

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 10 May 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.86 ANNOUNCEMENTS**

- 86.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 86.2 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 Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

## **PL.87 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

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

## **PL.88 DECLARATIONS OF INTEREST**

- 88.1 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.
- 88.2 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>
R E Allen	16/00205/FUL Bide A Wee, Gretton Fields, Gretton.	Is a Borough Councillor for the area.	Would speak and vote.
R E Allen	16/00188/FUL 1 Tobacco Close,	Is a Borough Councillor for the	Would speak

	Winchcombe.	area.	and vote.
		Had visited the application site with Councillor J R Mason, and had viewed the inside of the house, but he had not expressed an opinion.	
M Dean	16/00164/FUL 1 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs M A Gore	15/01344/FUL 1 Cleeve Road, Gotherington.	Is a Borough Councillor for the area.  Had been contacted by the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
Mrs A Hollaway	16/00164/FUL 1 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
J R Mason	16/00188/FUL 1 Tobacco Close, Winchcombe.	Is a Member of Winchcombe Town Council but did not participate in planning matters.  Had visited the application site with Councillor R E Allen, and had viewed the inside of the house, but he had not expressed an opinion.	Would speak and vote.

88.3 There were no further declarations made on this occasion.

**PL.89 MINUTES**

89.1 The Minutes of the meeting held on 12 April 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.90 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

**Schedule**

- 90.1 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.

**15/01344/FUL – 1 Cleeve Road, Gotherington**

- 90.2 This application was for a new two bedroom chalet style bungalow in the rear garden of 1 Cleeve Road, Gotherington. The Committee had visited the application site on Friday 6 May 2016.
- 90.3 The Chair invited the applicant, Robert Sharp, to address the Committee. Mr Sharp explained that planning permission for the existing residential property had been granted by the Planning Committee in 2011 having taken into account the comments of the County Highways Officers. The key points had included the support of the Parish Council based on local knowledge of the access and the speed of vehicles at that point. Access was deemed to be as good, or better, than many in the village and a caravan had safely used the established access for 30 years. Overall, the conclusion in 2011 had been to permit the application as it was unlikely to result in a highway issue; as at 2016 that had been proved to be a valid opinion. The access had been safely in use for five years covering the build phase and subsequent domestic use; all vehicles left the access in a forward gear, unlike many in the village which could be witnessed reversing onto the road on a daily basis; visibility was good, particularly to the right, and well in excess of the 54m required based on County Highways speed assumptions. This enabled drivers to safely turn left and edge forward to see traffic from the other direction if turning right, again this was far superior to many existing driveways in the village. The small two bedroom dwelling would create a minimal additional impact in terms of traffic volumes and the initial guidance had been that, as planning permission had been granted in 2011, access would not be an issue and he should focus on the actual building plans. He had worked co-operatively with the Planning Officer and used a planning consultant to create an application which was acceptable in principle to Tewkesbury Borough Council. A former Borough Councillor, who was a Member of the Planning Committee in 2011 when the original application had been approved, was a current Member of Gotherington Parish Council which supported the application, based on local knowledge and experience. In conclusion, based on the fact that the access was currently safely in use; visibility was good, particularly to the right; cars would exit in a forward gear; and the application had the support of the Parish Council, he requested that the Planning Committee permit the application.
- 90.4 The Chair advised that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion supported the applicant's comments that the access had already been in use since 2011 and visibility out of the driveway was very good driving up the road to the right; there was a slight problem to the left but she believed that it was a safe access based on the fact that it had been used for the last five years. Should Members be minded to permit the application, the Planning Officer recommended the inclusion of conditions requiring that the development begin before the expiry of three years; that the development be carried out in accordance with the approved plans; the submission of building samples for wall and roof materials; site levels; details for the disposal of foul sewage and surface water drainage; removal of permitted development rights; the first floor window in the west elevation to be obscure glazed; details of a landscaping scheme; and vehicle parking and turning facilities to be provided in accordance with the submitted plans. The proposer and seconder of the motion

indicated that they were happy with the suggested conditions and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to the inclusion of conditions requiring that the development begin before the expiry of three years; that the development be carried out in accordance with the approved plans; the submission of building samples for wall and roof materials; site levels; details for the disposal of foul sewage and surface water drainage; removal of permitted development rights; the first floor window in the west elevation to be obscure glazed; details of a landscaping scheme; and vehicle parking and turning facilities to be provided in accordance with the submitted plans.

**16/00205/FUL – Bide A Wee, Gretton Fields, Gretton**

- 90.5 This application was for the erection of two storey and single storey rear extensions. The Committee had visited the application site on Friday 6 May 2016.
- 90.6 The Chair invited Simon Price, a planning consultant for the application, to address the Committee. Mr Price explained that he was speaking on behalf of the Chaplin family who were seeking planning permission for the erection of two storey and single storey extensions to the rear of their property. The whole thrust of the application, and their previous application, was based around a change in family circumstances; Mrs Chaplin had lost her husband earlier in the year and her son had decided that, in order to ensure that his mother was cared for and her property maintained, he would move with his wife and children to the Gretton Fields property. They currently lived in Gretton and their children attended the local primary and secondary schools so the move would ensure that all family members maintained local ties with the community. The relocation would require the property to be extended to accommodate the whole family and, at the same time, provision had been made for Mrs Chaplin's other son, who was of poor health and required care, to live in the property as well. As the Planning Officer's report had concluded, the main issue regarding the application centred around the character of the original dwelling, the character of the area and residential amenity. The current proposals took on board comments made by the Planning Officer relating to the previous scheme; the applicant had sought to reduce the extension sizes and pay more respect to the existing building with the roof lines being reduced in height to ensure that the original property was the dominant building and nearly 30% of the original scheme's size being removed. With regard to Page No. 1024, Paragraphs 5.5 and 5.6 of the Officer's report, it was confirmed that both the gable and single storey extensions were acceptable. There would be very little impact on the character of the area, with many properties along Gretton Fields having similar, and in some cases, larger, extensions than in the past. There had also been recent infill residential new-builds along the road which was of diverse architectural make up. In addition, the boundaries provided significant landscaping cover with existing hedges to each side between 3m and 4m in height. This also assisted with residential amenity and the Planning Officer had confirmed that there was no significant loss of daylight, sunlight or overbearing impact arising from the extensions to any other property. There were no safety issues relating to highways and any concerns with drainage could be addressed by way of condition, as noted by the Planning Officer at Page No. 1025, Paragraph 5.16 of the report. This application represented a way for an enlarged family to co-habit at one location, reducing the impact on services now, and in the future. The reasons for refusal centred around the rear extensions that, in part, the Planning Officer had conceded were acceptable and were a matter of opinion. All other policy context matters had been satisfied, or were not applicable, and he respectfully asked that the Committee granted planning permission.
- 90.7 The Chair advised that the Officer recommendation was to refuse the application

and he invited a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion explained that the application site was the end plot on the plan and there was nothing beyond it to the north. The extensions would be set back and would not intrude on neighbouring properties or the open countryside. They would also be rendered rather than finished in brick as it currently was so there would be a separation of the two as opposed to a continuous slab of structure. Whilst he recognised that the property had previously been extended, this had been some 30 years earlier. The majority of properties along the road had been extended from time to time and he believed that this proposal should be allowed.

90.8 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED**, subject to the inclusion of appropriate planning conditions.

**15/01374/FUL – 10 Elmbury Drive, Newtown, Tewkesbury**

90.9 This application was for a first floor side extension over existing extension.

90.10 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

**16/00070/FUL – Oak Farm, Toddington**

90.11 This application was for a first floor rear extension and associated alterations.

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

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

**16/00188/FUL – 1 Tobacco Close, Winchcombe**

90.13 This application was to demolish the existing garage, link and front entrance porch and to construct a one and a half storey side and rear extension with a new porch. The Committee had visited the application site on Friday 6 May 2016.

90.14 The Chair invited Judith Petchey, speaking against the application, to address the Committee. Mrs Petchey clarified that, although she had spoken previously at Planning Committee meetings on behalf of Winchcombe Town Council, she was speaking on this application as a private individual on behalf of the residents of the adjacent property at No. 3 Tobacco Close. The planning application had been received by Winchcombe Town Council a few days before it had been due to meet and was added as a late item in order to keep the planning process on track. Based on the information to hand at that time, the Committee had determined that the design was acceptable and had raised no objection; however, it had come to light that the application had only been brought to the attention of the residents of No. 3 at the same time it had been received by the Town Council giving them little opportunity to bring any objections to the attention of the Planning Committee. The impact of the proposed extension involving the demolition of the existing garage and the construction of a one and half storey extension would have a severe impact on No. 3 and bring about severe loss of light and privacy. Whilst the applicant wished to install seven rooflights and one roof lantern in order to maximise their light, the proposal would cause severe loss of light at No. 3,

particularly to the kitchen. This assertion could be borne out by fact sheet 1 of the Royal Institute of Chartered Surveyors (RICS) leaflet relating to 'right of light'. In addition, the proposed structure would be overbearing and present an unacceptable outlook when viewed from the side window at No.3. She indicated that there were several inaccuracies in the Planning Officer's report, the main error being the statement that there were only three windows in the main bedroom leaving two with good light. This was incorrect as there were only two windows in the room, the larger one at the side which provided the main light source and would be lost should the extension go ahead, and the smaller rear dormer which provided limited light. The residents of No. 3 had no objection to their neighbours extending their property but wished to see a more considered design that would not have such a detrimental effect on their enjoyment of their home and garden. They wished to suggest, as a compromise, that instead of extending towards the rear of the property, the proposed extension be brought forward and remain a sympathetically designed single storey incorporating a hipped roof design which would have a much less detrimental effect on No.3.

90.15 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be refused on the basis that it would result in an unacceptable loss of light to habitable rooms in No. 3 which would unduly harm the living conditions of the residents of that property. The seconder of the motion indicated that he felt that the proposal would have an overbearing impact on the house next door and he drew attention to the bedroom window at the top left corner of the plot which was enclosed at the sides and let in very little light. This was not to say that no extensions should be permitted at the property and he indicated that a single storey extension with a hipped roof could be more acceptable.

90.16 A Member indicated that the Officers had taken into account the objections and the scheme as a whole and had made a recommendation to permit the application based on that assessment. He could see no reason to go against the recommendation and would be supporting the application. The proposer of the motion indicated that it had been very interesting to be invited into No.3 as he had been able to see first hand the impact that the extension would have on the property when viewed from the bedroom window. Whilst he realised it would not have been practical for the whole Committee to do the same, he was disappointed that the Planning Officer had not taken up this opportunity.

90.17 Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** as the proposed development, by virtue of its size and location close to the boundary with No. 3 Tobacco Close, would result in an unacceptable loss of light to habitable rooms in that property which would unduly harm the living conditions of the residents of that property.

#### **16/00226/FUL – Land Off A46, Ashchurch**

90.18 This application was for the installation of a 17.5m high mobile phone mast on a concrete base and three equipment cabinets enclosed by a 1.8m chainlink fence.

90.19 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.

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

- 90.20 This application was for the installation of two biomass boilers on a concrete pad and change of use of the grain store and mill house for use in association with commercial woodchip drying. The application had been deferred for a Committee Site Visit at the last Planning Committee meeting in order to assess the facility when it was fully operational. The Committee had visited the application site on Friday 6 May 2016.
- 90.21 The Planning Officer advised that, further to the site visit, the applicant's agent had provided additional information to clarify matters regarding the months in which grain drying and woodchip drying would take place; the hours of operation; and the number of traffic movements. He explained that the existing grain store would continue to be used for grain drying from July to September or October depending on how dry it was at harvest. The woodchip drying would take place from September/October to May. With regard to the hours of operation, the biomass boilers and fans would be running continuously, 24 hours per day, during the woodchip drying season but less frequently for grain drying depending on what was needed to achieve the correct moisture content in the grain. As set out in the Officer report, it was recommended that all operations and activities associated with woodchip drying were controlled by condition and such works carried out between the hours of 0800 and 1700 Monday to Friday and 0900 and 1600 on Saturdays, Sundays and Public Holidays. However, given that the biomass boilers and fans would be running continuously during the woodchip drying season, it was recommended that condition 3 be reworded for greater clarity as set out in the Additional Representations Sheet, attached at Appendix 1. In terms of traffic movements, the applicant's agent had confirmed that the traffic movements associated with the woodchip drying operations could be limited to no more than two heavy goods vehicles per day i.e. four movements in total. The number of traffic movements associated with the grain drying operations would be greater than those associated with the woodchip drying operation and it should be made clear that the grain drying and woodchip drying operations would not be able to take place at the same time and, during the months from September to May, the number of heavy goods vehicles visiting the application site would be limited to no more than two heavy good vehicles per day. The movements would be restricted to between the hours of 1000 and 1500 Monday-Saturday as per the recommended condition.
- 90.22 A Member understood that the boilers ran for 24 hours per day, seven days per week during the grain drying season and he sought confirmation that this was correct. The Planning Officer advised that grain drying took place on a more ad-hoc basis as and when required. Whilst the boilers could be used for up to 24 hours at one time, grain drying was not continuous as with woodchip drying.
- 90.23 The Chair invited Sean Pitt, speaking against the application, to address the Committee. Mr Pitt thanked the Planning Committee for going into the garden of Orchardside when they had visited the application site. He felt it was unfortunate that the applicant had failed to ensure that the majority of the causes of noise had been on site at that time as the noise which Members had heard was just the tip of the iceberg. As well as the noise they had heard there would be noise from massive articulated delivery lorries, shunting backwards and forwards, reversing

beepers on and off, trying to fit into the grain drier shed's entrance. Additional loud mechanical noise would be generated by the walking floor trailer off-loading which took anywhere from 45-60 minutes per load. The building entrance acted as a funnel, directing noise at Orchardside, and that would be made worse by the proposed second doorway. The suggestion by the Planning department that they drier shed doors be kept shut was not feasible because the lorry crawled slowly forward out of the door whilst off-loading wet woodchip. The lorries taking the dry woodchip away, contrary to the applicant's statement, were not the same lorries which delivered it wet which had increased the road movements stated in excess of that required for grain drying leading to additional traffic. Roll-on roll-off skip lorries collected the dry woodchip and generated mechanical noise as the lorry-size skips were loaded and unloaded. Members had not heard the hugely obtrusive clanking noise of the telehandler bucket, high in the air in excess of the 2m high proposed acoustic fence, when it was loading woodchip into the skips, or the noise when the bucket banged down onto the floor and scraped on the concrete to load up woodchip. The delivery trailers were so big some could not get into the drier shed at all. This resulted in heaps of wet woodchip being pushed out onto the concrete outside the grain store. The telehandler then pushed that into the shed before the lorry pushed off more woodchip; this cycle repeated for over an hour. This would never happen with grain and the old pig farm had never generated that level of continuous noise. He hoped that the Committee had noticed the normal peace and tranquillity of the area when the telehandler was not being operated and he urged them not to set a precedent that it was acceptable to destroy the peace and quiet of a small country residential area by allowing an industrial commercial process unrelated to agriculture.

90.24 The Chair invited the applicant's agent, Julie Branfield, to address the Committee. She indicated that Members had seen that the application site was a working farm yard and would continue to be used for that purpose as much as was required in the summer months when all the crops were dried and ready for collection. This application sought to use the buildings and equipment already on the farm for drying woodchip only when the site was not being used for farming purposes. She explained that the boilers would not be running constantly at full capacity 24 hours per day, 365 days per year; they would be used as required in the autumn to dry the harvested crops and then on a continual basis as needed in the winter months for the woodchip drying. It was not commercially viable to over-dry woodchip so the levels that fans and boilers were operating at would vary depending on the product, end user and weather conditions. The boilers and fans would not be used from May to July as there was no demand for woodchip and there were no harvested crops. This was a diversification scheme designed to re-use existing buildings, labour and equipment to make the farm site more sustainable and economically viable and the equipment on site was all agricultural and currently in daily use on the land owned by the applicants. The applicant sought to transition from diesel-fuelled boilers to biomass boilers which increased the efficiency of the farm and was a move supported by national policy. The proposed noise mitigation had been designed in conjunction with a noise consultant and the Council's Environmental Health Team to ensure that the measures were effective and would lessen the impact of the operation from that which was heard on the site visit. The maximum number of vehicle movements in a day to the site would remain agricultural as the seasonality of grain harvest and sales meant that it had more significant peaks and troughs than woodchip. It was noted that the lorries that collected grain were very similar to those that delivered and collected woodchip. The existing access to the farm yard was essential in that location as it provided access to the rest of the farmland at the Berrow. The trials that had taken place over the winter had been with a variety of suppliers and different types of delivery vehicle to assess the options and capacity. The proposal complied with national and local planning policy in that it re-used existing buildings and infrastructure to



provide a prosperous economy.

- 90.25 The Chair indicated 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 and, upon being put to the vote, it was

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

**16/00164/FUL – 1 Beverley Gardens, Woodmancote**

- 90.26 This application was for a side extension and roof dormers.
- 90.27 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

**14/01233/FUL – Part Parcel 7346, Evesham Road, Bishop's Cleeve**

- 90.28 This application was for 26 dwellings (use class C3) together with associated landscaping, open space, access and infrastructure.
- 90.29 The Chair invited the applicant's agent, Colin Danks, to address the Committee. Mr Danks indicated that the application had been with Officers for a while and they had worked hard to come up with a suitable proposal in terms of the layout, and to ensure that it worked with the adjacent Redrow scheme which Members had been minded to permit at the last Committee meeting. The application was policy compliant in terms of affordable housing and there was a total number of 63 parking spaces, 26 of which were garages. The houses would be accessed from the Homelands spine road which meant that, from a traffic point of view, vehicles would be using a road which was to an adopted standard. He drew attention to Pages No. 1061-1062, Paragraph 10.2 of the Officer report, which referred to the application site as being adjacent to a vehicle breakers yard and he clarified that it had actually been used as a car dismantling yard some four years ago until it had gone bust and had its licence removed; since that time it had been used for caravan sales on a continuous basis for the majority of the period.
- 90.30 The Chair indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to any necessary amendments to the proposed planning conditions and to allow for the completion of a Section 106 Agreement, and he sought 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. The proposer of the motion commended the Officers and developers for the amount of car parking spaces within the application and he was pleased to see that improvements were starting to be made in terms of parking provision on new

developments. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to any necessary amendments to the proposed planning conditions and to allow for the completion of a Section 106 Agreement.

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

- 90.31 Attention was drawn to the report of the Senior Planning Officer, circulated at Pages No. 66-141, which asked Members to permit planning application 13/01003/OUT Land South of A46 and North of the Tirlle Brook, for a proposed garden centre, retail outlet centre and ancillary facilities, together with associated infrastructure works including access, car parking and landscaping, subject to the suggested planning conditions and Section 106 Agreements to mitigate the impact on Tewkesbury town centre; to address transportation issues and to ensure that land was safeguarded for potential highway improvements to the A46 and Junction 9 of the M5.
- 90.32 Members were reminded that the application had been deferred at the last meeting of the Committee in order to negotiate the provision of a shuttlebus linking the proposed development with Tewkesbury town centre. Officers had been working with the applicant and it was agreed that the best way to achieve this would be via a condition, which had been included as condition 42 of the list of suggested conditions set out at Appendix 5 to the report. The condition required that a scheme be submitted prior to the commencement of building for the provision of the shuttlebus service linking the development with Ashchurch Railway Station and Tewkesbury town centre. The scheme should include days of operation, hours of operation, frequency of service, ticketing arrangements, thresholds for its provision and mechanism for review after three years. Members were reminded that the application was subject to a Section 106 Agreement requiring transport contributions and £1.2M of mitigation measures for Tewkesbury town centre.
- 90.33 Having considered the information provided, it was

**RESOLVED** That the application be **PERMITTED** subject to the suggested planning conditions and Section 106 Agreements to mitigate the impact on Tewkesbury town centre; to address transportation issues; to ensure that land was safeguarded for potential highway improvements to the A46 and Junction 9 of the M5; and subject to referral to the Secretary of State who must decide whether he wishes to determine the application himself.

**PL.91 REVIEW OF SCHEME FOR PUBLIC PARTICIPATION AT PLANNING COMMITTEE**

- 91.1 Attention was drawn to the report of the Overview and Scrutiny Committee, circulated at Pages No. 142-172, which set out the Committee's report to Council proposing the continuation of the Scheme for Public Participation at Planning Committee. Members were asked to note the report and to determine whether the Planning Committee wished to make any comments to the Council to be considered alongside the report.
- 91.2 The Democratic Services Group Manager explained that, at its meeting on 14 April 2015, the Council had resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and so commenced with the Planning Committee in June. At its meeting on 23 February 2016, the Overview and Scrutiny Committee had established a Working Group to review the scheme which had been chaired by the Vice-Chair of the Planning Committee, Councillor R D East. The Working Group

had met on four occasions with the first two meetings focused on speaking to users and administrators of the scheme to gather their views. Members were informed that there had been a lot of engagement and positive comments about the Committee, the scheme and the way it operated. The third meeting of the Working Group had focused on best practice and a draft report had been presented at the final meeting which had subsequently been adopted by the Overview and Scrutiny Committee at its meeting in April and was attached at Annex A to the report. The report would be taken to the Council on 17 May 2016 and the Planning Committee was asked to determine if it wished to make any comments to be considered alongside the report. The Chair of the Working Group reiterated the positive nature of the comments which had been received from users of the scheme. The feedback had resulted in some minor amendments, as set out in the report, which it was hoped would enhance the scheme going forward.

- 91.3 Some Members raised concern regarding the layout of the Planning Committee meetings which had been amended to accommodate the public speakers. It was explained that some of the users of the scheme had commented that Members had their backs to the speakers due to the way the room had been laid out and an alternative configuration had been trialled for the last two meetings as a result. The Democratic Services Group Manager clarified that a different arrangement could be tried in future and this would not change the report which was being put forward to Council. Another Member commented upon the changes to the Planning Committee procedure in respect of the debate and the opportunity for questions and he was informed that this was not related to the Scheme of Public Participation and was a matter for the Planning Committee to consider at another time if appropriate.

- 91.4 It was subsequently

**RESOLVED** That the Overview and Scrutiny Committee's report to Council proposing the continuation of the Scheme for Public Participation be **NOTED** as set out at Annex A and that no comments be put forward by the Planning Committee for consideration by the Council alongside the report.

## **PL.92 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 92.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 173-176. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

- 92.2 It was

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

## **PL.93 ADVANCED SITE VISITS BRIEFING**

- 93.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No.177, 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.

- 93.2 It was

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

The meeting closed at 10:05 am

## Appendix 1

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

Date: 10 May 2016

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

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

Page No	Item No	
1034	5	<p><b>16/00188/FUL</b></p> <p><b>1 Tobacco Close, Winchcombe, Cheltenham, Gloucestershire, GL54 5NE</b></p> <p><b>Additional comments from the applicant</b></p> <p>The applicant's agent has provided a written response making the following points (summarised):</p> <ul style="list-style-type: none"> <li>• It is felt that the distances between No.1 &amp; No.3 Tobacco Close are just less than 5.5 feet and it is felt that the development would not create a terracing effect in the street-scene.</li> <li>• The window on the side elevation for the potential garage conversion into a kitchen may serve as a second source of light and not be the only window in the new kitchen, however, this may be purely conjecture.</li> <li>• The new development will be set back from the boundary as it is now.</li> <li>• Should the application be permitted the applications will appoint a party wall surveyor to ensure works under the Act are carried out prior to commencement of works.</li> <li>• The design of the proposed development has been carefully considered and would be a continuation of the family home allowing the family to expand.</li> </ul> <p><b>Representations</b></p> <p>An additional letter of representation has been received from the residents of No. 3 Tobacco Close in response to the Committee report. Many comments are reiterations of previous objections. Additional comments are summarised as follows:</p> <ul style="list-style-type: none"> <li>• There are seven roof lights which is felt to be an excessive number.</li> <li>• Concerns over measurements noted in the Committee report.</li> <li>• The garage is in the process of being converted into living space.</li> <li>• There is a hedge on the boundary line which was not stated on the application form.</li> <li>• No condition has been suggested relating to the restriction of construction working hours.</li> <li>• Bedroom is only served by two windows, one dormer and one on the gable end facing No.1 Tobacco Close.</li> </ul>

		<p><b>Officer Comments</b></p> <p>All roof windows and the roof lantern have been mentioned throughout the report and have been assessed. All measurements have been taken from the proposed plans which show the development off-set from the boundary; if the application is permitted the applicants would be expected to build the extension in accordance with the submitted and approved plans.</p> <p>The neighbours have requested that a condition is added restricting the construction hours on site. However, such a condition is not considered necessary as all development in the Borough is expected to be carried out in accordance with the adopted local code of practice for construction sites (which restricts noisy activities to between 7.30am and 6pm Monday to Friday, 8am to 2pm on Saturdays with no work on Sundays or public holidays). Any noisy activities carried out outside these times would be subject to action under the Control of Pollution Act 1974.</p> <p>The neighbour has clarified the position in terms of the window openings into the bedroom and it was reported in error that the bedroom is served by two dormer windows (one front and one back) and the window on the side gable.</p> <p>The neighbour has also clarified the position of the garage conversion and it is understood that they are at a stage more advanced than the Officer report suggests. The neighbour has advised that works have taken place to convert the garage and that planning permission was obtained for a change of use. Planning records do not show an application for change of use but permission was granted for the erection of a double garage and replacement of internal garage doors to a window (04/00754/FUL). It is noted that the replacement of the doors have not taken place as of the date of writing this report.</p> <p>Taking this additional information into account, it is not considered that the proposed extension would cause undue harm to the residential amenity of No.3 Tobacco Close. The master bedroom would continue to be served by two windows and, with the change in site levels, it is not considered that there would be an unacceptable loss of light or outlook to this room. Therefore there is no change to the Officer recommendation.</p>
1039	6	<p><b>16/00226/FUL</b></p> <p><b>Land Off A46, Ashchurch, GL20 8JY</b></p> <p><b>Clarification on the possibility of mast/site sharing</b></p> <p>The proposal would replace a previous installation at Power Station, Northway Trading Estate which has been removed due to poor coverage. The application confirms that there are no existing masts within the search area that are available to mast share upon, and there are no suitable tall buildings or third party structures in the search area that could be utilised. The only solution to addressing the operator's coverage requirements within this area is for a new ground based mast.</p> <p>On the above basis the application would be consistent with the guidance at Paragraph 43 of the NPPF 2012.</p> <p><b>Representations</b></p> <p>A further representation has been received from Ashchurch Rural Parish Council. The following objections are raised:</p> <ul style="list-style-type: none"> <li>• Close proximity of mast to residential properties and a school is inappropriate from a public health perspective.</li> <li>• The installation would tower above neighbouring properties.</li> <li>• The mast may cause interference with television broadcast signals.</li> </ul>

- The mast would cause urbanisation of the village.
- Construction vehicles will cause obstruction to vehicles accessing neighbouring Network Rail site and will endanger local residents.
- The mast would interfere with views to the Cotswold escarpment and local countryside from the A46 bridge.

2 further representations received from local residents. The following objections are raised:

- The mast will be in view above the trees. It would have a negative impact on the rural skyline.
- Safety concerns in relation to nearby school and residential properties.
- Concerns raised over public consultation process.
- There are better alternative sites.
- The mast would spoil views of the local plain and the edge of the Cotswolds.
- The site is inappropriate from a security point of view.
- Concerns raised over the accuracy of the documents submitted with the application.

Comments received from the Council's Environmental Health Officer:

As the site is located on railway land and close to a landfill, the following conditions are recommended:

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.
2. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason (for both conditions):

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

1043	7	<p><b>15/00865/FUL</b></p> <p><b>Land at Berrow Farm, Wickridge Street, Ashleworth, GL19 4JW</b></p> <p><b>Representations</b></p> <p>Additional representation has been received from the occupier of the neighbouring property (Orchardside) raising a further objection to the application in terms of the level of noise generated by activities taking place on site. Particular concern has been raised in relation to the noise generated by the articulated lorries and telehandler when moving wet/dry woodchip on-site and the occupier has reiterated that this is hugely obtrusive and impacting on their quality of life. It is also claimed that these activities were not measured or included in the acoustic assessment.</p> <p><b>Additional Information</b></p> <p>Further to the site visit made by the Committee on Friday 6 May 2016, the applicant's agent has provided additional information to clarify matters regarding the months in which grain drying and woodchip drying would take place, the hours of operation and the number of traffic movements. Each matter has been addressed in turn below.</p> <p><u>Months of Operation</u></p> <p>There were some inconsistencies between the original supporting statement and the information provided to Members at the site visit. The applicant's agent has sought to clarify matters and has explained the time period for grain drying and woodchip drying.</p> <p>Further to Paragraph 3.3 of the Officer report, the agent has now clarified that the existing grain store would continue to be used for grain drying during the months from July to September/October and woodchip drying would take place during the months from September/October to May.</p> <p>The applicant's agent has explained that start date for woodchip drying depends on the grain harvest season which depends on the weather. If it is a dry harvest, the grain does not need to be dried and can therefore be held in store and woodchip drying could start as early as September. On a 'normal' year, however, it is likely that the agricultural grain drying operations would continue until October and then the buildings would be cleaned out and used for woodchip drying. The applicant's agent has verified that the supporting statement refers to September as the earliest possible start date in a year with a very dry harvest, but it is more likely to be October / November before the woodchip drying operations would commence onsite.</p> <p>The applicant's agent has also confirmed that there would be no routine drying operations (either grain or woodchip) during the months of June and July. There would be minimal farm activities taking place onsite but it is likely that the biomass boilers and fans would not be in use during this period and would be switched off completely.</p> <p><u>Hours of Operation</u></p> <p>With regard to the hours of operation, the applicant's agent has confirmed that biomass boilers and fans would be running continuously (24 hours a day) during the woodchip drying season but would not require anyone to be on site 24 hours a day. For grain drying operations, the applicant's agent has indicated that the biomass boilers and fans would be used as much or as little as necessary to achieve the correct moisture content in the grain. This could be continuous for one week or if the grain is nearly dry, the boilers and fans would only need to operate for 24 hours at a time. Again, it is likely that the biomass boilers and fans would be switched off during the months of June and July.</p>
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The key difference between the woodchip drying and grain drying operations is that the woodchip is likely to be delivered to site with more constant moisture content and therefore estimates can be placed on the length of time for the drying process. However, the grain can be harvested at a range of moisture contents and needs to be harvested within the August/September timeframe which means the duration of drying required can vary drastically from year to year.

As set out in the Officer report, it is recommended that all operations and activities associated with the woodchip drying (e.g. the emptying/loading of woodchip and spreading of woodchip in the building) is controlled by condition and such works carried out between the times of 08:00 hours to 17:00 hours Monday to Friday (excluding Public Holidays) and 09:00 - 16:00 hours on Saturdays, Sundays and Public Holidays. However, given that the biomass boilers and fans would be running continuously during the woodchip drying season, it is recommended that the wording of condition 3 shall be amended to read as follows in the interests of greater clarity:

3. Other than the running of the biomass boilers and fans, no operations or activities required in connection with commercial woodchip drying shall be carried out except between the following times: 08:00 - 17:00 hours Monday to Friday (excluding Public Holidays) and 09:00 - 16:00 hours on Saturday, Sunday and Public Holidays.

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.

#### Traffic Movements

The applicant's agent has confirmed that the traffic movements associated with the woodchip drying operations could be limited to no more than two HGVs per day (four movements in total) which is consistent with condition 4 set out in the officer recommendation. The figures presented in the table supplied to Members at the site visit (which was also submitted to the County Highways Authority) considered the cumulative number of vehicles required in relation to both the grain drying and woodchip drying operations. The applicant's agent has clarified that the number of traffic movements associated with the grain drying operations would be greater than those associated with the woodchip drying operation but over a shorter timeframe. It should be made clear that the grain drying and woodchip drying operations would not be able to take place at the same time and during the months from September to May the number of HGVs visiting the application site would be limited to no more than two HGVs per day.

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**13/01003/OUT**

**Land South of the A46 & North of Tirl Brook, Ashchurch, Tewkesbury**

Further letter from Gloucester City Council - Remains concerned that the proposal has the potential to lead to a significant adverse harm to the important regeneration scheme relating to King's Quarter.

Officer comments - The Council's Retail Consultant GVA is still of the view that there is insufficient evidence to justify the view that there would be a significant adverse impact on planned investment in Gloucester city centre.

Environmental Health Officer comments - I can confirm that I have studied the supporting documentation in relation to noise and agree with the methodologies and detail provided. Conditions are recommended relating to a construction management plan, lighting, noise from any external plant, extraction ventilation, electric vehicle charging and cycle parking. Environmental Health Officer has no adverse comments on air quality.