

29 March 2018

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 10 April 2018
<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 - 24

To approve the Minutes of the meeting held on 13 March 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**

25 - 31

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

**DATE OF NEXT MEETING****THURSDAY, 3 MAY 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, 13 March 2018 commencing  
at 9:00 am**

**Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

**and Councillors:**

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

**also present:**

Councillor S E Hillier-Richardson

**PL.64 ANNOUNCEMENTS**

- 64.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 64.2 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.65 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 65.1 Apologies for absence were received from Councillors D T Foyle, R Furolo, A Hollaway and T A Spencer. Councillors R E Allen and H A E Turbyfield would be acting as substitutes for the meeting.

**PL.66 DECLARATIONS OF INTEREST**

- 66.1 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.

66.2 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>
G F Blackwell	17/01262/FUL Ashville Business Park, Commerce Road, Churchdown. 17/01263/FUL Ashville Business Park, Commerce Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	17/00935/FUL Owl Cottage, Corndean Lane, Winchcombe. 17/01112/FUL 24 Gloucester Street, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P E Stokes	17/01262/FUL Ashville Business Park, Commerce Road, Churchdown. 17/01263/FUL Ashville Business Park, Commerce Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P N Workman	17/01139/FUL Tewkesbury Borough Council Offices, Gloucester Road, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

66.3 There were no further declarations made on this occasion.

## **PL.67 MINUTES**

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

**PL.68 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****Schedule**

68.1 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.

**17/00935/FUL – Owl Cottage, Corndean Lane, Winchcombe**

68.2 This application was for construction of one dwelling, following demolition of existing garage, and associated works. The Committee had visited the application site on Friday 9 March 2018.

68.3 The Chair invited the applicant to address the Committee. The applicant explained that he was proposing to build a modest and sympathetic house in Winchcombe to replace the existing run down garage. As Members would have seen on the Planning Committee Site Visit, the old garage was dilapidated, ugly and ultimately not fit for purpose. His father had wanted to replace the garage but the applicant was convinced that a new industrial garage would be as much of an eyesore as the existing garage. He had therefore persuaded his father to sell him a section of their garden in order for him to apply for planning permission to build a cottage for the applicant to live in. He had submitted a pre-application enquiry and had fully taken on board the advice he had been given. He had brought in a new architect who shared his way of thinking and together they had come up with a new design that fitted nicely into the site and the surrounding area with minimal change to the landscape. The Council's Conservation Officer was happy with the new design and all other consultees – including Winchcombe Town Council, County Highways, Natural England and the Council's Flood Risk Management Engineer – had no objections. Furthermore, he pointed out that there had been no negative comments from members of the public and the neighbours were in favour of the proposal and felt it would improve the area. The applicant recognised that much of the site was within Flood Zone 2, with the river corridor in Flood Zone 3; whilst the corridor did flood on rare occasions, the garage itself had never flooded. He made reference to the national hydrological appraisal on the summer 2007 floods by Marsh and Hannaford which set out that a nearby rain gauge in Langley, less than 2km from the site and within the Isbourne catchment, recorded the 130mm of rain in a 24 hour period. The annual probability assigned to these rainfall extremes was one in 500 years. Long-term rainfall and river flow records confirmed the exceptional rarity of the hydrological conditions experienced in 2007 and he reiterated that the garage had never flooded. As the site sat within Flood Zone 2, a sequential test was strictly required and this was the only reason for the Officer recommendation to refuse the application. As it stood, the site was perfectly safe with the finished floor level set with reference to the July 2007 flood and with a freeboard imposed by the Council's Flood Risk Management Engineer which crucially put the proposed cottage in Flood Zone 1. The applicant understood that there may be a more suitable site if you looked at the whole of Tewkesbury Borough but he felt that this could be the case for every development. The sequential test had been relevant when it was submitted seven months earlier and there were no other sites available. The Planning Officer had now suggested Jean's Piece in Winchcombe as an alternative location but that site had a higher probability of flooding due to the floor level being 55cm lower than that of the

current proposal. The applicant felt he had thoroughly addressed every planning policy and requirement and had considered all conceivable problems; most importantly, the site remained just as safe in terms of flood risk as any other plots of land available.

- 68.4 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 explained that it was well known that the garage did not flood and, whilst he accepted that sequential tests were a necessary part of the planning process, in reality there was a lack of affordable homes in Winchcombe and the applicant had purchased this piece of land to build his own property so he did not feel that it was reasonable to expect him to find an alternative site on land owned by someone else. In his opinion, the design was exceptional and would fit the area perfectly so he could see no reason to refuse the application. A Member noted that the Council's Flood Risk Management Engineer had raised no objection to the proposal and he sought clarification as to why the Planning Officer had taken a different view in relation to flooding. In response, the Planning Officer confirmed that the Flood Risk Management Engineer had been consulted and had no objection to the proposal subject to a number of conditions. The sequential test was separate and aimed to ensure that new development was steered towards Flood Zone 1, rather than Flood Zones 2 and 3. The test required the applicant to look at alternative sites within Winchcombe and the surrounding hinterland; it did not require land to be within the applicant's ownership. The Development Manager clarified that the Flood Risk Management Engineer was consulted on technical matters whereas the sequential test was very much a matter of planning policy. The seconder of the proposal indicated that he had not been on the Committee Site Visit but he was familiar with the site. Whilst he understood that Officers were tied by policy, the Planning Committee was able to make exceptions. No objections had been made by consultees or members of the public and he pointed out that the Town Council would have been the first to raise concern if the site was at risk of flooding. In his view the proposed garage would be a significant cosmetic improvement to the site and he felt that an exception should be made in this instance to go against policy and permit the application.
- 68.5 During the debate which ensued, a Member indicated that she was extremely sensitive to issues of flooding; however, this was a brownfield site and the proposal would only result in a small addition in terms of floorspace. Furthermore, she felt that the design was sensitive to the surroundings and would fit in well with the existing landscape. She understood the sequential test was planning policy but considered that it was not always practical and, in this instance, she would be supporting the proposal to permit the application. Another Member sympathised with the previous speakers but could not agree; in his view planning policy was there for a reason and should not be overturned for one particular application. In response to a query, the Planning Officer recommended that, if Members were minded to permit the application, a number of conditions be included in relation to flood risk including provision of safe and dry access; submission of a drainage management/Sustainable Drainage Systems (SuDS) plan; finished floor levels; installation of a freeboard for climate change; and signing up to the Environment Agency flood warning system. Further, standard conditions relating to landscaping (including tree protection); a construction method statement; access; vehicular parking and turning; visibility splays; submission of an ecological appraisal; materials; the removal of permitted development rights for householder development; and external lighting were also suggested. The proposer of the motion went on to point out that the development was in accordance with the Winchcombe and Sudeley Neighbourhood Plan and the National Planning Policy Framework; however, the Development Manager clarified that the sequential test

was part of the National Planning Policy Framework, and was included in planning guidance and the Joint Core Strategy as well as the recently adopted Flood and Water Management Supplementary Planning Document. As such, the application was very clearly contrary to the National Planning Policy Framework. In response to a query regarding the Flood Risk Management Engineer's response, the Development Manager reiterated that he had assessed the proposal from a technical point of view. The Flood Risk Management Engineer, Lead Local Flood Authority or Environment Agency could raise no objection to a proposal on the basis that there could be a technical solution to address flood risk concerns; however, there were very clear planning policies which must be considered in terms of the sequential test. The whole point of this policy was to direct development to Flood Zone 1 and Officers considered there were other more suitable locations for the proposal. He fully understood that the applicant was the landowner of the proposed site but stressed that the planning system was not there to protect the private interests of individuals. It was to be borne in mind that the future impact of climate change was unknown and, whilst the site was located in Flood Zone 2 at this point in time, it was impossible to know how that might change in years to come; if planning permission was granted, the development would be permanent.

- 68.6 The proposer of the motion to permit the application recognised the purpose of the sequential test but felt that a common sense approach needed to be taken. Young people were struggling to get onto the housing ladder and the lack of affordable housing and available land in Winchcombe meant they were often forced to leave the area in which they had grown up. Members had an opportunity to allow the applicant to stay in Winchcombe and he felt that there were special circumstances which justified a departure from planning policy in this instance. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED**, subject to conditions relating to flood risk (provision of safe and dry access; submission of a drainage management/Sustainable Drainage Systems (SuDS) plan; finished floor levels; installation of a freeboard for climate change; and signing up to the Environment Agency flood warning system); landscaping (including tree protection); a construction method statement; access; vehicular parking and turning; visibility splays; submission of an ecological appraisal; materials; the removal of permitted development rights for householder development; and external lighting.

**17/00968/FUL – Woodbine Cottage, The Lane, Buckland**

- 68.7 This application was for the replacement of an existing garage with a single storey annexe.

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

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

**17/01112/FUL – 24 Gloucester Street, Winchcombe**

- 68.9 This application was for a two storey and single storey rear extension. The Committee had visited the application site on Friday 9 March 2018.
- 68.10 The Chair invited a local resident to address the Committee. The speaker explained that she was representing the interests of the immediate neighbours. Whilst respecting that some modifications were desirable and necessary, the proposed development raised serious concerns and, if permitted, would result in long-term adverse consequences. Winchcombe Town Council's Planning Committee was fully familiar with the complexities of extending ancient properties within confined spaces and had repeatedly rejected the plans due to the unacceptable impact on adjoining properties. Although some extensions had previously been built in the area, there was no precedent in this terrace for a full width extension extending so far south on such a narrow site, with a first storey built onto possibly inadequate existing boundary walls and looming over a glass roofed structure. It would present an overbearing, enclosing and dominant presence, considerably reducing primary light. Shadow diagrams clearly demonstrated excessive impacts on both neighbouring properties yet that had been brushed aside. In terms of the loss of light which would be experienced by the neighbouring properties, she made reference to the fact that a property owner had a 'legal right to light' under the common law prescriptive act if they had enjoyed uninterrupted light through the opening of a building for more than 20 years. A 45 year occupancy established that right in this case. She pointed out that 'permitted builds' restricted eave heights to three metres when within two metres of adjacent boundaries yet here that height would be over four metres on boundary walls. Overall, the implications for the immediate neighbours would be unacceptable. The Planning Officer had stated that planning permission could be granted even where the proposed structure could not be built without transgressing regulatory requirements; it seemed that this could become one such case. If planning permission was granted, given the restricted site, she felt that conditions should be set out specifying limits to the hours when construction work could be carried out. Contrary to the defined core principles of the National Planning Policy, permitting these extensions would not "ensure a good standard of amenity for all existing occupants". She therefore respectfully requested that Members give due consideration to these important factors when determining the application.
- 68.11 The Chair invited the applicant to address the Committee. The applicant explained that she intended to repair and upgrade the property, using quality materials, whilst retaining its character and ensuring it remained in keeping with the area. The works would be carried out at the back of the house and internally; none of the planned work would affect the streetscene. She explained that the toilet facility on the first floor between the two bedrooms was essential as the downstairs bathroom was down steep, narrow, short-tread stairs which could be dangerous. The addition of this facility would necessitate extending the back bedroom by 1.72m which was the minimum needed to install a small shower room. The rear of the terrace faced almost exactly due south, which obviously benefited all neighbours on that side of the street. Any shading from the first floor extension would be minimal, as demonstrated on the plans. On the ground floor, the flat felt roof was cracked and leaking badly so would be replaced regardless; the plan was to replace it with a more attractive GRP flat roof during the planned building works to avoid it falling into further disrepair. The current extension, built in the 1950s, housed an old fashioned bathroom which was remote, cold and tagged onto the back of the house next to an unsightly lean-to which completely blocked the view of the garden. She pointed out that the current kitchen and dining area were without windows. A small, light and airy family area was planned to replace these two rooms, giving full view of the garden. The ground floor works involved the infilling of a 2m by 1.4m corner of the existing extension and would not extend any further than the existing outer wall. She felt that these works would make a



positive difference to the house and advised that the additional floor area of the new two storey extension would be just 7.48sqm in total. She indicated that minor modifications were required to many old properties in order to bring the living conditions up to current standards.

68.12 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 refused on the basis that it would have an overbearing adverse impact upon the neighbouring properties. In respect of the 'right to light' referenced by the local resident in her speech, the Legal Adviser clarified that there could be legal rights that gave the owners of a long-standing building that had nothing blocking light to it, a right to have that level of light maintained. This was a private issue rather than a planning one and Members must determine the application based on whether it was acceptable from a planning perspective. A Member drew attention to the Officer report which stated that, whilst the proposed extension would have some impact on the adjacent neighbouring properties, it was not considered that these impacts would be significant enough to warrant a reason for refusal and he asked the Officer to comment upon that. The Planning Officer clarified that, whilst some harm would be caused by the proposal, this would not be so harmful as to justify refusal in Officers' opinion.

68.13 A Member felt this was a finely balanced application and it was a matter of judgement as to whether the impact would be acceptable or not. If Members were minded to refuse the application there was an opportunity for the applicant to come back with an improved scheme which addressed the concerns that had been raised. Upon being taken to the vote, the proposal to refuse the application was lost. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that, if Members were minded to permit the application, he would like a condition to be included to limit working hours during construction and the proposer and seconder indicated they were happy with that suggestion. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of conditions to limit working hours during construction.

**17/01139/FUL – Tewkesbury Borough Council Offices, Gloucester Road, Tewkesbury**

68.14 This application was for the refurbishment of the existing landscaped area outside the entrance to the council offices.

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

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

**17/01245/FUL – Claydon Farm, Claydon, Tewkesbury**

68.16 This application was for the erection of an ‘American Barn’ style stable building (to include seven stables, two tack rooms and open ended hay/straw barn).

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

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

**17/01279/FUL – Gardeners Cottage, Gretton**

68.18 This application was for the creation of new access, including dropped kerb, and associated driveway.

68.19 The Chair invited the applicant to address the Committee. The applicant indicated that he intended to speak to the two main objections raised by the Parish Council in respect of highway safety and impact on the local area. He explained that he had invested a lot of time and money transforming the property from a tired, neglected rental to a lovely family home. There was currently no off-street parking which was why he had sought advice on the best way to achieve parking whilst ensuring there was no impact on the Grade II property. After instructing specialist advice and obtaining associated reports, he had purchased part of his neighbour’s land to facilitate the access, with full support of the neighbours. This had meant that safe off-street parking would be achieved and the Grade II listed wall would be maintained at the front of the property. He clarified that the only section of the wall to be removed was connected to his neighbour’s more modern property and was not the drystone wall of his listed property - it was a more modern stone wall of considerably less historic merit, as noted at Page No. 685, Paragraph 5.4 of the Officer report. Furthermore, after reading the Parish Council’s comments on its wish to maintain the rural feel of the village, he proposed to use a resin-bound natural Cotswold stone material for the access instead of a more modern tarmac. He felt this would be respectful of the setting of the village of Gretton and the Area of Outstanding Natural Beauty and would have a positive impact on the local area. The Parish Council had also objected to the proposal on highway safety grounds despite the County Highways Authority having no objection. This was unfortunate as it was his concern over the safety of parking on the road that had led him to seek off-street parking. The Parish Council had commented that cars were parked on the road and neighbouring properties did not have off-street parking. He explained that the cars parked on the road belonged to him and his family and the vans parked along the stretch of road had belonged to the tradesmen that had been restoring the cottage. He confirmed that it was only his property and his neighbour’s property with no parking; the end cottage had successfully received planning permission for off-street parking to the side. If the application was permitted, his family would no longer have to park on the road giving it more of the desired rural feel as well as improving visibility around the bend, thereby improving road safety.

68.20 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 put to the vote, it was

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

**17/01344/FUL – 27 Willow Bank Road, Alderton**

- 68.21 This application was for the construction of a new dwelling to rear (Revised scheme following approval of application 15/00512/FUL).
- 68.22 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 and, upon being put to the vote, it was

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

**17/01364/FUL – Part Parcel 8900, Dibden Lane, Alderton**

- 68.23 This application was for the change of use of land, erection of timber building and access track to be used for agriculture and private equestrian purposes.
- 68.24 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member queried whether the planning permission could be conditioned to ensure that the development was retained for private, equestrian use rather than commercial use. The Planning Officer drew attention to recommended condition 3, set out at Page No. 698 of the Officer report, which stated that *“The development hereby permitted shall only be used for agricultural use and/or the private stabling of horses and the storage of equipment and feed and shall at no time be used for any commercial purposes (other than agriculture) whatsoever, including for livery, or in connection with equestrian tuition or leisure rides”*. If the applicant wished to change this to a commercial use, an entirely new application would be required in order to remove or amend this condition and any proposal to do so would be assessed on its merits at that time. The Development Manager felt that the nature and scale of the proposal gave a clear indication of the applicant’s intention in this instance.

- 68.25 Upon being put to the vote, it was

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

**17/01046/FUL – Land at Banady Lane, Stoke Orchard**

- 68.26 This application was for the felling of a Perry Pear Tree and the subsequent erection of three affordable dwellings with associated car parking and private amenity.
- 68.27 The Planning Officer explained that this scheme was for three affordable homes to infill an existing gap in the Knarsboro Homes development of 45 dwellings in Stoke Orchard. The application site included a small parcel of land with a mature Perry Pear Tree at the centre. The area of land was in the ownership of the developer and would not form part of the public open space required as part of the development. He advised that the outline planning permission had required the provision of 0.13 hectares of public open space and a play area which was to be provided in the southern part of the development. Since that time, the applicant had undertaken to provide additional land, taking this to 0.25 hectares in total which would include Sustainable Drainage Systems (SuDS) features. Discussions were ongoing with the Flood Risk Management Engineer to ensure the SuDS features were appropriately graded in terms of safety; however, it was proposed that the additional land was adopted to provide the extended area of public open space over and above what was required by the planning permission. He went on to explain that the development would provide 16 affordable homes and the current proposal would increase that by three units bringing the total provision to

approximately 40%. The Officer recommendation was to delegate authority to the Development Manager, subject to the completion of a Section 106 Agreement to secure the affordable housing. In terms of the status of the Tree Preservation Order on the site, the Legal Adviser explained that the applicant was contesting whether this applied to the Perry Pear Tree. It was the Officers' view that the Tree Preservation Order did apply, given legislation provisions relating to mapping overriding any issues with the description; either way, it was a veteran tree and a decision on whether planning permission should be granted should be made in that context.

- 68.28 The Chair invited the Parish Council representative to address the Committee. He indicated that, over the past 12 years, Stoke Orchard had risen to over 350% of its original size. Residents had accepted that increase in residential development and had worked hard to build and maintain a cohesive community so the objection was not on the basis of residential development or "NIMBYISM"; however, the quota for expansion had been exceeded nearly two fold. The Parish Council felt that the appeal in relation to the original application was granted by the Inspector on the basis that the affordable homes level had been met to his satisfaction – there was never a phase 1 / phase 2 situation as suggested by the wording of the current application. The Parish Council's objection was covered by Policy INF3 - the retention of green infrastructure – i.e. the felling of the Perry Pear Tree within the village and the loss of the surrounding open green infrastructure which provided a break in the urban development layout. Policy INF3 stated that trees and hedgerows should not be affected during development and, if they were, there should be on site mitigation. The loss of this Perry Pear Tree, which was historically native to Gloucestershire, could never be mitigated. Members had one opportunity to support the Parish Council in preserving a very small part of local rural heritage. By way of background, he advised that the Parish Council had selected three trees on this site to be retained by Tree Preservation Order as a historical symbol. With reference to the inaccuracy of the grid reference of the Perry Pear Tree, as suggested by the applicant, the Parish Council accepted that during the production of the Tree Preservation Orders, the overlay had slipped by some 35 feet west – not 35 metres as suggested. When the paperwork was overlaid on the original aerial photograph of the site, all three Tree Preservation Orders were exactly the same distance from the tree the Parish Council had selected but only one tree remained. Although INF3 was not specific, it served as a protection to the tree which, from the arboricultural report, appeared to have several decades of life left in it. The Parish Council also wished to point out the value of the area as a designated public open space which embodied three attenuation ponds and one swale.
- 68.29 The Chair indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement to secure the affordable housing, and he invited a motion from the floor. It was proposed and seconded that the application be refused on the basis that the provision of three affordable houses would not outweigh the adverse impact on the character and appearance of the streetscene caused by the loss of the Perry Pear Tree and the adjoining open space. The proposer of the motion indicated that a lot of the points she wanted to make had been raised by the Parish Council. She drew attention to Page No. 705, Paragraph 6.2 of the Officer report which made reference to the economic benefits of the proposal. The Member did not agree that additional employment opportunities would be generated given that the original development was already in the construction phase; if the current application was permitted she would expect the additional three dwellings to be constructed by the builders who were already on site. She reiterated that it was a mature tree and the Landscape Officer had objected to the proposal on the basis that the tree would be lost. The tree and the area of open space around it contributed to the visual amenity of the

development and provided relief to the streetscene so its loss would clearly harm the character and appearance of the area and would conflict with policy INF3 of the Joint Core Strategy. She pointed out that the location of the tree must have been an important factor when the site had been assessed in respect of the original application for 45 homes, and the Inspector had considered it an important asset at the time of the appeal, so she questioned why this should be different now. Despite a number of houses being built in Stoke Orchard in recent years, only 16 affordable houses had been provided to date and she questioned whether three additional affordable dwellings would solve the problem in relation to the lack of affordable housing in the borough. There had been a number of housing approvals including affordable housing in the area. She agreed that it was a finely balanced decision - Officers had taken the view that the need for affordable housing held greater weight but she believed it should be the environmental impact as the harm to the appearance of the local area would outweigh the need for three additional affordable houses.

68.30 Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the proposed development, by reason of its siting and the loss of the protected Perry Pear Tree and the associated open space, would have a harmful impact on the character and appearance of the streetscene and the area as a whole. As such the proposed development would conflict with policies SD4 and INF3 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (December 2017) and advice contained within paragraph 118 of the National Planning Policy Framework.

**17/01162/APP – Parcel 7561, Malleson Road, Gotherington**

68.31 This was a reserved matters submission (to include appearance, layout, scale and landscaping) for the erection of 50 dwellings and associated infrastructure pursuant to outline planning permission 16/00965/OUT.

68.32 A Member noted that there was a condition on the outline planning permission for a scheme of works to improve highway safety at Gotherington Cross junction to be submitted to the Local Planning Authority and she questioned whether this had been received. The Planning Officer advised that the details had not yet been received and she explained that, even if the reserved matters application was approved, there were a number of outstanding conditions which would need to be satisfied before development commenced. Another Member stressed the need for traffic improvement on Gotherington Cross and indicated that the Committee had been aware of how dangerous the crossing could be when it had considered the outline application. The Joint Core Strategy had now been adopted and it was important that infrastructure was provided along with residential development. A Member went on to raise concern that the Lead Local Flood Authority had stated that the drainage strategy was not fully compliant. In response, the Planning Officer explained that illustrative drainage concept plans had been submitted with the application showing flood attenuation and storage within the public open space; however, the applicant had confirmed that the plans had not been submitted to discharge Conditions 10 and 11 of the outline permission and a revised scheme would be submitted to address the issues raised by the Lead Local Flood Authority. In order to allay Members' concerns, the Development Manager undertook to write to the developer to remind them of their obligations under the conditions. A Member queried whether it was possible to stress the aspirations of the Council's revised Flood and Water Management Supplementary Planning

Document (SPD) around climate change. The Development Manager explained that the outline planning permission had been granted prior to the adoption of the revised SPD; however, it was still possible to encourage betterment over what had been agreed.

- 68.33 With regard to the other objections raised by the Parish Council, a Member sought an Officer view on restricting vehicle movements and a comment on the form of the buildings. The Planning Officer advised that a condition restricting the hours of working was included in the outline planning permission and it was not possible to amend that at this stage. A number of issues had been raised around whether deliveries could be restructured to fit around school hours but vehicles had a legal right to pass on the highway and it would be difficult to enforce a condition of that nature. A Member indicated that she did not understand why the reserved matters application failed to address two very important issues, i.e. highway safety and drainage, and she did not feel that the Committee could make a decision without the full picture of how the development should be built and what infrastructure should be in place. The Development Manager reiterated that this was a reserved matters application dealing specifically with appearance, layout, scale and landscaping; the issues of drainage and Gotherington Cross were covered by separate planning conditions and the latter was outside the site and did not impact upon the current proposal. He provided assurance that, even if Members were minded to approve this application, work would not commence until the conditions in the outline planning permission had been satisfied. Whilst there was clearly interplay between the layout and the drainage, the Lead Local Flood Authority had raised no objection in principle and was happy that a solution could be achieved within the proposed layout - this was sufficient for Officers to recommend the application for approval and if the drainage condition could not be satisfied on the basis of the current layout, it would be necessary for the applicant to submit a different reserved matters application. A Member indicated that the Parish Council had also objected to the two and a half storey units and she sought clarification as what height they would be and how this compared to two storey units. The Planning Officer explained that seven of the dwellings were intended to be two and a half storey properties but only one would front onto Malleson Road raising the ridge height from 9.7m to 10.1m. The proposal contained 17 different house types, including two storey properties ranging from 8.2m up to 9.8m in ridge height, so the two and a half storey properties would not be out of context, i.e. the largest house type would only be 0.3m higher than the nearest two storey house. The Member went on to point out that Gotherington did not have enough affordable housing and she could not see the benefit of an off-site contribution. The Planning Officer advised that the outline application had included a requirement for 40% affordable housing and the Section 106 Agreement set out that 50%, i.e. 10 dwellings, would be provided on-site.
- 68.34 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the resolution of minor detailing matters concerning boundary treatments, conservatories and house types and any other associated revisions to conditions, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A Member sought assurance that the quality of the materials and the appearance of the houses would match the quality of the existing houses in Gotherington. The Development Manager confirmed that Officers were satisfied that the elevation treatments were acceptable and there was a requirement for material samples to be submitted for approval so Members could be assured that the best possible quality would be achieved. A Member noted that, of the 50 dwellings proposed, none were bungalows and this was a missed opportunity in his view.

68.35 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the resolution of minor detailing matters concerning boundary treatments, conservatories and house types and any other associated revisions to conditions.

**17/01114/FUL – Margaret’s Cottage, Sandhurst Lane, Sandhurst**

68.36 This application was for the erection of a single dwelling and associated works. The Committee had visited the application site on Friday 9 March 2018. The Chair pointed out that Members had been provided with a copy of the 1997 decision letter referenced in the papers.

68.37 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent indicated that the proposal was for a single storey dwelling in a contemporary courtyard style. The Officer report confirmed that the plot could be considered an infill plot and that development was acceptable in principle, it also pointed out that there would be no adverse impact to residential amenity and no concerns in respect of highway safety. The main issue related to the impact on the Grade II\* listed St Lawrence’s Church to the east of the site, Margaret’s Cottage as a non-designated heritage asset and the character of the area. In terms of the setting of the church, part of the site was a residential garden which helped to screen it from the public highway; however, he indicated that the proposed dwelling would not be visible from the streetscene and would add to the character of the area. He pointed out that the current owner was able to carry out works under permitted development rights which could include erecting a wall up to 2m high along the entire length of the garden, or erecting an outbuilding with a considerable curtilage area, and he disagreed with the Officer view that the proposal would have a detrimental impact on the setting of the church. Margaret’s Cottage itself was referred to as a “non-designated heritage asset”; however, this had not been raised as an issue when considering the previous application for two dwellings to the rear of the site. In terms of the character and appearance of the area, there was no set form – there were a variety of different dwellings in Sandhurst and a contemporary bungalow would add to the mix.

68.38 A Member drew attention to Page No. 719, Paragraph 3.1 of the report which initially referred to the proposal being for a two storey dwelling but later made reference to it being single storey. The Development Manager apologised for the error and confirmed that the proposal was for a single storey dwelling. The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion felt that it was clear from the Planning Committee Site Visit that the proposal was not appropriate in this location. A Member expressed the view that the reasons for refusing the application were clearly outlined at Paragraph 12 of the appeal decision in respect of the previous application for outline planning permission for a detached dwelling on the site, and related to the importance of preserving the openness of the area and the setting of the church and historical context of Sandhurst. Upon being taken to the vote, it was

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

**18/00041/FUL – Land to the rear of The Brambles, Brockhampton Lane, Brockhampton**

- 68.39 This application was for the erection of a stable block comprising two stable boxes and a tack room. The Committee had visited the application site on Friday 9 March 2018.
- 68.40 The Chair invited the applicants' representative to address the Committee. She stressed that the applicants recognised the importance of the Green Belt and its role in protecting the countryside and completely agreed that it should be protected from harmful development; they were genuine in their belief that the proposal before the Committee did not harm the Green Belt. Officers agreed that the proposed stables and tack room satisfied the National Planning Policy Framework definition of an appropriate facility for outdoor sport and recreation, being of an appropriate size and scale; however, they were of the view that planning permission should be withheld by reason of encroachment into the countryside and a failure to preserve its openness. It was accepted that there was currently no building on the site and that the development would result in a small addition to the built development in the area; however, the proposal was small scale, for a development that had been defined as not inappropriate in the Green Belt in the National Planning Policy Framework and was well-related to other buildings in this small settlement. It lay very close to the applicants' house, and even closer to the garage of a neighbouring property, so any harm to the openness and visual amenity of the Green Belt as a consequence of the proposal would be very marginal indeed and, for the same reasons, the proposal would not conflict with the purposes of including land within the Green Belt. Officers had been provided with details of favourable appeal decisions supporting this case, bearing similar characteristics to the proposal before the Committee. Inspectors had clearly acknowledged that the need to preserve the openness of the Green Belt did not conflict with its purpose and did not mean that there could be no increase in built form, otherwise it would be impossible for any new building for outdoor recreation to be provided in the Green Belt, even if it was judged to be an appropriate facility. Instead, a judgement needed to be made about whether or not a proposed development would preserve the overall openness of the Green Belt. In this instance, it was felt that the overall openness of the Green Belt was preserved by what was clearly a small scale building, to be used for a purpose appropriate in the Green Belt, and one which would be well screened by existing and proposed landscaping. Whilst accepting this judgement would not necessitate a demonstration of very special circumstances to justify the proposal, the applicants' agent felt that they did exist in this case and went on to make reference to the applicants' personal circumstances. In summing up, she indicated that granting planning permission today would not conflict with national planning policy and she respectfully requested that Members support the proposal.
- 68.41 The Chair invited a local Ward Member to address the Committee. She noted that the application was recommended for refusal on the basis that it would represent inappropriate development in the Green Belt that would cause harm to its openness and fail to protect the countryside from encroachment. She strongly believed that the openness of the Green Belt in this area had already been compromised by the encroachment, over the years of the vast, sprawling complex of waste enterprises which occupied hectares of land a few hundred yards away from this field in Brockhampton. These comprised no fewer than six sites including landfill cells, a Materials Recovery Facility (MRF), the recently opened andigestion facility, a paper recycling facility and the local authority recycling facility. These waste operations had completely altered the former open flat character of the landscape and continued to do so with the mounds created being visible from surrounding areas and this field when diggers were working on top. She also believed that the Green Belt in this area had been further compromised by the construction of solar farm sites. In addition, she noted that the Parish Council



supported the application and County Highways had no objections. The Planning Officer had also stated there would be no adverse impact on visual amenity and landscape character of the locality. The keeping of horses was accepted as an outdoor recreational pursuit so the provision of stables to serve them would be entirely appropriate, especially on such a small scale and when constructed in material not incongruous with a rural setting - she pointed out that there were already quite a few small scale stables in surrounding fields. She had requested that the Committee visit the application site so that Members could see for themselves how the stable blocks would be entirely appropriate in this setting and also to see the encroachment into the Green Belt and the degrading of its openness that had already taken place. She indicated that there had been no objections from local residents and she urged Members to support the application.

68.42 The Development Manager explained that the proposed development would, as a matter of fact in not preserving the openness of the Green Belt, be inappropriate in the Green Belt which was harmful by definition. The size of the proposal was irrelevant as the mere existence of any built form would be harmful to the openness of the Green Belt and was therefore inappropriate development. It was a matter of judgement as to whether very special circumstances were in existence which would outweigh the harm which may be caused. Members had seen on site how the harm would be very limited by the nature of the scale of the development but he reiterated that a judgement needed to be made as to whether there were very special circumstances to justify permitting the application.

68.43 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted on the basis that there were very special circumstances in respect of animal welfare and the circumstances of the applicants which outweighed the harm that would be caused to the openness of the Green Belt. The proposer of the motion noted that the National Planning Policy Framework stated that the construction of new buildings in the Green Belt was inappropriate; however, there were a number of exceptions to this including the provision of appropriate facilities for outdoor sport or outdoor recreation. She considered the proposal to be for an outdoor recreational pursuit and the Committee had granted planning permission for other facilities which fitted this description in the past. It had been interesting to see the number of existing stables in the area and, in her view, this was an appropriate location for the proposal which would be used in connection with the existing use of the land. The seconder of the motion echoed these sentiments and indicated that at least four other stable blocks could be seen from the site. He also made reference to the 25 acre site of solar panels located approximately 700m from the site. He reiterated that applications for stables had been permitted in the countryside before and he would gladly support the motion to permit the application. Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** on the basis that there were very special circumstances in respect of animal welfare and the circumstances of the applicants which outweighed the very limited harm that would be caused to the openness of the Green Belt.

**17/01262/FUL – Ashville Business Park, Commerce Road, Churchdown.**

68.44 This application was for the construction of a new Jaguar Land Rover showroom and associated facilities. The Committee had visited the application site on Friday 9 March 2018.

68.45 The Chair invited the applicant's agent to address the Committee. He explained that his comments related both to this item and the next item on the Planning Schedule in respect of the same site. The proposals were part of a larger application for Land Rover and Spectrum Medical which had been permitted on appeal in 2015. This application was for the redevelopment and extension of the site to accommodate Jaguar and Land Rover in the same location. It was considered that the proposal would bring a number of benefits including uplift of 15 jobs; the site had existing planning permission and this proposal would result in no further harm to the openness of the Green Belt when compared to the extant consent; it would meet the requirement of the Joint Core Strategy in terms of employment land in the area; and it would allow an existing business to remain in the area, to expand and to contribute to the local economy. In terms of the application for the service building for Jaguar and Land Rover which was required for the proposed new showroom, there would be an uplift of 13 jobs and benefit to the local economy; Tewkesbury Borough Council had previously been supportive of the Stratstone Land Rover expansion and had permitted development on adjoining Green Belt land in the past; and the nature of the development did not materially affect the openness of the Green Belt.

68.46 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. The proposer of the motion felt it was vital to create employment within the borough following the adoption of the Joint Core Strategy and the additional residential development that would bring over the coming years. A Member indicated that she had been informed that the site had been removed from the Green Belt and she queried whether this was the case. Another Member advised that it had not been removed as yet. The Tewkesbury Borough Plan Working Group was currently working on the local plan for the borough and part of that included reviewing the Green Belt; whilst a suggestion had been made for this site to be removed from the Green Belt, she clarified that the Working Group was not a decision-making body and any decisions would be made by Executive Committee or Council in due course.

68.47 Upon being put to the vote, it was

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

**17/01263/FUL – Ashville Business Park, Commerce Road, Churchdown**

68.48 This application was for an ancillary preparation building and car compound associated with Jaguar Land Rover. The Committee had visited the application site on Friday 9 March 2018.

68.49 The Chair indicated that there were no public speakers for this item, although it was noted that the applicant's agent had made reference to this application when he had spoken on the previous 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.

**PL.69 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL**

69.1 The following decision of Gloucestershire County Council was **NOTED**:

<b>Site/Development</b>	<b>Decision</b>
17/01289/CM Long Meadow Stoke Road Stoke Orchard  Variation of condition 2 (scope of permission) to increase the number of lorries associated with the operation from one skip lorry to two skip lorries and one shunter lorry relating to planning consent 17/011/TWMAJW dated 14.08.2017 [Retrospective change of use of an agricultural barn (part of) to a waste transfer operation (sui generis)].	Application <b>PERMIT</b> subject to conditions in relation to the development being carried out in accordance with submitted plans; throughput and treatment of waste; storage of vehicles on site; permitted development; hours of working; vehicular movements; materials; and drainage.

**PL.70 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

70.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 43-48. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

70.2 It was

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

The meeting closed at 10:50 am

## Appendix 1

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

Date: 13 March 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	
652	1	<p><b>17/00935/FUL</b></p> <p><b>Owl Cottage, Corndean Lane, Winchcombe</b></p> <p>In a very recent dismissed appeal (Decision Ref: APP/G1630/W/17/3184837, dated 9 March 2018 - Land south of Crab Villa, Gabb Lane, Apperley - Application Ref: 16/01042/FUL for the proposed construction of one four bedroom dwelling), the Inspector noted at Paragraphs 16 and 17 that:</p> <p><i>“...there is evidence that part of the site of the dwelling and the route of the proposed access road are in Flood Zone 2 as indicated on the Environment Agency's Flood Maps for Planning. Paragraph 100 of the Framework states that inappropriate development should be avoided in areas at risk of flooding. Paragraph 103 requires that proposals in such areas should be accompanied by a site-specific Flood Risk Assessment (FRA) following a Sequential Test to steer new development to areas with the lowest probability of flooding. No Sequential Test or FRA has been carried out and I have no evidence that no suitable alternative sites are available in Apperley or the wider district. Hence, the proposal does not comply with the Framework's requirement that new housing should be directed away from areas at risk of flooding. Conflict also arises with JCS Policy INF2 which sets out a sequential, risk based approach to the location of new development”.</i></p> <p>The Officer recommendation in respect of the current application at Owl Cottage is consistent with the Inspector's above referenced comments with regard to flood risk and the requirement for proposals within Flood Zone's 2 and 3 to pass the Sequential Test.</p>
662	2	<p><b>17/00968/FUL</b></p> <p><b>Woodbine Cottage, The Lane, Buckland</b></p> <p>The proposed elevations were omitted from the Planning Schedule; the plan is <b>attached below.</b></p>

708	10	<p><b>17/01162/APP</b></p> <p><b>Parcel 7561, Malleson Road, Gotherington</b></p> <p>The applicant has submitted an amended site layout plan (P-02 Rev K Scheme Proposals) that shows the 'Portland' house type with a standard size conservatory (not the double size that was originally proposed). The revised scheme proposals plan (Rev K) will be available for Members to examine during the meeting. It is proposed to <b>amend Condition 1</b> by replacing Rev. J with the new P-02 Rev. K Scheme Proposals drawing. The conservatory type is confirmed as the Drawing P - H - 20 which remains as detailed on the proposed list of approved plans.</p> <p>The applicant has drawn Officers' attention to a submitted plan detailing the LEAP play area layout, equipment, surfacing and landscape proposals, which was submitted with the original plans. This confirms an informal play area utilising a range of natural materials (boulders, logs, stepping stones etc.) and mounding (no greater than 1m above ground level,) to facilitate a slide and tunnel, and several small pieces of traditional play equipment (small slide and bouncy rocker). This is considered an acceptable layout and the plan contains sufficient detail to <b>remove the need for the proposed Condition 5</b>. It is proposed to add the 'Detailed LEAP Proposals Plan AAJ5091 LS-04' to the list of approved plans in Condition 1.</p>
718	11	<p><b>17/01114/FUL</b></p> <p><b>Margaret's Cottage, Sandhurst Lane, Sandhurst</b></p> <p>Appeal decision attached to replace wrongly inserted correspondence from Planning Inspectorate.</p>

**Floor Plan**

Stone  
Spiral wine cellar  
Lounge  
Bar  
En-suite  
Bedroom

**Front Elevation**

Costwold stone to match existing dwelling  
Timber framed window

**Rear Elevation**

Timber framed windows

**Side Elevation (Left)**

Grey slate roof tiles to match existing dwelling  
Timber door

**Side Elevation (Right)**

Black metal rainwater goods

Scale 1:100

0 1 2 3 4 Meters

**Floor Plan and Elevations (As Proposed) - 1:100 @ A3**

**Annex at Woodbine Cottage, Buckland - Andrew and Jane Megson**



## The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-987-  
Switchboard 0117-987-8000  
Fax No 0117-987-8769  
GTN 1374-

The Evans Jones Partnership  
6 St George's Terrace  
St James' Square  
CHELTENHAM  
Glos  
GL50 3PR

Your Ref:  
8867  
Our Ref:  
T/APP/G1630/A/97/285036/P2

Date: 19 NOV 1997

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY DAVID R EGGLETON  
APPLICATION NO: 97/10079/0504/OUT

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Tewkesbury Borough Council to refuse outline planning permission for a detached dwelling at Margaret's Cottage, Sandhurst Lane, Sandhurst. I have considered the written representations made by you and by the Council and also those made by other parties, together with the views of the Sandhurst Parish Council expressed at the time of the original application. I inspected the site on 4 November 1997.
2. The planning application subject to this appeal was for outline consent with all detailed matters reserved for future consideration.
3. The Parish Church of St Lawrence faces the appeal site across Sandhurst Lane. It is a Grade II\* listed building. I have therefore borne in mind the duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.
4. From the representations and my inspection of the site and its surroundings, I consider that there are two main issues in this appeal. The first is the effect of the proposed dwelling on the street scene and character of the village, whilst the second concerns its impact on the setting of the listed church.
5. The development plan for the purposes of this appeal comprises the 1992 Gloucestershire Structure Plan [GSP] and the emerging Tewkesbury Borough Local Plan, most recently modified in 1996.[TLP] The GSP, in the supporting text to Policy L5, identifies two areas in the County as Special Landscape Zones, by reason of their unique



landscapes being subject to particular pressures for change and development. TLP Policy T/L3 identifies the area containing the appeal site as a Landscape Protection Zone [LPZ]. Sandhurst is also defined as a village within which limited infilling will be permitted and a residential development boundary is drawn within which Policy T/H3 applies. The criteria set out in TLP Policy T/H5 applies to cases where infilling is proposed. GSP Policy BHE6 is also relevant as it seeks to protect and enhance the character and environmental qualities of existing settlements. TLP Policy T/C15 states that development which would adversely affect the setting of a listed building will not be permitted.

6. Sandhurst was formerly a loose and scattered agricultural settlement. It has, however, been much infilled and consolidated by residential development in recent years. Originally the Parish Church faced Margaret's Cottage across Sandhurst Lane, both being surrounded by open fields. Thus the development since 1984 of two modern detached houses with double garages on the Sandhurst Lane frontage, on land previously forming part of the gardens of Margaret's Cottage, has had a significant impact on this previously rural setting. Nevertheless, open countryside to the west can still be seen through the existing gap provided by the appeal site between the northernmost new house and the cottage, together with views north-westwards past the village hall.

7. Margaret's Cottage is in itself a most attractive dwelling, set in generous well kept grounds. By reason of its origin as two small cottages, its scale and proportions are very modest, in contrast to the modern houses nearby. This is mainly due to its relatively low eaves, roof dormers and single-storey aspect from the road. The area of garden forming the appeal site is the remaining undeveloped half of its existing 25m. road frontage, immediately adjoining its south west elevation. The boundary of the appeal site would therefore be some 2.5m from the ground and first floor windows in this elevation. In particular the only outlook from one first floor bedroom is be directly over the proposed development site.

8. You draw attention to the plot sizes of the two adjoining modern dwellings on parts of the former garden of Margaret's Cottage, with which the proposed development site would be almost identical. Its density would therefore be consistent with those prevailing in the vicinity. As the site lies within the defined settlement boundary, you consider that infill development is acceptable in principle, in accordance with TLP Policy T/H3. Several parcels of land were identified in the Parish Inset Map of the TLP as essential open features worthy of protection, no doubt with the intention of safeguarding views of the church. You point out that the appeal site was not so identified.

9. The Council refer to the requirement for proposals for residential infill development, permissible in principle under TLP Policy T/H3, to meet the criteria of other development plan policies and to take account of the other material considerations affecting the particular site. Proposals must demonstrate that no adverse impact will be produced by reason of their visual appearance or upon the amenities of neighbouring uses. The Council do not accept that the appeal site is an underdeveloped plot in an otherwise built-up frontage, referred to in T/H3. It is a fully cultivated domestic garden of a house which, by reason of its distinctive character, is an important element in the village street scene. As such it contributes to the surviving perception of Sandhurst as a rural village settlement. Attention was drawn to the infilling which has already taken place on land



formerly owned by the applicant. The addition of a third house would reinforce the effect of suburbanisation and decrease the open rural character of the village. The Council also consider that the proposed house would appear to crowd and dominate the much smaller scale cottage. As it would also be likely to result in an unacceptably reduced standard of residential amenities for the residents of the cottage, by reason of loss of outlook, the Council consider that the proposed dwelling would not satisfy the criteria of TLP Policy T/H5.

10. I accept that infill development of the site would be acceptable in principle under the terms of Policy T/H3 and that the site is large enough to accommodate a two-storey house. I am not convinced on the evidence, however, that a dwelling on the appeal site would be likely to satisfy the criteria of Policy T/H5. It seems to me that the site is too small to allow the building of a house to present day standards whilst at the same time preserving an adequate spatial setting for Margaret's Cottage. A further modern house would, by reason of its larger scale and close proximity to the modest cottage, tend to visually dominate it, resulting in a cramped, much more built-up and suburban appearance for this critical section of the village street, immediately adjoining the Grade II\* listed church. The important views of the open countryside to the west would be closed off by what would come to appear as a continuous row of suburban houses, at odds with the present rural village character. In my opinion criterion (i) of T/H5, together with GSP BE6 would not be satisfied.

11. I am also not convinced, even bearing in mind that the application is in outline form, that the development could be carried out so as to preserve an adequate level of residential amenity for the future residents of Margaret's Cottage. Any new house on the appeal site would be built to meet the requirements of the Building Regulations and current market demand for adequate space standards and desirable features. Such a house would be likely to be much larger in scale than the cottage and, by reason of close proximity, would be perceived as overbearing from its rooms and garden. Whilst careful design might well avoid actual overlooking or loss of daylight, I consider that the outlook from the side windows of the cottage would be rendered unacceptable in the context of this rural area. Thus I do not consider that Criterion(ii) of T/H5 would be met.

12. Turning now to the second issue, I saw that the church tower, located towards the Lane frontage, is the most important visual feature marking the village of Sandhurst. It is most readily seen from Sandhurst Lane in relation to the surrounding houses. The appeal site is particularly important in views from the south, appearing initially as a green gap enhancing Margaret's Cottage, the only other traditional building in view which reflects Sandhurst's past, before providing views out westwards from the churchyard towards open countryside. It thus seems to me that the site in its present state as a garden makes an important positive contribution to the preservation of what remains of the rural setting for the church. A further modern dwelling in the gap would significantly extend the suburban character already affecting parts of the village and would cause material harm to the setting of the church at its heart.

13. In my opinion the proposed single dwelling would not cause significant harm to the wider countryside forming part of the LPZ and thus would not be in conflict with Policy T/L3. I have come to the conclusion, however, that the proposed dwelling, by reason of

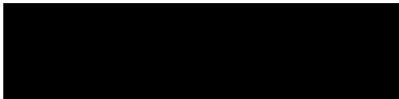
## Item 11 17/01114/FUL – Page 4 of 4

its adverse effect on the street scene and character of the village, would not be acceptable in terms of GSP Policy BHE6 and TLP Policy T/H5. Moreover, I am convinced that the setting of the listed Parish Church would not be preserved. The proposed development would therefore be in conflict with the criteria of TLP Policy T/C15. I consider that these constitute sound and clear cut reasons for the refusal of planning permission.

14. I have considered all the other matters raised in this appeal, including the original officers' report to committee which recommended the conditional grant of permission, but nothing is of sufficient weight to affect my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

A solid black rectangular box used to redact the signature of the official.

G R HOLLAND OBE BArch MCD MRTPI  
Inspector

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	Tuesday 10 April 2018
<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 Mrs E J MacTiernan, Lead Member for Built Environment
<b>Number of Appendices:</b>	1

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

<p><b>Resource Implications:</b> None</p>
<p><b>Legal Implications:</b> None</p>
<p><b>Risk Management Implications:</b> None</p>
<p><b>Performance Management Follow-up:</b> None</p>
<p><b>Environmental Implications:</b> 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>	16/01310/FUL
<b>Location</b>	Yew Tree Farm Bushcombe Lane Woodmancote Cheltenham GL52 9QJ
<b>Appellant</b>	Mr & Mrs H Davies
<b>Development</b>	Change of use of existing buildings to form two dwellings.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application had been refused on the grounds that the development would involve major reconstruction and substantial alterations which would by reason of poor design be visually intrusive and harmful to the rural character and appearance of the area. In addition, due to the unsympathetic conversion scheme the proposal would have a harmful impact on the landscape character of the AONB.</p> <p>The Inspector agreed with the council and concluded that the conversion works would have a considerable adverse effect on the external appearance of the buildings, robbing them of their simple form and giving them a more urban appearance. This coupled with the associated domestic paraphernalia would cause significant harm to the character and appearance of the Yew Tree Farm group of buildings and their immediate surroundings. As such the appeal proposal would not achieve a high quality design and would neither respect nor respond positively to the character of the site and its surroundings.</p> <p>Furthermore, the Inspector considered the development would cause harm to the rural setting of the village, reducing the contribution which the hillside makes to the landscape character of the AONB. Therefore the proposals would fail to conserve and, where appropriate, enhance the AONB's landscape and scenic beauty.</p>
<b>Date</b>	09.03.2018

<b>Application No</b>	16/01234/FUL
<b>Location</b>	Burberry Woods, Burberry Hill, GL54 5DP
<b>Appellant</b>	Mr & Mrs Julian Cresswell
<b>Development</b>	Conversion of existing barn to a dwellinghouse including retention of timber barn for storage, the demolition of all other structures, reinstatement of woodland/orchard, and long term landscape/ecological management.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
DCLG Decision	Allow
<b>Reason</b>	<p>The application was refused principally due to the conflict with housing policy, having regard to the fact that the Council did not consider that the proposal constituted an acceptable conversion; harm to the AONB; and the location al disadvantages of the site.</p> <p>In allowing the appeal proposals the Inspector took the view that the works proposed to make the building habitable were appropriate in the context of policy AGR7 of the Local Plan and thus was in accordance with JCS policy SD10. In terms of accessibility, the Inspector concluded that whilst the site does not provide for easy access to shops and services, the resultant car journeys by the future occupiers of the dwelling would be limited in number and of relatively short duration.</p> <p>In terms of the potential impact on the AONB the Inspector gave significant weight to the proposed restoration and future management of the orchard, woodland, pond and other features on the appellant's land. Disappointingly the Inspector did not discuss other potential harms to the landscape arising from improved security/access measures which formed part of the council's case. The Inspector concluded that there would be no material harm to the character and appearance of the site and its surroundings and no harm to the landscape character of the AONB.</p>
<b>Date</b>	09.03.2018

<b>Application No</b>	16/01042/FUL
<b>Location</b>	Land on the North Side of Gabb Lane Apperley GL19 4DL
<b>Appellant</b>	Mrs Flora Macleod
<b>Development</b>	Construction of 1 no dwelling
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application was refused due to the conflict with housing policy; design; landscape impact and accessibility.</p> <p>In dismissing the appeal the Inspector agreed with the Council that the proposal would cause significant harm to the character and appearance of the site and surroundings and harm the landscape character of the Landscape Character Area and Landscape Protection Zone in conflict with local and national planning policies.</p> <p>The Appellant had promoted the development on the basis that it would be a replacement dwelling and indicated they would be happy for their existing dwelling, which was not on the same site as the proposed dwelling and was some distance away. The Inspector considered that in his experience, a replacement dwelling is normally either on the same site or in very close proximity to that to be replaced. In any event, he judged that the proposed replacement would not comply with replacement dwelling policies given its size and impact and thus did not comply with JCS policy SD10 or Local Plan policy HOU7 (replacement dwellings).</p> <p>The Appellant had also promoted the application on the basis that the existing dwelling was at risk of flooding however the Inspector had no evidence, in the form of a Flood Risk Assessment to show that the proposed dwelling would not be similarly at risk.</p> <p>The Inspector also concluded that, as he had dealt with the application on the basis of it being a replacement dwelling (which the Council had not), there would be no increase in the number of frequency of such journeys provided that the existing dwelling were demolished.</p>
<b>Date</b>	09.03.2018

<b>Application No</b>	17/00553/FUL
<b>Location</b>	382 Longford Lane Longford Gloucester GL2 9BX
<b>Appellant</b>	Mr Sidney Staton
<b>Development</b>	Erection of a detached dwelling with alteration to existing vehicular access. Revised application 16/00948/FUL
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated Decision
<b>DCLG Decision</b>	Dismissed
<b>Reason</b>	<p>The application was refused on design grounds in that the proposal would fail to respect the character of the area and respond to the local context.</p> <p>The Inspector noted that the context of Sherwood Green was a pleasantly fairly open and spacious street scene with dwellings that are noticeably set back from the road behind front gardens. He considered that the proposed dwelling would be seen in a closer context than the existing dwellings. This would result in it appearing uncharacteristically cramped and a jarring and incongruous feature in the streetscene.</p> <p>He did not consider that the proposed dwelling would have an adverse impact on residential amenity and it would preserve the setting of the nearby listed building, 98 Tewkesbury Road. He also acknowledged the economic and social benefits gained from the construction of an additional dwelling. He concluded that the harm to the character and appearance of the surrounding area was not outweighed by the limited benefits of the proposal and dismissed the appeal accordingly.</p> <p>The Inspector refused the claim for costs as he considered that the Council's reasons were adequately set out in its decision and the officer report. Furthermore, the previously refused scheme had referred to the cramped siting of the dwelling and the lack of amenity space surrounding the dwelling.</p>
<b>Date</b>	09.03.2018

### **3.0 ENFORCEMENT APPEAL DECISIONS**

3.1 None

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 None

### **5.0 CONSULTATION**

5.1 None

### **6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

6.1 None

**7.0 RELEVANT GOVERNMENT POLICIES**

7.1 None

**8.0 RESOURCE IMPLICATIONS (Human/Property)**

8.1 None

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

9.1 None

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

10.1 None

**11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

11.1 None

---

**Background Papers:** None

**Contact Officer:** Jeanette Parrott, Appeals Administrator  
01684 272062 [jeanette.parrott@teWKesbury.gov.uk](mailto:jeanette.parrott@teWKesbury.gov.uk)

**Appendices:** Appendix 1: List of Appeals received



## Appendix 1

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
17/00478/FUL	Vine Tree Farm The Wharf Coombe Hill Gloucester Gloucestershire GL19 4AS	Proposed erection of replacement three-storey dwelling with attached orangery, additional basement level and basement level garaging. Associated re-grading, land and hard and soft landscaping and new access/driveway - Revised scheme further to allowed appeal ref: 15/01007/FUL & withdrawn application ref: 16/00410/FUL.	28/02/2018	W	LJD	04/04/2018
17/00693/FUL	The Guildhouse Stanton Tewkesbury Gloucestershire WR11 9SN	Erection of two storey lodge building to provide either additional capacity for residential users of The Guildhouse or accommodation for staff of The Guildhouse, plus single storey element comprising an office	01/03/2018	W	EMB	05/04/2018
17/00952/FUL	Doctors Surgery Chance Street Tewkesbury Gloucestershire GL20 5RF	Proposed demolition of existing doctors' surgery and associated outbuildings and erection of 3no. 3 bedroom dwellings, associated landscaping and parking.	09/03/2018	W	LJD	13/04/2018

### Process Type

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