

25 July 2016

Committee	Planning
Date	Tuesday, 2 August 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.



3. DECLARATIONS OF INTEREST

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.

4. MINUTES

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To approve the Minutes of the meeting held on 5 July 2016.

5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**(a) Schedule**

To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".

6. DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

To note the following decisions of Gloucestershire County Council:

Site/Development	Decision
16/00500/LA3 Shurdington Primary School Badgeworth Lane Badgeworth Erection of a new temporary classroom.	Application PERMITTED subject to conditions in relation to the commencement of development and the scope of the development for the following summary of reasons: 'The proposed classroom is required to accommodate a planned increase in pupils from September 2016. The proposed building would be located at the side of the school on an existing grassed area, currently used for open access. The school retains sufficient outdoor amenity space within its grounds to accommodate the proposal. Subject to conditions, it is considered that the proposal will not have an unacceptable adverse effect upon the character of the area, the ecology of the site nor the amenity of neighbouring residents and the general locality by reason of its design, appearance, scale and siting in accordance with Tewkesbury Borough Local Plan to 2011 (Adopted March 2006)(Saved

	<p>Policy): GNL8, GNL15, TPT1, TPT6, EVT2, LND7 and NCN5, and the aims and interests that the National Planning Policy Framework seeks to protect and promote.'</p>
<p>16/00568/LA3 Grangefield Primary School Voxwell Lane Bishop's Cleeve</p> <p>Expansion of school to 2FE including new eight classroom block, kitchen/hall extension to existing school hall, additional on-site parking and new canopy.</p>	<p>Application PERMITTED subject to conditions in relation to the commencement of development; scope of the development; construction period working hours; submission of a Construction Method Statement; pedestrian access restriction; temporary access and visibility; cycle parking; travel plan; ecology; flood risk management; and submission of a landscape scheme for the following summary of reasons:</p> <p>'The proposed eight classroom block, kitchen/hall extension, additional on-site parking and a new canopy on the south and west elevations of the KS1 play area is required to accommodate a planned increase in pupils from one to two forms of entry. The design of the proposed classroom and kitchen extension is in keeping with the existing modern school, reflecting some of the features in roof design and materials. It is sympathetic in scale and well located in relation to the existing buildings. Subject to conditions, it is considered that the proposal will not have an unacceptable adverse effect upon the character of the area, the ecology of the site nor the amenity of neighbouring residents and the general locality by reason of its design, appearance, scale and siting in accordance with Tewkesbury Borough Local Plan to 2011 (Adopted March 2006)(Saved Policy): GNL8, GNL15, TPT1, TPT6, EVT2, EVT3, LND7 and NCN5, and the aims and interests that the National Planning Policy Framework seeks to protect and promote'.</p>

<p>16/00690/LA3 Churchdown Village County Junior School Station Road Churchdown</p> <p>Extension to provide a SEN/physiotherapy room and associated works.</p>	<p>Application PERMITTED subject to conditions in relation to the commencement of development; scope of the development; construction hours of working; and submission of a Construction Method Statement for the following summary of reasons:</p> <p>'The proposed development to construct an extension would improve the teaching of children with Special Educational Needs (SEN) who will be attending the school from September 2016. The proposals satisfy the requirements of Paragraph 69 of the National Planning Policy Framework which places great weight on the need to create, expand or alter schools. It would not increase the number of pupil numbers at the school or the staff to teach. The proposed extension will not be visible from public vantage points being single storey, located on the northern side of existing buildings which are well within the school campus site, surrounded by playing fields. The extension would be constructed of materials which will be sympathetic to the materials used in the existing buildings to which it would be attached. This extension would be of modern design, in keeping with the existing school buildings and accords with Paragraphs 56 and 68 of the National Planning Policy Framework which requires good design to be well integrated into the environment. The proposal gives rise to no material harm, is in accordance with the development plan and National Planning Policy Framework; there are no material considerations that could justify refusal'.</p>
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7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

12 - 18

To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.

8. ADVANCED SITE VISITS BRIEFING

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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.

DATE OF NEXT MEETING**TUESDAY, 30 AUGUST 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, 5 July 2016 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillor D J Waters

PL.10 ANNOUNCEMENTS

- 10.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 10.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 11.1 Apologies for absence had been received from Councillors R E Allen and Mrs A Hollaway. Councillors Mrs R M Hatton and H A E Turbyfield would be acting as substitutes for the meeting.

PL.12 DECLARATIONS OF INTEREST

- 12.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

12.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M Dean	16/00363/FUL 12 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs R M Hatton	16/00137/FUL 10 St Anne's Close, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote
J R Mason	16/00369/FUL 26 The Hyde, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P D Surman	16/00470/FUL Old Meadow House, Crippetts Lane, Leckhampton.	Is a Member of Shurdington Parish Council but does not participate in planning matters. Is a Borough Councillor for the area.	Would speak and vote.
H A E Turbyfield	16/00137/FUL 10 St Anne's Close, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	16/00470/FUL Old Meadow House, Crippetts Lane, Leckhampton.	Is a Gloucestershire Council Councillor for the area.	Would speak and vote.

12.3 There were no further declarations made on this occasion.

PL.13 MINUTES

13.1 The Minutes of the meeting held on 7 June 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.14 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 14.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by them prior to decisions being made on those applications.
- 16/00579/FUL – Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke**
- 14.2 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) and improvements to junction with Stoke Road.
- 14.3 The Development Manager explained that Section 70A of the Town and Country Planning Act provided a local planning authority with a power to decline to determine an application in certain circumstances including where there had been no significant change in the relevant considerations since the refusal of the previous application. In the past two years, more than one similar application had been refused, with the most recent refusal in May 2016, and no appeal had been made to the Secretary of State, consequently, Officers considered that this application fell within the scope of Section 70A. The applicant had been made aware of this view before the application was made valid; it was noted that the application had originally been invalid when it was submitted as the fee had not been paid. When the fee had been received, the Development Manager had personally contacted the applicant's agent to check whether their client wished to proceed with the application based on the Officer's view that it would fall within the scope of Section 70A. As set out in the Officer report, there were no significant material changes from the previous application and the route for the applicant under these circumstances would be to make an appeal to the Secretary of State. The Officer recommendation was that the Council should decline to determine the application. It was noted that Members had received a letter from the applicant's agent urging them to determine the application; however, clarification was provided that it would be unlawful to make a decision on the application at the present meeting as it had not undergone the required consultation and publicity.
- 14.4 The Chair invited the applicant's agent, Simon Firkins, to address the Committee. Mr Firkins indicated that the applicant had asked him to clarify the Case Officer for the application given that, despite considerable chasing, no correspondence whatsoever had been received from the Council about the application other than notification of this Committee meeting; this was very unusual in his experience. Having said that, he hoped that Members had managed to read the email he had sent prior to the meeting explaining why there was no reason for the Committee not to determine the application today. He did not intend to repeat the contents of the email aside from stating that the provision in the Planning Policy Guidance was entirely discretionary. He had understood that the previous application had been called to Committee correctly, but it appeared not, so this was the second application for the site that had come before the Committee. In terms of the material changes in circumstances, the name of the end user could not be made public at the last Committee meeting but he could now confirm that Commercial Limited would take the site. It employed over 300 people, was looking to expand and had a desperate need for new, purpose built space. Moreover, the progress of the Joint Core Strategy had stalled further and the Inspector had expressed doubt about the

deliverability of the employment allocations in the Green Belt. Even with that, Gloucestershire First had confirmed that more land was needed and it supported the proposal which would directly result in grant funding towards a four way Junction 10. Financial matters of this nature were, of course, material planning considerations. This site was not in the Green Belt and was deliverable now. Additional information concerning the landscape and the listed public house was provided in response to the last decision to fully address those concerns. Surveys had not shown anything of significance in archaeological terms and this could be dealt with by condition, as was done in Wychavon District. The junction with Stoke Road would be improved to the benefit of all users, County Highways had no objection and the economic benefits of this proposal were significant. Given its similarity to the previous applications, on which consultation had been carried out, there was nothing to prevent a decision being made on the scheme. Notwithstanding what had been heard, he urged Members to approve the application, subject to conditions.

- 14.5 The Chair invited Councillor D J Waters, a local Member for the area, to address the Committee. Councillor Waters indicated that Section 70A was a discretionary power intended to prevent repeat applications. Three applications had now been submitted with no significant difference between them and the Planning Committee had made a lawful decision, regardless of the majority. If Members allowed this application to be determined, it would be sending a message to anyone who wanted to see development in any Ward that if they persevered they would eventually get their way. If the application was worth its merit then he could not understand why an appeal had not been lodged as that would be quicker, easier and cheaper than submitting a new application and anything which the Committee had done wrongly would be brought to light and the decision overturned. In his view, this was a form of bullying; Parish Councils and members of the public did not get the chance to come back once a decision had been made. He hoped that Members would consider this from the residents' perspective and support the Officer recommendation.
- 14.6 The Chair advised that the Officer recommendation was to decline to determine the application and he sought a motion from the floor. It was proposed and seconded that Members decline to determine the application in accordance with the Officer recommendation. A Member indicated that he had a different view and wished to propose that the application be determined at a future meeting of the Committee. This proposal was also seconded. The proposer of the motion to determine the application at a future meeting indicated that this was a decision about process, rather than a decision on the application itself, and he felt that the applicant was being forced down the appeal process. When the first application had been refused by the Planning Committee in February 2016, this had been as a result of the Chair's casting vote and the subsequent application had been refused under delegated authority so Members had not had an opportunity to consider the changes which had been made to address the concerns about the original application. He had mistakenly assumed that subsequent applications would be brought before the Committee but he accepted that the correct procedure had been followed. Notwithstanding this, he felt that any application of significant importance, such as this one, should be determined by the Committee in a process which was fair to both the applicant and objectors. As it stood, Members were not aware of the proposed revisions and he believed that a full report should be taken to a future meeting as this was the only equitable way to deal with the application; if Members decided that it was unacceptable at that point, at least it would have been given due consideration which it would not be if Members declined to determine the application today.

- 14.7 A Member sought clarification as to the differences between the current application and the previously refused application. The Development Manager advised that the changes to the application from the one refused in February were set out at Page No. 63, Paragraph 2.2, of the Officer report and included the specification of the cladding material to be a dark muted colour, green roofs to the office buildings and additional planting to the boundaries. In addition, one of the companies intending to occupy the site had now been named, however, as Members had previously been advised, there was no way of controlling who actually occupied the site. It was noted that the current application was identical to the one which had been resubmitted in April.
- 14.8 A Member expressed the view that the Committee had already determined the application in February and she thoroughly supported the proposal to decline to determine the application in accordance with the Officer recommendation. She had real concerns about the applicant's approach and did not understand why the applicant was not going to appeal. Another Member had the opposite view and questioned why the applicant was being pushed down the appeal route when the Council was the determining authority and should be doing that through the Planning Committee. He was a great believer in fair play and, irrespective of the result, felt that the Committee should determine the application. A Member echoed those sentiments and reiterated that any applications of this magnitude should necessitate a Committee determination.
- 14.9 A Member raised concern at some of the views which had been expressed. He felt that the application had already been determined by the Committee and the amendments were clearly outlined in the Officer report. Officers were perfectly capable of making a decision as to whether those changes were material and he did not understand why the Committee was discussing the matter further. The applicant had an opportunity to lodge an appeal and he suggested that this was the avenue which should be taken. The proposer of the motion to decline to determine the application reiterated that there had been no material changes to the proposal which would result in an unwarranted intrusion into the rural landscape and would have an adverse impact on the character and appearance of the locality as well as the setting of nearby listed buildings and heritage assets. A Member indicated that the Committee had thoroughly considered the original application, which had included a Committee Site Visit, and as no significant changes had been made to the scheme since that time, she saw no reason to discuss it any further. The proposer of the motion to determine the application at a future meeting of the Committee clarified that he had no objection to the original decision made by the Committee but he strongly believed that it should be the Committee which made the final decision.
- 14.10 Upon being put to the vote, it was
RESOLVED That, in accordance with the Officer recommendation, the Council **DECLINES TO DETERMINE** the application.
16/00335/FUL – St Chloe, Main Street, Dumbleton
- 14.11 This application was for conversion and extension of the existing attached garage and construction of a new detached garage and shed in garden.
- 14.12 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.

16/00369/FUL – 26 The Hyde, Winchcombe

14.13 This application was for a front single porch extension, garage conversion into an office and a rear single storey extension.

14.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion understood the objection from the Town Council but he recognised that Officers were happy with what was proposed and felt that it would fit well within the area. Upon being put to the vote, it was

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

16/00485/FUL – The Hayricks, Longridge Lane, Ashleworth

14.15 This application was for the demolition of existing garage and erection of a detached three bay oak-framed garage.

14.16 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 taken to the vote, it was

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

16/00470/FUL – Old Meadow House, Crippetts Lane, Leckhampton

14.17 This application was for the erection of a first floor rear extension (revised scheme). The Committee had visited the application site on Friday 1 July 2016.

14.18 The Chair invited the applicant's agent, Amy Robertson, to address the Committee. Ms Robertson advised that she was a planning consultant from SF Planning, representing the applicant. Her client and his family had been living at the property for over 20 years and were keen to extend their home to enable them to stay in the place they loved. The extension represented a modest and practical way of increasing the living space in the most sensitive way possible. The proposed application was required in order to help care for an elderly parent at home, which would prevent them having to move into a residential care home. The application was therefore very important to the applicant and his family. The application was a resubmission of a previous scheme which had been refused in October 2015 under delegated powers. Since that decision was taken, she had worked with the client and architect to come up with a revised scheme that addressed the reasons for refusal, namely the 'harm to the character and appearance of the existing dwelling' and 'disproportionate additions to the property'. She advised that the size and scale of the proposal had been reduced significantly and the proposal did not look out of place, nor was it a disproportionate addition; the Officer's report stated that the revised scheme 'would be of an appropriate size and design in keeping with the character and appearance of the building'. If the proposal was acceptable in that respect, she did not see how it could be disproportionate to the original dwelling. It was completely obscured from public views, did not increase the footprint of the house and would have no negative impacts in that regard. The application was supported by the Parish Council and the immediate neighbours who, like herself, saw no problem with the proposed scheme. She could not see how a proposal of such a minimal scale warranted a refusal, given that it would cause no harm to neighbours or the environment. She hoped that the Committee would take a pragmatic approach to determining the application and would see that permitting the application would harm no-one but would benefit the applicant and family greatly.

- 14.19 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 permitted as it would not result in a disproportionate addition over and above the size of the original dwelling and therefore would not represent inappropriate development in the Green Belt. The Development Manager advised that, should Members be minded to permit the application, standard conditions in terms of timescale and materials should be included in the planning permission. A Member indicated that he could not support this motion and he proposed that the application be refused in accordance with the Officer recommendation. This motion was also seconded.
- 14.20 In speaking to the motion to permit the application, a Member pointed out that national guidance failed to give an indication as to what should be considered as a disproportionate addition; whilst Officers used a general rule of thumb, there was no real clarity. He felt that the proposal would be beneficial and that had been demonstrated on the Committee Site Visit. He was of the view that the original application may well have been permitted if it had come before the Committee as opposed to being determined under delegated powers. A Member agreed that the Committee Site Visit had been useful and he could see no reason to refuse the application, particularly given that there was no objection from the Parish Council or neighbouring residents. The extension would be tucked away and would barely be visible so he would be supporting the motion to permit the application.
- 14.21 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** subject to the inclusion of standard conditions including timescale and materials.
- 16/00137/FUL – 10 St Anne’s Close, Brockworth**
- 14.22 This application was for a proposed side extension. The Committee had visited the application site on Friday 1 July 2016.
- 14.23 The Chair invited Karen Smith, speaking against the application, to address the Committee. Ms Smith explained that she was speaking on behalf of all the residents in St Anne’s Close and the adjacent and overlooking houses in Fairhaven Avenue. She indicated that the residents of St Anne’s Close were very fond of their streetscene and the five groups of semi-detached properties were a unique representation of 1960s building design. The proposed extension to No. 10, and subsequent changes to other properties that would inevitably happen in the future if this precedent was set, would result in an irretrievable loss of the streetscene. She made reference to an email from the Case Officer dated 16 December 2015 which was sent to Mr Lewis, acting for Mr and Mrs Gudgeon at 1 St Anne’s Close, in connection with an application to convert their upstairs roofspace to a dormer to provide a bedroom and bathroom/ensuite. The email was sent six weeks prior to Mr Hawkins’ application to build an extension that would be half as much again of the existing property with a dormer across the entire rear of the property and involved inserting skylight windows into the roofspace at the front of the property. The email stated: ‘Having now reviewed the above application I can advise the following: Unfortunately the proposal is in line for a refusal given that there would be harmful overlooking to 3 Fairhaven Avenue. The proposal would also not respect the character and proportions of the existing dwelling and would be out of keeping with the streetscene. You do have the option to withdraw the application by 21 December otherwise a refusal will be issued’. She went on to explain that St Anne’s Close did not have any street parking and the vehicular access to No. 1 and No. 10 were both from Fairhaven Avenue as it had not been deemed safe to have the access from St Anne’s Close at the time the properties were built. The property owners and dwellers in St Anne’s Close and Fairhaven Avenue lived in their homes with the knowledge that any children resident, or visiting, were able to play in a safe

environment because both were cul-de-sacs and there were very few cars. Brockworth Parish Council and the neighbours of No. 10 were concerned that, if planning permission for this significant extension was awarded, it would set a precedent with the very large plots in St Anne's Close given over to large developments and, due to the narrowness of the roads and very limited available parking, there would be a danger to pedestrians that used the roads, as well as the allotments at the end of Fairhaven Avenue. She indicated that a precedent had already been set by St Mark's area of Cheltenham where the residents and local authority wanted the character of the vicinity to be unaffected and a Conservation Order had been duly issued.

- 14.24 The Planning Officer explained that the previous application for a new dwelling on the site had gone beyond the building line which would have a harmful impact on the streetscene. When the current application had been submitted, Officers continued to have concerns regarding the extension and rear dormer and they had worked hard with the applicant to get it to a standard which they considered to be acceptable and which overcame the issue of overlooking. He advised that the rooflights had been omitted and the rear dormer had been reduced in size, furthermore, the plan at Page No. 83/A showed that the proposal did not extend beyond the building. On that basis, it was considered that the reduced scheme was acceptable.
- 14.25 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. A Member noted that the applicant had marked out the extension with ropes for the Committee Site Visit the previous week, however, this had shown that there would only be a very small gap of only 18 inches or less between the garage and the new extension and he questioned whether that was accurate. The Planning Officer indicated that he had not been on the Committee Site Visit but the main point was that there would be adequate parking provision. It was understood that the applicant intended to demolish the garage, or to reduce its extent, but this was not something which could be insisted upon. A Member suggested that, if the garage was retained, it would look similar to No. 9 which had a completely enclosed rear garden with no side access which she did not have an issue with. The Planning Officer confirmed that there were many examples of properties without side access and any potential issues, for instance, fire risk, would be identified by Building Control.
- 14.26 Upon being taken to the vote, it was
RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.
- 16/00363/FUL – 12 Beverley Gardens, Woodmancote**
- 14.27 This application was for the erection of a new two storey dwelling within existing curtilage and minor alterations to the existing bungalow (amendment to previous approval – 15/00981/FUL).
- 14.28 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 taken to the vote, it was
RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

16/00448/TPO – 9 Stoke Park Close, Bishop’s Cleeve

- 14.29 This application was to lift up low branches on the crown of trees (Hornbeams) overhanging the rear garden of No. 9 Stoke Park Close.
- 14.30 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent for the application and he invited a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

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

PL.15 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

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

Site/Development	Decision
16/00405/LA3 Grangefield Primary School Voxwell Lane Bishop’s Cleeve Erection of new temporary classroom block.	Application PERMITTED subject to conditions relating to the commencement of development; the development being carried out in accordance with the approved plans and documents; and the building being removed from the site within 18 months from the commencement of development, or upon the occupation of the permanent buildings, for the following summary of reasons: ‘Subject to conditions, it is considered that the proposal will not have an unacceptable adverse effect upon the character of the area, the ecology of the site nor the amenity of neighbouring residents and the general locality by reason of its design, appearance, scale and siting in accordance with Tewkesbury Borough Local Plan to 2011 (Adopted March 2006) (Saved Policy): GNL8, GNL15, TPT1, TPT6, EVT2, EVT3, LND7 and NCN5 and the aims and interests that the National Planning Policy Framework seeks to protect and promote’.

PL.16 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 16.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 20-26. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government appeal decisions issued.

16.2 A Member sought a view from Officers regarding the recent appeals in relation to solar farms at sites in Over and Highnam. In both cases, the Planning Committee had felt that the proposals would have a detrimental impact on the areas and had refused the applications but they had been allowed on appeal and he questioned whether the Planning Inspectorate was taking a view that proposals for green energy should be “rubber stamped”. In response, the Development Manager advised that each application was considered on its own merits and the proposals had been judged on the individual circumstances of each case. Nevertheless, it was Government policy to support renewable energy infrastructure and, where this was proposed outside of the Green Belt and protected landscape, applications had a good chance of being supported. A Member went on to question whether any more had been done regarding the erection of control station buildings, which tended not to be included in the plans for applications for solar farms but were a necessary part of such developments. The Development Manager advised that energy companies had substantial permitted development rights for such installations; in some cases it might be possible to remove those rights but Officers would need to look very closely as to whether it would be justifiable as the Government would only support this in exceptional circumstances. With regard to the appeal in relation to a solar farm at Stoke Orchard, a Member understood that Officers would be reporting to the Planning Inspectorate and she questioned whether reference could be made to additional building on the site. The Development Manager indicated that he did not know what stage this particular appeal was at but he undertook to write to the Planning Inspectorate as requested.

16.3 Another Member questioned whether the local planning authority was able to insist on a landscaping scheme to lessen the impact of these additional buildings. In response, the Development Manager provided assurance that, now this point had been brought their attention, in future it was intended to establish from each company what additional equipment may be necessary and ensure that landscaping was taken into account. Notwithstanding this, it was to be borne in mind that companies may not always disclose their plans, or circumstances may require a building to be put in at a later stage. Officers would do what they could at the application stage but it would very much depend upon the individual circumstances of each application and the possible impacts. The Development Manager undertook to look at potential wording which could be used in any landscape conditions for these applications going forward.

16.4 It was

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

PL.17 ADVANCED SITE VISITS BRIEFING

17.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 27, 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.

17.2 It was

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

The meeting closed at 10:05 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS ADDITIONAL REPRESENTATIONS

Date: 5 July 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	
77	5	<p>16/00470/FUL</p> <p>Old Meadow House, Crippetts Lane, Leckhampton, Cheltenham, Gloucestershire, GL51 4XT</p> <p>Update to the Officer's report: Paragraph 3.1 - the revised extension would actually be smaller than the original (refused) extension. It would have a floor area of 20sqm rather than 28sqm. The Green Belt calculations as stated in Paragraph 5.6 would therefore be less than stated. The proposed extension (20sqm), together with the existing extensions to the property (90sqm), would result in a total additional floor area of 110sqm. This increase in floor space would equate to an increase of 81% (rather than the stated 86%). The proposed extension would therefore be 8sqm (5%) less than the 2015 refused application.</p> <p>Officer's Comments - The proposed extension (although smaller than the original 2015 extension) would still result in a significant increase in the size of the dwelling, would represent disproportionate additions over and above the size of the original dwelling and would have an adverse impact on the openness of the Green Belt.</p>

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	2 August 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 June and July 2016.</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	15/00162/FUL
Location	Grafton House, Gretton Fields, Gretton
Appellant	Mr W Gilder
Development	Proposed use of land and buildings for a mixed use Class B1, Class B2, Vintage Vehicle Storage (Class B8) and Equestrian Purposes. Formation of Manege. Construction of vehicular access and driveway.
Officer recommendation	Refuse
Decision Type	Delegated decision
DCLG Decision	Appeal Dismissed
Reason	The inspector noted that there is already an existing access to the appeal site and whilst it is relatively narrow, she considered that it was perfectly usable for larger vehicles. She concluded that the new access and driveway would result in harm to the character and appearance of the SLA, for which there is no justification before her.
Date	03.06.16

Application No	15/00678/FUL & 15/00679/LBC
Location	Lynch Lane Farm, Greenway Lane, Gretton
Appellant	Mr & Mrs A Steward
Development	Demolition of existing extensions & erection of one and a half storey extension. (Revised scheme to 13/01065/FUL & 13/01066/LBC)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Dismissed
Reason	The Inspector concluded that the proposals would fail to preserve the special architectural and historic interest of the listed building, and would also fail to preserve or enhance the character or appearance of the Conservation Area. When considered in the context of the National Planning Policy Framework (NPPF), the Inspector considered that the harm to the significance of designated heritage assets would be less than substantial. However, the Inspector noted that the NPPF requires that great weight be given to the conservation of heritage assets. In this case, the Inspector concluded that any public benefits of the proposals would not outweigh the harm to heritage assets and the proposals would not comply with the Framework. The Inspector therefore concluded that the appeals should be dismissed.
Date	16.06.16

Application No	15/00481/FUL
Location	The Paddock, Teddington Hands, Tewkesbury
Appellant	Mr Furlos Follows
Development	Change of use to a single family Gypsy and Traveller residential site involving the siting of an amenity building, a portacabin and up to eight caravans of which no more than four will be static caravans
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Allowed temporary use for 5 years
Reason	The Inspector accepted that the proposal would result in landscape harm and that the site would not be in an accessible location given the lack of public transport opportunities and the distance to main service centres. Whilst the Inspector considered that the lack of a five year supply and the general unmet need as well as the needs of the family attracted moderate weight in support of a permanent permission, the Inspector concluded that the harm identified was not outweighed by the other factors in support of the grant of a permanent planning permission. Whilst the Planning Inspector did not consider the site suitable for permanent permission the lack of a 5 year supply of deliverable sites was a significant material consideration when considering the grant of temporary planning permission. When substantial weight was applied to the general unmet need, the Inspector was satisfied that the overall balance is tipped in favour of the grant of a temporary planning permission.
Date	28.06.16

Application No	15/00954/FUL
Location	4 Walls Court, High Street, Tewkesbury
Appellant	Mr Ian Coleman
Development	Replace existing softwood framed doors and windows with white UPVC framed windows and white UPVC and white aluminium doors
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Allowed
Reason	The Inspector considered that the main issue is the effect of the proposal on the character and appearance of the Tewkesbury Conservation Area. He considered that, as the proposed replacement doors and window frames would be 'like-for-like', of the same colour, profiles, central glazing bars and opening arrangements, the outward appearance of the building would be similar to that existing. Specifically it was noted that the proposal related to the replacement of windows and doors on a modern building. The Inspector concluded that the proposal would preserve the character and appearance of the Conservation Area in line with national and local planning policies and that the appeal should be allowed.
Date	28.06.16

Application No	15/01211/FUL
Location	Newton Farm, Natton, Ashchurch
Appellant	Mrs M Ball
Development	Retrospective consent for the creation of a construction training centre
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Appeal Dismissed
Reason	<p>The Inspector recognised that although the appeal site is close to the building complex at Newton Farm and the nearby industrial estate, it is very much read in the context of the surrounding open countryside. The Inspector also noted that the land opposite the site is an employment allocation in the emerging JCS (SA1) and that outline permission has been granted on that land for a retail outlet centre, but gave limited weight to these matters due to the emerging/speculative nature of the allocation/permission. He also felt that in any event this didn't affect the site being in open countryside as it is separated by Fiddington Lane. It was considered that the container and scaffolding tower punctuate the openness of the area, introducing an industrial element to what is otherwise a rural setting. Overall, the Inspector considered that the container and scaffolding tower appear incongruous in the landscape and significantly harm the intrinsic value of the open countryside. The operation of heavy plant machinery on the site would further add to their incongruity. This impact could not be adequately mitigated by planting. Furthermore, it had not been satisfactorily demonstrated why a rural location is necessary for the development as required by Policy EMP4 of the TBLP.</p>
Date	30.06.16

Application No	15/00639/FUL
Location	Kings Head, Norton, Glos, GL2 9LR
Appellant	Mrs Angela Hughes
Development	Construction of 4 dwellings (Revised scheme to previously approved under 14/00686/FUL to incorporate a double garage at plot 2)
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismissed
Reason	The appellant contended that the appeal site should not be considered as part of a larger development site and therefore affordable housing contributions sought by the Council were not justified. However the Inspector agreed with the Council, concluding that the appeal site formed part of a larger whole, which also includes another development of four dwellings, and therefore the overall development comprises a total of eight dwellings with a combined floorspace of in excess of 100 square metres. Therefore, in accordance with Policy HOU13 of the Local Plan, the Inspector concluded that contributions towards affordable housing were required.
Date	06.07.16

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
15/00969/FUL	Land At Kayte Lane	Retrospective planning application for change of use of land to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing, amendments to access, fencing, entrance gate, package treatment plant and utility block.	11/07/2016	H	JWH	15/08/2016
15/00972/FUL	Site Adj To The North Of The Bungalow Evesham Road Teddington Tewkesbury Gloucestershire	Vehicle maintenance and storage building with additional vehicle parking.	29/06/2016	W	JBD	03/08/2016
16/00188/FUL	1 Tobacco Close Winchcombe Cheltenham Gloucestershire GL54 5NE	Demolish existing garage, link and front entrance porch to construct a one and a half storey side and rear extension with new porch.	24/06/2016	HH	JLL	N/A

Process Type

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

Advanced Site Visits Briefing

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

Reference No.	Site	Description of Development
15/00749/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.
16/00241/FUL	Land Parcels 7946 & 9067 300087 Walton Cardiff Road To Newtown Farm Ashchurch	Erection of biomass-based anaerobic digestion facility and associated works.