be 'like for like' with what was proposed. In terms of heritage assets, the buildings were approximately 150m from the listed Public House, with opportunities for extensive planting in between. A geophysical survey had not shown anything significant in archaeological terms and, should Members require further work, it could be dealt with by condition, as at Wychavon District Council. Gloucestershire County Council had no objections in transport terms, in fact, the junction with Stoke Road would be improved to the benefit of all highway users. There were no issues in respect of ecology, flood risk, drainage, agricultural land or neighbouring amenity. Whilst there were people who opposed the scheme, there were also many who supported it. The proposal would bring significant economic benefits and the existing junction would be enhanced. The adverse impacts suggested by Officers were minimal at most considering the lack of designations affecting the site and the benefits certainly far outweighed any harm which might exist. He therefore urged Members to permit the application, subject to conditions.

- 68.6 The Chair advised 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 refused in accordance with the Officer recommendation. The proposer of the motion felt that the recommendation, and the professional opinion of the Council's Officers, was quite clear and he saw absolutely no reason why the application should be permitted. There were a whole host of issues with the proposal and he particularly noted that the proposed height of the buildings had not been addressed. The seconder of the motion indicated that the isolated and rural nature of the site had been highlighted by the Committee Site Visit and she could not imagine what damage would be caused to the landscape if the proposal was allowed to go ahead. Her other main concern was the A4019 which was already incredibly dangerous and she was amazed that County Highways had not raised any objection to the application. In her view it was totally the wrong site for the proposal, particularly as there were many other alternatives available which were already allocated for employment land. The Council was trying to move forward with its Joint Core Strategy which she felt was the right way to plan development within the Borough.
- 68.7 A Member indicated that he did not share the same opinion as the proposer and seconder of the motion. He felt that the proposal fitted perfectly within the National Planning Policy Framework which set out that there should be a presumption in favour of sustainable development. The proposed site was an unremarkable field within quarter of a mile of Junction 10 of the M5, which would soon be upgraded to a four way junction, and only a mile away from a site which was allocated for around 4,000 houses within the Joint Core Strategy. The site was located on a main road and the applicant was proposing substantial improvements to the junctions. It was accepted that significantly more employment land needed to be found within the Joint Core Strategy area to cater for the anticipated need and this site suited the needs of the businesses which would occupy it; it was highly unlikely that they would be willing to relocate to Gloucester Business Park if the application was refused with the chances being that they would move outside of the county. Another Member shared these views and added that the site was located outside of the Green Belt on low grade agricultural land. He felt that landscape impact could be mitigated by careful screening and design and the proposal for a pull in bus stop on the opposite side of the road with a safety island in the middle would help with the traffic issues on the A4019. He reiterated that there had been no objection raised by County Highways. Another Member had sympathy with the proposer and seconder of the motion but he felt that it was time to wake up to what was happening in the Borough in terms of the additional residential development and the need to provide employment opportunities. He totally agreed that employers could not be forced to relocate to business parks and he suggested that providing employment opportunities close to areas of residential development could lead to a reduction in traffic movements. It was essential to reduce congestion on the Borough's roads and he felt that this was one way that could be achieved. A Member indicated that he also supported the proposal for the same reasons. Another Member reminded the Committee that economic growth was a driving force for the Borough within the Council Plan and the creation of jobs and employment opportunities was crucial to what it was trying to achieve. He stressed all local authorities in the area had signed up to a Strategic Economic Plan and the proposal was in line with its aspirations.
- 68.8 In response to some of the points which had been raised, the Development Manager stressed that development should only be permitted in the right place at the right time in accordance with the plan-led process. In this instance, there was no way of guaranteeing which businesses would be the end users of the site, or that the people employed would be living within Elmstone Hardwicke or the surrounding area. Planning policies were in place to protect the landscape, heritage assets and communities for people who worked and lived in countryside locations. Whilst economic growth was included as a priority within the Council Plan, this was balanced

against other factors, including the protection of the Borough, to ensure that it was a place where a good quality of the life was available to all. Although there was no sequential test here, land was allocated for development through the plan-led process and his view was that the Council should look to support existing business centres ahead of developing virgin greenfield land. It was clear that additional commercial land was needed within the Joint Core Strategy and that was something which was being addressed. As it stood, there was land available to meet the needs of the proposal and accommodate the two buildings as a whole; the applicant had suggested splitting development would not be appropriate but there was no need for the two developments to be together as far as Officers were concerned. Members were reminded of the sheer scale of the proposal which would occupy approximately 18,500sqm, or 200,000sq ft and included a sea of car parking to the front. The site would also be illuminated at night which would have a significantly harmful impact on the character of the area; a view which was supported by the Council's Landscape Consultant. The Development Manager indicated that the economic benefits of the scheme were not in question but, given the isolated countryside location, compelling reasons were needed as to why the development should be permitted. Members were reminded that there were three strands to the presumption in favour of sustainable development contained within the National Planning Policy Framework: economic, social and environmental. The arguments for each of those strands were clearly set out within the Officer report. The objections which had been received showed that there would be a clear social impact on the people living and working in the area and it was noted that a number of the letters of support had been received from people with Cheltenham addresses. Whilst the Council sought to support economic growth, the impact on the local community who would be affected by the development on a regular basis needed to be carefully considered.

- 68.9 A Member felt that the Development Manager had presented the 'common-sense approach' and he agreed that this was the wrong location for an industrial development of the size proposed. He believed that people would travel to where the employment was located, and there were existing employment sites which could accommodate the two businesses, so he would be supporting the motion to refuse the application. A Member agreed that it was unrealistic to expect people to live close to where they worked and she disagreed totally with the argument that the proposed development needed to be built close to houses. Another Member disagreed and felt that the site was right for the proposed development. Furthermore, she understood that there were several empty plots at Gloucester Business Park and proposals were now being put forward to use the land for housing. In response, the Development Manager felt that this emphasised why applications such as this should be resisted, to ensure the success of existing employment sites which could be a real driving force for the Borough. A Member indicated that people who worked at Gloucester Business Park were not able to park their cars on site which resulted in on-street parking within the surrounding residential estates in Hucclecote. The proposed development was located within close proximity to the M5 motorway junction and opposite a site allocated for significant residential development in the Joint Core Strategy; given that there was a need to provide 34,000 new jobs in the area by 2021, he considered it would be ridiculous to refuse the application. The Development Manager explained that, unfortunately, Gloucester Business Park had been developed at a time when the Government policy was to provide a minimum level of parking which had led to problems on residential estates when car use had not declined. He provided assurance that Tewkesbury Borough Council and County Highways both now took a pragmatic approach to parking and would look at need on an individual basis.

- 68.10 A Member pointed out that the Development Manager had stated that there was no way of knowing the end users of the buildings, however, it was his understanding that Officers did have that information. He was aware that the larger of the two businesses was under pressure to move to a new site and had made it clear that Gloucester Business Park was not an option. The Planning Officer clarified that discussions had taken place at a pre-application meeting regarding the businesses who had expressed an interest in occupying the site, however, those discussions were confidential. No case had been put forward within the application before Members for the development to be tied to any particular business. There were discrepancies within the various supporting documentation which mentioned a 'local business' in one report, named a particular business in another instance and stated that there was no known occupier in another report. If permitted, the development would not be restricted to use by a particular occupier, nor would it be reasonable to do so.
- 68.11 A Member reiterated the earlier points he had raised in terms of the need to provide employment to service residential housing sites and to cut down on vehicle movements to ease gridlocked roads. In response, the Development Manager confirmed that this was being dealt with by the Joint Core Strategy. The recent examinations had highlighted that significantly more employment land was needed than originally thought, however, it would be aligned to residential centres for growth rather than isolated locations such as this. In addition, he stressed that there were currently no timescales for upgrading Junction 10 of the M5 to a four way junction. The proposed development would inevitably result in people using private motor vehicles to access the site.
- 68.12 A Member advised that she was unhappy with the design and colour scheme which was proposed and she questioned whether this was something which could be addressed by condition, should Members be minded to permit the application. Another Member supported that view and indicated that it was difficult to appreciate the scale of a development which would occupy 18,500sqm with associated parking and highways; he likened it to the 'horrendous' Morrison's warehouse which could be easily seen from the M5 when driving towards Exeter. The proposed buildings would be a huge blot on the landscape and he reiterated that development should be via the plan-led process as opposed to being dictated by individual applications.
- 68.13 Upon being put to the vote, it was
RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation.
- 15/01271/FUL – 1 Swilgate Road, Tewkesbury**
- 68.14 This application was for the redevelopment of an existing dwelling and car park to provide nine apartments. The Committee had visited the application site on Friday 12 February 2016.
- 68.15 The Chair invited Hilary Caudle, a representative on behalf of the applicants, to address the Committee. She explained that she was a lifelong resident of Tewkesbury and had owned the site for almost 10 years. She was not a full time developer, but a resident of the town who had purchased the site with the original intention of preventing the closure of Abbey School which, much to her dismay, had closed days after the purchase of the house. In order to find a way to recoup some of the money, an application had been prepared in early 2007 with the aim of quickly regenerating the site for the good of the town. Things had been moving in the right direction when the July 2007 floods had happened; whilst the existing house had not flooded, it had prompted them to rethink. They had subsequently engaged a flood risk consultant and had the plans redrawn; unfortunately, it had turned out that the plans were not quite good enough and their appeal had been turned down. They had wanted to draw a line under the decision, but also to learn from it, and they had therefore spent the last three years working with a new flood risk consultant, using data purchased from the

Environment Agency, to assess risk in a much more detailed manner and to complete complex calculations on flood storage capacity and drainage solutions. They had been happy when the original Planning Case Officer for the current application had understood the difficulties of the site, and the benefits which they hoped to achieve. Meetings had been held with the Town Council to gain a better understanding of its position and, despite having strong objections to the previous appeal scheme, this collaborative process had resulted in the Town Council raising no objection to the current application. The original Case Officer had also engaged with the consultants in a positive manner, finding solutions rather than problems. The consultants had provided all of the information requested and, as the letter from the planning consultant made clear, it was considered that the application was heading for a recommendation to permit. The Officer's report confirmed that the proposals were acceptable in all respects except access during an extreme event and whether or not the development should be located elsewhere. From her layman's perspective, there seemed to be a low level of risk; the site itself did not flood and nor would the proposed homes. Residents would be safe during all flood events and access to the town would be available except in an extreme event when residents would need to walk through approximately 20cm of water. It was noted that no such access was available for the new build homes approved at the Abbey School site next door. There were no other reasonable alternative sites that would achieve the redevelopment of a car park and an undesirable 1970s house within the Conservation Area. In summary, she requested that the Committee continue with the pragmatic approach of the original Case Officer, using the much more detailed information now available, as well as local knowledge, just as they had done in relation to Longford Garage, to conclude that the limited risk associated with an extreme event did not significantly outweigh the benefits that they had worked so hard to achieve.

68.16 The Chair advised that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion indicated that this was an area which flooded and the road behind the site had been flooded on the Committee Site Visit just a few days earlier. Regardless of access and egress from the proposed development, in the event of a flood it would be necessary for the residents to wade through high water. The property could not be accessed by an emergency vehicle in those circumstances and it would be necessary to ensure that the residents were able-bodied. In her view this was totally the wrong place for the development; that had been her position when the original application had been considered and it remained her position now.

68.17 A Member supported the motion and raised concern about the narrow footpath leading to Church Street. He also had doubts about the occupancy of the property and reiterated that anyone with a disability would be particularly vulnerable. Another Member expressed the view that the refusal reason regarding emergency access in times of flooding was a weak argument as the properties along the road did not have pedestrian access when the road was flooded. She considered that the proposal would improve the area in line with the Abbey School development which had been permitted and she highlighted the parking provision within the application, which was at a premium in the area. She advised that Church Street had only flooded in 2007, not on a regular basis, and access had never been raised as an issue by the occupants of the flat next door. She felt that the development would only be an enhancement to the area, not a problem. In response, the proposer of the motion indicated that the main problem was that the proposal failed to meet the requirements of the sequential test which aimed to direct development to areas of lowest flood risk. Whilst they might not be within the applicants' ownership, there were other sites available which already had planning permission in place and had not yet been developed. To arbitrarily permit this application because it was not a particularly attractive 1970s house would be entirely wrong in her opinion.

68.18 A Member indicated that he had not intended to speak in relation to the application but he would be interested to hear more from the Member who was in favour of the application. In response, the Member indicated that Officers had worked hard with the applicants in order to come up with, what was presumed to be, a satisfactory application and it had taken many years to get to this point. The number of properties within the scheme had been reduced and the new development would be set further back on higher ground. Whilst the main road did flood, she questioned whether that was an adequate reason for not developing the area, particularly as it would be providing smaller sized properties with parking. Whilst she recognised that each application must be considered on its own merits, at the last Committee meeting Members had permitted a development which was located within Flood Zones 2 and 3, which regularly flooded, whereas the actual site in this instance did not flood.

68.19 Upon being put to the vote, it was

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

15/01317/FUL – Sudeley Castle, Sudeley Road, Winchcombe

68.20 This application was for the erection of a play bridge to lead to the existing playground area and a reduction in the level of the path beneath the bridge and re-surfacing of the path (revised scheme). The Committee had visited the application site on Friday 12 February 2016.

68.21 The Chair invited Toby Roberts, speaking on behalf of the applicant, to address the Committee. Mr Roberts advised that he was the Chief Executive of Sudeley Castle. His main argument was that the conservation objections had been overstated and were more than offset by the public benefit. The bridge would not impinge on any views to or from the castle itself, or the Tithe Barn. It sat between the new timber-clad visitor centre and the old wooden fort, and was also a wooden structure. The location was already partly screened by young trees, but they would be happy to introduce further planting if that was the wish of the Committee. The site itself was actually something of a no-man's land, separated from the formal gardens by tall hedging and from the main body of the parkland by the visitor car park which was full of coaches and cars for most of the year. It was not felt that a low, timber play bridge in that area represented a significant heritage loss and it was noted that there had been no objections from Winchcombe Town Council, Sudeley Parish Council, the Friends of Winchcombe, Winchcombe Welcomes Walkers, the Ramblers Association, or any local residents. In so far as there was any heritage impact, it was argued that it must be weighed against the interests of the castle's tourism business. It was felt that the official comments failed to recognise that it was the tourism business which actually underwrote the conservation of all of Sudeley's heritage assets, and kept them accessible to the public. Country house tourism depended increasingly on the family market and Sudeley needed to evolve in order to reflect that. The playground was central to the family offering but, because it was presently accessed from the public footpath, it was not secure and it was believed that over a third of the people using it had not paid for admission. There were regular incidents of unsupervised teenagers getting in and behaving badly and unsafely, and the risk of small children wandering off unnoticed beyond the gated area was a worry. There was now a legal onus on places such as Sudeley Castle to pre-empt identifiable safety risks; alternative ways to secure the playground had been looked at in detail but it had been concluded that a footbridge was easily the most effective measure. The proposal would improve both the quality and the safety of the family offering and it was therefore important to the continuing revival of the castle's tourism business, the public benefits of which were apparent. The business made a significant contribution to the sustainability of the local economy and the community as a whole, providing over 80 full and part time jobs and attracting 75,000 visitors to the area annually. Section 3 of the National Planning Policy

Framework was clear about the need to support a prosperous rural economy through the expansion of tourism facilities, whilst Section 8 sought to promote healthy communities by providing access to recreational opportunities in a safe way. This proposal achieved exactly that and he asked that the Committee permit the application.

68.22 The Chair indicated 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 ensuring that it would not impinge on the public right of way. The proposer of the motion felt that the erection of a play bridge would not be damaging to the castle or its surroundings. He considered that the bridge would enhance the castle and its character, as well as improving the experience of the children who used it, and should be permitted on that basis. The seconder of the motion recognised that one of the objections to the application was that the bridge would have a detrimental impact on the listed building, however, it had been clear on the Committee Site Visit that the listed building was well screened by trees and obscured the view from the site which demonstrated the value of visiting application sites. The new bridge would closely match the timber of the existing play castle and would be in keeping with the surroundings. In addition, economic considerations needed to be taken into account given that it was a popular visitor attraction.

68.23 A Member noted that the bridge would be above the public right of way and he raised concern that the ground had already been very wet in that area which would only be exacerbated if a structure was erected above it. In response, the Development Manager drew attention to Page No. 728, Paragraph 5.12 of the Officer report, which set out that the footpath would be surfaced in Cotswold stone chippings. Upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** subject to conditions regarding materials and a restriction on painting.

15/01356/FUL – Westerham, Gretton Road, Gretton

68.24 This application was for the erection of a two storey rear extension and alterations to the existing dwelling to include a new porch on the front elevation, installation of new rooflights and windows and application of through coloured render finish (revised scheme). The Committee had visited the application site on Friday 12 February 2016.

68.25 The Chair invited one of the applicants, Lynette Whitman, to address the Committee. Mrs Whitman wanted to stress the amount of time and effort that she and her husband had put into the revisions since their first application in July 2015 and they felt that they had now addressed the concerns which had been raised in the Officer's report. The front elevation was no longer 'cluttered', the large glazed areas no longer existed, the size of the extension had been reduced and they were in agreement with a coloured rendering finish conforming to other dwellings in Gretton. Given that the previous application had been refused because of those issues 'in combination' they felt that the removal of at least two of the main issues would have been sufficient to enable a positive decision to be made. She also wished to point out that Gretton Parish Council and their neighbours had no objections to the revised application. With respect to the streetscene and visual attractiveness of the Area of Outstanding Natural Beauty, the proposed extension had been pegged out for the Committee Site Visit to show the depth of the extension and the height of the eaves and they had hoped to illustrate the limited view from public vantage points. In terms of their fallback position, it was not far off what could be achieved using permitted development rights in terms of length; a permitted single storey extension could be longer and, therefore, from the side appearance, would be little different to what was proposed. They did not feel that a two storey extension would adversely affect the character and appearance of the existing dwelling any more than a single storey extension, as recommended by the Planning Officer. From a personal point of view, they wanted to put down roots in Gretton. They had owned an established business in one of the neighbouring villages for 10 years and had fallen in love with Gretton and the surrounding countryside. They had a family

and two dogs as well as parents in the area who they may need to care for in the future. They felt that Westerham was a blot on the landscape at present as neighbouring and surrounding properties were being updated, developed and extended. All they wanted was to create their own four bedroom family home which would be in keeping with the rest of Gretton. Before they bought the house it had been on the market for about 18 months and they had been told that the main interest had been from families like them looking to move into the area; it was sad that younger people and families were encouraged to settle in villages but it was made difficult for them to do so.

- 68.26 The Chair advised 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 on the basis that it would not unduly affect the streetscene and would be an acceptable extension of a rural dwelling. The proposer of the motion explained that the ground rose steeply which meant that the rear extension would be less prominent than he had imagined before visiting the site. He had also noted that the house next door was significantly higher in ridge height by approximately 1m. He felt that the proposals were acceptable and should be permitted. The seconder of the motion pointed out that the existing building was very old and tired and he welcomed the opportunity to improve the property and enhance the streetscene. Upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to materials conditions.

15/01188/FUL – Fortitude, Birdlip Hill, Witcombe

- 68.27 This application was for the erection of four detached dwellings and associated works. The Committee had visited the application site on Friday 12 February 2016.
- 68.28 The Chair invited the applicant's agent, Simon Firkins, to address the Committee. He clarified that the application was to construct four dwellings rather than completing the extant scheme for 10 holiday units, together with proprietor's accommodation and a sports complex open to the public. As Members would have seen on the Committee Site Visit, the access had been completed and one of the 10 log cabins had been built. The applicant had every intention of completing the extant scheme; this was a fallback option which he felt should be given substantial weight in the circumstances with regard to the landscape impact and the level of comings and goings which would result. He acknowledged that planning permission had been refused for detached dwellings on the site in the past, but the policy context had changed since that decision in 2011, most notably with the introduction of the National Planning Policy Framework. The 2011 scheme had been for typical two storey executive-style houses which were not right for the context whereas the application offered four individually designed houses working with the topography of the site. He recognised that the Planning Officers objected to the design but national policy was clear that planning decisions should not attempt to impose architectural styles or particular tastes as design was very much a subjective issue. He went on to advise that the improved access would serve the four dwellings. Gloucestershire County Highways had objected to the 2011 application, however, following the change in national policy, and based on the fact that requisite visibility at the access had been demonstrated, it was notable that no objection had been raised in relation to the current application, subject to conditions. The landscape and visual impact appraisal work undertaken demonstrated that the scheme would have no more impact on the Area of Outstanding Natural Beauty than the extant lodges and activity building. There had been a significant change in circumstances since the 2011 refusal which, in his view, were more than sufficient to allow Members to reasonably come to a different conclusion and grant planning permission for the scheme. He asked Members to support the application as set out or, alternatively, if

they felt it more appropriate to do so, the applicant would be willing to delete Unit 4 and restrict the development to three units in the lower field. In that instance, a deferral of the application for a period of one month was requested in order to enable revised plans to be submitted to that effect.

- 68.29 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion indicated that the scheme before the Committee referenced Paragraph 55 of the National Planning Policy Framework which set out that new isolated homes in the countryside should be avoided unless there were special circumstances such as dwellings which were of exceptional quality or innovative design. She noted that there had been occasions when the Council had granted planning permission on that basis, however, she did not feel that the proposal fitted with those criteria. Whilst she recognised that the National Planning Policy Framework contained conflicting information, it was absolutely clear that Areas of Outstanding Natural Beauty should be protected. The original proposal for the log cabins had been granted on appeal on the basis that they would be for part-time recreational use; this application was entirely different as the permanent residential dwellings would have an urbanising effect on what was currently a beautiful spot. She did not accept that the applicant's proposal to reduce the number of dwellings by one would overcome this problem and she urged the Committee to refuse the application. The seconder of the motion echoed these views.
- 68.30 A Member indicated that he took a different view and felt that the impact of 10 log cabins on the site would be far worse than three or four detached houses. If the motion to refuse the application fell, he would be happy to propose a deferral to enable revised plans to be submitted reducing the number of dwellings from four to three. Another Member expressed the opinion that the principle of development had been established in 1992 when the log cabins had been granted planning permission on appeal, much to the dismay of local residents who felt that they would be out of place within the Area of Outstanding Natural Beauty. He shared the view that the log cabins would detract from the unique area and felt that permitting this application for three permanent residential dwellings would potentially result in occupants who would be willing to give something back to the community. The Development Manager reiterated that applications for three dwellings in this location had been refused in the past, furthermore, he disagreed that the policy position had changed greatly in that respect since the 2011 applications had been determined. This was not a site where new dwellings would normally be provided as the site was in a remote location within the Area of Outstanding Natural Beauty. The Cotswold Conservation Board had objected to the application on the grounds that new, permanent, residential dwellings would result in a clear character change from a rural scene to a group of houses in the countryside which would have a greater overall and lasting impact compared to the log cabins. Badgeworth and Great Witcombe Parish Councils had objected to the application, as had many residents, 47 of those with addresses in the local area, which demonstrated the extent of local opposition. The proposer of the motion reiterated that the log cabins would not have the usual domestic curtilage and paraphernalia which was associated with large detached homes. If this application was permitted it would change the site completely and irreparably.
- 68.31 Upon being taken to the vote, it was
- RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.

15/01175/FUL – Upper Bottomley Farm, Gambles Lane, Woodmancote

- 68.32 This application was for proposed two storey and single storey extensions and alterations to the existing dwelling and extension to the existing terracing.
- 68.33 The Chair invited the applicant, Charles Howes, to address the Committee. Mr Howes explained that he and his wife had lived at Bottomley Farmhouse, Gambles Lane for the past 18 years and they were fully aware of the history of both Upper Bottomley and Bottomley Farmhouse sites and their relationship to Woodmancote. In their application for the development of Upper Bottomley, they had used current planning policies and researched recent and past applications nearby. As the applicants of Upper Bottomley Farm, they felt obliged to speak today, having recently attended a Woodmancote Parish Council meeting. Whilst they fully acknowledged the role that the Parish Council had to play in protecting the Area of Outstanding Natural Beauty, they had left the meeting feeling somewhat bemused by the stance that had been taken in relation to the application. Their concern was that the Parish Council was not sufficiently aware of the detail of the application at its meeting as opinions had been repeated which related to their previous application which had been withdrawn. Reference had been made to the demolition of historic outbuildings which was also part of the previously withdrawn application and not part of the one in front of the Committee. He clarified that it was the Parish Council who had assessed those buildings as historic, an assertion dismissed by the Council's Conservation Officer. In the Parish Council's letter of objection, a request had been made for the change to the domestic curtilage to be reversed. This had again been repeated at the meeting but was clearly in reference to an extant planning permission. At the end of the Parish Council's discussion, the idea of a site visit had been mooted; in his view that would be unnecessary, an inefficient use of public time and money and could be seen simply as a stalling tactic to delay making a decision. Over the years they had listened seriously to all comments from the Parish Council, local neighbours and the Planning Officer and the application being considered today had been amended to address those issues and concerns, for example, they had kept the outbuildings and had substantially reduced the size and scale of the development. They had been very careful to consider the Area of Outstanding Natural Beauty; as regular donors to Cleeve Common Conservators, they were fully aware of Cleeve Common and its surrounding environment. The proposed development faced away from the road and was virtually invisible from Gambles Lane. The Committee would be aware that there were no objections from neighbours or the wider community and the view of the Planning Officer was that the application would be in keeping with current planning policy which was reflected by the recommendation to permit.
- 68.34 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being put to the vote, it was

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

15/01234/FUL – Brawn Farm, Rodway Lane, Sandhurst

- 68.35 This application was to replace dilapidated and damaged timber boundary fence with brick wall to include new screen for oil tank.
- 68.36 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being put to the vote, it was

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

15/01139/FUL – The Willows, Bamfurlong Lane, Staveton

- 68.37 This application was for the change of use of a holiday touring caravan and camping site to a gypsy and traveller site for 20 static caravan pitches and nine touring caravan pitches, amenity space, landscaping and utility building following demolition of existing buildings. The Committee had visited the application site on Friday 12 February 2016.
- 68.38 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

15/01314/FUL – Land at Starcroft Lane, Main Road, Minsterworth

- 68.39 This application was for change of use of land to six Romany gypsy pitches and associated works including six mobile homes, six touring caravans, six day rooms and hardstanding. The Committee had visited the application site on Friday 12 February 2016.
- 68.40 The Chair invited the applicant's agent, Simon Ruston, to address the Committee. He pointed out that Officers had noted that there would be no harm to highway safety and any potential danger could be dealt with by condition. The only issue identified within the Officer's report related to landscape impact, however, it was accepted that the proposed additional landscaping would mean that the harm would be relatively contained to the site itself. If Members were minded to permit the application, it would be subject to a number of conditions including one to ensure that no development would take place until a landscaping scheme had been submitted to the satisfaction of the Local Planning Authority. As Members would be aware, Tewkesbury Borough was significantly constrained by the Green Belt, flood zones and the Area of Outstanding Natural Beauty and the fact that this site was not affected by any of those factors should be given weight. Furthermore, the proposal would contribute towards meeting the identified need for traveller pitches in the Borough at no cost to anyone other than the applicant.
- 68.41 The Chair advised that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that he did have concerns about the safety of the site, which had been very untidy, with exposed electricity cables, when the Committee had carried out its site visit, and he sought assurance that would be addressed if Members were minded to permit the application. The Development Manager confirmed that this would be dealt with appropriately and, upon being taken to the vote, it was

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

Councillor D M M Davies asked that his abstention be recorded.

15/01315/FUL – Land at Starcroft Lane, Main Road, Minsterworth

- 68.42 This application was for the removal of condition 1 and variation of condition 2 of planning permission 13/01133/FUL to allow permanent use of the site as a transit gypsy site (eight pitches) and amendments to the approved plans to allow reconfiguration of the site layout. The Committee had visited the application site on Friday 12 February 2016.

68.43 The Chair invited the applicant's agent, Simon Ruston, to address the Committee. Mr Ruston indicated that he did not intend to repeat the points which he had made in relation to the previous application but he did wish to make a point in respect of transit sites. In his experience of working with different local authorities across the country, transit sites provided a safe and lawful place for gypsies and travellers to stop, however, there were very few available and incidents of unlawful occupation of land could lead to community tensions. Sites which were run by gypsies and travellers themselves were often more successful than those run by local authorities and the proposed site would provide a vital resource for Tewkesbury Borough.

68.44 The Chair advised that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that he would like to see an improvement to the access from the site to the main road which was extremely narrow. In response, the Planning Officer advised that the access had been assessed as suitable for a temporary planning permission; the land was not within the applicant's control and County Highways had not raised any objections to the proposal. On that basis it would be difficult for the Borough Council to insist on any improvement.

68.45 Upon being put to the vote, it was

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

15/00197/FUL – Land Adjacent to Minsterworth Village Hall, Main Road, Minsterworth

68.46 This application was for the proposed erection of 14 affordable dwellings with associated hard and soft landscaping.

68.47 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement to ensure that the dwellings remained affordable in perpetuity, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The seconder of the motion explained that it had been a struggle to secure schemes for affordable housing in recent years and he welcomed this proposal which had been inspired by the Parish Council. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a Section 106 Agreement to ensure that the dwellings remain affordable in perpetuity.

PL.69 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

69.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 22-27. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

69.2 With regard to the dismissed appeal Ref: 14/01286 Land Opposite the Orchard and Lamorna, Dixton Road, Alstone, Tewkesbury, in relation to three proposed dwellings with garages, access, drives/turning and parking spaces, a Member noted that the Inspector had disagreed with the Officer's view that the application site was isolated. In response, the Development Manager advised that Officers had looked at the issue of isolation 'in the round' whereas the Inspector had taken a more literal view of its meaning within the National Planning Policy Framework. In terms of the reasons why Officers felt that it was isolated, the Inspector had agreed that it was not a suitable location for more housing.

69.3 It was

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

PL.70 ADVANCED SITE VISITS BRIEFING

70.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Pages No. 28-29, 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.

70.2 It was

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

The meeting closed at 11:20 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 16 February 2016

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	
704	1	<p>15/01126/FUL</p> <p>Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke</p> <p>Consultations & Representations:</p> <p><i>Stoke Orchard and Tredington Parish Council</i> - Object to this application. The junction to the development is near accident black spot (Piff's Elm Junction) where multiple deaths have occurred over the years. Development is in an isolated position meaning most people will travel by car. The nearby motorway junction has restricted access so it is not well served by the motorway. The site is within the Green Belt.</p> <p><i>Boddington Parish Council</i> - Additional objections raised to the proposed development (see attached below).</p> <p><i>Leigh Parish Council</i> - Although this application is in our neighbouring Parish, there is no question that it will affect parishioners within this Parish. Houses along the A38 at Coombe Hill will see the proposal due to its large size and the open nature of the landscape. Its size means that it will be visible from as far afield as Bredon, Cleeve Hill and maybe even the Malverns. The Parish Council is opposed to the application on the following grounds:</p> <ul style="list-style-type: none"> - Traffic - There are several major concerns relating to traffic - volume, speed and safety. Estimated increase of traffic movements along the Tewkesbury Road is a concern. Lorries leaving the site will have to travel through Coombe Hill to access a safe route to Junctions 9 or 11 of the M5 to travel south or as they currently do, execute a dangerous 'U' turn across the dual carriage way to travel North using Junction 10 of the M5. The same dangerous manoeuvres would be seen in reverse when lorries were travelling towards the proposed site. The whole area is considered an accident black spot by the locals. - Location - Large industrial sites are better suited to being located closer to the outskirts of towns and cities where the infrastructure is better able to cope with the size and scale of such proposals and are already in place (power, drainage, roads). There is no mains drainage for this site and there is no real evidence to indicate how this would be dealt with. The siting of this application is isolated and has no relation to any existing housing settlements or employment areas. Its very location goes against Government policy for sustainable development. It has been acknowledged that it is unlikely that people will travel to work on foot or cycle. The size of the proposed buildings is completely out of character with any other buildings within this Parish and is completely alien to its rural landscape setting.

Economic Development Officer - Gloucester Business Park currently has 27ha of available employment land. The website states that there are opportunities from 20,000 sq ft.

56 letters received in support of the application on similar grounds outlined in the report and including:

- Would add great resources to the other local businesses
- Would improve road junction at the Gloucester Old Spot pub
- Query where jobs are to support new housing developments
- Good public transport
- Good design
- Good highways
- Most supportive use of the land to the community
- Will help contribute economic support to the Gloucester Old Spot that outweighs any harm to the building itself

(NB: One letter of support incorrectly states that the Case Officer is the applicant.)

56 letters, principally from local residents, have been received objecting to the application on similar grounds outlined in the report and making additional comments:

- Difficult to see how it would enhance local employment.
- Accident Blackspot
- Flood risk concerns
- In the Green Belt
- Wrong location
- Will set a precedent for other similar developments in the area
- Will be an increase in HGV's doing U turns off the M5 in order to access the site
- Contrary to JCS which has identified land on the other side of the motorway junction for industrial/employment use
- Visual impact would be appalling
- Loss of farmland
- Increased noise and air pollution would have an adverse effect on local wildlife
- Would be out of character for this area and totally alien to the locality
- Appears to be no provision for drainage of storm water and other possibly potentially noxious liquids coming off the site
- Would obstruct view of Boddington Manor and its surrounding ancient parkland
- Better suited to a brownfield site
- Additional strain on local infrastructure such as electricity/broadband.
- Improvements to Stoke Road would fail to address highway safety concerns raised

		<p>- Cannot be classed as an extension to Elmstone Business Park as it is isolated and separated by a road and strip of land.</p> <p>One letter making following comments - No objection to development but hope the buildings are of a colour and height that is in keeping with others in the area and complimentary to the rural scene; that signage of a modest size; landscaping and planting along boundary with adjoining pub should be considerable and should commence at the outset of the works, so that the privacy of people using the pub gardens is not hindered; parking would be best based on the east side of the site so that the buildings are at a reasonable distance from pub boundary; hope the creation of a new access onto the development can be used as a means of slowing traffic down along the A4019, particularly in the vicinity of the Junction with Stoke Road, where a mini roundabout could assist in traffic flow and safety.</p> <p>Letter from applicant in support of application.</p> <p>Copy of letter to applicant from Gfirst LEP – attached below.</p> <p><i>Letter from agent</i> - Landscape consultant response and copy of e-mail from applicant seeking clarification on issues raised and highlighting economic benefits from creation and safeguarding of 350 jobs directly and a further 100 indirectly that bring in £100 million revenue annually to the local economy.</p> <p><i>Landscape response</i> - In summary, with landscape design mitigation to create a robust and well treed woodland buffers to all boundaries of the site, many of the potential visual impacts can be significantly reduced and urbanising effects correspondingly reduced and lessened. The developer would be willing to accept a landscape condition to ensure that planting proposals for the site are able to achieve the overall intention for substantial and robust screening as set out in the broad intentions of the supplied landscape analysis sketch (see plan attached below).</p> <p><i>Council Landscape Consultant's response</i> - My conclusion is that the proposed structure planting, if secured, could be effective in screening daytime views across the car park to the facades from the A4019. I maintain however, that due to the scale and nature of this development and its rural setting, it will exert a strong urbanising influence on the local landscape character. The urbanising influence will be emphasised by the isolated nature of the site in open countryside. My concerns relating to night time illumination in this generally dark, rural landscape also remain. See conclusion.</p>
735	5	<p>15/01188/FUL</p> <p>Fortitude, Birdlip Hill, Witcombe</p> <p>Consultations and Representations</p> <p>Please note that 'Brockworth Parish Council' should be substituted to read 'Badgeworth Parish Council'.</p> <p>Badgeworth Parish Council had further commented that the application had generated considerable public interest, and the Parish Council had worked extremely hard putting together a comprehensive written response. On this occasion work commitments, combined with health problems and the short notice, meant that none of the Members were able to attend the site visit for genuine and specific reasons.</p> <p>The following was omitted from the Officer report in error:</p> <p>The application has been called to Planning Committee by Councillor Foyle in order to access the impact of the proposal on the Area of Outstanding Natural Beauty.</p>

		<p>Officer Comments</p> <p>An email has been received from the applicant's agent requesting that the application be deferred to allow consideration of the removal of Unit 4 from the scheme i.e. the southern-most unit within the upper field.</p> <p>This request is noted, however, this does not change the Officer recommendation. Whilst the removal of a single dwelling from the scheme would reduce the overall impact, the conclusions on the principle of development reached at Paragraph 5.5 of the Officer report and the overall conclusions would equally apply to a revised application for three dwellings.</p>
778	11	<p>15/00197/FUL</p> <p>Land adjacent to Minsterworth Village Hall, Main Road, Minsterworth</p> <p>A letter has been received from the Chairman of the Village Hall Trustees pointing out that the plans indicate that "<i>Visitor parking is to be accommodated in the Village Hall car park and on the road.</i>" It is pointed out that the Village Hall Trustees will not accept visitor parking in the Village Hall car park.</p> <p>Revised plans have been received from the applicant which remove any reference to visitor parking in the Village Hall car park and that visitor parking is to be contained within the proposed development.</p>

Item 1 – 15/01126/FUL - Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke
(Boddington Parish Council comments)

Boddington Parish is the adjacent Parish to this proposed development – being on the opposite side of the A4019 Cheltenham to Tewkesbury road.

Boddington Parish Council wishes to object to the proposed development in the strongest possible terms for the following reasons:

- Unsuitable location – the development is proposed on what is currently agricultural land and would be an isolated Industrial/Commercial development which would destroy the rural landscape in that area
- Impact upon the setting of the nearest building, a Grade II listed building, namely the Gloucester Old Spot public house and the adverse effect on the historic and beautiful Boddington Manor, also Grade II listed building, in the planning balance
- Increase in traffic movements in and around the surrounding area. The A4019 is already a very busy road and all local residents have experienced difficulties and delays at the junctions with Boddington Lane and Stoke Road – this development will exacerbate the existing problems at both junctions
- Increase in potential 'dangerous' traffic manoeuvres as a result of HGV movements in the area – eg southbound traffic exiting Junction 10 of the M5 and northbound traffic wanting to access this restricted Junction of the M5, both by completing a 'U' turn at Withybridge Lane
- Increase in HGVs, indeed all traffic, through rural areas with roads which are inadequate to accommodate such movements – eg southbound HGVs leaving the proposed development site will head towards M5 Junction 11 via either Boddington Lane or Withybridge Lane through to Staverton and on to Junction 11. Similarly, northbound HGVs heading for the proposed development site will exit the M5 at Junction 11, through Staverton and on to Boddington Lane or Withybridge Lane
- In the traffic and highway reports that we have viewed there seems to be no consideration from which direction vehicles, both cars and HGVs, will approach the site from the main road network in the area
- With the Motorway bridge at Junction 10 having undergone remedial repairs in order to extend its life, this proposed development will increase the numbers of large vehicles using the bridge, up to 44 tonnes GVW, which will reduce its safe working life. At this point, the Highways Department will probably want to close the bridge altogether in order that a new one may be built – leading to diversions.....via Withybridge Lane, via Staverton village and through Boddington?
- Drainage: regularly during the winter months standing water can be seen in the proposed development site - being unable to drain away either due to a high water table or inadequate drainage in that area – perhaps both. If the proposed development is allowed and the site is covered by buildings/car parks etc., this will worsen the ability of the area to drain
- Inadequate support facilities in the area for such a development – internet connection and broadband speed from Coombe Hill is inadequate for existing users in the area, any increase in users will just make it worse for the existing community and mobile reception in this whole area is very poor.

In conclusion, Boddington Parish Council strongly objects to the application because this proposed development is not related to any significant settlement and/or employment area. It is in the wrong area – it is an isolated large development on an unallocated site and does not appear to have been promoted through the Joint Core Strategy which has identified and allocated additional employment land according to where it is needed. This makes the proposal contrary to Government Policy and to the emerging Joint Core Strategy and Tewkesbury Local Plans which seek to protect open countryside from development.

Item 1 – 15/01126/FUL - Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke
(Letter to applicant from GFirst LEP, Page 1 of 2)



GFirst LEP CIC

Peter Cassidy
Elmstone Park Ltd
Phoenix House
Stoke Road
Elmstone Hardwicke
Cheltenham
GL51 9SY

11 February 2016

Dear Peter

Elmstone Park

I refer to the recent presentation about your exciting plans for bringing forward additional employment land at Elmstone Park for development.

As I explained, the plans for economic growth in the county are contained in our Strategic Economic Plan [SEP] covering the period from 2015 to 2021. This was agreed and signed up to by all the Local Authorities and approved by the Government. The SEP identified that there was a shortfall in the availability of strategic employment land in the county and that a significant proportion of the available land is fragmented or in the wrong location, incapable of supporting development. It also specifically identified that enquiries from businesses for premises in or around Cheltenham have been turned away due to the lack of suitable premises. Similarly, when local firms grow, they often find their expansion blocked by lack of suitable sites or premises in and around Cheltenham.

You asked for further information on the LEP "Growth Zone" initiative. Again, this is covered in the SEP. The primary aim of the Growth Zone is to ensure the availability of quality employment land in proximity to the M5 motorway, attractive to businesses and with excellent connectivity throughout Gloucestershire and the rest of the UK. This will serve latent demand in the marketplace and provide the space required to enable businesses to grow. Our plans for the delivery of employment land around Junctions 10 and 9 of the M5 are supported by a number of transport related proposals across the county which will enable the growth to be achieved through the release of employment land.

Whilst the economy is broadly strong there is evidence that economic growth has slowed in Gloucestershire in recent years relative to the rest of the UK. For this reason we have set a bold target in our SEP to achieve growth above the national average and have ambitious plans to realise that target. This includes the creation of nearly 34000 new jobs by 2021. Suitable employment land is absolutely critical to reaching this target, as is that need to stop the leakage of jobs out of the county due to the inability of businesses to find suitable employment land to either locate or expand.

Registered Office: GFirst LEP CIC, Oxstalls Campus, Gloucester, GL2 9HW
Company Number 09353067

Item 1 – 15/01126/FUL - Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke
(Letter to applicant from GFirst LEP, Page 2 of 2)

It would seem that your plans do align to the aspirations of the SEP but I am sure you will appreciate that I am unable to comment on the specifics of any individual planning application. However the LEP is keen to ensure that the county retains its current business base and that key partners and local stakeholders create and provide an environment that allows businesses to invest and grow, increasing the productivity and creation of jobs.

Yours sincerely

A black rectangular box redacting the signature of David Owen.

David Owen

Item 1 – 15/01126/FUL - Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke, (Landscape analysis sketch)

25

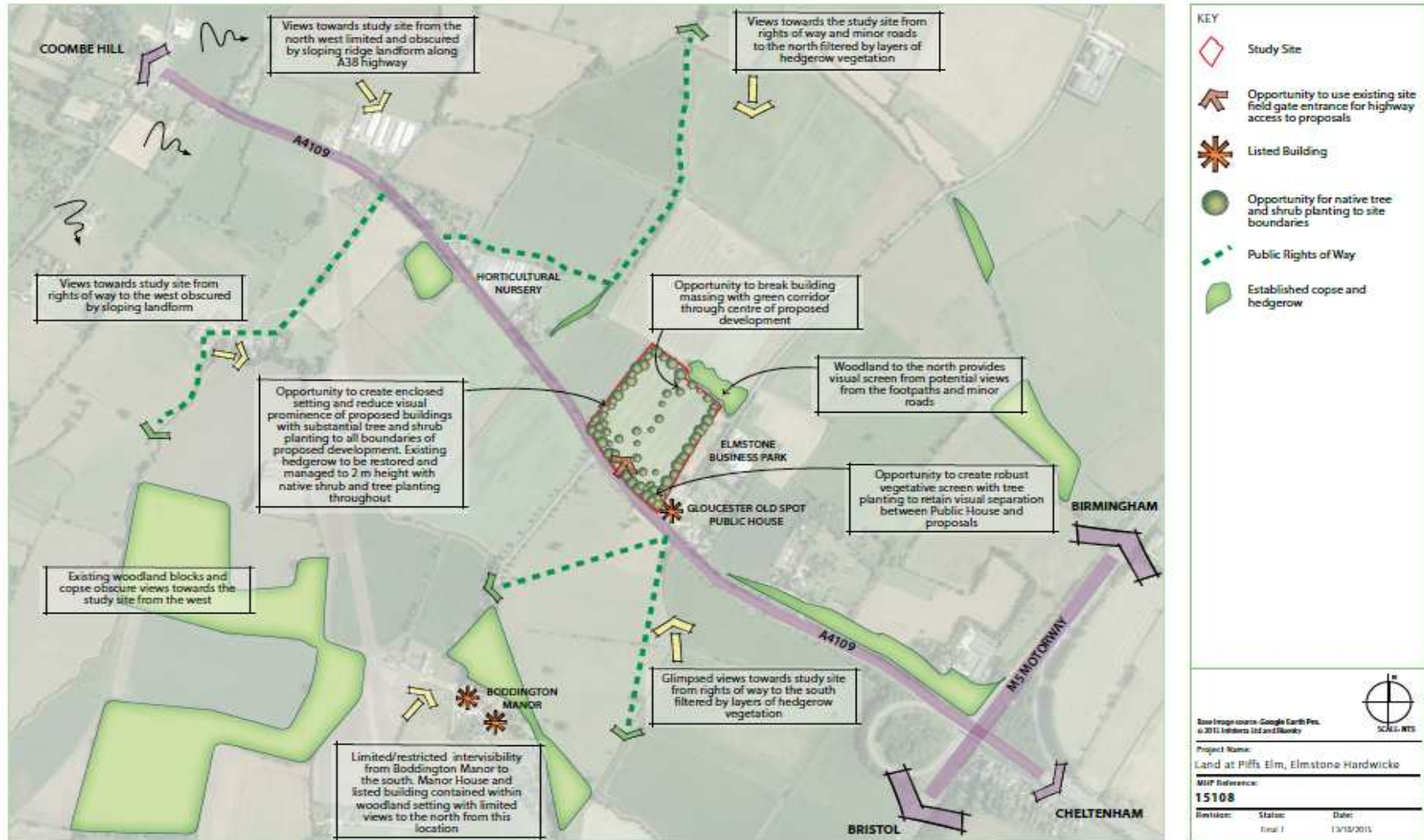


Figure 8 Landscape Analysis Sketch
15108 Land at Piffs Elm, Elmstone Hardwicke

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	Tuesday 15 March 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.</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	15/00107/CLE & 15/00106/CLP
Location	Cotswold Grange Country Park, Meadow Lane, Twyning, Tewkesbury
Appellant	Cotswold Grange Country Park LLP
Developments	Existing use as part of a caravan site without restriction as to type of caravan or nature of occupation and Proposed siting of 19 caravans for residential occupation
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decisions	Dismissed
Reason (if allowed)	<p><u>Appeal A</u></p> <p>The first appeal sought a declaration that the site was currently lawfully used as part of the neighbouring caravan site. The application had been refused as the Council did not agree that the evidence demonstrated this.</p> <p>The Inspector agreed and stated that just because the land in question had been used as part of the landscaping for the site, it did not follow that it must be used as part of the caravan site. He judged it to be a functionally separate area and that implementing the tree planting had actually prevented any other form of use associated with the caravan site, even had there been any such use before the planting.</p> <p><u>Appeal B</u></p> <p>The second appeal sought a declaration that the use of a different parcel of land could lawfully be used for the proposed siting of 19 caravans for residential occupation. The application was refused on the basis that the use was restricted by planning conditions which restrict the number, type and occupation of caravans that can be stationed on the land.</p> <p>The Inspector noted that part of the site was the same as for Appeal A which he had dismissed and therefore he could not allow this appeal. Nevertheless, whilst the original permission (allowed on appeal) sought to restrict the use of 19 caravans for holiday use, it did not restrict the number or use of other caravans that could be placed on the land i.e. it did not state that the land should <u>only</u> be used for holiday use. This is a disappointing conclusion particularly given that the conditions on the site were put in place by another Inspector who clearly intended to limit</p>

	the use of the site to holiday use.
Date	02.02.16

Application No	15/00134/FUL
Location	2 Paynes Pitch, Churchdown, GL3 2NP
Appellant	Mrs Kathryn Howard
Development	Proposed two storey rear extension and alterations to include new pitched roof to existing two storey side extension and new front porch.
Officer recommendation	Permit
Decision Type	Delegated
DCLG Decision	Allowed
Reason (if allowed)	<p>This was an unfortunate and unnecessary appeal against a condition requiring matching materials. On this occasion the application wished to use brick for their extension as opposed to the existing render. The applicant was badly advised that an appeal was the most appropriate route to resolve the issue, whereas it could have been much more simply dealt with by way of a 'free go' application or even as a minor amendment to the original permission.</p> <p>The Council did not offer any evidence against the appeal as there were no planning objections and the Inspector duly, and rightly, allowed the appeal.</p>
Date	05.02.16

Application No	15/00027/FUL
Location	Uphill Cottage, Churchdown Lane, Churchdown, GL3 2LR
Appellant	Mr R Mann
Development	Change of use of barn to a dwelling and associated works
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Allowed
Reason (if allowed)	<p>The application was refused as the building had been subject to substantial works to enable its conversion contrary to local plan policy. This followed an application to change the use of the barn under permitted development rights which had been refused exactly because it was not of substantial construction. The application was also refused due to its Green Belt and landscape harm and remote location.</p> <p>The Inspector concluded that the proposal would not have an unacceptable impact on the Green Belt, although this does appear at odds with the conclusions reached by his colleague in determining the appeal at Uckington (see below) with regard to residential paraphernalia etc. He also considered that the evidence before him indicated that whilst the building had been repaired, the works were acceptable in light of local plan policies AGR6/7. The</p>

	Inspector similarly felt there would be an acceptable impact on landscape grounds and that the proposal was not so unsustainable from a transport perspective that it should be refused.
Date	10.02.16

Application No	15/00606/FUL
Location	West Wall Cottage, Tewkesbury Road, Uckington
Appellant	Mrs Barabara Perry
Development	Erection of new dwelling (2 bed bungalow)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason (if allowed)	<p>The application was refused on the basis that it constituted inappropriate development in the Green Belt and would compromise its open character, appearance and function.</p> <p>The Inspector noted that although the proposal would result in the replacement of several smaller buildings and chattels, it would be the case that the new dwelling and detached garage would be materially larger than that which it replaces. Thus the Inspector agreed that the proposals represented inappropriate development which conflicted with national and local Green Belt policy. She also agreed that the impact of the proposal on the openness of the Green Belt would be greater than the existing buildings on site and that this would be exacerbated by the domestic paraphernalia associated with the use, such as parked cars, garden furniture and children's play equipment.</p> <p>In considering whether very special circumstances existed to justify the impacts on the Green belt the Inspector concluded that the appellant's contention that the land will remain in its existing state if not developed was an argument that could be repeated many times and it is not sufficient reason for allowing what is otherwise an unacceptable form of development. Further, the Inspector concluded that in relation to the appellants personal circumstances (the wish to downsize from their existing property), the harm described above would continue long after these personal circumstances cease to be material.</p>
Date	10.02.16

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
15/01059/FUL	36 Potters Field Road Woodmancote Cheltenham Gloucestershire GL52 9PY	Erection of detached single garage.	02/02/2016	HH	SNB	N/A
15/00670/OUT	32 Ermin Street Brockworth Gloucester Gloucestershire GL3 4HN	Outline Planning Permission for the demolish existing house and garage and replace with 3 townhouses (All matters reserved)	09/02/2016	W	CIP	15/03/2016
15/00678/FUL	Lynch Lane Farm Greenway Lane Gretton Cheltenham Gloucestershire GL54 5ER	Demolition of existing extensions & erection of one and a half storey extension. (Revised scheme to 13/01065/FUL & 13/01066/LBC]	04/02/2016	W	EMB	10.03.2016
15/00679/LBC	Lynch Lane Farm Greenway Lane Gretton Cheltenham Gloucestershire GL54 5ER	Listed Building Consent for Demolition of existing extensions & erection of one and a half storey extension (revised scheme 13/01065/FUL & 13/01066LBC)	04/02/2016	W	EMB	10.03.2016
13/01215/CLE	Green Garden Coopers Hill Gloucester GL3 4SD	Use of land for purposes incidental to the enjoyment of the residential dwelling at Green Garden.	02/02/2016	W	HMS	15/03/2016
15/01193/FUL	29 The Holt Bishops Cleeve GL52 8NQ	Demolish existing garage and replace with attached garage with addition of first floor over garage to provide additional bedroom.	16/02/2016	HH	SNB	N/A

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
15/00394/OUT	Land To The South Of B4077, Toddington	Outline planning application for the erection of up to 33 dwellings and associated works with all matters reserved for future consideration with the exception of access.