

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 27 September 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, 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, H A E Turbyfield (Substitute for R A Bird), R J E Vines and P N Workman

PL.33 ANNOUNCEMENTS

- 33.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 33.2 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.34 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 34.1 Apologies for absence had been received from Councillors R A Bird and D M M Davies. Councillor H A E Turbyfield would be acting as a substitute for the meeting.

PL.35 DECLARATIONS OF INTEREST

- 35.1 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.

35.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
Mrs G F Blackwell	16/00638/FUL 208A Cheltenham Road East, Churchdown. 16/00441/FUL Clovelly, Belmont Avenue, Hucclecote.	Is a Member of Churchdown and Hucclecote Parish Councils but does not participate in planning matters.	Would speak and vote.
Mrs M A Gore	16/00803/OBM Land North East of Duckstone House, Dean Lane, Stoke Orchard.	Is a Borough Councillor for the area. Had sat in a number of meetings and had a lot of discussions regarding the Section 106 Agreement but not specifically in relation to this application.	Would speak and vote.
J R Mason	16/00534/FUL Great House, Castle Street, Winchcombe. 16/00712/LBC Great House, Castle Street, Winchcombe.	Is a Member of Winchcombe Parish Council but does not participate in planning matters.	Would speak and vote.
Mrs P E Stokes	16/00638/FUL 208A Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	16/00441/FUL Clovelly, Belmont Avenue, Hucclecote.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P N Workman	16/00623/FUL 6 The Mews, Back of Avon, Tewkesbury. 16/00759/FUL 2 High Street, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

P N Workman	16/00818/FUL Old Yard Cottage, Twyning Green, Twyning.	The applicant is his tenant.	Would speak and vote.
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35.3 There were no further declarations made on this occasion.

PL.36 MINUTES

36.1 The Minutes of the meeting held on 30 August 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.37 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

37.1 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.

16/00257/FUL – Part Parcel 7812, Lawn Road, Ashleworth

37.2 This application was for change of use of land to a gypsy site for two pitches including laying of hardstanding and erection of associated ancillary building.

37.3 The Chair indicated that there were no public speakers for this application. 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.

16/00534/FUL – Great House, Castle Street, Winchcombe

37.4 This application was for the erection of a single storey extension.

37.5 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.

16/00712/LBC– Great House, Castle Street, Winchcombe

37.6 This was a listed building consent application for the erection of a single storey extension. It was noted that the vehicular access gates no longer formed part of the application.

37.7 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent 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. Upon being taken to the vote, it was

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

16/00623/FUL – 6 The Mews, Back of Avon, Tewkesbury

37.8 This application was for the replacement of existing windows with cream UPVC windows and a replacement door on the front elevation.

37.9 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 indicated that he did not generally like to see UPVC windows within Tewkesbury Town but he felt that there was no other choice in this case. Upon being put to the vote, it was

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

16/00759/FUL – 2 High Street, Tewkesbury

37.10 This application was for a change of use at ground floor level only from retail (A1) to a betting shop (sui generis) and painting of the shop front.

37.11 The Chair advised that, although someone had registered to speak in favour of the application, they were not present at the meeting. 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. The proposer of the motion noted that Tewkesbury Civic Society was keen to ensure that the glazed shop windows would be left with clear glass, as it was currently, and that bookmakers' advertisements would be restricted to the rear of the window display boards as opposed to on the frontage glass which would have an adverse impact on the streetscene. The Planning Officer indicated that one of the recommended conditions required the details of the shop front display to be submitted to, and approved in writing by, the local planning authority. Upon being taken to the vote, it was

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

16/00818/FUL – Old Yard Cottage, Twyning Green, Twyning

37.12 This application was to replace the existing garage with a new outbuilding.

37.13 The Chair indicated that there were no public speakers for this application. 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.

16/00729/FUL – Part Parcel 2269, Off Fleet Lane, Twyning

37.14 It was noted that this application, for the removal of condition 15 (foul sewerage improvements) attached to 13/01205/FUL, had been **WITHDRAWN**.

16/00803/OBM – Land North East of Duckstone House, Dean Lane, Stoke

Orchard

- 37.15 This application was for the modification of a Section 106 Agreement for release from the obligation to transfer the Public Open Space to the Council.
- 37.16 The Chair invited Richard Chatham, Chair of Stoke Orchard and Tredington Parish Council, to address the Committee. Mr Chatham indicated that the Parish Council wished to register its objection to the application in the strongest way. This was based on a number of facts, including the applicant being named in the original Section 106 Agreement. The terms of the Section 106 were triggered in 2007 by the occupancy of the first residential unit in the relevant development; the terms were yet to be complied with and the Public Open Space had been denied to the community as a result of the applicant's actions. In the past 10 years, more than 60 new residential units had been built or approved within this area of the village; there were now over 220 dwellings throughout the whole village which was 160 more than the designated Planning department quota for the village. The small area of Public Open Space was the only undeveloped area on the north side of the main road through the village and was pivotal both in its aspect and as a facility for the community. The Parish Council was adamant that it was best suited to maintain and uphold the Public Open Space for the benefit of the community it served. The Parish Council was about to become responsible for the Public Open Space on the Orchard site and would be well placed to maintain and uphold both sites in a combined contract. The past and present Members of the Parish Council, in association with the Officers and relevant Councillors of the Borough Council, had actively pursued the resolution of the terms of the Section 106 for the past nine years and, amongst the main documents which had changed hands, there were plans by the Borough Council to invoke legal action to obtain the said land due to the refusal to comply with the terms of the Section 106. The statement at Paragraph 3.2 of the Officer report, "the applicant has fenced and maintained the area since 2007" was considered to be misleading and Mr Chatham made reference to an email from a former Borough Councillor for the area, dated 2 April 2014, which stated that "the last I heard was that the owner was intending to finish the fencing, level the rest of the soil, and then probably turf the area". The Parish Council was concerned that private control of the Public Open Space may, in light of the historic facts, prevent unfettered and unconditional access for the benefit of the community; indeed, the letter of response to the Parish Council comments on this application suggested restrictions as to the proposed layout and use of the area. To ensure ongoing benefit, the Parish Council insisted that ownership and control must be in the hands of the community itself. On the basis of these facts, the Parish Council strongly objected to the application.
- 37.17 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be refused as the proposed modification to the Section 106 Agreement would not serve the purpose of the obligations equally well as it was only transfer of the Public Open Space land into public ownership that was likely to secure the safe and unfettered access by the public to this Public Open Space. The proposer of the motion felt that allowing the applicant to retain the Public Open Space was not justified; the transfer of the public amenity land to the Borough Council had been a material consideration when the revised application for 10 residential units had been permitted in 2007 and also in respect of the other two applications detailed on Page No. 261 of the Officer report. During the consultation prior to the approval of the application, the Council's Conservation Officer had stated that the proposed houses would have a negative impact on the rural character of the lane and the land had been allocated as Public Open Space to help offset the harm. Since 2007, the Borough and Parish Councils had tried to secure the transfer of the land and, during her time as a Borough Councillor, she had attended several meetings and exchanged many emails in relation to the issue. In April 2016, the Borough Council had started legal proceedings against

the applicant in order to secure the transfer of land. Whilst the applicant claimed that the Public Open Space had been levelled out and seeded, and that fencing had been erected, the Council's Economic and Community Development Officer had stated that no improvements or maintenance had taken place. This was supported by images on Google Maps which showed that the area had only been partly fenced to hip height and there was no evidence of any landscaping. Section 106 of the Town and Country Planning Act 1990 set out that "a person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation (a) to have effect subject to such modifications as may be specified in the application...", however, based on the evidence, she did not feel there was anything to justify a modification in this instance. The obligation continued to serve a useful purpose and the land could be used for its intended purpose once it had been transferred to the Borough Council. On that basis she felt that the application should be refused and action taken to ensure the transfer of the land as required by the applicant.

37.18 The Planning Officer explained that, in terms of the application before Members and the guidance in Section 106 of the Town and Country Planning Act, it was very clear that the issue was around the intended purpose of the Section 106 obligation and whether a modification would serve that purpose equally well. In this instance the purpose was to provide land for Public Open Space. The land was to be fenced and provided in a condition suitable to be transferred to the Borough Council as set out in the Agreement. Tewkesbury Borough Council was in the process of trying to complete the transfer and intended to take court action to allow that to happen. The applicant had done what was requested in terms of providing the land and carrying out planting and fencing; the issue was purely to do with the transfer and who owned and controlled the land. The applicant had suggested that he could continue to control the land, which was in a condition appropriate for use as Public Open Space, and had submitted that the land could, and would, be maintained as Public Open Space, as required by the legal agreement. The applicant was arguing that the purpose of the original obligation would equally be served by him retaining control of the land.

37.19 A Member indicated that this was an unusual application for the Planning Committee to determine and he questioned whether enforcement action could be taken against the applicant failing to fulfil the Section 106 requirements. The proposer of the motion explained that the landowner had failed to maintain the land as Public Open Space for the last nine years and he had also erected signage on the land to advertise housing which she did not consider to be appropriate. She did not believe that the purpose of maintaining the land as Public Open Space would be served equally well by allowing the applicant to retain control rather than transferring the land to the Borough Council. The Borough Solicitor clarified that enforcement action was going to be taken to require the transfer of land to Tewkesbury Borough Council; however, the applicant had taken advantage of the provisions of the Section 106 and submitted an application asking to modify the Agreement so that the land ownership remained with him. Clarification was provided that the conditions relating to the provision of Public Open Space and access to that space remained enforceable, as such, the obligations as intended when they were made would still be engaged and the Borough Council could still use its enforcement powers to address any restriction. Whilst the land had to be made available for public use, and any attempt to lock the access would be in breach of the agreement, this did not make it a Parish Council facility. The proposed modification did not vary the other provisions of the Agreement and, therefore, effectively ownership of the land would be the only difference. In terms of the advertisement, the Planning Officer indicated that consideration would need to be given as to whether there was a conflict with the original purposes of the Section 106 Agreement and a judgement would need to be made in terms of any potential enforcement issues. A Member queried whether the applicant could still

appeal against a decision to refuse the application and confirmation was provided that it would be subject to the usual appeal provisions.

- 37.20 In response to a Member query regarding enforcement, the Borough Solicitor explained that it was not a question of expediency; whilst enforcement action was usually taken at the discretion of the local authority where there had been a planning breach, a Section 106 Agreement was a contract with the Council and was ultimately enforceable by injunction. A Member expressed the view that the land looked to be quite well maintained and the applicant had already paid a commuted sum for future maintenance and environmental improvements which seemed more than adequate. The Planning Officer confirmed that this contribution was required prior to the transfer of the land; the applicant was also required to lay out the land and carry out any enclosures and planting. Once that had been done, consideration would be given to the transfer and future maintenance would be factored into the contract in terms of the sum of money required. The applicant had laid out the land and paid the money for future maintenance, however, the transfer had not taken place and the issue of who would own the land going forward was the issue currently being debated.
- 37.21 A Member questioned whether play equipment would be allowed on the land and the Planning Officer advised that this depended upon the interpretation of the original Agreement; whilst she did not see any reason why the land could not be used for community events, the physical presence of play equipment could be seen as inhibiting the use of the Public Open Space. The supporting statement submitted with the application suggested that the applicant would enter into a covenant not to use or permit the use of the land for any purpose other than open space for use by the general public; not to erect any buildings or structures thereon; and to permit public access at all times. A Deed of Variation had been submitted with the application which set out the proposed modifications, including a detailed management and maintenance regime. The applicant had agreed to the idea of a Parish noticeboard, however, the suggestion of a bus shelter would need further consideration as it was a structure which did not comply with the Variation. A Member indicated that, whilst he could see the community benefit of both a Parish noticeboard and a bus shelter, he could not say the same about an advertisement for housing. The Borough Solicitor advised that, in her view, the advertisement did not prevent the public from using the land any more than a Parish noticeboard; however, Officers could investigate whether there were any other planning constraints upon his advertisement.
- 37.22 A Member drew attention to Page No. 261, Paragraph 3.2 of the Officer report, which stated that the applicant undertook regular maintenance including mowing the grass no less than three times per year. She felt that any responsible Parish Council would know that the grass needed to be mowed every week during the summer and less frequently during winter. Whilst the applicant claimed to have maintained the land in accordance with the Agreement, there was photographic evidence to suggest otherwise and she questioned why enforcement action had not been taken sooner. It was an onerous and expensive task for the Borough Council to maintain Public Open Space; however, if it was transferred as set out in the Section 106 Agreement, it could be handed over to the Parish Council, in accordance with its wishes, and be assured that the land would be cared for appropriately. If the applicant was released from the requirement to transfer the Public Open Space to the Borough Council, she was sure this would be to its detriment.
- 37.23 Upon being put to the vote, it was
RESOLVED That the application be **REFUSED** as the proposed modification

to the Section 106 Agreement would not serve the purpose of the obligations equally well as it was only transfer of the Public Open Space land into public ownership that was likely to secure the safe and unfettered access by the public to this Public Open Space.

16/00177/FUL – Part Parcel 3400, Columbine Road, Walton Cardiff

- 37.24 This was a hybrid application for outline planning permission for up to 275 dwellings, with all matters reserved except for access, and full planning permission for the construction of a new link road south of John Moore Primary School, including landscaping and drainage works. The Committee had visited the application site on Friday 23 September 2016.
- 37.25 The Planning Officer advised that the National Grid had submitted an objection in relation to the proposed road linking the two residential parcels which was located along a gas pipeline running through the site. National Grid had confirmed that there may be a technical solution to this concern which could be resolved through the reserved matters application. Since the publication of the Committee papers, the National Grid had confirmed that it would remove the objection subject to a condition that would prevent the commencement of development until a schedule of works to ensure the safe operation of the gas pipeline had been submitted to, and approved in writing by, the local planning authority. The proposed condition was included on the Additional Representations Sheet, attached at Appendix 1.
- 37.26 The Chair invited the applicant's representative, Nick Rawlings, to address the Committee. Mr Rawlings explained that this planning application was the result of several months of discussions with Officers and the local community. Neither Wheatpieces nor Ashchurch Rural Parish Councils had any objection to the proposal and the Officer recommendation was that authority be delegated to the Development Manager to approve the application, subject to no objections being received from technical consultees and the inclusion of suitable conditions. It was noted that the proposed number of dwellings had been reduced from up to 295 dwellings to up to 275 dwellings on the basis of the concerns raised. There had been significant consultation with the Environment Agency and the Lead Local Flood Authority and neither had objected. The other key consideration was the strategic and local highway network. Highways England and the Highways Authority had asked for further work to be undertaken to assess the potential impact and the results had been reviewed over a number of months. Following the submission of that work, no objections had been raised subject to mitigation. The development would make a significant contribution to the Council's housing land supply requirement and it would provide 40% affordable housing as well as a number of other Section 106 contributions including £1.3M towards school pre-school and primary education and £330,000 towards an extension to the Wheatpieces Community Centre, which the Parish Council had advised was operating at capacity. It was a sustainable development which would link with the existing Wheatpieces development and Tewkesbury Town Centre was within easy walking distance. He noted that the applicant was based in Tewkesbury and, if Members were minded to approve the application, the first new homes would be available in 2017.
- 37.27 The Chair confirmed that the Officer recommendation was that authority be delegated to the Development Manager to approve the application, subject to additional conditions as necessary and completion of a Section 106 Agreement,

and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation.

- 37.28 A Member indicated that the Flood Risk Management Group frequently discussed the problems associated with the ongoing maintenance of attenuation ponds and other sustainable drainage systems (SuDS) and she questioned why the proposed Section 106 Agreement did not include a contribution in that respect. The Planning Officer explained that one of the recommended conditions was that the reserved matters application be accompanied by details of the foul and surface water drainage strategy, including a SuDS maintenance plan for all SuDS/attenuation features, which must be approved by the local planning authority. At this stage it was unclear what the flood attenuation measures would be and therefore it was difficult to work out the cost of future maintenance. As part of the SuDS would be in Public Open Space, the maintenance schedule would form part of the Section 106 Agreement. Maintenance would be considered as part of the reserved matters application in consultation with whoever would be taking on the Public Open Space. The Member went on to indicate that the existing SuDS for the Wheatpieces development had not been properly maintained and she was keen to ensure that someone took responsibility so this was not repeated. The Planning Officer clarified that there would be surface water attenuation measures in the Public Open Space and there would be a clause in the Section 106 Agreement to ensure that there was a schedule of maintenance in place; this would be the case regardless of whether the land was adopted by the Borough Council or a private management company ultimately became responsible. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to additional conditions as necessary and completion of a Section 106 Agreement.

16/00553/APP – Burhill Farm, Buckland

- 37.29 This application was for a new steel framed and cladded agricultural building.
- 37.30 The Planning Officer explained that the General Permitted Development Order allowed certain types of agricultural development to be constructed under permitted development rights; however, the applicant was required to apply to the local planning authority to notify of their intention. The local planning authority then had the opportunity to either grant or refuse the proposal, or to seek prior approval for certain details. The current application followed an application for prior notification of agricultural development where it had been determined that details of the siting, design and external appearance of the building were required due to its location within the Area of Outstanding Natural Beauty. The proposed agricultural building would be sited approximately 80m from existing agricultural buildings, and adjoining a Public Right of Way, and was not considered to be acceptable in terms of the visual impact or the design and use of materials. It was therefore recommended that prior approval be refused. A Member queried whether any alternative locations had been suggested to the applicant as being more appropriate for the building and he was informed that the local planning authority was only required to assess whether the proposal put forward was acceptable. The recommendation to refuse had been made on a policy basis as new agricultural buildings should be well sited in relation to existing buildings; in this case it was very much separate. A Member questioned whether the applicant was required to submit details as to what the building would be used for and was informed that, whilst it had to be for agricultural use to meet the test of the General Permitted Development Order, the full use did not need to be disclosed.
- 37.31 The Chair invited the applicant, John Hutcheon, to address the Committee. Mr Hutcheon indicated that the reasons for the application had been well documented,

both in reference to the need for, and siting of, the barn. The building needed to be large enough for the storing of a tractor and grass management equipment and for reasons of security and protection from the weather. He was happy to use materials to suit the requirements of the Committee, both in style and colour, and the height of the eaves could be reduced, provided that they were high enough for the machinery. He pointed out that the siting had been determined by the gradients of the retained land. There were no adjacent watercourses and drainage from the roof would be catered for by a soakaway. There was no requirement for an electricity supply and access to the site from the existing track would not impede local traffic or affect walkers or horse riders as there was good visibility in both directions.

- 37.32 The Chair confirmed that the Officer recommendation was for prior approval to be refused and he sought a motion from the floor. It was proposed and seconded that prior approval be granted. The proposer of the motion indicated that, although the Borough was predominantly rural, farming and agriculture had particular requirements which were not always acknowledged in planning terms. The applicant had explained what the building was needed for and why the site had been chosen and he felt it would be unhelpful to refuse the application. The Planning Officer reiterated that Policy AGR5 of the Local Plan stated that proposals for the erection of agricultural buildings would be permitted provided that the proposal was well sited in relation to existing buildings and landscape features in order to minimise the impact upon the landscape, particularly in regard to the Area of Outstanding Natural Beauty. It was accepted that agricultural buildings were required by farms and there was no argument in that respect, however, it was felt that the location, some 80m away from the collection of existing farm buildings; the size of the proposed building, which would measure 12m x 6m and would be 5.5m in height; and its location, only 11m from the Public Right of Way and within the Area of Outstanding Natural Beauty, were unacceptable in planning terms. Whilst the site could potentially be better utilised, Officers had to consider the proposal that had been put forward by the applicant and it was recommended for refusal on those grounds.
- 37.33 The Chair indicated that the applicant had offered to reduce the height of the building, and to comply with whatever materials the Committee felt would be acceptable, which would mitigate the impact on the landscape to a greater extent, and he queried whether it would be appropriate to delegate authority to the Development Manager in order to agree those modifications. The Planning Officer confirmed that, if Members were minded to approve the application, it could be subject to appropriate conditions as suggested in terms of materials. A Member was of the opinion that the best way forward was to defer the application to enable Officers to have further discussions with the applicant and for the Committee to visit the application in order to assess the impact on the Area of Outstanding Natural Beauty. The Planning Officer explained that, unfortunately, there was no time to defer the application for a site visit as this would mean that it could not be determined within the required period and would automatically be approved.
- 37.34 A Member went on to raise concern as to why the applicant wanted the building to be located so far away from the existing buildings as materials could more easily be stolen from outlying areas and she questioned if he had given an indication as to why it was located in that position. In response, the Planning Officer indicated that there was an issue regarding the ownership of the other agricultural buildings on the farm; he understood that the farm was leased so the ownership was changing. One of the reasons for the proposed siting of the new building was that it was on land which the applicant fully controlled. The Member drew attention to Page No. 290, Paragraph 5.1 of the Officer report, which set out that the applicant had stated that the building could not be sited near to other buildings due to them being outside of their ownership after December 2016. She did not feel the Committee should be making a decision based on what may or may not happen in

the future when the proposal was unacceptable at this time. A Member indicated that she was supportive of the proposal to approve the prior approval but felt that it should be on the basis of the applicant's offer to change the materials and reduce the height of the building. The proposer and seconder of the motion to grant the prior approval indicated that they were happy to amend the proposal on that basis and, upon being put to the vote, it was

RESOLVED That prior approval be **APPROVED**, subject to conditions relating to the materials and height of the building.

15/00693/FUL – Land at Starcroft Lane, Main Road, Minsterworth

37.35 This application was for the variation of conditions 2 and 3 of planning permission 13/00179/FUL to allow permanent use of land for four travellers' pitches with associated works and landscaping and amendments to layout. The Committee had visited the application site on Friday 23 September 2016.

37.36 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. A Member suggested that the landscaping could be enhanced and the Planning Officer confirmed that this could be dealt with by condition. Upon being taken to the vote, it was

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

15/00769/FUL – 39 St Michael's Avenue, Bishop's Cleeve

37.37 This application was for the retention of a fence to the north.

37.38 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 and, upon being taken to the vote, it was

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

16/00638/FUL – 208A Cheltenham Road East, Churchdown

37.39 This application was for the addition of an extended internal first floor, removal of existing chimney and insertion of rooflights.

37.40 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 and, upon being put to the vote, it was

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

16/00441/FUL – Clovelly, Belmont Avenue, Hucclecote

37.41 This application was for the erection of a dwelling.

- 37.42 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to no substantive planning objections which had not previously been addressed being raised during the extended consultation period. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to no substantive planning objections which had not previously been addressed being raised during the extended consultation period.

PL.38 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 38.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 31-37. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued.

- 38.2 A Member was sad to see that application 15/01007/FUL, Vine Tree Farm, The Wharf, Coombe Hill - for a proposed replacement dwelling with attached garage building; hard and soft landscaping and provision of a new access and driveway (revised scheme) - had been allowed by the Inspector at appeal. The Planning Officer indicated that this disappointment was shared by the Planning team.

- 38.3 It was

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

PL.39 ADVANCED SITE VISITS BRIEFING

- 39.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 38, 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 contained within the briefing.

- 39.2 It was

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

The meeting closed at 10:25 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 27 September 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	
219	1	<p>16/00257/FUL</p> <p>Part Parcel 7812, Lawn Road, Ashleworth</p> <p>Consultations & Representations</p> <p>The Landscape Officer has been consulted in respect of the current proposal and has raised no objection subject to appropriate planning conditions. The originally proposed close board fence has now been omitted from the application proposals and it is considered by the Landscape Officer that the application would not have an adverse effect on the landscape setting of the Landscape Protection Area.</p> <p>Recommended conditions should include the following:-</p> <ul style="list-style-type: none"> • Comprehensive landscaping scheme • Landscape management • Replanting and management of the existing woodland belt parallel to Lawn Road • Compliance with BS5837:2012 Trees in relation to design, demolition and construction: Recommendations to protect trees along the site frontage. • Access road detail
229	2 & 3	<p>16/00534/FUL & 16/00712/LBC</p> <p>Great House, Castle Street, Winchcombe</p> <p>Consultations & Representations</p> <p>A letter of support has been received from a local resident:</p> <p>Great House is a large house. An extension will provide a logically sized kitchen/breakfast room space, more suitable for the house. The extension proposed is to be set back from the road and will be partially screened by the existing high boundary wall which encloses the street scene in this area.</p> <p>Proposal Description for 16/00712/LBC</p> <p>Please note that the description of development is amended to "Single storey extension" only, the vehicular access gates no longer form part of the scheme.</p>

254	7	<p>16/00729/FUL</p> <p>Part Parcel 2269, Off Fleet Lane, Twyning</p> <p>Letter received from applicant – confirming that they wish to withdraw their planning application for removal of Condition 15.</p>
264	9	<p>16/00177/FUL</p> <p>Part Parcel 3400, Columbine Road, Walton Cardiff, Tewkesbury</p> <p>Update on High Pressure Gas Pipeline</p> <p>National Grid has now confirmed that it would remove the holding objection subject to a condition that would prevent the commencement of development until a schedule of works to ensure the safe operation of the gas pipeline has been submitted to, and approved by, the Local Planning Authority.</p> <p>National Grid has suggested the following condition:</p> <p><i>"No development shall take place until a schedule of works to ensure the safe operation of the gas pipeline (running east to west through the applications site) has been submitted to, and approved by, the Local Planning Authority in consultation with National Grid PLC. The schedule of works shall ensure that the pipeline remains compliant with the requirements of IGEM/TD/1 (or any replacement guidance in force at the time) particularly with respect to those clauses relating to road crossings and depth of cover. No access road(s) that are proposed to cross the gas pipeline shall be constructed until the works to ensure the safe operation of the pipeline approved pursuant to this condition have been completed to the satisfaction of the local planning authority in consultation with National Grid PLC".</i></p> <p>Health Care Contribution</p> <p>NHS England has requested a contribution of £63,125 to be invested back in primary care. The one-off costs would be based on the additional infrastructure requirement resulting from the demand on the local surgery. It is estimated that the new population arising from the development would result in at least 3,600 appointments in primary care and necessitate the equivalent of 1 extra consultation, equipment and associated service costs for the 1st quarter the patients are registered. The applicants have agreed to this request.</p> <p>The delegated recommendation is updated to include this contribution.</p> <p>It is concluded that there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies of the Framework as a whole. It is therefore recommended that permission be delegated to the Development Manager subject to additional conditions as necessary and completion of a Section 106 Agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> * Affordable Housing - provision of 40% of the dwellings on site shall be affordable. * Education - £295,365 towards pre-school and £1,017,974 towards primary education requirements. * Libraries - £53,900. * Off-site sports provision (playing pitches and changing facilities) - £339,246. * Contributions towards upgrading existing LEAP at the Nightingale Way play area.

		<p>* Off-site contribution of £92,880 towards sports facilities at Tewkesbury School Sports Centre and £11,945 towards astroturf).</p> <p>* Community - a contribution of £330,000 towards an extension to the Wheatpieces community building.</p> <p>* Health Contribution - £63,125.</p> <p>* A contribution of £20,075 (£73 per dwelling) towards recycling and 1 dog bin per 45 houses at £350 per bin and 1 sign per 10 houses at £50 per sign.</p>															
302	13	<p>16/00638/FUL</p> <p>208A Cheltenham Road East, Churchdown</p> <p>Amended Condition 3 to read:</p> <p>The rooflights which serve an en-suite bathroom within the north elevation and bathroom within the south elevation as shown on Drawing No. 001 Rev E received on 5 July 2016 shall be fitted with obscure glazing and non-opening unless the opening is restricted and retained thereafter.</p>															
307	14	<p>16/00441/FUL</p> <p>Clovelly, Belmont Avenue, Hucclecote</p> <p>Condition 8 is amended to include the amended site location / red line plan as follows:</p> <p>The development hereby permitted shall be carried out in accordance with the following drawings/documents:</p> <table border="0"> <thead> <tr> <th><i>Drawing No.</i></th> <th><i>Drawing Name</i></th> <th><i>Received</i></th> </tr> </thead> <tbody> <tr> <td></td> <td>Site Location Plan</td> <td>12/09/16</td> </tr> <tr> <td>4386 Rev A</td> <td>Proposed elevations and floor plans</td> <td>22/07/16</td> </tr> <tr> <td>4386/2 Rev A</td> <td>Proposed site layout and levels</td> <td>22/07/16</td> </tr> <tr> <td>4386/1</td> <td>Proposed and existing street scenes</td> <td>22/07/16</td> </tr> </tbody> </table> <p>Reason: In order to define the permission and to ensure satisfactory development of the site</p>	<i>Drawing No.</i>	<i>Drawing Name</i>	<i>Received</i>		Site Location Plan	12/09/16	4386 Rev A	Proposed elevations and floor plans	22/07/16	4386/2 Rev A	Proposed site layout and levels	22/07/16	4386/1	Proposed and existing street scenes	22/07/16
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