

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 12 April 2016 commencing at 9:00 am**

## **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

## **and Councillors:**

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

## **PL.78 ANNOUNCEMENTS**

- 78.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 78.2 Members were reminded that the Council had resolved to introduce a Scheme for Public Speaking at Planning Committee for a 12 month period, starting with the new term of the Council in May 2015, which had therefore commenced with the meeting on 9 June 2015. The Chairman gave a brief outline of the scheme and the procedure for Planning Committee meetings.

## **PL.79 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 79.1 Apologies for absence were received from Councillor T A Spencer.  
Councillor R Furolo would be acting as a substitute for the meeting.

## **PL.80 DECLARATIONS OF INTEREST**

- 80.1 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.
- 80.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
Mrs G F Blackwell	15/01274/APP – Land to the West and South of Gloucester Business Park, Brockworth.	Is a Borough Councillor for the area.  Is a Member of Churchdown Parish Council.	Would speak and vote.
M Dean	15/00830/FUL	Is a Borough	Would speak

	The Hall, Stockwell Lane, Woodmancote.	Councillor for the area.	and vote.
J H Evetts	16/00105/FUL Sycamore Cottage, Buckland.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
R Furolo	16/00027/FUL – Longmarsh House, 97A Tewkesbury Road, Longford.	Has a professional interest with the applicant.	Would not speak and vote and would leave the Chamber for the consideration of this item.
Mrs J M Greening	16/00317/ADV – Tewkesbury Borough Council, Gloucester Road, Tewkesbury.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs A Hollaway	15/00830/FUL The Hall, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs P E Stokes	15/00817/FUL Part Parcel 2813, Chosen Hill, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	15/01274/APP Land to the West and South of Gloucester Business Park, Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
R J E Vines	15/00166/OUT Land at Stoke Road, Bishop's Cleeve.	Has professional dealings with a very near neighbour.	Would not speak or vote and would leave the Chamber for the consideration of this item.

80.3 There were no further declarations made on this occasion.

## **PL.81 MINUTES**

81.1 The Minutes of the meeting held on 15 March 2016, copies of which had been

circulated, were approved as a correct record and signed by the Chairman.

## **PL.82 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

82.1 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.

#### **16/00317/ADV – Tewkesbury Borough Council, Gloucester Road, Tewkesbury**

82.2 This application was for proposed signage to advertise Tewkesbury Leisure Centre.

82.3 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to grant consent for the application, subject to no objections being received in relation to the proposed development following the expiry of the public consultation period, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to grant consent for the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **GRANT CONSENT** for the application, subject to no objections being received in relation to the proposed development following the expiry of the public consultation period.

#### **15/01293/OUT – Parcel 0630, Mythe Road, Tewkesbury**

82.4 It was noted that this application for residential development of up to 250 dwellings, public open space, vehicular and pedestrian access and associated infrastructure, plus detailed approval for access arrangements for Mythe Road, with all other matters to be reserved, had been withdrawn.

#### **15/00963/FUL – Gardener's Arms, Beckford Road, Alderton**

82.5 This application was for alterations to the existing car parking layout and provision of an overspill car park area, external seating area, external lighting and fencing and alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows. This application had been deferred for a Committee Site Visit at the last meeting and the Committee had visited the application site on Friday 8 April 2016. It was noted that the description had been amended to reflect the fact that some work had already been carried out.

82.6 The Chair indicated that there were no public speakers for this application. 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 suggested that the fact that a car park may potentially be granted planning permission was further evidence of the fact that Alderton was unsustainable as a service village given the reliance on private motor vehicles. She appreciated that it was a thriving village, with the public house being a major part of the community, and the Committee Site Visit had shown that the car park did need to be extended; however, she was concerned about lighting and the potential use of marquees on the site. A Member supported this view, and those of the Parish Council, particularly as part of the area had been designated as an important open space in the existing adopted Tewkesbury Borough Local Plan. If Members were minded to permit the application he would like to see conditions in relation to landscaping and lighting. Local residents were particularly concerned with the lighting and, whilst he understood that it was a

necessary requirement, he felt that it needed to be controlled.

82.7 In response to the queries raised, the Development Manager clarified that low level lighting would be used and advised that the Officer recommendation included a condition to restrict the use of the lighting outside of the opening hours of the premises. It was noted that opening hours were controlled by other legislation but it was reasonable to tie lighting to that. A landscaping condition was also recommended so Officers would have control over the final approach in that respect. In terms of restricting the use of marquees, Members were advised that licensed premises had certain permitted development rights which allowed marquees to be erected a certain number of times per year. Whilst he understood where the supposition had come from, there was no indication from the application that the landowner intended to erect a marquee and it would be difficult to justify restricting rights that the landowner already enjoyed on the basis of what was proposed.

82.8 A Member sympathised with the Parish Council objections but felt that the public house should be supported and the inclusion of the suggested conditions would help to overcome any issues. Upon being put to the vote, it was

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

#### **16/00105/FUL – Sycamore Cottage, Buckland**

82.9 This application was for a single storey rear extension with a first floor balcony. The Committee had visited the application site on Friday 8 April 2016.

82.10 The Chair invited the applicant, Mr Reen, to address the Committee. Mr Reen noted that there had been a number of objections to the inclusion of a balcony on the approved structure which had been submitted to the Planning department in late January/early February 2016. He wished to apologise to his neighbours for not keeping them fully informed of the change to the approved structure; this was a timing issue as, due to their holiday and his own emergency travel commitments, they had not been able to see them for the whole of January and much of February. He noted that a comment had been made that the majority of permanent residents in Buckland were opposed to the development and he wished to clarify that, from a total of 29 properties, objections had been received from only six properties.

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

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

#### **15/00394/OUT – Land to the South of B4077, Toddington**

82.12 This was an outline planning application for the erection of up to 33 dwellings and associated works with all matters reserved for future consideration with the exception of access. The Committee had visited the application site on Friday 8 April 2016.

82.13 The Chair invited the applicant's agent, Ian Jewson, to address the Committee. Mr Jewson clarified that his client sought approval for the access arrangements and principle of development for up to 33 dwellings with all other matters reserved for future consideration. Whilst the layout was not for approval at this stage, the design had been the subject of very detailed scrutiny during discussion with the Planning and Urban Design Officers, as well as the Council's Landscape Advisor. He stressed that the proposals were not an attempt to bypass the planning process, as had been suggested, but an opportunity to provide housing at a sensitive scale and density in an area which was identified for housing development. As could be seen from the report, the national planning policy context for the site was an important

consideration and required local planning authorities to significantly boost the supply of housing and to work proactively with applicants to find solutions rather than problems. Development on the land had been the subject of discussions since 2014 and an earlier scheme had been refused by the Council with the subsequent appeal being dismissed. The Inspector's decision letter did, however, provide an agenda by which they had been able to work through the outstanding concerns with Officers. In terms of the principle of development, Members would be aware that Toddington was identified as a service village in the emerging Joint Core Strategy where new housing was proposed. In addition, the site was identified as one of two options for housing development in the emerging Borough Plan. These proposals had been amended substantially in comparison to the earlier scheme for 72 dwellings and, as a result, there were no technical objections to the 33 dwelling scheme from statutory consultees. Importantly, when considering the early concerns of the Council and the appeal Inspector, there were no objections from the Council's Landscape Advisor, Urban Design Officer or Highways Officer. Setting aside the earlier decisions on the site, it was hoped that Members were able to recognise the very significant efforts which had been made, by the applicant and Officers, to negotiate an appropriate solution for the site. He hoped they would agree that the low level of density and significant landscaping and open space provision on the site was an appropriate response which would provide significant benefits to the local area, both in terms of infrastructure provision and the delivery of much-needed market and affordable housing. His client had also agreed additional contributions through the Section 106 process and he asked the Committee to support the Officer recommendation.

82.14 The Chair advised that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the signing of a Section 106 Agreement, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. With regard to the Section 106 Agreement, a Member sought clarification as to where the playing pitch provision, sports hall and astroturf would be located. The Planning Officer explained that the Parish Council had made a suggestion that some of the playing pitch provision could be facilitated next to the Village Hall; although the land was not within the Parish Council's control, there was support for that proposal. He confirmed that the astroturf would be in Winchcombe and the swimming pool would be the new leisure centre on the Tewkesbury Borough Council Offices site. There were two potential options for the sports hall; Winchcombe, or opposite Toddington Village Hall. In response to a further query, the Planning Officer advised that the Sports England calculator was used to determine the funding required for the activity generated by the development and consideration was given to providing sporting facilities in the immediate area, although the only requirement was that it must service the development. Officers had been instructed that Toddington Village Hall would be the preferred location in this instance. The Development Manager clarified that it was often timings, and the projects which were coming forward, which determined the most suitable location to meet the needs of the development at the appropriate point in time. The Member indicated that infrastructure was very important for new development and he feared that communities could lose out on the benefits of Section 106 contributions. The Development Manager provided assurance that this was something which Officers were very aware of, particularly through the work being done on the Community Infrastructure Levy. The Council's Community Development Officers had an important role to play in making sure that Parish Councils were aware of what money was available and working with them to bring forward projects in those communities.

82.15 The Chair drew attention to Page No. 931/D of the Officer's report which he felt demonstrated how particular care had been taken with the scheme to reflect the housing on the opposite side of the road. He also felt that it was important to be firm regarding materials, and to ensure that there was appropriate screening, in order to

protect the ribbon development of Toddington. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the signing of a Section 106 Agreement.

**15/00865/FUL – Land at Berrow Farm, Wickridge Street, Ashleworth**

- 82.16 This application was for the installation of two biomass boilers on a concrete pad and the change of use of the grain store and mill house for use in association with commercial wood chip drying. The Committee had visited the application site on Friday 8 April 2016.
- 82.17 The Chair invited Shaun Pitt, speaking against the application, to address the Committee. Mr Pitt indicated that the National Planning Policy Framework was clear that it supported development where there was no harm or loss of amenity to local residents. The applicant had already started the operation so he had been able to sit in the garden of Orchardside whilst they had been loading lorries. The noise report stated that it took four scoops of 1.5 tonnes and 15 minutes to load the lorries which was incorrect; it actually took 40-45 scoops to load and around 45 minutes. During that period, the clanking of the telehandler bucket was at a level high above the side of the lorry being loaded which was very obtrusive. The lorry itself had sat idling and, unless a 4m high acoustic fence was constructed, as recommended by the Environmental Health Officer, it would cause a major impact on Orchardside. He questioned whether such a fence would be acceptable in this rural location; in his view allowing the extra door in the grain store even closer to Orchardside was madness. The operation proposed two lorries per day to be loaded, however, drying grain was a slower process and the amount of lorries involved was significantly less. It was seasonal, not 365 days per year, and there was no guarantee that dry grain would continue. He went on to explain that the telehandler used for the operation was a large wheeled loader that would not be used in the pig buildings. The pig buildings themselves were located further from Orchardside and did not face directly onto the property so any loading or scraping would have far less of an impact. In fact, the existing use as a pig farm could be reinstated even if planning permission was granted so this noise could be 'as well as', not just 'instead of'. The noise report took no account of the considerable forward and backward shunting to get the trailers into the dryer, or the beeping generated by the reversing vehicles, and he noted that other Councils imposed bleeper restrictions on all vehicles. The grain store had been designed and located for tractor and trailer size loads, not the bulk walking floor lorries that delivered the woodchip; tractor and trailer was far quieter than the walking floor trailers that the woodchip arrived in. The lorries were already damaging the verges as they negotiated the bends and cutting up the verge outside the unit as the access was far tighter than the applicant had led people to believe. The Planning Officer assumed that the lorries came through Ashleworth, thus avoiding the verges of the Site of Special Scientific Interest (SSSI). There were no proposals to restrict how the site was accessed and Chamberlayne Farms had told him that a one-way system would be used to avoid lorries passing one another. The local horse riders had objected due to the noise that would be occurring next to the bridal path and the entrance where the loading would be taking place; they were also concerned about highway safety. The majority of residents in Wickridge Street had raised objections and there was no real local support for the application. The Council's policies were clear and robust and he urged Members to send a message to the Planning Inspectorate that Tewkesbury Borough Council did not support inappropriate rural diversification that had a harmful impact upon existing residents.
- 82.18 The Chair invited the applicant's agent, Julie Branfield, to address the Committee. She advised that the grain store had been used by Chamberlayne Farms since the 1990s and was adequate for farm purposes, however, the drying was powered by a

noisy, expensive to run, diesel engine. The replacement biomass boilers met the demands of the farm but, to ensure economic viability, they needed to be used beyond the agricultural grain drying window. The proposal was sustainable on both economic and environmental grounds and the installation had been encouraged at a national level to reduce the reliance on fossil fuel. She understood that Members had been concerned that the boilers had not been running at the time of the Committee Site Visit; however, she explained that the fans had been operating at approximately 98% of their capacity and, as could be seen from the noise assessment, the biomass boiler was quieter than the fans and significantly quieter than the Lister engine previously used. The proposed woodchip drying could take place without any changes to the internal arrangement of the building. As had been demonstrated on the Site Visit, the applicants had been testing the drying procedure in terms of timescales and volumes through the extended application period. It had become apparent that the drying time was more likely to take 60-72 hours per floor, rather than the previously estimated 48 hours, but it would vary in accordance with the specification of the customer and the quality of the woodchip. With regard to noise mitigation, the proposed measures were: white noise reversing beepers on the equipment owned by the applicant; doors to the grain store being closed at night; full training of all yard staff – a family member had been doing the majority of loading work on site to date but, in the event that it was an employee loading or unloading lorries, they would be fully briefed on the procedures of the facility and would only be employed in the role if they had received adequate telescopic handler training; an acoustic fence on the roadside hedge to a height of 2.5m – this would be tongue and groove wooden fencing which was essentially a 'reflective' noise barrier, commonly used for residential or commercial applications where traffic noise was the main concern, and noise hitting the dense barrier was reflected back towards the source with only the diffracted noise being shadowed over the top; the lean-to that currently housed the fans would be clad along approximately two-thirds of the length on both sides with insulated box profile steel in Juniper green which would further deflect the sound whilst also keeping the airflow to allow the fans to function correctly. The facility would be managed in house and, as such, the applicant would have full control over the delivery and collection vehicles and opening hours.

82.19 The Chair advised that the Officer recommendation was that Members be minded to permit the application and he sought a motion from the floor. It was proposed and seconded that the Committee be minded to permit the application in accordance with the Officer recommendation. The seconder of the motion indicated that Members had not thought that the engine or fans had been working when they had visited the site and it was only when they had walked to within 1.5m of the building that they had heard the fans running. A Member indicated that, whilst the fans had been running, there had been no tractors in operation which would be likely to generate considerably more noise. He noted that the Officer report referred to a 'small number of objectors', however, he felt that 21 letters of objection was significant in a village the size of Ashleworth. The Planning Officer advised that one of the recommended conditions was for the submission of a noise mitigation plan which would seek to control the noise within the building and there would be a requirement to ensure that the doors were closed at all times of operation. Tractors were part and parcel of farm operations and it was not unusual to have that type of noise and activity in an agricultural context.

82.20 Whilst she recognised that farms needed to diversify, a Member expressed concern that she had not been able to hear the same level of noise which the neighbouring residents would be exposed to when the Committee had visited the site. She understood that, when the lorries loaded and unloaded they would be connected to

a dumper truck which banged on the floor to scrape up the woodchip and this noise reverberated across the road. She proposed that the application be deferred for a further site visit in order for the Committee to see the facility when it was fully operational. This proposal was seconded. The Development Manager reminded Members that an appeal had been submitted in relation to the application and it would be difficult to defer the application for a site visit and still adhere to the appeal timetable. Furthermore, it would be quite unusual for any change of use application to be up and running when Members visited the site so it had been of some benefit that part of the facility had been in operation on the first site visit. In response to a Member query, clarification was provided that the appeal had been submitted on the basis of non-determination; from an Officer perspective there had been some impatience on the part of the applicant who had been working with Officers to address the various noise issues and it was unfortunate that decision now had to be made on a 'minded to' basis.

- 82.21 A Member indicated that he shared the concerns raised about the facility not being fully operational at the time of the Committee Site Visit and he felt that the objectors were being let down in terms of a full assessment of the noise which would be generated. He had been led to believe that the facility would be in constant operation which would lead to heavy traffic seven days per week and he was unsure as to how that could be mitigated. The Planning Officer advised that one of the recommended conditions would limit the number of heavy goods vehicles delivering and collecting woodchip to and from the site to two per day, i.e. four movements per day, and the hours of collection/delivery would be restricted to 1000-1500 hours Monday to Saturday with no collections/deliveries on Sundays or Bank Holidays. A further condition was recommended which would restrict operations or activities required in connection with commercial woodchip drying to between the hours of 0800 and 1700 Monday to Friday and 0900-1600 on Saturdays, Sundays and Bank Holidays. In response to a query, the Planning Officer clarified that the facility would be used for grain drying between May and September and outside of that time it would be used for woodchip drying.
- 82.22 Another Member continued to have concerns that the Committee had not got the full picture when it had visited the site; it had been clear that some part of the facility had been in operation but they had all struggled to understand why the residents were so concerned based on the noise which they had heard on that day. He was of the view that it would not be fair to make a decision without hearing what the residents were being subjected to. The Development Manager understood Members' apprehensions but he reiterated that it would be unusual for them to see a fully operational facility on the Committee Site Visit. The application had not been determined within the normal timescales largely due to the amount of work which had been done by Officers and the applicant and their agent to make the proposal acceptable. The application had been fully assessed by professional Officers in terms of environmental health concerns and it was considered that the potential harm to the residential amenity of nearby properties could be sufficiently controlled by the recommended conditions.
- 82.23 The proposer and seconder of the motion to defer the application for a further Committee Site Visit indicated that they did not wish to withdraw the motion on the basis of the Planning Officer's advice and, upon being put to the vote, it was
- RESOLVED** That the application be **DEFERRED** for a further Committee Site Visit in order to assess the facility when it was fully operational.
- 15/00982/FUL – Hayden Hill Fruit Farm, Old Gloucester Road, Boddington**
- 82.24 This application was for the erection of ground mounted solar panels with an electrical output of approximately 5MW along with associated infrastructure landscaping and ancillary structures. The application had been deferred at the Planning Committee meeting on 22 December 2015 to negotiate a reduced scheme



in an attempt to address landscape concerns.

- 82.25 The Chair indicated that there were no public speakers for this item. 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 on the basis that the benefits of renewable energy would outweigh harm to the Green Belt and given that it was not a permanent structure with the land being restored after 25 years. The proposer of the motion recalled that the Committee had considered four applications for solar farms at the meeting on 22 December, three of which had been recommended for permission but had subsequently been refused by the Committee. In terms of this particular application, Members had felt that a reduced scheme, or re-siting of solar panels in accordance with the Parish Council's suggestions, could be acceptable. Personally he would have been happy to permit the application when it had initially been considered and he continued to be of that view given the proposed amendments.
- 82.26 A Member indicated that a solar farm was currently being built within her Ward and Western Power had recently constructed a sizeable building on the site. She questioned whether this was likely to happen if Members were minded to permit this application as she could not see anything to indicate this on the plans. The Planning Officer explained that distributors, such as Western Power, would be involved in any solar farm application and the building referenced by the Member would have been constructed under permitted development rights. In terms of previous applications for solar farms, no additional conditions had been included to ensure screening of buildings constructed under permitted development rights and this was something which he felt would be beneficial going forward to ensure that the Council had some control over minimising the impact.
- 82.27 The proposer of the motion queried whether this application would need to be forwarded to the Secretary of State and the Development Manager clarified that, whilst there was a requirement for certain major developments over 0.5 hectares in size to be referred to the Secretary of State, he did not believe that this was necessary in this instance. He stressed that there were strict rules as to which applications needed to be referred; notwithstanding this, a decision could still be made subject to referral to the Secretary of State if necessary.
- 82.28 The Planning Officer indicated that Members may wish to consider delegating authority to the Development Manager to permit the application, subject to conditions including the limitation of the proposal to 25 years; submission of a method statement prior to commencement of development; details of hard and soft landscaping including hedgerow retention; implementation of biodiversity enhancement measures; noise mitigation; highways; drainage and screening of electricity provider equipment. The proposer and seconder of the motion indicated that they were happy with this amendment. Upon being put to the vote, the proposal for a delegated permission was lost. It was subsequently proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation. It was noted that Members wished to receive a report in relation to the construction of electricity substations in association with solar farms.

#### **15/01288/FUL – Part Parcel 0022, Oxenton**

- 82.29 It was noted that this application for proposed change of use of an agricultural building to a dwelling house and associated building operations had been withdrawn.

**15/00817/FUL – Part Parcel 2813, Chosen Hill, Churchdown**

82.30 This application was for an upgrade to existing entrance track.

82.31 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, subject to the inclusion of an additional condition to ensure that the reclaimed railway sleepers be removed from the site and replaced with a re-profiled grass banking in accordance with the suggestions of the Parish Council. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of an additional condition to ensure that the reclaimed railway sleepers be removed from the site and replaced with a re-profiled grass banking in accordance with the suggestions of the Parish Council.

**15/00830/FUL – The Hall, Stockwell Lane, Woodmancote**

82.32 This was a retrospective application for retention of a dwelling as built including roof light, garden walls and picket fence; and erection of a single storey extension to provide a garden room.

82.33 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.

**16/00027/FUL – Longmarsh House, 97A Tewkesbury Road, Longford**

82.34 This application was for change of use of a domestic double garage to an architectural reclamation showroom and office, including roof alterations.

82.35 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. Upon being taken to the vote, it was

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

**16/00138/FUL – Land West of Ash Lane, Down Hatherley**

82.36 This application was for the erection of a single infill dwelling and detached garage.

82.37 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider indicated that a planning application for two infill dwellings, on the opposite side of Ash Lane, had been permitted by the Planning Committee in October 2015. He had advised the Committee on that day of a High Court decision in February 2015 which had provided clarity on the National Planning Policy Framework's policy of supporting 'limited infilling in villages' in the Green Belt. The High Court decision set out the clear purpose of the policy which was to allow for the infilling of gaps in otherwise built up frontages. This was because the Government recognised the need to provide much needed housing in rural areas, whilst acknowledging that the infilling of such gaps did not create urban sprawl and did not conflict with the defined Green Belt purposes. This had been recognised by Members and it was established that Ash Lane was part of the village of Down Hatherley and was exactly what the Government had in mind in supporting infilling in villages. The current proposal was a very similar example to that approved by the Committee in October; this time the

proposal was for a single infill dwelling but, again, the proposal was to infill a gap in an otherwise built-up frontage. Officers had correctly recognised that this was a classic case of village infilling and was supported by the National Planning Policy Framework. Furthermore, Officers acknowledged that the design of the dwelling would be in keeping with the character and appearance of the area and that there would be no impact on the amenity of local residents. The development was also safe from a highways perspective and was accessible by local bus stops and other local services. He noted that the Parish Council had objected to the application, however, it appeared that was more to do with concerns over setting a precedent for a much larger form of residential development to come forward. Given that the policy only supported 'limited infilling' he suggested that the Parish Council did not need to be concerned in that regard. He encouraged Members to conclude that the development was small infill which did not prejudice the protection of the Green Belt. It would not give rise to urban sprawl and it would certainly not result in the coalescence of Cheltenham and Gloucester. He noted that late representations had been made by a local resident implying that there were protected species in the area although, eight weeks in to the application process, they had not been able to provide any conclusive evidence as such. Professional ecological surveys had been carried out on behalf of the applicant which had not uncovered any evidence of protected species on the site, nor was it deemed to be a suitable habitat for such species. Nevertheless, he was confident that this issue could be satisfactorily addressed in the near future under delegated powers if Members felt that they could only make a 'delegated permit' decision today.

82.38 The Chair indicated that the Officer recommendation had been changed to delegated permit in order to resolve the ecological issues 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 noted that the dwellings would be accessed via a private road and she questioned whether it would be appropriate to include a condition to ensure that the surface was restored if any damage was caused by large vehicles. The Development Manager clarified that this was a private matter between the developer and the owner(s) of the road and not something which the Committee should be concerned with. A Member went on to question what would happen if the road did become damaged and the Legal Adviser confirmed that the right of access would need to be acquired and a case could be made to cover potential damage within that agreement.

82.39 Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of ecological issues.

**15/01274/APP – Land to the West and South of Gloucester Business Park, Brockworth**

82.40 This application was for proposed development of 214 residential dwellings with associated roads, footways, parking, drainage and landscaping comprising parcels 25a, 25b, 26a, 27a and 27b.

82.41 The Planning Officer explained that it had been recommended that authority be delegated to the Development Manager to approve the application, subject to the consideration of additional information regarding vehicle tracking to ensure that refuse and emergency vehicles could navigate adequately around the estate. County Highways had now indicated that it was happy with the scheme and the recommendation had therefore been changed to approve.

82.42 The Chair invited Rachel Capener, speaking on behalf of the applicant, to address the Committee. She explained that, as outlined in the Officer report, various amendments had been made to the original application in order to accord with the approve design code and with the various consultee responses. These included

changes to road types and hierarchy; the addition of boundary treatments such as railings and hedge planting; increase in back to back distances; reduction of render; and increase and reconfiguration of parking to allow for soft landscaping. In terms of parking, all homes had at least two parking spaces with four bedroom homes generally having three spaces and five bedroom homes having four spaces. Additionally there were 35 visitor parking spaces. The proposed drainage scheme followed the existing strategy for the overall scheme and all finished floor levels were in accordance with the approved plans. The design of the houses and materials used were in line with the design code and sympathetic to the surrounding parcels. Overall it was felt that the applicant had worked well with Officers to produce an attractive and successful scheme.

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

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

**15/01177/FUL – Adjacent 74 Evesham Road, Bishop’s Cleeve**

- 82.44 This application was for the erection of 71 dwellings (access from Evesham Road) with public open space and other associated infrastructure. The Committee had visited the application site on Friday 8 April 2016.
- 82.45 The Planning Officer advised that there had been two matters outstanding at the time of writing the report in relation to highways and archaeology. The County Highways Authority had requested additional information in relation to vehicle tracking and safety. This had now been received and assessed and County Highways had no objection to the application, subject to the imposition of conditions. The County Archaeologist had received the results of an archaeological field evaluation which had confirmed that no evidence for any significant archaeological remains had been found and he was happy for the proposal to proceed to the determination stage. Additional comments had been made by the applicant in response to the Parish Council’s concerns regarding the capacity of existing utilities and the neighbours’ concerns in relation to the proximity of the pumping station. The applicant had provided a Utilities Statement which confirmed that relevant utilities provision could be made for the scheme and that the pumping station would be set back from the properties, would not be audible and would be built to the exacting standards of the water company. Members were advised that the recommendation was still for a delegated permission but this was now purely to allow for the completion of a Section 106 Agreement.
- 82.46 The Chair invited the applicant’s agent, Andrew Ross, to address the Committee. Mr Ross indicated that Bishop’s Cleeve was a key location within Tewkesbury Borough, outside of both the Green Belt and Area of Outstanding Natural Beauty, and one which was capable of accommodating sustainable development. The site was partly brownfield land and not sensitive in landscape terms, being close to and surrounded by other existing development and outside of any Special Landscape Areas. On that basis, it was a logical location for additional development at Bishop’s Cleeve. The detailed design of the dwellings and this scheme had evolved through a number of iterations and constructive dialogue with the Council’s Urban Design Officer and others. The scheme would secure high quality new housing for the area, providing further choice alongside other approved schemes, further helping to boost housing supply in the short term. Whilst it would make a significant positive contribution to housing supply, the scheme was modest in scale compared to other options and, as set out in the report, there would be no cumulative effects with other existing commitments that resulted in unacceptable impacts. The scheme would deliver 40% affordable housing, partly through on-site provision and partly via

financial contributions that had been agreed with the Council's Housing Officer. This had been highlighted in the comments of the Council's Affordable Housing Officer as a significant benefit as the financial contribution secured would assist delivery of affordable housing in rural communities that were struggling to make necessary provision. This was an immediately deliverable scheme, with approval sought in full, being brought forward by an experienced housebuilder who had the skills and expertise to ensure that delivery would occur as anticipated; this was in contrast to other applications nearby which might represent longer term options. All technical issues relating to drainage, highways, ecology and other matters had been addressed to the satisfaction of the relevant internal and external consultees as set out in the report; this included the updates that had been provided in respect of both archaeology and highways in the Additional Representations Sheet. The scheme would also deliver overall improvements in terms of flood risk along the Evesham Road frontage through new on-site drainage infrastructure. He considered that the Officer's report was thorough and agreed with the conclusion that the benefits of the scheme outweighed any harm, and that planning permission should therefore be granted, and he hoped that Members would support the proposals.

- 82.47 The Chair invited Councillor Mrs Sue Hillier-Richardson, one of the local Members for Bishop's Cleeve, to address the Committee. Councillor Hillier-Richardson indicated that she supported the view of Bishop's Cleeve and Gotherington Parish Councils which considered that the proposed development would be unsustainable and would represent urban sprawl. There would be a cumulative effect on the infrastructure of the village as Bishop's Cleeve was already congested with traffic, not just at peak times, and schools were full to capacity. There were still upwards of 1,000 houses to be built or occupied in the area, the majority of which had been permitted against the wishes of the Committee. The development was not included in either the Joint Core Strategy or the Tewkesbury Borough Plan and she urged Members to refuse the application.
- 82.48 The Chair reiterated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, 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 boundary of the development was set right against No. 74 Evesham Road and he questioned if that had been considered in the negotiations with developers. The Planning Officer explained that the layout of the revised plans had been assessed along with the impact on neighbouring residential properties and was considered to be acceptable in terms of overbearing impact etc. He pointed out that there was another application on the east side of the breaker's yard pending for further residential development for 26 dwellings and the impact of that scheme had also been assessed in relation to this one and found to be acceptable. In response to a query, the Planning Officer provided clarification that there would be a boundary fence and it was not thought that the relationship would be unacceptable in terms of impact on that particular resident. A Member drew attention to Pages No. 999/A and 999/B of the Officer report which appeared to show No. 74 Evesham Road in two different forms and he queried which was the correct one. The Development Manager explained that the plan at Page No. 999/A was from the Ordnance Survey which, unfortunately, had not always been found to be completely accurate. In terms of this application, No. 74 was opposite the application site which was shown on the block plan at Page No. 999/B; this was the more important of the two plans as it showed the relationship between the development and the existing buildings.
- 82.49 In terms of affordable housing, a Member queried where the off-site provision was likely to be and whether the tenure had been decided. The Development Manager explained that there were no details available at this stage, however, a new initiative

was being used to look at the need for market and affordable housing across the Borough so there would be opportunity to look outside of Bishop's Cleeve. A Member noted that Gotherington Parish Council had raised specific concern that the proposed layout showed the development close to the Parish boundary and, should the application be permitted, it would request a revision of the site layout to provide a greater area of green space to the north of the site. The Planning Officer explained that a revision had been made to step back the extent of the houses further off the boundary. The landscape impact had been assessed with specific reference to the Gotherington 'gap' and it was considered that the development would not be intrusive and would not cause significant harm in the planning balance. The Member went on to query why there was no contribution towards a GP surgery within the Section 106 Agreement. The Development Manager confirmed that NHS England had been consulted on the proposal and, if no feedback was provided, a contribution could not be legitimately sought, however, a new GP surgery was being provided through the Homelands/Cleavelands developments so there would be adequate provision within the area.

82.50 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application in accordance with the Officer recommendation, subject to the signing of a Section 106 Agreement.

#### **15/00166/OUT – Land at Stoke Road, Bishop's Cleeve**

82.51 This was an outline planning application for up to 265 dwellings and an A1 convenience retail store of up to 200sqm with associated open space and landscaping; with all matters reserved except for access (access defined as off Stoke Road to 15m in to the site). The Committee had visited the application site on Friday 8 April 2016.

82.52 The Development Manager advised that the Council was unable to demonstrate a five year supply of deliverable housing sites and as such, the Council's housing policies, including HOU5 must be considered out of date. Paragraph 49 of the National Planning Policy Framework set out that all housing applications must be considered within the context of a presumption in favour of sustainable development. There were very clear benefits arising from the proposal which were set out in the Officer's report. Whilst there would clearly be some landscape harm caused by introducing new urban development where there were currently green fields, the Council's Landscape Consultant did not feel that it would be significant and demonstrable enough to outweigh the benefits of the scheme. In terms of accessibility, County Highways had been consulted and the cumulative impact of other planned development in the area had been taken into account; the County Highways Officer had no objection to the application. There were some concerns around the design as the development would have very limited connections and poor links to the existing village. Although footpath connections were shown on the draft development framework plan, they lay outside of the application site and outside of the developer's control. There were significant concerns arising from the location of the site on the boundaries of Malvern View Business Park and opposite Wingmoor Farm Waste Management facility, particularly in respect of the lack of a robust assessment of air quality. Members were reminded that Wingmoor Farm was a safeguarded site in the Waste Core Strategy and concerns had been raised by both the operators of the site and Gloucestershire County Council, as Waste Planning Authority, that operations on the site could be put at risk. Overall it was considered that it had not been demonstrated that this was a suitable site for housing development and there were no very special circumstances to significantly and demonstrably outweigh the harm which would be caused, therefore the application was recommended for refusal.

82.53 The Chair indicated that there were no public speakers for this item. 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 refused in accordance with the Officer recommendation. A Member raised concern that there was a single access in and out of the site which was potentially dangerous if that road became impassable. A Member questioned whether the Council was any closer to being able to demonstrate a five year deliverable housing land supply, particularly given the Secretary of State's decision to agree with the Planning Committee's resolution to permit the application at Perrybrook for mixed use of up to 1,500 dwellings. The Development Manager explained that the Council was in a very difficult position as it was still not clear what the actual figure would be to achieve a five year supply. It could be assessed against the number in the Joint Core Strategy, however, there had been significant objection to those figures at the examination and it was important to be cautious of the weight that could be applied to Policies SP1 and SP2. In any event there was more work to do to reach the Joint Core Strategy figure and he reminded Members that there would be a long lead in time for very large sites such as Perrybrook so only a limited amount actually contributed to housing supply at this point in time. He noted the concern regarding the access, however, County Highways had assessed the proposal and was satisfied that it was safe and suitable.

82.54 A Member was of the view that the proposal was unsuitable for a variety of reasons and not least in terms of its location on the edge of Bishop's Cleeve, well away from facilities. The main thrust of the Officer recommendation to refuse the application seemed to be health issues and the local community had a whole host of other reasons why it was inappropriate. He would be supporting the motion to refuse the application and felt that, if the land had to be developed, light commercial development would be more appropriate given that the Joint Core Strategy Inspector had stated that there was a need for that type of use and this would be a natural extension to what was already being done in the area. Upon being taken to the vote, it was

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

### **13/01003/OUT - Land South of A46 and North of Tirl Brook, Ashchurch**

82.55 Attention was drawn to the report of the Senior Planning Officer, circulated at Pages No.34-88 which set out the progress that had been made since the last meeting where Members had resolved that they would be minded to permit an application for a proposed garden centre, retail outlet centre and ancillary facilities, together with associated infrastructure works including access, car parking and landscaping, subject to referral to the Secretary of State, and on the basis that the application be brought back to the next meeting of the Committee with recommended conditions and negotiations with the applicant in respect of Section 106 obligations. Members were asked to consider the report.

82.56 The Planning Officer indicated that a list of suggested conditions was attached at Appendix 1 to the report. The applicant had confirmed agreement with those conditions subject to the addition of "staff rooms and storage areas" to the list of exclusions set out under the definition of "net sales area" which was considered to be acceptable. In terms of the Section 106 Agreement, the position in terms of contributions for transport related work had been agreed in accordance with the recommendations of County Highways. It was noted that a separate unilateral undertaking for the safeguarding of land may be necessary for improvements to the A46 and Junction 9 of the M5 motorway. Other elements included measures to mitigate the impact of the development on the health of Tewkesbury Town Centre and a total of £1.2M contributions had been agreed, which accorded with the Community Infrastructure Levy (CIL) regulations; the mitigation measures were not

limited to, but included a number of the measures, set out at Appendix 3 to the report e.g. physical improvement to the town centre relating to town centre regeneration schemes and marketing and tourism initiatives. It was important to have flexibility and the agreement reflected that; some of the payments would be required upon the grant of the planning permission with others coming forward once the various phases were brought into use.

- 82.57 A Member noted that the report set out that the total contributions for the Tewkesbury Town centre mitigation measures amounted to £1.79m, however, the Planning Officer had stated that this would be £1.2M. The Planning Officer advised that discussions had been ongoing since the last Planning Committee meeting and it had been agreed that £1.2M was an appropriate figure in recognition of the benefits that would arise from the proposals. The Member sought further information regarding the contribution towards the public art trail and was advised that this was a Tewkesbury town centre regeneration project and it was principally a walking/cycling route along the old railway line which was intended to make the link between the two more interesting. The Member went on to query why the shuttle bus between the development and Tewkesbury town centre was no longer included in the list of mitigation measures. The Planning Officer explained that the developer had been intending to operate a shuttle bus, however, County Highways had been of the opinion that this should not be required given that it would compete with the normal bus service. The view prior to the last Planning Committee was that it would not be appropriate to require the applicant to operate that service so it had not been worked into the agreement. The Member questioned whether the normal bus service route would be amended to incorporate the new site and if the frequency of the service would be increased. The Planning Officer indicated that she did not currently have that level of detail but she clarified that, in assessing the proposal, County Highways had considered the sustainability credentials in terms of the current operational bus service, the improvements being made and where the bus stops would be as part of the development. A Member felt that the proposal was an exciting opportunity for Tewkesbury and the regeneration of the town centre however, he was of the view that it should be made as easy as possible for people to use the public transport system in order to get to the development, particularly in the east of the Borough where there were very few buses from places such as Bishop's Cleeve and Winchcombe. He raised particular concern about congestion on the A46 and felt that this was something which needed to be addressed. Whilst she did not disagree, the Planning Officer explained that it was necessary to be proportionate in terms of the impact of the proposal and what harm would be reasonable for the developer to mitigate; it was very easy to look at the wider picture and see it as an opportunity to resolve existing problems but it was necessary to have justification for the measures which were being asked for.
- 82.58 A Member noted that much had been made of the impact of the scheme on Gloucester city centre, as well as Tewkesbury town centre, however, since the application had originally been submitted, Gloucester City Council had dropped the idea of a shopping centre in favour of a mixed use scheme, including a possible covered market and she questioned whether the Secretary of State had been informed of these changes. The Planning Officer clarified that, to date, the Secretary of State had been sent the Committee report and resolution from 15 March and would also be sent the presentation and report from this meeting. Whilst the plans for the King's Quarter site in the city centre had changed, this issue was not something that the Council's retail consultant considered would weigh against the proposal.
- 82.59 A Member indicated that he continued to have concern about the shuttle bus which had been part of the development since the consultation stage. Whilst he recognised that County Highways did not favour the introduction of a shuttle bus, he questioned whether it could still be provided if the developer was willing to fund and operate it. In his view, a shuttle bus into the development was very different to the



existing bus service and people would not want to go out of the development to find a bus stop. The Development Manager indicated that Officers could go back and renegotiate on the basis of the provision of the shuttle bus if Members so wished, however, it was important to recognise that there would be a potential impact on the existing bus service, which should be supported and improved where possible, and that it would go against the professional advice of County Highways. In his view there was a strong likelihood that the existing bus service would be re-routed once the scheme was in operation in order to pick up people from within the development site. A Member raised concern that it had taken a significant amount of time to reinstate the bus stop at Ashchurch Railway Station and she could not see why the bus company would re-route the service into a retail development where the majority of people would arrive by car. The Development Manager indicated that he did not see the benefit of including the shuttle bus in the Section 106 Agreement and in his view it should be left up to the developer if it wished to provide that service.

82.60 Having considered the information provided and views expressed, it was proposed, seconded and

**RESOLVED** That the application be **DEFERRED** in order to negotiate the provision of a shuttlebus linking the proposed development with Tewkesbury town centre.

#### **15/01124/FUL - Noake Farm, Churchdown Lane, Churchdown**

82.61 Attention was drawn to the report of the Development Manager, circulated at Pages No. 89-106 which set out the progress that had been made since the last meeting where Members had resolved that they would be minded to permit an application for the change of use to a horticultural/landscaping business including the redevelopment of existing building and creation of new buildings for use of the business and conversion of coach house to one dwelling including the erection of a detached garage/store and associated vehicular access and parking (including demolition of derelict buildings), subject to referral to the Secretary of State, negotiations with the applicant to reduce the height of the buildings and the formulation of conditions. Members were asked to consider the report.

82.62 Following the Planning Committee meeting on 15 March 2016, the applicant had submitted amended plans which had changed the overall building height, with building two being reduced by 0.5m and both buildings now proposed to be set 0.5m into the existing ground levels. A list of suggested conditions was attached at Appendix 1 to the report and the applicant was broadly happy with what was proposed, however, the applicant had requested opening times of 0630 – 1830 hours Monday to Friday. The Environmental Health Officer had been consulted and advised that this would have an unacceptable impact on residential amenity in terms of noise and how night time and day time measurements were undertaken in the British Standard and World Health Organisation where day time ran from 0700 – 2300 hours. Whilst the applicant's operational requirements were understood, proper regard must be had to the living conditions of neighbouring residential properties and, as such, it was recommended that suggested conditions 15 and 16 restrict the hours of operation from 0700 – 1830 Monday to Saturday. It was recommended that the application be permitted in line with the amendments reducing the height of the buildings and the conditions set out at Appendix 1 to the report.

82.63 A Member welcomed the applicant's request to amend the opening times as he considered 0630 hours to be a reasonable start time for this type of operation and he did not feel that this would have an onerous impact on the local residents. The Development Manager confirmed that this recommendation was very much in line with recommendations for similar applications around the Borough and it was only

fair that the residents were treated in the same way as recommended by the Environmental Health Officer.

82.64 It was proposed, seconded and

**RESOLVED** That the application be **PERMITTED**, subject to the proposed amendments reducing the height of the buildings and conditions set out at Appendix 1 to the report.

**PL.83 REVIEW OF PROTOCOL FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS**

83.1 The report of the Democratic Services Group Manager, circulated at Pages No. 107-109, sought nominations to serve on a joint Standards and Planning Committee Working Group to review the Protocol for Councillors and Officers Involved in the Planning Process in accordance with the Council decision made on 14 April 2015 and the decision of the Standards Committee on 21 March 2016.

83.2 Members were informed that, at its meeting on 14 April 2015, the Council had considered the revised Protocol for Councillors and Officers Involved in the Planning Process and resolved that the Protocol be adopted with a review after 12 months. The initial review had been undertaken by a joint Working Group made up of four Members of the Planning Committee and four Members of the Standards Committee; this mechanism had worked extremely well and it was therefore suggested that a similar arrangement be put in place to examine how the new Protocol had worked after being operational for 12 months and whether any further amendments were required.

83.3 At its meeting on 21 March 2016, the Standards Committee had nominated Tewkesbury Borough Councillors Mike Dean and Philip Surman; Parish representative, Jeremy Horsfall; and Independent Person, Martin Jauch to serve on the Working Group. Previously the representatives from the Planning Committee had been Councillors Derek Davies, John Evetts, Jim Mason and Mrs Jude Perez and, it was suggested, for consistency, that those Members remaining on the Planning Committee may wish to put themselves forward to serve on the Working Group. In respect of Jude Perez, as she was no longer a Member of the Council, there was one vacancy to fill.

83.4 It was proposed, seconded and

**RESOLVED** That the Planning Committee Members to serve on the re-established Joint Standards and Planning Working Group to review the Protocol for Councillors and Officers Involved in the Planning Process be as follows:

Councillors D M M Davies, R D East, J H Evetts and J R Mason.

**PL.84 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

84.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 110-116. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG)

appeal decisions issued.

84.2

It was

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

**PL.85**

**ADVANCED SITE VISITS BRIEFING**

85.1

Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 117, 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.

85.2

It was

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

The meeting closed at 12:15 pm

## Appendix 1

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

Date: 12 April 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.

<b>Page No</b>	<b>Item No</b>	
886	1	<p><b>16/00317/ADV</b></p> <p><b>Tewkesbury Borough Council, Gloucester Road, Tewkesbury</b></p> <p><b>Consultations and Representations</b></p> <p>A representation has been received from Gloucestershire County Highways Authority. No objection is raised to the proposed signage.</p>
889	2	<p><b>15/01293/OUT</b></p> <p><b>Parcel 0630, Mythe Road, Tewkesbury, Gloucestershire</b></p> <p>The application has been formally withdrawn.</p>
903	3	<p><b>15/00963/FUL</b></p> <p><b>Gardeners Arms, Beckford Road, Alderton, Tewkesbury, GL20 8NL</b></p> <p>On the site inspection for the Planning Committee it was found that large parts of the proposed development had commenced and were nearing completion. The application is therefore part retrospective and the description of development is amended as follows:</p> <p><b>Alterations to existing car parking layout and provision of overspill car park area, external seating area, and fencing (all retrospective or part completed), and proposed provision of external lighting and alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows.</b></p> <p><b>Recommendations</b></p> <p>No changes are made to the recommendation within the Committee report, and it is therefore recommended that <b>planning permission is granted subject to conditions.</b></p>

910	4	<p><b>16/00105/FUL</b></p> <p><b>Sycamore Cottage, Buckland, Broadway, Worcestershire, WR12 7LY</b></p> <p><b>Consultations and Representations</b></p> <p>Three additional letters have been received from three local residents in response to the Committee report. Many comments are reiterations of previous objections. These are as follows (summarised):</p> <ul style="list-style-type: none"> <li>• There is no precedent for a balcony in Laverton or Buckland.</li> <li>• A balcony will be visually intrusive and totally inappropriate within a category four Cotswolds Conservation Area within the boundary/curtilage of a listed Church.</li> <li>• It is quite disingenuous to argue that a single, small, window affords the same visual impact as a balcony.</li> <li>• Concerns over the privacy of The Old Stable, Buckland.</li> <li>• Adverse impact on the neighbours (at Orchard Cottage, The Old Stables, and Buckland Manor Cottage).</li> <li>• The proposed balcony development appears "incongruous".</li> </ul> <p>Further additional comments were also raised in respect to the Committee report, these are as follows (summarised):</p> <ul style="list-style-type: none"> <li>• The omission of Orchard Cottage from the block plan.</li> <li>• Inaccuracy in the measurements between the properties.</li> </ul> <p>Other issues were raised but are not considered to be material planning considerations:</p> <ul style="list-style-type: none"> <li>• The reference to holiday homes.</li> <li>• Neighbours unsuccessful attempts to engage with the applicants.</li> </ul> <p><b>Officer Comments</b></p> <p>The impact of the proposal upon Orchard Cottage has been assessed despite its omission from the block plan. As mentioned in the Committee report it is considered that all measurements are correct and were taken from three different sources using a mixture of electronic measuring tools and scaling on a paper based system.</p>
916	5	<p><b>15/00394/OUT</b></p> <p><b>Land To The South Of B4077, Toddington</b></p> <p><b>Consultations and representations</b></p> <p><b>County Highway Authority</b> - No objections subject to conditions, <b>the response is attached in full.</b> The suggested conditions are already incorporated within the Committee report; however, Condition 15 should be amended to read:</p> <p><i>No part of the development shall be occupied until the pedestrian improvement works, bus stop relocation and highway safety works shown on plan SK04B have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.</i></p> <p><i>Reason: To reduce potential highway impact, in accordance with Paragraph 32 of The Framework.</i></p>

932	6	<p><b>15/00865/FUL</b></p> <p><b>Land at Berrow Farm, Wickridge Street, Ashleworth, GL19 4JW</b></p> <p><b>Conditions</b></p> <p>Further to the conditions set out in the Officer recommendation, it is recommended that the following condition is added:</p> <p>11. There shall be no installation or operation of wood chipping machinery or similar equipment on the site and operations shall be limited to the drying and internal storage of woodchip only.</p> <p>Reason: To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.</p>
940	7	<p><b>15/00982/FUL</b></p> <p><b>Hayden Hill Fruit Farm, Old Gloucester Road, Boddington, GL51 0SW</b></p> <p><b>Additional Information</b></p> <p>The agent submitted a Flood Risk Assessment (FRA) Addendum on 05.04.2016 with regard to the drainage implications of the proposal. This is following the increase in impermeable area across the site as a result of the concrete beams that would be used support the solar arrays. The Lead Local Flood Authority (LLFA) has been consulted in respect of the document and raised no objection to revised scheme. It is commented that the increase in impermeable area would result in an increase in the volume of surface water run-off but the updated size of the swale would be sufficient to cope with the increased volume.</p> <p>It is therefore considered that sufficient information has been submitted to demonstrate that the proposal would not have a detrimental impact upon flood risk and the <b>recommendation should be updated to remove refusal reason 3.</b></p>
950	8	<p><b>15/01288/FUL</b></p> <p><b>Part Parcel 0022, Oxenton, Cheltenham</b></p> <p>This application has now been formally withdrawn by the applicant.</p>
957	9	<p><b>15/00817/FUL</b></p> <p><b>Part Parcel 2813, Chosen Hill, Churchdown</b></p> <p>In light of the comments made by Churchdown Parish Council, the applicant has confirmed that they would be prepared to remove the reclaimed railway sleepers at the site entrance in favour of a sloped banking that would be re-seeded with mixed grasses. While it is not considered that the reclaimed railway sleepers would have a detrimental impact on the visual amenity of the Special Landscape Area, it is acknowledged that a re-profiled grass banking would assimilate with the surrounding landscape and would provide a softer appearance than the railway sleepers. The applicant has not provided amended plans to show the proposed changes and it is therefore recommended that the following condition is added should Members be minded to permit the application with the suggested amendments:</p>

		<p>5. <i>Notwithstanding the submitted plans, the reclaimed railway sleepers shall be removed from site and replaced with a re-profiled grass banking that shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority within a period of three months of the date of this permission. The re-profiled banking shall be re-seeded with mixed grasses.</i></p> <p><i>Reason - To ensure the development will be visually attractive in the interests of amenity in accordance with the provisions of the NPPF and Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.</i></p>
971	12	<p><b>16/00138/FUL</b></p> <p><b>Land West of Ash Lane, Down Hatherley</b></p> <p><b>Consultations and representations</b></p> <p>An additional neighbour representation was received questioning the findings of the ecological report and highlighting the presence of Great Crested Newts in the immediate area.</p> <p><b>Recommendation</b></p> <p>The ecological issue raised by the local resident is a matter that requires proper consideration and it is therefore recommended that permission is <b>delegated to the Development Manager to resolve the ecological issues.</b></p>
976	13	<p><b>15/01274/APP</b></p> <p><b>Land To The West And South Of Gloucester Business Park Brockworth</b></p> <p><b>Local Residents</b></p> <p>Two additional letters have been received from local residents who share the concerns of previous objectors and consider that existing services and facilities are already oversubscribed and unable to cope with any additional demand.</p> <p>It is considered that parking within the area is already a problem with many examples of cars being park on the highway; there are a number of houses in multiple occupancy.</p> <p>Consider there is insufficient Public Open Space which will result in increased pressure on the surrounding Area of Outstanding Natural Beauty.</p> <p><b>County Highways Authority</b></p> <p>The County Highways Authority (CHA) has now provided its response to the application and considers that the proposed highway layout is broadly the same as that proposed by the framework plan in the outline application. The road and footways widths are considered acceptable and sufficient to allow safe passage of refuse vehicles. The proposed layout has been subject to a Stage 1 Road Safety Audit including the revised layout plans submitted. The audit has raised only one concern which is the provision of pedestrian crossing points within the development, this can be provided by way of a planning condition.</p> <p>Each dwelling is provided with a minimum of two car parking spaces per dwelling with larger properties having a higher provision of up to four spaces. Across the development there are also 34 unallocated visitor spaces which would provide parking spaces for visitors and any additional parking demand created by some individual dwellings. The CHA also comment that, whilst some of the parking is in 'courts' to the rear of the properties (as required by the Design Code), the access to those parking areas is as direct as reasonably possible. The proposed visitor parking spaces on the spine road would facilitate and limit the number of vehicle parked on the carriageway.</p>

		<p>Subject to conditions, the CHA raises no objection to the proposal.</p> <ol style="list-style-type: none"> <li>1. Prior to the associated highway being opened to the public or vehicle access being brought into use the area between the visibility splay line shown on submitted plan number 0141-2_305 D shall be cleared of obstruction above a height 600mm and maintained as such for the duration of the development.</li> </ol> <p>Reason - To ensure a safe and secure layout is provided that minimises conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of the Tewkesbury Borough Local Plan.</p> <ol style="list-style-type: none"> <li>2. Prior to works commencing on site details of pedestrian crossing points within the development shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the dwellings served being occupied.</li> </ol> <p>Reason - To give priority to pedestrian movements and create a safe and secure layout that minimises conflicts between traffic and pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of Tewkesbury Borough Local Plan.</p> <p>The recommendation is now therefore to <b>Approve</b> the application.</p>
982	14	<p><b>15/01177/FUL</b></p> <p><b>Adjacent 74 Evesham Road, Bishops Cleeve</b></p> <p><b>Consultations and Representations</b></p> <p>An additional letter has been received from a local resident who objects (in addition to a previous objection) to the pumping station adjacent to their property due to the noise and vibrations from the pump, and the potential impact should the pump fail.</p> <p><b>County Highways Authority</b></p> <p>The County Highways Authority (CHA) has now provided its response to the application and considers that the site is located in a sustainable location with adequate links to the nearest facilities. The CHA considers that the applicants' Transport Assessment (TA) demonstrates that the site access would have sufficient capacity to accommodate the proposed development. In terms of the layout, the CHA that the parking provision is considered suitable and higher than the average car ownership figures in the 2011 census data. The amended plans now demonstrate that adequate forward and junction visibility is available throughout the layout and the tracking plans demonstrate that a large car and a refuse vehicle can safely pass each other.</p> <p>The CHA concludes that the proposed development would not have a severe impact on the local highway network, and that in accordance with the National Planning Policy Framework, "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." Subject to the imposition of conditions, the CHA therefore has no objection to the application.</p> <p><b>The CHA response, including the recommended conditions, is attached in full.</b></p>



### **County Archaeology**

The County Archaeologist (CA) has confirmed receipt of a report (as requested) on the results of an archaeological field evaluation undertaken on the site. The CA advises that no evidence for any significant archaeological remains were found. Therefore, the CA recommends that no further archaeological investigation or recording should be required in connection with this planning application, and has no further observations concerning this scheme.

### **Additional comments from the applicant**

#### *Utilities*

In response to the Parish Council's concerns regarding the capacity of existing utilities, the applicants have provided a Utilities Statement which they consider confirms that relevant utilities provision can be made for the scheme and that there are no fundamental issues to prevent planning permission being issued.

#### *Proximity of neighbouring property to proposed pumping station*

In response to the objectors' concerns regarding the proximity to the proposed pumping station, the applicant confirms that the relevant manufacturers advise that such plant is not audible even if you were to be stood directly on top of the chamber, and in any event the minimum off-set distances to dwellings have been applied. In terms of any flood risk, the pumping station would also have two pumps to reduce the risk of flooding in the event of the main pump failing. It is also required to provide emergency storage of 160 litres per dwelling within the system to provide storage in the unlikely event of both pumps failing. There would be emergency alarms provided which will notify the water company via telemetry that the pump has failed. This storage volume is based on the response time for the water company to reach the pump station to prevent flooding.

#### *Contributions*

The applicant has written wishing to point out that, whilst they have no objection to the various Section 106 contributions that are set out in the Committee report, they will require some additional justification as to the specific amounts and also have it demonstrated that the benefitting facilities are not subject to any pooling issues.

The recommendation is that **permission be delegated to the Development Manager to allow for any necessary amendments to the proposed planning conditions (as necessary) and to allow for the completion of a Section 106 Agreement to secure the following planning obligations:**

**\* Affordable Housing - on-site provision and off-site contribution.**

**\* Education - £434,053 for p re School, primary and secondary education requirements.**

**\* Libraries - £13,916.**

**\* Off-site sports provision (playing pitches and changing facilities) - £113,176.**

**\* Provision of a LAP on-site**

**\* Off-site contribution of £75,171 indoor sports facilities.**

**\* Community - a contribution of £32,739 towards community buildings provision in the local area.**

**\* A contribution of £3,550 towards recycling and dog bins and signage.**

1000	15	<p><b>15/00166/OUT</b></p> <p><b>Land At Stoke Road, Bishops Cleeve, GL52 7DG</b></p> <p><b>Consultations and representations</b></p> <p><u>Lead Local Flood Authority (LLFA)</u> - a response has been received from the LLFA which advises it was not a statutory consultee at the time the application was submitted, nevertheless, offers comments given the nature of the application following a request from Officers. The LLFA would object to the application on the basis that a detailed site layout has not yet been developed and as such a full SuDS scheme has not been provided.</p> <p>Nevertheless, the applicants are allowed to submit outline applications and, in these circumstances, it is standard practice across the country to apply appropriately worded planning conditions to outline permissions requiring full details of drainage, based on SuDS principles. Despite its 'in principle' objection the LLFA offer suggested conditions should the application be accepted at outline stage.</p> <p>This is a matter that could be adequately addressed by planning condition.</p> <p><b>Applicants response to the recommendation:</b></p> <p><u>Pollution</u></p> <p>The applicant has submitted a response to the Officer report which is <b>attached</b>. The response includes comments from the applicant's Air Quality Adviser. These comments are noted, however, it is not considered that this response changes the view that the application does not demonstrate that the proposals would not be at risk from pollution, in particular from the Wingmoor Farm operations.</p> <p>The applicant's comments regarding connectivity are also noted and understood. Whilst technically ownership is not a planning issue, the lack of control over the proposed linkages as shown on the Development Framework plan mean that there is no way ensuring that those linkages could be secured.</p> <p><u>S106 obligations</u></p> <p>It should be noted that the applicant has confirmed that they agree to the proposed obligations as set out in the report.</p> <p><u>Benefits</u></p> <p>In terms of the purported benefits of the proposal, as set out in the Officer report, it is recognised that the scheme overall offers significant social and economic benefits in the form of housing delivery, including affordable housing and the convenience store.</p> <p>New Homes Bonus can only be considered as a material consideration in the determination of a planning application where there is a direct link between the proposed development and what the money would be spent on - very much in the same way as S106/CIL monies. In this case, this is not possible to determine given the way that the Council decides how to utilise New Homes Bonus monies.</p>
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**Item 5 – 15/00394/OUT – Land to the South of B4077, Toddington**

Highways Development Management  
Shire Hall  
Gloucester  
GL1 2TH

Ciaran Power  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

email: michael.glaze@gloucestershire.gov.uk

Please ask Michael Glaze  
for:

Phone: 01452 425626

Our Ref: T/2015/033844

Your Ref: 15/00394/OUT Date: 29 March 2016

Dear Ciaran Power,

**TOWN AND COUNTRY PLANNING ACT 1990  
HIGHWAY RECOMMENDATION**

**LOCATION: Land To The South Of B4077 Toddington**

**PROPOSED: Outline planning application for the erection of up to 39 dwellings and associated works with all matters reserved for future consideration with the exception of access (Revised Application 14/00748/FUL).**

**This response is based on the following amended plans and information:**

**Transport Statement August 2015, SK04-B, SK05, RSA1, Designer's Response and email from Audit team**

**General**

A Transport Statement has been submitted in support of a planning application for up to 39 dwellings to the south of the B4077 in Newtown, Toddington. The proposal includes the construction of a new vehicular access from the B4077, as well as four separate private access points, each providing access to a maximum of six dwellings. All matters are reserved apart from access.

**Planning Policy**

The National Planning Policy Framework (NPPF, March 2012) is the primary national planning policy relevant to the proposed development. The main considerations of the NPPF, in transport terms, are set out in Section 4 Paragraph 32:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused where the residual cumulative impacts of the development are severe.

### **Existing Transport Conditions**

#### *Local Highway Network*

The site would be accessed via a new priority junctions with the B4077. The B4077 is single carriageway and subject to a 40mph speed restriction. It is a bus route and connects the rural settlements in the area with Tewkesbury, the A46, the A435 and the M5 to the west. The B4077 connects to the B4632 via a four-arm roundabout to the east. The B4632 provides north-south linkages through the area and connects the site with settlements such as Winchcombe and Broadway.

The residential development to the north of the B4077 benefits from frontage access and footway. There is no footway to the south of the B4077 along the site frontage.

#### *Highway safety*

The TS has reviewed Personal Injury Accident data for the five year period to 31<sup>st</sup> December 2015 in accordance with industry standard methodology and concluded that there are no inherent highway safety issues in the vicinity of the site. This is a reasonable conclusion based on the data used, however the accident data is significantly out of date and therefore this analysis should be updated with the most recently available data.

#### *Local facilities*

Facilities in Newtown include a public house, a primary school and convenience store. These facilities are within walking distance, although other trip destinations such as supermarkets and employment centres are outside of standard active travel distances. Bus stops at the Newtown roundabout are within the CIHT recommended walking distance of the site.

#### *Sustainability*

The TS concludes that the site is relatively sustainably located. Whilst there are some facilities within walking distance, many residents would need to travel further afield for retail, leisure, education and employment and public transport services are intermittent. For this reason GCC considers it important to agree an appropriate package of sustainable transport improvements in order to fulfil the requirements of the NPPF Paragraph 32.

### **Access**

#### *Vehicular Access*

The principle of providing access to the site via a priority controlled T-junction and additional private drives serving a small number of dwellings has been agreed as being reasonable during pre-application

discussions. The provision of frontage access and development should help to provide 'side friction' and slow vehicle speeds. ATC data has been collected on the B4077 at the proposed site access. The data showed that the 85<sup>th</sup> percentile traffic speeds significantly exceed the posted 40mph speed limit. The speed survey data demonstrates that between 10-12 and 14-16 that average speeds are generally below 40mph. On that basis it is considered that applying Manual for Streets parameters for visibility purposes is reasonable. Furthermore, the introduction of a footway and frontage development will help to reduce vehicle speeds.

The revised plan demonstrates visibility splays of 120m can be provided. These are in excess of the splays required for the measured speeds when applying MfS parameters.

The junction provides a road width of 5.5m and corner radii of 10m. A Swept Path Analysis has been provided demonstrating that a large refuse vehicle (9.86m long, 3 axle) can turn into and out of the site access, with at least 0.5m clearance between the vehicles and other vertical boundaries such as kerbs and fences. It is reasonable for the refuse vehicle to over-run the centre line as sufficient forward visibility is provided on the access road for an approaching vehicle to see a turning refuse vehicle.

#### *Servicing*

Refuse collection and servicing vehicles will use the primary adoptable access road. The internal layout will be designed to allow vehicles to enter and exit the site in a forward gear. Refuse collection for the private drives will be carried out from the roadside on the B4077. This is acceptable.

#### *Pedestrian/Cycle Access*

A 2m footway is provided on both sides of the access road. A further 2m footway is proposed to run alongside the site frontage on the south side of the B4077. An informal footway will be provided along the south of the development providing connection with the B4632.

Tactile paving and dropped kerbs are provided directly to the west of the access junction in order to facilitate pedestrian crossing.

#### *Public Transport*

The development proposes to move the existing westbound bus stop on the B4077 20m to the west to accommodate the masterplan. This would move the bus stop away from the facilities to the east of the roundabout, but closer to the new and some existing residences. This is likely to have a neutral impact on public transport availability. There will be a benefit as footway will be provided to access the bus stop.

#### **Highway Impact**

Trip rates have been derived using the TRICS database as is standard industry methodology. The TRICS exercise has used the category "houses privately owned" to determine rates for the proposed residential development, which includes 14 affordable dwellings. This is reasonable. The development will generate approximately 25 vehicle trips in both the AM and PM peak hours.

Given the relatively low level of traffic likely to be generated by the development and low levels of opposing flow, GCC can be confident that the proposed site access junction can accommodate traffic levels associated with the proposed development without an unacceptable impact on highways capacity or safety.

#### **Parking**

This is a Reserved Matter so a recommendation is not required on this element at this stage and this should be dealt with by the Reserved Matters application. Advice is given on this element to inform the developer in advance of the Reserved Matters Application. The applicant is correct in the assessment that suitable levels of parking will need to be provided so as to ensure that no safety and operational issues result from over-spill parking on the nearby highway. This is particularly pertinent as there are limited locations in Newtown where on-street parking can be accommodated.

GCC's LTP2 forms the current parking standards for residential development, set at a maximum of 1.5 spaces per dwelling. However, the Manual for Streets: Evidence and Research Document (TRL, 2007) found that an average of 1.5 spaces per dwelling is potentially inadequate in a number of new developments. It is increasingly being recognised that we need to manage car use, rather than seek to control car ownership, which was the aim of a maximum standard of 1.5 spaces per dwelling.

Policy 17 of the emerging LTP3 intends to "*Review and appraise residential parking standards for Gloucestershire to meet the needs of housing development sites across the County.*" It is therefore considered that car parking is required to be provided in accordance with the criteria set out in paragraph 39 of the NPPF. It is noted that car ownership in the Isbourne Ward is approximately 1.9 cars per household. Visitor car parking is also required to be included within the development. In order for garages to be counted towards the parking provision, minimum internal dimensions of 3m by 6m are required. Parking courts should be avoided.

Cycle parking should be provided in accordance with the Council's Cycle Facility Guidelines. It is agreed that a minimum of one cycle parking space per household is appropriate.

#### Layout

The layout of the site is also a reserved matter not to be agreed now. Advice is given on this element to inform the developer in advance of the Reserved Matters application. The layout will need to provide safe and suitable access to and from each dwelling for all modes. A Swept Path Analysis will be required demonstrating that a large refuse vehicle (9.86m long, 3 axle) can traverse the site at the same time as an oncoming estate car, with at least 0.5m clearance between the vehicles and other vertical boundaries such as kerbs and fences.

#### Travel Plan

The proposed development quantum falls below the threshold required for a Travel Plan.

#### Road Safety Audit

All issues identified in the audit have been satisfactorily resolved. The audit team have confirmed via email that problem 2.2 has been resolved through the submission of plan SK04-B and that the visibility splays provided are greater than required.

#### **Recommendation**

**I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:**

*The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.*

*Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.*

*No part of the development shall be occupied until the pedestrian improvement works, bus stop relocation and highway safety works shown on plan SK04B have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.*

*Reason:- To reduce potential highway impact, in accordance with paragraph 32 of The Framework.*

*No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:*

- i. specify the type and number of vehicles;*
- ii. provide for the parking of vehicles of site operatives and visitors;*
- iii. provide for the loading and unloading of plant and materials;*
- iv. provide for the storage of plant and materials used in constructing the development;*
- v. provide for wheel washing facilities;*
- vi. specify the intended hours of construction operations;*
- vii. measures to control the emission of dust and dirt during construction*

*Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.*

*No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level*

*Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.*

*No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established*

*Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.*

*Prior to the use of each site access the first 10m of that access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level*

*Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.*

*No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.*

*Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.*

*The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with drawing SK04-B. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level*

*Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.*

#### **Informative's**

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those work.

For avoidance of doubt the submitted layout plan has been treated as being for illustrative purposes only.

The applicant is advised that to discharge condition (LPA numbering) that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

#### **Statement of Due Regard**

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and



civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Michael Glaze

Principal Development Co-ordinator

## **Item 13 - 15/01274/APP - Land To The West And South Of Gloucester Business Park Brockworth**

### **Local Residents**

Two additional letters have been received from local residents who share the concerns of previous objectors and consider that existing services and facilities are already oversubscribed and unable to cope with any additional demand.

It is considered that parking within the area is already a problem with many examples of cars being park on the highway. There are a number of houses in multiple occupancy.

Consider there is insufficient Public Open Space which will result in increased pressure on the surrounding AONB.

### **County Highways Authority**

The County Highways Authority (CHA) have now provided their response to the application and consider that the proposed highway layout is broadly the same as that proposed by the framework plan in the Outline application. The road and footways widths are considered acceptable and sufficient to allow safe passage of refuse vehicles. The proposed layout has been subject to a Stage 1 Road Safety Audit including the revised layout plans submitted. The Audit has raised only one concern which is the provision of pedestrian crossing points within the development, this can be provided by way of a planning condition.

Each dwelling is provided with a minimum of two car parking spaces per dwelling with larger properties having a higher provision of up to 4 spaces. Across the development there are also 34 unallocated visitor spaces which would provide parking spaces for visitors and any additional parking demand created by some individual dwellings. The CHA also comment that whilst some of the parking is in 'courts' to the rear of the properties (as required by the Design Code), the access to those parking areas is as direct as reasonably possible. The proposed visitor parking spaces on the spine road would facilitate and limit the number of vehicle parked on the carriageway.

Subject to conditions, the CHA raise no objection to the proposal.

1) Prior to the associated highway being opened to the public or vehicle access being brought into use the area between the visibility splay line shown on submitted plan number 0141-2\_305 D shall be cleared of obstruction above a height 600mm and maintained as such for the duration of the development.

Reason - To ensure a safe and secure layout is provided that minimises conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of the Tewkesbury Borough Local Plan.

2) Prior to works commencing on site details of pedestrian crossing points within the development shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the dwellings served being occupied.

Reason - To give priority to pedestrian movements and create a safe and secure layout that minimises conflicts between traffic and pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of Tewkesbury Borough Local Plan.

The recommendation is now therefore to **Approve** the application.

**Item 14 – 15/01177/FUL – Adjacent 74 Evesham Road, Bishop’s Cleeve**

Highways Development Management  
 Shire Hall  
 Gloucester  
 GL1 2TH

John Hinett  
 Tewkesbury Borough Council  
 Council Offices  
 Gloucester Road  
 Tewkesbury  
 Gloucestershire  
 GL20 5TT

email: michael.glaze@gloucestershire.gov.uk

Please ask Michael Glaze  
 for:

Phone: 01452 425626

Our Ref: T/2015/035096

Your Ref: 15/01177/FUL Date: 07/04/16

Dear John,

**TOWN AND COUNTRY PLANNING ACT 1990  
 HIGHWAY RECOMMENDATION**

**LOCATION: Adjacent 74 Evesham Road Bishops Cleeve Cheltenham Gloucestershire GL52 8SA**

**PROPOSED: Erection of 71 dwellings (access from Evesham Road), with public open space and other associated infrastructure**

**This response is based on the following amended plans:**

15010.010-F Site Layout  
 389-040-A Swept path analysis  
 TK04-Tracking and forward visibility  
 D001-Road widths plan  
 RSA and Designer Response

The recommendation of the Highway Authority to Tewkesbury Borough Council for the proposed development of 71 dwellings accessed via Evesham Road is based on the National Planning Policy Framework, the saved policies within the Tewkesbury Borough Local Plan and any other material planning considerations. I am aware and have considered the consultation responses of the Parish Council and other letters of representation.

**Development proposals**

A Transport Assessment and Framework Travel Plan have been provided to accompany a full Planning Application for 71 dwellings on land to the east of the A435 and west of the Homelands Farm development. Primary vehicle access is proposed onto Evesham Road.

## **Sustainable Access**

An NMU context report has been provided to support the application to set out the objectives for NMU's travelling to and from the development, in accordance with the DMRB HD 42/05. The report also includes an audit which assesses the suitability of the routes serving the development.

### *Walk*

The TA identifies facilities within walking distance of the site. The majority of the relevant facilities, including supermarkets, local shops and primary schools are located between 1km and 1.5km from the centre of the site as the crow flies. This is above the *preferred maximum* walking distance for town centres of 800m, and above the *acceptable* walking distance for commuting and schools of 1000m, as outlined in the CIHT document "Providing for Journeys on Foot". However, there are facilities at the Homelands and Cleavelands developments within a shorter walking distance which will be built out within the lifetime of this development. The site is therefore considered as an urban extension to Bishops Cleeve, with adequate links to the nearest facilities. There will be a new footway to link to the existing footway on Evesham Road to the east of the site access with an uncontrolled pedestrian crossing provided to allow pedestrians to cross Evesham Road.

### *Cycle*

Cycling is usually considered to be a viable alternative to car travel for trips up to five kilometres in length, this includes many local settlements and the northern edge of Cheltenham. Cycle routes in the area are generally on-road but there is a segregated cyclepath/footpath along either side of the A435 Bypass.

### *Public Transport*

Bus stops are available within the Homelands Farm development, which is a short walk from the development. These new bus stops are served by the following bus services, T, W1 and W2. There are also a number of other bus stops located within walking distance of the site, however these are beyond the recommended 400m distance and therefore have not been considered in great detail as part of this assessment. It is considered that sustainable transport modes have been taken up depending on the nature and location of the site.

### *Rail*

The TA identifies that Cheltenham Spa is the nearest rail station. Many rail users will access the network at Cheltenham due to the range of services. It is also likely that Ashchurch rail station will be accessed for some services as it can be reached without driving through Cheltenham town centre.

## **Traffic Impact**

### *Access Junction*

A simple priority junction is shown to access the site. Swept Path Analysis (SPA) has been provided to demonstrate that a refuse vehicle can make the turning movements into and out of the site. A 6m radii and junction visibility of 2.4m x 54m has been demonstrated. A footway extension and uncontrolled pedestrian crossing has also been provided.

### *Traffic generation*

Manual traffic counts of the nearby Dean Farm development were undertaken to obtain a locally derived trip rate. These trips were compared against the TRICS database. The locally derived trips were slightly

higher than the TRICS rates and were therefore used as the basis for the assessment. It should be noted that the trip rates do not take into account any reduction for travel plan measures. The trip rates used in the assessment do also not take account of the existing breakers yard, which could generate a high number of trips if fully utilised, the assessment is therefore considered extremely robust.

It is estimated that the development of 71 dwellings will generate a total of 44 two way trips in the AM peak and 41 trips in the PM peak.

#### *Traffic Distribution*

Traffic has been distributed based on Census Journey to Work data for the Cleeve Ward, which is an accepted methodology.

#### *Site Access*

The TA demonstrates that the site access will have sufficient capacity to accommodate the proposed development.

#### **Off-site junctions**

The following junctions were assessed to test the impact of the development, A435/Evesham Road, Evesham Road/Finlay Way, Evesham Road/Sunrise Avenue and A435/Hayfield Way/Finlay Way. Given the relatively small scale of the development, the opening year is expected to be 2017. Therefore the impact of the development was assessed in 2017, this assessment also included the committed developments at Homelands Farm and Cleavelands for robustness, although it is accepted that these developments will not be fully built out at this time.

All junctions are shown to be operating with spare capacity, with the exception of the A435/Hayfield Way/Finlay Way roundabout. The base modelling demonstrates that the A435 south arm is currently operating slightly above capacity and that this is exacerbated by committed development. However, the modelling demonstrates that when the proposed development trips are added to the committed development trips, there is no change in the performance of the junction. On this basis, it is clear that the development is not having a severe residual cumulative impact on this junction. Modelling has also been presented which demonstrates that the committed highway improvements at this junction improve the performance of the junction to ensure that it is operating with ample spare capacity. As the development is not having a severe impact on this junction, occupation of the development does not need to be tied to the completion of the junction improvement works.

#### **Road safety**

Personal injury collision statistics have been presented for a study area which cover the A435 to the north of the site, to the Hayfield Way roundabout, extending east along Finlay Way and north along Evesham Road.

The 3 collisions recorded were classified as 'slight' injury collisions. Of the 3 collisions, 2 involved cyclists colliding with a car. The nearest accident was recorded on A435, approximately 180m to the west of the Site. A car heading north on A435 was hit by a falling tree, with the driver sustaining slight injuries.

The collision recorded on Finlay Way, occurred when a car pulled out from a private driveway into the path of a cyclist. The other incident involving a cyclist was recorded on Evesham Road (at the junction

with Finlay Way). The incident occurred when a car collided into the side of a pedal cycle as it approached the junction.

Overall therefore it is reasonable to conclude that there are not an excessive amount of personal injury accidents on the wider network and that those accidents that do occur are spread. It is reasonable to conclude that the additional traffic from the development will not have a material impact on general road safety in the area.

#### **Layout**

A total of 187 car parking spaces are provided for the 71 dwellings. Each property, except the 1 bed dwellings have at least 2 car parking spaces plus garage provision. The amount of parking provided is higher than the average car ownership figures in the 2011 census data. The parking provision is therefore considered suitable. Amended plans have been submitting demonstrating that adequate forward and junction visibility is available throughout the layout. Tracking plans demonstrate that a large car and a refuse can safely pass each other. The road, footway and shared surface widths are suitable.

A road safety audit has been submitted. The safety issues identified are minor and can resolved as part of the sc38/278 agreements.

#### **Travel Plan**

A Travel Plan has been submitted and reviewed. As the development is for less than 80 dwellings, the Travel Plan will be secured by planning condition rather than obligation, in accordance with GCC's Travel Plan guidance.

#### **Construction Traffic**

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable consequence of engineering works and can not be avoided, however the submission of a construction method statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

#### **Recommendation**

The National Planning Policy Framework (NPPF) states at paragraph 32 that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that “safe and suitable access to the site can be achieved for all people”, and that “opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.” It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to the following obligations and conditions being attached to any permission granted

#### **Conditions**

*No works shall commence until the first 20m of the proposed access road, including the junction with the existing public road (Evesham Road), associated visibility splays, as shown in drawing no.*

1066675-D001C, has been completed to at least binder course level, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

*Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works, in accordance with paragraph 32 of the National Planning Policy Framework.*

*Prior to first occupation of the proposed development the site access from Evesham Road including the footway link to the east along Evesham Road and pedestrian crossing shall be completed in all respects in accordance with drawing no. 1066675-D001C, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.*

*Reason: To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of the National Planning Policy Framework.*

*No development shall be commenced until a scheme for the provision of fire hydrants served by mains water supply shall be submitted to and approved in writing by the local planning authority and no building shall be occupied until the fire hydrant serving that building has been provided in accordance with the approved scheme.*

*Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.*

*No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.*

*Reason: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the National Planning Policy Framework.*

*No development shall take place until a Construction Method Statement and Transport Plan has been submitted to, and approved in writing to the local planning authority. The approved Statement shall be adhered to and shall address and provide for:*

- i. The parking of vehicles of site operatives and visitors;*
- ii. The unloading and loading of materials;*
- iii. The storage of plant and materials used in constructing the development;*
- iv. Wheel washing facilities;*
- v. Measures to control the emission of dust and dirt during construction;*
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;*
- vii. Details of the site access/routeing strategy/signage during the construction period.*

*Reason: To reduce the potential impact on the public highway in accordance with paragraph 32 of the National Planning Policy Framework.*

*The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.*

*Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.*

*The development hereby permitted shall not be occupied until the car parking associated with each dwelling within the development (including garages and car ports where proposed) has been provided in accordance with the submitted plan and shall be maintained available for that purpose thereafter.*

*Reason: - To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework. .*

#### **Informatives**

The applicant is advised that to discharge condition XX that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

#### **Statement of Due Regard**

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following groups will not be affected by the transport impacts of the proposed development: gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.



Yours sincerely,

Michael Glaze

Principal Development Co-ordinator

## Item 15 - 15/00166/OUT – Land At Stoke Road, Bishop's Cleeve



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Mr Paul Skelton  
 Planning Department  
 Tewkesbury Borough Council  
 Gloucester Road  
 Tewkesbury  
 GL20 5TT

8<sup>th</sup> April 2016

Dear Mr Skelton

***Proposed Residential Development at Stoke Road, Bishop's Cleeve, ref:15/00166/OUT***

Following our telephone conversation on 4<sup>th</sup> April I set out below our comments in respect of your recommendation to refusal planning permission for our proposals at Stoke Road, Bishop's Cleeve.

**Reason 1a (pollution):** It is disappointing that the Planning Department failed to provide the comments from Worcester Regulatory Services (dated 18<sup>th</sup> June 2015) until 4<sup>th</sup> April 2016. Consequently we have not been able to respond on this matter until now.

**Addendum 1** (attached) provides the response from Wardell Armstrong which demonstrates the following:

- The proximity of the Wingmoor Waste Site will not lead to significant air quality effects at the proposed development site.
- The methodology used by Wardell Armstrong was undertaken in accordance with the methodology agreed with Tewkesbury Borough Council's Environmental Health Officer.
- There are no objections from the Environment Agency nor Environmental Health.

**Reason 1b (connectivity):** The assertion within the Officer's Report that the proposal cannot connect to the south-east of the site is predicated on an objection from the landowner. A legal opinion has been provided to the Council and landowner demonstrating that this is an historic route of carriageway and drift way and therefore access is permissible. Even if this was not the case, the Officer's Report already accepts that "it is not considered that this issue in itself justifies refusal", nor has the County Highways Officer raised an objection. Land ownership is not a land use planning consideration.

**Addendum 2** (attached) provides the legal response on this matter.

**Reasons 2 – 4 (planning obligations):** The Officer's Report does not reflect the constructive discussions with consultees in terms of planning obligations, which are largely agreed. Notably, it has been agreed with Erin Davies (Strategic Housing & Enabling Officer) that the proposal provides a 50% financial contribution of £3,307,500 towards off-site provision of affordable housing, with the remainder being provided on-site.

Directors: D J Gladman BA, K J Gladman MCSP, SRP, J M S Shepherd BSc, CEng, MIEE, G K Edwards DipIT, MRTPI  
 VAT Registration No. 677 6792 63

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Education, NHS, and public transport contributions have also been agreed. If the proposal is approved, Gladman will seek to reach agreement on any outstanding matters as expeditiously as possible.

#### Planning Balance

It is considered that the Committee Report does not demonstrate that any adverse impacts would significantly and demonstrably outweigh the benefits. The benefits include:

- **Market Housing** – The proposal will make a significant contribution in providing market housing. This will ease the shortfall in housing land supply, which the Inspector has raised concerns over in finding the emerging Local Plan sound.
- **Affordable Housing** - The proposals will provide 40% affordable housing at a time where there is a chronic shortage within the District. It has been agreed that a 50% financial contribution of £3,307,500 towards affordable housing will be provided, with the remainder being delivered on-site.
- **Provision of A1 convenience store** – the provision of a local shop will allow both new and existing residents to access everyday goods without needing to visit the centre of the Bishop's Cleeve.
- **Economic Benefits** - New Homes Bonus (NHB) of £2.3 million over six years to Tewkesbury Borough Council, whilst Gloucestershire County Council would receive £574,000 over six years. The proposal will create 60 full time construction jobs and, once complete, the annual household spending will equate to £1.5 million in Tewkesbury and £1.2 million in Bishop's Cleeve.

On this basis, it can reasonably be concluded that there are no material considerations or adverse impacts which demonstrably outweigh the benefits which flow from the development. It is therefore requested that the proposal is approved.

Yours sincerely

**John Chorlton**  
Gladman Developments  
01260 288894  
j.chorlton@gladman.co.uk

## ADDENDUM 1

Wardell Armstrong Air Quality Response

**Wardell Armstrong**  
 2 The Avenue, Leigh, Greater Manchester, WN7 1ES, United Kingdom  
 Telephone: +44 (0)1942 260101 Facsimile: +44 (0)1942 261754 www.wardell-armstrong.com



Our ref: LE12436/CMD/RMc/003  
 Digital ref:  
 Your ref:

Date: 6<sup>th</sup> April 2016

Mr Paul Skelton  
 Tewkesbury Borough Council  
 Council Offices  
 Gloucester Road  
 Tewkesbury  
 Gloucestershire  
 GL20 5TT

Dear Mr Skelton

**15/0166/OUT – Land off Stoke Road, Bishops Cleeve**

Further to your correspondence with Mr John Chorlton at Gladman Developments Limited on 3<sup>rd</sup> April 2016, we have reviewed the comments provided with regard to the air quality assessment for the proposed development at land off Stoke Road in Bishops Cleeve.

From the information provided to us, it is understood that comments have been provided by Ms Laura Carradine, Senior Technical Officer at Worcester Regulatory Services (WRS), on 18<sup>th</sup> June 2015 (although these were only received by the client on 4<sup>th</sup> April 2016) and from Mr Neil Kirby, Senior Technical Officer at WRS, on 1<sup>st</sup> April 2016. Comments have also been provided by Grundon Waste Management Limited in a letter dated 30<sup>th</sup> July 2015. Finally, we have also been provided with a copy of the Tewkesbury Borough Council (TBC) Committee Report, dated 4<sup>th</sup> April 2016.

Please find to follow our response to these comments.

***Consultation and Agreement on Scope of Assessment***

Consultation was undertaken by telephone and email with Ms Kathryn Griffiths, Senior Environmental Health Officer at TBC, between 30<sup>th</sup> June and 2<sup>nd</sup> July 2014. A detailed methodology was provided by email, which included the use of the Design Manual for Roads and Bridges (DMRB) screening spreadsheet for the prediction of road traffic emissions, and was agreed by return email on 2<sup>nd</sup> July 2014. From a discussion with Ms Griffith on 30<sup>th</sup> June

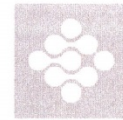


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ENERGY AND CLIMATE CHANGE  
 ENVIRONMENT AND SUSTAINABILITY  
 INFRASTRUCTURE AND UTILITIES  
 LAND AND PROPERTY  
 MINING AND MINERAL PROCESSING  
 MINERAL ESTATES AND QUARRYING  
 WASTE RESOURCE MANAGEMENT



2014, it was understood that the main concern was the location of the proposed development in relation to the Wingmoor waste site. Contact details were also provided for the relevant Regulatory Officers at the Environment Agency (EA), in order to discuss this element of the assessment further.

Contact was made by telephone with Ms Sarah Dennis at the EA on 1<sup>st</sup> July 2014 and further email correspondence took place with both Ms Dennis and Ms Anna Turner between 2<sup>nd</sup> and 3<sup>rd</sup> July 2014, when information was provided in relation to the annual monitoring reports for both landfill sites and the odour complaint history (associated with the waste site) for the Bishops Cleeve area.

No reference was made during this period to the requirement for further consultation with WRS. The assessment was therefore undertaken in accordance with the methodology agreed with TBC, considered by Wardell Armstrong at the time to be the appropriate Local Planning Authority (LPA) for the proposed development site, and taking into account available information about the Wingmoor waste site from the EA.

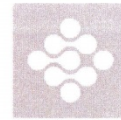
#### ***Use of the DMRB Screening Tool in the Air Quality Assessment***

As per the standard procedure used by Wardell Armstrong, a review of the local air quality situation and any potential issues associated with air quality, was undertaken prior to the preparation of the proposal and consultation with TBC. This review identified that, as of 2014, there were no Air Quality Management Areas (AQMAs) located in the vicinity of the proposed development, or in Bishops Cleeve as a whole. The closest AQMA was identified as being within the centre of Tewkesbury, approximately 5.6km to the north west. In addition, it was noted that there was no air quality monitoring taking place within Bishops Cleeve. The presence of the Wingmoor waste sites was also noted and further research was undertaken to identify the various processes taking place within its boundary.

The study area of the air quality assessment was informed by the traffic flow information available from the appointed transport consultant and from discussions with TBC. Given the distance to the Tewkesbury AQMA, it was not considered likely that traffic associated with the proposed development would have a significant impact within its boundary, due to dispersal across the local highway network.

It is acknowledged that the emission factors used within the DMRB screening tool have been superseded by those included within the Emission Factor Toolkit (EFT) v6.0.2; however where air quality from road traffic emissions is not considered to be a significant issue, the DMRB screening spreadsheet is still considered to be a useful tool to allow the potential impact of development generated traffic to be assessed. Where the use of the DMRB screening tool suggests a potential air quality issue, it is considered good practice to consider the issue in more detail (i.e. through the use of an air dispersion model such as ADMS-Roads).

It should also be noted that the air quality assessment considered a robust approach in that 2013 background concentrations and vehicle emission factors were used in the 2020 Opening/Future Year scenarios. Therefore, no improvement in backgrounds or emissions over time were assumed.



Given that there are no AQMAs or air quality monitoring locations within Bishops Cleeve, it was considered that the DMRB screening tool would provide a suitable methodology for considering this source. As previously stated, this methodology was agreed with TBC.

The results of the assessment concluded that development generated traffic would lead to:

- An increase of between 0.06 and 0.22 $\mu\text{g}/\text{m}^3$  in nitrogen dioxide ( $\text{NO}_2$ ) concentrations at the five existing sensitive receptor locations considered; and
- An increase of between 0.02 and 0.07 $\mu\text{g}/\text{m}^3$  in fine particulate matter ( $\text{PM}_{10}$ ) concentrations at the five existing sensitive receptor locations considered.

All pollutant concentrations predicted were predicted to be well below the relevant Air Quality Objectives, at both the five existing and one proposed sensitive receptor location considered.

Taking into account these results, the DMRB screening tool is considered to be an acceptable tool for the consideration of road traffic emissions in the air quality assessment. The use of the ADMS-Roads dispersion model is considered unlikely to change the overall conclusions of the report, in relation to road traffic emissions.

#### ***Consideration of the Wingmoor Waste Site***

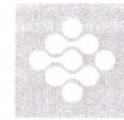
A separate section was included within the air quality assessment report to consider the potential effects of the Wingmoor waste site on the proposed development.

The first step was to identify the various permitted processes within the collective waste sites to be considered further. This research was undertaken using information available online, and by taking into account the information provided by the EA during initial consultations.

The assessment comprised a review of relevant documents relating to the Wingmoor waste sites including annual monitoring reports for the hazardous and non-hazardous landfill sites; the air quality assessments undertaken for two consented Anaerobic Digestion (AD) facilities within the waste site; and a Neighbourhood Health Profile compiled by the NHS.

The closest permitted activities to the proposed development site are the Wingmoor Quarry non-hazardous landfill site and the Materials Recycling Facility (MRF), both operated by Grundon Waste Management Limited.

Following receipt of the comments provided by Grundon Waste Management Limited, in relation to the planning application for the proposed development, it is accepted that the boundary of Wingmoor Quarry non-hazardous landfill site included on drawing LE12436-003 is incorrect with relation to the area covered by the Environmental Permit. It was however noted from the information provided by the EA in relation to the landfill site that the area closest to Stoke Road (i.e. identified as Phase 1, in the northern part of the Permit area) was identified as having been restored (Plan provided by the EA and produced by GWP Consultants, Ref: BISH1310, dated 22/10/2013).



The distances included within the air quality assessment report therefore refer to the closest areas where it could be identified from the available information that landfilling activities (i.e. waste disposal) were likely to take place. However, it is accepted that the distances included within Table 21 of the air quality assessment report should be standardised to take into account the distance from the Permit Area boundary to the proposed development.

Despite the discrepancy in relation to the distance of the Wingmoor Quarry non-hazardous landfill site to the proposed development site, it is understood from the information provided by the EA that monitoring of fine particulate matter takes place at locations adjacent to the northern site boundary (and therefore at a closer distance to the proposed development site than the distance included within Table 21 of the report). This does not therefore affect the conclusion of the consideration of dust and fine particulate matter effects associated with the landfill site, as included within the air quality assessment report.

It is noted that concerns have been raised with regard to the potential air quality effects associated with the Wingmoor waste sites at the proposed development. With regard to air quality, the main impacts associated with the Wingmoor waste site are identified as:

- Road traffic accessing the site; and
- Point sources, such as landfill gas engines and Combined Heat and Power (CHP) units associated with the two consented Anaerobic Digestion (AD) plants.

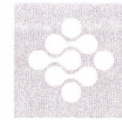
Road traffic associated with the Wingmoor waste site will have been included within the traffic data used in the air quality assessment, as the site is operational, and so forms part of the baseline. The results of the air quality assessment suggest that pollutant concentrations within the proposed development site, as a result of road traffic emissions will be well below the Air Quality Objectives, even when no improvement in air quality by 2020 is assumed.

With regard to the point sources, from the information provided by the EA it is understood that the landfill gas engines are located approximately 300m to the west of the proposed development, and the closest consented AD facility is the Wingmoor Farm East AD facility operated by Andigestion, located approximately 710m from the proposed development.

As detailed in the air quality assessment report, air dispersion modelling was undertaken by SKM in support the planning application for the AD facility, which showed that there would be no exceedances of the relevant Air Quality Objectives at the Malvern Business Park (i.e. at a location adjacent to the proposed development site) for two scenarios: when just the proposed AD facility was taken into account, and when both AD facilities and the landfill gas engines were considered cumulatively.

Given the results of previous air dispersion modelling and the distances of the proposed development site to the closest point sources, it is not considered likely that these point sources will lead to significant air quality effects at the proposed development site.





***Consideration of Dust Emissions from Elliot's Aggregates***

We also note that the Committee Report refers to the potential for dust to arise from the neighbouring "Elliot's Transport" premises, which we have not been able to find reference to in any of the other comments provided.

It is assumed that this refers to Elliot's Aggregates, a relatively small scale paving and landscape supplies premises located to the east of the site. This appears to be quite a small source of dust in terms of scale and therefore we wouldn't expect it to lead to significant dust effects for future residents at the proposed development.

We trust that this provides some clarification on the comments raised with regard to the air quality assessment.

Yours sincerely  
for Wardell Armstrong LLP

**REBECCA MCCOLLOM**  
Principal Environmental Scientist  
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**MARK DAWSON**  
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## ADDENDUM 2

Legal Response to Historic Public Carriageway and Driftway

Note on the Private Carriage Road and Driftway in response to paragraph 7.5 of the planning committee report dated 04.04.16

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We attach:

- 1 objection received as part of the planning process – Hunter Page 17.07.15
- 2 response from Gladman 06.08.15
- 3 copy of our research showing the route of the private carriage road and driftway
- 4 statutory declaration of the landowner relating to the use of the pathway

Paragraph 7.5 refers to the objection attached. The report acknowledges that this does not in itself justify refusal. We responded to that objection and confirm we have received no further correspondence from the objecting landowner particularising their objection or refuting our response of 06.08.15

We attach a copy of our research which shows a historic public carriage road and driftway in the position of the access and have found no evidence to the contrary.

Additionally we attach a statutory declaration of the landowner confirming over 50 years use of the pedestrian access route.

Based on our research, the evidence of the landowner of the promotion site and the lack of any objection as part of the planning consultation other than an isolated objection to which we have responded, we do not consider there is any legal reason to question the deliverability of access either by private carriageway and driftway and/or by reason of a right of way established by long user.

Gladman Legal Department

07.04.16



Mr. Andrew Thompson  
Planning Department  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

Our Ref. PF/HJ/eds  
17<sup>th</sup> July 2015

**SENT ELECTRONICALLY**

Dear Mr. Thompson

**OBJECTION TO PLANNING APPLICATION REF. 15/00166/OUT FOR THE DEVELOPMENT OF UP TO 265 DWELLINGS AND A1 CONVENIENCE RETAIL STORE OF UP TO 200SQM, WITH ASSOCIATED OPEN SPACE AND LANDSCAPING; ON LAND AT STOKE ROAD, BISHOPS CLEEVE**

We are instructed by our client with regard to the above application for the proposed development on land at Stoke Road, Bishop Cleeve.

Having visited the site and read the application documentation, we write to object to the application for the reason set out below. From the outset, an objection is made on the basis that pedestrian access into the site is proposed on land that does not fall within the applicants' ownership and they have not served notice on the landowner informing him that an access route is being proposed through his land. Additionally, the access has not been included within the red line on the site location plan submitted as part of the application. There is also concern regarding the proximity of the proposed residential use to an existing employment site.

Before dealing with the above matters I have sought to set out the relevant background information to the development.

**Relevant Background Information**

**The Site**

The application site comprises four agricultural fields on the westernmost edge of Bishop's Cleeve. It measures approximately 13.56ha and is 'L' shaped. Open countryside lies beyond the north and western boundaries of the site whilst the south-western corner of the site is adjacent to Stoke Road. Existing residential development lies beyond the north eastern boundary whilst a parcel of land and Malvern View Business Park separates the northern-eastern section of the site from Stoke Road to the south.

### The Development

Outline planning permission is being sought for up to 265 dwellings and an A1 convenience store with only access being determined at this stage. New vehicle access into the site is proposed from Stoke Road into the south-western section of the site. An emergency vehicle access point is also being proposed in this area of the site whilst pedestrian access routes are proposed in the north-eastern corner of the site. The southern proposed pedestrian access route into the north-eastern section of the site runs north-south through a parcel of land to the south of the site. This is an existing track but is not a Public Right of Way (PROW) and will require work to be brought into use.

### Relevant Planning Policy

The adopted development plan for Tewkesbury Borough consists of the Tewkesbury Borough Local Plan (2006). This plan expired in 2011, therefore in-line with paragraph 215 of the National Planning Policy Framework (NPPF) (2012), its policies are afforded weight according to their degree of consistency with the NPPF.

However, of relevance to this objection are paragraphs 24 (ref ID. 14-024-20140306) and 27 (ref ID. 14-027-20140306) of the National Planning Practice Guidance (NPPG) (2014) note titled 'Making an Application'.

Paragraph 24 lists the information which must be included on a location plan and states that the red line should include all land necessary to carry out the development. This includes access to the site.

Information relating to applications on someone else's land is contained within paragraph 27. It states that the applicant must notify owners of the land and buildings to which the application relates.

### **Points of Objection**

As stated above, there are three matters upon which our client wishes to object to the proposal, both will be dealt with in turn below.

### Serving Notice

Prior to submitting the application the applicants have not served notice on our client, despite part of the proposed development being located on land which falls within his ownership. The aspect of the development referred to is the proposed pedestrian access which connects the north-eastern corner of the site with the existing public right of way connecting Stoke Road with residential development to the east of the site (referred to above as the southern proposed pedestrian access route). The stretch of the path proposed to provide pedestrian access into the site is not a public right of way so the applicants require a right of access in order for it to be used. The Development Framework Plan which accompanies the application demonstrates this access route runs north-south through the eastern section of a parcel of land to the south of the site, which is owned by our client.

This approach taken by the applicants is not consistent with paragraph 27 of the NPPG note titled 'Making an Application'.

Red Line Plan

As illustrated above, a pedestrian access into the site is proposed from Stoke Road, entering at the north-eastern section of the site. In accordance with paragraph 24 of the NPPG note titled 'Making an Application' this proposed access route should be included within the red-line on the location plan as it is necessary to carry out the development. This has not been done and results in the application being in conflict with the NPPG.

Proximity to Existing Employment Land

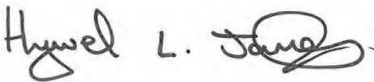
Further concern is raised in relation to the proximity of the existing employment at Malvern Hill Business Park to the proposed residential. It is considered that a larger buffer is required between the two uses.

**Conclusion**

The applicants have acted contrary to the relevant guidance of the NPPG by not serving notice on our client who owns the parcel of land to the south of the proposed development site, through which the proposed pedestrian access runs, and by not including the proposed pedestrian access within their red line boundary on the site location plan. It is therefore respectfully requested that the application is refused for the reasons set out above. The proximity of the proposed residential development to the existing employment site is also a concern. I would be grateful if you would register our client's strong objection to this application.

Please don't hesitate to contact me should you need any further information.

Yours Sincerely

pp. 

Paul Fong MRTPI  
**Hunter Page Planning**  
[paul.fong@hunterpage.net](mailto:paul.fong@hunterpage.net)



Our Ref: RES/sm/SL244/01/M/01

Att: Andrew Thompson  
Planning Department  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire GL20 5TT

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CW12 1LB

T: 01260 288800  
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[www.gladman.co.uk](http://www.gladman.co.uk)

06 August 2015

Dear Sirs

**Planning Permission Reference: 15/00166/OUT  
Land at Stoke Road Bishops Cleeve**

We write in response to the letter of objection from Hunter Page Planning dated 17 July 2015 forwarded to Gladman Developments Limited as the applicant.

The objection as referred to in paragraph 2 is that:

1. the pedestrian access is not within the applicant's ownership
2. the owner of the pedestrian access has not been served notice of the application; and
3. the access is not included within the red line on the site plan submitted as part of the application

Dealing with those points in turn:

1. there is no requirement for the access to be within the applicant's ownership. Enquiries made by the applicant indicate this as being a historic route of carriageway and driftway through those fields
2. there is no requirement to serve a notice of the application on the owner as the red line boundary submitted as part of the application did not include this area and the access route was shown as indicative as based on a historic route of access through these fields
3. for the reason set out above we agree that it is not included within the redline on the site plan and it was not intended to be

Yours faithfully

A handwritten signature in black ink, appearing to read "Rebecca Simpson".

**REBECCA SIMPSON**  
**Solicitor for Gladman Legal Department**

Direct Dial: 01260 288918  
E-mail: [b.simpson@gladman.co.uk](mailto:b.simpson@gladman.co.uk)

Enc:

BISHOPS CLEEVE FOOTPATH - PRELIMINARY ARCHIVAL NOTES

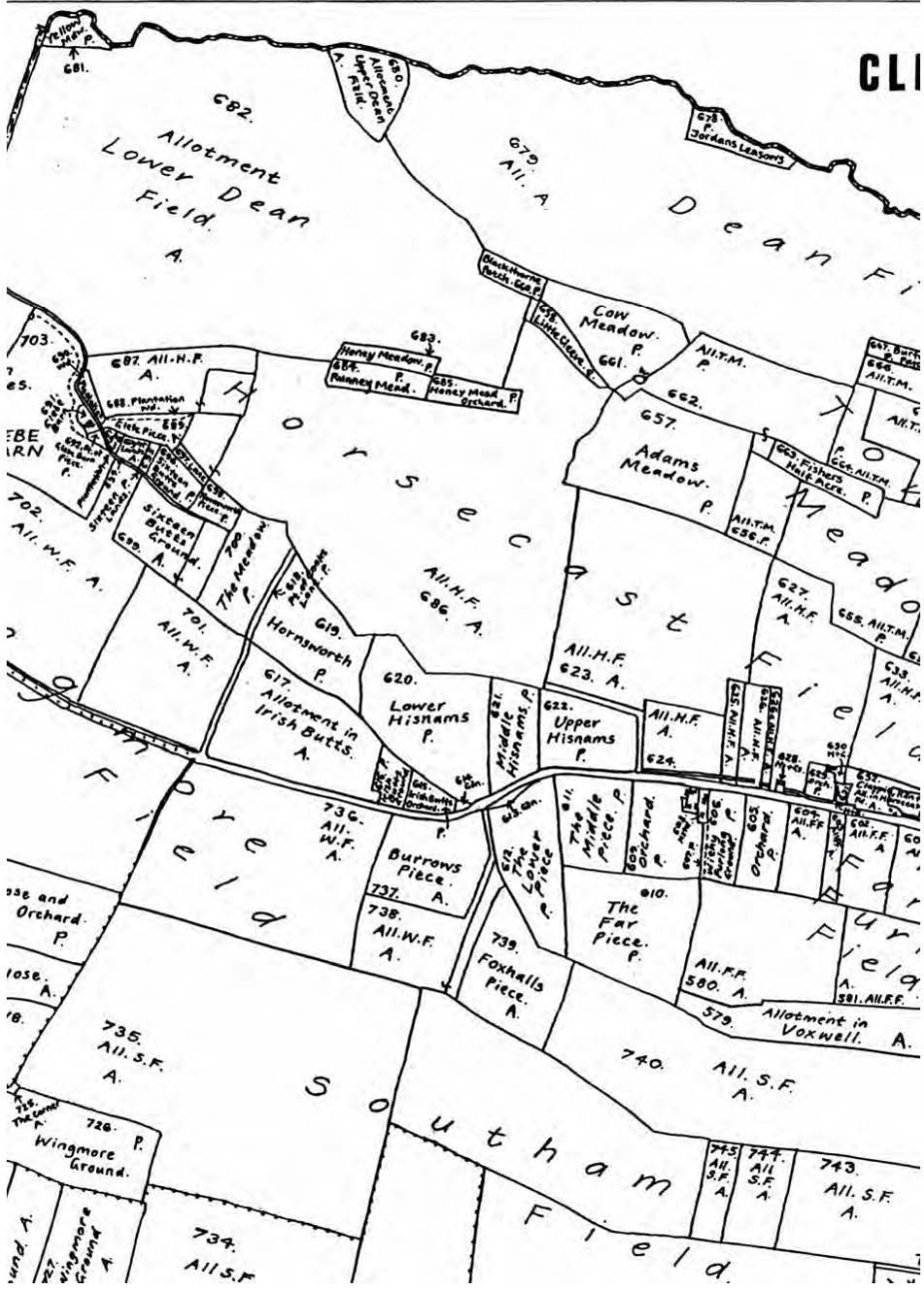
1. The Bishops Cleeve tithes were commuted and the common fields inclosed in the late 1830s and 1840s: the surveyor for both operations (Richard Hall) signed an oath of due diligence in November, 1837; the tithe apportionment is dated 31 January, 1839; the tithe map is dated 1841; and the Inclosure award (with a separate plan) was enrolled in 1847.
2. The inclosure award created Stoke Road as **Public Carriage Road and Highway No. 1** (the "Bishops Cleeve and Stoke Orchard Road"), as well as a number of other roads; amongst these was the subject pathway, identified as **Private Carriage Road and Driftway No. 9**.
3. The lower sections of this path were shown on the tithe map as skirting an older inclosure ("Upper Hisnams", allotment No. 622), and are marked separately from the northward extensions on the inclosure plan. Although this suggests that these sections of the path predated the tithe and inclosure awards, the inclosure description clearly includes them as part of private road No. 9.
4. As detailed by the attached, Private road No. 9 extended much further north than "point A" of the subject pathway, and included an east/west section further north.

Documents:

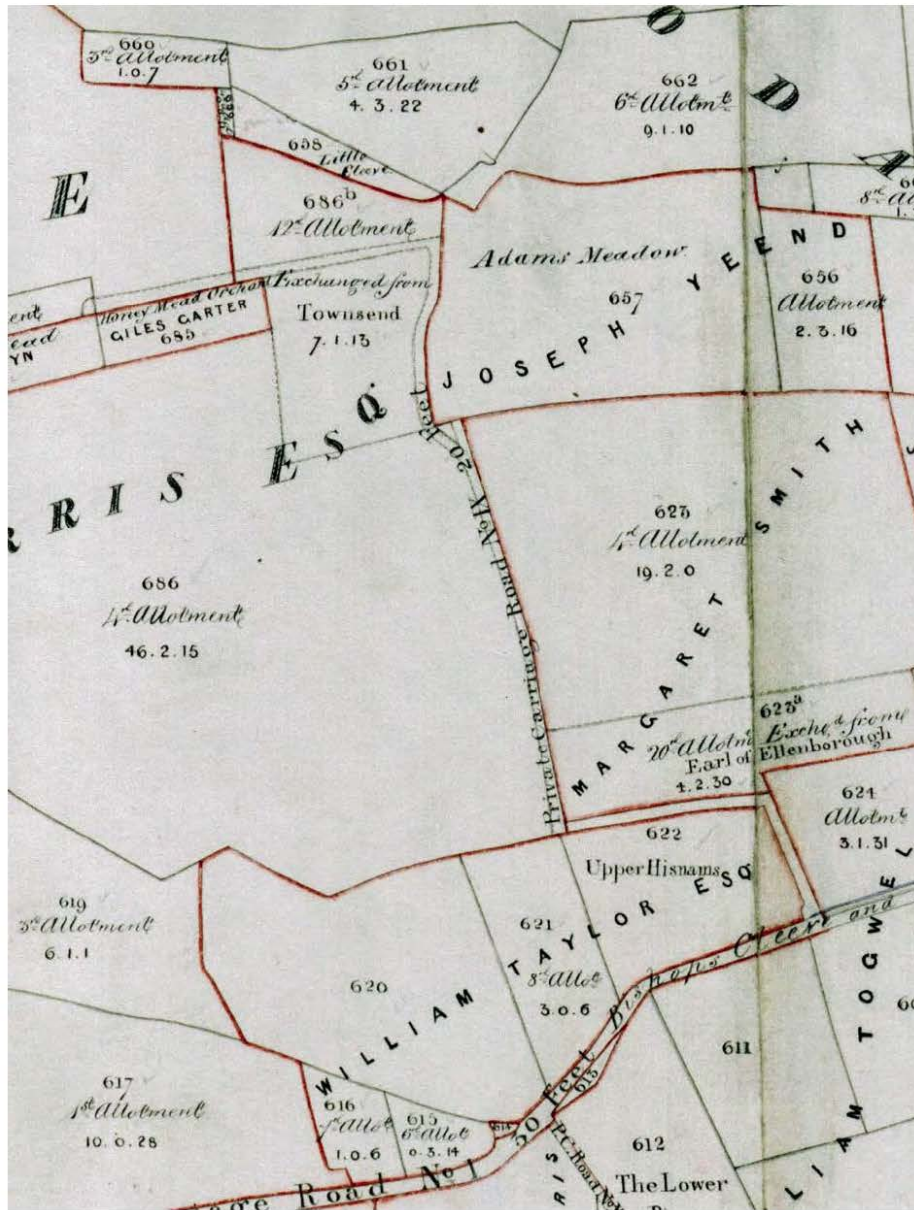
Map 1	1841 tithe map, showing the path around Upper Hisnams.
Map 2	Part of the inclosure map which defines the line of private road No. 9.
Documents	Transcripts and copies of inclosure award descriptions of Public Carriage Road and Highway No. 1, and Private Carriage Road and Driftway No. 9.
Map 3	Larger-scale excerpt from the inclosure plan identifying private road No. 9 and properties with beneficial use and liability for the upkeep of the road.
Map 4	Aerial photo marking line of private road No. 9.

W H H Van Sickle  
11 January, 2015





Map 1. Tithe Map, 1841



Map 2. Bishops Cleeve Inclosure Plan.

Transcripts and Copies of Bishops Cleeve Inclosure Award

**No. 1**

**One Public Carriage Road and Highway** of the width of Thirty feet numbered 1 on the Map or Plan hereunto annexed commencing at the north west corner of a Garden now or lately belonging to John Probyn and extending in a westwardly direction over the Farm Furlong and Horsecast Fields to the south east corner of a close called Upper Hisnams lately belonging to Mrs Taylor and now to Mr William Taylor thence between Inclosures to the north west corner of Burrows Piece lately belonging to Mrs Morris the Widow of William Morris Esquire both now deceased and thence in a northwardly direction into and over the Irish Butts and Wingmore Fields to the junction with the new road leading to Stoke Orchard and which said Public Carriage Road and Highway No. 1 is called the Bishops Cleeve and Stoke Orchard Road.

---

**No. 9**

**One other Private Carriage Road and Driftway** of the width of twenty feet and numbered 9 on the same map or plan commencing from and branching out of the Public Carriage Road and Highway No. 1 at the south west corner of an old Inclosure called Upper Hisnams belonging to Mr William Taylor and extending first in a northwardly direction then in a westwardly direction over the Allotment No. 623a then in a northwardly direction over the Allotment No. 686 along a part of the eastern side thereof then extending over the Allotment 686b first in a northwardly and then in a westwardly direction thence over or upon the Allotment No. 682 along a part of the southern side thereof and thence over or upon the Allotment No. 683 along a part of the southern side thereof to the north east corner of an Inclosure called Runny Mead now or lately belong to John Probyn.

**And** he the said Commissioner **doth hereby order direct appoint and award** that the lastly described Road shall and for ever remain a Private Carriage Road and Driftway for the use of the Owners and Occupiers for the time being of the Allotments being respectively Nos. 623, 623a, 656, 686, and 686b and of the old Inclosures called respectively Adams Meadow now or lately belonging to Joseph Yeend Honey Mead Orchard now or lately belonging to Giles Carter and Runny Mead now or lately belonging to John Probyn and shall be made and at all times hereafter be supported and kept in repair by and at the expence of Margaret Smith Joseph Yeend and the owner or owners of the freehold estate late of John Morris as the Owners of the lastly mentioned Allotments their respective heirs and assigns in the proportions following that is to say to every sum of ten shillings costs of making supporting and keeping in repair the same the said Margaret Smith shall pay the sum of Three shillings and six pence the said Joseph Yeend the sum of Three shillings and six pence and the said owner or owners of the freehold estate late of John Morris the sum of Three shillings and so in proportion for any greater or less costs of making supporting and keeping in repair the same Carriage Road and Driftway.

§ 1.

One Public Carriage Road and Highway of the width of Thirty feet numbered 1. on the Map or Plan hereunto annexed commencing at the North west corner of a Garden now or lately belonging to John Retyn

and extending in a westwardly direction over the Farm-  
 Studeng and Horstead Fields to the south east corner of  
 a Close called Upper Hasnams lately belonging to Mr  
 Taylor and now to Mr William Taylor thence between  
 Inclosures to the north west corner of Barrows Piece lately  
 belonging to Mr. Morris the Midew of William Morris Esquire  
 and thence in a northwesterly direction into and over  
 the Irish Hills and Wingham Fields to its Junction with  
 the new Road leading to Stoke Orchard And which said  
 Public Carriage Road and Highway § 1. is called the  
 Bishop's Grove and Stoke Orchard Road.

§ 2.

One other Public Carriage Road and Highway of the like width of Thirty feet numbered 2. on the Map or Plan hereunto annexed commencing at the north east ne

9.

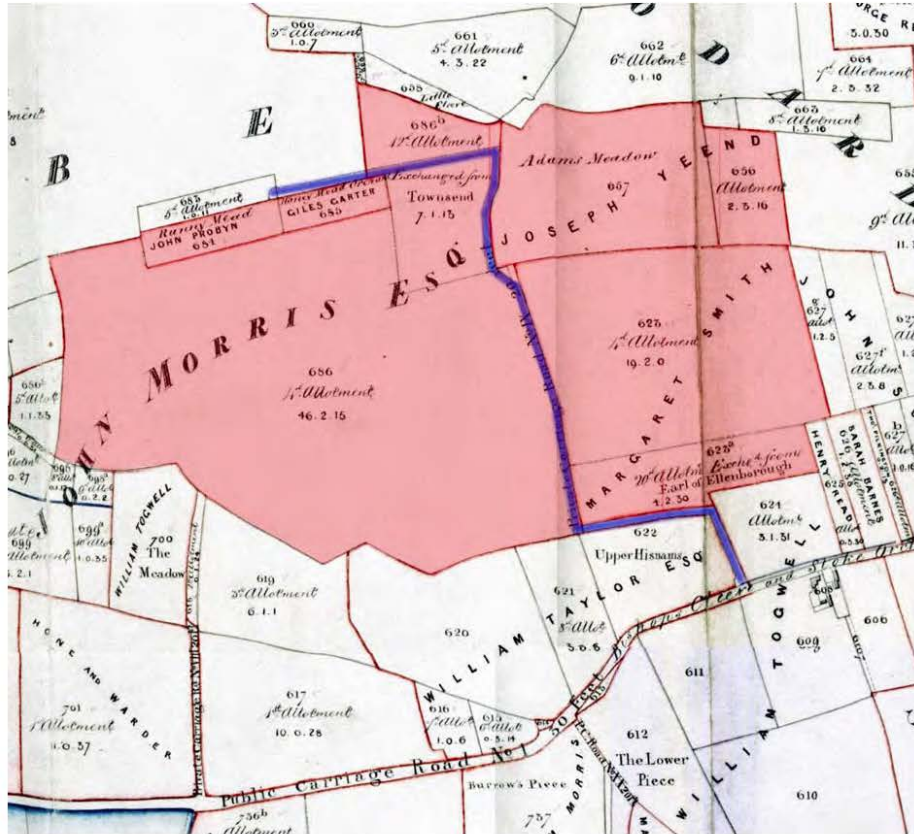
One other private carriage Road and Driftway of the width of Twenty feet and numbered 9, on the same Map or plan commencing from and branching out of the aforesaid carriage Road and Highway No. 1. at the south east corner of an old Inclosure called Upper Adams extending to Mr. William Jagger and extending first in a northwardly direction then in a westwardly direction over the Attachment No. 623<sup>o</sup> then in a northwardly direction over the Attachment No. 624<sup>o</sup> along a part of the eastern side thereof thence extending over the Attachment No. 625<sup>o</sup> first in a northwardly and then in a westwardly direction thence over or upon the Attachment No. 626<sup>o</sup> along a part of the southern side thereof and thence over or upon the Attachment No. 627<sup>o</sup> along a

part of the southern side thereof to the north east corner of an Inclosure called Hunny Mead now or lately belonging to John Pebyn.

And he the said Commissioners doth hereby order direct appoint and award that the lastly described Road shall be and for ever remain a private carriage Road and Driftway for the use of the Tenants and Occupiers for the time being of the Attachments being respectively Nos. 623<sup>o</sup>, 624<sup>o</sup>, 625<sup>o</sup>, 626<sup>o</sup>, 627<sup>o</sup> and of the old Inclosures called respectively Adams in Meadow now or lately belonging to Joseph Hensel Henry Mead Orchard now or lately belonging to Giles Carter and Hunny Mead now or lately belonging to John Pebyn and shall be made and at all times hereafter be supported and kept in repair by and at the expence of Margaret Smith Joseph Hensel and the owners or owners of the freehold estate late of John Morris as the owners of the lastly mentioned Attachments their respective heirs and assigns in the proportions following that is to say In every sum of ten shillings costs of making supporting and keeping in repair the same the said Margaret Smith shall pay the sum of Three shillings and six pence the said Joseph Hensel the sum of Three shillings and six pence and the said John Morris the sum of Three shillings and six pence in proportion for any greater or less costs of making supporting and keeping in repair the same carriage Road and Driftway.

10.

One other private carriage Road and Driftway of the width of Twenty feet and numbered 10, on the same



Map 3. Bishops Cleeve Inclosure Plan

- Blue:** Line of Private Carriage Road and Driftway No. 9
- Red:** Properties identified as having beneficial use and liability for upkeep of private road No. 9



**Map 4. Aerial showing line of Private Carriage Road and Driftway No. 9.**

**STATUTORY DECLARATION**

Land at Stoke Road, Bishops Cleeve, Gloucestershire

I, **DONALD MARTIN GILDER** of Pinnock Wood Farm, Winchcombe, Cheltenham Gloucestershire DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I and other members of my family have owned the field known as Bitwell's Piece since 1940 to the present day. My family has farmed Bitwell's Piece since this time.
2. There is now produced to me and marked "DG1" a plan showing Bitwell's Piece edged and hatched red. The part shown hatched pink on the plan was sold to Cleevewood Properties in 2001.
3. From on or about 1940 until 2001, I and my other family members used the track shown coloured green on the accompanying plan as a means of access to an egress from Bitwell's Piece. We would walk along the track and bring farm machinery along it as necessary. Our use ceased in 1991 when an alternative access was provided linking Bitwell's Piece and our adjoining land to Stellar Way.
4. To my knowledge and belief my family has never been prevented from using the track as an access to Bitwell's Piece and our adjoining land and no third party has claimed to own the track.

**AND I MAKE THIS SOLEMN DECLARATION** conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared at  
in the County of

this            day of            2016

Before me,  
Solicitor/Commissioner for Oaths



***Agenda Item 5b, Page 34*****13/01003/OUT****Land South of the A46 & North of Tirl Brook, Ashchurch, Tewkesbury**

The applicant has confirmed agreement with the conditions as set out in Appendix 1. The only matter raised is the addition of "staff rooms and storage areas" to the list of exclusions set out under the definition of 'Net Sales Area'. This is considered to be acceptable.

In terms of S106 heads the applicant is agreed on transportation and on the highway reserve land. In terms of Tewkesbury Town Centre mitigation it has been agreed that a sum of £1.2m would provide for mitigation that obviates harm in accordance with the tests set out at CIL Regulation 122. The contributions would be used towards measures which increased footfall and spend within Tewkesbury Town Centre (ie mitigated adverse impacts of the proposed development) to include, but not necessarily limited to (to introduce flexibility for any further evolution of these plans), the initiatives listed in appendix 3 of the report. It was agreed with the applicant that trigger points for payments in the S106 should ensure that the appropriate mitigation measures are in place to address the impact from the proposed development.

***Agenda Item 5c, Page 89*****15/01124/FUL****Noake Farm, Churchdown Lane, Churchdown, GL3 2LS**

Notes:

The following additional notes are recommended to be added to any planning permission granted:

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
2. The applicant is advised that protected species (including bats) may be present on site. The Conservation of Habitats and Species Regulations 2010 provides very strong protection for these species and so you must be certain that they are not present before works begin. If the presence of bats or other protected species is suspected, a licence may be required from Natural England before works can commence. If protected species are found whilst carrying out work, all work must stop and Natural England must be informed.

The consent given by this notice does not override the protection afforded to these species and their habitat.