

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 23 October 2018
commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

PL.36 ANNOUNCEMENTS

- 36.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 36.2 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.37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 37.1 Apologies for absence were received from Councillors P W Awford, M A Gore, T A Spencer and P E Stokes. Councillors G F Blackwell, J E Day and R Furolo would be acting as substitutes for the meeting.

PL.38 DECLARATIONS OF INTEREST

- 38.1 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.
- 38.2 The Legal Adviser indicated that there had been some confusion as to whether those Borough Councillors who were also Gloucestershire County Councillors needed to make a declaration in respect of any applications within the County Council area they represented; she confirmed this was the case and such declarations were correctly being made.

38.3 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	18/00218/OUT Stoneyhurst, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J H Evetts	17/00881/FUL The Vine, High Street, Stanton.	Is a Borough Councillor for the area. Had received numerous telephone calls from the applicant but had not expressed an opinion.	Would speak and vote.
A Hollaway	18/00563/FUL The Coach House, Post Office Lane, Cleeve Hill.	Is a Borough Councillor for the area. Is a Member of Southam Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	18/00669/FUL Hunt Court Farm, Sandy Pluck Lane, Bentham.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

38.4 There were no further declarations made on this occasion.

PL.39 MINUTES

39.1 The Minutes of the meeting held on 25 September 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair, subject to an amendment to the last sentence of Minute No. PL.34.17 to read: 'He also pointed out that a dwelling had replaced a barn at **Hunt** Court Farm on the opposite side of the A46 so there were other examples of new development in the Green Belt'.

PL.40 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

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

17/00881/FUL – The Vine, High Street, Stanton

40.2 This was an application for the erection of a self-build family home.

40.3 The Chair invited the applicant's architect to address the Committee. The architect advised that the scheme had been submitted in August 2017 and, since that time, there had been numerous amendments and detailed discussions with Officers seeking to address all of the issues raised. With the exception of the Parish Council, there had been no objections from consultees to the amended scheme before Members. The site was well-related to existing built development - it was part of the curtilage of The Vine and classified as previously developed land – and the development was in accordance with Joint Core Strategy Policy SD10. Through negotiation with Officers, the scale of the proposals had been significantly reduced and the design improved which accorded with Joint Core Strategy Policies SD4 and SD7. Special attention had been given to the heritage issue and the advice of the Council's Conservation Officer in ensuring that the proposal accorded with Joint Core Strategy Policy SD4 and local policy HEN2. Although the reduced scale and design improvements were driven by heritage concerns, this had also resulted in improved relationships with adjoining dwellings. With regard to tree protection, the architect advised that the applicant had recognised the importance of the trees on the site throughout the process. The trees were valued by all and he provided assurance that measures were in place to ensure that they remained protected throughout the construction period, and beyond, and were controlled by appropriate and reasonable conditions as recommended. In conclusion, this was an example of good design as endorsed by Officers and would provide a much needed new home which would add to the vibrancy and future of the village.

40.4 The Chair advised that an email had been received from the Clerk of the Parish Council the previous day which had not been included on the Additional Representations Sheet circulated at the meeting; a copy of the email had been circulated separately and he gave Members an opportunity to familiarise themselves with the Parish Council's concerns. He clarified that the Officer recommendation had been changed in order to delegate authority to the Technical Planning Manager to permit the application, subject to no objection being raised by consultees to the additional information submitted to satisfy conditions 10, 15, 16 and 17 as set out in the Officer report. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation.

40.5 In response to a query regarding the protection of the trees which had been raised as a concern by the Parish Council, the Planning Officer confirmed that, whilst the trees were covered by a Tree Protection Order, one of the recommended conditions required the submission of an Arboricultural Method Statement and Tree Protection Plan prior to development taking place. As set out in the Additional Representations Sheet, attached at Appendix 1, the applicant had submitted additional information to satisfy the requirements of certain conditions - including condition 16 in respect of the submission of an Arboricultural Method Statement

and Tree Protection Plan - and the Officer recommendation had been changed to a delegated permit to give time to assess the information and ensure there would be no detrimental impact on the trees or the root protection area. The trees had been taken into account throughout the process which had subsequently resulted in the access and driveway position being altered to avoid the tree protection area. A Member queried whether there would be a requirement for any trees that did become damaged to be replaced and the Technical Planning Manager provided assurance that Officers were satisfied that the recommended conditions would be sufficient and the applicant was well aware that any damage to a tree covered by a Tree Protection Order was an offence; any damage that did arise would be dealt with accordingly at the time. Another Member noted that the architect had stated there had been no objections to the proposal and yet Page No. 274 of the Officer report referred to 35 letters of representation from local residents raising objection to the development and a further 10 following submission of the revised plans. In response, the Technical Planning Manager clarified that the architect had been referring to the fact that there had been no objections from statutory consultees, aside from the Parish Council, and he confirmed that objections had been received from the local community, as set out in the report.

40.6 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to no objection being raised by consultees to the additional information submitted to satisfy conditions 10, 15, 16 and 17 as set out in the Officer report.

18/00218/OUT – Stoneyhurst, Station Road, Churchdown

40.7 This was an outline application for the erection of three dwellings - together with a new access - with access, layout and scale for approval. The Committee had visited the application site on Friday 19 October 2018.

40.8 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that she had requested a Committee Site Visit to assess the concerns raised by the Parish Council in respect of the access to and from Station Road which was a very busy road, close to a roundabout and opposite a bus stop with an infant and junior school further along. In response to a query as to whether there was scope to change the access, the Technical Planning Manager clarified that, whilst this was an outline application, the access and layout were proposed to be determined at this stage and the new access was clearly shown on the plan at Page No. 291/B of the Officer report. The Planning Officer explained that this application would usually be subject to County Highways standing advice; however, in light of the Parish Council's concerns, she had gone back to request bespoke comments. Page No. 287, Paragraph 5.16 of the Officer report set out that County Highways had raised no objection, subject to conditions, as it was satisfied that the emerging visibility splays could be achieved from the proposed access; it was not considered that the increase in traffic movement from the proposed development would significantly impact on the safe operation of the road; and the impact of such increase would not have a detrimental impact upon highway safety. Upon being taken to the vote, it was

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

18/00563/FUL – The Coach House, Post Office Lane, Cleeve Hill

- 40.9 This application was for the variation of condition 2 of planning permission 17/00338/FUL - change to approved drawings to move garage and relocation of the front wall to allow increased parking.
- 40.10 The Chair invited a local resident speaking against the application to address the Committee. The local resident acknowledged the efforts of both Members and Officers and the pressures put upon them which were exacerbated by protracted and complex cases such as this. He indicated that a previous planning application for a new dwelling on the site had been rejected in 2017 and there had been objections from 10 residents and the Parish Council on the grounds of design and the visual impact on the Area of Outstanding Natural Beauty. The subsequent appeal against the Council's refusal had been allowed but with an unequivocal condition that there be no changes to the approved plans – the current application contained not only changes, but major changes involving a 40% increase in floor space on the lower floor and 20% on the upper floor which included an extra living room, extra bedroom, extra bathroom, enlarged sitting room, enlarged garage, extra windows and changes to materials. He stressed that it had taken considerable time for local residents to deduce what the changes would be by comparing the original and proposed plans which he felt should not be necessary. Further details had also come to light, such as the atrium window, and these changes were at complete variance with condition 2. It appeared that there had been considerable subterfuge in the way this application had been completed and the substantial changes it proposed were a threat to the integrity of the planning system.
- 40.11 The Planning Officer explained that the Planning Inspector had imposed a condition requiring the development to be carried out in accordance with the approved plans and this type of condition intended to ensure there was certainty about which plans would be implemented when the development was built out; what the condition did not do was prevent an application from being resubmitted and Section 73 of the Town and Country Planning Act 1990 intended to provide flexibility in the planning process by allowing applications to vary or remove conditions associated with a planning application. The appeal decision meant that the principle of residential development on the site was accepted and the question for Members was whether the approved plans had been changed so much that they would have resulted in the Inspector making a different decision. Officers considered that the revisions - set out within the Officer report - were not material to invalidate the Inspector's decision, therefore the proposed changes were acceptable. A Member drew attention to Page No. 294, Paragraph 3.1 of the Officer report, which set out that the applicant had relocated the ground floor wall on the advice of a structural engineer and he had concerns that such an alteration was actually necessary to ensure the safe building of the approved dwelling. In response, the Planning Officer drew attention to Page No. 297/C of the Officer report and pointed out that the top section drawing showed the first floor built over the existing level whereas the ground floor had been excavated three quarters of the way back into the slope. The structural engineer had advised that it would be more sensible - from an engineering as opposed to a safety point of view – to build the first floor over the ground floor and Page No. 297/A showed that this was what had been done.
- 40.12 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The Chair indicated that he did have some sympathy with the local residents as the Inspector had set out that the dwelling be built in accordance with certain plans which were then subsequently being changed but Officers had explained why this was the case. A Member stressed that the Parish Council and local residents were

very much against the proposal and another Member felt that a Planning Inspector may view the changes as major, and therefore unacceptable, should the Committee decide to refuse the application and an appeal subsequently be lodged. The Technical Planning Manager explained that the condition being discussed was a standard condition which was included on every planning permission for the avoidance of doubt so that it was clear what was being granted permission. In terms of this particular scheme, Members would need to be very clear about their concerns given that the principle of development had been established via the previous appeal decision, for example, the impact on the Area of Outstanding Natural Beauty. In Officers' opinion, when comparing the proposal with the fallback position of the previous planning permission, there was no reason to withhold planning permission in terms of the impact on the landscape. In response to a query regarding the chances of a successful appeal if the application was refused, the Technical Planning Manager reiterated that, in his view, the only issue that required consideration was the additional landscape impact and, as the changes over and above the original permission were considered to be reasonably limited, refusal on that basis would not be justified from an Officer perspective. The Chair drew attention to Pages No. 297/B and 297/D of the Officer report and indicated that Members were effectively being asked to consider the differences between the two and whether the changes proposed would result in more significant landscape harm than the previous approval. A brief debate ensued as to the difference between the elevation heights on the plans and the reasons for this.

40.13 Upon being put to the vote, it was

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

18/00669/FUL – Hunt Court Farm, Sandy Pluck Lane, Bentham

40.14 This application was for conversion of an existing barn/workshop to holiday let and creation of a parking area.

40.15 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that national and local planning policy was highly supportive of bringing redundant rural buildings back into viable use; policy was particularly supportive where it related to a building of substantial construction and where the proposal was for tourism related use, such as holiday accommodation. There had been a big shift in recent years toward extended families and groups wishing to holiday together in the United Kingdom, particularly in counties such as Gloucestershire where there was such a rich culture given the proximity to the Cotswolds, market towns such as Tewkesbury and Winchcombe, as well as Cheltenham and Gloucester – the current proposal would help to facilitate exactly that. The building was of historic and architectural merit and was worthy of conversion and the accommodation would provide space large enough for extended families as well as contributing toward the local economy and tourism. The applicant had worked positively with Officers to ensure a highly sympathetic conversion which would see the essential scale, character and materials of the building retained. Following advice from the Conservation Officer, the scheme had been amended to provide a more suitable roof covering and one that better reflected the character of the building and wider farmstead. He noted that the Parish Council had raised concern over the size of the accommodation and highway implications; whilst these views were appreciated, the County Highways Officer had raised no objection and the building already had a lawful use as a commercial workshop which was likely to generate more vehicle movements, therefore there would be a significant reduction from that of the consented use, plus the accommodation would make use of the space available and would add to the stock available for those holidaying in larger groups. He provided assurance that the accommodation would be aimed at families rather than the other groups

which had been suggested; with this in mind, it should be noted that the nearest property to the building was the applicant's own house so it would not be in their interest to take bookings from rowdy groups. This was a really good proposal which fitted squarely with everything that planning policy sought to achieve and he hoped that Members would feel able to follow Officers' advice and permit the application.

- 40.16 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.

PL.41 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

- 41.1 The following decision of Gloucestershire County Council was **NOTED**:

Site/Development	Decision
18/00668/CM Wingmoor Farm East Stoke Road Bishops Cleeve	Application PERMITTED subject to conditions relating to commencement of development; definition of permission; details of materials; permitted development rights; hours of construction and restoration.
Removal of one effluent tank and one water tank and the erection of a food waste mixing tank at existing AD Plant site.	

PL.42 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 42.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 21-24. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

- 42.2 It was

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

The meeting closed at 10:48 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 23 October 2018

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

Page No	Item No	
273	1	<p>17/00881/FUL</p> <p>The Vine, High Street, Stanton</p> <p><i>Recommendation</i></p> <p>Following the publication of the Officer report, the applicant has submitted additional information to satisfy the requirements of Conditions 10 (levels), 15 (programme of archaeological work), 16 (Arboricultural Method Statement) and 17 (Construction Method Statement).</p> <p>This information will need to be consulted upon and it is therefore recommended that permission is delegated to the Technical Planning Manager to permit the application, subject to no objection being raised by consultees to the additional information submitted to satisfy conditions 10, 15, 16 and 17 as set out in the Officer report.</p>
292	3	<p>18/00563/FUL</p> <p>The Coach House, Post Office Lane, Cleeve Hill</p> <p>Local Residents</p> <p>An additional letter of objection has been received in response to the Officer report which has been signed by 4 local residents. The letter is attached in full. (Names removed).</p>
298	4	<p>18/00669/FUL</p> <p>Hunt Court Farm, Sandy Pluck Lane, Bentham</p> <p>It is recommended that the following informative note is included:</p> <p><i>In accordance with the requirements of the The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant has agreed to pre-commencement condition 11 requiring a scheme for the mitigation of the impact of the development on ecology prior to the commencement of development.</i></p> <p>In addition, Condition 9 has been amended to read:</p> <p><i>If any contamination is found during the during the course of development, works must be halted, and a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before further development takes place.</i></p>

**Item 1 - 17/00881/FUL - The Vine, High Street, Stanton
(Circulated separately at the Planning Committee meeting)**

From:Clerk

Sent:22 Oct 2018 15:40:43 +0100

To:PlanningCommitteeAdmin

Subject:Written Statement for the Plannng Committee - Meeting Oct 23 2018 - Reference
Planning Application 17/00881/FUL The Vine, High Street, Stanton

Regrettably the Parish Council were not notified that this application was on the agenda to-day and as a result missed the opportunity to participate in the Public Speaking Scheme.

The Parish Council remains concerned about a development on this site in a very sensitive location as seen from the approach road to the village, close to many listed buildings, and other properties all much in keeping with the special Cotswold vernacular. The site is enhanced by old established trees which may not survive the development and their loss would further devalue the conservation area whilst accentuating the new build. Stanton is of particular historic architectural value through which the Cotswold Way traverses and has an ever-growing number of visitors from all over the world, and the Parish Council has worked hard over many years to maintain this rather special street scene for the benefit of all. The present application does nothing to address these concerns. We refer the committee to our previous detailed submissions objecting to this proposal.

Stanton Parish Council

Item 3 18/00563/FUL Additional Letter of Objection

Additional Input from Concerned Cleeve Hill Residents to Planning Committee on 18/00563/FUL | Variation of condition 2 of planning permission 17/00338/FUL - change to approved drawings to move garage and relocation of the front wall to allow increased parking. | The Coach House Post Office Lane Cleeve Hill Cheltenham Gloucestershire GL52 3PS

Issues: This application seeks to significantly change the design and impact of a proposed new house on the land adjacent to the Coach House, such that it is very different from the house that was approved by the Planning Inspector (PI) on appeal in February 2018, removing the certainty set by the PI's condition 2.

The applicant's documentation that was put out for public consultation by TBC in June 2018 sought to minimise the changes by only declaring in textual form "the amended drawings indicate the garage section moved forward to increase the parking area in front and the relocation of the front wall at ground level only, (which remains as approved) on the advice of the project structural engineer". The before and after drawings provided were particularly impenetrable and unhelpful with no textual notes describing all of the other significant changes made.

The Planning Officer's analysis which recommends that this variation is permitted is illogical and flawed.

Recommendation: As Cleeve Hill Residents concerned about both the substance and the process of this application we request that Members firmly reject this proposal.

Background and Analysis

The Planning Inspector as part of overturning the TBC rejection of this development set a number of significant conditions. Para 46 of the Planning Inspector's report says "It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans *for certainty*. This is realised in the PI's report as condition 2.

While recognising that minor technical changes may be necessary, we believe that the house that is now being proposed is substantially different to the one approved by the Planning Inspector and is at complete variance with Condition 2 of the PI. Significant increases in size and facilities have been made throughout the property; in addition, the visual impact as seen from all quarters (and overhead) will have changed significantly. It is an insult to TBC officers, Councillors and local residents to attempt to get these approved based on the cursory contents of this application.

In para 4.5 The planning officer suggests that the character and form of the dwelling as revised would remain largely unchanged. This cannot be the case given the large list of changes, including even the materials to be used, correctly noted in paragraph 3 of the Planning Officers report.

On Landscape impact para 4.8 and Residential Amenity para 4.10 the Planning Officer observes that the changes would be excavated into the hillside and therefore imperceptible outside the site. This is simply untrue. For example: -

- a) The northern side of the Eastern elevation appears to be 60% higher above ground level than the original, with neighbouring properties, such as The Manse and Ivydene, being exposed to a much larger and more solid profile.
- b) The effect of moving the garage forward, and its increased impact on its surroundings as it emerges from behind the Coach House, has not been properly addressed, and the affected properties not visited since the proposed plan alterations, to our knowledge.
- c) there is significantly more blockage in the profile presented by the revised western elevation.
- d) The southern elevation has a new large atrium style box window looking back towards Phoenix House garden.

Errors in the Planning Officer report

- Four Cleeve Hill local residents strongly objected to this application, not three.
- No mention was made under para 2.0 *Relevant Planning History* for an identical planning application for a new house: 17/01110/FUL | Received: Fri 13 Oct 2017 in parallel with the appeal against 17/00338/FUL being rejected by TBC. TBC rejected this second application on 08 Dec 2017.
- Paragraph 3 is called Current Application. Only about 25% of the items in para 3 were described in the public consultation in June. The other 75% seems to have been recently extracted by the planning officer from the applicant/agent as a result of local residents exposing significant undescribed items on the new drawings. For example, in our objections we exposed a new significant protuberance from the sitting room. It turns out from paragraph 3 that this is a large suspended atrium style window. This is new information that was not publicly consulted.