

13 November 2017

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 21 November 2017
<b>Time of Meeting</b>	9:00 am
<b>Venue</b>	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 - 40

To approve the Minutes of the meeting held on 24 October 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. DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

To note the following decisions of Gloucestershire County Council:

#### Site/Development

17/00842/LA3  
Shurdington Primary School  
Badgeworth Lane  
Badgeworth

Single storey extensions to school hall to provide additional classrooms, flexible hall storage/seating area, toilets and circulation space; changes to external appearance of existing buildings; provision of a Multi-Use Games Area; additional car and bicycle parking; and associated works.

17/01004/CM  
Wingmoor Farm  
Stoke Orchard Road  
Bishops Cleeve

Variation of condition 20 (hours of operation) of planning consent 09/0028/TWMAJW dated 11/11/2011.

#### Decision

Application **PERMITTED** subject to conditions in relation to commencement of development; scope of the development; hours of construction; construction traffic; removal of the temporary classroom; and, submission of a travel plan.

Application **PERMITTED** subject to conditions in relation to commencement of development; duration; definition of permission; approval of plans and application documents; restriction of permitted development rights; buildings, plant and machinery; highways; hours of operation; noise; dust; litter; lighting; environmental protection/pollution control; protection of the railway line; ecology; landscape; premature cessation of landfilling operations; and, review of restoration progress.

**7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

41 - 47

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

**DATE OF NEXT MEETING****TUESDAY, 19 DECEMBER 2017****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, R Furolo, M A Gore, J Greening, R M Hatton, A Hollaway, 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, 24 October 2017  
commencing at 9:00 am**

### **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

### **and Councillors:**

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

### **PL.35 ANNOUNCEMENTS**

- 35.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 35.2 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.36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 36.1 Apologies for absence had been received from Councillors M A Gore, P E Stokes, P D Surman, D J Waters and P N Workman. Councillors R E Allen, P W Awford and H A E Turbyfield would be acting as substitutes for the meeting.

### **PL.37 DECLARATIONS OF INTEREST**

- 37.1 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.

37.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R E Allen	16/01453/FUL Almsbury, Vineyard Street, Winchcombe.  16/01454/LBC Almsbury, Vineyard Street, Winchcombe.	Had received correspondence in relation to the applications but had not expressed an opinion.	Would speak and vote.
P W Awford	17/00618/FUL Knapp Farm, Hill Farm, Birdlip Hill, Witcombe.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
M Dean	17/00239/FUL Newlands Park, Southam Lane, Southam.	Is a Borough Councillor for the area.	Would speak and vote.
J H Evetts	16/01453/FUL Almsbury, Vineyard Street, Winchcombe.  16/01454/LBC Almsbury, Vineyard Street, Winchcombe.	Had historically had conversations with the applicant but had not expressed an opinion.	Would speak and vote.
J H Evetts	17/00670/FUL Land at Blacksmith Lane, The Leigh.	Had a telephone conversation with the applicant but had not expressed an opinion.	Would speak and vote.
A Hollaway	17/01023/FUL Burley Fields, Crippetts Lane, Leckhampton.	Had involvement with car boot sales across the borough but did not have a personal or prejudicial interest in this application which would prevent her from participating in the debate.	Would speak and vote.

A Hollaway	17/00239/FUL Newlands Park, Southam Lane, Southam.	Is a Borough Councillor for the area.  Lives next to the application site.  Had written a letter in support of the application.	Would not speak or vote and would leave the Chamber for consideration of this item.
J R Mason	16/01453/FUL Almsbury, Vineyard Street, Winchcombe.  16/01454/LBC Almsbury, Vineyard Street, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.  These applications had been considered at an Extraordinary Meeting of the Town Council in accordance with its custom and practice for dealing with large scale planning applications; however, he had not attended the meeting and had not expressed an opinion in relation to the applications.	Would speak and vote.
J R Mason	17/00903/FUL 5 Whitmore Road, Winchcombe.	Is a Member of Winchcome Town Council but does not participate in planning matters.	Would speak and vote.

37.3 No further declarations were made on this occasion.

**PL.38 MINUTES**

38.1 The Minutes of the meeting held on 26 September 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.39 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

**Schedule**

39.1 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.

**16/01453/FUL – Almsbury, Vineyard Street, Winchcombe**

- 39.2 This application was for the proposed construction of a 52 bed care home and 53 assisted living units (C2 use), including the conversion of Almsbury Barns, with associated hard and soft landscaping and parking. The Committee visited the application site on Friday 20 October 2017.
- 39.3 The Planning Officer advised that the current site comprised a range of stone barns which were individually Grade II listed and the 3.2 hectare plot lay wholly within the Cotswold Area of Outstanding Natural Beauty and within the Winchcombe Conservation Area. The open parkland landscape of the Sudeley Castle estate adjoined the site to the south. The eastern portion of the site was located within Flood Zones 2 and 3 and the site was close to the River Isbourne and Beesmoor Brook. The site lay outside of the residential development boundary and outside of the built up area boundary of the town as defined within the adopted Winchcombe and Sudeley Neighbourhood Plan. The current proposal sought to demolish the existing modern farm buildings and erect a two and a half storey, 52 bedroom care home to provide for elderly, frail and dementia patients. The scheme also included the construction of 53 assisted living units comprising self-contained one and two bedroom apartments, bungalows and three bed dwellings/cottages. Vehicular access was proposed via Vineyard Street.
- 39.4 Weighing against the proposal was the fact that the site was beyond the current settlement boundary for Winchcombe and therefore did not comply with saved Local Plan Policy HOU4. Furthermore, it was outside of the Winchcombe and Sudeley Neighbourhood Plan identified built-up area and therefore was contrary to Policy 3.1 of that plan. It was also considered that there would be significant harm to the designated heritage assets including the Grade II listed Almsbury Farm buildings, Grade I listed Sudeley Castle and its Grade II star registered park and garden, and the Winchcombe Conservation Area, and the proposal would result in demonstrable harm to the special landscape character of the Cotswolds Area of Outstanding Natural Beauty. It was also noted that there was no appropriate planning obligation in relation to affordable housing. County Highways had recommended refusal of the application on the basis that it failed to demonstrate safe and suitable access and failed to create a safe and secure layout which minimised conflict between traffic, cyclists and pedestrians. The Environment Agency had raised objection on flood risk grounds and considered that the submitted Flood Risk Assessment was not sufficiently detailed and further assessment of the risk to and from Beesmoor Brook was required. The Environment Agency also considered that there would be encroachment into Flood Zone 3 and it was therefore recommended that the refusal be delegated to the Development Manager to incorporate additional reasons for refusal in relation to flood risk. The Planning Officer highlighted the potential benefits that would arise from the development including the supply of a new care facility and range of new housing for older residents; job creation, both during construction and within the ongoing day-to-day running of the development itself; the additional expenditure from new residents which may help to sustain local services; and the re-use of disused historic assets. Notwithstanding this, it was considered that the benefits arising from the development would not outweigh the significant and demonstrable harm that would arise as a result of the proposals and the Officer recommendation was to delegate authority to the Development Manager to refuse the application in order to add a reason for refusal in relation to the flood risk.
- 39.5 The Chair invited the representative from Winchcombe Town Council to address the Committee. He indicated that the Town Council's comments also applied to the next item in the Schedule. The proposal had been the subject of considerable debate in Winchcombe, both during the preparation of its Neighbourhood Plan and during the period prior to the submission of the application. The landowners had been constructively engaged in that process and presentations and exhibitions had been organised by the developer when views both supporting and opposing the proposal

were expressed. The applications had been considered by the full Town Council at an Extraordinary Meeting held on 17 February 2017. After a lengthy debate on the attributes of the scheme, the Council had decided, on balance, to support the principle of the proposal for specialist housing for the elderly and the construction of a care home which secured the restoration of the historic barns, subject to a series of caveats that had been summarised in the Officer's report. Many of those caveats could have been easily addressed during the intervening period but this had not happened and the Town Council's concerns remained unresolved. Nevertheless, if Members felt that the scheme had merit in its current form, and were minded to approve the proposal, the appropriate course of action may be to defer a decision and ask Officers to engage in meaningful discussions with the applicant to see if the issues causing concern could be satisfactorily resolved. The Town Council appreciated the difficulty in reaching balanced judgements and making decisions on sensitive cases such as this. Nevertheless, it would welcome endorsement of its views and, in the event of a potential decision to approve the application, asked that amendments be sought to address its concerns and produce an acceptable scheme that delivered sympathetic restoration of the historic barns; provision of a wider range of housing opportunities in the area; and, creation of a well-conceived scheme appropriate to the sensitive setting.

- 39.6 The Chair invited the representative from Friends of Winchcombe to address the Committee. He confirmed that Friends of Winchcombe was an association comprising 535 members and he was representing their collective view, which also applied to the next application on the Schedule. Following the submission of the application, Friends of Winchcombe had held two public meetings. More than 100 people had been present at each meeting and had overwhelmingly voted against any level of support for the application. Of the 26 letters of support listed against the application, 16 were photocopied letters with handwritten names and addresses added and many were employees or tenants of Sudeley Castle. Three minutes was insufficient for him to list the planning reasons as to why the application should be rejected so he instead wished to make reference to the list of objectors to the application including the Council's Conservation Officer, Landscape Officer, Urban Design Officer, and Strategic Housing and Enabling Officer; Historic England; County Highways; Campaign for the Protection of Rural England; Winchcombe Medical Centre; Laurence Robertson MP; and Friends of Winchcombe. He respectfully asked the Committee to review these objections and refuse the application.
- 39.7 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to refuse the application in order to add a reason for refusal in relation to the flood risk impact, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to refuse the application in accordance with the Officer recommendation. A Member thanked the Officers for their full and detailed report and indicated that he supported the motion to refuse the application; however, he felt that something needed to be done to address the condition of the site, which he described as a mess, and asked that the local planning authority use any powers available to do so. The Development Manager assured Members that this point had been noted. The site contained buildings of great historic interest and there were various powers available to the local planning authority, including Section 215 of the Town and Country Planning Act 1990 which meant it was possible to serve notice if there was justification that it was in the public interest to address an untidy site. He gave a commitment that he would review the situation to identify if there was an issue which needed to be addressed and, if so, whether that could be properly achieved through planning legislation.



- 39.8 A Member noted from the representations made by the Town Council that there was an identified need for the type of housing proposed and he felt that a smaller scale scheme may be considered more favourably. The Development Manager went on to advise that there was one outstanding matter in relation to the potential traffic impact and safety of Vineyard Street which had been raised as a concern on the Committee Site Visit. The Officer report made clear that a final response had not yet been received from the County Highways Officer and, if Members were concerned about this particular issue, that matter could also be delegated in order for reasons for refusal to be added or varied based on the response. The proposer and seconder of the motion confirmed that they were happy to amend the motion on that basis and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **REFUSE** the application in order to add or vary reasons for refusal in relation to the flood risk and highway impact, subject to the consultation response from the County Highways Authority.

**16/01454/LBC – Almsbury, Vineyard Street, Winchcombe**

- 39.9 This was a listed building application for the proposed conversion of Almsbury Barns in connection with the construction of a 52 bed care home and 53 assisted living units - Grade II Listed Building Reference: 1304848. The Committee had visited the application site on Friday 20 October 2017.

- 39.10 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse consent and he sought a motion from the floor. It was proposed and seconded that the application be refused consent in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

**17/00670/FUL – Land at Blacksmith Lane, The Leigh**

- 39.11 This application was for the erection of a dwelling. The Committee had visited the application site on Friday 20 October 2017.

- 39.12 The Chair invited the representative from Leigh Parish Council to address the Committee. He indicated that the proposed development fitted perfectly with the emerging Neighbourhood Plan in which parishioners had expressed a wish to see limited numbers of individual houses that fulfilled the needs of younger generations of villagers both in the Leigh and Coombe Hill, which was a service village. It should also be noted that there were no objections from any residents of the Leigh; in fact, many actively supported the proposal. The dwelling would be modest and would join six other houses within a 100 metre radius, and 11 more within 200 metre, so it would not be isolated. He pointed out that the dwelling would be closer to a bus stop than the room where this meeting was currently being held, and would be within three quarters of a mile of the shop, public house and church – closer than many homes in service villages. Furthermore, the site was outside of the floodplain, unlike some proposed developments. The Parish Council considered that the proposal ticked many of the right boxes for village growth and survival of the community; it was sustainable, had access to services and employment, and would not increase traffic on village roads.

- 39.13 The Chair invited the applicant to address the Committee. The applicant pointed out that Tewkesbury Borough Council's motto was "Tewkesbury Borough – a place where a good quality of life is open to all" and indicated that this was what he was seeking to achieve for his family. He made reference to his own personal circumstances and advised that his proposal had received great support from villagers, neighbours and the Parish Council. He had worked hard to accommodate Officers' comments on design in order to alleviate concerns in this regard; however, he felt that existing urban features, such as neighbouring housing and the busy A38,

heavily influenced the character of the site and, whilst there would be some change, this did not equate to unacceptable harm. The refusal reasons cited conflict with Policy HOU4 because the site was located outside of a residential development boundary and the report suggested that this policy carried full weight because the Council could demonstrate a five year supply of housing. He pointed out that the majority of recent appeal decisions did not support this position and, whilst there were conflicting views on whether HOU4 was a relevant policy for the supply of housing, this was irrelevant as the development plan was time-expired, based on outdated evidence and was not consistent with the National Planning Policy Framework. Paragraph 55 of the National Planning Policy Framework was concerned with rural areas and stated that, in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities. The Planning Practice Guidance also stated that it was important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller developments. The scale of house price increases of recent years, coupled with an acute shortage of housing, had led to a rapid deterioration in affordability across the country and such problems could be exacerbated in parts of rural England; this build was not for profit but rather was an exceptional opportunity for a local family and he urged Members to support the application.

- 39.14 In response to the comments made by the applicant regarding Policy HOU4, the Development Manager advised that there had been some appeal decisions where it was the Officers' view that Inspectors had misapplied the law in terms of planning policy and the National Planning Policy Framework. In the context of the National Planning Policy Framework, Policy HOU4 was not a relevant policy for the supply of housing – this was an accepted position following a recent Supreme Court decision. The applicant had stated that the local plan was time-expired; however, Paragraph 211 of the National Planning Policy Framework set out that policy should not be considered out of date solely on the basis that it appeared in a plan that was prepared prior to the National Planning Policy Framework. Furthermore, Policy HOU4 was consistent with the National Planning Policy Framework in that it sought to promote development in appropriate, sustainable locations and to protect the countryside. Different Inspectors took different views and he cited the recent appeal decision in respect of Norton where the Inspector had accepted this very point, agreeing that Policy HOU4 was serving its purpose in terms of delivering an appropriate supply of housing. Despite developers making statements to the contrary, Inspectors had accepted that the Council was able to demonstrate a five year deliverable supply of housing sites and, having taken legal advice, the Development Manager was confident in the Officers' position on Policy HOU4 as set out in the report.
- 39.15 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the basis that the benefits of the scheme would outweigh the harm outlined in the report. Having visited the application site, the proposer felt this was an acceptable location for a dwelling, particularly given the comments made by the Parish Council in respect of service villages. He pointed out that planning permission had been granted for a bungalow in front of the site and he suggested that it might be possible to overcome an issue with a blind bend further along the road by moving the entrance slightly. The Development Manager clarified that the Leigh itself was not a service village but it was located within the Ward of Coombe Hill which was a service village. If Members were minded to permit the application he recommended the inclusion of conditions in relation to materials, levels, drainage, landscaping and parking, access and manoeuvring, which could be delegated to Officers if Members so wished. He sought further clarification as to the concern regarding the entrance to the site and the proposer of the motion explained that

there was a footpath to the west of the site and he felt that moving the entrance into the field slightly further would result in a better visibility splay. Another Member recognised that the County Highways Authority had raised no objection and his only concern was the protection of the Public Right of Way, as there had been some vandalism to the way-marking posts; however, this was not relevant to the application. The Development Manager suggested that the Parish Council could raise this matter with the County Highways Authority and the proposer of the motion indicated that he was happy with this approach.

- 39.16 Based on the comments made by the Development Manager, the proposer and seconder of the motion confirmed that they wished to amend the motion to a delegated permit subject to the inclusion of conditions in relation to materials, levels, drainage, landscaping and parking, access and manoeuvring. A Member raised concern that permitting the application would be strongly against policy and could have an impact on future applications. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to planning conditions relating to materials, levels, drainage, landscaping and parking, access and manoeuvring.

**16/01041/FUL – Tewkesbury Abbey Caravan Club Site, Gander Lane, Tewkesbury**

- 39.17 This application was for proposed site improvements to the existing Tewkesbury Caravan Club site; demolition of both existing toilet blocks and construction of a new central toilet block; construction of 50 new all-weather pitches; construction of new tarmac roads; relocation and rebuilding of three service points and repositioning of a motor van waste point; provision of central calor gas compound with fencing; and new landscaping.

- 39.18 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. The proposer of the motion felt that the proposals would enhance the site and he was happy to support the application. Upon being taken to the vote, it was

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

**17/00903/FUL – 5 Whitmore Road, Winchcombe**

- 39.19 This application was for a single storey rear extension.

- 39.20 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.

**17/00618/FUL – Knapp Farm, Hill Farm, Birdlip Hill**

- 39.21 This application was for the conversion of existing redundant buildings to a dwelling with the benefit of existing vehicular and pedestrian access.
- 39.22 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. Having been put to the vote, it was

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

**17/00858/FUL – Land Off Evesham Road, Evesham Road, Bishop's Cleeve**

- 39.23 This application was for the erection of five detached houses and construction of new vehicular access. The Committee had visited the application site on Friday 20 October 2017.
- 39.24 The Chair invited the applicant's representative to address the Committee. He indicated that he would not be commenting on the nuances of Policy HOU4 and would leave Members to arrive at their own conclusions in that regard; however, he wished to stress some fundamental facts in response to the very late comments raised by the Council's Flood Risk Management Engineer. He pointed out that the late report had failed to include a number of key items of evidence and was based on flood mapping information that was regrettably out of date, superseded and – worst of all – inaccurate. The necessary pre-application discussions had taken place with the Environment Agency prior to the submission of the application and the Environment Agency advice had been simple - to undertake hydraulic modelling of the watercourse that passed through the site in exactly the same way as for the Cleevelands and Redrow developments. He stressed that the modelling was based on a 1:1000 year flood event and included both 35% and 70% assessments, including climate change. He drew attention to Paragraph 5.18 of the Officer report which set out that, whilst the constraints mapping showed the site in Flood Zone 2, the modelling demonstrated that the site was in Flood Zone 1, bar a small section, which was no different to the Cleevelands and Redrow schemes; that position had been accepted both by the Planning Officers and the Flood Risk Management Engineer. The report contained a comment suggesting that the applicant had not taken on board designing the development to make allowance for uncertainties in modelling and flood levels and yet the Flood Risk Assessment clearly stated that the finished floor levels would be set at a minimum level of 600mm above the highest recorded flood level. The Flood Risk Management Engineer had also raised concerns about surface water flooding along Evesham Road which the developer believed to be very misleading on the basis that he had failed to make reference to the realignment and remodelling of the upstream watercourse and attenuation basin that Redrow Homes had been required to complete as part of its development. All of those works had been completed and had fully mitigated the historical surface water flooding problems along that part of the Evesham Road.
- 39.25 The Planning Officer advised that, unfortunately, the Flood Risk Management Engineer was unable to attend today's meeting; however, this had been discussed and the Flood Risk Management Engineer considered that the information from the applicant was inaccurate and did not accord with the Council's own strategic flood risk mapping which showed the site to be located in Flood Zone 2 and subject to fluvial and pluvial flooding. The Environment Agency mapping on surface water showed the site to be in an area that was at high risk of deep, fast-flowing water which would be a problem for most people and the Flood Risk Management Engineer had also raised concern on that basis.

- 39.26 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion felt that the proposal would fit well with the Redrow development on the opposite side and would create an impressive entrance to Bishop's Cleeve. The seconder of the motion expressed the view that Policy HOU4 was out of date and he indicated that there was currently no defined settlement for Bishop's Cleeve, which was close to becoming a rural service centre. The site itself was derelict and did not add anything to the important green space. He was very impressed with the development on the opposite side of the road and agreed with the proposer of the motion that, if this scheme was produced to the same high standard, it would be a very attractive gateway. He pointed out that the site had not flooded in 2007 and a significant amount of money had been spent on an attenuation scheme upstream.
- 39.27 A Member questioned why Officers had not visited the application site with the knowledge that flood mitigation works were being carried out in relation to the Cleevelands and Redrow developments. He noted that the applicant had carried out a Strategic Flood Risk Assessment using a specialist consultant and that there seemed to be some disagreement as to whether the development was located within Flood Zone 1 or Flood Zone 2; he sought an indication as to why the Officers felt that it was within Flood Zone 2. He pointed out that the applicant had had regard to the Council's aspirations within the Flood and Water Management Supplementary Planning Document (SPD) in terms of a 20% assessment plus climate change allowance and he would be uncomfortable with refusing the application on flood risk grounds when those concerns did not appear to be valid. The Planning Officer clarified that the Flood Risk Management Engineer had produced a map based on Environment Agency mapping which showed that the site was located in Flood Zone 2 and was subject to surface water flooding. In response to a Member query, the Development Manager advised that the evidence from the Flood Risk Management Engineer was that the map was fully up to date and had been produced on Friday from the Environment Agency website. Access to the site was from the south-west corner which was the most affected area. The depth and velocity of the water was a serious concern and had been identified as being a potential risk to most people. In addition, he reminded Members that the principle of new housing development in this location was contrary to Policy HOU4 and permission should be refused unless material planning considerations indicated otherwise; Officers felt that no such considerations had been identified. It was unfortunate that the Flood Risk Management Engineer's response had been received late, and that he was unable to attend the meeting; if Members were minded to permit the application, they may firstly wish to hear these comments directly from the Flood Risk Management Engineer.
- 39.28 During the debate which ensued, a Member indicated that she had serious reservations about the application, particularly as there were real concerns about flooding in the borough. Another Member expressed a great deal of support for the proposal, having visited the site. He did not feel it was of any special significance and he understood that the flood maps referenced by the Officers dated back as far as 2010 so he would be supporting the motion to permit the application. Given the strength of feeling, a Member suggested that it would be more appropriate to defer the application so that Officers could meet with local Members to discuss the difference of opinion in relation to flood risk. A Member stated that she could not recall the site flooding. Another Member indicated that he knew the site well and the development would lend itself to the landscape; however, he shared the concerns about the conflicting reports around flood risk and proposed that the application be deferred in order to resolve those matters. This proposal was duly seconded. A Member expressed the view that, if the motion to defer the application was successful, in addition to the Council's Flood Risk Management Engineer, the Lead

Local Flood Authority should be invited to the next meeting. The Development Manager explained that an invitation could be extended to the Lead Local Flood Authority but its practice was not to comment on any applications for developments of less than 10 dwellings. Notwithstanding this, contact could be made via the Flood Risk Management Engineer and Officers could engage with the developer to try to find some common ground.

- 39.29 Upon being taken to the vote, the proposal to defer the application was lost. The Development Manager indicated that, should Members be minded to permit the application, he would recommend the inclusion of conditions in relation to materials, levels, drainage, landscaping and parking, access and manoeuvring, and a Section 106 Agreement to secure a contribution of £298,000 towards affordable housing. The proposer of the motion to permit the application indicated that he had concerns regarding the affordable housing contribution, particularly given that this was £100,000 more than the contribution being sought for the proposal for eight houses in Minsterworth which would be considered later in the meeting. The Development Manager clarified that there was a method for calculating affordable housing contributions and house prices was one factor that was taken into consideration; this proposal was for large, executive style homes which could explain why the figure was higher in this instance. A Member had been led to believe that a 20% affordable housing contribution would be required for this proposal, as opposed to a 40% contribution. The Development Manager advised that it was his understanding that a 40% affordable housing contribution was applicable in this case, however, confirmation of this could be part of the delegation, should Members be minded to permit the application. He explained that it would not be possible to justify a contribution that was above policy requirements i.e. 40% and, if Members were minded to grant a delegated permission, he would ensure that the affordable housing contribution being sought was in accordance with policy; in the event that it was not, it would be brought back to the Committee. On that basis, the proposer and seconder of the motion to permit the application indicated that they would be happy to amend the motion to a delegated permit subject to conditions relating to materials, levels, drainage, landscaping and parking, access and manoeuvring, and a Section 106 obligation to secure a contribution of £298,000 towards affordable housing. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to planning conditions relating to materials, levels, drainage, landscaping and parking, access and manoeuvring, and a Section 106 obligation to secure a contribution of £298,000 towards affordable housing.

#### **17/01023/FUL – Burley Fields, Crippetts Lane, Leckhampton**

- 39.30 This application was for change of use of land to include use for weekend and bank holiday car boot sales as a farm diversification enterprise (resubmitted application).
- 39.31 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 and, upon being put to the vote, it was

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

**17/00239/FUL – Newlands Park, Southam Lane, Southam**

- 39.32 This application was for the installation of a new artificial grass pitch to form a full-size playing enclosure for rugby union with new artificial grass pitch surface sized 122 x 80m with associated technical areas to accommodate 15 vs 15 rugby union pitch plus a variety of training areas for rugby union; installation of a pitch perimeter and associated gated entrances to form a playing enclosure around the field of play. Installation of new hardstanding areas adjoining the artificial grass pitch perimeter complete with associated porous asphalt surfacing for pedestrian access, goals storage, spectator viewing space and maintenance and emergency access; installation of an artificial (flood) lighting system to adjacent grass rugby pitch; and extending the hours of operation to allow the use of the artificial pitch and the floodlighting to between the hours of 8:30am and 10:00pm Monday to Sunday.
- 39.33 The Chair invited the applicant's agent to address the Committee. He advised that the Rugby Football Union was committed to delivering 100 artificial grass pitches to improve grass roots rugby by 2020. This would help to reverse the current trend across the country where natural turf rugby pitches were overused, limiting participation as a result of restricted access and a detrimental player experience. Cheltenham Rugby Club had been identified as having high potential to grow rugby union and had been targeted by the Rugby Football Union for investment. This project was phase two of a six phase initiative and, once operational, the Rugby Football Union believed that the facility would generate over 7,000 participants, playing at least once every two weeks, and thousands more would be introduced to the game on those surfaces each year. Cheltenham Rugby Club and the Rugby Football Union would share use of the pitch and new visitors would be attracted from local schools and colleges, the local rugby partnership, the Rugby Football Union's development programme and general community access. This proposal offered an excellent opportunity for the Cheltenham area. He confirmed that the Rugby Football Union would manage the pitch and develop rugby interest over a 30 year period. He had worked positively with the Planning Officer during the application process to ensure the proposal accorded with material considerations and to make improvements in respect of a sustainable drainage strategy and sensitive development in the Green Belt. County Highways had also been very helpful in terms of ensuring highway safety to and from the club's driveway entrance. He was grateful for the Officer recommendation and considered the proposed conditions to be reasonable and fair, particularly in relation to the proposed hours of pitch use; a request had been made for the curfew time to be extended by half an hour during the week and by four hours on Sunday – ending at 10:00pm each day – which was necessary to satisfy the projected demand for community access which was being experienced at phase one projects. Financial sustainability was a key aspect for any sports pitch project and the extended times of use would contribute vital income for running and refurbishment costs over the 30 year term.
- 39.34 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member indicated that he would be happy to support the application but he sought assurance that the floodlights would be pointed downwards at all times in order to reduce light spillage. The Development Manager advised that, if Members were minded to delegate permission, he would check whether this was covered by recommended condition 4, which required floodlights to be installed in accordance with the plans and documents submitted with the application; if not, this could be discussed with the applicant and amended accordingly. It was subsequently proposed and seconded that authority be delegated to the Development Manager to permit the application, subject to additional/amended conditions to ensure that the floodlights would point down at all times to reduce light spillage.

39.35 A Member was mindful that a lot of games would be played on the pitch and she had concerns about floodlighting in that part of the Green Belt being used seven days a week until 10:00pm. Another Member shared this view and questioned why the curfew of 9:30pm was being extended. The Development Manager noted these comments and provided assurance that the Environmental Health Officer was satisfied with the proposal in the context of the site with commercial development to the west. Given the proposal to delegate permission to ensure that light spillage was minimised by condition, there would be little additional impact over and above the current situation. A Member echoed the concerns regarding floodlighting and felt that they would be intrusive - contrary to the Officer report - and the impact on the Area of Outstanding Natural Beauty, and the view from Cleeve Hill, would not be mitigated by the existing commercial development.

39.36 Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to additional/amended conditions to ensure that the floodlights would point down at all times to reduce light spillage.

**17/00337/FUL – 19 Huxley Way, Bishop’s Cleeve**

39.37 This application was for a single storey detached garden room/home workspace.

39.38 The Chair invited the applicant to address the Committee. She recognised that concern had been raised in relation to the design being incongruous with the locality; however, she explained that the proposal had been designed to accord with Policy HOU8 which set out that extension to existing dwellings must respect the character, scale and proportions of the existing dwelling and not have an unacceptable impact on adjacent property and residential amenity. Notwithstanding this, in order to address the concerns raised, revised plans had been submitted reducing the size of the proposal and improving the design. She indicated that the proposal would be more sympathetic than the old wooden fencing which required constant maintenance. Furthermore, it would be impossible to see from the road and would be screened by shrubs and trees. She also made reference to her personal circumstances and how the proposal would impact positively on her life.

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

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

**17/00855/FUL – Part Parcel 1228, Main Road, Minsterworth**

39.40 This application was for the erection of eight dwellings with associated new vehicular access (revised scheme to approved development under application reference 16/00822/OUT). The Committee had visited the application site on Friday 20 October 2017.

39.41 The Planning Officer advised that, following the Committee Site Visit, Members had requested clarification on the access arrangements. He explained that outline planning consent had previously been granted for two other residential developments – Ref: 16/00822/OUT for up to six dwellings on the current site and Ref: 16/00823/OUT for up to four dwellings on an adjacent site. The County Highways Authority had raised concern about the proximity of the two accesses for the developments which had been granted consent and an amendment had been negotiated for outline planning permission 16/00822/OUT so that access would be from the west. Unfortunately, when the decision notice for that planning permission



had been sent out, it had incorrectly referred to both plans – one with access to the west and one with access in the centre of the site – which meant that either, or both, could be implemented. The County Highways Authority had confirmed verbally that it would not be acceptable for both accesses to be implemented due to the adverse impact on highway safety; however, a formal response was still awaited. In the meantime, the current application had been submitted seeking to increase the number of dwellings from six to eight and the plans included with the application showed the access in the preferred location to the west. On that basis, it was proposed that authority be delegated to the Development Manager to permit the application, subject to receipt of acceptable house types, no objection from the County Highways Authority in respect of the revised access and no objection from the County Minerals and Waste Authority, and the completion of a Section 106 Agreement to secure an affordable housing contribution of £189,000 and non-implementation of the extant planning permission reference 16/00822/OUT.

- 39.42 The Chair invited the applicant's agent to address the Committee. He stated that Members would be aware that the site already had planning permission for new housing development which had been granted last year, therefore the principle of residential development had already been established. This proposal was largely a re-design which sought to make fuller use of the land available, in accordance with government policy. The original pre-application proposal had been for nine dwellings on the site but this had been changed to eight with the size of the dwellings being significantly reduced, taking on board Officer comments by increasing the space between each unit, enhancing landscaping and reducing the footprint and volume of the units in order to ensure that it better respected the character of the area. There were still some small-scale design changes which had been recommended by the Development Manager which they would be happy to address further under the delegated permission. Members had visited the application site and were aware of the access issues. He pointed out that County Highways had confirmed it was happy in principle with the access and that it met all of the relevant highway safety standards; further detailed design of the access arrangement would follow. He also wished to stress the vulnerability of some local facilities and services in Minsterworth and the importance of delivering enough housing to sustain those going forward; the public house had already been lost; the recent decision had been taken to close Minsterworth Primary School; and the viability of the village hall had been called into question. The best way to ensure the future viability of these services was to deliver enough family homes in Minsterworth which was unlike other designated service villages in the borough due to the genuine local desire for new housing.
- 39.43 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to receipt of acceptable house types, no objection from the County Highways Authority in respect of the revised access and no objection from the County Minerals and Waste Authority, and the completion of a Section 106 Agreement to secure an affordable housing contribution of £189,000 and non-implementation of the extant planning permission reference 16/00822/OUT, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion considered the proposal to be well thought-out and believed that it would make an important contribution in delivering more houses which was a big problem for Minsterworth. The seconder of the motion pointed out that a request had been made to retain the zig-zag lines outside the school when it closed at the end of the year as they helped to slow traffic on the A48 which was the gateway to the village. He agreed that moving the access would remove some of the fears in terms of the close proximity to the adjacent site. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to receipt of acceptable house types, no objection from the County Highways Authority in respect of the revised access and no objection from the County Minerals and Waste Authority, and the completion of a Section 106 Agreement to secure an affordable housing contribution of £189,000 and non-implementation of the extant planning permission reference 16/00822/OUT.

**17/00104/OUT – Land Adjacent to Rosedale House, Main Road, Minsterworth**

- 39.44 This was an outline application for the erection of five dwellings with associated access and layout.
- 39.45 The Planning Officer clarified that this application had been presented to the Planning Committee on 31 August 2017 where Members had resolved to delegate authority to the Development Manager to permit the application, subject to the resolution of highways matters in relation to planning application 16/00822/OUT, as discussed under the previous item on the Schedule. It had subsequently come to light that a letter of objection had been received prior to the Planning Committee on 31 August that had not been included in the Officer report or the Additional Representations Sheet. As the application had not yet been formally permitted, and the decision notice had not been issued, it was felt prudent to bring the objection to Members' attention.
- 39.46 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 the resolution of the highways matters, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of the highway matters.

**17/00679/FUL – Land at Barn Farm, Tewkesbury Road, Norton**

- 39.47 This application was for residential development consisting of one detached dwelling, associated parking and access from Tewkesbury Road.
- 39.48 The Development Manager explained that the application had been recommended for delegated permission, subject to the resolution of design issues and highway safety concerns. The design concerns had now been satisfactorily addressed and revised plans had been received and were included in the Additional Representations Sheet, attached at Appendix 1; the design had been simplified and was now more appropriate and reflective of the surrounding development. The County Highways Officer had raised no objection; however, after further consideration, Officers were concerned that the development fronted straight onto the A38 and questioned whether there would be adequate parking and turning areas for a four bedroom dwelling. The applicant had subsequently submitted revised plans to address those concerns and the County Highways Officer had been re-consulted but a response was yet to be received. As such, the Officer recommendation was still for a delegated permission but purely on the basis of the outstanding highway safety concerns.

- 39.49 The Chair invited the applicant to address the Committee. The applicant made reference to his personal circumstances and how they related to the proposal. He explained that the application had been submitted in June and, prior to that, he had consulted with the Parish Council which had raised no concern other than the access onto the main A38. This had been taken into account when he had instructed his architect and the proposal had been made with consideration to the Parish Council's comments. The Parish Council comments had been submitted in July, and the highways report in August; at that stage the Planning Officer had indicated that the proposal was being recommended for permission. He had been told that the application would be considered at the Planning Committee meeting in September but had heard nothing until an email on 16 October – eight days prior to this meeting – which stated that there were additional concerns. These concerns had been dealt with within 48 hours and submitted to the Development Manager; although he had not had confirmation of receipt. In view of the delays that had been experienced already, he asked the Committee to look favourably upon the proposal and permit the application.
- 39.50 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to no objection being raised by the County Highways Officer, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to no objection being raised by the County Highways Officer.
- 17/00889/OUT – Land at Appithorne, Main Road, Minsterworth**
- 39.51 This was an outline application for the erection of up to five dwellings and new vehicular access. The Committee had visited the application site on Friday 20 October 2017.
- 39.52 The Chair invited the applicant's agent to address the Committee. He indicated that the majority of the comments he made in respect of application 17/00855/FUL Part Parcel 1228, Main Road, Minsterworth earlier in the meeting were also relevant here and he asked Members to take into account the importance of delivering enough housing in Minsterworth to ensure the viability of local services and facilities going forward. The Parish Council had no objection to the proposal and the Officer recommendation was to permit the application. A Committee Site Visit had been carried out to assess the site access and County Highways had raised no objections to the application. This was because the visibility splays and access requirements had been formed following a robust automated speed survey which had been carried out over a seven day period. The survey had shown that actual vehicle speeds were lower at this particular point than the speed limit would suggest and the visibility splays had been provided in line with the actual speeds of the road. The splays had been provided in accordance with national and local highways visibility standards and were wholly acceptable in planning terms.
- 39.53 The Chair indicated that the Officer recommendation had been changed from delegated permit to permit on the basis that County Highways had now confirmed that it had no objection to the proposal 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 advised that he was happy to support the construction of five dwellings but reiterated that there were still some concerns locally regarding the visibility splays. The Planning Officer provided assurance that revised plans had been received and had been subject to consultation with the County Highways Authority. In view of the Parish Council's concerns, additional work had been done to determine the traffic speed and the

plans had been amended and updated to reflect that. The proposer of the motion indicated that he would welcome a reduction in the speed limit along the entrance to Minsterworth - particularly given the accesses being created for the new developments in the area - and he hoped this would be considered by County Highways. Upon being put to the vote, it was

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

**17/00538/APP – Land Rear of Rectory Farm, Maisemore**

- 39.54 This application was for the erection of 28 dwellings with parking, landscaping and associated works (reserved matters details relating to appearance and landscaping pursuant to outline planning permission reference: 15/00131/OUT) (Amended plans received). This application had been deferred at the last meeting of the Committee to enable Members to be provided with detailed plans before making a decision on the application.
- 39.55 The Chair invited the applicant to address the Committee. He was pleased that the application was before Members with a recommendation for approval; this positive recommendation followed extensive discussion and correspondence with Planning Officers and local residents. As noted in the Officer report, the majority of Parish Council objections related to the outline planning consent and were not applicable to this application. The few issues outstanding had been addressed and the conditions of the outline application were being complied with. The layout and the proposed houses had been designed to reflect the character of the local vernacular. The developer was dedicated to providing high quality homes and felt it necessary to engage with the Parish Council and local community on its plans and to answer any questions raised in relation to the site, with the aim of creating an open dialogue with the village residents and ease any concerns they might have. A further meeting with residents had allowed outstanding concerns to be addressed along with discussing design details and construction timings; as a result, subtle amendments had been made which had benefited both the design and the residents. The scheme would use high quality, sustainably-sourced materials, and utilise skilled local trades. He hoped that Members would approve the proposal and allow the development to be enjoyed by future and existing residents.
- 39.56 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 approved in accordance with the Officer recommendation. A Member noted that the applicant had stated that a further meeting had been held with residents but the latest information provided to Members made no reference to this and he sought clarification as to whether this had taken place. He felt that there were some outstanding issues, and made particular reference to the road being 300mm higher than in the original plan. The Planning Officer advised that the applicant had complied with the outline consent, including the conditions in respect of the level of the road and the adjoining boundary wall. Consultation had taken place via site notice when the application had first been received and through subsequent notices following the receipt of amended plans. He confirmed that all matters had been resolved to Officers' satisfaction. The Development Manager pointed out that Officers were not privy to discussions between the applicant and local residents so it was taken in good faith that a meeting had been held following the Planning Committee's decision in September; what had been discussed at that meeting was not a material planning consideration and Members were reminded that they needed to make a decision as to whether the proposal was acceptable in planning terms based on the information provided.

- 39.57 Upon being taken to the vote, it was  
**RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

**PL.40 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

40.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 35-41. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

40.2 A Member noted that the report did not make reference to the appeal decision in respect of 16/00481/OUT, Kyderminster Road, Winchcombe and the Development Manager confirmed that it would be included in the next report. It was subsequently

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

The meeting closed at 11:35 am

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 24 October 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	
353	1	<p><b>16/01453/FUL</b></p> <p><b>Almsbury, Vineyard Street, Winchcombe</b></p> <p><b>Consultations &amp; Representations:</b></p> <p>Winchcombe Town Council has submitted the following representation in respect of requested Section 106 contributions, should the application be approved at Planning Committee:</p> <ol style="list-style-type: none"> <li>1. Contribution towards the provision of future allotments.</li> <li>2. Contribution towards the Winchcombe Park project such as petanque, footpaths to make up a health walk, out- door gym equipment or general recreational facilities.</li> <li>3. An all-weather path from Castle Street to Vineyard Street, extending the current riverside path, justified by the loss of attractive views of the local greenspace subject to permission being given by the landowner.</li> <li>4. Contribution towards the new cemetery at Mountview Drive.</li> <li>5. Contribution towards community facilities such as: <ul style="list-style-type: none"> <li>• Winchcombe Medical Practice</li> <li>• Winchcombe Daycare Centre</li> <li>• Winchcombe Playgroup</li> <li>• Winchcombe Town Trust</li> <li>• Abbey Fields Community Centre</li> <li>• Winchcombe Library</li> </ul> </li> <li>6. Improved traffic management and parking management in Vineyard Street which could be meeting the full cost of any Traffic Regulation Orders necessary to deal with future traffic flows in Abbey Terrace, Vineyard Street and the road up to the Castle Lodge, together with the cost of any physical works necessary.</li> </ol>

392	5	<p><b>17/00903/FUL</b></p> <p><b>5 Whitmore Road, Winchcombe</b></p> <p><b>Consultations &amp; Representations:</b></p> <p>Since the report was written, an additional objection to the application has been received from the occupant of 1 Whitmore Road. The comments raised are summarised below:</p> <ul style="list-style-type: none"> <li>• The scheme will have a detrimental effect on the surrounding location</li> <li>• The extension would be highly visible and would look out of place</li> </ul> <p><b>Recommendations</b></p> <p>No changes are made to the recommendation within the Committee report, and it is therefore recommended that <b>planning permission is granted subject to conditions.</b></p>
395	6	<p><b>17/00618/FUL</b></p> <p><b>Knapp Farm, Hill Farm, Birdlip Hill, Witcombe</b></p> <p>The applicant has written to Members suggesting that the Committee report refers to a structural survey from a previous planning application.</p> <p>Whilst the report does refer to the previous appeal decision, the report (at Paragraphs 5.3 and 5.4) also refers to the Structural Report and Method Statement submitted with the current application.</p> <p>The applicant's concerns are therefore considered to be unfounded.</p>
400	7	<p><b>17/00858/FUL</b></p> <p><b>Land off Evesham Road, Evesham Road, Bishops Cleeve</b></p> <p><b>Flood Risk Management</b></p> <p>Following consideration of the submitted Flood Risk Assessment, the Flood Risk Management Engineer has objected to the proposed development. He comments that, given the proximity to the watercourses, a sensitive and precautionary approach is required. The modelled data submitted is at odds with the Flood Map, the Peter Brett Associates Dean Brook model and the Level 2 Strategic Flood Risk Assessment (SFRA) modelling.</p> <p>The proposed layout of the development would skirt the modelled flood profile and this does not give any allowance for uncertainties. In addition to this, the site is located in an area that is at high risk to deep and fast flowing water. This would not allow safe access and egress in the event of a flood to future occupiers and emergency services. The proposed development would therefore be contrary to the advice of the National Planning Policy Framework that states there would be safeguarding of land from development that is required for current and future flood management.</p> <p><b>The Flood Risk Management Engineer's comments are attached to this report</b></p> <p>Consequently, a further refusal reason has been recommended in respect of flood risk. This is set out below:</p> <p>4        The site is located within an area of floodplain, which is categorised as being at risk of flooding as defined in the National Planning Policy Framework. The submitted Flood Risk Assessment is inadequate as the modelled data is at odds with the Council's own data and therefore it does not demonstrate that people and property will be safe during flood events.</p>

		<p>Furthermore, it has not been adequately demonstrate that the Sequential Test has been undertaken to demonstrate that there are no sites in areas with a lower probability of flooding that would be appropriate for such a development within the local authority's area. For these reasons the proposal does not represent sustainable development within the context of the National Planning Policy Framework and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at Section 10 (Meeting the challenge of climate change, flooding and coastal change), Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy INF3 of the Joint Core strategy Main Modifications.</p> <p>The Flood Risk Management Engineer has further advised that the modelling carried out is for the fluvial (river) flooding and there is a separate, and arguably more concerning, pluvial (surface water) flood risk. The degree of surface water flood hazard is classified as 'Significant' which is described as Dangerous for most people - "Danger: flood zone with deep fast flowing water".</p> <p>Policy dictates that people should be appropriately safe around new development which means this hazard rating is at odds with this.</p> <p>Following the Flood Risk Management Engineer's raised objection to the current scheme, a further letter of representation has been submitted from the applicant. The response states that a number of key items of evidence have not been fully considered by the Flood Risk Management Engineer and the surface water objection does not represent the latest position given the improvement that Redrow was required to make to deal with surface water issues along Evesham Road. <b>The applicant's submitted statement is attached in full below.</b></p>
406	8	<p><b>17/01023/FUL</b></p> <p><b>Burley Fields, Crippetts Lane, Leckhampton, GL51 4XT</b></p> <p>The applicant has requested that this application is deferred in order to allow for extra time to provide additional documentation to assist with the application.</p> <p>A further letter in support of this application has been received from the applicant and is <b>attached below</b>.</p> <p><b>Consultations &amp; Representations:</b></p> <p><b>Leckhampton with Warden Hill Parish Council</b></p> <ul style="list-style-type: none"> <li>• Council objected to previous application</li> <li>• Site is in Green Belt and therefore inappropriate development</li> <li>• Site is very visible from Leckhampton Hill</li> <li>• Car boot use would damage views</li> <li>• Car boot sales already at National Star College</li> <li>• No public need for second site</li> <li>• More accessible and safer than this site</li> <li>• Profits support National Star's work and is in public interest</li> <li>• Loss of land to Redrow development is not valid grounds</li> <li>• Traffic on Church Road is lower at weekends.</li> <li>• Cars park on road outside St Peter's Church</li> </ul>



- Risk of accidents
- Scale of use is not appropriate to rural environment
- Will impact amenity

**Environmental Health Officer** - Car boot could cause some noise and odour disturbance, particularly from fairgrounds and any possible generators or refrigerated units, such as ice cream vans; however, as it is an unknown quantity and it is very difficult to assess the level of disturbance, the correct use of legislation would be the Environmental Protection Act 1990 to assess the severity of the impact through statutory nuisance provisions, should Members be minded to approve this application.

Three additional public representations in support have been received. The comments raised are summarised below:

- Will be an enjoyable asset for the community
- Could create a wonderful community atmosphere
- Low-key diversification project will cause minimal disruption
- Site will continue to be grazed by livestock
- Sellers can recycle unwanted items
- Buyers can find bargains
- Good for people who cannot travel to other sites
- Organisers would keep traffic impact to a minimum
- No other events on Leckhampton except fireworks
- Support local farmer seeking to diversify
- Modern farmers need to adapt
- Already brought positive facilities such as a farm shop, fishing lakes, dog day care, fireworks etc.

12 further public representations objecting to the proposal have been received. The comments raised are summarised below:

- Previous application refused
- Little to justify new application
- Not appropriate in Green Belt
- Area is Green Belt and Area of Outstanding Natural Beauty
- Sufficient car boot venues already
- Plenty of spare capacity at Ullenwood
- Drainage in area is generally poor
- Cars will park on road if field is wet
- Other events at site result in parking on road
- No streetlights or pavement
- Church Road already busy
- Speed limits are ignored
- Redrow will add to traffic

		<ul style="list-style-type: none"> <li>• Issues with visibility</li> <li>• Hazardous to pedestrians</li> <li>• Business drawing large numbers will add to dangers</li> <li>• Sellers travel across the country and arrive in early hours</li> <li>• No facilities for safe queuing</li> <li>• Dog minding business presumably restricted to weekday daytimes to limit noise at weekend</li> <li>• Noise will be a serious nuisance</li> <li>• Noise reflects from hill</li> <li>• Noise and disturbance from setting up/breaking down, vehicles, smell litter toilet facilities, mud on road</li> <li>• Public address systems are used by professional sellers and at Gloucester car boot site</li> <li>• No benefit to community</li> <li>• Sets precedent for other alternative uses of land</li> <li>• No access by public transport</li> <li>• People arriving by bus from Shurdington Road will need to walk in road</li> </ul> <p>The recommendation remains the same as the Committee report.</p>
411	9	<p><b>17/00239/FUL</b></p> <p><b>Newlands Park, Southam Lane, Southam</b></p> <p><b>Consultations &amp; Representations:</b></p> <p>A letter in support of the application has been received from Councillor Hollaway a nearby resident.</p>
420	11	<p><b>17/00855/FUL</b></p> <p><b>Part Parcel 1228, Main Road, Minsterworth</b></p> <p>An additional condition is recommended for the provision of noise mitigation in accordance with the recommendations made in the submitted noise assessment.</p>
437	13	<p><b>17/00679/FUL</b></p> <p><b>Land at Barn Farm, Tewkesbury Road, Norton</b></p> <p><b>Officer Update:</b></p> <p>In light of the Parish Council's concerns regarding highways and parking, the agent has submitted revised plans to increase the width and depth of the parking and turning area to allow two cars to be parked parallel to the dwelling on the frontage; the spaces would measure 2.4m x 4.8m (<b>see attached revised layout</b>). An additional parking space would be retained within the proposed garage. The County Highways Officer has been re-consulted; however, no response has been received at this time.</p>

		<p>Following the design concerns set out in the Committee Report, revised plans were received on 18 October 2017 (<b>attached below</b>). The revised plans simplify the design of the proposed dwelling including the removal of the gablet above the first floor window and ground floor bay window on the front elevation and the redesign of the porch with a small timber canopy over the front door to provide a more traditional porch. These design changes are considered to address the design concerns creating a simpler front elevation which is more in keeping with the existing street scene.</p> <p>The recommendation is thus amended so that permission is <b>DELEGATED to the Development Manager, subject to no objection being received from the County Highways Officer.</b></p>
442	14	<p><b>17/00889/OUT</b></p> <p><b>Land at Appithorne, Main Road, Minsterworth</b></p> <p><b>Consultations &amp; Representations:</b></p> <p><b>County Highways Authority</b></p> <p>The County Highways Authority has now responded to the application and raised no objection to the proposal, subject to conditions.</p> <p><b>The response, including the recommended conditions is attached in full.</b></p> <p>The applicant has demonstrated that the appropriate levels of visibility can be achieved on the site and conditions will be used to ensure that it is implemented and maintained. It is therefore considered that the proposed development can be accessed safely from the public highway and would not result in any adverse impact on the highway network.</p> <p><b>Flood Risk Management</b></p> <p>The Flood Risk Management Engineer has raised no objection to the proposal, subject to a condition requiring the detail drainage design and implementation to be approved prior to commencement.</p> <p><b>The Flood Risk Management response, including the recommended conditions is attached in full.</b></p>

**Item 7 – 17/00858/FUL  
(Flood Risk Management Engineer Comments)**

**From:** Jason Westmoreland  
**Sent:** 19 October 2017 12:21  
**To:** Suzanne D'Arcy  
**Subject:** 17/00858/FUL - Land Off Evesham Road

Suzie,

Having reviewed the information available to me I can comment as follows:

Given the close proximity to the watercourses and the obvious implications to fluvial flood risk, a sensitive and precautionary approach is an absolute prerequisite. The modelled data presented is at odds to the Flood map for Planning, the Peter Brett Associates Dean Brook model as well as the Level 2 Strategic Flood Risk Assessment modelling. Designing development to skirt the presented modelled flood profile does not give any allowances for any uncertainties in the modelling/flood levels. For example; in line with the latest guidance on ordinary watercourses and climate change allowance (in connection with minor development); the finished floor level should be set at a minimum of 500mm above the 1% (1 in 100 year) level, and aim for a freeboard of an additional 600mm (above the 1% plus climate change level). This 600mm freeboard is to take into account any uncertainties in modelling/flood levels. Importantly however; in addition to this the surface water flood risk map shows the site to be at high risk of deep and fast flowing water.

The site exhibits areas of High Risk, Flood Hazard Ratings as 'Significant' which is described as 'Dangerous for most people'. Correspondingly; the surface water emanating from Evesham Road, which then flows on to and through the site, has been corroborated and witnessed via various local sources.

Clearly safe access and egress must also be considered. Not only for the occupiers but also for any emergency services which (by definition of being in a flood situation) will have a heightened potential requirement to attend. Walking or driving through this flood water is totally unacceptable.

In addition; the area is reported to offer local flood storage. As such, in accordance with the NPPF, there should be safeguarding of land from development that is required for current and future flood management.

One final anomaly is that I could not find any reference on Severn Trent Water's sewer map to the foul sewer said to be in Evesham Road.

Giving due consideration; I do not believe this to be sustainable or safe development and therefore, I must **object** to the application.

Many thanks

Item 7 – 17/00858/FUL  
(Applicant's statement, Page 1 of 2)

# Knarsboro Homes

BY DAVID PAYNE

Our Ref:  
Your Ref: 17/00858/FUL

23<sup>rd</sup> October 2017

Tewkesbury Borough Council  
Planning & Development Management  
The Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

Dear Mrs D'Arcy,

**Re: 17/00858/FUL – 5 houses on land off Evesham Road, Bishops Cleeve, Cheltenham, Gloucestershire**

We write further to your e-mail last Thursday afternoon advising that the Council's Flood Risk Management Engineer has very belatedly raised concerns about our application. We have consulted with our Flood Risk Consultants and would request that the following points are brought to the Planning Committee's attention:

There are a number of key items of evidence that have not been fully considered or taken into account by the Council's Flood Risk Management Officer.

1. The modelling carried out by PBA assesses the land to the West (Persimmon's Cleavelands Development); it did not examine our site in detail and did not have the benefit of the full topographical survey that we have. At this location the modelling appears to be based on a few surveyed sections supplemented by Lidar level information.
2. The results of the PBA modelling for the land to the west varies significantly from the EA mapping and the SFRA mapping. The EA and SFRA mapping shows the Cleavelands development extensively Flood Zone 2; the PBA modelling demonstrates that the high-level EA and SFRA mapping is not accurate in this area.
3. The EA and SFRA mapping also show flooding to the east of the A435 and along Evesham Road. This land is also being developed, by Redrow Homes; their planning application was supported by a detailed FRA and modelling for the watercourses to the east (Planning Ref: 15/01177/FUL).

Cont/d

KNARSBORO HOMES LIMITED  
[www.knarsborohomes.com](http://www.knarsborohomes.com)  
The Old Granary, Whitlenge Farm, Hartlebury, Kidderminster, Worcs. DY10 4HD  
Telephone: 01299 251655  
Email: [sales@knarsborohomes.com](mailto:sales@knarsborohomes.com)  
Registered in England No. 06709089 Registered Office: 29 Waterloo Road, Wolverhampton, West Midlands, WV1 4DJ

**Item 7 – 17/00858/FUL  
(Applicant's statement, Page 2 of 2)**

- 2 -

4. The FRA for the land to the east (Redrow Development) confirmed that flooding did occur from the southern watercourse along Evesham Road and provides details of improvements to the watercourse to prevent the flooding. The FRA shows that with the improvements all flows upstream of Evesham Road/A435 are contained within bank and that there is no flooding in the 1:1,000 event. This assessment is more recent than both the PBA modelling and the EA/SFRA mapping. We believe that these works are now substantially complete.
5. The modelling for the land to the west and east has been agreed with the EA and also approved through the planning process.
6. The modelling for the site includes an assessment with the latest climate change allowances (35% and 70% for fluvial flows). The strategic assessments and the FRAs for the adjacent sites use 20%.
7. The assessment for the site is based on the 1:1,000 flood extent which is slightly more extensive than the 1:100 + 70% flood extent.
8. The modelling in the FRA shows that with the exception of a small area in the west all events are contained within the banks of the watercourses and that the flooding shown on the EA mapping and SFRA mapping does not occur on the site.
9. The upstream improvement works will prevent flooding of the Evesham Road; safe dry access is therefore available as the result of these works.
10. The FRA states that finished floor levels for the proposed dwellings will be set at a minimum level of 44.2mAOD (1.1m above the modelled 1:1,000 flood level for the western part of the site shown as Flood Zone 2), or 600mm above the adjacent top of bank level whichever is the higher (refer to Section 4.9). Guidance generally recommends that floor levels are set a minimum of 600mm above the 1:100 + climate change flood level.
11. The modelling shows that the site does not provide any significant floodplain storage. The land to the west is lower than the site and flows are able to discharge freely from the site on to this lower land via the Dean Brook.

We are concerned that the objection that has been made is based on mapping information that is out-of-date and inaccurate as clearly demonstrated by the FRA for our scheme and also by the FRAs for the adjacent developments (Cleevelands and Redrow). We are also very concerned that the objection raised about surface water flooding does not represent the latest position given the improvements that Redrow were required to make (now completed) to deal with the surface water issues along Evesham Road.

Yours sincerely,

Rob Phipps  
Land and Technical Director

**Item 8 – 17/01023/FUL  
(Applicant's letter, Page 1 of 6)**



**Leavers**  
Chartered Surveyors and Rural Property Advisors

Mr B Ristic  
Planning Officer  
Tewkesbury Borough Council  
Public Services Centre  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

**Leavers Chartered Surveyors**

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22 October 2017

Dear Mr Ristic

**Planning Application 17/01023/FUL – Change of use of the land to include the use for weekend and bank holiday car boot sales as farm diversification enterprise – Burley Fields Farm, Crippetts Lane, Leckhampton, GL51 4XT**

Further to the application re-submitted on behalf of our client Mr Kincart, I write to set out why we disagree with the previous refusal, and why this application should be granted.

I note that the refusal of the previous application (17/00491/FUL) was on the following grounds:

1. You state that the proposed use represents an inappropriate development within the green belt. You go on to describe that the proposals would harm the green belt by definition and would cause damage to its openness.
2. You say that insufficient information has been submitted to demonstrate the likely impact of the proposed development in terms of the highway.
3. You state that the proposed use is likely to result to in an unacceptable impact upon the living conditions of those enjoyed by the occupiers and adjoining residential properties with the associated noise and disturbance.
4. You consider that the proposals would have a harmful impact upon the character and appearance of the area of outstanding natural beauty (AONB).

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**Item 8 – 17/01023/FUL  
(Applicant's letter, Page 2 of 6)**



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In terms of those above reasons for refusal, I do not find any of those particular reasons at all sufficient to require a refusal of this application, which is of such a small scale and of a rural nature and considered diversification of a longstanding rural farming business in the open countryside.

It should be noted that Tewkesbury is a significantly rural borough of which there is a requirement for diversified income on farms making use of those nearby villages and towns as settlements which fall within the borough area.

Those rural businesses which are on the rural/urban fringe rely on diversification which is encouraged by DEFRA in order to diversify the income streams received by farms to make them less reliant on agricultural subsidies as they are slowly withdrawn by the European Union and even more so will be completely withdrawn most likely under the proposed Brexit.

It is in the interests of Tewkesbury Borough Council to allow activities in the open countryside which maintain the open countryside the way it currently is. It is the responsibility of the Borough Council to ensure that any development within the countryside is sustainable and also to prevent damage to the countryside.

The proposals set out herein seek no physical structures to be constructed on the land. The request is that the proposal was put forward for merely a change of use to include not only for agricultural use which will be the predominant continued use, but for a subsidiary diversified use for weekend car boot sales. The application has been submitted on the basis of weekend and bank holiday car boot sales, and we have indicated that the applicant would like to use the site throughout the year for car boot sales. However there hasn't been any discussion brought forward from the LPA in relation to whether or not a compromise could be put in place to allow the site to be used for a lesser number of weekends throughout the year so as to reduce any potential impact which comes with such a permission.

Your attention is drawn to the Redrow site which sits to the north east of Burley Fields Farm, of which the LPA albeit by appeal, granted a significant number of homes on Green Belt land (land of which used to be occupied by the applicant prior to being removed from the land to accommodate the development). Under the development scheme undertaken by Redrow, approximately 40 acres of land which used to be farmed by the applicant is no longer available to him. As a result of this the applicant needs to find alternative methods of generating income in order to maintain the rural business in its current status and maintain the employment positions within that business.

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**Item 8 – 17/01023/FUL  
(Applicant's letter, Page 3 of 6)**



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The LPA has indicated that it would be possible for the applicant to undertake car boot sales under the 14 days per year as permitted under the Permitted Development Regulations. One key point in relation to any business is that every business needs confidence before investing in matters such as marketing and building a working relationship with traders to allow the business to succeed. One of the key points of the 14 day permitted development right legislation is that the LPA may withdraw that permitted development right at any time. Therefore in order to maintain functional business, this isn't a feasible option.

It is our view that the LPA could review the proposals and come back to us, and discuss a potential compromise on the number of days/number of weekends in the year of which car boot sales can be undertaken. Clearly under the PD 14 day provisions there is a fall back that the applicant could go back to you and therefore the LPA must consider and give weight to this as part of the proposals.

In relation to the reasons for refusal of the previous application, I comment as follows:

1. In relation to inappropriate development in the Green Belt, it is our professional view that this is incorrect. The intention of the green belt is not to prevent general development in the green belt of a rural nature, but it is to prevent the reduction in the openness of the Green Belt and also to prevent urban sprawl.
2. The National Planning Policy Framework (NPPF) – "Protecting Green Belt Land" sets out under paragraph 79 that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. It identifies that the central characteristics of green belts are their openness and their permanence. The five purposes of the green belt are as follows:
  - To check unrestricted spall of large built up areas.
  - To prevent neighbouring towns merging into one another.
  - To assist safeguarding the countryside from encroachment.
  - To preserve the setting and special character of historic towns.
  - To assist the urban regeneration by encouraging the recycling of derelict and other urban land.

In our view the proposal of an application for a mixed use of a specific parcel of land for a car boot sale and for mainly agricultural use continued does not detract from the five purposes of the green belt as set out under the NPPF.



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Item 8 – 17/01023/FUL  
(Applicant's letter, Page 4 of 6)



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In order for the proposals to have an impact on the original five purposes of the green belt, there would have to be physical structures incorporated on the land of which would have a long lasting effect on the green belt by merely more than a weekends use. The field as it currently stands has a National Grid electricity pylon located in the middle of it which arguably causes more long term detriment to the green belt and the AONB then the mere temporary use of the field for parking of cars and for the setting up and dismantling of a car boot sale.

Paragraph 81 of the NPPF, it does say that local planning authorities should plan to positively enhance the beneficial use of the green belt, such as looking for opportunities to provide access. This opportunity for access includes the opportunities for outdoor sports and recreation. Albeit the use of a site for car boot purposes would not fall directly within the definition of outdoor sport, some may argue it falls within the remit of an outdoor recreation activity. Therefore it should be considered that providing people the opportunity to have access to the green belt for diversified rural activity should be considered with a positive view and not necessarily a negative one.

3. You state that insufficient information that has been submitted to demonstrate the likely impact on proposed development on the highway network. It is accepted that the highways officer and Gloucestershire County Council requires a detailed transport statement to be submitted with a proposal. The applicant is not unwilling to provide this statement but having confirmation of at least a resolution to grant a planning consent will allow the applicant to confidently pay for a transport statement that will go to good use, rather than just paying for one and submitting the application with the LPA unwilling to approve the application. The LPA need to realise that rural businesses do struggle financially at the best of times and cannot speculatively pay for expensive reporting when there is no clear indication that an application will be granted. The LPA need to realise that they are not dealing with residential of developers (such as Redrow Homes) who can afford to foot the costs at risk on the basis. Therefore it would suitable on this particular occasion in our professional view for the LPA to discuss this application with the committee and I would hope that the committee would potentially give a resolution to grant the consent therefore allowing the applicant time to bring the application back to committee with an accompanying transport statement which could be appropriately applied to the site and considered in the round.

It is understood that there is likely to be highways impact as a result of the proposals and this is not denied. However, the applicant runs a rural business and therefore relies on maintaining a tight budget. Before the applicant spends further money on providing a detailed transport statement with detailed swept path analysis and traffic survey it would be useful to know from the LPA whether or not the proposals are likely to be granted subject to

this point being satisfied. It would be appropriate to apply the transport requirements as a planning condition, as a pre-commencement planning condition of which the applicants are satisfied with prior to commencing with any operational development. This would therefore

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**Item 8 – 17/01023/FUL  
(Applicant's letter, Page 5 of 6)**



**Leavers**  
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allow the applicant to establish that the consent is granted for the proposed for the car boot use prior to spending any further money on detailed technical report.

4. Based on the rural location, and the short period of use I find it highly unlikely that there would be unacceptable impact on those living within the close proximity of the site. It is our view that there is an unreasonable number of objections in relation to the previous application of which are fairly unfounded. We would encourage the LPA to come forward on a proactive basis and discuss the proposals with us in relation to how we could potentially mitigate matters in relation to the proposals and the concerns that relate to this reason for refusal. The proposals have been intentionally moved to the western periphery of the land parcel in order to keep any main activity away from the residential properties located to the east.
5. In relation to reason number 4, I would assume that the Cotswold AONB has been consulted as a result of this application and note that no objection has been submitted of the Cotswold AONB as a result of the application. I would therefore suggest that the general nature and location is not considered to have an unreasonable impact upon the AONB and therefore the Council have applied this reason for refusal without any material information to do so. The site is on the edge of the existing AONB, it will be a use which is only on the weekend and occasional bank holiday and if the Council agrees to potentially apply limits for the number of sessions via planning condition then the impact on the AONB can be kept to a minimum.

The purpose of this note is really to encourage the planning committee to review this application and consider it in detail on the basis that this is a rural business which already provides rural employment and diversified enterprises such as fishing lake, deer park and a fireworks display and a butchery in order to try and maintain diversified cash flow.

**I also make comments in relation to the consultation responses under this application:**

Environmental health has indicated concerns over third party food vendors and fairground rides. The applicant runs their own butchery, and therefore any food served on site would be served by them. They have clarified that there would be no third party food vendors nor any fairground rides and this could be controlled without any objection through planning condition. This would appear to be the angle the Environmental Health officer is taking.

Leckhampton and Warden Hill Parish Council have indicated that they feel the farm diversification activity is inappropriate and made reference to PPS7. It should be noted that PPS7 no longer exists and was replaced by the NPPF and the relevant PPG. There is no replacement planning guidance for PPS7 under the existing suite of national planning policy. It should however be noted that the emerging Tewkesbury Borough Plan and the JCS generally support rural diversification and employment in rural areas. The Borough Plan consultation indicated that the public felt that supporting the rural economy within the borough is highly important and the LPA have made this one of the main objectives of the emerging Borough Plan.

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**Item 8 – 17/01023/FUL  
(Applicant's letter, Page 6 of 6)**



**Leavers**  
Chartered Surveyors and Rural Property Advisors

It would be my view that the LPA have not given this application its due consideration. The LPA could use a reasonable condition to limit the number of sessions within reason. In addition to this, if the LPA and the committee could give a resolution to grant the application subject to further highways details, the the applicant would be willing to instruct the relevant technical reporting to provide the information required to let the committee decide whether or not it would be safe for the activity to take place.

We would therefore encourage the committee to resolve to give a resolution to grant to allow us time to provide the additional information required to make a full decision in order to allow the rural business in the borough the chance to undertake what is a relatively low level and low impact exercise.

Yours faithfully

**Stuart Leaver BSc (Hons) MSc MRICS FAAV**  
Managing Director  
Head of Planning & Development  
Leavers Chartered Surveyors & Rural Planning Consultants  
Tel: 07912 091480  
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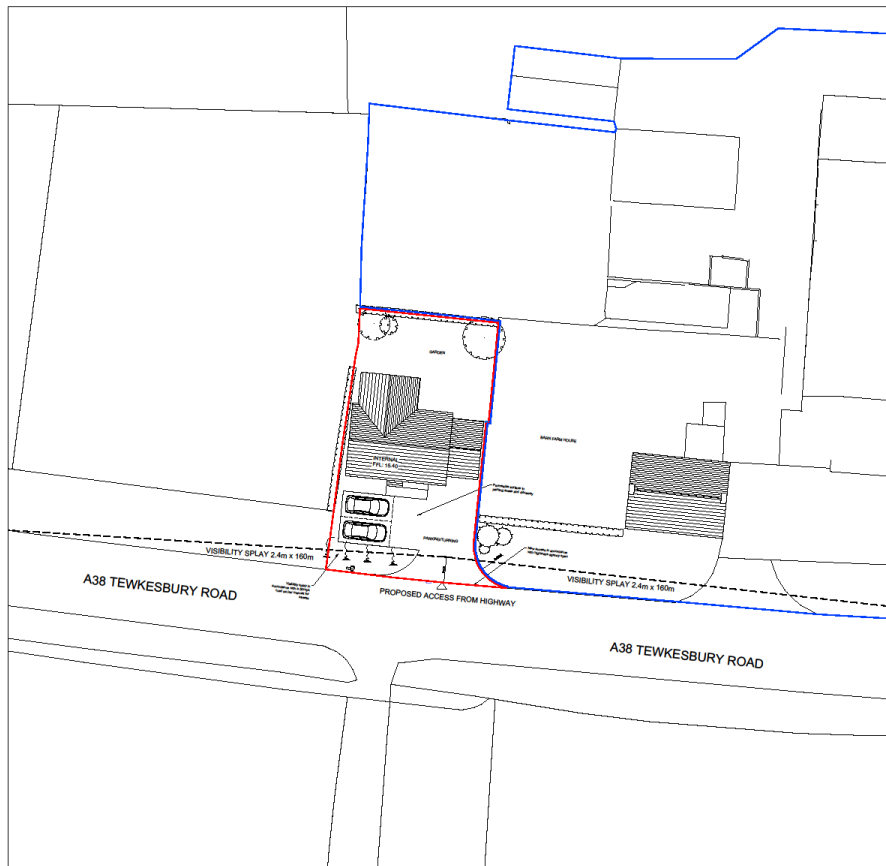


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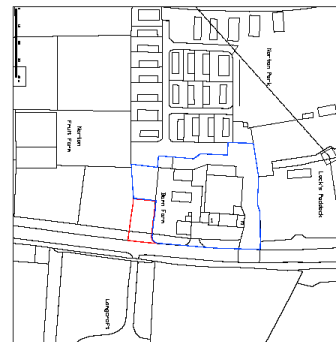


Item 13 – 17/00679/FUL

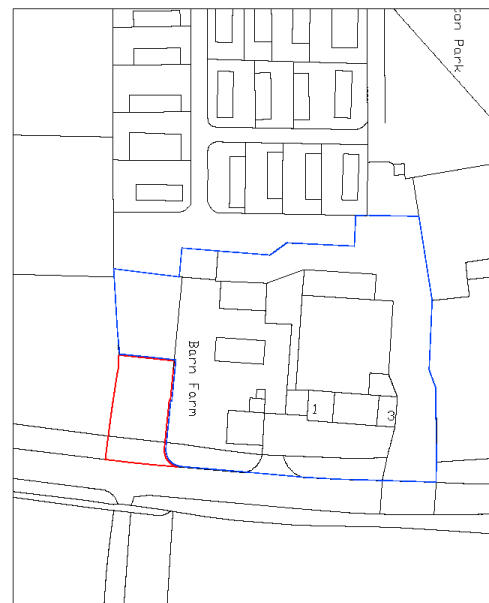
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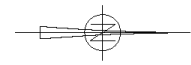
Proposed Site Layout 1:200@A1



Existing Location 1:1250@A1



Existing Location 1:500@A1



**NOTES**  
 All dimensions are given in millimetres and shown for illustrative purposes only and shall not be taken as a guarantee of accuracy.  
 All site lines and boundaries are shown as indicated before forming the basis of a decision.  
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 Maintenance is required when the ground conditions are exposed. The drawings may be amended in the light of site conditions found. The responsibility for establishing the soil and sub-soil conditions rests with the contractor.

A	17.11.17	PARKING PROVISION INCREASED	AC
REV	DATE	DESCRIPTION	BY

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 www.acdesign.co.uk

Proposed new dwelling  
 Barn farm Business Park  
 Tewkesbury Rd Norton

Mr Rhid Goddard

LOCATION PLANS

VAR	VAR0A1	PLANNING
DATE	28.04.17	
REV	AC	1645-02A

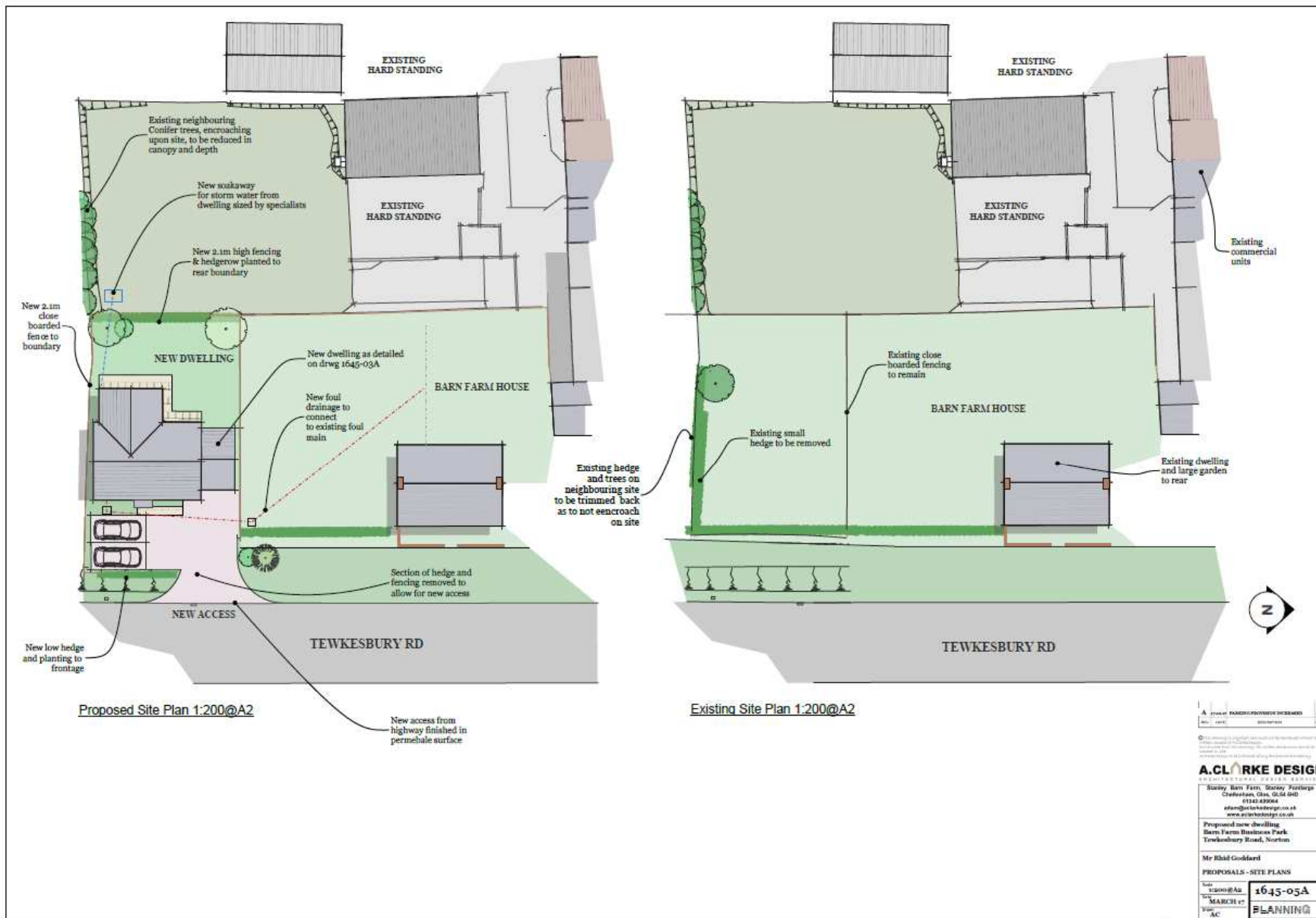
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Item 14 – 17/00889/OUT  
(Highways comments, Page 1 of 3)



## Highways Development Management

Shire Hall  
Gloucester  
GL1 2TH

Suzanne D'Arcy  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

email: richard.jefferies@gloucestershire.gov.uk

Please ask for: Richard Jefferies

Our Ref: T/2017/039083

Your Ref: 17/00889/OUT

Date: 21 August 2017

Dear Suzanne D'Arcy,

### TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

**LOCATION:** Land At Appithorne Main Road Minsterworth Gloucestershire GL2 8JG  
**PROPOSED:** Outline application for the erection of up to 5 dwellings and new vehicular access

I refer to the above Outline planning application (With Some Matters Reserved except Access,) received on 16th August 2017, submitted with application form, transport statement, site location plan, existing & proposed block plans, design & access statement with drawing numbers ref; PL02B, PL03B, PL01B, PL02B, SK01A, SP01, SK02.

#### Recommendation

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

#### Condition #1 Access

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no.SK01.A with any gates situated at least 15.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 15.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with



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paragraph 35 of the National Planning Policy Framework.

**Condition #2 Visibility**

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 130.32m northbound and 136.50m southbound (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** - To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

**Condition #3 Parking & Turning**

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

**Reason:** - To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

**Condition #4 Cycle Storage**

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.

**Reason:** - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

**Condition #5 Construction Method Statement**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- j.** specify the type and number of vehicles;
- ii.** provide for the parking of vehicles of site operatives and visitors;

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(Highways comments, Page 3 of 3)

- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

**Reason:** - To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

**Informatives**

***Note i:*** *The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (Including appropriate bond) with the county council before commencing works.*

***Note ii:*** *The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the Amey Gloucestershire (08000 514 514) before commencing any works on the highway.*

**Statement of Due Regard**

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Richard Jefferies  
Technician

**Item 14 – 17/00889/OUT  
(Flood Risk Management Engineer Comments)**

**From:** Jason Westmoreland  
**Sent:** 19 October 2017 12:43  
**To:** Suzanne D'Arcy  
**Subject:** 17/00889/OUT - Land At Appithorne Main Road

Suzie,

The proposed development is located in Flood Zone 1. In line with the NPPF and local policies; the authority would seek evidence that the overall level of flood risk in the area and beyond is reduced and water quality improved, through the layout and form of the development and the appropriate application of Sustainable Drainage Systems (SuDS). These are to be designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk, by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge and improving water quality and amenity. The range of SuDS techniques available means that a SuDS approach in some form will be applicable to almost any development, to maximise the opportunities and benefits obtainable from surface water management. The authority gives priority to the use of 'open to surface' SuDS management techniques, as opposed to piped or tanked solutions which offer nothing in terms of water quality, biodiversity, amenity, have increased future maintenance requirements and are typically more expensive to implement.

**Condition:** No development shall commence on site until a detailed design (including a maintenance & management plan) and timetable of implementation for the surface water and foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of Sustainable Drainage Systems (SuDS) to manage the flood risk to the site and elsewhere, and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water and foul drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

**Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	21 November 2017
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Cllr E J MacTiernan, Lead Member for Built Environment
<b>Number of Appendices:</b>	1

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

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

## 1.0 INTRODUCTION/BACKGROUND

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

## 2.0 APPEAL DECISIONS

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

<b>Application No</b>	17/00277/FUL
<b>Location</b>	4 Orchard Way Churchdown Gloucestershire GL3 2AN
<b>Appellant</b>	Mr Paul Hathaway
<b>Development</b>	Proposed first floor extension to form additional bedrooms
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	Appeal Allowed
<b>Reason</b>	<p>The main issue was the effect of the proposed extension on the living conditions at the neighbouring property 2 Orchard Way, with particular regard to the outlook from, and availability of light to, that property.</p> <p>The Inspector considered that as a result of this scheme, the outlook from that window would become more restricted to the left. However, the window is wide, and is set in slightly from the boundary. Furthermore, the Inspector concluded that the scheme would have a hipped roof which would slope down towards the boundary, thereby limiting its bulk. Consequently, the principal open outlook straight down No.2's rear garden and over the rear gardens of the properties to the south and south-east would remain largely unimpeded. Although the scheme would breach a 45 degree line drawn from that window, as it would be sited to the north-east, the Inspector felt that it would result in very little if any loss of direct sunlight within that bedroom.</p> <p>The Inspector therefore concluded that the scheme would not impact on the living conditions at No 2 to a harmful degree and would not therefore conflict with Policy HOU8 of the Local Plan.</p>
<b>Date</b>	15.09.2017

<b>Application No</b>	16/00481/OUT
<b>Location</b>	Land off Kyderminster Road Winchcombe GL54 5YP
<b>Appellant</b>	Tata Steel UK Ltd
<b>Development</b>	Proposed erection of 35 dwellings vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works
<b>Officer recommendation</b>	Delegated Permit
<b>Decision Type</b>	Committee - Refuse
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The Inspector considered the main issue to be the effect of the proposed development upon the Cotswolds AONB. The Inspector concurred with the Council's view in that, taking the population of the Town as a whole, the development of 35 dwellings would not constitute major development in the AONB. The Inspector accepted the assessment of landscape impact on both sides in that the degree of harm would be low adverse. Nevertheless, the development would represent an intrusion of built development into the AONB and would occupy an area of characteristic agricultural land which forms part of the setting of Langley Hill and which would be highly visible to residents of the adjacent existing development.</p> <p>The Inspector concluded that the effect upon the landscape would be, for the most part, localised but that this would still amount to actual harm to the AONB, in conflict with Policy SD8 of the emerging JCS and Policy 1.1 of the Neighbourhood Development Plan.</p> <p>The Inspector also agreed with the Council's position in that it is able to demonstrate a five year supply of housing land. Consequently, he did not consider that the need to identify further housing sites was so pressing as to outweigh the conflict with the development plan and the importance placed on the protection of the AONB within the Framework.</p>
<b>Date</b>	05.10.2017

<b>Application No</b>	16/00484/CLE
<b>Location</b>	Bus Bungalow Walham Sandhurst Gloucester GL2 9ND
<b>Appellant</b>	Mr J Royles
<b>Development</b>	Certificate of Lawful use or development is sought is use as a residential caravan site (including use ancillary thereto).
<b>Officer recommendation</b>	Split Decision
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The certificate of lawfulness had been refused on the basis that it had not been demonstrated that, on the balance of probability, the land in question had been used as a residential caravan site for a period in excess of 10 years.</p> <p>The Inspector agreed with the Council that the site is functionally different to the lawful Bus Bungalow residential site and any ancillary residential use has not occurred on the land to the west for a continuous period of more than 10 years. He therefore concluded that the Council's refusal to grant a certificate of lawful use was well-founded.</p>
<b>Date</b>	12.10.2017

<b>Application No</b>	17/00339/FUL
<b>Location</b>	Land at Twigworth Court
<b>Appellant</b>	Res Land & New Homes Ltd
<b>Development</b>	New dwelling within grounds of garden
<b>Officer recommendation</b>	Refusal
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application had been refused as the proposed development would be sited outside any identified settlement boundary and was refused as it was contrary with Local Plan Policy HOU4. The Inspector agreed with the Council that this policy was compliant with the NPPF as it seeks to avoid sporadic development in the countryside and ensure that development is directed to the most appropriate locations. She also did not consider that the presence of settlement boundaries did not appear to constrain housing delivery and therefore HOU4 could be afforded full weight.</p> <p>The Inspector noted that the NPPF seeks to maximise the use of sustainable transport options and therefore it remains desirable for new development to be located in appropriately served settlements In this case, the Inspector concluded that the location of the appeal site would conflict with the development strategy of the adopted development plan.</p>

	The Inspector considered that the proposed dwelling would not be harmful to the setting of the listed building or the rural landscape and proposed occupiers would have a good level of amenity. However, she concluded that there was no weight of material considerations to outweigh the conflict with HOU4 and the proposed development would not be sustainable development.
<b>Date</b>	16.10.2017

**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

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**Background Papers:** None

**Contact Officer:** Jeanette Parrott, Appeals Administrator  
01684 272062 [Jeanette.parrott@teWKesbury.gov.uk](mailto:Jeanette.parrott@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
17/00553/FUL	382 Longford Lane Longford Gloucester Gloucestershire GL2 9BX	Erection of a detached dwelling with alteration to existing vehicular access. Revised application 16/00948/FUL	12/10/2017	W	SDA	16/11/2017
17/00612/FUL	The Old Mill House Oxenton Cheltenham Gloucestershire GL52 9SE	Demolition of existing structure to erect new building for ancillary use of The Old Mill House.	19/10/2017	W	LJD	23/11/2017
17/00484/FUL	Ashgrove Toddington Cheltenham Gloucestershire GL54 5DT	Erection of two storey detached dwelling to side of existing dwelling at Ashgrove and provision of associated vehicular access, parking and turning area, boundary treatment and landscaping	20/10/2017	W	EMB	01/12/2017
17/00077/FUL	Regency Court Park Bamfurlong Lane Staverton Cheltenham Gloucestershire GL51 6SL	Change of use of land to accommodate 30 static caravans for holiday let use and associated works	23/10/2017	W	SDA	27/11/2017
15/00941/FUL	Part Parcel 7200 Sandhurst Lane Sandhurst Gloucester Gloucestershire	Application for the erection of 16 dwellings (8 affordable and 8 open market sale) with landscaping, access and associated works.	11/10/2017	W	PAI	15/11/2017
17/00338/FUL	Land At The Coach House Post Office Lane Cleeve Hill Cheltenham Gloucestershire GL52 3PS	Construction of a new dwelling.	12/10/2017	W	FIM	16/11/2017

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00486/OUT	Land South Of Oakridge Highnam Gloucester Gloucestershire	Outline application for the erection of 40 dwellings with all matters reserved except access.	07/11/2017	P	PDS	

### Process Type

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