

24 July 2017

Committee	Planning
Date	Tuesday, 1 August 2017
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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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

1 - 14

To approve the Minutes of the meeting held on 4 July 2017.

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

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

6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

15 - 19

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

DATE OF NEXT MEETING**THURSDAY, 31 AUGUST 2017****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, R Furolo, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman, D J Waters 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 Chair 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, 4 July 2017 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

P W Awford (Substitute for D J Waters), Mrs G F Blackwell, D M M Davies, D T Foyle, R Furolo, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman and P N Workman

PL.9 ANNOUNCEMENTS

9.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

9.2 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.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

10.1 Apologies for absence were received from Councillors M Dean and D J Waters. Councillor P W Awford would be acting as a substitute for the meeting.

PL.11 DECLARATIONS OF INTEREST

11.1 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.

11.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	17/00240/OUT Land Adjacent to Stone Cottage, Tewkesbury Road, Coombe Hill.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

Mrs M A Gore	17/00208/FUL Mill Farm, Mill Lane, Stoke Orchard.	Knows the applicant on a professional basis through her current employer but had not expressed an opinion on the application.	Would speak and vote.
Mrs J Greening	17/00460/FUL The Vineyards, Gloucester Road, Tewkesbury.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs E J MacTiernan	17/00501/TPO Land at Hardwick Bank Road, Northway.	Is a Member of Northway Parish Council but does not participate in planning matters.	Would speak and vote.

- 11.3 The Chair stated that being a Borough Councillor for the area did not need to be a declaration. There were no further declarations made on this occasion.

PL.12 MINUTES

- 12.1 The Minutes of the meeting held on 6 June 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair, subject to an amendment to Minute No. PL.5.2 to correct that the declaration made by Councillor P E Stokes, referenced to application 17/00077/FUL Regency Court Park, Bamfurlong Lane, Staverton, was made in reference to application 17/00235/FUL Norton Fruit Farm, Tewkesbury Road, Norton.

PL.13 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

- 13.1 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 Members prior to decisions being made on those applications.
- 16/01138/OUT – The Mythe, Mythe Road, Tewkesbury**
- 13.2 This application was for residential development of up to 205 dwellings, public open space, vehicular and pedestrian access and associated infrastructure; detailed approval was sought for access arrangements from Mythe Road with all other matters reserved. The Committee had visited the application site on Friday 30 June 2017.
- 13.3 The Development Manager explained that this was an amended scheme following the withdrawal of the previous application after publication of the Planning Agenda for the meeting in April 2016. The application had been recommended for refusal, primarily on landscape grounds, along with some technical reasons relating to the lack of a signed Section 106 Agreement. At that time, the Council could not demonstrate a five year supply of deliverable housing sites. The current scheme had been reduced in scale from 250 to 205 dwellings, with associated infrastructure.

The key planning policy issues in determining the application were the principle of development, landscape and visual impact, flood risk and highway safety. As Members were aware, based on the full objectively assessed need established through the Joint Core Strategy process, the Council was now able to demonstrate a five year supply of deliverable housing sites. In these circumstances with Policy HOU4, the presumption was against planning permission being granted unless there were material planning circumstances which indicated otherwise. In terms of the visual and landscape impact, the Landscape Officer had raised a number of concerns, as set out in the Officer report, and considered that the proposal would exert a strong urban influence on the rural character of the landscape. The resulting harm would weigh significantly against the proposals. In terms of highway matters, it had not been demonstrated that the proposal would be sustainable from a transport perspective given its location detached from Tewkesbury Town Centre which made it unattractive for cyclists and pedestrians; there was also a fairly infrequent bus service. Gloucestershire County Highways had been consulted and considered it had been demonstrated that the proposal would be served by safe and suitable access and the cumulative impact on the highway network would not be severe. Highways England had also raised no objection in relation to the impact on the strategic road network. In relation to flood risk, the site was entirely within Flood Zone 1, the area of least risk. The Lead Local Flood Authority had been consulted and confirmed that it had no objection to the principle of development at outline stage, subject to the inclusion of conditions relating to an appropriate drainage strategy, flow routes and a Sustainable Drainage System (SuDS) management plan. In the overall balance, the clear conflict with Policy HOU4 and the landscape and accessibility objections must be weighed against other material considerations which weighed in favour of development. The proposal would provide social benefits in the form of the delivery of market and affordable housing, which would have a knock on effect on the economy, both directly and indirectly, and provide ongoing support for local businesses and the community. Weighing all these issues in the planning balance, it was considered that planning permission should be refused.

- 13.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion felt that the visual impact of the development would be significant and he could not support an application which would change the landscape so dramatically. A Member agreed that it would be a real injustice to build in this area and he considered that, should the application be permitted, it was inevitable that more development would follow. It was an iconic site before he lived in the area; everyone knew where Tewkesbury started and finished. It would be a travesty to lose the outstanding views and, given that the Council was able to demonstrate a five year supply of deliverable housing sites, he did not feel that the development was necessary.

- 13.5 Upon being put to the vote, it was

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

17/00208/FUL – Mill Farm, Mill Lane, Stoke Orchard

- 13.6 This application was for the demolition of two existing storage sheds and stable and the erection of a single dwelling. The Committee had visited the application site on Friday 30 June 2017.

- 13.7 The Chair invited Darren Sherbourne, speaking on behalf of the applicant, to address the Committee. Mr Sherborne started by making reference to the personal circumstances of the applicant. He indicated that the proposal was to replace three run-down buildings with a bungalow with a reduced footprint. A similar application had been refused on the basis of a misunderstanding that it was a greenfield site; the Council had since accepted that it was brownfield land. He acknowledged that the site was outside of the Residential Development Boundary but pointed out that the Committee had permitted a similar application in Norton back in April; Norton was a service village in the Joint Core Strategy and the Officer recommendation had taken into account the benefits of the application, the location of the site and its proximity to the service village. Stoke Orchard was in the main modifications version of the Joint Core Strategy so had the same status as Norton and should be approached on the same basis. He agreed that most new building in the Green Belt was inappropriate; however, he considered that this was an exception given that it would be a replacement building which would have a smaller footprint than the existing buildings on the site and would be within established parameters for development in the National Planning Policy Framework. Permitted development rights could be used to extend the hardstanding whereas granting planning permission would mean that future development could be controlled by condition. He went on to argue that the proposed dwelling would be less visually intrusive and there would be no significant additional impact upon the Green Belt as the site was well-screened. As such, he asked the Committee to exercise its discretion and grant planning permission.
- 13.8 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted on the grounds that the dwelling would replace existing buildings and, therefore, would not affect the openness of the Green Belt. The seconder of the motion pointed out that a similar application had recently been permitted in Elmstone Hardwicke and he stressed that the replacement dwelling would be smaller than the existing footprint. He hoped that the Poplar trees which ran along either side of the site could be retained. Another Member indicated that she fully supported the previous speakers and noted that the fallback position meant that the sheds could be used for the storage of domestic furniture which could generate a number of vehicle movements to and from the site. Therefore, in her opinion, the application before Members would have a lesser impact than the fallback position. The Development Manager drew attention to Paragraphs 5.6 and 5.7 of the Officer report which set out the tests in relation to inappropriate development in the Green Belt. There was a judgement to be made in terms of the second limb of the test - whether there would be additional harm to the openness of the Green Belt. From the comments made, it appeared that Members did not feel that the development would have an additional impact on the openness of the Green Belt and therefore met one of the exceptions to buildings being regarded as inappropriate development in the Green Belt set out at Paragraph 89 of the National Planning Policy Framework. If Members were minded to permit the application, he suggested that permitted development rights be removed.
- 13.9 A Member drew attention to recommended refusal reason 5 which stated that the development failed to demonstrate that safe vehicular access to the highway network could be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. She questioned whether this was correct as she assumed that there was already an existing vehicular access to and from the site. The Development Manager advised that a certificate of lawfulness had been granted in 2016 in respect of the storage sheds, establishing that they had been used for the storage of domestic furniture for in excess of 10 years. The amount of vehicular movements this proposal would generate was considered to be quite different; whilst he accepted that the proposal

was for a single dwelling, the national figures suggested that a single dwelling would generate 8-10 trips per day whereas it would be significantly fewer trips for the current outbuilding use. A Member drew attention to Paragraph 5.25 of the Officer report which set out that the applicant had not been invited to demonstrate how the proposal could achieve a satisfactory means of access given that Officers had other objections to the application; she was sure that, if approached, the applicant would be more than happy to provide these details. With regard to recommended refusal reason 4, a Member sought clarification as to whether the existing trees could be protected and retained. The Development Manager indicated that trees would inevitably be lost as a result of the development but a condition could be included in the planning permission to protect the existing trees, where possible, and plant replacements. Notwithstanding this, the site was very narrow so it was doubtful that the replacements would be like for like, or that they would have the same screening effect as the existing trees. The Chair suggested that, if Members were minded to consider the application favourably, it would be appropriate to delegate authority to the Development Manager to permit the application in order to ensure that these matters were satisfactorily resolved. The Planning Officer suggested that conditions would need to be included in relation to materials, access, tree protection, boundary treatment and removal of permitted development rights. The proposer and seconder indicated that they were happy to amend the proposal to a delegated permit in order to finalise conditions and to resolve the highway safety issues and the tree retention/protection issues. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to appropriate conditions and the resolution of highway safety and tree retention/protection issues.

17/00240/OUT – Land Adjacent to Stone Cottage, Tewkesbury Road, Coombe Hill

13.10 This was an outline application for the erection of a new detached dwelling and associated access (all matters reserved for future consideration) and change of use of part of the adjoining land to residential curtilage for Stone Cottage. The Committee had visited the application site on Friday 30 June 2017.

13.11 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider indicated that the Committee had permitted three applications for small scale housing in this Parish within the last 12 months or so. These were strong material considerations, which planning law required to be properly taken into account. In those cases, Parish Council representatives had attended Committee and spoken very passionately in support of small scale organic growth throughout the Parish; he noted from the Officer report that the Parish Council was also in favour of this application, as were local residents – there had been no local objections. The recommendation confirmed that Coombe Hill, as a service village, must take an amount of new housing going forward. To date, it was the only service village that had not contributed significantly to its housing requirement. It therefore needed to start delivering some of its allocation - in a form that was welcomed by parishioners - or risk being swamped by applications for urban style estates from national developers which would truly decimate its character. As such, there was no objection in principle to development here. The Officers' concerns were limited to this development not following the alleged linear character of the settlement. He totally disagreed with that assessment; Coombe Hill did not have a village centre and, although generally spread along the A38, it was definitely not a linear settlement in his view. He urged Members to look at the 'wider context plan', displayed in the Chamber, which he felt proved that Coombe Hill was actually a very sporadic settlement - better defined as small scattered clusters of housing, much of which was set back from the A38, rather than along it. The proposed dwelling would be very much reflective of that clustered pattern. Wherever development went in Coombe Hill it would cause a degree of visual change. Those Members who had

attended the Committee Site Visit would have noted that it was almost completely screened from public view so the landscape impact would be limited. The Landscape and Visual Assessment that Officers relied upon actually referenced this smaller site as an exception, stating that it could accept limited development due to the localised tree screening. Members would be aware of national housebuilders' plans to submit large-scale housing applications at Coombe Hill which was not what this small community wished to see. Instead, locals wanted to see this type of small scale growth. Mr Rider also made reference to the applicant's personal circumstances and hoped that Members would be able to support the proposal, as the local community had done.

- 13.12 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/00268/FUL – Land to the Rear of Laburnum, Gretton Fields, Gretton

- 13.13 This application was for the demolition of commercial car repairs garage buildings (Class B2) and erection of two single dwellings with associated garages, parking and access.

- 13.14 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider indicated that the applicant had worked very closely with Officers to provide a development that would result in significant improvement to the area, from both an environmental and social perspective, and it was fully endorsed by the immediate neighbours. The application related to a site which was the location of a commercial car repairs garage and the existing buildings were very unsightly. The use had historically attracted high levels of vehicle movements - including large lorries, trucks and vans - and significant noise levels associated with the continuous comings and goings and the use of tools. This had all created a very difficult situation for the immediate neighbours; this application sought to rectify that and would result in a development that was much more in keeping with the area. As set out in the Officer report, the proposal would result in the replacement of an eyesore building with two well-designed Cotswold vernacular cottages which reflected those in the immediate area. It would significantly reduce the level of vehicle movements that could lawfully be carried out by a commercial garage and reduce the level of noise. The immediate neighbours fully endorsed this application and looked forward to the commercial use being confined to history. He noted that the Parish Council had raised one concern in respect of setting a precedent for new housing in Gretton; however, as set out in the Officer report, this would not be the case as the application was being supported purely as a result of the betterment it would achieve. He hoped that Members would see the great efforts made by the applicant and Officers to secure a development that would genuinely improve the environmental and social conditions of the site for the immediate neighbours.

- 13.15 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion was pleased to hear that the applicant had worked with Officers to overcome the issues and he had no doubt that the proposal would enhance the area. Upon being put to the vote, it was

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

17/00460/FUL – The Vineyards, Gloucester Road, Tewkesbury

- 13.16 This application was for the installation of a new play area replacing the current equipment.
- 13.17 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.

16/01238/FUL – Liberty Farm, Stanway Road, Stanton

- 13.18 This application was for continued use of an agricultural building as a temporary rural workers' dwelling and siting of polytunnel (Renewal of application ref: 12/00319/FUL) and installation of a septic tank.
- 13.19 The Development Manager indicated that planning permission had been granted following an appeal against a 2012 application which had been refused. In allowing the appeal, the Planning Inspector had accepted that there was justification for the proposal and the temporary permission had been granted on the basis that the success or failure of the enterprise would be tested by the end of the temporary consent. The temporary consent had expired in October 2016. Government guidance set out that it would rarely be justifiable for temporary consents to be extended. In this case, the applicant had argued that they were unable to commence the enterprise for the reasons set out in the report. Officers had taken a pragmatic view and the recommendation suggested a further temporary permission, effectively allowing an extension of three years from the date the previous permission had expired i.e. two years and four months from today. This was because the enterprise had now begun and it would give sufficient time to test the long term financial soundness of the business.
- 13.20 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that Members should be minded to permit the application for a further temporary period and he sought a motion from the floor. It was proposed and seconded that Committee be minded to refuse the application. The proposer of the motion felt that the Inspector had made it very clear that the proposal should only be granted for a three year temporary period and the fact that the applicant had failed to put the enterprise in place until 2016 was irrelevant. If a further temporary permission was granted, the same situation may arise again. She also raised concern about the soil on the site which was not conducive to the raising of pigs. She sought clarification from Officers as to whether there was a reason for the application not being determined within the requisite timescales which had resulted in the submission of the non-determination appeal. The Development Manager advised there had been a lot of technical matters to address, including several discussions with the Council's agricultural consultants. Officers wanted to be very clear as to their position going forward; on balance they were happy to recommend that planning permission be granted but it had taken some time to reach this decision and the applicant had clearly lost patience with that process.
- 13.21 The Chair indicated that he was in a difficult position as both local Member for the area and Chair of the Committee, however, he sought to express the view of the locals on this occasion which took an opposing view to Officers. In the first instance, the Development Manager had stated that it was rarely justifiable to re-grant a temporary planning permission and he felt that Members should be minded to refuse the application on that basis. The applicant had not been properly engaged in the enterprise during the time since permission had originally been granted and he considered that it had been very one sided thus far and could not see that it was appropriate here to keep giving a temporary permission. As such he would be

supporting the motion to refuse the application. The Development Manager drew attention to Page No. 113, Paragraph 2.6 of the Officer report, which set out the reasons for refusal of the previous application which had subsequently been permitted on appeal: that insufficient evidence had been submitted to justify the need for a dwelling on the site to satisfy the essential needs of the proposed farming enterprise; and that the site lay within open countryside, outside of any recognised settlement, in a location where new housing was strictly controlled and was not essential to the efficient operation of agriculture or forestry. These reasons, given the circumstances, would be applicable should Members be minded to refuse the application, subject to minor amendments to reflect any policy changes. The proposer and seconder of the motion indicated that they were happy with the refusal reasons suggested and, upon being put to the vote, it was

RESOLVED That Members be **MINDED TO REFUSE** the application on the basis that insufficient evidence had been submitted to justify the need for a dwelling on the site to satisfy the essential needs of the proposed farming enterprise; and that the site lay within open countryside, outside of any recognised settlement, in a location where new housing was strictly controlled and was not essential to the efficient operation of agriculture or forestry (as set out at Paragraph 2.6 of the Officer report), subject to minor amendments to reflect any policy changes.

17/00501/TPO – Land at Hardwick Bank Road, Northway

13.22 This was an application for the proposed crown reduction of a Black Poplar TPO235 (G1) as the tree was overhanging the neighbours' property and there were signs of root growth at the base of the building.

13.23 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought 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.

16/01285/FUL – Brookside Stables, Cold Pool Lane, Badgeworth

13.24 This application was for change of use of land to allow for permanent use as a residential gypsy site for seven mobile homes and five touring caravans and associated works.

13.25 The Planning Officer explained that this application had been recommended for permission in the Officer report but this had now been changed to a split decision. He explained that the application before Members was not just for a change of use to a permanent a gypsy site but also for an extension to the previously consented site which Officers considered to be unacceptable. Although there was a recommended condition within the Officer report that would restrict the temporary continued use of the site to an area defined on a plan, it was felt that it would be clearer to also make specific reference to the proposed extension as refused. He clarified that the Officer recommendation was for a split decision to grant permission for a further three year temporary consent for continued use as a gypsy site and to refuse the proposed extension to the site.

13.26 A Member questioned how long the temporary arrangement would continue to be renewed and felt that there must surely come a time when it was either granted or refused planning permission on a permanent basis. The Planning Officer indicated this was a very good question. The Joint Core Strategy was now at adoption stage and this would be followed closely by the Tewkesbury Borough Plan; potential sites would be identified through the local plan process and, once adopted, this would count towards the supply of gypsy and traveller sites. If Members were sympathetic

toward this site, it could be that the site was removed from the Green Belt and allocated as a gypsy site through the local plan process. It was reasonable to expect that the local plan would be adopted - or at an advanced stage - over the next five years and, if this site had not been allocated at that point, an application could be recommended for refusal on the basis that other sites had become available through the plan-led process. The Development Manager indicated that he had mentioned, in relation to an earlier application, that the extension of a temporary consent was rarely justifiable; however, this was one of the exceptions as, ultimately, the onus was on the Council to identify gypsy and traveller sites through the planning process. The big difference between this application and the one at Liberty Farm was that the Joint Core Strategy process was coming to an end and the Tewkesbury Borough Plan would follow quite quickly; this meant that the Council would soon be in a position to look at allocating sites – this may include this particular site or it could be that other similar sites would be available for the applicant to move to. A Member sought confirmation as to the number of sites currently available for travellers; she noted from the Officer report there was a shortage of five pitches within Tewkesbury Borough and queried whether more sites were being allocated through the Joint Core Strategy. The Planning Officer explained that, in terms of the Joint Core Strategy process, the Inspector had asked the Policy Officers to reassess the need based on the new definition which discounted travellers who ceased to travel on a permanent basis. Whilst the numbers did decrease as a result of the survey work, a significant amount of travellers had been unavailable to comment or had identified as 'unknown'. It was important that they were accounted for and the likelihood was that a number would meet the new definition. As such, a precautionary approach had been taken and there was still a big shortfall over the five year period based on that assumption. There would be no allocations of gypsy sites through the Joint Core Strategy process and he reiterated that allocations would come forward through the local plan. There had not been a huge response to the call for sites through the Strategic Housing Market Assessment (SHMA) exercise. Some sites with temporary permissions could be promoted as permanent sites or Policy Officers could advance sites through the process – this could be one of those sites but it did need to come forward through the plan-led process rather than as a response to an individual planning application.

- 13.27 The Chair indicated that there were no public speakers for this item. The Officer recommendation was for a split decision - to permit a further three year temporary consent for continued use as a gypsy site and to refuse the proposed extension to the site - and he sought a motion from the floor. It was proposed and seconded that the application be refused in its entirety for the reasons given for the refusal of the extension – that the unauthorised extension of the site was carried out intentionally, and represented inappropriate development in the Green Belt which compromised its open character and purpose, and the applicant had not demonstrated very special circumstances which clearly outweighed the harm to the Green Belt caused by the inappropriateness of the development and other harms; the development would form a visually intrusive and discordant feature in the surrounding area that would have a detrimental effect on the rural character and appearance of the landscape; and the site was in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development was strictly controlled and where there were poor pedestrian, cycle and public transport links to the nearest facilities and amenities which meant that the occupiers of the site were likely to be heavy reliant on the use of the private motor vehicle. The proposer of the motion stated that Paragraph 27 of the Planning Policy for Traveller Sites made it clear that where a proposal was on Green Belt that was an exception to a lack of a five year supply being a significant material consideration. She confirmed that she had considered the Public Sector Equality duty and the best interests of the child. Upon being put to the vote, it was

RESOLVED That the application be **REFUSED** on the basis that the development represents inappropriate development in the Green Belt which compromises its open character and purpose and the unauthorised extension of the site was carried out intentionally; the applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harms; the development forms a visually intrusive and discordant feature in the surrounding area that would have a detrimental effect on the rural character and appearance of the landscape; and the site was in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development was strictly controlled and where there were poor pedestrian, cycle and public transport links to the nearest facilities and amenities which meant that the occupiers of the site were likely to be heavy reliant on the use of the private motor vehicle.

17/00368/FUL – Bridle Croft, Lye Lane, Cleeve Hill

13.28 This application was for a change of use from workshop to holiday let.

13.29 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 drew attention to the objections from local residents and the Parish Council in respect of the narrowness of Lye Lane and the suggestion that plots of land adjoining the private part of the lane were bound by a restrictive covenant which prevented any property being used as a business. The Chair confirmed that this was a legal matter which was outside of the remit of the Planning Committee. Upon being put to the vote, it was

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

PL.14 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

14.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 17-21. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

14.2 It was

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

The meeting closed at 10:00 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 4 July 2017

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	
88	2	<p>17/00208/FUL</p> <p>Mill Farm, Mill Lane, Stoke Orchard</p> <p>Paragraph 5.5 of the report should read "Stoke Orchard is identified within the JCS MMV as a Service Village but it does not benefit from a residential development boundary".</p>
95	3	<p>17/00240/OUT</p> <p>Land Adjacent To Stone Cottage, Tewkesbury Road, Coombe Hill</p> <p>The agent has submitted a 'Coombe Hill Wider Context Plan' and has requested that this be displayed at Planning Committee. This will be displayed within the Council Chamber accordingly.</p> <p>A further letter of support has been received by a neighbouring resident. Their comments are summarised as follows:-</p> <ul style="list-style-type: none"> - Coombe Hill does not have a village centre and is more of a settlement of small clusters of properties - the proposed dwelling would be in keeping with the existing pattern of development; - Coombe Hill is set in the countryside and new houses anywhere would have an impact upon the landscape - the site is well screened and is not an open, empty agricultural field, unlike others recently permitted in The Leigh village; - the application would enable a current resident to downsize and release the existing house for a young family; - the Parish supports individual and small developments and no-one wishes to see service village house allocation located in just one or two developments; - the 'wooded strip' of land referred to by the Landscape Officer is being cleared for development so there will be no 'boundary'; - if the Council refuses an application for one dwelling it shows it is not sympathetic to growing villages in an organic manner and it would be harder to argue against a national developer who would fulfill the allocation in one large, urban style development. <p>The agent has submitted a 1:2500 scale layout plan in order to demonstrate that the required visibility splay necessary to serve the new development could be achieved. The plan will be displayed at Planning Committee.</p>

		The plan does not indicate the extent of the existing boundary treatment which may be required for removal in order to achieve the appropriate splays and does not indicate whether sufficient off-road parking could be maintained for the existing property.
101	4	<p>17/00268/FUL</p> <p>Land To The Rear Of Laburnum , Gretton Fields, Gretton</p> <p>The accompanying reason for Condition 2 should read "For the avoidance of doubt and in the interests of proper planning". This appears as 'Note 2' within the Planning schedule but should be read as the accompanying 'Condition 2' reason, relating to approved plans.</p>
109	5	<p>17/00460/FUL</p> <p>The Vineyards, Gloucester Road, Tewkesbury</p> <p>Elevations/specifications of the play equipment and means of enclosure proposed will be displayed at Planning Committee.</p>
121	8	<p>16/01285/FUL</p> <p>Brookside Stables, Cold Pool Lane, Badgeworth</p> <p>Although there is a recommended planning condition restricting the temporary continued use of the site to an area defined on a plan, for the avoidance of any doubt the recommendation is amended to a Split Decision and the proposed extension to the site is Refused planning permission.</p> <p>Conditions Attached to Temporary Permission:-</p> <p>Conditions:</p> <ol style="list-style-type: none"> 1. The use hereby permitted shall be carried on only by Mrs Sallyann Smith, her husband and children; Denny Smith, his wife and children; Rocky Smith and wife; Natalie Maguire, her husband and children; Jodie Maloney, her husband and children; and Marion Richards, husband and children, and shall be for a limited period up to the 4th July 2020 or the period during which the premises are occupied by them, whichever is shorter. <p>Reason: The development is permitted in order to meet the specific personal needs of the persons listed in this condition. The site is not acceptable for permanent use as a gypsy site for the reason that it would have a severe and harmful impact on the Green Belt and rural landscape that could not be mitigated. The condition is therefore necessary to ensure that this development only meets a demonstrated temporary need.</p> <ol style="list-style-type: none"> 2. When the premises cease to be occupied by the persons described in Condition 1 or by the 4th July 2020, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use, including the day room on the site, shall be removed and the land restored to its former condition. <p>Reason: The development is permitted in order to meet the specific personal needs of the persons listed in this condition. The site is not acceptable for permanent use as a gypsy site for the reason that it would have a severe and harmful impact on the Green Belt and rural landscape that could not be mitigated. The condition is therefore necessary to ensure that this development only meets a demonstrated temporary need.</p> <ol style="list-style-type: none"> 3. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968 (of which no more than 6 shall be a static caravan or mobile home) shall be stationed on the

site at any one time.

Reason: To limit the impact on the openness of the Green Belt and the rural character and appearance of the area.

4. The caravans shall be sited in accordance with plan No. 1308/01 as received by the Local Planning Authority on the 26th September 2013 and approved with planning application 13/00992/FUL and as shown as outlined in red shown on TP Plan 3747.

Reason: To limit the impact on the openness of the Green Belt and the rural character and appearance of the area.

5. The day room on the site shall be used solely for purposes ancillary to the residential occupancy of the caravans on the site.

Reason: To prevent independent occupation of the building in light of the inappropriateness of the site for unrestricted residential development.

6. There shall be no means of external lighting on the site other than in accordance with the details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and to limit the impact on the openness of the Green Belt and rural landscape.

The Reasons for the Council's decision to Refuse Permission are:-

1. The unauthorised extension of the site was carried out intentionally and represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development therefore conflicts with paragraph 87 of the NPPF, paragraph 16 of Planning Policy for Traveller Sites, policy statement dated 31 August 2015 and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD6 of the Proposed Main Modifications Joint Core Strategy (November 2014).
2. The unauthorised extension of the site forms a visually intrusive and discordant feature in the surrounding rural area that has a detrimental effect on the rural character and appearance of the landscape. The development does not therefore contribute to or enhance the natural and local environment by protecting and enhancing valued landscapes contrary to paragraph 17 of the National Planning Policy Framework (NPPF), LND4 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD7 of the Proposed Main Modifications Joint Core Strategy (November 2014).
3. The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities which means that occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such the proposed development is contrary to the sustainable development aims of the NPPF and the Planning Policy for Traveller Sites, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD11 and SD14 of the Proposed Main Modifications Joint Core Strategy (November 2014).

Notes:

1. TEMPORARY PERMIT - This decision notice relates solely to the area outlined in red shown on TP Plan 3747 (and shown on plan No. 1308/01 as received by the Local Planning Authority on the 26th September 2013

		<p>approved with planning application 13/00992/FUL). That part of the application relating to the permanent extension to the site and outlined in green on the same TP Plan was Refused.</p> <p>This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 16/01285/FUL.</p> <p>2. REFUSE - This decision notice relates solely to the proposed permanent extension to the site. That part of the application relating the continued use of the site and outline in red shown on TP Plan 3747 (and shown on plan No. 1308/01 as received by the Local Planning Authority on the 26th September 2013 approved with planning application 13/00992/FUL) was granted temporary permission.</p> <p>This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 16/01285/FUL.</p>
136	9	<p>17/00368/FUL</p> <p>Bridle Croft, Lye Lane, Cleeve Hill</p> <p>The reason for condition 2 has been revised as follows:</p> <p>The site is not appropriate for general residential use by reason of its location within the open countryside and in the interests of highway safety in accordance with Policy HOU4 and TPT1 of the Tewkesbury Borough Local Plan.</p>

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	1 August 2017
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr Mrs E J MacTiernan, Lead Member for Built Environment
Number of Appendices:	1

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

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

1.0 INTRODUCTION/BACKGROUND

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

2.0 APPEAL DECISIONS

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

Application No	16/00610/FUL
Location	Land Opposite The Orchard Alstone Tewkesbury
Appellant	M Gore & D Fisher & S Fisher
Development	Erection of two new dwellings with garages including altered vehicle access, drives, turning, parking spaces and landscaping.
Officer recommendation	Refuse
Decision Type	Committee
DCLG Decision	Dismissed
Reason	<p>The application was refused by the Committee on landscape and accessibility grounds. The site is located in the Special Landscape Area, close to the AONB. The application was considered before the Council could demonstrate a five year supply of deliverable housing sites; had the application been considered post January 2017, the officer recommendation would have included a reason for refusal relating to Policy HOU4 given that the site is outside any recognised residential development boundary.</p> <p>In considering the appeal, the Inspector concluded that the site would be visible from a number of visual receptors and would represent an unacceptable incursion into a generally open landscape. It would compromise views from both Dixton Road and the wider SLA, which in turn would have a significantly harmful effect on the character and appearance of the area. Furthermore, he agreed with the Inspector in the 2016 appeal on this site that landscaping measures would not be sufficient to mitigate the negative impact that would arise from, albeit in this case, a slightly reduced development at this site.</p> <p>In terms of accessibility, the Inspector concluded that the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers to weigh heavily against the development. For that reason,, the proposal would be contrary to saved TLP Policy TPT1 and would not constitute sustainable development. The Appellant had referred to allowed appeals at Alderton and Stoke Orchard however the Inspector recognised the status of Alderton in the emerging JCS and the range of facilities there which were not present in Alstone, that the appeals referred to were not directly comparable in terms of scale and that the decisions were made at a time when the</p>

	Council could not demonstrate a deliverable five year supply of housing sites.
Date	14 July 2017

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None to report

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: Jane Bagley, Appeals Administrator
01684 272286 Jane.Bagley@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
16/00241/FUL	Land at Walton Cardiff Road Ashchurch Fiddington GL30 7BJ	Erection of biomass-based anaerobic digestion facility and associated works.	08/06/2017	W	CA	03/08/2017
16/00901/OUT	Parcel 1441 Cobblers Close Gotherington Cheltenham Gloucestershir	Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	29/06/2017	H	CA	03/08/2017
16/00481/OUT	Land off Kyderminster Road Winchcombe GL54 5YP	Outline application for the erection of up to 35 dwellings, vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works. All matters reserved for future consideration except for access.	30/06/2017	W	CA	04/08/2017

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/01334/FUL	Inglecroft Post Office Lane Cleeve Hill Cheltenham Glos GL52 3PS	New Dwelling	10/07/2017	W	PAI	14/08/2017
17/00339/FUL	Land at Twigworth Court Tewkesbury Road Twigworth Glos	Erection of a dwelling	10/07/2017	W	SDA	14/08/2017
17/00004/FUL	8 Sandfield Road Churchdown	Erection of 1 no. new dwelling	17/07/2017	W	JWH	14/08/2017

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry