TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Planning Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 5 July 2016 commencing at 9:00 am

Present:

Chair Councillor J H Evetts
Vice Chair Councillor R D East

and Councillors:

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

also present:

Councillor D J Waters

PL.10 ANNOUNCEMENTS

- The evacuation procedure, as noted on the Agenda, was advised to those present.
- 10.2 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.11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

11.1 Apologies for absence had been received from Councillors R E Allen and Mrs A Hollaway. Councillors Mrs R M Hatton and H A E Turbyfield would be acting as substitutes for the meeting.

PL.12 DECLARATIONS OF INTEREST

12.1 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.

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M Dean	16/00363/FUL 12 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs R M Hatton	16/00137/FUL 10 St Anne's Close, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote
J R Mason	16/00369/FUL 26 The Hyde, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P D Surman	16/00470/FUL Old Meadow House, Crippetts Lane, Leckhampton.	Is a Member of Shurdington Parish Council but does not participate in planning matters. Is a Borough Councillor for the area.	Would speak and vote.
H A E Turbyfield	16/00137/FUL 10 St Anne's Close, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	16/00470/FUL Old Meadow House, Crippetts Lane, Leckhampton.	Is a Gloucestershire Council Councillor for the area.	Would speak and vote.

12.3 There were no further declarations made on this occasion.

PL.13 MINUTES

The Minutes of the meeting held on 7 June 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.14 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by them prior to decisions being made on those applications.

16/00579/FUL - Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke

- This application was for the erection of two buildings for industrial/factory development (use classes B1(c), B2 and B8) with ancillary offices (use class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019) and improvements to junction with Stoke Road.
- 14.3 The Development Manager explained that Section 70A of the Town and Country Planning Act provided a local planning authority with a power to decline to determine an application in certain circumstances including where there had been no significant change in the relevant considerations since the refusal of the previous application. In the past two years, more than one similar application had been refused, with the most recent refusal in May 2016, and no appeal had been made to the Secretary of State, consequently, Officers considered that this application fell within the scope of Section 70A. The applicant had been made aware of this view before the application was made valid; it was noted that the application had originally been invalid when it was submitted as the fee had not been paid. When the fee had been received, the Development Manager had personally contacted the applicant's agent to check whether their client wished to proceed with the application based on the Officer's view that it would fall within the scope of Section 70A. As set out in the Officer report, there were no significant material changes from the previous application and the route for the applicant under these circumstances would be to make an appeal to the Secretary of State. The Officer recommendation was that the Council should decline to determine the application. It was noted that Members had received a letter from the applicant's agent urging them to determine the application; however, clarification was provided that it would be unlawful to make a decision on the application at the present meeting as it had not undergone the required consultation and publicity.
- 14.4 The Chair invited the applicant's agent, Simon Firkins, to address the Committee. Mr Firkins indicated that the applicant had asked him to clarify the Case Officer for the application given that, despite considerable chasing, no correspondence whatsoever had been received from the Council about the application other than notification of this Committee meeting; this was very unusual in his experience. Having said that, he hoped that Members had managed to read the email he had sent prior to the meeting explaining why there was no reason for the Committee not to determine the application today. He did not intend to repeat the contents of the email aside from stating that the provision in the Planning Policy Guidance was entirely discretionary. He had understood that the previous application had been called to Committee correctly, but it appeared not, so this was the second application for the site that had come before the Committee. In terms of the material changes in circumstances, the name of the end user could not be made public at the last Committee meeting but he could now confirm that Commercial Limited would take the site. It employed over 300 people, was looking to expand and had a desperate need for new, purpose built space. Moreover, the progress of the Joint Core Strategy had stalled further and the Inspector had expressed doubt about the deliverability of the employment allocations in the Green Belt. Even with that, Gloucestershire First had confirmed that more land was needed and it supported the proposal which would directly result in grant funding towards a four way Junction 10.

Financial matters of this nature were, of course, material planning considerations. This site was not in the Green Belt and was deliverable now. Additional information concerning the landscape and the listed public house was provided in response to the last decision to fully address those concerns. Surveys had not shown anything of significance in archaeological terms and this could be dealt with by condition, as was done in Wychavon District. The junction with Stoke Road would be improved to the benefit of all users, County Highways had no objection and the economic benefits of this proposal were significant. Given its similarity to the previous applications, on which consultation had been carried out, there was nothing to prevent a decision being made on the scheme. Notwithstanding what had been heard, he urged Members to approve the application, subject to conditions.

- The Chair invited Councillor D J Waters, a local Member for the area, to address the Committee. Councillor Waters indicated that Section 70A was a discretionary power intended to prevent repeat applications. Three applications had now been submitted with no significant difference between them and the Planning Committee had made a lawful decision, regardless of the majority. If Members allowed this application to be determined, it would be sending a message to anyone who wanted to see development in any Ward that if they persevered they would eventually get their way. If the application was worth its merit then he could not understand why an appeal had not been lodged as that would be quicker, easier and cheaper than submitting a new application and anything which the Committee had done wrongly would be brought to light and the decision overturned. In his view, this was a form of bullying; Parish Councils and members of the public did not get the chance to come back once a decision had been made. He hoped that Members would consider this from the residents' perspective and support the Officer recommendation.
- 14.6 The Chair advised that the Officer recommendation was to decline to determine the application and he sought a motion from the floor. It was proposed and seconded that Members decline to determine the application in accordance with the Officer recommendation. A Member indicated that he had a different view and wished to propose that the application be determined at a future meeting of the Committee. This proposal was also seconded. The proposer of the motion to determine the application at a future meeting indicated that this was a decision about process. rather than a decision on the application itself, and he felt that the applicant was being forced down the appeal process. When the first application had been refused by the Planning Committee in February 2016, this had been as a result of the Chair's casting vote and the subsequent application had been refused under delegated authority so Members had not had an opportunity to consider the changes which had been made to address the concerns about the original application. He had mistakenly assumed that subsequent applications would be brought before the Committee but he accepted that the correct procedure had been followed. Notwithstanding this, he felt that any application of significant importance, such as this one, should be determined by the Committee in a process which was fair to both the applicant and objectors. As it stood, Members were not aware of the proposed revisions and he believed that a full report should be taken to a future meeting as this was the only equitable way to deal with the application; if Members decided that it was unacceptable at that point, at least it would have been given due consideration which it would not be if Members declined to determine the application today.
- 14.7 A Member sought clarification as to the differences between the current application and the previously refused application. The Development Manager advised that the changes to the application from the one refused in February were set out at Page

- No. 63, Paragraph 2.2, of the Officer report and included the specification of the cladding material to be a dark muted colour, green roofs to the office buildings and additional planting to the boundaries. In addition, one of the companies intending to occupy the site had now been named, however, as Members had previously been advised, there was no way of controlling who actually occupied the site. It was noted that the current application was identical to the one which had been resubmitted in April.
- A Member expressed the view that the Committee had already determined the application in February and she thoroughly supported the proposal to decline to determine the application in accordance with the Officer recommendation. She had real concerns about the applicant's approach and did not understand why the applicant was not going to appeal. Another Member had the opposite view and questioned why the applicant was being pushed down the appeal route when the Council was the determining authority and should be doing that through the Planning Committee. He was a great believer in fair play and, irrespective of the result, felt that the Committee should determine the application. A Member echoed those sentiments and reiterated that any applications of this magnitude should necessitate a Committee determination.
- 14.9 A Member raised concern at some of the views which had been expressed. He felt that the application had already been determined by the Committee and the amendments were clearly outlined in the Officer report. Officers were perfectly capable of making a decision as to whether those changes were material and he did not understand why the Committee was discussing the matter further. The applicant had an opportunity to lodge an appeal and he suggested that this was the avenue which should be taken. The proposer of the motion to decline to determine the application reiterated that there had been no material changes to the proposal which would result in an unwarranted intrusion into the rural landscape and would have an adverse impact on the character and appearance of the locality as well as the setting of nearby listed buildings and heritage assets. A Member indicated that the Committee had thoroughly considered the original application, which had included a Committee Site Visit, and as no significant changes had been made to the scheme since that time, she saw no reason to discuss it any further. The proposer of the motion to determine the application at a future meeting of the Committee clarified that he had no objection to the original decision made by the Committee but he strongly believed that it should be the Committee which made the final decision.
- 14.10 Upon being put to the vote, it was

RESOLVED That, in accordance with the Officer recommendation, the Council **DECLINES TO DETERMINE** the application.

16/00335/FUL - St Chloe, Main Street, Dumbleton

- 14.11 This application was for conversion and extension of the existing attached garage and construction of a new detached garage and shed in garden.
- 14.12 The Chair indicated that there were no public speakers for this item. 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. Upon being put to the vote, it was

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

16/00369/FUL - 26 The Hyde, Winchcombe

14.13 This application was for a front single porch extension, garage conversion into an

office and a rear single storey extension.

14.14 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. The proposer of the motion understood the objection from the Town Council but he recognised that Officers were happy with what was proposed and felt that it would fit well within the area. Upon being put to the vote, it was

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

16/00485/FUL - The Hayricks, Longridge Lane, Ashleworth

- 14.15 This application was for the demolition of existing garage and erection of a detached three bay oak-framed garage.
- 14.16 The Chair indicated that there were no public speakers for this item. 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. Upon being taken to the vote, it was

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

16/00470/FUL - Old Meadow House, Crippetts Lane, Leckhampton

- 14.17 This application was for the erection of a first floor rear extension (revised scheme). The Committee had visited the application site on Friday 1 July 2016.
- 14.18 The Chair invited the applicant's agent, Amy Robertson, to address the Committee. Ms Robertson advised that she was a planning consultant from SF Planning, representing the applicant. Her client and his family had been living at the property for over 20 years and were keen to extend their home to enable them to stay in the place they loved. The extension represented a modest and practical way of increasing the living space in the most sensitive way possible. The proposed application was required in order to help care for an elderly parent at home, which would prevent them having to move into a residential care home. The application was therefore very important to the applicant and his family. The application was a resubmission of a previous scheme which had been refused in October 2015 under delegated powers. Since that decision was taken, she had worked with the client and architect to come up with a revised scheme that addressed the reasons for refusal, namely the 'harm to the character and appearance of the existing dwelling' and 'disproportionate additions to the property'. She advised that the size and scale of the proposal had been reduced significantly and the proposal did not look out of place, nor was it a disproportionate addition; the Officer's report stated that the revised scheme 'would be of an appropriate size and design in keeping with the character and appearance of the building'. If the proposal was acceptable in that respect, she did not see how it could be disproportionate to the original dwelling. It was completely obscured from public views, did not increase the footprint of the house and would have no negative impacts in that regard. The application was supported by the Parish Council and the immediate neighbours who, like herself, saw no problem with the proposed scheme. She could not see how a proposal of such a minimal scale warranted a refusal, given that it would cause no harm to neighbours or the environment. She hoped that the Committee would take a pragmatic approach to determining the application and would see that permitting the application would harm no-one but would benefit the applicant and family greatly.
- 14.19 The Chair advised that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the

application be permitted as it would not result in a disproportionate addition over and above the size of the original dwelling and therefore would not represent inappropriate development in the Green Belt. The Development Manager advised that, should Members be minded to permit the application, standard conditions in terms of timescale and materials should be included in the planning permission. A Member indicated that he could not support this motion and he proposed that the application be refused in accordance with the Officer recommendation. This motion was also seconded.

- In speaking to the motion to permit the application, a Member pointed out that national guidance failed to give an indication as to what should be considered as a disproportionate addition; whilst Officers used a general rule of thumb, there was no real clarity. He felt that the proposal would be beneficial and that had been demonstrated on the Committee Site Visit. He was of the view that the original application may well have been permitted if it had come before the Committee as opposed to being determined under delegated powers. A Member agreed that the Committee Site Visit had been useful and he could see no reason to refuse the application, particularly given that there was no objection from the Parish Council or neighbouring residents. The extension would be tucked away and would barely be visible so he would be supporting the motion to permit the application.
- 14.21 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** subject to the inclusion of standard conditions including timescale and materials.

16/00137/FUL - 10 St Anne's Close, Brockworth

- 14.22 This application was for a proposed side extension. The Committee had visited the application site on Friday 1 July 2016.
- 14.23 The Chair invited Karen Smith, speaking against the application, to address the Committee. Ms Smith explained that she was speaking on behalf of all the residents in St Anne's Close and the adjacent and overlooking houses in Fairhaven Avenue. She indicated that the residents of St Anne's Close were very fond of their streetscene and the five groups of semi-detached properties were a unique representation of 1960s building design. The proposed extension to No. 10, and subsequent changes to other properties that would inevitably happen in the future if this precedent was set, would result in an irretrievable loss of the streetscene. She made reference to an email from the Case Officer dated 16 December 2015 which was sent to Mr Lewis, acting for Mr and Mrs Gudgeon at 1 St Anne's Close, in connection with an application to convert their upstairs roofspace to a dormer to provide a bedroom and bathroom/ensuite. The email was sent six weeks prior to Mr Hawkins' application to build an extension that would be half as much again of the existing property with a dormer across the entire rear of the property and involved inserting skylight windows into the roofspace at the front of the property. The email stated: 'Having now reviewed the above application I can advise the following: Unfortunately the proposal is in line for a refusal given that there would be harmful overlooking to 3 Fairhaven Avenue. The proposal would also not respect the character and proportions of the existing dwelling and would be out of keeping with the streetscene. You do have the option to withdraw the application by 21 December otherwise a refusal will be issued'. She went on to explain that St Anne's Close did not have any street parking and the vehicular access to No. 1 and No. 10 were both from Fairhaven Avenue as it had not been deemed safe to have the access from St Anne's Close at the time the properties were built. The property owners and dwellers in St Anne's Close and Fairhaven Avenue lived in their homes with the knowledge that any children resident, or visiting, were able to play in a safe environment because both were cul-de-sacs and there were very few cars. Brockworth Parish Council and the neighbours of No. 10 were concerned that, if planning permission for this significant extension was awarded, it would set a

precedent with the very large plots in St Anne's Close given over to large developments and, due to the narrowness of the roads and very limited available parking, there would be a danger to pedestrians that used the roads, as well as the allotments at the end of Fairhaven Avenue. She indicated that a precedent had already been set by St Mark's area of Cheltenham where the residents and local authority wanted the character of the vicinity to be unaffected and a Conservation Order had been duly issued.

- The Planning Officer explained that the previous application for a new dwelling on the site had gone beyond the building line which would have a harmful impact on the streetscene. When the current application had been submitted, Officers continued to have concerns regarding the extension and rear dormer and they had worked hard with the applicant to get it to a standard which they considered to be acceptable and which overcame the issue of overlooking. He advised that the rooflights had been omitted and the rear dormer had been reduced in size, furthermore, the plan at Page No. 83/A showed that the proposal did not extend beyond the building. On that basis, it was considered that the reduced scheme was acceptable.
- 14.25 The Chair advised that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the applicant had marked out the extension with ropes for the Committee Site Visit the previous week, however, this had shown that there would only be a very small gap of only 18 inches or less between the garage and the new extension and he questioned whether that was accurate. The Planning Officer indicated that he had not been on the Committee Site Visit but the main point was that there would be adequate parking provision. It was understood that the applicant intended to demolish the garage, or to reduce its extent, but this was not something which could be insisted upon. A Member suggested that, if the garage was retained, it would look similar to No. 9 which had a completely enclosed rear garden with no side access which she did not have an issue with. The Planning Officer confirmed that there were many examples of properties without side access and any potential issues, for instance, fire risk, would be identified by Building Control.
- 14.26 Upon being taken to the vote, it was
 - **RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

16/00363/FUL - 12 Beverley Gardens, Woodmancote

- 14.27 This application was for the erection of a new two storey dwelling within existing curtilage and minor alterations to the existing bungalow (amendment to previous approval 15/00981/FUL).
- 14.28 The Chair indicated that there were no public speakers for this item. 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. Upon being taken to the vote, it was
 - **RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

16/00448/TPO – 9 Stoke Park Close, Bishop's Cleeve

14.29 This application was to lift up low branches on the crown of trees (Hornbeams)

overhanging the rear garden of No. 9 Stoke Park Close.

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

RESOLVED

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

PL.15 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

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

Site/Development

16/00405/LA3 Grangefield Primary School Voxwell Lane Bishop's Cleeve

Erection of new temporary classroom block.

Decision

Application **PERMITTED** subject to conditions relating to the commencement of development; the development being carried out in accordance with the approved plans and documents; and the building being removed from the site within 18 months from the commencement of development, or upon the occupation of the permanent buildings, for the following summary of reasons:

'Subject to conditions, it is considered that the proposal will not have an unacceptable adverse effect upon the character of the area, the ecology of the site nor the amenity of neighbouring residents and the general locality by reason of its design, appearance, scale and siting in accordance with Tewkesbury Borough Local Plan to 2011 (Adopted March 2006) (Saved Policy): GNL8, GNL15, TPT1, TPT6, EVT2, EVT3, LND7 and NCN5 and the aims and interests that the National Planning Policy Framework seeks to protect and promote'.

PL.16 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

16.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 20-26. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government appeal decisions issued.

A Member sought a view from Officers regarding the recent appeals in relation to solar farms at sites in Over and Highnam. In both cases, the Planning Committee had felt that the proposals would have a detrimental impact on the areas and had

refused the applications but they had been allowed on appeal and he questioned whether the Planning Inspectorate was taking a view that proposals for green energy should be "rubber stamped". In response, the Development Manager advised that each application was considered on its own merits and the proposals had been judged on the individual circumstances of each case. Nevertheless, it was Government policy to support renewable energy infrastructure and, where this was proposed outside of the Green Belt and protected landscape, applications had a good chance of being supported. A Member went on to guestion whether any more had been done regarding the erection of control station buildings, which tended not to be included in the plans for applications for solar farms but were a necessary part of such developments. The Development Manager advised that energy companies had substantial permitted development rights for such installations; in some cases it might be possible to remove those rights but Officers would need to look very closely as to whether it would be justifiable as the Government would only support this in exceptional circumstances. With regard to the appeal in relation to a solar farm at Stoke Orchard, a Member understood that Officers would be reporting to the Planning Inspectorate and she questioned whether reference could be made to additional building on the site. The Development Manager indicated that he did not know what stage this particular appeal was at but he undertook to write to the Planning Inspectorate as requested.

- Another Member questioned whether the local planning authority was able to insist on a landscaping scheme to lessen the impact of these additional buildings. In response, the Development Manager provided assurance that, now this point had been brought their attention, in future it was intended to establish from each company what additional equipment may be necessary and ensure that landscaping was taken into account. Notwithstanding this, it was to be borne in mind that companies may not always disclose their plans, or circumstances may require a building to be put in at a later stage. Officers would do what they could at the application stage but it would very much depend upon the individual circumstances of each application and the possible impacts. The Development Manager undertook to look at potential wording which could be used in any landscape conditions for these applications going forward.
- 16.4 It was

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

PL.17 ADVANCED SITE VISITS BRIEFING

- 17.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 27, which set out those applications that had been identified as ones which would be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they would be considered. Members were asked to note the applications in the briefing.
- 17.2 It was

RESOLVED That the Advanced Site Visits Briefing be **NOTED**.

The meeting closed at 10:05 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS ADDITIONAL REPRESENTATIONS

Date: 5 July 2016

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	
77	5	16/00470/FUL
		Old Meadow House, Crippetts Lane, Leckhampton, Cheltenham, Gloucestershire, GL51 4XT
		Update to the Officer's report: Paragraph 3.1 - the revised extension would actually be smaller than the original (refused) extension. It would have a floor area of 20sqm rather than 28sqm. The Green Belt calculations as stated in Paragraph 5.6 would therefore be less than stated. The proposed extension (20sqm), together with the existing extensions to the property (90sqm), would result in a total additional floor area of 110sqm. This increase in floor space would equate to an increase of 81% (rather than the stated 86%). The proposed extension would therefore be 8sqm (5%) less than the 2015 refused application.
		Officer's Comments - The proposed extension (although smaller than the original 2015 extension) would still result in a significant increase in the size of the dwelling, would represent disproportionate additions over and above the size of the original dwelling and would have an adverse impact on the openness of the Green Belt.