

10 April 2019

<b>Committee</b>	Planning
<b>Date</b>	Thursday, 18 April 2019
<b>Time of Meeting</b>	10:00 am
<b>Venue</b>	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.



	<b>Item</b>	<b>Page(s)</b>
<b>4.</b>	<b>MINUTES</b>	1 - 22
	To approve the Minutes of the meeting held on 19 March 2019.	
<b>5.</b>	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) Schedule</b>	
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	
<b>6.</b>	<b>CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>	23 - 27
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

**DATE OF NEXT MEETING**  
**TUESDAY, 18 JUNE 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 March 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, R J E Vines and P N Workman

### **PL.68 ANNOUNCEMENTS**

- 68.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 68.2 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.69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 69.1 Apologies for absence were received from Councillor P E Stokes. There were no substitutions for the meeting.

### **PL.70 DECLARATIONS OF INTEREST**

- 70.1 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.
- 70.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R E Allen	18/00940/FUL 3 Saffron Road, Tewkesbury. 18/01180/FUL Rose Cottage, Main Street, Dumbleton.	Had received emails in relation to the applications but had not expressed an opinion.	Would speak and vote.

P W Awford	18/00803/FUL Deanwood Lodge, Church Road, Maisemore	Is a Gloucestershire County Councillor for the area.  Is a Borough Councillor for the area.  Attends meetings of Maisemore Parish Council but does not participate.	Would speak and vote.
P W Awford	18/00109/APP Land at Perrybrook to the North of Brockworth and to the South of the A417, Brockworth.	Is a life member of the National Flood Forum.  Is a Borough Council representative on the Lower Severn (2005) Internal Drainage Board.  Is a representative on the Severn and Wye Regional Flood and Coastal Committee and on the Wessex Regional Flood and Coastal Committee.	Would speak and vote.
D M M Davies	18/00549/OUT Racecourse Garage, Evesham Road, Bishop's Cleeve.	Whilst he does not know the applicant, he does know others connected to the application.	Would not speak or vote and would leave the room for consideration of this item.
R D East	18/00549/OUT Racecourse Garage, Evesham Road, Bishop's Cleeve.	The original owner of the site was known to him.	Would speak and vote.
R M Hatton	18/00109/APP Land at Perrybrook to the North of Brockworth and to the South of the A417, Brockworth.	Had been in discussion with the developer in relation to potential vehicular access from the site to land owned by Brockworth Parish Council.	Would not speak or vote and would leave the room for consideration of this item.

A Hollaway	19/00029/FUL Cuckoo Farm, Southam Lane, Southam	The applicant is a family member.	Would not speak or vote and would leave the room for consideration of this item.
A S Reece	18/00549/OUT Racecourse Garage, Evesham Road, Bishop's Cleeve	The applicant is known to him socially.	Would speak and vote.
H A E Turbyfield	18/00109/APP Land at Perrybrook to the North of Brockworth and to the South of the A417, Brockworth.	Had been in discussion with the developer in relation to potential vehicular access from the site to land owned by Brockworth Parish Council.	Would not speak or vote and would leave the room for consideration of this item.
R J E Vines	18/00109/APP Land at Perrybrook to the North of Brockworth and to the South of the A417, Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P N Workman	18/00940/FUL 3 Saffron Road, Tewkesbury.	Is a Member of Tewkesbury Town Council which owns the adjacent Watson Hall.	Would not speak or vote and would leave the room for consideration of this item.

70.3 There were no further declarations made on this occasion.

## **PL.71 MINUTES**

71.1 The Minutes of the meeting held on 19 February 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.72 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****Schedule**

72.1 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, together with a plan in respect of application 18/01180/FUL, 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.

**18/00940/FUL – 3 Saffron Road, Tewkesbury**

72.2 This application was for erection of a two-storey side and rear extension (revised application ref: 13/00211/FUL). The application was deferred at the Planning Committee meeting on 19 February 2019 for a Committee Site Visit to assess the Town Council's concerns. The Committee had visited the application site on Monday 18 March 2019.

72.3 The Chair invited the representative from Tewkesbury Town Council to address the Committee. The Town Council representative explained that the Town Council had consistently objected to this application on the grounds that it created a 'right to light' issue for the Tudor Room which was situated to the rear of 3 Saffron Road. The Town Council held the title to the property which accommodated a bar and meeting room for users of the George Watson Memorial Hall, of which it was sole trustee. She advised that the Town Council had made improvements to the venue, including refurbishment to the bar, stage provision and staff resources for promoting and marketing the hall. A marked increase in bookings meant that the Tudor Room had become a popular venue and the room was used for both daytime and evening events including parties, weddings and corporate meetings and by schools and community groups. The Hall's recent increase in bookings was recognised in the exceedance of the set income target; this was an important resource for revenue income for the Town Council, benefitting the local economy and the community. The Hall had regular weekly uses, such as pole dancing classes and an NHS care session, and evening events including Northern Soul dance, Tewkesbury Town Band and larger music nights with confirmed bookings up to 2020. Page No. 651, Paragraph 5.13 of the Officer report described usage of the Tudor Room as 'sporadic' but this was far from the case with 59 bookings over a period of 92 days between March and May and potentially more to come. The report also described the effect of the proposed extension being 'as it would have been in the event that the previous 2013 proposal were implemented'; however, she indicated that the drawings for the 2013 proposal clearly showed that the proposed extension was only one storey high along the wall closest to and parallel with the Tudor Room, whereas the current proposal was for a much higher wall with gables above which would cast a much larger shadow on the building which lay just one metre to the north. She went on to explain that natural lighting levels were already quite low in the Tudor Room and, prior to the Committee meeting on 19 February 2019, Members and Officers had received modelling information from the Town Council demonstrating that the proposed development would cast the rear wall and window of the Tudor Room into shade for a significant part of each afternoon, making the room darker, cooler and damp, thus rendering it less attractive to potential users. It was likely that the Town Council would face higher costs in trying to counteract this effect, which ultimately would impact on users and parishioners. For these reasons, the Town Council urged the Committee to refuse the application.

- 72.4 The Chair sought clarification of the status of the 'right to light' argument. In response, the Technical Planning Manager advised that this was separate legislation and the Committee should be mindful of that whilst making a judgement on the effect it may have in planning terms; the Council's position was clearly set out within the Officer's report. In terms of what the Town Council representative had said in relation to the usage of the building, and the light which it already received in comparison to the previous and current applications, the Council's view remained unchanged and Members would have seen this for themselves on the Committee Site Visit. This was a material consideration which had to be weighed in the balance of the impact on the light to the room and Officers believed there would not be an unacceptable impact given the previous planning permission. He explained that there was a two storey element which had been reduced to a single storey lean-to closest to the window to the Watson Hall; because there had been a two storey element, it was not felt there would be a marked difference in relation to the light received in the room. The Legal Adviser clarified that, as a land matter, the Town Council may have a right to light above and beyond what was acceptable in planning policy terms.
- 72.5 A Member noted that an additional representation from Tewkesbury Town Council, covering the points raised in the speech given by the Town Council representative, had been circulated to Members but was not included on the Additional Representations Sheet, attached at Appendix 1, and assurance was provided that this would be included in the version attached to the Minutes of the meeting. The Member went on to indicate that it was evident from the Committee Site Visit that the wall had not been built in accordance with the plan and she understood that the Planning Enforcement Team had been notified. In response, the Technical Planning Manager clarified that Members were required to make a decision based on the plans before them and he gave assurance that the build would be monitored so that it was being constructed in accordance with those plans; should that not be the case, there were enforcement powers available and they would be utilised.
- 72.6 A Member indicated that he had been surprised from the Committee Site Visit at the proximity of the buildings to the Watson Hall and he questioned whether this would be adequate in terms of fire regulations. Another Member echoed this and also raised concern as to whether the footings were correct. The Technical Planning Manager explained that footings were a building regulations matter and this would be taken up with the relevant bodies. In terms of proximity in respect of fire regulations, again, this would not be a planning matter, but he suspected this application was no different to any number of buildings in the Town Centre which were very close together. A Member went on to indicate that Page No. 651, Paragraph 5.12 of the Officer report set out that a gap of one metre between the extension and the Watson Hall would be maintained as a maintenance strip and expressed the view that this would be needed fairly soon as it had been very difficult to get around the corner into the courtyard on the Committee Site Visit.
- 72.7 The Chair reminded Members of the need to determine the application before them. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that she had great sympathy with the Town Council; however, there were a number of similar businesses in Tewkesbury Town with a very limited amount of natural light which were reliant on artificial light and there were measures that could be taken to improve the atmosphere and ambiance, for instance, installing rooflights to bring more natural light in. The Council had a duty to provide more places for people to live and, with a heavy heart, she considered that there was no real planning reason to refuse the application. The seconder of the motion sought assurance that the development would be closely monitored by Building Control given the concerns that

had been stated regarding the footings etc. and the Technical Planning Manager confirmed this would be raised with the appropriate teams. Upon being put to the vote it was

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

**18/01180/FUL – Rose Cottage, Main Street, Dumbleton**

72.8 This application was for replacement of two first floor windows and retention of three windows and a door on the front elevation.

72.9 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted that the Council's previous Conservation Officer had objected to the proposal and he questioned what had changed to make it acceptable. The Planning Officer explained that an application had been submitted in late 2017 as windows had been fitted previously without planning consent. He confirmed that the previous Conservation Officer had no concerns regarding the sash windows but had suggested that changes be made to the top two windows. The application had subsequently been withdrawn and negotiations had taken place which had resulted in the Conservation Officer's concerns being addressed and the application before Members was for retention of the lower sash windows and the door with the two top windows to be changed in accordance with the details submitted with the application. A Member pointed out that the plans appeared to be showing completely different windows to those described in the report and the Planning Officer circulated a copy of the plan showing the replacement window details as proposed. He confirmed that the top two windows were referenced as three-light casement windows which was more in line with what was there previously, prior to the fitted windows. In response to a Member query, the Planning Officer indicated that he understood the window panes would be equally sized and the window opening itself would remain the same; he confirmed this was in line with the design recommended by the previous Conservation Officer.

72.10 During the debate which ensued, Members raised concern about the size and spacing of the windows and it was suggested that it would be preferable for the windows to stay as they were. The Chair queried whether this could be achieved through a delegated permission as he shared concerns over the proposed replacements in terms of the thickness of UPVC windows and the size of the actual window panes themselves. The Technical Planning Manager confirmed that, should the Committee wish to revert back to what had been fitted, a delegated permission would be an appropriate way to deal with that. It was subsequently proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application subject to the amendment of the application to the retention of five windows and a door on the front elevation, and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the amendment of the application to the retention of five windows and a door on the front elevation.

**18/00794/APP – Land Behind Newton Cottages, Ashchurch Road**

72.11 This application was for the approval of reserved matters pursuant to outline planning permission 14/00343/OUT (appearance, landscaping, layout and scale) for 44 dwellings and open space (access previously approved).

72.12 The Planning Officer advised that further landscape details had been submitted as required by the Council's Landscape Adviser, but Officers were yet to receive any feedback. There had been positive discussions with the applicant regarding amendments to improve the external appearance in terms of the layout of the windows and detailed design, and affordable housing had been discussed with the



Council's legal advisers who had confirmed that an off-site financial contribution could be secured through a deed of variation to the original Section 106 Agreement. As such, the application was recommended for a delegated approval, subject to resolution of the outstanding issues relating to levels, landscaping, design of housetypes and off-site affordable housing, as set out at Page No. 661 of the Officer report. It was noted that the recommendation at Page No. 657 of the Officer report was incorrect and should state '*Delegated Approve*'.

- 72.13 A Member noted that the Parish Council had raised concern that no solar panels were shown on any of the properties and she asked whether there were plans to include them. The Planning Officer confirmed that no solar panels were proposed as part of the application and there was no requirement for them to be provided in the original outline planning permission; whilst it could be raised with the applicant, there was no planning mechanism to require them as part of this application.
- 72.14 The Chair indicated that there were no public speakers for the application. The Officer recommendation was to delegate authority to the Technical Planning Manager to approve the application, subject to resolution of the outstanding issues relating to levels, landscaping, design of housetypes and off-site affordable housing, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation. A Member noted that the Parish Council was concerned with drainage and flooding and queried why the Council's Flood Risk Management Engineer had not been consulted on the proposal despite Page No. 657, Paragraph 1.2 of the Officer report referring to the site being located in various flood zones. Given that this development was for 44 dwellings, and taking into account the Council's Flood and Water Management Supplementary Planning Document (SPD), he was of the view that it was significant enough to warrant comment from the Council's Flood Risk Management Engineer. The Planning Officer drew attention to Page No. 660, Paragraph 5.20 of the Officer report which set out that the impact on surface water drainage had been considered at the outline application stage and was covered by a condition in the outline planning permission which required the specific details to be approved prior to the commencement of development. Another Member noted that Page No. 658, Paragraph 3.5 of the Officer report mentioned that a dog waste bin would be provided in the informal open space to the southern part of the site and she sought clarification that Ubico would be required to empty that bin given that normal refuse bins could be used to dispose of that waste. The Technical Planning Manager indicated that this was not a matter for the determination of this application but it was useful information and he would speak to his colleagues at Ubico on that matter.
- 72.15 Upon being taken to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to resolution of the outstanding issues relating to levels, landscaping, design of housetypes and off-site affordable housing.
- 18/00535/FUL – Car Park at Church Road, Churchdown**
- 72.16 This was an application for a temporary change of use of parking space for stationing of mobile catering vehicle for six months.
- 72.17 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the applicant would take care to keep the site clear of rubbish and to keep disturbance to a minimum. He confirmed that CCTV would be available to help reduce crime and anti-social behaviour. The applicant had many years experience in the business and would be grateful for the opportunity to provide a service to the community.

72.18 A Member questioned what the benefit of a six month temporary permission would be, bearing in mind the comments that had been received from Gloucestershire Police about potential anti-social behaviour issues in the location. The Technical Planning Manager explained that a temporary permission would give time to establish whether any of the perceived concerns came to fruition; a six month period would be long enough to establish whether the van was being used regularly and if it was causing any problems in reality. The applicant's agent had indicated that CCTV would be available and that was something which Officers could check. If after the six months it was clear that there were issues, a further application could be robustly refused at that stage. In response to a query as to whether the applicant had applied for a street trading licence, the Technical Planning Manager advised that this was not a planning consideration but, should planning permission be granted, a note could be included in the decision notice to explain that the applicant needed to apply for a street trading licence before he started trading.

72.19 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be refused on the basis that the proposal was likely to give rise to anti-social behaviour and have an unacceptable impact on the living conditions of nearby residents including noise from the vehicles and odours arising from its use. A brief debate ensued regarding use of the car park and concerns were raised as to whether there would be enough spaces for residents and local businesses. A Member pointed out that there were already shops and restaurants in the area and questioned whether there was a need for a mobile catering van. A Member drew attention to Page No. 663, Paragraph 3.3 of the Officer report which stated that the application would only result in a reduction of one car parking space, from 50 spaces to 49 spaces, but she felt that would not be the case in reality and asked whether this could be guaranteed. The Technical Planning Manager drew attention to Page No. 665, Paragraph 5.10 of the Officer report and explained that the applicant had confirmed the takeaway business would operate between the hours of 1700 and 2300 and he did not anticipate the car park being full at those times. A Member disagreed with this view as this would be the peak time for use by patrons of the nearby club which had a bar and skittle alley. A Member pointed out that the consultee response from Gloucestershire Police appeared to conflict with Page No. 664, Paragraph 5.5 of the Officer report and wondered which was more accurate. Another Member agreed that the location did not make sense and he could not support the proposal. The Technical Planning Manager stressed that there was no evidence that loss of one to three car parking spaces would have a harmful impact; the County Highways Officer had raised no objection and there was additional on-street parking in the area so the Committee did not have evidence to robustly justify a refusal reason on those grounds. In terms of the issues relating to anti-social behaviour, Members needed to consider whether they outweighed the benefits to the community. There was a difference between fear of anti-social behaviour and having actual evidence – there was currently no evidence but there was a fear and the Police had provided comments which should be taken into consideration. A Member indicated that the Police were frequently asked by local residents what they were doing about anti-social behaviour and he felt that they should be supported in trying to take action by objecting to this proposal. Another Member shared this view and pointed out that the Police did not have the manpower to deal with anti-social behaviour arising from this type of outlet and he could not support the proposal. A Member expressed the view that the application should be refused and he pointed out that litter was a problem with mobile catering businesses and he suspected there would be issues in respect of the recycling bins on the car park because of waste contamination. Car parking was vital for the economy and tourism and, as the borough did not have an oversupply of car parking, he was concerned that permitting this application may lead to similar applications in other car parks.

72.20 Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the proposal was likely to give rise to anti-social behaviour and have an unacceptable impact on the living conditions of nearby residents including noise from the vehicles and odours arising from its use.

**19/00024/FUL – 47 Pecked Lane, Bishop’s Cleeve**

72.21 This application was for the demolition of a detached rear garage and erection of a two storey side and single storey rear extension.

72.22 The Chair invited the applicant to address the Committee. The applicant explained that the two upstairs bedrooms were very small and the extension would allow an extra room to be created and provide room for his family to grow. The new downstairs layout would allow the existing garage to be knocked down and brought forward, stepped back from the front line of the house and in line with the dining room at the front. This would take up the drive area running down the side of the house and into the garden of the existing garage still leaving enough off-street parking for four to five cars. He believed the design would work well as there would be an external/internal passageway running through the new garage and extension, leaving access to the back garden if needed. He noted that there was an objection from the Parish Council on overdevelopment grounds but Pecked Lane contained a mix of housing and the majority had been extended at some point. He and his family liked living in the area and hoped this proposal would allow them to stay there.

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

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

**19/00029/FUL – Cuckoo Farm, Southam Lane, Southam**

72.24 This application was for retention of a storage barn.

72.25 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. A Member understood that an agricultural use application for a proposed new agricultural building for the storage of hay and farm machinery had been determined as ‘prior approval not required’ in October 2018 and the applicant had subsequently gone ahead with the development; however, the barn had been built in a different location and was a different size from that set out in the application and she sought clarification as to where it should have been located and the difference in size. Another Member indicated that it was approximately two to three metres away from where it should have been and was one or two metres higher than any of the surrounding buildings. It was worrying that it had not been built in accordance with the plans and he was looking for assurance it was only being used for agricultural storage and hay. The Planning Officer clarified that the building was sited approximately 30 metres further to the south than in the agricultural use application but was the same size and was in close proximity to adjacent agricultural buildings. A Member raised concern that the building had not been built in the correct location, particularly as it was within the Green Belt; whilst she recognised there was separate planning policy for agricultural buildings within the Green Belt, this was an enormous building compared to existing buildings and was somewhat of an eyesore. She felt it would be beneficial for Members to see this for themselves. In response

to a Member question as to whether the barn was sited at a different level to that permitted, the Planning Officer stated that the whole site was fairly flat. It was subsequently proposed and seconded that the application be deferred for a Planning Committee Site Visit and, upon being taken to the vote, it was

**RESOLVED** That the application be **DEFERRED** for a Planning Committee Site Visit in order to assess the impact of the siting of the building.

**18/00549/OUT – Racecourse Garage, Evesham Road, Bishop’s Cleeve**

- 72.26 This was an outline application for the demolition of the existing car sales office building and canopy and the erection of six dwellings with all matters reserved.
- 72.27 The Chair invited the applicant’s representative to address the Committee. The applicant’s representative indicated that the starting point for the application was the appeal inspector’s decision in 2013 which had determined that nine houses was too many for the site. This had been addressed by reducing the amount by one third to six new homes. The application for six houses gave a better feeling of relative openness; ensured the site would not look overcrowded; eliminated potential parking issues on Cantor’s Drive by having County Highways approved accesses from the Cheltenham Road; and ensured there would be no loss of local business as a major part of the business was already internet-based with the plan to make it 100% online going forward. He pointed out that the site was originally a petrol-filling station before becoming a car sales site and the contaminated land report that had been produced previously may now need updating, even though nothing untoward had been found. It had also been requested that a noise assessment be produced to make certain that residents could enjoy their new homes; this application removed the potential noise and disturbance of a commercial site right on the doorsteps of Cantor’s Drive and nearby homes. He went on to indicate that the housing now being proposed would be of good quality and would remove the brownfield site from the entrance to the village and a comprehensive landscaping scheme would help soften the impact on the important gateway to the village. The application had been the subject of long and detailed discussions with the Planning Department which had resulted in an acceptable proposal and he thanked the Planning Officer for her guidance on these sensitive matters.
- 72.28 The Planning Officer drew attention to Page No. 675, Paragraph 3.4 of the Officer report which stated that the proposal had been subject to revisions, including a reduction in the number of dwellings proposed and changes to the illustrative site layout in response to Officer concerns and consultee responses; this meant that a new notification and consultation period had been carried out which had expired the previous day. One objection from a local resident had been received too late for inclusion on the Additional Representations Sheet; however, no new matters had been raised, therefore the Officer recommendation had been changed from a delegated permit to permit.
- 72.29 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.

**18/00803/FUL – Deanwood Lodge, Church Road, Maisemore**

- 72.30 This application was for internal reconfiguration and refurbishment of an existing elderly and dementia care home into a 13 bed residence for people with learning difficulties; external works included the installation of additional windows and doors and the removal of an existing external escape stairway.
- 72.31 The Planning Officer drew attention to Page No. 687, Paragraph 5.21 of the Officer's report where it was stated that it was likely that the applicant would be required to enter into a legal agreement to secure the future occupation of the units and advised that this was still being considered so there was no further update in this regard; however, the Officer report only made reference to securing an appropriate planning obligation and it was necessary to update that to include appropriate conditions in case that was a suitable option. The Officer recommendation had therefore been amended to a delegated permit, subject to securing the form of occupation by appropriate condition and/or planning obligation.
- 72.32 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that Deanwood Lodge was a 47 bed care home for the elderly which had closed in mid-2018. This application was for a 13 bed residence to provide assisted living units for persons with learning difficulties and autism, some of whom also had physical conditions, as opposed to people with mental health conditions. It would provide a chance for them to learn to live independently, for example, how to cook, clean and pay bills. All would be referred by the NHS or Gloucestershire County Council and would be supported by professional staff; support would range from around four hours per day to 24 hours per day. He clarified that there would be less residents, less staff and fewer deliveries and comings and goings than there had been previously and the physical changes to the building were minor. The developer had a proven track record of operating this type of use without any adverse impacts and he hoped that the Committee would support this important facility.
- 72.33 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to securing the form of occupation by appropriate condition and/or planning obligation, and he sought a motion from the floor. A Member indicated that he had noted that, when the Parish Council had debated the proposal, several concerns had been raised regarding on-street parking in Church Road and he questioned whether it was possible to condition the application to require residents, staff and visitors to the care home to use the on-site parking. The Parish Council had previously requested County Highways to paint double yellow lines along Church Road as cars often had to wait to make a right hand turn at the junction due to the way vehicles were parked along the road; unfortunately, this had not been possible as it could not be policed by County Highways. The Technical Planning Manager understood these concerns but it was considered that the development would not result in an intensification of the use of the site over and above the former care home use and parking would be available on site. In the same way it was not possible for County Highways to police the double yellow lines, the Council would not be able to enforce a condition restricting parking along Church Road. The Member recognised the value of the establishment being proposed, and that 13 beds was less than the 47 beds within the previous dementia care facility, and proposed that authority be delegated to the Technical Planning Manager to permit the application, subject to securing the form of occupation by appropriate condition and/or planning obligation, in accordance with the Officer recommendation. This proposal was duly seconded and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to securing the form of occupation by appropriate condition and/or planning obligation.

**18/00109/APP – Land at Perrybrook to the North of Brockworth and to the South of the A417, Brockworth**

- 72.34 This was an approval of reserved matters application (appearance, layout, landscaping and scale) comprising Phase 3 of outline planning permission 12/01256/OUT for the erection of 225 dwellings with public open space, play area and associated infrastructure, and including the discharge of outline conditions (as amended): 2 (reserved matters time limit), 5 (design compliance), 8 (surface water drainage strategy – all phases), 9 (floor levels – flood risk), 10 (sewage disposal – phase 3), 12 (trees), 24 (noise assessment – phase 3) and 28 (waste minimisation).
- 72.35 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, in relation to the amendment of condition 6 in respect of specifications of proposed window systems, ventilation and the acoustic fence. She advised that the wording of the condition had been discussed with the Council's Environmental Health Officer who was satisfied that the proposed window and ventilation systems set out in the acoustic report were satisfactory and it was therefore proposed that the condition be amended to remove the reference to the need for future details in that regard but to retain the need to secure further details of the acoustic fence. In terms of the two conditions in relation to highways, discussions had been ongoing since the publication of the Officer report and she advised that condition 8 had been satisfactorily resolved following receipt of amended plans in relation to the plots so County Highways was happy that it could be removed. In respect of condition 9, County Highways was still discussing the details required with the applicant; however, the Officer recommendation was for a delegated approval in order to resolve minor matters concerning highways and any other revisions to conditions and, should Members be minded to approve the application, it was possible that condition could be resolved and removed prior to issuing a decision notice which would achieve a cleaner planning permission going forward.
- 72.36 A Member questioned what the density would be and whether there had been any police assessment of blind spots etc. He also noted that parking for Unit 56 ran through a retained hedge and sought an explanation as to why that would not have to be removed. He also pointed out that the Council's Housing Enabling Officer had no objection and sought assurance that the 40% model for affordable housing was being used. Furthermore, the report stated that the Environmental Health Officer had no objection as the noise assessment *appeared* satisfactory and he asked for confirmation that it was satisfactory. In respect of flooding and drainage, he indicated that the outline planning permission had been granted before the County Council had become the Lead Local Flood Authority and prior to approval of the Council's Flood and Water Management SPD. He believed a Surface Water Management Plan had since been produced for Brockworth so he was surprised there had been no comment on the application from the Lead Local Flood Authority. He drew attention to Page No. 690, Paragraph 1.3 of the Officer report which set out that the banks of the Horsbere Brook were immediately south of the site and fell within Flood Zone 3. He had major concerns about the Horsbere Brook which carried all flow from Birdlip, the M5, A46 and A417, creating a potential ponding area, and fed into some of the other developments. He recognised there was a huge investment in flood defences but felt they would still be under capacity and

there was a significant safety issue for children given that a walking area was proposed alongside the Brook. He pointed out that the Flood Risk Management Group was already concerned with the erosion of the banks of the Horsbere Brook in the area that Tewkesbury Borough Council had responsibility for.

- 72.37 In response, the Planning Officer explained that the density had been agreed in the outline planning permission which was for 1,500 houses across the whole site. One of the conditions on that planning permission related to phasing and there was an identified number of dwellings per phase. Phase 3 was for 225 dwellings so the application brought forward was in accordance with the phasing plan. The Local Planning Authority was required to look at how it had been laid out and Officers felt this was appropriate for the number of dwellings and that the density it created was acceptable. She confirmed that Gloucestershire Constabulary had been consulted on the application but had not made a representation. In terms of Unit 56, there were a number of retained hedges identified within the outline planning permission and it was intended to remove a small section of the hedge to improve pedestrian connectivity - this had been discussed with the Urban Design Officer and Landscape Officer who had no objection. With regard to affordable housing, 40% had been agreed for the whole site of 1,500 dwellings and, within that, a percentage had been identified for each phase of development in accordance with the scheme. She went on to advise that the Environmental Health Officer considered the noise assessment to be satisfactory and explained that any acoustic report was based on modelling as it was not possible to take measurements until the dwellings were built out. The modelling had been carried out in accordance with best practice and therefore the report demonstrated that the proposal was acceptable. The Lead Local Flood Authority had not been formed when the proposal had been granted outline planning permission but had still been consulted on this application and had decided not to comment; in such circumstances, the Council's Flood Risk Management Engineer would pick up the drainage information and had done so in this case. With regard to Horsbere Brook, this was located within Flood Zone 3 and the entire application was in Flood Zone 1. The application included significant new landscaping and all green infrastructure in relation to the brook would be retained. No fencing was proposed for safety barriers as part of the application and that was not normally something which would be required. She pointed out that quite a few residents had access across the brook into the area of land currently. The Member indicated that, at peak flow, the water which ran off the escarpment and surrounding highway network into the Horsbere Brook would be very fast moving until it reached the flood defence which, given the amount of development in the area, he felt would be under capacity. He had real concerns regarding the site and could not support the application as it stood. The Technical Planning Manager took on board the comments and indicated that the question of fencing could potentially be investigated as part of the delegation; however, it was not something which could be insisted upon.

- 72.38 The Chair indicated that the Officer recommendation was for authority to be delegated to the Technical Planning Manager to approve the application, subject to the resolution of minor matters concerning highways and other revisions to conditions, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to the resolution of minor matters concerning highways and other revisions to conditions.

**PL.73 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

73.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 14-17. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

73.2 It was

**RESOLVED** That the Current Appeals and Appeal Decisions Update be  
**NOTED.**

The meeting closed at 12:10 pm



## Appendix 1

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

Date: 19 March 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.

<b>Page No</b>	<b>Item No</b>	
649	1	<p><b>11/00940/FUL</b></p> <p><b>3 Saffron Road, Tewkesbury</b></p> <p>Additional representation from Parish Council – attached in full.</p> <p>Comment from Planning Officer:</p> <p>The matter has been discussed with Building Control. In order for remedial works to be carried out successfully (i.e. that the external wall as current is removed and bricks re-laid some 350mm to the West) and for the proposed build to be structurally sound, the current foundations would need to be reconfigured in order to provide enough support to the outer wall to the east. Although this process is not desirable, and it would have been preferable to have built the foundations correctly first time around, it is not uncommon for this to happen and Building Control would support it in view of the planning merits.</p> <p>Although <i>Cheltenham</i> Building Control would not necessarily oversee the post-planning process, the build would need to be signed off by Building Control in any event.</p>
653	2	<p><b>18/01180/FUL</b></p> <p><b>Rose Cottage, Main Street, Dumbleton</b></p> <p>Plan showing the proposed replacement window details – see attached.</p>
662	4	<p><b>18/00535/FUL</b></p> <p><b>Car Park At, Church Road, Churchdown</b></p> <p><b>An additional letter of representation has been received from a local resident</b> who has raised an objection to the proposed development for similar reasons set out in previous representations from local residents which have been taken into account and addressed in the Officer report.</p>

674	7	<p><b>18/00549/OUT</b></p> <p><b>Racecourse Garage, Evesham Road, Bishops Cleeve</b></p> <p><b>Further Representations</b></p> <p><b><u>Bishops Cleeve Parish Council</u></b> - Object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• development would conflict with traffic on the Cheltenham Road - access in close proximity to the roundabout and there is no apparent turning circle for plots 1, 2 and 3;</li> <li>• access should be off Cantors Court;</li> <li>• development would be on the gateway to Bishop's Cleeve and the properties should be in-keeping with the character of the area; and,</li> <li>• property on the southernmost part of the site should have a more pleasing aspect.</li> </ul> <p>Notwithstanding this, the recommendation remains unchanged.</p>
688	9	<p><b>18/00109/APP</b></p> <p><b>Land At Perrybrook To The North Of Brockworth And To The South Of The A417, Brockworth</b></p> <p><b>Amendment to Condition 6 - Specifications of proposed window systems, ventilation and acoustic fence</b></p> <p>Following further discussion with the Environmental Health Officer to clarify the wording of this condition, it is confirmed that the proposed window systems and ventilation systems are specified in the approved acoustics report (dated 7 September 2018) and therefore further details do not need to be sought by condition; however, details of the acoustic fence will be required. <b>It is therefore recommended that the Condition be amended to read:</b></p> <p>"No works above the floor plate level of any dwelling shall be commenced until full details of the specification of the proposed acoustic fence located on the northern site boundary are first submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate in a UKAS accredited or an equal approved laboratory that the minimum sound reduction requirements can be achieved by the proposed acoustic fence (in terms of proposed surface density). The development shall be implemented in accordance with the details so approved.</p> <p>Reason: In the interests of the amenity of the future residents of the development".</p>



18/00940/FUL - 3, Saffron Road, Tewkesbury

Tewkesbury Town Council has consistently objected to this application on the grounds that it creates a 'right to light' issue for the Tudor Room, which is situated to the rear of 3, Saffron Road. The Town Council's interest is that it holds the title to that property, which accommodates a bar and meeting room for users of the George Watson Memorial Hall, of which it is the sole trustee.

The Town Council has made improvements to the venue including refurbishment to the bar, stage provision and staff resources for promoting and marketing the hall. A marked increase in bookings means the Tudor Room has become a popular location for many events. The room is used for daytime and evening events including for schools, parties, weddings, community groups and corporate meetings.

The Hall's recent increase in bookings is recognised in the exceedance of the set income target and this is a very valuable resource for revenue income for the Town Council, benefitting the local economy, and local/wider community. Bookings and use of the Tudor Room will increase further with upcoming promotion.

The hall has regular weekly users such as a pole dancing class, a twice weekly NHS care session and evening events such as Northern Soul dance, Town Band and larger music nights. The hall has confirmed bookings up to 2020.

Paragraph 5.13 of the Planning Officer's report describes usage of the Tudor Room as 'sporadic'. It is not sporadic at all. So far, March to May bookings are as follows:

March – 21 bookings, April – 22, and May – 16, making 59 bookings over a period of 92 days.

Paragraph 5.13 of the Planning Officer's report also describes the effect of the proposed extension as 'as it would have been in the event that the previous 2013 proposal were implemented'. However, the drawings for the 2013 proposal clearly show that the proposed extension was only one storey high along the wall closest to and parallel with the Tudor Room, whereas the current proposal is for a much higher wall with gables above and will therefore cast a much larger shadow on the building that lies just one metre to the north of it. (please see the comparisons on page 3)

Natural lighting levels are already quite low in the Tudor Room, as shown in the drawing and table on page 2. Prior to the 19<sup>th</sup> February members and officers received from the Town Council modelling information to demonstrate that the proposed development would cast the rear wall and window of the Tudor Room into shade for a significant part of each afternoon, making the room darker still, cooler and damp, thus rendering it less attractive to potential users. It is likely that the Town Council would face higher energy costs in trying to counteract this effect – costs that ultimately would have to be met from the pockets of users and parishioners.

The Town Council therefore again urges this Committee to refuse this application.

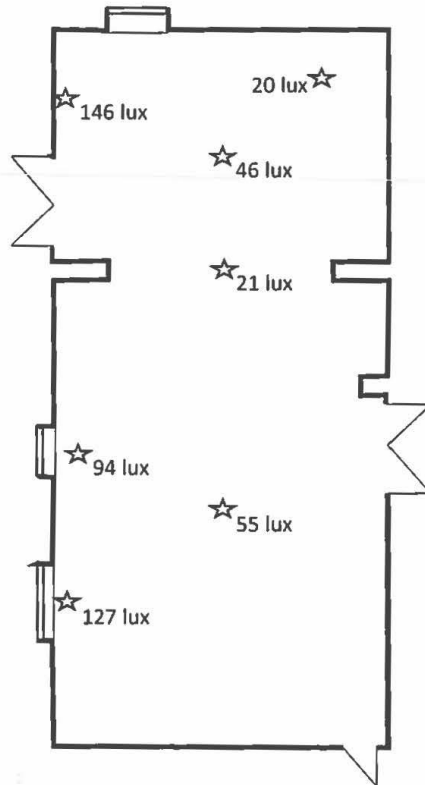
Light readings in the Tudor Room at 14.15 h on 27<sup>th</sup> February 2019.

Weather conditions – sunny, no cloud, unseasonably warm, dry.

Light meter readings taken at table top height.

Total floor area = 70.2m<sup>2</sup>      Total fenestration area = 2.8m<sup>2</sup>

Window area = 4% of floor area, should be at least 20% to provide adequate daylight.

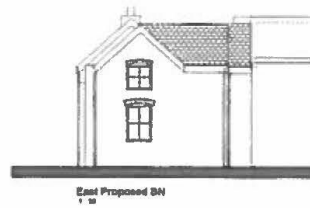


Activity	Safe Illuminance (lx, lumen/m <sup>2</sup> )
Public areas with dark surroundings	20 - 50
Simple orientation for short visits	50 - 100
Working areas where visual tasks are only occasionally performed	100 - 150
Easy office work	250

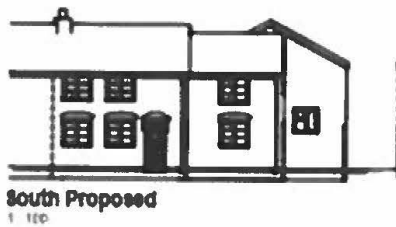
Elevation drawings from the Planning Portal, showing the consented 2013 proposal for comparison with the current proposal.



3, Saffron Road  
East elevation, proposed in 2013



3, Saffron Road  
East elevation, proposed in 2018



3, Saffron Road  
South elevation, proposed in 2013



3, Saffron Road  
South elevation, proposed in 2018

APPLICATION 18/01180/FUL

Evesham Home Improvements LTD  
Unit 7 Willersey Business Park  
Willersey  
Broadway  
●Worcestershire WR12 7PR ●

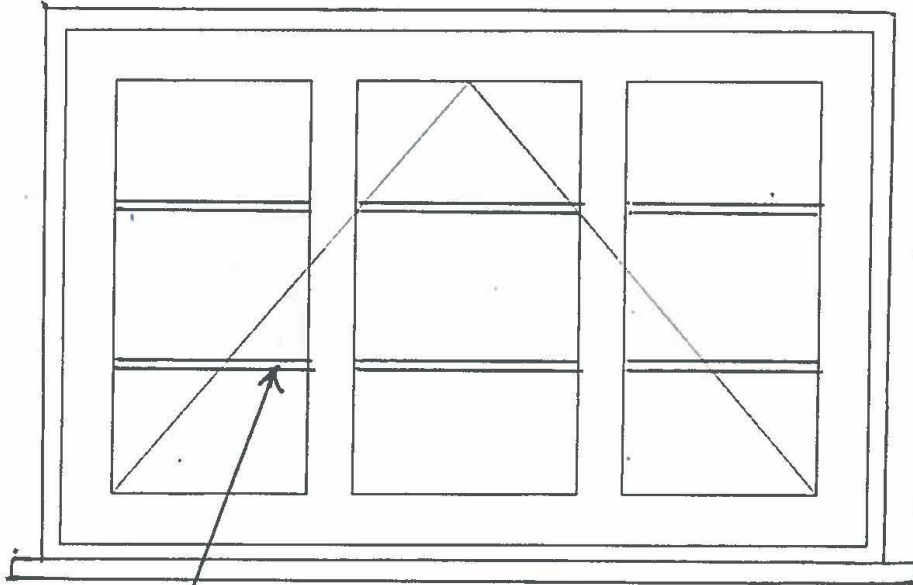
ROSE COTTAGE  
DUMBLETON

Proposed window change

Item 2 of 2 - FRONT BEDROOM Casement window

(1220 mm wide x 840 mm high)

97mm 63mm 63mm 97mm



HORIZONTAL GLAZING  
BARS TO MATCH EXISTING  
WINDOWS  
White finish uPVC

Name:

Address: Rose Cottage, Main Street  
Dumbleton  
WR11 7TH.

Date: 13/2/2018

# 70mm Casement Window



## Features

### Frame Offering

- ◀ Choice of 4 outer frame heights, 46mm, 58mm, 68mm and 83mm
- ◀ Choice of 3 transom width - 63mm, 72mm and 86mm
- ◀ 5 chamber outerframe and sash options
- ◀ All sections available featured and bevelled
- ◀ Available fully welded or mechanically jointed
- ◀ Rebated and flush sash options.

### Weatherseals

- ◀ High performance Q-Lon gasket supplied in all mainframe sections with a manufacturer lifetime guarantee

### Thermal and Steel Reinforcing

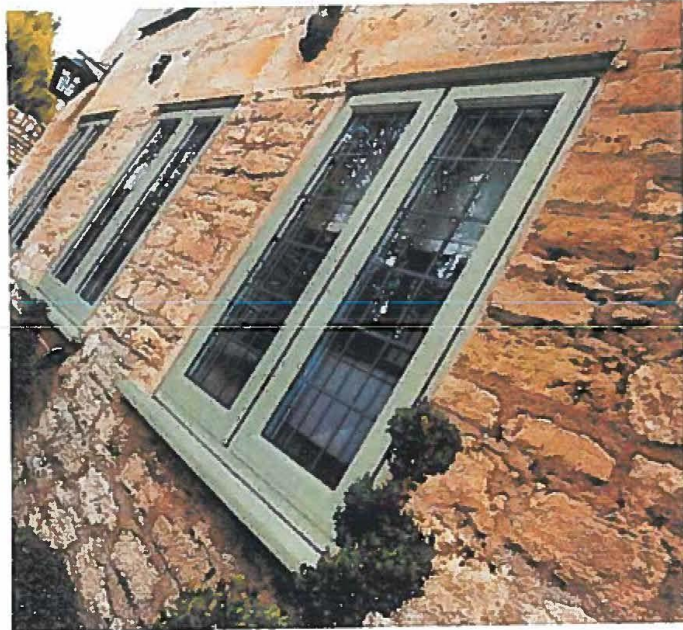
- ◀ Galvanised steel range to suit topography requirements
- ◀ Aluminium range for mechanical joint requirements
- ◀ All reinforcements are designed to achieve required security and weathering requirements, where required

### Finishes

- ◀ Standard white and brilliant white, on non lead PVC-u
- ◀ Range of solid colour and woodgrain foils

### Glazing

- ◀ Choice of 4 glazing thicknesses - 24mm or 28mm for double glazed units, 36mm or 44mm for triple glazed
- ◀ Astrical, Georgian bars in 20mm and 28mm widths.
- ◀ Single leg bead options for 28mm and 36mm.



### Ancillaries

- ◀ Comprehensive range of additions couplers, corner posts, bay poles available to suit any installation
- ◀ Mock horns available, mechanically jointed for traditional aesthetics.

### Hardware

- ◀ Full depth eurogroove, accepts a comprehensive range of espagnolette and shootbolts.
- ◀ Positioned to the inside of the sash allowing for night vent locking if required
- ◀ Secured By Design and Part Q specification available.

### Ventilation

- ◀ Proprietary ventilation devices can be used on all designs
- ◀ A range of head details available including large outerframe, head extension and dedicated one piece head vent (see cavity closer for further details).

### Thermal Performance

- ◀ A range of A-- to C and 0.8 to 1.6 U' value performance are achievable with the Duraflex Diamond Suite. See separate energy performance data sheet for details

## Test Results

Frame Type	Size	Air Permeability	Water Tightness	Wind Resistance	Standard	Accreditation Body
Projecting top hung	1200 x 1200	450Pa	300Pa	2400Pa	B56375 1 2004	BSI
	1300 x 1350	300Pa	300Pa	2400Pa	B56375 1 2009	BBA
Projecting side hung	800 x 1500	600Pa	300Pa	2400Pa	B56375 1 2009	BBA
Projecting side hung externally glazed	700 x 1350	300Pa	Class E1050	2000Pa	B56372 1 2004	BBA
Fixed Window	1900 x 1900	600Pa	300Pa	2000Pa	B56375 1 2004	BSI
Mock Horn	900 x 1600	300Pa	Class E1050	2400Pa	B56375 1 2004	BSI
Multilight (th/sh f)	2400 x 1200	450Pa	Class E600	1200Pa	B56375 1 2004	BSI

70mmCW Duraflex v04 17

## 70mm Casement Window



### Performance

#### Security

- ◀ Range of hardware available with varying degrees of security, up to enhanced security and Secured By Design status
- ◀ Glass clips for externally glazed windows also available to adhere SBD

#### Thermal

1st October 2010 saw the minimum thermal requirement for domestic replacement windows set at a minimum WER of 'C' or a minimum 'U' value of 1.6 W/m<sup>2</sup>K

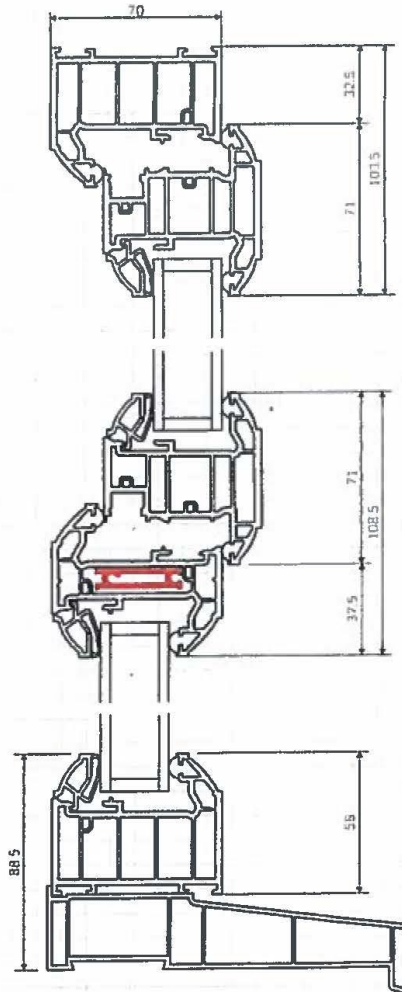
A very large number of simulations have been carried out by 'approved' simulators at Doraflex providing a comprehensive range of WERs (Window Energy Ratings) for A++, A+, A, B and C ratings and 'U' values as low as 0.8W/m<sup>2</sup>K using the 'standard' European window style and size.

#### Acoustic

Acoustic testing has been carried out at Exova using standard sealed units and those comprising laminated glass, a maximum reduction of 41dB Rw was achieved. In addition testing has been carried out on windows fitted with ventilators in both open and shut situations and our Q-Lon seal enhances acoustic performance.

### General Features

- ◀ **Q-Lon** - 99% compression recovery, high performance acoustic and weathersealing properties with lifetime guarantee. Operates perfectly in temperatures ranging from -20°C to 70°C
- ◀ **Lead Free** - environmentally friendly, calcium organic lead free formulation
- ◀ **Finishes** - comprehensive range of natural wood and solid colour falls
- ◀ **Structural** - comprehensive range of coupling sections to suit various applications.





## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	18 April 2019
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	1

<p><b>Executive Summary:</b> To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.</p>
<p><b>Recommendation:</b> <b>To CONSIDER the report.</b></p>
<p><b>Reasons for Recommendation:</b> To inform Members of recent appeal decisions.</p>

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

## 1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and 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:

<b>Application No</b>	18/00607/FUL
<b>Location</b>	Greenacres Brookfield Road Churchdown
<b>Development</b>	Removal of existing structures, retention of hardstanding and 3no. agricultural buildings. Erection of proposed polytunnel, additional hardstanding and extension to agricultural track.
<b>Officer recommendation</b>	Minded to permit
<b>Decision Type</b>	Committee decision
<b>DCLG Decision</b>	Appeal withdrawn
<b>Reason</b>	The appeal was withdrawn following the Planning Committee's determination that it would have been 'minded to permit' the application had the Council remained the decision-maker.
<b>Date</b>	03/04/2019

<b>Application No</b>	16/00486/OUT
<b>Location</b>	Land South Of Oakridge Highnam Gloucester Gloucestershire
<b>Development</b>	Outline application for the erection of 40 dwellings with all matters reserved except access.
<b>Officer recommendation</b>	Delegated permit
<b>Decision Type</b>	Committee decision
<b>DCLG Decision</b>	Appeal dismissed
<b>Reason</b>	<p>Planning permission was refused primarily on conflict with the development plan and landscape/urban design grounds. Technical matters in relation to highways, affordable housing and community infrastructure were addressed through a statement of common ground and planning obligations.</p> <p>In dismissing the appeal the Secretary of State (SoS) agreed with the Inspector that the Council could not demonstrate a five year supply of deliverable housing sites and consequently that <i>"the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, applies"</i>.</p>

	<p>The SoS agreed that there would be clear benefits to the proposal, including the provision of 40 new affordable and market homes and the creation of jobs during construction and afterwards through residual support for the local shop. He agreed with the Inspector that both the new homes and the economic benefits attract significant weight.</p> <p>In respect of the existing settlement pattern, the SoS noted that Oakridge provides a definitive and robust edge between the settlement and open countryside, and that development would result in harm by disrupting the settlement pattern by extending the urban area into open countryside beyond a well-defined edge. He also noted that the site does not fall within a landscape subject to any specific designation however he agreed with the Inspector's assessment that the development would result in a change to the experience of travelling along Oakridge, and that the proposal would be very prominent from other foot and cycle routes. The SoS concluded that these harms carried very substantial weight.</p> <p>Taking into account the above, and noting the conflict with a recently made Neighbourhood Plan, the SoS concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considered that there were no material considerations which indicated that the proposal should be determined other than in accordance with the development plan.</p> <p>As members will be aware the Council does not agree with the SoS's conclusions set out within the appeal decision in so far as they relate to the Council's ability to demonstrate a five year supply of deliverable housing sites. If the Council cannot demonstrate a five year supply then its policies for housing are considered to be out of date and the so called 'tilted' balance at paragraph 11 of the NPPF is engaged.</p> <p>In concluding that the Council could not demonstrate a five year supply, the SoS agreed with the Inspector who did not consider that it was appropriate for the Council to include past advanced delivery of housing within the plan period. It is considered that this is a legally flawed interpretation of national policy and so not a part of the decision to be followed.</p>
<b>Date</b>	20/12/2018

**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

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**Background Papers:** None

**Contact Officer:** Appeals Administrator  
01684 272062 AppealsAdmin@tewkesbury.gov.uk

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

None

**Process Type**

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