

25 April 2018

Committee	Planning
Date	Thursday, 3 May 2018
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 9

To approve the Minutes of the meeting held on 10 April 2018.

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

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

6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

10 - 19

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

DATE OF NEXT MEETING**TUESDAY, 5 JUNE 2018****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: P W Awford, 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, P E Stokes, P D Surman 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, 10 April 2018 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

P W Awford, G F Blackwell, D M M Davies, M Dean, 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,
P E Stokes, P D Surman and P N Workman

PL.71 ANNOUNCEMENTS

- 71.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 71.2 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.72 DECLARATIONS OF INTEREST

- 72.1 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.
- 72.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown. 17/01284/FUL 42 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
G F Blackwell	17/00539/APP Parcel 5922, Green Acres, Tewkesbury Road, Norton.	The applicant is known to her but she has made no comment on the application.	Would speak and vote.

D T Foyle	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown.	Is a Borough Councillor for the area and had visited both application sites but had not expressed an opinion.	Would speak and vote.
	17/01284/FUL 42 Brookfield Road, Churchdown.		
P E Stokes	17/01187/FUL Bramley Lodge, 17 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
	17/01284/FUL 42 Brookfield Road, Churchdown.		

72.3 The Chair noted that all Members of the Committee had received correspondence in relation to Item 1 - 17/01041/FUL Parcel 5736, Land South of B4077, Newtown, Toddington.

72.4 There were no further declarations made on this occasion.

PL.73 MINUTES

73.1 The Minutes of the meeting held on 13 March 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.74 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

74.1 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.

17/01041/FUL – Parcel 5736, Land South of B4077, Newtown, Toddington

74.2 This application was for the erection of nine dwellings (in place of three dwellings as approved under application ref: 17/00179/APP) and provision of associated access road, vehicular parking spaces and landscaping.

74.3 The Chair indicated that he had found it difficult to understand the application and he asked the Development Manager to provide some clarification. The Development Manager explained that plans had been displayed showing the previously approved and proposed schemes; the previous approval showed three large four/five bedroom dwellings and the current proposal showed that these had been replaced with pairs of semi-detached units with eight units to one side of the access road and a smaller unit adjoining a previously permitted semi-detached pair to form a terrace of three on the opposite side. He advised that the principle of development had been established as a result of the previous planning permission and approval of reserved matters. Officers felt that replacing the previously approved larger units would result in some benefit to the development in terms of improving the housing mix in accordance with Joint Core Strategy policy SD11. It

was also noted that two additional affordable dwellings would be secured through a Section 106 Agreement. Members had recognised that, as a service village, Toddington was an area that could accommodate further growth, the site had already been granted planning permission and there were no additional harms arising from the current proposal which would justify refusal. He explained that the Officer recommendation was delegated permit rather than permit, subject to the resolution of the Section 106 Agreement, and also to amend conditions, where appropriate, to reflect details that had already been approved as part of the previous planning permission. In terms of the Section 106 Agreement, the education and library contributions were set out in the Additional Representations Sheet, attached at Appendix 1; however, there were some corrections to the amounts set out in the Officer report in respect of off-site play provision which was £30,264 rather than £31,278, playing pitches and/or changing rooms which was £37,450 rather than £35,675, and sports facilities which was £38,862 rather than £34,927.

74.4 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that this application formed part of an extant development for 33 homes had been approved in 2016 with subsequent reserved matters approved in 2017. The site was currently under construction and consisted of 21 large detached homes and 12 affordable units; this application proposed to replace three large detached homes with more modest two and three bedroom semi-detached houses. This improvement within the existing development site followed positive discussions with Planning Officers and was an opportunity to provide homes that offered an alternative range of housing types which would include first time buyers or those looking to downsize. Dialogue with Officers, neighbours and Toddington Parish Council had been maintained throughout the initial planning application and this subsequent application, where it had continued to guide and inform improvements to the scheme. Detailed aspects of the application, including information to comply with highways and drainage, had been accepted in relation to this application and as part of the overarching detail approved for the wider site. Proposals included policy compliant affordable housing provision, a large area of open space to the south of the site which was approved as part of the extant approval, and Section 106 contributions which would be increased to reflect these additional houses. The proposals worked within the footprint of an already approved development and had the support of Planning Officers and statutory consultees who considered the proposals to have no detrimental impact on the surrounding area. With construction works on the approved scheme progressing well, the opportunity to provide a number of lower cost houses across the site - combined with affordable housing and Section 106 contributions – was considered to be positive for the area and he hoped that Members would follow the Officer recommendation.

74.5 A Member noted that a skate park was currently being built in Winchcombe and she queried whether the proposal included a contribution toward that. The Development Manager advised that it was his understanding that the contributions would go toward facilities within Toddington itself. The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the resolution of the Section 106 Agreement including the following amendments to the proposed contributions: off-site play provision - £30,264; playing pitches and/or changing rooms - £37,450; and sports facilities - £38,862; and to amend conditions, where appropriate, to reflect details already approved. 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 the resolution of the Section 106 Agreement including the following amendments to the proposed contributions: off-site play provision - £30,264; playing pitches and/or changing rooms - £37,450; and sports facilities - £38,862; and to amend conditions, where appropriate, to reflect details already approved.

17/01187/FUL – Bramley Lodge, 17 Brookfield Road, Churchdown

74.6 This application was for a proposed two storey side extension.

74.7 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. Upon being taken to the vote, it was

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

17/01284/FUL – 42 Brookfield Road, Churchdown

74.8 This application was for single storey and two storey side and rear extensions. The Committee had visited the application site on Friday 6 April 2018.

74.9 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

18/00127/FUL – 66 Station Road, Bishop's Cleeve

74.10 This application was for the installation of new roof lights, material alterations to external walling materials and window alterations.

74.11 The Chair invited the applicant's representative to address the Committee. With regard to the letter that had been received from a neighbour raising concern about the Velux roof light in the rear elevation, the applicant's representative clarified that this was an existing window which would remain unchanged. In terms of the choice of materials for the front elevation and the cladding of the dormer window on the side elevation, he explained that consideration had been given to other properties in the vicinity to determine suitable materials that would be in keeping with the area. There were a wide range of properties of varying ages and construction types in the area and a number of houses very close to the property were finished with the same materials, or very similar, to the ones which he was proposing to use. A light coloured render had been chosen for the front elevation, broken up with some cedar in the small recessed area to the front right hand corner of the house. The existing dormer window would be clad with cedar to replace the green tiles. He felt that the choice of materials was sensitive to the area and would improve the appearance of the property.

74.12 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

17/00983/FUL – Land at Apple Tree Inn, Main Road, Minsterworth

74.13 This application was for the erection of five new dwellings, including alterations to the existing access serving the public house and demolition of non-historic additions to the Apple Tree Inn. The Committee had visited the application site on Friday 6 April 2018.

74.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the completion of a legal agreement to secure an off-site affordable housing contribution and a restriction on the implementation of this application alongside the recommencement of the use of the public house, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a legal agreement to secure an off-site affordable housing contribution and a restriction on the implementation of this application alongside the recommencement of the use of the public house.

17/00539/APP – Parcel 5922, Green Acres, Tewkesbury Road, Norton

74.15 This was a reserved matters application for a detached dwelling (pursuant to application ref: 14/01095/FUL).

74.16 The Development Manager advised that the Officer recommendation had been changed from delegated approve to approve following written confirmation from the owner of the oil pipeline that ran parallel to the eastern boundary of the site that the revised layout was acceptable. This was set out in the Additional Representations Sheet, attached at Appendix 1.

74.17 The Chair invited a local resident to address the Committee. The local resident indicated that he wished to object to the proposal on the grounds of loss of amenity; singularity of impact; and engagement over the outline planning phase. He explained that the proposed development would reduce the light into the rear of his property and would overlook the back garden. His property had floor to ceiling glass in the main bedroom that would face directly into the proposed development which would mean that the curtains could barely be opened and the bedroom would be in permanent darkness. He felt this needed to be considered both for his own privacy and that of the new neighbours whose garden would be overlooked by his bedroom. He pointed out that amenity could be defined as agreeable, attractive or desirable and from his family's perspective, this development would result in a loss of all three. He went on to advise that the only property impacted by the proposed development was his own – it would bear 100% of the impact of any decision and would differentiate it from others in the street, reducing its appeal. The proposed development would also be out of keeping with the outlook and amenity of the village of Norton. Events to date had meant that his views and perspective had not been considered fully prior to the outline permission; he pointed out that this was the first time he had been afforded the opportunity to speak at Planning Committee. He had never agreed that any part of the development was appropriate and felt that a fair decision would be to refuse the application in order to allow further consideration to be given as to how the space could be better used to benefit the village.

74.18 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that this was a detailed reserved matters proposal for a dwelling that had already been granted outline planning permission by the Planning Committee in March 2015 for a total of four dwellings, three of which were either under construction or completed – this dwelling was the final piece of the jigsaw. The outline plans showed a dwelling in the same general location as what was currently proposed and depicted a large, detached family property, as with the other plots on the site. The principle of a dwelling on the plot had therefore already been established, as had its general siting and scale. Whilst there was sympathy for the concerns raised by the Parish Council and immediate neighbour, these appeared to relate to the principle of providing a dwelling on the site; planning permission already existed for a dwelling of this scale on this site and ultimately this must be delivered to contribute toward the Council's housing supply requirements. The current proposal retained the originally agreed parameters and reflected the character of the other three dwellings on the site. This dwelling had been sited and designed to provide uniformity with the remainder of the development which was critical to respecting the character of the wider area. In acknowledgement of the neighbours, the applicant had worked positively with Officers to provide a design solution that would have as minimal impact as possible. The design had gone through a number of iterations and the property would be set back from the boundary significantly more than had originally been envisaged. The previous projecting gable had also been removed and replaced with a small single storey element which was much less visible from the neighbouring property. As stated in the Officer report, the proposed changes were beneficial and would result in a more balanced appearance with significantly less bulk and mass than previously proposed. In addition, County Highways had confirmed that the access arrangements met the relevant highway safety standards – this took account of other committed developments elsewhere. He stressed that the applicant had gone above and beyond to minimise the impact on neighbours and the proposal complied with all development management standards. Ultimately the neighbour did not want a dwelling on the site and whilst this was appreciated, unfortunately, it was not an option. Norton was committed to a level of growth as part of its service village status and this application would complete an already committed development. He hoped Members would now feel able to allow this well-designed development of four dwellings to be completed.

74.19 In response to a query regarding the plan set out at Page No. 781/B of the Officer report, the Planning Officer confirmed that this showed the proposed elevations; the elevation at the top right of the plan was the one that would face the neighbouring property. He drew attention to Page No. 781/F which showed the original elevations and clarified that the projecting gable had been negotiated out in the interests of the neighbours' amenity. In view of this amendment, and given that the dwelling would be set back further from the boundary, Officers considered that the proposal was acceptable.

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

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

PL.75 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

75.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 25-31. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

75.2 It was

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

The meeting closed at 9:29 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 10 April 2018

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	
748	1	<p>17/01041/FUL</p> <p>Parcel 5736, Land south of B4077, Newtown, Toddington</p> <p>The education and library contributions required in respect of the proposed development are as follows:-</p> <p>Education - Winchcombe School - £110,261 (previous contribution based on 33 dwellings - £93,298);</p> <p>Library contribution - £7,644 (previous contribution based on 33 dwellings - £6,468).</p>
777	6	<p>17/00539/APP</p> <p>Parcel 5922 Green Acres, Tewkesbury Road, Norton, Gloucestershire, Parish Council</p> <p>A further objection has been received from the Parish Council in response to the revised plans:</p> <p>Although we accept that modifications have been made to the previous application, the Parish Council considers that the development will have a negative impact on the lives of the residents especially those neighbouring the site.</p> <p>Three large houses have already been given permission on that site. The village would benefit more from smaller properties ie bungalow(s) that could be built on that site. They would reduce the effect on the neighbourhood and better serve the needs of the village.</p> <p><u>Local Residents</u></p> <p>A further objection has been received from a neighbour in response to the revised plans:</p> <p>We wish to state our whole hearted objection to any further planning permission being granted on plot 4 (or subsequent development of housing on plot 4)</p> <p>We object for all the reasons we have previously stated, these are repeated below for the record</p> <p>Objection 1 - The proposed properties block out the view that we and our neighbours in the adjoining properties currently enjoy of Wainlode and Sandhurst Hills. We purchased our family home specifically to be able to enjoy and benefit these views and can't overestimate how significant it is to our enjoyment of life in Norton.</p>

	<p>Objection 2 - Given the close proximity to us, there will be a significant increase in noise and light pollution from the construction of these properties and subsequently from the occupiers of the properties.</p> <p>Objection 3 - There will be a significant increase in the volume of traffic attending the proposed building site and from the residents of the proposed properties. The adjoining road is narrow and quiet with a Primary school very close by.</p> <p>Objection 4 - The design of the new properties is not in keeping with the current properties in the area and will create an eyesore.</p> <p>Objection 5 - The properties will be approximately 3 metres from our boundary significantly reducing the privacy of our property and also the amount of light to our southerly facing garden.</p> <p>Objection 6 - The proposed properties will cause upset, stress and therefore a significant deterioration in the quality of our family life.</p> <p>We have retained this stance as the revised plans do not significantly change anything from our perspective and will have a significant impact on us.</p> <p><u>Agent acting on behalf of Local Residents</u></p> <p>Note from the application form that all matters were reserved at outline stage and the current application seeks approval for siting, design and layout.</p> <p>The proposed dwelling is large, presenting a long elevation facing the road.</p> <p>In order to protect the amenity of the closest rear gardens of houses on Mandalay Drive it is suggested that the dwelling should be moved so that it is right against the eastern boundary of the plot further away from Mandalay Drive and that consideration is given to a different design with a narrower elevation facing the road.</p> <p>It would also help in terms of impact on the amenity of the rear garden of No.1 Mandalay Drive if the siting of the proposed dwelling could be moved closer to the road, this would reduce the impact on its rear garden which will be significantly overshadowed by the development if constructed as shown on the current reserved matters application.</p> <p><u>CLH Pipeline System</u></p> <p>CLH Pipeline System confirm in writing that following further discussion and a site inspection by their line technician, they are happy with the revised plan layout.</p>
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TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	3 May 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Cllr E J MacTiernan, Lead Member for Built Environment
Number of Appendices:	1

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

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

1.0 INTRODUCTION/BACKGROUND

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

2.0 APPEAL DECISIONS

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

Application No	17/00397/PDAD
Location	Bluebell Farm Cold Pool Lane Badgeworth Cheltenham Gloucestershire GL51 4UP
Appellant	Mr & Mrs D Hunt
Development	Prior approval for the conversion of agricultural barn into two dwellings including associated building works as permitted under the order
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Allowed
Reason	<p>The main issue was whether the operational development proposed would align with the overarching provision of Schedule 2, Part 3, Class Q of the GPDO in that the scheme constitutes the conversion of a building.</p> <p>The Inspector considered that the operational development proposed would not go beyond the scope of what could reasonably be considered to be a conversion of the building and therefore the Inspector considered that the proposed development meets all the relevant criteria contained within Schedule 2, Part 3, Class Q of the GPDO and that the appeal should be allowed and prior approval granted.</p> <p>This is a disappointing conclusion from the Inspector as his judgment appears to be at odds with other decisions received by the Council and with most recent case law on the issue.</p>
Date	21.03.2018

Application No	17/00785/FUL
Location	82 Gretton Road Winchcombe Cheltenham GL54 5EL
Appellant	Mr & Mrs Lee
Development	Variation of Condition 2 (Approved plans) and Condition 13 (Levels) and removal of Condition 1 (Commencement period), Condition 3 (Materials), Condition 8 (Site operatives parking), Condition 9 (Drainage), Condition 10 (Landscaping), Condition 12 (Boundary treatments) of planning permission no. 15/00295/FUL in order to regularise the development as implemented on site.
Officer recommendation	Permit
Decision Type	Committee Decision
DCLG Decision	Allowed
Reason	<p>The application was refused on the grounds that the dwelling as constructed has adversely impact the quality of the design which has subsequently impacted the character and appearance of the area and the living conditions of neighbouring residents.</p> <p>In allowing the appeal the inspector advised that the key consideration were whether the development as now proposed is acceptable rather than whether one version amounts to a preferable design.</p> <p>In terms of design, the inspector considered that the increased floor level is not apparent from nearby roads but can be seen from some private views from adjoining properties.</p> <p>The land level changes have resulted in surrounding properties being set at different levels.it is not uncommon that floor levels of properties are raised above the ground level and the finished floor level in the appeal property has only been increased modestly above the approved scheme.</p> <p>The increased parapet height, and reduction in the window sizes has changed the solid to void ratio. However, the overall appearance of the dwelling is well proportioned. While the overall height of the dwelling has been increased by over 1m, this is seen in the context of the surrounding residential properties where some roof heights sit significantly above the appeal dwelling.</p> <p>The inspector concluded that the development, as built, does not have a harmful effect on the character or appearance of the area.</p> <p>In terms of amenity, the inspector advised that the higher floor level and new boundary fence have no adverse material impact in terms of increasing the levels of overlooking to neighbouring properties, overbearing impacts or loss of light.</p>

	The inspector concluded that the variations from the approved scheme have not resulted in inadequate living conditions for the occupiers of the neighbouring properties.
Date	21.03.2018

Application No	17/00303/FUL
Location	Sunset Sunset Lane Southam Cheltenham GL52 3NL
Appellant	Mr Edwards
Development	Demolition of existing house and erection of a 2 storey, 5 bedroom contemporary dwelling
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application was refused due to the unjustified loss of a non-designated heritage asset and the erosion of the scenic beauty of the AONB from the proposed new dwelling.</p> <p>The Inspector concluded that the existing dwelling has a traditional appearance, despite the recent extensions and it sits comfortably within its plot. The proposed dwelling would be larger in terms of width and depth, which would result in a dominant and strident structure. The contemporary nature of the design would draw attention to it as it would stand out from adjacent residential dwellings. The use of local materials would not mitigate from this.</p> <p>Whilst additional landscaping was proposed, the Inspector considered that it would not adequately filter the views to mitigate the harmful effects. Furthermore, as the retention of the landscaping could only be secured for five years, he was not convinced that it would be reasonably controlled for the lifetime of the development.</p> <p>The Inspector agreed with the Council that the existing dwelling was a non-designated heritage asset of modest and local significance and that the demolition would result in its total loss, albeit there would be the opportunity for the recording of the building. He weighed this against the economic benefit from the construction of the dwelling, which was given limited weight as the proposal was for a single dwelling and as such, the benefits would be modest and short-lived. Given the modest benefits of the proposal, when weighed against the harms caused, the loss of the building had not been justified and therefore the proposal conflicted with JCS Policy SD8.</p>
Date	26.03.2018

Application No	17/00083/FUL
Location	Parcel 7710 Highgrove Lane Minsterworth GL2 8JG
Appellant	Mr Adam Smith
Development	Variation of Condition 2 of Planning application 13/01216/FUL to allow a change to the layout and variation of condition 4 to allow an increase in Gypsy and Traveller pitches from 5 to 10.
Officer recommendation	Permit
Decision Type	Committee Decision
DCLG Decision	Allowed
Reason	<p>The Inspector considered that the increased density of use and stationing proposed would not have a greater impact on the landscape character and appearance than the previous application, which was allowed on appeal in 2015.</p> <p>He considered that the use of landscaping (secured by planning conditions) would filter the views from both the road and the longer range views from the public footpath, and that the re-alignment of the caravans as proposed would have a minimal effect. He noted that the fencing that had been erected on site was unauthorised and the appellants explanation that this was a short term temporary measure.</p> <p>The Inspector did not consider that the requirement for lay-bys as requested by the County Highway Authority was necessary due to the nature of the lane as well as the likely familiarity with the area, is unlikely to result in any threat to vehicular or pedestrian safety.</p>
Date	29.03.2018

Application No	16/01155/OUT
Location	Land Adjoining The Timberyard Two Mile Lane Highnam Gloucester GL2 8DW
Appellant	Mr & Mrs D Kent
Development	Outline planning application for the erection of a single dwelling and associated access.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application had been refused due to conflict with policy HOU4 of the development plan, as well as on landscape harm and accessibility grounds.</p> <p>Following the submission of the appeal there had been a change in material planning considerations given the adoption of the JCS. The Inspector thus invited comments from the parties on this change in circumstances.</p> <p>In dismissing the appeal the Inspector agreed with the Council that the site did not form part of the 'built-up area' of Highnam and as such, the proposal conflicted with policy SD10 of the JCS. The Inspector considered the proposal would essentially result in the protrusion of development into an important visual gap that would have little relationship with the existing development to the south. Moreover, he was not persuaded that the appeal site can be considered as an under-developed plot. It is essentially part of an agricultural field, in agricultural use and located outside of the built-up area.</p> <p>The Inspector did not accept the Appellant's argument that the JCS was silent on how applications such as this should be judged. Whilst there is an element of 'deferment' to the Tewkesbury Borough Plan, the JCS policies are clear on how applications should be considered. Thus the presumption in favour of sustainable development was not engaged in the case. The Inspector made clear however that even if it had been, he did not consider that this was a sustainable location for new housing development.</p> <p>In terms of accessibility, the Inspector concluded that even though the proposal is for a single dwelling, the location of the appeal site and the corresponding need to travel by car would not accord with the environmental dimension of sustainability.</p> <p>On landscape, the Inspector concurred with the overall views of the Council that the proposed development would fail to conserve the open rural character of the landscape and would cause significant harm to the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policy SD6 of the JCS.</p>

	In dismissing a costs claim against the Council the Inspector found that there had been no unreasonable behaviour on the Council's part. The Council had not unreasonably tried to introduce a new reason for refusal; it had merely responded to the change in material planning considerations during the appeal process.
Date	13.04.2018

3.0 ENFORCEMENT APPEAL DECISIONS

3.1

Application No	15/00111/EFNA
Location	Ripple Landfill Brockeridge Common Ripple Tewkesbury GL20 6HB
Appellant	Mark Adam Southall
Enforcement Notice Served On	
Unauthorised Development	Alleged unauthorised gypsy and traveller site.
DCLG Decision	Allowed
Reason	<p>A previous appeal decision to quash an enforcement notice to cease the use of the land as a residential caravan site was itself quashed in the High Court following a successful challenge by the Council and remitted for a re-hearing. The High Court agreed with the Council that the Inspector (for that Appeal) erred in law by failing to have regard to a material consideration, namely the requirement under Paragraph 121 of the NPPF that planning decisions ensure adequate site investigation information is presented to assess the risks posed by contamination arising from the historic use of the appeal site for land fill and resultant ground gases.</p> <p>Re-determined Appeal</p> <p>The Council maintained its position in the re-hearing on the basis of the appellant's updated site investigation evidence, which it considered deficient. Specifically, inadequate intrusive site investigations had been carried out to demonstrate that the land was incapable of being determined as contaminated land.</p> <p>The Inspector concluded that the inferences that could be drawn from the data provided in the appellant's updated site investigation report were reasonable. He also assessed historic and anecdotal evidence pertaining to the historic use of the site and subsequent ground gas monitoring that was undertaken in the early 1990s and concluded that, in view of past negative gas readings, it would be unlikely that these conditions would be markedly different. In that regard he considered that the Council's judgement on the issue of contaminated land was 'premature and disproportionate'.</p> <p>Nevertheless, taking into account the advice set out in the Planning Practice Guidance Note and the Council's position that further intrusive site investigations were required to demonstrate the acceptability of the site for its proposed use, the Inspector considered it would be</p>

	<p>prudent, on a precautionary basis, for further site investigations to be secured by condition. The condition states that if the site investigation/ remediation scheme put forward is ultimately unacceptable the use of the land as a caravan site would have to cease. At the time of the decision the first part of the condition requiring the submission for approval of a scheme of intrusive investigations to be submitted for approval by the Council had already been implemented. On that basis the Inspector did not consider it would be reasonable or proportionate to conclude that a conflict with the development plan had been demonstrated at this stage.</p> <p>The Inspector also considered the remaining issues the subject of the appeal, namely flood risk, odour, the effect on the character and appearance of the area, and the location of the development in relation to local amenities, services and facilities. In all respects he found no conflict with the development plan. With regard to flood risk, he has imposed a condition requiring the site layout to be confirmed as within Flood Zone 1 and above the 15.60 AOD level as recommended in the Flood Risk Assessment report.</p> <p>The Inspector concluded that the development would, in the main, accord with the development plan, with the one point of potential conflict capable of being overcome by a suitably worded condition. Therefore in this case, the application should be determined in accordance with the development plan and planning permission granted.</p>
Date	13.04.2018

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/01280/FUL	Land Near Hillview Bentham Lane Bentham Cheltenham Gloucestershire GL51 4UT	Erection of a double garage.	27/03/2018	W	HMS	01/05/2018
17/00696/FUL	Bayeux Bamfurlong Lane Staverton Cheltenham Gloucestershire GL51 6SW	Construction of 1 No 2 bedroom bungalow	27/03/2018	W	SDA	01/05/2018
17/00618/FUL	Knapp Farm Hill Farm Birdlip Hill Witcombe Gloucestershire GL3 4SL	Conversion of existing redundant buildings to dwelling with the benefit of existing vehicular and pedestrian access.	27/03/2018	W	FIM	01/05/2018

Process Type

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