

25 June 2018

Committee	Planning
Date	Tuesday, 3 July 2018
Time of Meeting	10:00 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 - 15

To approve the Minutes of the meeting held on 5 June 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. DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

To note the following decision of Gloucestershire County Council:

Site/Development	Decision
18/00352/CM Unit 6 The Aerodrome Stoke Road Stoke Orchard Variation of condition 2 (duration) to renew temporary planning permission until 1 June 2028 of planning consent 13/0024/TWMAJW dated 25.06.13 for the change of use of two general industrial/warehouse buildings (B2/B8 use classes) to a waste transfer operation.	This application was PERMITTED subject to a number of conditions in respect of commencement of development; duration; scope of the development; storage of chemicals; record keeping; and hours of operation.

7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

16 - 23

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

DATE OF NEXT MEETING**TUESDAY, 31 JULY 2018****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R E Allen, P W Awford, D M M Davies, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, 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, H A E Turbyfield, R J E Vines 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

In accordance with the Openness of Local Government Bodies Regulations 2014, 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, 5 June 2018 commencing
at 10:00 am**

Present:

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

and Councillors:

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

PL.4 ANNOUNCEMENTS

- 4.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 4.2 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.5 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 5.1 Apologies for absence were received from Councillors J R Mason and T A Spencer. Councillors R A Bird and J E Day would be acting as substitutes for the meeting.

PL.6 DECLARATIONS OF INTEREST

- 6.1 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.
- 6.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	18/00357/FUL 8 North Street, Winchcombe.	Had taken a telephone call from the applicant's agent but had not expressed an opinion.	Would speak and vote.

P W Awford	17/01258/FUL Hillend Farm, Chaceley.	Is a Borough Councillor for the area. Had been mentioned in the Parish Council's statement, included in the Additional Representations Sheet, which referenced a meeting at the Tewkesbury Borough Council Offices with the Parish Council and the officer. Had attended Parish Council meetings where the application had been debated but had not participated in the meetings.	Would speak and vote.
P E Stokes	18/00236/FUL The Coach House, Parton Court, Parton Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P N Workman	18/00258/FUL 77 Barton Street, Tewkesbury. 18/00259/LBC 77 Barton Street, Tewkesbury.	Is the applicant.	Would not speak or vote and would leave the Chamber for consideration of this item.

6.3 No further declarations were made on this occasion.

PL.7 MINUTES

7.1 The Minutes of the meetings held on 3 May and 15 May 2018, copies of which had been circulated, were approved as correct records and signed by the Chair.

PL.8 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

8.1 The Technical Planning 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.

18/00258/FUL – 77 Barton Street, Tewkesbury

8.2 This application was for the conversion of two rooms on the second floor from offices to create a self-contained studio flat.

8.3 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, and explained that, since the report had been written, it had been established that a mistake had been made when calculating the floor space for the proposed living/bedroom area. Page No. 4, Paragraph 5.19 of the Officer report, stated that the floor space for the living/bedroom area would be 16.9 square metres; however, this was incorrect and it would actually be 17.87 square metres which was above the minimum standard of 17.5 square metres for a lounge/bedroom. She apologised for this error and indicated that this meant the premises would not be classed as overcrowded under the Housing Health and Safety Rating System brought in under the Housing Act 2004. Notwithstanding this, the proposal would still be inconsistent with national technical standards for housing, as set out at Paragraph 5.18 of the report. Taking account of this, and the other harm identified in the report, the recommendation to refuse the proposal remained unchanged.

8.4 A Member sought clarification as to whether the national technical housing standards related to all properties; whilst he could understand why it might be necessary to impose certain standards on a new build, this was an existing structure. In response, the Planning Officer advised that the technical housing standards were set by the government and referred to all development; it did not differentiate between new builds and change of use. The report did set out that Planning Practice Guidance stated that compliance with the technical housing standards could only be required where this had been referenced with a local planning authority's local plan – there was no such reference within the Joint Core Strategy, although it may be included within the emerging Tewkesbury Borough Plan. Nevertheless, as with the Housing Act 2004 guidance, they provided certain benchmarks; at the end of the day, a planning judgement had to be made as to whether the residential amenity was acceptable. The Member felt there was considerable lack of clarity; the national technical standards were not set out in planning policy at a national or local level and yet they appeared to be critical to the recommendation in relation to this particular application. There was a balance of probabilities to be taken into account when making an overall recommendation and it seemed to him there had been a significant change to the application in respect of the recalculation of the measurements. The Technical Planning Manager reiterated that the proposed dwelling would no longer be considered overcrowded on a technical basis under the Housing Act 2004; however, there was still a judgement to be made as to whether this was suitable accommodation for someone to live in. A Member drew attention to Page No. 5, Paragraph 5.23 of the Officer report, which made reference to the lack of outside amenity space and absence of integrated appropriate facilities e.g. storage of waste, drying area, bicycle storage etc. and he questioned whether this was still relevant given that

there were existing properties in the street which also lacked these facilities. In response, the Technical Planning Manager explained that the way properties had been developed historically meant that there were issues in this respect and people in the town were concerned about the storage of waste, particularly outside of the properties, so this was a factor to take into consideration.

- 8.5 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the grounds that the recalculation of the proposed living/bedroom space meant that it would not be defined as overcrowded under the Housing Act 2004 and as such there was no clear policy reason for refusal. The proposer of the motion felt that it would be difficult to defend an appeal should the application be refused. A Member assumed that the existing neighbouring flat had its own bin storage and bicycle storage otherwise he could see no difference with this proposal. The Technical Planning Manager clarified that, whilst it was not possible to control what had happened historically, these were factors which Officers considered would contribute to making the accommodation substandard and unsuitable for people to live in. The Member expressed the view that there would be someone who required the type of accommodation that was being proposed - he was sure there were smaller dwellings around the borough. Should Members be minded to permit the application, the Planning Officer indicated that standard conditions should be included in respect of the time implementation and approved drawing numbers. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to the inclusion of standard conditions, on the grounds that the recalculation of the proposed living/bedroom space meant that it would not be defined as overcrowded under the Housing Act 2004 and as such there was no clear policy reason for refusal.

18/00259/LBC – 77 Barton Street, Tewkesbury

- 8.6 This application was for listed building consent for the conversion of two rooms on the second floor from offices to create a self-contained studio flat.
- 8.7 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that consent be granted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

18/00357/FUL – 8 North Street, Winchcombe

- 8.8 This application was for the change of use of the existing first floor office unit to provide residential accommodation.
- 8.9 The Chair invited the applicant's agent to address the Committee. The applicant's agent pointed out that there were a number of parallels with application 18/00258/FUL 77 Barton Street, Tewkesbury - Item 1 on the Planning Schedule which had been granted planning permission by the Committee - the only difference being that it was incompatible with the Local Authorities Coordinators of Regulatory Services (LACORS) guidance and the government's minimum space standards. Pages No. 13-14, Paragraphs 5.17-21 of the Officer report, clearly set out how that advice should be taken and he reiterated that the technical standards were optional standards that could only be applied when there was a local plan policy based on evidenced local need and where viability was not compromised. As the Tewkesbury Borough Plan process had not yet commenced in any substantive manner, these standards had not been adopted. Page No. 14, Paragraph 5.21 of the Officer report, set out that '*compliance or otherwise with the*

“technical housing standards – nationally described space standard” cannot be equated with compliance or otherwise with the development plan or national planning policy’. Whilst he appreciated the concerns that had been raised by the Environmental Health Officer, the proposal would provide a source of accommodation for those who needed it. He urged Members to disregard the Officer recommendation and permit the application.

- 8.10 The Technical Planning Manager explained that the Officers’ perspective on this application was significantly different to Item 1, particularly in respect of heights; in terms of this application the floorspace was below the standard expected under the Housing Act 2004. There was an interesting relationship between this and the LACORS guidance on crowding and space and planning and he had asked representatives from Environmental Health to attend the meeting in order to respond to any technical questions. The Environmental Health Manager advised that there was an obligation to provide decent homes under the Housing Act 2004 - this included a Housing Health and Safety Rating System in respect of which there was national guidance advising what to do and practice standards referred to in making assessments. Based on the dimensions of the proposed residential unit, and the fact that it would be difficult to increase its size further, the dwelling, once built, could potentially be deemed as overcrowded and classed as a Category 1 hazard. This was the most serious form of hazard and meant that it could be subject to a Prohibition Order which would prevent occupation of the property. A Member sought further clarification as to why this proposal had been deemed as a Category 1 hazard and the Environmental Health Officer explained that the floorspace was compared with the requirements set out in the guidance which, in this instance, fell short of the minimum level. The structure of the building meant that the usable floor space would be compromised due to the sloping ceilings and low eaves. When assessments were carried out, consideration was given to health implications; having less useable space meant there would be less space around appliances therefore there was more risk of accidents and there could be increased condensation and high humidity which could cause mould and damp. The authority had a responsibility to take action against Category 1 hazards and the assessment was based on similar properties where Prohibition Orders had been issued. This did have ramifications for the Council as, if a Prohibition Order was issued, this would effectively make the residents homeless and the authority had a duty to rehome them. A Member sought clarification as to how the proposed residential use was different from the current office use in terms of the roof space and low beams etc. The Environmental Health Officer advised that the property would be used differently as residential accommodation, for example, it might be necessary to push a bed up against a radiator due to space restrictions or there could be a lack of extraction when cooking etc. A Member questioned the discounting of areas under sloping roof spaces as plenty of bedrooms had sloping rooves and if they were taken into account, the proposal had more space than the application that had just been determined. The Environmental Health Officer explained that the previous application had a separate kitchen area and this proposal did not. A Member questioned whether the Council would be responsible for what happened after planning permission had been granted – as she understood it, granting planning permission was not the same as telling people they had to do it. The Technical Planning Manager confirmed that was the case; however, in this instance there was a contradiction between the Council granting planning permission and potentially taking action under alternative legislation.
- 8.11 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 as, on balance, the benefits which would be derived from the development in terms of contributing towards housing provision and generating expenditure from future occupiers to sustain local services would outweigh the potential harm associated with its size and scale and the form of the associated

amenity space. The proposer of the motion felt it was not dissimilar to the scheme which had been permitted under Item 1 of the Planning Schedule and, in his view, refusing the application would be denying accommodation to people who badly needed a smaller living space such as this.

8.12 A Member sought clarification as to what would happen if the Committee granted planning permission and the property was subsequently assessed to be a Category 1 hazard. He was advised that the property could be occupied but, if it was assessed as a Category 1 hazard, a Prohibition Order would then be issued making the residents homeless and the Council would have a duty to rehome them. A Member thanked the Environmental Health representatives for their input and urged Members to listen to the advice they had been given. Another Member felt that there were potential dangers if the application was granted planning permission and he queried if these could be addressed by condition, for example, a requirement to install an extraction unit. The Technical Planning Manager indicated that, whilst there could be measures to make the proposal more acceptable, there were a whole range of issues with the proposed accommodation as it stood which meant that it would still fall within the definition of a Category 1 hazard. A Member expressed the view that this proposal was very different from that which had been permitted at Item 1, for example, the sloping eaves was a major difference. Based on the proposed layout and the amount of useable space, she felt that permitting the application would only lead to problems and was inadvisable in these modern times. In her opinion, the Committee had been given professional advice by the Environmental Health team and Members should take note of it.

8.13 The Planning Officer advised that, if Members were minded to permit the application, standard conditions should be included in respect of time implementation and approved drawing numbers. Furthermore, she explained that the existing balustrade on the roof terrace was substandard and if the future occupier wished to use it they would need to put in place a more permanent structure which would require listed building consent. As such, an informative note would be included on the planning permission to advise that separate consent would be required for any work to the building, including the balustrade. Having being taken to the vote, the proposal to permit the application was lost. It was subsequently proposed, and seconded, that the application be refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/00639/FUL – Vine Tree Farm, Teddington

8.14 This was a retrospective application for the division of Vine Tree Farmhouse into two dwellings.

8.15 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.

17/00640/LBC – Vine Tree Farm, Teddington

- 8.16 This was a retrospective application for listed building consent for the division of Vine Tree Farmhouse into two dwellings and associated internal alterations.
- 8.17 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that consent be granted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/01258/FUL – Hillend Farm, Chaceley

- 8.18 This application was for the variation of condition 2 of approved planning application reference 15/01225/FUL to allow for the addition of plans to the approved plans to show the provision of vehicular passing places along the access track and the widening, ramping up and raising of the vehicular access, and removal of condition 6 of the approved planning application reference 15/01225/FUL to allow for the equestrian facilities, comprising up to 15 loose boxes, to be used for commercial purposes.
- 8.19 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that planning permission had originally been granted in 2016 to change the use of the property from agricultural to equestrian; this included the construction of a new purpose-built indoor training facility. The physical works were almost complete and the applicant was keen to use these facilities as a specialist dressage training school. At the time of the original planning application, the applicant was aware of concerns expressed by Gloucestershire Highways regarding access to the facilities and, following advice, they were happy to accept a condition restricting use of the facilities to non-commercial use. The applicant had recognised that additional work would need to be carried out to address these concerns but, at the time, had been encouraged by the Officer's report which had suggested that, provided the highway issues could be resolved, there might be an opportunity to use the school for limited commercial use in the future. Since that time, the applicant had taken on board all of the concerns raised by Gloucestershire Highways and believed that the current application would provide a safe and convenient access to the property and would not result in a loss of amenity or cause any harm to local residents. The applicant had worked with Officers at the Borough and County Councils to ensure that ecological impacts were also addressed, such as replacement tree planting where small numbers of trees would be removed. The applicant was aware that a number of local residents, as well as the Parish Council, had objected to the proposals; however, the majority of concerns related to perceived highway/traffic impacts which had now been addressed and deemed to be satisfactory by Gloucestershire Highways. The applicant was happy to comply with the recommended conditions set out within the Officer report and was keen to stress that they were not seeking to add buildings to the current facilities or introduce floodlights, or intrusive lighting, or a tannoy system. The applicant hoped to develop a strong rural business and become a centre of regional excellence for the training of a small number of top level dressage horses and their riders. The applicant's representative stressed that the proposal was not for a large, commercial-type livery yard and it had been made clear in the application that the proposal was for small numbers of clients and their horses. The applicant was keen to support other small businesses and already used some of these day-to-day. Having worked positively with Officers, the applicant considered that all of the concerns in relation to highways, which had resulted in the current permission being limited to personal use, had been addressed.

8.20 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. A Member indicated that he thought things may have gone in a different direction had the property not already been built and if Gloucestershire Highways had not removed its objection. He went on to reference the letter from the Parish Council, included in the Additional Representations Sheet, attached at Appendix 1, which made some salient points. He felt there were lessons to be learnt about establishing the applicant's intentions from the outset, should a similar application be received. Upon being taken to the vote, it was

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

18/00286/FUL – 10 Hailes Street, Winchcombe

8.21 This application was for a change of use from a shop/showroom to a one bedroom self-contained ground floor flat with associated alterations to the interior.

8.22 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he wished to address the objection raised by the Town Council in relation to the rent being set too high. He explained that the property had been in a poor state of repair prior to 2012; however, the new owner had spent a significant amount of money on improvements, such as lining the basement. The property had been re-marketed as a commercial property from 1 June 2017 with a rental of £13,500 per annum – this was open to negotiation and included a rent-free period. Two of the six viewings that had been set-up had gone ahead and the prospective tenants had stated that they had been attracted by the negotiable rent and the rent-free period; however, they had also raised concerns that the property was too far out of the "main pitch" of the Town and that Hailes Street had no draw - the Lady Jane Tea Rooms had recently closed; there was no passing trade; and, there was traffic calming outside so it was not possible to park or stop to look in the shop windows. One of the six enquiries had been from a tenant interested in operating a fast food outlet from the property; however, it was not well-suited to that type of use given the restrictions associated with it being a listed building e.g. in terms of signage, parking, waste provisions etc. and there was a further difficulty with the private courtyard to the rear. The applicant's agent stressed that the listed building was an important part of the character and heritage of Winchcombe but it had simply come to the end of its current use and needed an alternative use; a residential use would ensure that the building was preserved for future generations. If there was a demand in future, it may revert back to a shop at some point, however, this proposal would give it the best chance of being maintained and looked after to ensure it was still around in 200 or 300 years' time.

8.23 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted that there was no private outdoor amenity space which had been a reason for refusal in relation to an earlier item on the Schedule. In response, the Technical Planning Manager advised that the floorspace was the key difference - this was significantly larger than in the earlier application and the proposal was considered to be appropriate for residential accommodation. 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.

18/00125/FUL – 1 Kayte Close, Bishop's Cleeve

8.24 This application was for the erection of a two storey and first floor side extension.

8.25 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 raised concern about the potential loss of light to No. 3 Kayte Lane and, whilst this was addressed in the Officer report, he sought confirmation that an Officer had visited the application site. In response, the Planning Officer confirmed that a site visit had been carried out and a technical assessment undertaken. The Technical Planning Manager made reference to the site plan, at Page No. 46/B, and the elevation plan at Page No. 46/F of the Officer report, which demonstrated that there was quite a distance between the proposed two storey element and No. 3 so Officers were quite satisfied there would not be an unacceptable impact.

8.26 Upon being taken to the vote, it was

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

18/00236/FUL – The Coach House, Parton Court, Parton Road, Churchdown

8.27 This application was for the demolition of the existing conservatory and erection of a single storey rear extension.

8.28 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.

PL.9 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

9.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 14-24. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

9.2 It was

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

The meeting closed at 11:08 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 5 June 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	
1	1	<p>18/00258/FUL</p> <p>77 Barton Street, Tewkesbury</p> <p>Consultations & Representations</p> <p>Tewkesbury Civic Society</p> <ul style="list-style-type: none"> • Object to the application for the following reasons: • Defer to the opinion of the Environmental Health Officer that this particular redevelopment does not conform to the minimum regulations; • Great concern over the waste management. <p>A letter in support of this application has been received from the agent on behalf of the applicant and is attached in full.</p> <p>Since the report was written, it has been established that a mistake was made when calculating the floor space for the proposed living/bedroom area. Paragraph 5.19 of the Officer Report sets out the floor space would be 16.9m²; however, it would in fact be 17.87m² and therefore would be above the minimum standard of 17.5m² for a lounge/bedroom. This means the premises would not be classed as overcrowded under the Housing Health and Safety Rating System brought in under the Housing Act 2004.</p> <p>Notwithstanding this, the proposal would still be inconsistent with the national technical standards for housing as detailed in Paragraph 5.18 of the Officer report. Taking account of this and the other harm identified the recommendation remains unchanged.</p>
25	6	<p>17/01258/FUL</p> <p>Hillend Farm, Chaceley</p> <p>Chaceley Parish Council has provided additional comments regarding the proposal which are attached in full.</p> <p>Taking account of this, the recommendation remains unchanged.</p>

Item No. 1 – 18/00258/FUL**Reference application no 18/00258/FUL and 18/00259/LBC
77 Barton Street Tewkesbury. GL20 5PY**

My applicant Councillor Workman has been advised by the Borough Solicitor, last Thursday, that he is unable to speak at the planning meeting regarding this application. As his agent I was asked on Thursday if I could take his place but I am unable to at such short notice. I am however sending this for inclusion in the late representations to express my real concerns about the recommendation by officers to refuse this application.

You have before you a very straightforward application to create an affordable flat in Tewkesbury Town. The recommendation for refusal has essentially 3 elements. 1/ No outside space. As is common with 1000's of flats up and down the country outside space is not often available in towns and indeed it should be noted 2 flats two doors away from No 77 have recently been given permission without outside space which strikes me as an inconsistent approach. 2/ Refers to no space for a wheelie bin. I do accept there is no space for storing the bin but again this is not uncommon in town especially with the restrictions on a listed building of which this is one. It should be noted that other flats in the building make and continue to make the necessary arrangements to recycle and dispose of their waste successfully without a bin as do many people in Tewkesbury particularly in flats and the terraced alley houses. 3/ Bike storage space. Again with the restrictions on the building this is not possible but the other tenants I believe work in town and walk so a bike space is not surely a necessity to receiving planning approval. Back in 2011 I applied for a very similar space on the 1st floor with no objections at all.

I have worked with the Case Officer and the EHO to overcome their concerns.

Tewkesbury Town Council have indicated that they have no objection to the proposals.

Councillors, I truly believe the reasons for refusal are, in this instance, very weak set against an opportunity here to provide a much needed affordable flat in town and I respectfully ask the committee to take a pragmatic approach and permit this application.

Graham Hallett.

Architectural Services.

31/5/18

Item No. 6 – 17/01258/FUL

CHACELEY PARISH COUNCIL
Chairman: Tony Stephenson

correspondence

Grain House Cottage, Chaceley, Gloucestershire, GL19 4EH. T/F 01452 780839
 www.chaceleyvillage.org.uk
 chaceleyparishcouncil@gmail.com

Cllr Terry Spencer
 Planning Committee
 Tewkesbury Borough Council
 Gloucester Road
 Tewkesbury

31 May 2018

Dear Cllr Spencer

PLANNING APPLICATION 17/01258/FUL – OBJECT

Chaceley Parish Council objected to this application on 30 January this year. Unfortunately, our councillors are not able to attend committee on 5 June therefore we ask that the following be considered in your deliberations.

- TBC has already rejected commercial use of these facilities and in May last year the parish council and its borough councillor were assured that commercial use would never be given.
- The major objection was road access. GCC Highways had vehemently objected to the project. As far as we are aware those objections have not been withdrawn – how could they, the roads have not changed, but added to in respect of on site access.
- In 2008, 08/01301/FUL, in respect of farm diversification, was significantly reduced because GCC Highways considered Lawn Bar Road to be “unsustainable” ie no bus service, no footpaths, no cycle way. Nothing has changed. Last year, Application 16/00735/FUL (initially for equestrian commercial use but resubmitted as private) was rejected by both TBC and GCC Highways because of unsuitable access. Chaceley lanes have not changed in the meantime and are never likely to.
- Earlier this year TBC planners were consulted and have given advice regarding the potential development of like facilities to those of Hillend Farm at a property only metres away across the road. Within the last month a farm in the heart of the village has been sold for change to commercial equestrian use. There are at least 4 other properties that could be developed in this way – Chaceley roads cannot sustain such a level of additional use.
- The application is for “limited” commercial use. The applicant has already broken the private use condition that no livery should be taken without the prior permission of TBC – who will police “limited” use and, once given, how can the future scale of commercial use be restricted?
- Chaceley is a Landscape Protection Zone. The initial Hillend application asserted that the indoor school would barely be seen whereas in reality it is a travesty that it should have been allowed to be built on the ridge of a hill where it can be seen from all but one view in Chaceley, from Apperley, the Severn Way and from the A381. Now the applicant wishes to use the front of the house for overspill parking – see attached scale of parking this facility attracts.
- The incorrect postcoding of this property leads to large vehicles of varying types using the wrong road, with no access to Hillend Farm, with resulting disturbance to other residents (see attached photo). Chaceley also floods with resulting reduction in access routes.

The application refers to NPPF para 7 which recommends that development should take place on sufficient land of the right type in the right place and to EMP4 "developments should have safe, convenient access by road without detriment to the local highway network". Hillend Farm conforms to neither.

Chaceley is not a suitable location for a commercial development of this type (still less for multiple developments of this type). The applicant was advised that commercial development would not be permitted and the decision to proceed with "considerable investment" does not change the unsuitability of the location.

The parish council was advised that this application would be determined on 8 February - the delay does not suggest that TBC planning department whole heartedly approves of its recommendation to permit. We ask that, taking all the above considerations into account, the committee will refuse it.

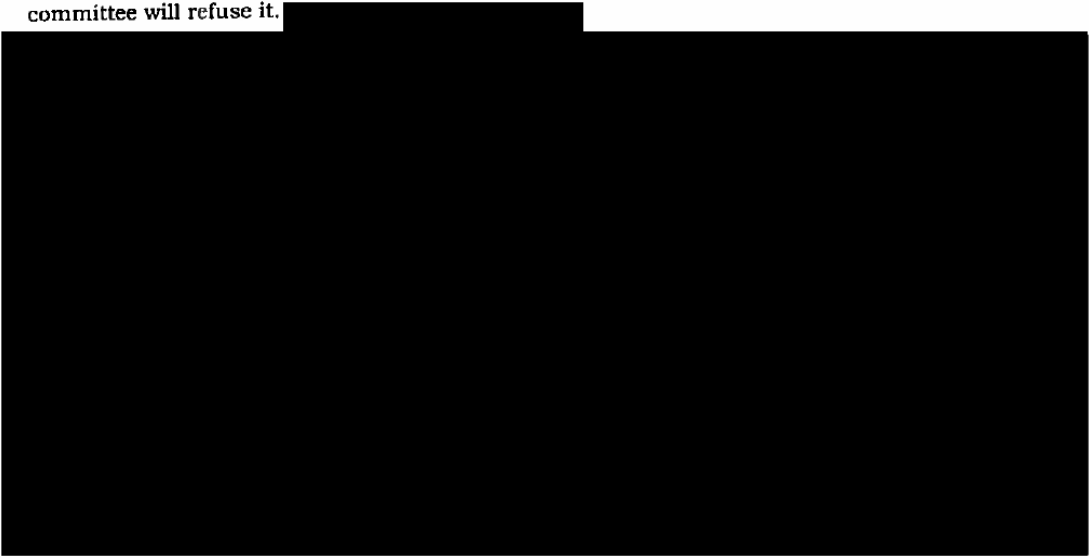
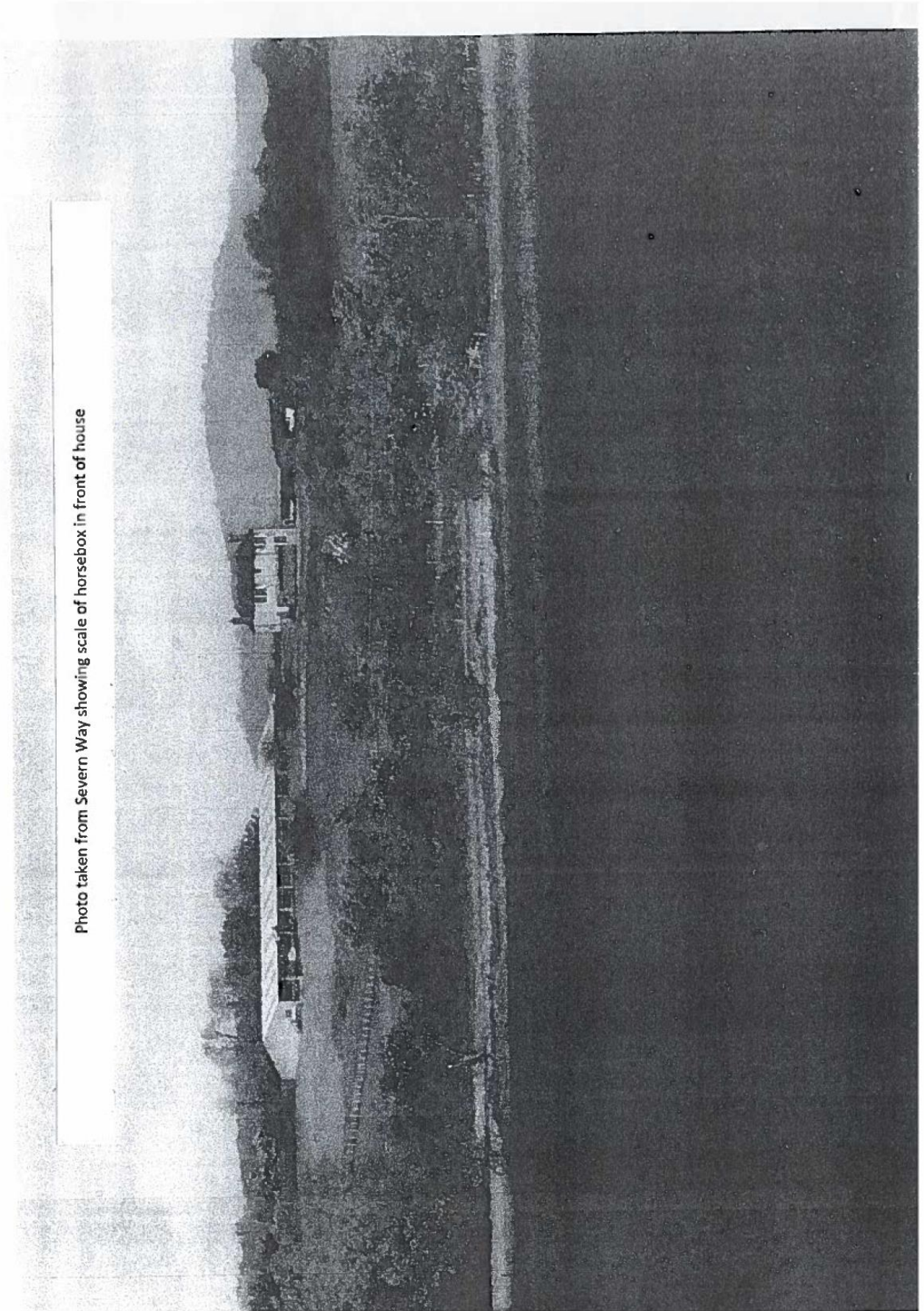
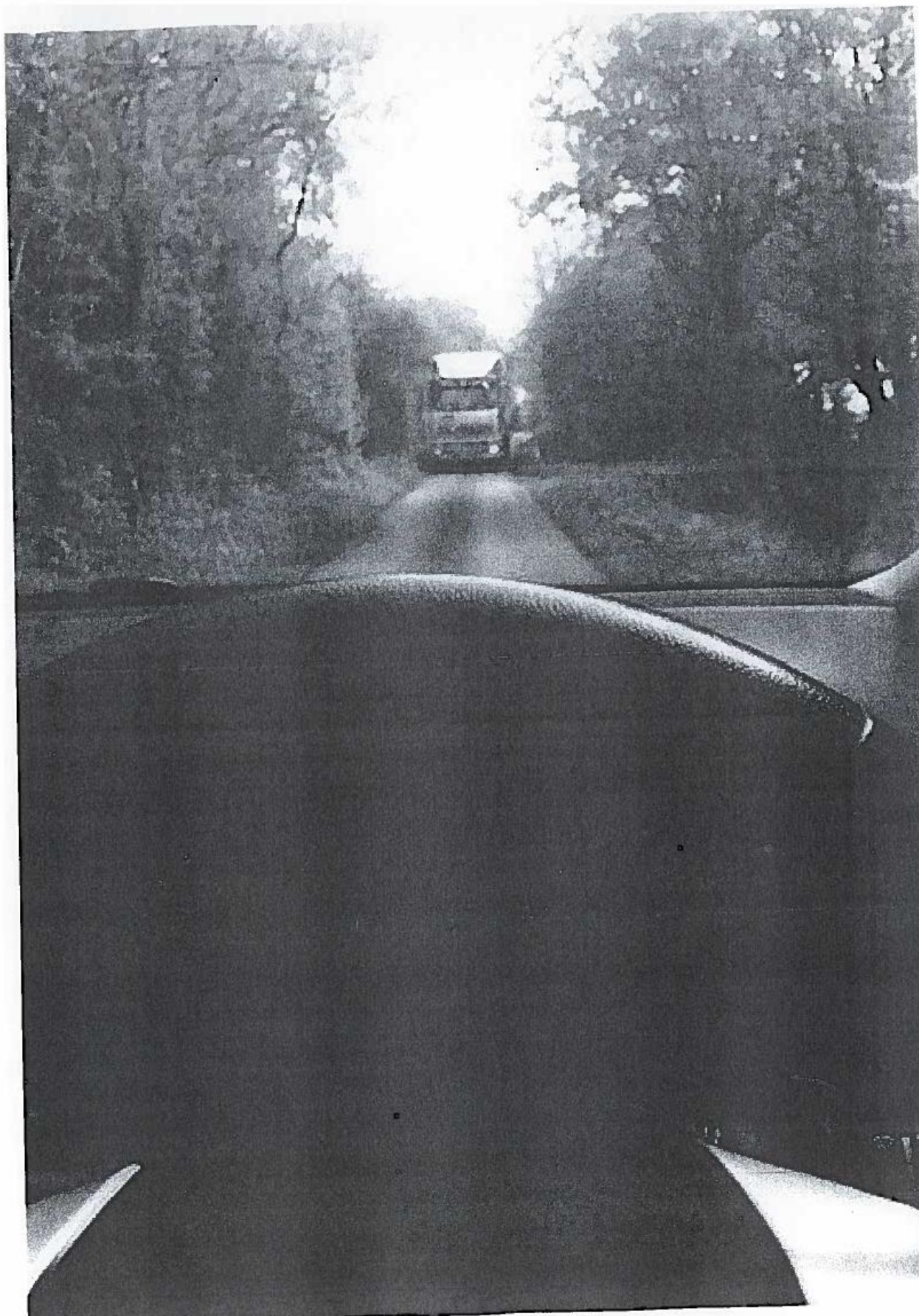


Photo taken from Severn Way showing scale of horsebox in front of house





TEWKESBURY BOROUGH COUNCIL

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

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

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

1.0 INTRODUCTION/BACKGROUND

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

2.0 APPEAL DECISIONS

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

Application No	17/00494/PDAD
Location	Barn At The Furzens Furzens Lane Elmstone Hardwicke Cheltenham GL51 9TQ
Appellant	Mr Paul Johnstone
Development	Prior approval for conversion of agricultural buildings into 1 no. dwelling (use class C3) and associated building operations
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The Inspector acknowledged that, whilst building operations are permitted under Class Q, including the replacement or installation of exterior walls, roofs, doors and windows, it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. The Inspector specified that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.</p> <p>The Inspector noted that, in this case, the steel framed barn would not be capable of functioning as the proposed dwelling without significant works. The Inspector considered that, even with the retention of its steel frame, the extent of the open sides of the barn would be such that it could not function as a dwelling unless new walls were constructed. The Inspector acknowledged that, whilst exterior installation or replacement works fall under the scope of permitted development, the extent of the open sides of the barn would be such that the provision of new walls would go beyond what could be described as conversion.</p> <p>In addition to these works, the proposal would also include new roofs for both barns, and the Inspector acknowledged that the ridge of the roof of the block-work barn shows evidence of slight sagging. The Inspector noted that, although the metal trusses of both barns would be retained, further supports would be needed for the replacement roof materials, albeit loading onto internal walls.</p> <p style="text-align: right;">Cont'd.../</p>

	<p>Thus, the Inspector noted that both new walls and roofs would be necessary to allow the barns to function as a dwelling, and the Inspector considered that the extent of the totality of the works would go beyond conversion and that which would be reasonably necessary for the buildings to function as a dwelling. As such the Inspector considered that the existing buildings are not already suitable for conversion to residential use.</p> <p>Consequently, the Inspector concluded that the works required to convert the existing buildings into a dwelling would not fall within the scope of that permissible under Class Q, and the proposal would not be development permitted by it.</p> <p>Thus, for the reasons given above and having considered all other matters raised, the Inspector concluded that the appeal is dismissed.</p>
Date	11.05.2018

Application No	17/01044/FUL
Location	Land Rear Of Rectory Farm Maisemore Gloucester GL2 8HQ
Appellant	Mr Michael Bubb
Development	Retrospective application for the erection of a wooden fence and gateway
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Allowed
Reason	<p>The Inspector considered main issue to be the effect of the development on the character and appearance of the surrounding area.</p> <p>The Inspector noted that the majority of the fence and the gate is relatively high compared to others in the surrounding fields and it occupies a fairly wide break in the roadside hedgerow. However, he considered that by virtue of the height of the existing hedges the development structures are either totally or at least significantly screened from sight from most points along that road, other than immediately in front of the access or the close approaches to it.</p> <p>From more immediate views opposite the gate and fence the Inspector opined that the spacing between the timbers allows a degree of permeability which, along with the brown finish, has a softening effect. Additionally, whilst located beyond the edge of the village, it is seen in the context of some other generally more prominent structures close by including overhead cables and associated supporting poles and structures.</p> <p style="text-align: right;">Cont'd....</p>

	<p>The Inspector therefore concluded that the development is not a dominating or jarring feature of the lane or surrounding rural area generally and does not cause unacceptable harm to the character and appearance of the surrounding area.</p> <p>No additional landscaping (as suggested by the Council) was considered necessary.</p>
Date	11.05.2018

Application No	17/00474/FUL
Location	23A Gray Close Innsworth Gloucester GL3 1EE
Appellant	Susan Gardner
Development	Single storey front extension.
Officer recommendation	Non-determination
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Reason	<p>The application site is the end of a short terrace of three modest brick built dwellings, with open plan frontages, at the end of a cul de sac. The Inspector considered that the proposed front extension would have a materially harmful impact on the character and appearance of the appeal property and street scene, by reason of it disrupting the rhythm and design of the property in respect of layout and appearance, and severely compromising the uniform and distinct appearance of the terrace block. The Inspector further considered that the proposed extension would have a harmful impact on the outlook of the occupiers of the adjoining dwelling as a consequence of its siting close to the side boundary, depth and height, resulting in a large expanse of brickwork that would have an unduly dominating and enclosing effect and erode the open outlook.</p>
Date	21.05.2018

Application No	17/00696/FUL
Location	Bayeux Bamfurlong Lane Staverton Cheltenham GL51 6SW
Appellant	Ms Carol Proctor
Development	Construction of 1 No 2 bedroom bungalow
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
LPA Application for Costs	Dismissed
Reason	<p>The Inspector concluded that, although there was other residential dwellings near the site, there were no facilities or services associated with the dwellings that it would be expected to find in a village. He considered that the site was not in a village for the purposes of SD10.</p> <p>He considered the proposal to be inappropriate development in the Green Belt, as the site was not located within a village and therefore could not be considered as limited infilling in a village.</p> <p>The introduction of the proposed dwelling would largely close the visual gap through the introduction of significant built form where none currently exists. This would restrict the views through the site to the countryside beyond and lead to a clear erosion of the openness of the Green Belt. The proposed dwelling would consolidate a short row of development and result in a more intensified domestication of the site to the detriment of its rural and open location.</p>
Date	30.05.2018

Application No	17/00952/FUL
Location	Doctors Surgery Chance Street Tewkesbury GL20 5RF
Appellant	Jesmond House
Development	Proposed demolition of existing doctors' surgery and associated outbuildings and erection of 3no. 3 bedroom dwellings, associated landscaping and parking.
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Dismissed
Appellants Application for Costs	Refused
Reason	<p>The Inspector considered that main issues of the case to be the effect of the proposal upon the character and appearance of the surrounding area and the effect upon the living conditions of future occupiers. The Inspector concluded, that since the Council accepts the principle of residential development on this site, any such development would result in significant levels of overlooking. While there would be some overlooking, the Inspector considered that this would be unlikely to result</p> <p style="text-align: right;">Cont'd...</p>

	<p>in any significant harm in this high density town centre location. Furthermore, although it was noted that the rear of the proposed dwellings would be surrounded on all four sides by buildings of two storeys or more, and this would inevitably provide a relatively poor outlook, in view of the separation distance, the Inspector concluded that there would be an improvement on that which currently exists. In respect of design, the Inspector acknowledged the limited amounts of architectural detailing and unbalanced fenestration within the proposal but considered that this would only have limited impact upon the character and appearance of the surrounding area. However, with regards to proposed siting, the Inspector noted that the terrace row would be sited some 6m further forward than the existing building and would appear to jut out into the street, thereby reducing the sense of spaciousness that positively contributes to the character of the surroundings and impacting negatively on local distinctiveness.</p> <p>With regards to the Costs Application, the Inspector refused the award of costs submitted by the Appellant on the grounds that the Council's stated concerns were cogent, clear and not without merit and as such, the Council had not acted unreasonably in this case.</p>
Date	31.05.2018

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

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
18/00143/LBC	Tudor House 18 Hailes Street Winchcombe Cheltenham Gloucestershire GL54 5HU	Internal alterations to remove staircase in flat 3.	17/05/2018	W	SDA	21/06/2018
17/01307/FUL	101 Queens Road Tewkesbury Gloucestershire GL20 5EN	Change of use from Community Centre (Class D1) to residential (Class C3)	17/05/2018	W	EMB	21/06/2018
16/01285/FUL	Brookside Stables Cold Pool Lane Badgeworth Cheltenham Gloucestershire GL51 5UP	Change of use of land to allow for permanent use as a residential Gypsy site for 7 No. Mobile homes and 5 No. Touring caravans and associated works.	22/05/2018	I	JWH	26/06/2018
14/00074/ENF	Part Parcel 0025 Stump Lane Hucclecote Gloucester Gloucestershire	Appeal against alleged unauthorised commercial use of land	23/05/2018	W	EMP	27/06/2018

Process Type

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