

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 7 June 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 Mrs A Hollaway), Mrs M A Gore, Mrs J Greening, Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman, R J E Vines and P N Workman

### **PL.3 ANNOUNCEMENTS**

- 3.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 3.2 Members were reminded that, on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

### **PL.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 4.1 An apology for absence was received from Councillor Mrs A Hollaway. Councillor R Furolo would be acting as a substitute for the meeting.

### **PL.5 DECLARATIONS OF INTEREST**

- 5.1 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.
- 5.2 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>
M Dean	16/00207/FUL Outbuildings, The Old Vicarage, Stanley Pontlarge.	Councillor is the applicant.	Would not speak or vote and would leave the Chamber for the consideration of these applications.
M Dean	16/00208/LBC Outbuildings, The Old Vicarage, Stanley Pontlarge.		
M Dean	16/00233/FUL 6 Breaches Close,	Is the Borough Councillor for the	Would speak

	Woodmancote.	area.	and vote.
R D East	16/00236/FUL Home Farm, Brockhampton Lane, Brockhampton.	The site was owned by the Councillor's former employer.	Would speak and vote.
J R Mason	16/00008/FUL Units 1 and 2, The Emporium, High Street.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	16/00274/FUL Fortitude, Birdlip Hill, Witcombe.	Is the Gloucestershire County Councillor for the area.	Would speak and vote.

5.3 There were no further declarations made on this occasion.

## **PL.6 MINUTES**

6.1 The Minutes of the meetings held on 10 and 17 May 2016, copies of which had been circulated, were approved as correct records and signed by the Chair.

## **PL.7 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

7.1 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.

### **16/00008/FUL – Units 1 and 2, The Emporium, High Street**

7.2 This application was for additional uses class A3 and A4 keeping the existing class A1 rental shop.

7.3 The Chair invited the Planning Officer to provide a brief presentation on the application. Members were advised that Winchcombe Town Council had objected to the application in terms of it being used for hot food takeaway use; the Planning Officer clarified that this was an A5 use and was not the change of use class which was being sought by the applicant.

7.4 The Chair invited Zainah Salam, speaking on behalf of the applicant, to address the Committee. Mrs Salam explained that the applicant had been mindful of the objections, firstly to the drinks licence that had been granted in December 2015, and then to the current application, and had endeavoured to allay the concerns and objections expressed. The biggest concern seemed to relate to noise and the impact on neighbouring residential properties. Mrs Salam advised that the applicant had taken this very seriously and had managed to source a sound attenuation scheme known as QuietRock; a video demonstration of the noise reduction capabilities of QuietRock had been viewed by both the Planning Officer and Conservation Officer and their findings were contained within the Committee report. Another concern raised had been about anti-social behaviour by the patrons of the café bar and Mrs Salam indicated that the applicant was an experienced licence holder who would ensure that all staff had a personal licence and that training was provided on an

ongoing basis. The 'Challenge 25' Scheme would also be strictly adhered to. In addition, there were conditions imposed on the drinks licence which forbade the taking of drinks outside of the premises and the use of the alleyway at the side as well as compelling the applicant to erect a sign reminding patrons of this and asking them to leave the premises quietly. Mrs Salam also felt it prudent to remind Members that Winchcombe was a small country town and that the ambience of a café bar would not attract the type of person that would be prone to disruptive and anti-social behaviour. In addition, there would be a zero tolerance policy on any such behaviour should it occur. The applicant had ensured that there would be a small smoking area with a barrier which would keep smokers away from the pavement.

7.5 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that, whilst he understood how people felt, it needed to be borne in mind that the application was on the High Street and as such was in the commercial centre of the town. The objections received seemed to have been conditioned against as well as they could be which he felt should offer some comfort. In seconding the motion, a Member advised that the town had recently lost two public houses with a third being closed in the nearby Hamlet of Greet. In an area that had seen 250 homes nearing completion he felt that this type of establishment was very much needed. In addition, Winchcombe was very much a tourist town and, in order to survive and flourish, it needed to be able to encourage tourists to stay and enjoy the area.

7.6 Upon being put to the vote, it was

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

**16/00104/FUL – Part Parcel 3976, Teddington, Tewkesbury**

7.7 This application was for the erection of an agricultural barn.

7.8 The Chair invited the applicant, Mr Chris Burton, to address the Committee. Mr Burton explained that he had started the planning process many months ago when he had discussed the location of the barn with Planning Officers. At that time there had been three possible locations but the one proposed had been suggested by Officers as the best given that it was at the lowest area of the field and sufficiently away from any dwellings. At the same time he had been advised to fully clad the barn in Yorkshire boards to help ensure it blended into its surroundings. He had further been advised that juniper green roof sheets would be better than his original choice which he had been happy to do. He felt that, at every opportunity, he had sought the advice of others to ensure the appearance was correct. Mr Burton advised that, in order to achieve his goals as a smallholder, he required safe and secure storage for his machinery; suitable pens for livestock during lambing periods and severe weather; and for the storage of feeds and bedding that, when kept inside, provided improved nutrition for his animals.

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

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

**16/00207/FUL – Outbuildings, The Old Vicarage, Stanley Pontlarge**

7.10 This application was for alterations and conversion of outbuildings to a self-contained dwelling.

- 7.11 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.

**16/00208/LBC – Outbuildings, The Old Vicarage, Stanley Pontlarge**

- 7.12 This application was for alterations and conversion of outbuildings to a self-contained dwelling.

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

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

**16/00377/FUL – 17 Second Crossing Road, Walton Cardiff, Tewkesbury**

- 7.14 This application was for a two storey rear extension and loft conversion incorporating dormer windows to front elevation.

- 7.15 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.

**14/00343/OUT – Land East of Railway, Ashchurch Road, Ashchurch**

- 7.16 This was an outline application for the erection of up to 45 dwellings to include open space and new vehicular access (appearance, landscaping, layout and scale to be reserved for future consideration).

- 7.17 The Chair invited Mr David Street, speaking against the application, to address the Committee. Mr Street indicated that should the scheme go ahead, Ashchurch village would expand to 56 houses and the 11 houses of the 21 residents who presently accessed their homes, and the A46, at that point would increase by over 400%. At a conservative estimate of two persons per new-build, the local population would increase five-fold from 21 to 111 and such a large development would dwarf the existing village and overpower its identity. He explained that, under former and future planning policies, such greenfield development would not be permitted. Ashchurch was not a designated service village but, to date, current schemes would produce: apartments at the former Queens Head public house, together with 11 houses bordering the floodplain at Aston Cross; 150 houses, with perhaps another 100 to come, under development by Linden Homes at Pamington; a proposal to build 100-150 houses behind the flats at Fitzhammon Park and Pamington Fields; the likely approval of the retail and garden centre running from Fiddington Lane to the M5; and 550 homes adjacent to Northway at the rear of MoD Ashchurch. Residents were told that each scheme was considered individually in terms of environmental impact but he felt the wider impact that this unprecedented level of development would have on the local countryside could not be ignored. If the scheme under discussion was permitted, the entire shoulders of the Tirl Brook floodplain located within Ashchurch would be developed from Aston Cross in the east to the M5 motorway in the west and, effectively, to Tewkesbury. However, Mr Street believed that, if the development should be permitted, the Council would be in danger of contravening its own planning

policy. The residential development boundary for Ashchurch was saved through the Tewkesbury Borough Local Plan HOU4 – adopted 2006. Mr Street explained that the proposed site lay adjacent to the residential development boundary and constituted a departure from the Local Plan; HOU4 restricted development to dwellings that were essential to the efficient operation of agriculture or forestry, the acceptable conversion of an existing building or the provision of affordable housing. He felt that those criteria were not met in this case. Ashchurch was well served with affordable housing at Fitzhammon Park and the former MoD site; with a further 30 to 40 houses being released at the closure of the camp. In conclusion he indicated that, rather than being a greenfield site that was ready for development, the land had poor access and was subject to flooding. Development would destroy the natural ability of the land to cope with weather and climate whilst, ironically, the developers would seek to mitigate the dangers to the new-build and the surrounding area by building defences to the problems that would be created by the development. He felt the Council's Flood Risk Management Engineer and County Highways had recognised this by imposing the most stringent of conditions upon the developers in terms of drainage and access. It may be financially viable for some but Mr Street felt the scheme was not reasonable or appropriate under any circumstances and he urged the Committee to comply with the former Borough Planning Policy and refuse the application.

- 7.18 The Chair invited Mr Roger Turnbull, the agent acting on behalf of the applicant, to address the Committee. Mr Turnbull explained that the proposal was an outline application for 45 new family homes, with all matters reserved excluding access. The proposal, located next to the primary school in Ashchurch, was close to the railway station and the A46 / M5. He explained that Pye Homes had undertaken a full public consultation, including meeting with neighbouring residents, in 2014 using newsletters, websites and attending meetings with the Parish Council. Ashchurch had been identified in a recent Inspector's report as an area suitable to take further housing development, located outside of the Green Belt and close to areas of employment. 11 comments had been received, including three in support of the proposals. There were six objection letters logged against the planning application which had raised a number of issues including: construction traffic and highways impact to which Pye Homes had agreed to work with the Council and the school to minimise deliveries at peak times - Highways England was satisfied that the estimated 30 trips in the peak hour would not have a significant effect on traffic. In addition, the train station, bus stops, and combined footpath/cycleway encouraged other modes of travel rather than a car; the railway line and associated noise had been addressed in the draft layout and acoustic materials, double glazing and ventilation would be used to address it. A planning condition to secure those measures had been accepted by the Council's Environmental Health Officer. A survey of noise from the railway works yard would take place as part of reserved matters when the applicant was told the yard would next be used. No complaints about rail-related noise at this location had been received by the Environmental Health Officer from 2005 through to 2014; flood risk and ecology had been raised as issues but housing was proposed on the top of the site outside of flood risk areas. Rainwater would be managed by a sustainable drainage system incorporating a 50 metre long attenuation pond. Pye Homes also proposed four acres of open space to increase biodiversity adjoining the Tythe Brook, for dog walking and recreation with a financial contribution towards maintenance. Mr Turnbull advised that the applicant believed that the social and economic benefits of the proposals to meet additional housing needs at Tewkesbury/Ashchurch, as identified by the Joint Core Strategy Inspector in her recent report, were not significantly outweighed by the limited impact. It was hoped the development would create a pleasant environment for new homes in a discrete location and it was believed that issues raised by Officers regarding the layout could be addressed by working with them and neighbours as part of a reserved matters consultation. It was hoped that Members could support the recommendation to approve the outline application which was consistent with advice in the National

Planning Policy Framework.

- 7.19 The Chair indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to conditions, 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.
- 7.20 The Development Manager indicated that Mr Street had mentioned flood risk and access as issues. Following the late representations he had re-consulted with the Highway Officer and the Flood Risk Management Engineer both of whom had been happy with the issues as addressed within the report. Further to Mr Turnbull's comments he clarified that there had been no complaints about the railway yard since 2014 and the Environmental Health Officer was happy that the proposed dwellings would be safe from undue noise. A Member expressed concern about the application and the congestion that was already experienced on the A46. He questioned why this did not seem to be recognised when it was such a problem and he felt that, before any further development was permitted, highway improvements to make the traffic flow more easily should be introduced. In response, the Chair suggested that it would be difficult to claim that an extra 45 properties would make the current situation worse and therefore it would be difficult to impose highway conditions on the current application. The Member questioned when the 'tipping' point would be as the number of developments that were permitted increased. The Development Manager understood the point and reassured Members that there was wider work ongoing in the area which the Chief Executive was leading on. In addition, Officers across different agencies were working in different forums to find the best way to deal with the problems on the A46.
- 7.21 Upon being taken to the vote, it was  
**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to conditions, in accordance with the Officer recommendation.

**15/00948/FUL – Part Parcel 7166, Main Road, Minsterworth**

- 7.22 This application was for material change of use of land from agriculture to use as a residential caravan site for six gypsy families, including the laying of hardstanding and construction of a new access.
- 7.23 The Chair invited Mr Roger Blowey, representing Minsterworth Parish Council, to address the Committee. Mr Blowey advised that the Parish Council was concerned that previous applications for development in the lane had been rejected on the basis that the exit onto the A48 highway was unsafe; that two members of the public had reported increased flooding in the lane in association with the developments that had already been permitted on the adjacent land and that further developments would increase that risk; that flooding would also increase in Watery Lane which was immediately across the A48 and which already had problems with surface water and flooding; and that the current sites were rarely fully occupied which suggested that there was possibly no need for additional pitches in the area. Mr Blowey also indicated that there had recently been two other planning applications for adjacent areas of land. The state of the access lane had already deteriorated with increased traffic from the current sites and he had been informed that the local school minibus would no longer travel up the lane which meant that the school children were now dropped off on the other side of the road and had to cross the busy A48; just yesterday there had been an accident on the road and, less than a year ago, a local resident had been killed crossing it. In conclusion, he advised that, according to a letter from the Council's Chief Executive to Mark Harper MP, Minsterworth was already home to 43% of the sites and 39% of the pitches within Tewkesbury Borough. In addition, the proposed site was immediately adjacent to Redlands House which was the birth place of the World War I poet, F W Harvey which it was hoped may

become a significant tourist attraction for the area.

- 7.24 The Chair indicated 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 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.

**16/00236/FUL – Home Farm, Brockhampton Lane, Brockhampton**

- 7.25 This application was for the variation of Condition 2 of planning permission 14/01128/FUL to allow the existing external parking area for indoor riding building to be used for storage of vehicles such as caravans, motor homes. The Committee had visited the application site on Friday 3 June 2016.
- 7.26 The Chair invited the application, Mr Gary Rickards, to address the Committee. Mr Rickards advised that, in 2006, he had been granted planning permission, with full Committee support, for his equestrian centre which was supported by a lorry and trailer park. He had subsequently obtained permission to extend the lorry and trailer park into the adjoining field and the consent notice clearly stated that the impact on the rural landscape from the extension would not adversely affect the openness of the Green Belt. He had more recently also obtained planning permission for the storage of caravans and motorhomes within the equestrian centre as a dual-use building. Following refusal of the first application, made last year, permission was now sought for limited use of the lorry and trailer park for the temporary storage of 30 caravans and motorhomes located neatly along two short sides of the perimeter edge – this would limit any visual impact that may be caused; although they were also greatly obscured by the equestrian centre building and the existing hedge and fence lines. All of the clients privately owned their caravans and motorhomes and there was no residential use, overnight sleeping or business trading activities conducted on the premises. Many of the people that enquired about the service simply did not have space at their own properties or were not permitted to store their vehicles on their own land due to legal constraints. Mr Rickards assured Members that the lorry and trailer park could not be viewed from any local residential properties, public footpaths, bridleways or highways and the application had received support from the Parish Council as well as no objections being received from County Highways. Within the trailer park, night and security lighting was provided as well as CCTV surveillance; it was also paved, drained and had perimeter fencing which was ideal for storage. The Caravan Storage Site Owners Association had recognised what was offered to clients on the site and had awarded its 'gold' standard for security and administration; the site was one of only two in Gloucestershire, and 303 in the country, that held that certification. Members were advised that, within the detailed supporting information submitted with the planning application, a clear lack of secure storage within the local radius of the premises had been identified and this was borne out by the fact that the centre was full within six weeks of opening as a storage business and it had waiting lists for both inside and outside storage. The importance of maintaining the openness of the Green Belt was understood but it was felt that the Committee should also acknowledge the quality of the landscape to the north and west of the site which had been severely diminished over the years due to the large landfill site managed by Grundon and Cory Environmental and, more recently, the construction of an anaerobic digestion plant and consequential huge landscape mound generated from its construction; all of which was within the Green Belt.
- 7.27 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the

Committee permit the application as it was not felt that it would be detrimental to the surrounding landscape. Another Member agreed and felt that, in this instance, the application being considered could help to improve the look of a village by reducing the amount of caravans and motorhomes that were parked on driveways which could often be an eyesore. The Chair invited Members to identify the very special circumstances that they felt were demonstrated to allow permission in this instance and Members indicated that, along with the fact that it would not be detrimental to the surrounding landscape or openness of the Green Belt which had already been degraded due to nearby developments including those at Wingmoor Farm, the removal of caravans from other places would actually improve the landscape as well as security in those areas as caravan and motorhome theft would be lessened.

7.28 Accordingly, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** as it would not be detrimental to the surrounding landscape or openness of the Green Belt which had already been degraded due to nearby developments including those at Wingmoor Farm, but could improve the landscape and security when caravans and motorhomes were not parked on private driveways.

**16/00274/FUL - Fortitude, Birdlip Hill, Witcombe**

7.29 This application was for the erection of three detached dwellings and associated works.

7.30 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application.

7.31 A Member believed that three detached houses on the site would be a huge improvement on the existing permission for 10 units; particularly because problems with vehicles would be far less with three units than with 10. Another Member indicated that the choice seemed to be between 10 holiday log cabin units or three market houses and he was of the view that three market houses would offer the area more than itinerant people that would come and go if the units were holiday let. Other Members suggested that they saw no reason to go against the Officer recommendation which made the reasons for refusal absolutely clear. The Chair questioned whether, if three houses were permitted now, the building of further properties could be conditioned against at this stage. In response, the Legal Adviser explained that it would be difficult to attach such conditions and a legal agreement under a Section 106 would be of limited value as the applicant could apply for a variation of the legal agreement at a future date. The Development Manager explained that this type of development would not normally be permitted in this area. An application for three dwellings had been refused in 2011 for similar reasons; that it was a remote location, there would be landscape harm and 10 low key log cabins would not be as noticeable in the landscape as three large detached dwellings plus associated paraphernalia. It was not possible to equate the traffic between three houses and 10 log cabins as holiday homes would result in less traffic movements than residential dwellings and traffic patterns would be very different. In addition, the economic benefits of holiday homes would be longer term than residential dwellings. There was also strong opposition from the local community and the two Parish Councils. In response to a query from a Member, the Development Manager explained that the development already had permission for a sports facility to serve the log cabins including external pitches and associated building. This was initially for the use of people on the site but the condition had been varied to allow its use by the general public. The facility was, however, very low key and would not generate any significant extra traffic movements.

7.32 Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** in accordance with the



Officer recommendation.

**16/00233/FUL – 6 Breaches Close, Woodmancote**

7.33 This application was for single storey side and rear extensions and part conversion of existing garage.

7.34 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.

**PL.8 ADVANCED SITE VISITS BRIEFING**

8.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 24, 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.

8.2 It was

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

**PL.9 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

9.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 20-23. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

9.2 It was

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

The meeting closed at 10:10 am

## Appendix 1

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

Date: 7 June 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	
24	6	<p><b>14/00343/OUT</b> <b>Land East of Railway, Ashchurch Road, Ashchurch, Tewkesbury, GL20 8JX</b></p> <p><b>Consultations and Representations</b></p> <p>A further letter has been received from a local resident responding to the Officer Report. A copy of the letter is attached in full below.</p> <p><b>Planning Officers Comments</b></p> <p>Further to the Officer Report the applicant's agent has provided further information on various issues (see copy email attached below).</p> <p><u>Noise</u></p> <p>In terms of noise, the Environmental Health Officer (EHO) has been reconsulted and has taken into account the submissions of local residents (see below). The EHO agrees with the conclusions of the applicant's agent and advises that the issue of noise emanating from the maintenance depot could be addressed by a suitably worded planning condition which requires a certain noise rating to be met. It is considered that this could be achieved at design stage through the layout and construction details of the proposed dwellings.</p> <p>The EHO has also confirmed that there have been no further complaints regarding noise since February 2014.</p> <p>It is therefore considered that the noise issue has been satisfactorily resolved subject to the following condition:</p> <p>"Work shall not start until a scheme for protecting the proposed development from noise from the railway, rail maintenance depot, and A46 Ashchurch Road has been submitted to and approved in writing by the Local Planning Authority. The scheme should aim to achieve the good Standard of Laeq 30 db (8 hour) in bedrooms and db Laeq 35 db (16 hour) in living rooms, in accordance with BS8233:2014. All works which form part of the scheme shall be completed before any dwelling is occupied."</p> <p>Reason: To safeguard the living conditions of occupiers of the proposed development.</p>

		<p><u>Joint Core Strategy Inspector's Interim Findings</u></p> <p>The agent's comments are noted in respect of the JCS interim findings and in particular the suggested need for more housing at Tewkesbury. Whilst the Inspector's comments need to be properly considered through the JCS process, the interim findings do add some weight to the housing need arguments in favour of the proposals as set out in the Officer Report.</p>
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[Copy of representation:](#)

**Additional / Late Papers Relating to Delegated Permit – 14/00343/OUT**

Dear Sir/Madam,

Further to the written representation I have already made seeking to object to the above planning application, (Land East of Railway, Ashchurch, GL20 8JX), I wish to make the following submissions in relation to some of the comments raised by contributors that I find either inconsistent or incorrect.

I will not address them in any particular order but deal with them in the way that they have come to me from submissions to the website.

The first of these comments relate to a document submitted to Mr Adam White from officers at Development Management in Shire Hall, dated 08/09/2014.

Under **Access**, the author comments on visibility afforded to vehicles leaving the new access road and comments upon the unrestricted parking on the south side of the road and the likelihood that this will not be an issue outside of school times.

I would like to point out that this assumption is incorrect as the parking area on the south side of the road is permanently used by local residents for parking, especially the occupants of Newton Cottages, where the elderly disabled lady at No2 has carer/nurses' vehicles and her own family parking outside of her house, (the nearest to the new access), at all times of day whilst they care for her.

In addition, the occupant of 2 Church View Cottages, permanently parks a mobility vehicle outside 1 Newton Cottages. This vehicle is used to transport his partner who is a wheelchair user.

The occupants of Church View also routinely park three vehicles outside the house, whilst during weekdays, staff from Ashchurch School also park in the road throughout the day whilst at work, due to the difficulties of egressing the site when parents collect their children in the afternoons.

I think it is also very reasonable to assume that the parents, when denied approximately two to three parking spaces at the point of the new access, will park on the roads in the new estate because parking is very limited and 'in demand' at school times.

In addition the revised drawing created to demonstrate the accessibility of a refuse truck are misleading if vehicles park on the opposite side of the carriageway.

I went to pains to inform officers, that although there are double yellow lines in place, they are **not** enforceable, being merely cosmetic and do not comply with the law and therefore cars that park there routinely are **not** parking illegally as the officer says. Hence, when complaints have been made, there has been no police enforcement over the years when this has become an accessibility issue.

In fact the lines were painted on the road to assist NetworkRail deliveries, which also accounted for the full width of carriageway being left in place to facilitate HGVs when the A46 was moved.

Furthermore, the comment suggesting that driver behaviour would assist the cessation of delivery vehicles occupying the carriageway at that position is wishful thinking as I have demonstrated with my photographs in my earlier representation, which clearly show that there is just not enough room on the existing carriageway between the NetworkRail access point and the present field gateway to enable this to happen.

The vehicles park and unload there because they are forced to, especially when new rails are delivered to the site on huge low-loaders. Two arrived recently and were forced to stack whilst they were unloaded because they have no choice but to safely leave the A46 as soon as possible and they cannot park on the approaches to the school or obstruct resident access.

Under the section on **Accessibility**, comment is made in terms of the site being well-located in terms of public transport in the form of bus stops and Ashchurch Railway Station within walking distance of the application site.

This statement is ill-informed at best because there are no commuter trains leaving or arriving at the station, those services having been cancelled years ago and services to main line routes necessitate one driving to Cheltenham or Evesham to catch a train to London for example.

Many years ago I gave up car travel to use the rail services to go to work and regularly met local people travelling to Cheltenham/Gloucester or Worcester/Birmingham on a daily basis, however, we were all forced to get back into our cars again, when the rail companies discontinued the service that would get us to work on time.

The comment in relation to bus services, if it were not so serious, would be laughable because there are now **no** bus services within Ashchurch Rural Parish – although we have plenty of unused bus-stops.

In addition, a recent plea from councillors to provide a bus service to cater for the new Pamington development of 150 houses was met with refusal meaning many more local cars will be added to the already heavily congested A46 because there is no alternative means of vehicular public transport.

The presence of bus stops and a railway station does not automatically mean there are any buses which stop at them, (or even drive past them) or that there are trains that stop that are of any practical use to anyone.

Furthermore, I would love to know, in relation to modern shopping practices, who is likely to cycle to shop to the existing supermarket in Northway?

In addition the much advertised Sainsburys Supermarket is no longer going ahead due to Highways issues in relation to congestion on the A46 causing delay to the point that the company has decided that the scheme is no longer viable financially.

I now turn to the issue of flooding and the comments of Mr Westmoreland, Flood Risk Management Engineer, who appears to have discounted the regulations relevant to flooding which state that the access to any land which floods has the effect of designating all land as Level 3 risk.

I have demonstrated the evidence with photographic proof of a flash-flooding episode, which is at least an annual occurrence in heavy rain when the ground floods up to a metre deep in places before draining through the field to Tirl Brook.

By way of demonstration, I attach a further two photographs of a recent occurrence, of exactly the same type, taken on 9<sup>th</sup> March 2016, demonstrating the same flooding as that which happened on an earlier occasion and which was shown in my earlier document. Although the water was subsiding when the photograph was taken, this happened overnight in rain heavy enough to flood the floodplain below, which, in turn, prevents the water from flash-flooding from draining away.



This photograph shows the ancient 1 metre deep drainage trench leading to the former balancing pond, full to the top with flood water. The water which accumulated from overnight rainfall is in the process of subsiding. This is at the entrance to the site and in the area where at least three properties have been planned in the outline application.

The next photograph demonstrates the reason for the surface flooding, which is caused by water not being able to drain away from the higher field, (this has been incorrectly designated as Level 1 for the purposes of development), because the floodplain is full from the Level 2 and Level 3 floodplain south to Natton Garage and Village.

This happened overnight in March 2016 and was, in any way shape or form, as bad as 2004 and 2007 but demonstrates how serious it can become during normal conditions, let alone when they are excessive.

This not a 1 in 1000 year event or 1 in 100 year event but an annual event and it would have been good if Flood/Drainage Engineers could have met with me and the Parish Council before apparently embarking on a table top exercise to reach a conclusion.





I believe if this building of residences goes ahead, peoples' lives and property will be put at risk in freak weather conditions or heavy rainfall – I have shown the evidence and I am bemused as to why the response is merely to let the scheme go ahead with a better drainage scheme in place.

Surface flash-flooding from sources beyond the boundary of the site will not be prevented by any amount of drainage, which, by its very nature, is designed to work over the longer term to hold and disperse water slowly to prevent the flooding of neighbouring countryside and properties downstream – in fact logic dictates that it will likely have a counter effect.

Lastly, I would like to address the failure of the authorities to obtain a relevant Noise Impact Assessment for the site.

NetworkRail themselves have commented upon the inadequacy of this process that only deals with noise from trains and the running of a conventional railway service.

I have tried to point out that the engineering work that are carried out at the yard adjacent to the site is intolerable but in terms of noise throughout the whole night and high levels of illumination experienced whilst this work is carried out.

At the time of writing this document we, the local residents have been subjected to many weeks of engineering works throughout every weekend and bank holiday and no level of mitigation in terms of building design, fencing or walling of these houses will prevent the residents from being seriously affected by them. I know that because those of us who live here now are already affected and all of these buildings will be closer to the yard and the works that go on at the site than us

By way of demonstration I have included a photograph of the site of the application at night and an explanation of what happens during engineering works.

I recently sent this to NetworkRail and there are words of explanation that go with it to assist one to understand what is shown. I apologise in advance for any repetition.



Land East of Railway, Ashchurch, Tewkesbury, GL20 8JX

The photograph was taken in the early hours of one Sunday morning in May 2016 during NetworkRail engineering works by S&C and McGinleys. This is a weekly occurrence during the works, (and, one assumes that as the result of proposed electrification, is likely to become a more frequent occurrence in the future).

The lighting illuminates the engineering area, heavy plant movements and the office complex etc and is not shining toward the field where the development is to take place, however, the illumination bathes the whole of the proposed development area and the light and noise from the works reaches the local residences from where this photograph was taken. To introduce some level of perspective the yellow horizontal item below the light is a full sized engineering train.

The hedgerow next to the base of the lamp mast is the boundary to the west of the field adjacent to the railway line and the darkness to the left of the light is the existing hedgerow to the south of the development area.

The light extends across the whole field to east, south and north encompassing the whole of the proposed development area to the School grounds and the existing houses to the north.

The darkness in the foreground is caused by the shadow cast by my hedgerow and the light is strong enough to read by in my house.

This overnight noise and light caused by workers shouting, the many vehicles they bring with them when they arrive in the evening and leave in the morning, heavy plant loading ballast and rails, (which have alarms that constantly beep when reversing), and engineering trains disturb our sleep overnight on Saturdays/ Sundays and sometimes Sunday to Monday.

There are no reasonable measures that could be taken by the developers to mitigate the effect of these works, which have gone on over every weekend for many weeks during May 2016 and possibly April before that and I do not believe that the Noise Impact Assessment, prepared by W.A. Hines and partners has reported with sufficient scope and detail in relation to the obvious adverse effect that these essential engineering works have on the current residences, let alone the proposed development, it having only concentrated on the trains that pass through the area..

In conclusion, I believe that there are a number of flaws in the reasoning that has informed the 'Delegate Permit' decision and I implore you to consider what I have said and, if it is not too late, to reconsider and refuse the application on reasons of health, safety and environmental grounds if nothing else.

Yours sincerely,

David J G Street

Councillor Ashchurch Rural Parish Council

Church View House

Ashchurch

Tewkesbury

GL20 8JY



## Additional information from Agent:

Paul Skelton,

**ASHCHURCH ROAD, ASHCHURCH - Noise Complaints due to railway operations at Ashchurch Road.**

### **1.NOISE COMPLAINTS**

I attach below a response dated 28th February 2014 from your Senior Environmental Protection Officer to an enquiry asking if the Council had received rail related noise complaints near the rail bridge with Ashchurch Road, Ashchurch.

His reply states that there had been complaints in 2002 and 2005 but non recently.

I would be grateful if you could find out whether complaints had been made since February 2014.

### **2. REQUEST TO SPEAK AT COMMITTEE**

I also confirm that I wish to speak in support if this application at Planning Committee and would be grateful if you could ask the relevant Officer to contact me about the procedure for speaking.

I would like to offer the Committee the option of a standard Noise Condition requiring a further Noise Survey to be submitted, and its proposed mitigating measures approved by the Council.

### **3. PROPOSED NOISE CONDITION**

Our Noise Consultant has discussed the matter with Network Rail, and concluded that, should there be additional noise from the railway maintenance depot, the proposed mitigating measures incorporated into the house design and estate layout would be

capable of achieving a "Good Standard" of internal conditions in the closest houses at all times with closed windows.

The Good Standard of Laeq 30 db in bedrooms and db Laeq 35 db in living rooms could be achieved by estate layout and the following mitigating design measures:

- i) Brick block wall construction under sealed tiled roofs,
- ii) special double glazed windows with good perimeter seals for houses within 50 metres of the railway depot & A46, and standard double glazing beyond that distance,

iii) special acoustic wall vents for houses within 50 metres of the rail depot and A46, and standard trickle vents beyond that distance.

iv) a 2.5 metre high acoustic fence

As an outline application, the proposed housing layout is a reserved matter, and detailed noise mitigation measures can only be recommended and approved by the Council in relation to a detailed housing layout, to be dealt with under reserved matters.

It is for this reason that the following standard noise condition is considered applicable.

Circular 11/95 includes a standard Noise Planning Condition for you to consider:

*“Construction work will not begin until a scheme for protecting the proposed development from noise from the railway, rail maintenance depot, and A46 Ashchurch Road has been submitted and approved by the Local Planning Authority;*

*all works which form part of the scheme shall be completed before any dwelling is occupied.”*

I would be grateful if you could consider this option and give me your views prior to the Committee.

#### 4. JOINT CORE STRATEGY INSPECTORS INTERIM FINDINGS

The Inspector’s Interim Findings dated 26th May 2016 recommends that:

*“There should be a greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for housing and its planned employment growth.” (Paragraph 51)*

In terms of the Distribution of housing she recommends that:

*“ The JCS should allocate Gloucester’s strategic allocations to Gloucester, Cheltenham’s strategic allocations to Cheltenham, and Tewkesbury/Ashchurch’s to Tewkesbury District.”(Paragraph 54),*

*“Tewkesbury District does not have Green Belt constraints and there are suitable sustainable sites in the vicinity of Tewkesbury Town.” (Paragraph 55),*

*Adding an additional 1,670 dwellings to the Housing Requirement to assist an economic uplift, and a further policy uplift of 5%, results in a revised Housing Requirement for Tewkesbury of 9,983 dwellings, up from 8,600 dwellings*

*(Paragraph 63),*

*To meet the need for an additional 1,383 dwellings, Fiddington is an appropriate location for 900 dwellings, and negotiations should be held with Wychavon District on land at Mitton. (Paragraph 168).*

## 5. CONCLUSIONS

Pye Homes concludes that even if Fiddington (900 dwellings) is included, there would remain a shortfall in housing supply in Tewkesbury District of 1,383 - 900 dwellings = 483 dwellings.

The Application site at Ashchurch Road, Ashchurch, is a sustainable location in the vicinity of Tewkesbury Town/Ashchurch to assist in meeting the Council's shortfall in its 5 year housing land supply.

Under paragraph 14 of the NPPF, the benefits of the development are not significantly and demonstrably outweighed by the limited environmental impacts, and hence there is a presumption to grant planning permission, subject to conditions, including a noise

condition.

kind regards,

Roger Turnbull, Director of Apt Planning Ltd for Pye Homes Ltd.

Begin forwarded message:

**From:** <[Gerry.Davies@tewkesbury.gov.uk](mailto:Gerry.Davies@tewkesbury.gov.uk)>

**Subject:** Network Rail Line

**Date:** 28 February 2014 at 10:27:30 GMT

**To:** <[roger@monks court.co.uk](mailto:roger@monks court.co.uk)>

Dear Mr Turnbull

Our Administration Team has passed your query relating to the railway line. I attempted to call you on your mobile number however the call went straight to voicemail.

Not knowing the nature of the complaint or its date I have checked our records of complaints relating to this section of the track as it passes under the bridge on the Ashchurch Road. Complaints relating to noise from works at this location were made in 2002 and 2005. I assume that you are referring to complaints made recently. I am not aware that any complaints have been made recently concern this location.

The most recent complaints relating to railway land was on the 2<sup>nd</sup> February 2014 concerning trackside tree work adjacent to Cold Pool Lane on the Western outskirts of Cheltenham.

**Gerry Davies**  
**Senior Environmental Protection Officer**  
**Deputy Chief Executive's Unit**  
**Tewkesbury Borough Council**

Direct Dial: 01684 272174

[gerry.davies@tewkesbury.gov.uk](mailto:gerry.davies@tewkesbury.gov.uk)

Web site: [www.tewkesbury.gov.uk](http://www.tewkesbury.gov.uk)