

11 March 2019

Committee	Planning
Date	Tuesday, 19 March 2019
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

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.



	Item	Page(s)
4.	MINUTES	1 - 13
	To approve the Minutes of the meeting held on 19 February 2019.	
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	14 - 17
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING
THURSDAY, 18 APRIL 2019
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, 19 February 2019 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, D M M Davies, 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 D Surman,
H A E Turbyfield and R J E Vines

PL.61 ANNOUNCEMENTS

- 61.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 61.2 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.62 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 62.1 Apologies for absence were received from Councillors P E Stokes and P N Workman. There were no substitutions for the meeting.

PL.63 DECLARATIONS OF INTEREST

- 63.1 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.
- 63.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	18/01200/FUL Wharf House, The Wharf, Coombe Hill.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

P W Awford	18/01104/OUT Land Adjacent to the John Moore Primary School, Columbine Road, Walton Cardiff.	Is a Gloucestershire County Councillor and the land is owned by the County Council.	Would not speak or vote and would leave the room for consideration of this item.
M A Gore	18/01068/FUL Cotteswold Cottages, Leckhampton Hill, Leckhampton.	The applicant is known to her.	Would not speak or vote and would leave the room for consideration of this item.
A Hollaway	18/01105/FUL 1 Britannia Way, Woodmancote.	Is a Borough Councillor for the area. The applicant is known to her.	Would not speak or vote and would leave the room for consideration of this item.
P D Surman	18/01068/FUL Cotteswold Cottages, Leckhampton Hill, Leckhampton.	Is a Borough Councillor for the area. Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	18/01104/OUT Land Adjacent to the John Moore Primary School, Columbine Road, Walton Cardiff.	Is a Gloucestershire County Councillor and the land is owned by the County Council.	Would not speak or vote and would leave the room for consideration of this item.
R J E Vines	18/01068/FUL Cotteswold Cottages, Leckhampton Hill, Leckhampton. 18/00607/FUL Greenacres, Brookfield Road, Churchdown.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

63.3 There were no further declarations made on this occasion.

PL.64 MINUTES

- 64.1 The Minutes of the meeting held on 22 January 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.65 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 65.1 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.

18/01200/FUL – Wharf House, The Wharf, Coombe Hill

- 65.2 This application was for erection of a new dwelling, garage and access.
- 65.3 The Chair invited the applicant's architect to address the Committee. The applicant's architect explained that a pre-application enquiry had been submitted in September 2017 and had received a very positive response stating that the principle of development was likely to be acceptable by virtue of the sustainable location of the site and that it was unlikely to be considered as an isolated site. No policy issues had been identified. A full planning application had subsequently been submitted in March 2018. Whilst initially the Case Officer had indicated that the recommendation would be favourable, this position changed following discussions with the Technical Planning Manager and the Case Officer advised that permission would be refused on the basis that it was an isolated site, contrary to the pre-application advice. The applicant's agent indicated that he had difficulty contacting the Technical Planning Manager over an extensive period of time before the application was withdrawn. The application had been re-submitted in November 2018 and was recommended for refusal on two counts, firstly, that the site was isolated and, secondly, that the development would harm the setting of the Landscape Protection Zone. He indicated that the site was immediately adjacent to the cluster of houses at The Wharf, it was currently garden land as opposed to open countryside and the site had been developed over a long time such that the County Archaeologist wanted an investigation into the substantial buildings on the site in the 1870s; the site had also been used as a track route for the flood defence works more recently. The landscape and visual impact assessment submitted with the application demonstrated that there would be minimal impact and the Council's Landscape Officer had not commented on the application. Furthermore, housing had been approved next to the Swan Inn which was on the skyline of the Landscape Protection Zone. On that basis, the applicant's architect urged Members to acknowledge the strong support, both from the Parish Council and neighbours, and permit the application.
- 65.4 The Technical Planning Manager explained it was unfortunate that both the pre-application and the original planning application had been submitted during a time of change in terms of the planning policy position; however, there was now a very clear policy position in terms of the adopted Joint Core Strategy and that was the basis upon which the application must be considered. Whilst he did have sympathy with the applicant who had been caught in the midst of a changing planning policy situation, Officers were confident in the recommendation as the application did not comply with policy set out in the development plan and therefore should be refused. In terms of the comment regarding the architect's attempts to contact him, he could

only apologise if that had been the case and he would be happy to speak to him outside of the meeting in relation to that. A Member questioned whether the application might have been viewed more favourably had it not been subject to the delays described by the applicant's architect. In response, the Technical Planning Manager explained that a judgement had been taken at the time that the proposal was contrary to policy and it had subsequently been withdrawn, therefore the recommendation was unaffected by any delays. The Head of Development Services reminded Members that the application must be assessed on its planning merits and reiterated that any issues in terms of service failure could be picked up outside of the meeting.

- 65.5 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member felt there had been a "moving of the goal posts" and that the application should be permitted as the site had previously been considered acceptable in policy terms for residential development. The Technical Planning Manager advised that the Council was required to consider the application in light of the policy as it stood at this particular moment; the proposal was contrary to the policies that had been adopted by the Council and he warned against relying upon previous policies. It was proposed and seconded that the application be permitted on the basis that the site was in a settlement recommended as a service village and there was no local objection to the proposal. Should Members be minded to permit the application, the Planning Officer recommended the inclusion of conditions in relation to the commencement of development; the development being carried out in accordance with approved drawings; the County Archaeologist's request for archaeological work to be undertaken; tree protection during works; approval of material samples; provision of parking and turning facilities on site prior to occupation; provision of appropriate visibility splays prior to occupation; submission and approval of landscaping details; provision of bat boxes; restriction of external lighting to protect wildlife; and levels as set out in the submitted drawings.

- 65.6 Upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED** subject to conditions in relation to the commencement of development; the development being carried out in accordance with approved drawings; the County Archaeologist's request for archaeological work to be undertaken; tree protection during works; approval of material samples; provision of parking and turning facilities on site prior to occupation; provision of appropriate visibility splays prior to occupation; submission and approval of landscaping details; provision of bat boxes; restriction of external lighting to protect wildlife; and levels as set out in the submitted drawings.

18/00940/FUL – 3 Saffron Road, Tewkesbury

- 65.7 This application was for erection of a two-storey side and rear extension (revised application ref: 13/00211/FUL).
- 65.8 The Chair invited the representative from Tewkesbury Town Council to address the Committee. The Town Council representative explained that the Town Council believed that the application raised a "right to light" issue for the Tudor Room, a part of the Watson Hall complex situated behind 3 Saffron Road. The Town Council held the title to the property and was the sole trustee of the George Watson Memorial Hall Trust. She advised that the Tudor Room had three windows with a combined area of less than 20% of its floor area so the interior was already dark. The only window with useful access to direct light faced 3 Saffron Road so the room had limited access to daylight and, if reduced, this would become darker, cooler and possibly damp, thus reducing its amenity. The Town Council's arguments against this application were described in detail within the report that the Town Clerk had

sent to Members and Officers the previous day. In essence, she explained that the maintenance strip, referenced in Paragraph 5.2 of the Officer report, was owned by the Town Council; the note at the end of the report stated that permission “does not imply any rights of entry to the adjoining property” but the applicant would not be able to build what he proposed without entering Town Council land. The Town Council’s report had shown that the consented scheme for the site, dated 2013, breached the 45-degree rule with respect to overshadowing but the Town Council believed it would not deprive the room of sunshine during the summer months, being only one storey high at the back, and therefore it had supported that application. Notwithstanding this, the Town Council had objected to an application for a two-storey building with north-facing gable on the same footprint in October 2018 but the applicant had begun to build on a larger footprint extending in front of the window. The subsequent amendment, dated December 2018, did not project in front of the window but was larger than previous applications. The Planning Officer had asked whether the amendments had addressed the Town Council’s objection on the grounds that the latest proposal was better than the previous one but the Town Council did not consider this to be the case. The Town Council’s report showed that such a tall building, so close to the Tudor Room, would significantly deprive it of daylight during the afternoons, therefore, the Town Council disagreed with Paragraphs 5.13 and 6.1 of the Officer report. Should this application be permitted, others might be encouraged to start building works for which no consent had been granted hoping that, despite making some concessions, they could build something that would not have been permitted had they followed the proper process – the Town Council believed that would be a bad precedent to set. In conclusion, the Town Council objected strongly to the application because of its potential impact on the right to light of its property at the Watson Hall, and the consequent loss of amenity to the residents of Tewkesbury, and she urged Members to refuse the application.

- 65.9 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 deferred for a Committee Site Visit in order to assess the Town Council’s concerns and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Committee Site Visit in order to assess the Town Council’s concerns.

18/01013/FUL – 71-73 Barton Street, Tewkesbury

- 65.10 This application was for change of use of ground floor from bank (A2) to offices (B1) and change of use of upper floors from bank (A2) to two apartments (C3) plus external alterations to the ground floor frontage.

- 65.11 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.

18/01104/OUT – Land Adjacent to the John Moore Primary School, Walton Cardiff, Tewkesbury

- 65.12 This was an outline planning application for up to 30 dwellings with affordable housing; all matters reserved except access.

- 65.13 The Planning Officer advised that, further to the Additional Representations Sheet, attached at Appendix 1, the County Council’s Education Section 106 Officer had advised that no Section 106 obligations were required towards education/library infrastructure.

- 65.14 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the proposal was for 30 new homes, 40% of which were affordable. There were no objections from any of the technical consultees, including County Highways which considered the access into the site off the new link road to the south to be acceptable. The land lay adjacent to the John Moore Primary School and was owned by the County Council which had declared it surplus to requirements. The existing school site had capacity to extend from the current one-form entry, i.e. 210 places, to its planned size of two-form entry, i.e. 420 places, to meet future demand. A planning application for the first phase of the planned expansion was imminent and would expand capacity by 105 places. In terms of future access to the school, there was a footpath link at the northern boundary of the application site which linked onto another footway running adjacent to the northern boundary of the site and school before joining the school's main entrance; this was a short, convenient walk for children and their parents. The proposal was supported by the emerging Tewkesbury Borough Plan which allocated the site for 30 dwellings and provided a logical residential site as it was largely surrounded by development. He pointed out that much-needed open market and affordable housing was being provided in this location, as evidenced by the good sale rates of the Bloor Homes development at Tewkesbury Meadows, and he hoped that Members would support the Officer recommendation for a delegated permit.
- 65.15 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to completion of a Legal Agreement to secure affordable housing and a financial contribution towards other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms and the addition/amendment of conditions as necessary, and he sought a motion from the floor. With regard to the school, a Member queried whether the comments included in the Additional Representations Sheet took account of the second allocation of land within the Tewkesbury Borough Plan, and whether future expansion of the school would be required should that be built out. The Technical Planning Manager advised that there was no specific information to indicate whether this took account of other allocations in the Tewkesbury Borough Plan but there was sufficient room within the school site to expand without this parcel of land. The Member subsequently proposed, and it was seconded, that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation.
- 65.16 A Member pointed out that the Tewkesbury Borough Plan was still in its very early stages and had not yet been adopted and, having seen the primary school, she had real concerns about the future and whether there would be sufficient room for expansion to accommodate the increase she would expect given the amount of development proposed in the area, and in Tewkesbury in general. The Technical Planning Manager confirmed that the Member was right in terms of the emerging Tewkesbury Borough Plan which could only be given limited weight at this stage; however, as set out in the Officer report, the proposal complied with Policy SD10 of the Joint Core Strategy in terms of location and the fact that it was essentially infilling within a built-up area. Whilst he understood concerns about the school and seemingly losing school land to create houses, Gloucestershire County Council had been consulted as the education authority and was confident that the plans in place, and the residual land on the school site, were sufficient to deal with capacity in the short term. If any further developments came forward it was likely that consideration would need to be given to a new primary school.

65.17 Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to completion of a Legal Agreement to secure affordable housing and a financial contribution towards other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms and the addition/amendment of conditions as necessary.

15/01068/FUL – Cotteswold Cottages, Leckhampton Hill, Leckhampton

65.18 This application was for the erection of a replacement dwelling to meet the applicant's disability needs; improvement to existing access, construction of a secondary access and associated works (demolition of No. 1 and 2 Cotteswold Cottages).

65.19 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the proposal was for the replacement of two fire-damaged cottages with a single dwelling specifically to meet the needs of the applicant. He pointed out that the existing cottages benefitted from extant planning permissions for extensions. The applicant had sought pre-application advice and many discussions had taken place to ensure that all relevant issues had been addressed; this hard work had paid off as the Officer recommendation was to permit the application. In this instance, the applicant's personal circumstances were relevant and should be afforded some positive weight. He went on to point out that there were no neighbour objections to the proposal, the site was well-related to surrounding development and the replacement dwelling would be within the curtilage of the cottages and classed as previously developed land. This part of Leckhampton was characterised by large dwellings and plots and this proposal was modest in comparison with neighbouring properties. With regard to the landscape setting, he reassured Members that arrangements were in place to ensure trees were protected throughout construction and beyond. This proposal was an example of good design encouraged by Officers and would provide a much-needed bespoke home to meet the applicant's specific needs.

65.20 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 and, upon being put to the vote, it was

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

18/01105/FUL – 1 Britannia Way, Woodmancote

65.21 This application was for the erection of two storey and single storey extensions; installation of a front porch and veranda to rear; demolition of existing garage to facilitate provision of a rear parking area.

65.22 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. A Member noted that the Parish Council had several reservations about the veranda and he asked for an Officer explanation in relation to this. The Technical Planning Manager apologised that elevation plans had been omitted from the Officer report and he pointed out the veranda on the plan which was displayed on the screen; he confirmed that it was very much a light-weight structure which in itself would not require planning permission and he could see no concerns in terms of the impact on the living conditions of the neighbours. 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.

18/00607/FUL – Greenacres, Brookfield Road, Churchdown

65.23 This application was for the removal of existing structures, retention of hardstanding and three agricultural buildings; erection of proposed polytunnel, additional hardstanding and extension to agricultural track.

65.24 The Chair indicated that there were no public speakers for this item. The Officer recommendation had been amended to 'Minded to Permit', as set out in the Additional Representations Sheet, attached at Appendix 1, and he sought a motion from the floor. In response to a query regarding the reason for the change in recommendation, the Technical Planning Manager advised that this was due to an inputting error which meant that the wrong recommendation had been put into the box which generated the Officer report. He clarified that the appeal had only been formally accepted by the Planning Inspectorate the previous week and it was unfortunate that the applicant had chosen to appeal against non-determination as the Case Officer had done a lot of work with the applicant to resolve the matter and come up with a satisfactory scheme. For the reasons set out within the report, Officers considered this to be an acceptable scheme for the site. If Members agreed with the Officer recommendation, he would discuss with the applicant the possibility of submitting another application to avoid the need to proceed with the appeal. It was proposed and seconded that Members be 'Minded to Permit' the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That Members be **MINDED TO PERMIT** the application in accordance with the Officer recommendation.

PL.66 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

66.1 The following decisions of Gloucestershire County Council were **NOTED**:

Site/Development	Decision
18/00489/CM The Old Saw Mill Site Evesham Road Toddington Erection of a single storey portal frame building for use as a Waste Treatment and Transfer facility within an existing industrial/commercial site used for waste management to provide additional premises to undertake existing waste recycling functions.	Application PERMITTED subject to conditions relating to commencement of development; definition of permission; hours of operations; scope of the development; record keeping; litter; noise; Operational Management Statement; details of materials; removal of permitted development rights; hours of demolition and construction; highways; landscape scheme; planting; pollution control; and, external lighting.

18/01110/CM
Winchcombe Water Reclamation
Works
Broadway Road
Winchcombe

Application **PERMITTED** subject to conditions relating to commencement of development; scope of development; hours of construction; landscape and aftercare scheme; removal of hedgerows, trees and shrubs; construction works; and external lighting.

Installation of an MCC kiosk; poly kiosk; SAS thickening building; wash-water pumping station kiosk; inlet works MCC kiosk; LV meter and distribution board kiosk; and associated acoustic barriers.

PL.67 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

67.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 45-50. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

67.2 With regard to 17/01190/FUL – Elm Cottage, Shurdington Road, Shurdington which had been dismissed on appeal, a Member queried what would happen next given that the residential annexe had already been built. In response, the Technical Planning Manager advised that the local planning authority was able to consider enforcement action. Officers had been in discussion with the applicant about their intentions and a solution would now be sought – that may be complete removal or an alternative which would be subject to a planning application and potentially a decision by the Committee.

67.3 It was
RESOLVED That the Current Appeals and Appeal Decisions Update be
NOTED.

The meeting closed at 10:55 am

Appendix 1SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 19 February 2019

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	
607	2	<p>18/00940/FUL - 3 Saffron Road, Tewkesbury</p> <p>The applicant has submitted a specification guide detailing the windows to be used. They comprise of timber flush casement sash windows painted in white which is proposed to be secured by condition.</p> <p>A local resident has submitted a letter in objection to the application (letter attached).</p>
616	4	<p>18/01104/OUT - Land Adjacent To The John Moore Primary School, Columbine Road, Walton Cardiff</p> <p>Paragraph 6.40 Sport England comments were received on 5 February 2019 stating: <i>"As the proposal does not have any impact on any existing sport facilities or playing fields and does not generate significant demand for new indoor or outdoor sports facilities, Sport England has no comments to make."</i></p> <p>Paragraph 6.36 no further comments received regarding Community, Education and Library contributions</p> <p>The following response has been received from the agent in response to the Parish Council's concern over future expansion of the John Moore school:</p> <p><i>"School expansion - as previously noted development within the Walton Cardiff area will produce a demand for school places at The John Moore Primary school in Reception from September 2019. To accommodate this, Gloucestershire County Council will require the school to grow by 0.5 Forms of Entry (FE) which will increase the school's PAN to 45 (315 places). If development in the area continues, it is likely future growth would be required at John Moore Primary school. Therefore, not including the land currently earmarked for disposal, the existing school site measures 23249 m²/5.74 acres. This is sufficient area to enable the school to accommodate the planned 0.5 FE growth of the school. Furthermore, there will also be sufficient area remaining to enable the school to expand by a further 0.5 FE to become a 2FE school should the need arise in the future. "</i></p> <p>In response to the Urban Designer comments the agent has submitted the following: <i>"there are 2no maisonettes on the site which brings the total to 30 units as shown on the masterplan."</i></p> <p>The recommendation is subject to the addition/amendment of conditions as necessary.</p>

Page No	Item No	
637	6	<p>18/01105/FUL - 1 Britannia Way, Woodmancote</p> <p>Woodmancote Parish Council wish to add further comment subsequent to a recent Parish Council meeting as follows:</p> <p><i>“Woodmancote Parish Council continues to object to this planning application, although it notes the revision in regards to the creation of a new access and therefore and is satisfied with the revised proposals in regards to the access.</i></p> <p><i>The Council continues to have severe reservations in regards to the creation of the veranda which in its opinion will lead to a loss of privacy previously enjoyed by the neighbouring gardens. The Council also feels that the proposed side extension is too big for its surrounds and does not sympathetically lend itself to the footprint, the Council would prefer to see the extension scaled back slightly.”</i></p>
641	7	<p>18/00607/FUL - Greenacres, Brookfield Road, Churchdown</p> <p>Since the report was published, the appeal has been validated by the Planning Inspectorate and the recommendation is therefore changed to 'Minded to Permit'.</p>

Item 2 – 18/00940/FUL –Letter from Local Resident

URGENT

To: techadmin@tewkesbury.gov.uk

From: [REDACTED]

17 Feb 2019

Planning Application no: 18_00940_FUL

OBJECTION

It is understood the Applicant is minded to substantially deprive the Watson Hall of Light ignoring the 25 and 45deg rules now a requirement widely in use by developers and planning authorities.

Window Can Not Be Obstructed

The Watson Hall ground floor window in question is the sole and only window (South East facing) through which Daylight reaches a large room. The overall Window area is well under 20% of floor area. Accordingly no obstruction of the window beyond the 25 and 45deg rules may be permitted. Planning Officers must know this.

Supreme Court Decision Applies

Planning Officers and Councillors please note the important Supreme Court decision in the law of nuisance. Ref: Coventry and others v Lawrence and another 2014 UKSC 13.

The related part of the decision to emerge in summary:

"It's wrong in principle that the grant of planning permission should deprive a property owner of a right to object to what would otherwise be a nuisance..."

In this Application, apart from failure to follow the 25 and 45deg rules, there is unreasonable interference in the Right to Light of the Watson Hall and thus any planning permission to obstruct (in breach of the 25 and 45deg rules) constitutes a nuisance.

For both the above reasons the Application can not be granted in breach of the 25 and 45deg rules.

Thank you for your attention to this.

[REDACTED]

Item 3 - 18/01013/FUL - Further Representation Circulated Separately

Consultee Comments for Planning Application 18/01013/FUL

Application Summary

Application Number: 18/01013/FUL

Address: 71 - 73 Barton Street Tewkesbury Gloucestershire GL20 5PY

Proposal: Application for the change of use of ground floor from bank (A2) to offices (B1) and change of use of upper floors from bank (A2) to 2 no. apartments (C3) plus external alterations to the ground floor frontage

Case Officer: Dawn Lloyd

Consultee Details



On Behalf Of: Tewkesbury Town Council

Comments

Having seen the materials proposed the Town Council withdraws its objection.

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	19 March 2019
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) 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 Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	18/00628/FUL
Location	24 Homecroft Drive Uckington Cheltenham Gloucestershire GL51 9SN
Development	Construction of two storey rear extension and external alterations.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	DISMISSED
Reason	<p>The application was refused on grounds that the proposal, by reason of its size, bulk and design, would fail to respect the character, scale and proportions of the existing dwelling and this would result in unacceptable harm to the character and appearance of the existing dwelling contrary to Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006).</p> <p>The Inspector concurred with the Council's reason for refusal and considered the size, bulk and design of the proposed rear extension to be out of character and scale with the existing bungalow. The Inspector commented that the ground floor projection would be acceptable, taking into account the size of the plot and build line of neighbouring properties, but iterated the upper floor element would resemble a large flat roof dormer which would appear as a bulky and awkward element out of keeping with the steep roof pitches of the main bungalow. The Inspector did not consider the proposal to appear particularly dominant in the street scene because of its location at the rear but accepted it would be visible in oblique views from the road by virtue of its size and relationship with the existing roof.</p> <p>The Inspector concluded that the existing bungalow would be capable of being extended but was not persuaded that the scale and design of this proposal would produce a satisfactory outcome. Thus, the Inspector deemed the proposal contrary to Local Plan Policy HOU8 and the appeal was dismissed.</p>
Date	25.01.2019

- 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: Appeals Administrator
01684 272062 AppealsAdmin@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
	1 Folly Cottage Barrow Boddington Cheltenham Gloucestershire GL51 0TL	Erection of a first floor rear and single storey rear and side extensions. (Revision of application 17/00963/FUL)	12/02/2019	H	VIS	

Process Type

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