

9 January 2016

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 17 January 2017
<b>Time of Meeting</b>	9:00 am
<b>Venue</b>	Council Chamber

**ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**



**for Sara J Freckleton  
Borough Solicitor**

## **Agenda**

### **1. ANNOUNCEMENTS**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

### **2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and advise of any substitutions.



**3. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

**4. MINUTES**

1 - 32

To approve the Minutes of the meeting held on 20 December 2016.

**5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****(a) Schedule**

To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".

**6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

33 - 38

To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.

**DATE OF NEXT MEETING****TUESDAY, 14 FEBRUARY 2017****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, Mrs M A Gore, Mrs J Greening, Mrs A Hollaway, 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

**Substitution Arrangements**

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

**Recording of Meetings**

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 20 December 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, Mrs M A Gore,  
Mrs J Greening, Mrs A Hollaway, 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

**also present:**

Councillors P W Awford, Mrs R M Hatton, Mrs S E Hillier-Richardson and H A E Turbyfield

**PL.57 ANNOUNCEMENTS**

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

**PL.58 DECLARATIONS OF INTEREST**

- 58.1 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.
- 58.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
Mrs G F Blackwell	16/00450/FUL Land at Woodhay, Green Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

Mrs G F Blackwell	16/01227/FUL 11 Grierson Close, Hucclecote.	Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
M Dean	16/01104/FUL 7 Whitehouse Way, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs A Hollaway	16/01104/FUL 7 Whitehouse Way, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
J R Mason	16/01242/FUL 12 Barnmeadow Road, Winchcombe.  16/00481/OUT Land at Kyderminster Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
Mrs P E Stokes	16/00450/FUL Land at Woodhay, Green Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Surman	16/01101/OUT Manor Farm Buildings, Alstone.	Had known the applicant for many years and had previously lived on the farm.	Would not speak or vote and would leave the Chamber for the consideration of this item.
R J E Vines	15/01378/OUT Nerva Meadows, Plots 3200, 7400 and 7520 Gloucester Business Park, Brockworth.  16/01093/FUL Willowdene, Gloucester Road, Staverton.  16/01227/FUL 11 Grierson Close, Hucclecote.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

58.3 There were no further declarations made on this occasion.

**PL.59 MINUTES**

- 59.1 The Minutes of the meeting held on 22 November 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.60 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****Schedule**

- 60.1 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.

**16/01101/FUL – Manor Farm Buildings, Alstone**

- 60.2 This was an outline application for the erection of five houses with all matters reserved including access.
- 60.3 The Development Manager indicated that he wanted to make some observations on the correspondence that had been sent to Members by the applicant's agent. Firstly, the authorised use of the land was for agriculture and, therefore, it was not brownfield land. Whilst there may have been unauthorised haulage uses in the past, the site had been the subject of successful enforcement action and an enforcement notice was still in place. The agent had suggested that the proposal was what the majority of the locality desired; Members would note that the Parish Council neither objected nor supported the application and, in terms of representations, seven letters of support and four letters of objection had been received. The Development Manager explained that he had talked recently about the danger of using the fact that the site may not be well kept as a reason for granting planning permission where it would otherwise be unacceptable. Notwithstanding this, the site appeared to be reasonably well maintained and was not untypical of sites in rural locations. The agent had described the redevelopment as a 'massive improvement to the landscape' due to the removal of the existing buildings and their replacement with five dwellings; however, this was very much a matter of judgement. The site was within the Area of Outstanding Natural Beauty and it was Officers' view that the proposals would be significantly more harmful to the landscape. The Landscape Officer's comments were set out in the report and the Campaign for the Protection of Rural England (CPRE) also objected to the application. The Development Manager went on to explain that there had been a suggestion of inconsistency from the agent and he clarified that, in his view, there was no conflict with the recommendation for the application at Winchcombe which appeared later on the Planning Schedule. He reminded Members that each application should be considered on its own merits and the context of the Winchcombe application was vastly different. The overall balancing exercise at Paragraph 14 of the Officer's report set out the benefits of the proposal. There was a clear difference of opinion between Officers and the agent in this respect and it was considered that the harm to the landscape significantly and demonstrably outweighed the minor benefits associated with five houses. This general approach was endorsed by the Planning Inspector in relation to an appeal at Gretton View, Alderton, a site which was not within the Area of Outstanding Natural Beauty and where it had been adjudged that the benefits of a small scale housing scheme, for four dwellings in that case, did not outweigh the harm to the landscape; although, again, each case should be taken on its own merits. It had been established through previous decisions by the Planning Committee, and by Appeal Inspectors, that Alstone was not a sustainable location for new development on

accessibility grounds. He understood that, in some circumstances, communities within small settlements needed and wanted new housing, however, this should be achieved through the plan-led process.

- 60.4 The Chair invited Councillor George Ellis, representing Teddington Parish Council, to address the Committee. Councillor Ellis explained that the site consisted of a number of agricultural buildings, from which a transport and agricultural business had been operated over the years, sometimes in breach of previous planning permissions. It therefore had a long planning history around both its previous use and proposals for residential development. Its business use and the nature of the site had long been an issue of contention in Alstone with most regarding it as a nuisance and an eyesore. Opinion in the village regarding this application was divided between those who supported it as a means of resolving a long-standing issue, and improving what was a very unattractive site, and those who objected, either in principle to any expansion of residential property in the village, or subject to more detail on the exact nature and layout of the final design which may only be available with a full planning application. The reduction in the size of the development compared to the previous application was welcomed; however, this was again subject to further detail on how it would be enforced if an outline application was to be approved. The Parish Council recognised that this was a sensitive site, given its location in an Area of Outstanding Natural Beauty, and shared concerns about the lack of detail in the application regarding the quality of design, layout, building materials and relationship to the Cotswold vernacular in the context of Alstone. Whilst its location at the edge of the village was important, and the need to create a genuinely high quality development was recognised, the information provided was insufficient to determine if the criteria had been met and 'executive' homes of the type shown seemed inappropriate. The Parish Council understood that there were several reasons to refuse the application; however, it also saw the potential of the opportunity to resolve a long running issue about the use and future of the site. Even though Alstone was not designated as a service village, a truly appropriate, high quality, small scale residential development may be the best outcome for the village in the long run. Such a development must take account of the sensitive nature of the site, follow the vernacular and represent a genuine improvement to the built environment. It could, and should, stand in marked contrast to the recent poor quality larger scale developments in other villages such as Alderton. The right development would improve the village and blend well with the surrounding landscape. In these circumstances this would likely be seen as an opportunity, not a threat, by the majority in the village and the Parish Council would support such a development. In terms of access to the site, it was believed that the existing access could and should be used.
- 60.5 The Chair invited Philip Collins, a local resident speaking against the application, to address the Committee. Mr Collins advised that he had lived in Alstone for 44 years; the application site was approximately 100m from his home and was a partially covered cattle yard of about 0.6 hectares, similar to many others in rural parts of the County. There had been applications to develop this site for housing in 1989, 2002 and 2015 all of which had been refused by the Committee. The Planning Officer had analysed at length the many reasons why development should be refused: the site was outside of the residential boundary of the village; it was in, and clearly visible from, the Cotswolds Area of Outstanding Natural Beauty; it was not brownfield land within the National Planning Policy Framework definition; the village had less than 40 dwellings, several of which were listed buildings; it had no public amenities; and public transport was extremely limited. The applicant had made much of the deplorable state of the site which had persisted for most of the 20 years or more that he had occupied it. The applicant also held that the site had been, or may even continue to be, a commercial haulage yard; however, an application for a Certificate of Lawful Use for that purpose had been rejected some time ago, both by Tewkesbury Borough Council and the Planning Inspector at

appeal. The commercial vehicle operations on the site had been in defiance of planning control. The neighbours and Parish Council had complained for years that the unsatisfactory state of the site constituted an environmental nuisance on the grounds of noise, vermin and visual amenity and a Section 125 Notice had previously been issued by the Council. In the face of the nuisance generated by the occupier of the site, and the threat that it might continue indefinitely, it was no surprise that some residents preferred to support limited development rather than continue to endure the nuisance - the letters of support received by the Council made it clear that was the objective. The applicant was seeking to persuade the Committee that these self-generated and perpetuated nuisances were a reason to allow development, at a location where it would otherwise be out of the question. He reiterated that the applicant wanted to use what some people would regard as his 'misdemeanours' to justify why he should be rewarded with planning permission. This same argument was put forward in Paragraph 5.6 of the Design and Access Statement, and repeated in the email sent to Members by the applicant's agent, and in his opinion was a thoroughly disreputable proposition. The Planning Officer's recommendation to refuse the application was surely correct.

- 60.6 The Chair invited Dr Richard Broadbridge, a local resident speaking in support of the application, to address the Committee. Dr Broadbridge explained that he was one of the immediate neighbours most affected by the proposed development and therefore most affected by the disgraceful condition of the site at present, including its continued use for haulage activities despite this being unlicensed and prohibited by the legal ruling in 2015. He had previously objected to planning applications for residential development because they had been overcrowded and not in keeping with the character of the village of Alstone, or the Area of Outstanding Natural Beauty in which it was located. He believed that this application was different from others ones which had been refused. As it was for no more than five dwellings, it had the potential to be in keeping with the village and would, contrary to the Planning Officer's assertion, actually improve the visual impact within the Area of Outstanding Natural Beauty. Manor Farm Buildings had been a worsening eyesore over the last 20 years and, other than minor tidying up following the enforcement notice which had been issued some 10 years ago, the degradation had continued unabated. It was also argued that the estimated increase in private vehicle traffic arising from the development would have a lesser impact than the current traffic from large haulage and farm vehicles. The owner of Manor Farm Buildings did not own the surrounding farmland which meant that its retention 'as is' would, other than the few animals being kept in the barns, inevitably result in continued illegal haulage activities to and from the site. He acknowledged many of the concerns that had been expressed about the lack of detail and the need for the development to be sympathetic to the village and the Area of Outstanding Natural Beauty; he too wished for those matters to be addressed in a full planning application to include appropriate privacy for the neighbours, screening and landscaping, but did not believe that should preclude granting of outline planning permission. In his view, this application offered the first realistic opportunity to resolve the longstanding issues with Manor Farm Buildings – issues which Tewkesbury Borough Council had, to date, been unable to resolve. It was a time to compromise on technicalities and let common sense prevail.
- 60.7 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. A Member advised that he took a contrary view and was concerned that villages would stagnate without additional residential development. Even with the emerging Joint Core Strategy and Borough Plan, 75% of villages would have no opportunity for new dwellings and, in his view this particular site was appropriate in an area which was calling out for additional housing. The application was recommended for refusal on the basis of protecting the landscape; however, he considered that residential

development would actually enhance that site and he could not support the proposal to refuse the application. Another Member pointed out that this was not a view shared by the Planning and Landscape Officers. The site was designated as an Area of Outstanding Natural Beauty and he believed that permitting the application would be rewarding the applicant for breaking the guidelines and planning laws. The appropriate way to deal with the condition of the site was through enforcement action. With regard to the comment that had been made about the Joint Core Strategy and Borough Plan, the Development Manager explained that this was very much within the gift of Members; there had been recognition that smaller villages should not be left to stagnate and Members had the opportunity to deal with this issue through the Borough Plan. Upon being put to the vote, it was

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

**16/00804/FUL – Stanboro Nurseries, Stanboro Lane, Elmstone Hardwicke**

- 60.8 This application was for a change of use to increase from 24 to 40 static shipping style containers for storage use (Class B8) and retained agricultural (horticultural) use.
- 60.9 The Chair invited the owner of the site, Sara Gardner, to address the Committee. Mrs Gardner advised that she owned Stanboro Nurseries with her husband; the site had been in operation since 1959 and they had taken over 16 years ago. They lived on the site and it was their family homestead. The nursery trade had changed over the years with large DIY companies taking much of the business and, whilst it continued to run as a nursery, it was necessary to diversify in order to make it feasible. There were currently 24 units that were used for the storage of nursery items, or rented out, and it was hoped to expand this to 40. The current permission in place for the 24 units was 10 traffic movements per day; a figure which had never been reached. The units had been a success and there was currently a waiting list of people wanting to rent a unit. The unforeseen benefit was that the units had brought together like-minded local people who had gone on to contract each other for work and services. Stanboro Lane was a dead end and the only neighbour lived in a house that had previously been the Nursery Manager's home; there was an agricultural tie on the property for that reason. He was a farmer, and a contractor, so frequently used large tractors with appliances attached at various times throughout the day, as would be expected. Mrs Gardner was pleased that the Planning Officer had been supportive of the additional units, however, the neighbour had raised concern regarding the unsociable hours of operation and a condition had been recommended suggesting opening hours of 0730-1800 hours Monday-Friday and 0800-1300 hours on Saturday with no opening on Sundays. She explained that the nursery and current units were unfettered by time restrictions and it was felt that it would be difficult to enforce a condition for one small part of the business. She provided assurance that noise disruptions from customers would not be in their interest and would be dealt with.
- 60.10 The Development Manager drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that additional information had been submitted by the applicant in relation to the condition restricting the hours of use. Having regard to the economic impact of imposing a condition restricting hours of customer access, the context of the site and likely noise generated by the journeys to an additional 16 units, it was now recommended that this condition should not be imposed should Members be minded to permit the application.
- 60.11 The Chair confirmed 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, subject to the removal of condition 7 as set out on the Additional Representations Sheet. A Member noted that planning permission for a similar application had been refused in



February 2015 for three reasons and he questioned what had changed for Officers to recommend the current proposal for permission. The Planning Officer explained that the original application had been very sparse in terms of supporting information and the main refusal reasons had related to a lack of highway information and the absence of a landscape plan. The applicant had submitted far more information on vehicle movement and trip generation with this application and had worked with the Council's Landscape Officer to come up with a bespoke landscaping scheme which would be implemented within the first planting season. It was therefore considered that the previous refusal reasons had been adequately addressed. Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the removal of condition 7 as set out on the Additional Representations Sheet.

**16/01242/FUL – 12 Barnmeadow Road, Winchcombe**

60.12 This application was for a single storey front and rear extension; loft conversion with rear box dormer, widening of access; and creation of additional car parking (Resubmission of withdrawn application Ref: 16/00635/FUL).

60.13 The Chair invited the applicant, Christopher Yeates, to address the Committee. He explained that he and his wife had been raised in Winchcombe and they were very much part of the community. They hoped to stay in the area and raise their two young children who were both enjoying life at Winchcombe Abbey School and, in order to do that, they were preparing themselves with a house that would suit their future family needs. The current house did not have an upstairs bathroom and had very limited storage space. Their financial position did not enable them to move to a larger property in the area and they believed that the proposals would bring the current house up-to-date and in line with a modern day layout. The large front and rear plots enabled the house to be extended without compromising their own outdoor space or that of their neighbours. Following the withdrawal of the initial application, the Planning Officer had provided feedback on the initial refusal and some direction to help guide them towards a proposal that was more fitting with the local environment. This had always been their intention and they had significantly scaled back the design as a result of this advice. The front porch had been reduced and was now 34% of the original design which was in keeping with the existing porch roof pitch and was inconspicuous in its design. The loft dormer was now 45% of the original proposal; there was now only one bedroom in the loft and some of the first floor space had been compromised to enable access, however, this was the only way to achieve the upstairs bathroom and was a much more subtle design. The rear extension was now 53% of the original proposal and a flat roof was proposed in accordance with the Planning Officer's advice. The neighbours had been consulted on the proposals from the outset and they had been very supportive of both the original proposal and the reduced plans. He thanked the Planning Officer for his guidance following the initial application and was delighted that the application was recommended for permission.

60.14 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion felt that this was a classic example of the applicant working with Officers to achieve a good result and, upon being put to the vote, it was

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

**16/00481/OUT – Land at Kyderminster Road, Winchcome**

- 60.15 This was an outline application for the erection of up to 35 dwellings, vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works with all matters reserved for future consideration except access. The Committee had visited the application site on Friday 16 December 2016.
- 60.16 The Chair invited the applicant's agent, Gareth Barton, to address the Committee. Mr Barton indicated that the scheme had been carefully designed and the Planning Officer had recommended it for permission. He also pointed out that the key statutory consultees from highways, ecology, landscape, design, affordable housing and archaeology had not objected to the application. A significant package of Section 106 contributions had also been agreed, worth in excess of £300,000 and providing 14 new affordable homes. There were two key considerations he wished to address within his speech, the first being why the development was needed. He pointed out that the Borough Council could not demonstrate a five year supply of housing land and this application must therefore be considered against the presumption in favour of sustainable development – planning permission should be granted unless there were adverse impacts which would significantly outweigh the benefits. He reiterated that the Planning Officers and statutory consultees considered there to be no adverse impacts. Furthermore, this application would help to address local need; there remained a need for more family housing in Winchcombe which was demonstrated by local assessments of need and the Gloucestershire Homeseekers' Register. If housing need was not met, local people would be forced to leave the area. The emerging Neighbourhood Plan made no housing provision for immediate local housing need. Granting permission for this site would deliver the affordable housing required and Planning Policy Officers had not identified any conflict with the Neighbourhood Plan. The second issue he wished to address was landscape and the Area of Outstanding Natural Beauty. This application was supported by a detailed Landscape and Visual Impact Assessment which demonstrated that the scheme was acceptable in landscape terms. Independent assessments prepared on behalf of the Town and Parish Councils also concluded that the site had low landscape sensitivity. Built development could be accommodated below the 115m contour and the design of the proposal had adhered to that. The Council's Landscape Officer had stated that the development would be well integrated into the existing settlement pattern and that any harm would be local and limited. The Officer had also confirmed that the scheme would not lead to unacceptable landscape and visual impacts to the setting of the Area of Outstanding Natural Beauty and was therefore acceptable. Granting permission for this development would not set a precedent to allow other sites in the Area of Outstanding Natural Beauty and each scheme would continue to be considered on its own merits. He strongly believed that the development had positive benefits as it would help local people in housing need to remain in Winchcombe and would deliver significant Section 106 contributions and New Homes Bonus payments and he welcomed Members support.
- 60.17 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement. It was proposed and seconded that the application be refused on the grounds that the development would have a detrimental effect on the character and appearance of the Area of Outstanding Natural Beauty and would conflict with the purpose of preserving and enhancing the Area of Outstanding Natural Beauty which would be contrary to the stated aims of the National Planning Policy Framework. Furthermore, extending the built form of the settlement in this location would encroach on the pleasant and distinctive rural views from public roads and footpaths in the vicinity.

- 60.18 A Member indicated that the Winchcombe and Sudeley Neighbourhood Development Plan had progressed significantly and had been supported by the local community in a recent Referendum. The Plan aimed to protect the distinctive character of the area and she felt this should be given appropriate weight in determining the application. The seconder of the motion felt that the openness of the countryside in this beautiful part of the Area of Outstanding Natural Beauty had been evident on the Committee Site Visit. Whilst the Planning Officers supported the application, he drew attention to Page No. 509, Paragraph 16.6 of the Officer report, which recognised that the proposed development would represent an intrusion into open land and there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. He noted that the Cotswold Conservation Board objected to the proposal as the site had already been considered as unsuitable as part of the Neighbourhood Plan and Members had seen first-hand the considerable rise in the elevation of the land which meant that a line of two and a half storey houses would totally obscure the view into the Area of Outstanding Natural Beauty. The Member noted that the Officer's report stated that the proposal would not constitute major development in the Area of Outstanding Natural beauty due to the low number of new dwellings proposed, however, he questioned whether more than 35 dwellings could ultimately be built at the reserved matters stage if permission was granted for this outline application. The Development Manager clarified that what constituted major development was a technical part of the National Planning Policy Framework and was assessed in that regard. The application before Members was for 'up to 35 dwellings' and, as such, if Members were minded to permit this outline application, the reserved matters application could not be for more than 35 dwellings.
- 60.19 The Chair suggested that, if Members were minded to support the proposal to refuse the application, the refusal reasons should make reference to the rising land and the additional landscape harm that would cause. The proposer and seconder of the motion indicated that they were happy for that to be included. In addition to his concerns about the impact on the beauty of the area, the proposer of the motion pointed out that this would be building away from the centre of town and people living there would be reliant on the private motor vehicle to access the services. Whilst it was recognised that additional residential development was needed within Winchcombe, there were more appropriate sites which would have less impact and would be closer to the town centre.
- 60.20 Another Member expressed the view that the application was reasonable and, following the Committee Site Visit, he could see the potential for development on the site. He noted the local Members' concerns about the rising ground but, in his opinion, the proposed dwellings would be a continuation of what had gone before. Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** on the grounds that the proposed development, due to the site's location and rising topography, would have a detrimental effect on the character and appearance of the Area of Outstanding Natural Beauty; would conflict with the purpose of preserving and enhancing the Area of Outstanding Natural Beauty, which would be contrary to the stated aims of the National Planning Policy Framework; and, extending the built form of the settlement in this location would encroach on the pleasant and distinctive rural views from public roads and footpaths in the vicinity, subject to the inclusion of additional refusal reasons in respect of the absence of an appropriate planning obligation.

**15/01378/OUT – Nerva Meadows, Plots 3200, 7400 and 7520 Gloucester Business Park, Brockworth**

- 60.21 This was an outline application for the development of up to 106 dwellings with associated access, public open space, landscaping and other infrastructure. The Committee had visited the application site on Friday 16 December 2016.
- 60.22 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider pointed out that Gloucester Business Park was widely recognised as one of the prime employment sites in the Borough. The owner, Goodmans, was a commercial developer and had delivered over two million square feet of commercial floor space on the park to date. Goodmans remained committed to delivering commercial development on the park where desired by the market; however, as with most areas, there were some parts of the business park which were not so good. Despite extensive marketing, the three plots in question had proved impossible to fill due to their poor location, size and shape. Any interest from the market had quickly subsided and this had been the case before, during and after economic recession. The National Planning Policy Framework required local authorities to avoid the long term protection of allocated employment sites when there was no reasonable prospect of them being delivered. In such cases, applications for alternative uses should be treated on their merits, having regard to the need for different land uses. After 25 years, the market had decided that these specific plots were unviable for commercial use and continuing to safeguard them would only result in the land remaining vacant for many more years to come. The Council had the opportunity, via the Borough Plan, to allocate commercial land that would deliver. This came at a time when there was a huge shortfall in five year housing supply and the position was now critical given the uncertainties within the Joint Core Strategy. This application provided an opportunity to deliver much needed housing now, in genuinely one of the most sustainable locations the Borough had to offer. Developing the site would not cause any adverse impacts and would deliver 42 affordable homes as well as having the potential to deliver specific community projects through Section 106 funding. In particular, both Brockworth and Hucclecote Parish Councils were in the process of extending their respective community centres and this funding had the potential to assist in their timely delivery. It was also important to stress the local support for the proposal. Applications for housing at Winchcombe and Bishop's Cleeve, also being considered at this Committee meeting, had strong objections from Parish Councils and hundreds of local objections. This application had attracted just one letter of local objection which was unprecedented for a development of this scale. Rural villages were persistently under attack from speculative housing applications as a result of the five year supply situation and delivering housing here could help to reduce pressure on those villages; a refusal would only mean further unwanted applications in rural villages. In conclusion, Mr Rider pointed out that the market had decided that these particular plots would not deliver for commercial uses. The great need for housing in the Borough and the opportunity to deliver it here, with all of the associated community benefits, was surely too good to turn down. He hoped that Members would lend their support to the proposal, as the local community had.
- 60.23 The Chair invited Councillor Harry Turbyfield, a Ward Member for Brockworth, to address the Committee. Councillor Turbyfield indicated that he wished to speak in support of the application. Although permission had originally been granted for industrial use for the business park as a whole, this was over 20 years ago. Since that time, development needs and requirements had changed so much that these particular plots had become surrounded by residential properties and the infrastructure to support them; he noted that developer's show homes and sales offices were now within approximately 25m of the boundary. The site had been marketed for industrial usage internationally, nationally and locally but there had

been no takers because of the sites access for commercial transport and its unsuitability due to the close proximity to residential properties; housing construction was still taking place on all three sides. Most importantly, this proposal would not affect the Green Belt or Area of Outstanding Natural Beauty because it was brownfield land and there were already occupied houses between the application site and the open countryside. Other benefits of approving the application were the good shopping facilities readily available within walking distance and the close proximity of the existing school on the Cooper's Edge development. He pointed out that the only statutory consultee to object to the application was Gloucester City Council on the basis of the loss of strategic employment land. Permitting the development would help to provide some of the good quality housing that Tewkesbury Borough so desperately needed at this point in time.

- 60.24 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 seconder of the motion reiterated the points made by the public speakers in terms of the lack of interest in the land for commercial use, despite extensive marketing, and the fact that there was already residential development around the site.
- 60.25 A Member sought further information in terms of potential flooding issues on the site and was informed that, as Lead Local Flood Authority, Gloucestershire County Council had raised no objection to the application subject to conditions. Members were reminded that there was an extant planning permission for commercial use on the site and it had been assessed at that time as being acceptable in drainage terms. Sustainable Drainage Systems (SuDS) could be implemented on the site and, as it was located within Flood Zone 1, this could be achieved by way of planning condition.
- 60.26 A Member queried whether this site was part of the strategic plan within the emerging Joint Core Strategy and he sought a comment from Officers in relation to the commercial/domestic balance and the potential loss of employment land. The Planning Officer explained that the application site was located within Gloucester Business Park employment area as defined by saved policy BR2 of the Tewkesbury Borough Local Plan to 2011 which remained relevant. Alternative uses could be considered as part of the sequential test if employment land was not deliverable on the site. The application had been accompanied by a marketing report setting out a number of reasons why the application site had failed to be delivered by a commercial operator and the Council had commissioned Bruton Knowles to independently assess the information. That report had concluded that, whilst Gloucester Business Park had been extensively marketed, there had been no marketing of the specific plots. Bruton Knowles did not consider that 'bare land' had been offered for sale which it was felt was likely to attract strong demand from the wider market or for speculative development. Gloucester Business Park was an allocated strategic employment site which had the potential to meet current employment need. Without this allocation the site may be suitable for housing and, if the plots had been marketed as 'bare land' and there had been no takers at a reasonable level, the recommendation may be different but, as it stood, this could not be justified. It was to be borne in mind that, if the marketing evidence was accepted, this could equally apply to a number of other plots in the business park. The Development Manager clarified that changes to the Joint Core Strategy meant that 192 hectares of employment land needed to be found within the Borough; this was an extremely ambitious target and sites such as this were key if that was to be achieved.
- 60.27 A Member indicated that he fully supported the proposal to permit the application. Members were well aware of the horrendous parking issues on the roads around the business park in Brockworth and Hucclecote and he felt that would only be exacerbated by retaining this land for employment use. He considered that

residential development of the site was a sensible way forward and employment land would come forward from other locations which had not yet been identified. The Development Manager recognised that there were issues with parking in the area, and he had recently attended a meeting with the Chief Executive and the local MP in that regard, however, he reminded Members that the current policy context was much more realistic about parking on all developments, with maximum standards of parking as opposed to minimum. In terms of this particular location, parking was an existing problem and his strong advice was that this should not attempt to be resolved by granting housing on the site.

60.28 Another Member expressed his support for the proposal and he pointed out that the local authority could not determine demand. Businesses looked for available land which was suitable to achieve what they needed and this site had not been deemed as an appropriate location for any such business over the last 20 years. He recognised the desperate need for employment land but felt that should be spread across the Borough as opposed to one or two locations. Flexibility was a key factor and more lateral thinking was required to ensure that businesses were able to locate in areas which suited their needs.

60.29 The Development Manager advised that, should Members be minded to permit the application, he would recommend the inclusion of appropriate conditions including levels; hours of operation; landscaping; highways; and parking. In addition, a Section 106 Agreement would need to be sought including requirements for open space; sports facilities; and education, library and medical provision. As such, he asked that authority be delegated to the Development Manager to permit the application in order to allow him to finalise the conditions and Section 106 obligations. The proposer and seconder of the motion indicated that they were happy to change the proposal to a delegated permit and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to appropriate conditions and Section 106 obligations.

**16/01093/FUL – Willowdene, Gloucester Road, Staverton**

60.30 This application was for the erection of a replacement dwelling and associated works including alterations to the residential curtilage boundary (revised scheme). The Committee had visited the application site on Friday 16 December 2016.

60.31 The Chair invited the applicant's agent, Becky Brown, to address the Committee. Ms Brown indicated that she was from SF Planning Ltd. which was representing the applicant who unfortunately had been unable to attend. As explained in the Officer's report, this was an application for a replacement dwelling on a site within the Green Belt. National Green Belt policy made it clear that construction of replacement buildings was not inappropriate as long as the building was in the same use and provided that it was not materially larger than the one it replaced. The existing buildings on the site - a bungalow and its outbuildings – were in residential use and the proposed building was also for residential use therefore the first criterion was clearly satisfied. Whether the second criterion was met was a matter of interpretation of the policy and what the phrase 'materially larger' actually meant. The National Planning Policy Framework did not provide a definition and therefore it came down to the decision-taker making a judgement. Planning permission had already been granted for a replacement single storey dwelling, as well as an alternative scheme which utilised the first floor by the insertion of dormer windows on both the front and rear elevations. Both of the schemes were not considered to be materially larger by Planning Officers and therefore planning permission had been granted. Importantly, both schemes were extant and therefore represented a significant fallback position which was an important material consideration in the determination of the current application. The scheme before Members represented

a 35sqm reduction in footprint compared to the extant dormer bungalow. Furthermore, the usable floorspace, spread over the ground and first floors, was also smaller than the extant dormer bungalow, albeit only slightly. It was the increase in height that appeared to concern Officers but she did not consider a two storey dwelling would be out of character here. The buildings on the other side of the road were at least the equivalent of two domestic storeys and the nearest dwellings on both sides of the road were all two storey; it could be said that a bungalow was uncharacteristic of the locality. It was therefore considered that the proposal complied with both national and local Green Belt policy. In terms of the impact of the proposed dwelling on the landscape, the Planning Officers' conclusions were difficult to understand bearing in mind the context of the site in terms of the business park opposite, the proximity of the M5 and the other two storey dwellings located on either side of the road. This was compounded by the fact that the site did not lie in a protected landscape designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. As part of the proposal, the applicant would be removing the large extent of hardstanding at the rear of the existing bungalow and replacing the inappropriate boundary wall and railings at the front of the property. The site had a rather unfortunate past history which the applicant was keen to move on from and was hoping to build a home for himself and his family.

- 60.32 The Chair indicated 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 felt that the principle of replacement dwellings was well established. He considered that the proposed dwelling would be in keeping with what was already there and he did not feel that its size should inhibit development in this instance. The seconder of the motion expressed the view that it was not a particularly attractive site and the proposal would enhance the surrounding area. The Planning Officer advised that Paragraph 89 of the National Planning Policy Framework stated that new buildings in the Green Belt were inappropriate unless they fell within certain exceptions, which included them not being materially larger than the building being replaced; the starting point for this was the existing dwelling and not the extant planning permission. Attention was drawn to the existing and proposed elevation plans at Pages No. 534/B and 534/C which quite clearly showed a significant increase in size and scale. Even allowing for all of the replacement buildings, the proposed dwelling would be 134sqm larger so it was matter of fact that it was inappropriate development and very special circumstances were necessary to justify the proposal. Officers had concerns in terms of the impact on the openness and visual amenity of the Green Belt, the proposal was contrary to national policy and the local plan and there were no very special circumstances which outweighed the harm. Members were advised that the alleged untidiness and unauthorised activity on the site could not be used as very special circumstances; enforcement powers were available to address any issues if necessary. A Member questioned whether permitted development rights could be removed should Members be minded to permit the application and confirmation was provided that this was possible on the basis of protecting the Green Belt and landscape. It was to be borne in mind, however, that removal of permitted development rights did not prevent further development and this could not be used to justify an application which was clearly contrary to national and local policy.
- 60.33 A Member noted from the planning history section of the Officer report that there was a pending application for a proposed new agricultural building and she questioned where that was located in relation to this development. The Planning Officer explained that it would be located in the adjacent field but it was not considered to be material to the application before Members. A Member expressed the view that it was a very simple decision; the site was in the Green Belt and the size of the proposed replacement dwelling was astronomical and totally against

policy. As such, she felt it should be refused without hesitation. Another Member shared this view and sought clarification from the proposer of the motion as to what very special circumstances were in existence to justify permission. The proposer of the motion indicated that, although the proposed dwelling was slightly larger than the buildings currently occupying the site, there was no established definition of what was materially larger; in his view the proposed dwelling would not be materially larger.

60.34 Upon being taken to the vote, the proposal to permit the application was lost. It was subsequently proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

**16/00450/FUL – Land at Woodhay, Green Lane, Churchdown**

60.35 This application was for the creation of a new plot with construction of a single storey, three bed dwelling with an integrated carport.

60.36 The Chair invited the applicant's agent, David Jones, to address the Committee. Mr Jones explained that the proposal sought full planning permission for the erection of a dwelling upon a surplus parcel of land located to the south-west of Woodhay. The application had been subject to detailed discussion and negotiation with Officers. It had generated objection from the Parish Council and two property occupiers, one located adjacent to the site and the other approximately 1.5 miles away. The main objections related to the applicant having destroyed the newt habitat; a dated ecology survey; impact upon neighbouring amenity; site access; and fire service entry. He advised that the application site was formerly part of the garden to the residential property known as Woodhay. The garden was well manicured and regularly mown and any suggestion that the applicant had conspired to create an unwelcome habitat for newts was entirely inaccurate and misleading. Secondly, the ecology report submitted with the application had been prepared by a professional ecologist following a site inspection carried out earlier in the year. The ecology report provided clear and concise recommendations confirming that the site had predominantly low value habitat and that the development of the site with the proposed mitigation measures would not affect the conservation status of the local Great Crested Newt population. In addition, the proposal was for a low level single storey dwelling, with no windows overlooking any of the adjoining properties and the Officer report confirmed that the development would not be overbearing, would result in no loss of privacy and would preserve the character of the area. In terms of the proposed site access, this had already been consented when approving a scheme for two dwellings upon the neighbouring Sharps Hay site in 2015 and would be formed irrespective of the Committee's decision today. He pointed out that no objection had been raised by the Highway Authority. Finally, the proposed dwelling was located within the recommended fire tender access distance set out within the building regulations. Thus, contrary to the representations made by objectors, a turning area for a fire tender was not required within the site. Indeed, even in circumstances where hose distances were exceeded, building regulations were satisfied via the provision of an internal domestic sprinkler system. Notwithstanding this, fire service entry was a matter for Building Control and not the Planning Committee. In conclusion there was no adopted local plan, emerging local plan or national policies which would support the refusal of planning permission and he urged the Committee to support the Officer recommendation to permit the application.



- 60.37 The Chair confirmed 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.

**16/01104/FUL – 7 Whitehouse Way, Woodmancote**

- 60.38 This application was for a garage conversion to a utility/store with a single storey link to the main dwelling and a two storey rear extension.

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

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

**16/01227/FUL – 11 Grierson Close, Hucclecote**

- 60.40 This application was for a two storey rear and single storey side extension. The Committee had visited the application site on Friday 16 December 2016.

- 60.41 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 and, upon being put to the vote, it was

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

**16/00582/OUT – Land Parcels 2800, 3667, 4900 and 6600, Stoke Road, Bishop's Cleeve**

- 60.42 This outline application sought planning permission for up to 265 residential dwellings (including up to 40% affordable housing); an A1 convenience retail store of up to 200sqm; introduction of structural planting and landscaping; informal public open space and a children's play area; surface water flood mitigation and attenuation; vehicular access from Stoke Road (to 15m into the site); and associated ancillary works with all matters reserved except the main site access.

- 60.43 The Development Manager indicated that Members would recall refusing an almost identical application earlier in the year. That application was now at appeal and a public inquiry was scheduled to start in February. There were two main reasons for refusal, as well as other technical reasons referring to the lack of a signed Section 106 Agreement, the first of which related to the fact that the applicant had not demonstrated that the proposed houses would not be exposed to unacceptable risk arising from Wingmoor Farm waste management site. Following the previous decision, Officers had appointed technical air quality consultants to represent the Council at the appeal and comment on this application. Whilst the application in itself had not significantly changed in terms of the potential impacts arising from Wingmoor Farm, the Council's consultants had carried out their own assessment based on the relevant industry guidelines. The consultants had concluded that the residents of the proposed development would be likely to experience low to moderate risk and the reasons for the Officer recommendation of a delegated permission were set out within the Officer report. The report also made reference to a recent case in Newcastle-Under-Lyme which had similar hallmarks; in that case the Inspector had judged that the harms arising would not come close to the benefits of providing housing. It was noted that the relationship was closer in the Newcastle-Under-Lyme case than it was in the application before Members and there was a

similar situation in terms of the lack of a five year housing land supply. The Inspector had relied on the fact that the site would continue to be managed via the environmental permitting regime administered by the Environment Agency which was, of course, the case here. It was also important to note that the lifetime of the operations at Wingmoor Farm was extended by Gloucestershire County Council in 2011 despite objections from the local community. The second reason related to accessibility and the fact that the site was essentially a cul-de-sac with one way in and out. The applicant had addressed this concern to a degree by the possible provision of a footpath to the new development at Cleavelands and the community facilities at that site. This could be secured by condition or an appropriate planning obligation. It was also noted that there was no objection from the County Highways Authority on accessibility grounds. The objections of the Parish Council and local community had been taken on board; however, Members should be mindful that the Council's previous decision, which was now the subject of the outstanding appeal, was a significant material consideration in the determination of the current application. On that basis it was strongly advised that Members' consideration should effectively be limited to whether the two previous substantive reasons for refusal had been addressed as it was not considered that there had been a significant material change in circumstances since that time.

- 60.44 The Chair invited John Chorlton, representing the developer for the application, to address the Committee. Mr Chorlton advised that he was a senior planner speaking on behalf of Gladman Developments and he wished to start by stating that Gladman fully endorsed the Planning Officer's positive recommendation. The original application had been refused for two key reasons - connectivity and air quality – both of which had now been addressed. In relation to connectivity, it had been demonstrated that a footpath link could be provided connecting into the open space known as Cleavelands. Furthermore, Gladman had entered into discussions to provide a second footpath link into Hayfield Way. In terms of air quality, the first application had been refused as a consequence of odour concerns from the Wingmoor landfill site. Gladman had provided an Air Quality Assessment which had demonstrated that there would be no unacceptable adverse impacts from odour. This had been agreed by Officers based on the findings of their independent air quality consultant. There was no objection from the Council's Environmental Health Officer, the Environment Agency or the Waste Authority. Mr Chorlton felt that there were a number of key points for consideration in relation to the landfill: the landfill operator only had planning permission to landfill up to 2029; the majority of the application site was located further away from the landfill than the existing residential developments to the east; and the landfill operator must comply with the legal permits imposed on them to control all types of pollution, including odour. The proposals would not affect the continued operations of the landfill site, nor have any unacceptable odour impacts on future residents. In terms of the recent appeal decision, it was clear that odour fell far short of significantly and demonstrably outweighing the benefits. He went on to advise that Gladman had agreed in full the contributions requested by the Council, as set out at Paragraph 21.8 of the Officer report, notably this included £453,750 towards the 'T' bus service, increasing the frequency from an hourly to a half hourly service; £1.8M towards education infrastructure; and £421,000 towards sport facilities. Following further discussions with the Council, the proposals would provide a total of 110 affordable homes which was above the Council's requirement of 40%. 57 of the affordable homes would be provided off-site to assist the Council in delivering affordable housing schemes throughout the Borough. This equated to 322 dwellings overall and would deliver a substantial contribution towards the Borough's housing needs and would provide a solution, in part, to the loss of Twigworth and Ashchurch allocations within the Joint Core Strategy. In particular, the majority of the site would be delivered within the next five years, contributing substantially to the Council's housing land supply. In

summary, there was no reason why permission should not be granted and he respectfully asked the Committee to follow the Planning Officer advice and approve the scheme.

- 60.45 The Chair invited Councillor Sue Hillier-Richardson to address the Committee; it was noted that Councillor Hillier-Richardson was exercising her discretion to speak under the Constitution. She felt that cumulative impact was a major concern here and this proposal would mean an additional 265 dwellings with hundreds still to be built on the Homelands and Cleavelands sites and other sites in the area. This would have a detrimental effect on social cohesion and community wellbeing in Bishop's Cleeve. There was already enormous pressure on services and infrastructure, with congestion in all parts of Bishop's Cleeve, not only at peak times. She considered the application to be premature given that the development plan was close to completion and she pointed out that this was not an allocated site and was not identified in either the Joint Core Strategy or Borough Plan. In fact, as pointed out in the Officer report, the Borough Plan stated that commitments in Bishop's Cleeve were already exceeded by 230 dwellings. She noted that the Joint Core Strategy Inspector had stated that any increase in objectively assessed need should not necessarily be disseminated to rural areas and Bishop's Cleeve was classified as a rural service centre. Access to the site was along a country road which was already overburdened with traffic from the six or seven waste sites along the road. This site would essentially be an isolated cul-de-sac, removed from the village and with poor connectivity. Access to the centre would be difficult for pedestrians, particularly children who would need to walk to school, the elderly and wheelchair users. Cycling would also prove hazardous along this narrow road and would increase reliance on private car use which was certainly not needed in Bishop's Cleeve. The failure to provide good connectivity was one of the Planning Committee's reasons for refusal when an almost identical application had come before Members in April; the Committee had stated that the development was not sustainable and she could not see that anything had changed. She found it confusing that the Council had only recently agreed to defend its decision to refuse the previous application following the developer's appeal and yet this application was recommended for permission. She questioned what circumstances had changed as she considered that the same objections remained. In summary, she believed that the proposal would result in unacceptable overdevelopment in an area which was already at saturation point in terms of services and infrastructure. Hundreds of houses were still to come in Bishop's Cleeve and this site was too isolated, with access too difficult. Furthermore, the site did not appear within the Council's development plan and, above all, the Planning Committee had refused an almost identical application earlier that year and would be defending that decision in Court; in her view, permitting this application would be farcical.
- 60.46 The Chair clarified that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to appropriate planning conditions and planning obligations outlined in the Officer report, and he sought a motion from the floor. It was proposed and seconded that the application be refused. The proposer of the motion indicated that, when the previous application had been considered by the Planning Committee at its meeting in April it had been recommended for refusal with the primary reasons relating to air quality emissions. He recognised that an air quality report had been produced since that time, however, in reality little had changed and the planning reason for refusal remained the same. Over the summer there had been specific evidence of over-emissions which had resulted in a complaint to the Environment Agency so practical experience had already borne out the refusal reason. He pointed out that there had been a significant material change in terms of the developing policy in relation to employment land. He accepted what the Development Manager had said in respect of the Council instructing a specialist air quality consultant to assess the proposals and, as set out at Paragraph 11.13 of the report, it had concluded that there would

be a low to moderate risk that future residents of the proposed development site would be affected by odour, however, it was not considered that this would justify withholding planning permission. Given that it had been identified that the risk was low to moderate, the Member questioned why reference was only made to a 'low level of risk' later in Paragraph 11.13. He went on to raise concern about the scientific nature of the consultant's report; whilst he did not know how the information had been collected, there was no mention of correlation with the prevailing wind which was south-westerly and would drive the emissions from the landfill site directly over the proposed development. In his view the appeal decision from Newcastle-Under-Lyme undermined the case for permitting the application as the positions of the landfill site and the proposed development in that instance were geographically opposite to the one in Tewkesbury Borough. The Inspector had pointed out that there was potential harm from odour from the landfill which could affect the residential amenity of future occupants and particular reference had been made to the fact that the tipping of non-inert fresh waste was time-limited. He noted that an objection had been received from Grundon Waste Management Ltd, the operators of the Wingmoor Farm integrated waste management facility, on the basis that the site was likely to be operational until 2030, after which the site would still need to be managed for a period of at least 30 years. In his view, the arguments which had been put forward for refusing the previous application in April still stood, specifically the concerns over the air quality report and its failure to explain how the data had been captured; the significant instances of odours in Bishop's Cleeve over the summer as a result of activity on the landfill site which had resulted in complaints to the Environment Agency from both a Borough Councillor and local residents; and the fact that there had been a material change since the application had originally been considered in terms of the Joint Core Strategy Inspector's Interim Findings in respect of employment land. In relation to the last point, he indicated that the Joint Core Strategy authorities had commissioned a survey of employment land and the final report had identified this site as a Category A site for commercial development. Whilst he recognised that the Development Manager was likely to advise that there had been no adopted policy change, the employment land survey would be used to inform the Joint Core Strategy, Borough Plan and the Council's Economic Development Strategy and should be given appropriate weight as a significant reason for refusing the application. The second of the proposal referred to the odour incidents over the summer during which people living within a mile radius of the landfill site had been unable to open their windows. He agreed that the appeal in Newcastle-Under-Lyme did nothing to help this particular case as the landfill site in that instance did not contain toxic waste. In addition, he echoed the points made by Councillor Hillier-Richardson in relation to the lack of infrastructure within Bishop's Cleeve and he indicated that he would favour the site being used as employment land, which was much needed, rather than more residential development which was not.

- 60.47 The Development Manager apologised for the omission of 'moderate' in the latter section of Paragraph 11.13 of the Officer report. This was an error on his part and he clarified that 'low to moderate' should have been repeated rather than just 'low level of harm'. In response to the concerns raised about the air quality assessments, he confirmed that the air quality consultant who had been commissioned by the Council had provided an assessment based on the relevant guidance including Integrated Pollution Prevention Control and Institute of Air Management Guidance. From a professional perspective, the conditions recommended as a result of that assessment should be noted and accepted. The air quality consultant agreed with the developer and, from a technical point of view, there was little which could be said to argue against that; the question was whether it was acceptable to expose people to that 'low to moderate' risk. With regard to the employment land issue, he agreed that it was a good location for commercial use but there was currently no planning policy which set that out. If Members were minded to refuse the application, and material circumstances were to change, there

was nothing to prevent this from being used to argue the case for refusal at any appeal which may come forward, although it was questionable as to whether a policy would be in place in time for it to be considered at a potential appeal. In his introduction he had warned Members against introducing new reasons for refusal and it was his strong advice that there had been no material changes since the previous application had been refused in April insofar as being able to robustly defend a refusal reason on those grounds. In response to a query regarding the planning obligations, he advised that they were generally in accordance with what had been proposed in the previous application, however, there had been a significant increase in the secondary education contribution from around £300,000 to approximately £900,000. With regard to affordable housing, this was felt to be a suitable contribution. There was clearly a problem in terms of affordable housing in the Borough and the Joint Core Strategy Inspector had accepted that would not be met by the Joint Core Strategy itself so increased contributions were actively encouraged where appropriate.

60.48 A Member questioned how long the air quality consultant had carried out testing for and was informed that there had been at least two visits with one on 1 November and another between 8-11 November. Site visits had also been carried out with two of the air quality consultants at the start of September. The Member indicated that he had grave reservations about the report and he considered that air quality testing needed to occur over an extended period, for example, over the course of a year. It was interesting to note that there had been a substantial period during the year when the normal wind direction had changed and he wondered whether that had impacted on testing. He would be supporting the proposal to refuse the application as morally he could not allow development where people would be at risk, whether that be low, moderate or high. Another Member made the point that an application with low to moderate flood risk would not be permitted and he felt that air quality should be treated in the same way. The Development Manager explained that the policy tests within the National Planning Policy Framework were different for flood risk and air quality. There was a limit to how frequently the air quality consultants could visit the site but background evidence and complaints had also been taken into account and they had liaised with the Environmental Health team and the Environment Agency to create the report and recommendations. The level of risk had been identified and it was a question of whether it significantly and demonstrably outweighed the benefits of the proposal.

60.49 The proposer and seconder of the motion clarified that the reasons for refusal should be the same as the previous application, as set out at Page No. 548 of the Officer report. Clarification was provided that employment policy could be used in the defence of any planning appeal if that came forward and was appropriate at that point in time without this needing to be included as a refusal reason in itself. Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** for the reasons set out at Page No. 548 of the Officer report.

**16/00858/APP – Land to the West of Lassington Lane, Highnam**

60.50 This was a reserved matters application, with details of layout, scale, external appearance and landscaping, for the development of 87 residential units along with public open space and associated drainage and highways infrastructure, pursuant to outline permission Ref: 14/00583/OUT.

60.51 The Chair invited Charles Coats, representing Highnam Parish Council, to address the Committee. He appreciated that some issues had been determined at the outline stage but condition 1 of that permission specifically stated that the layout, scale and external appearance of the development would be dealt with as reserved matters. Highnam Parish Council considered that an opportunity to provide a quality development which reflected the inherent character of the existing “garden suburb”

community had been missed. He requested that the Committee give full weight to the Parish Council's comments given the overwhelming support for the adoption of the village Neighbourhood Development Plan at a recent Referendum, especially as this would be the largest development scheme to be undertaken in the main village for over a generation. The Parish Council had three main objections to the application relating to density; design; and, traffic and highway safety. The scheme proposed 11.9 dwellings per acre compared with the village average of 7.4 dwellings per acre. Furthermore, the proposal included a number of two and a half storey dwellings which would create a more urban feel and the layout of the public open space within the site needed to be reconfigured to create a more expansive feel to the development. The development would also exacerbate current problems with the flow of traffic and pedestrian safety. Disappointingly, Gloucestershire County Highways had failed to appreciate the significant adverse impact which traffic generated by an additional 88 houses would have on the narrow stretch of Lassington Lane leading from the B4215 to the site which already served as one of only two main accesses to the village. At peak times, this stretch of road became congested with on-street parking by people using the day nursery and doctor's surgery. He pointed out that the applicant's Statement of Community Involvement in June 2014 had set out that the applicant was open to the provision of a small number of bungalows on the scheme; disappointingly this provision had not been made despite support from a number of local consultees. The Parish Council was calling for this to be reviewed by the Borough Council and the applicants given the high age profile of the community.

- 60.52 The Chair invited Valerie Tustin-Smith, a local resident speaking in objection to the proposal, to address the Committee. She explained that bungalows had consistently been requested at every stage of the application, from public consultation to date, in order to free up large homes currently occupied by single persons. At the outline stage, point 4.29 of the Community Involvement Statement had clearly stated that the applicant was open to the provision of a small number of bungalows on the scheme. Bungalows may not have been conditioned in the Section 106 Agreement, as the developer argued, but neither were the maisonettes that the developer was building. The document merely referred to housing units and government guidance categorically stated that houses included single storey bungalows. Unfortunately the developers had relied on feedback from local estate agents; from simply asking a few people in the village, she already had a list of 11 people who were interested in bungalows, whilst the Parish Housing Needs Survey of 2010 showed a request for 48. It was accepted that there would be additional residential development in the village and she simply asked that it be tailored to the needs of local residents and for it to blend in with the existing garden village by providing front gardens; green areas; off-street parking and garages; additional parking for the doctor; and a streetscene which displayed a variety of housing. The proposal had been criticised by the Planning Officer in respect of the cramped housing, an unacceptable level of frontage parking, the need for front gardens and un-naturalistic swale. Most tellingly of all it had been stated that losing a unit or two would help matters considerably. None of these matters had been adequately dealt with; housing was the same density and the number of properties had increased by one to 88, frontage parking remained the same and small front gardens had been added to only one area of terraced housing. Concerns regarding traffic in Lassington Lane had not been addressed and there were still no turning heads on some of the cul-de-sacs. One of the houses could only be reached by footpath which raised the question as to how the emergency services would gain access. Tweaking a few windows and disposing of a bit of render did not miraculously transform the overall quality. The local residents had to live with these houses, not just today but for generations to come, and she asked for the opportunity and support to get it right by deferring the application.

- 60.53 The Chair invited Rhian Powell, a representative of the applicant, to address the Committee. She explained that she was the Planning Manager for Bellway Homes and reiterated that this was the reserved matters application pursuant to the outline application which had established the principle of residential development for up to 90 units and had set a number of parameters including the amount of public open space and vehicular access. In terms of the concerns regarding density, she clarified that this had been dictated by the outline application in terms of the amount of public open space required. The density was much lower than the national average of 22.5 dwellings per hectare and, whilst she understood the comments which had been made regarding bungalows, this was not a requirement which had been established at the outline stage, nor was it required by planning policy. She also added that the Council's Strategic Housing and Enabling Officer had made no request for elderly specific accommodation. The housing mix was based on independent agency advice and it was not possible to provide bungalows without reducing the number of units which would not be financially viable. With regard to landscaping and layout, efforts had been made to respond to the comments from Officers in terms of promoting particular species. The two and a half storey properties had been agreed at the outline stage and had been acceptable to all statutory consultees. The proposal would provide 40% affordable housing and she could see no justifiable reason to refuse the application.
- 60.54 The Chair invited Councillor Awford, a Ward Member for Highnam with Haw Bridge, to address the Committee. Councillor Awford pointed out that the residents of Highnam accepted that the area was a service village in the Joint Core Strategy; however, they were keen to retain its rural setting and did not wish to see it become urbanised. Both the Parish Council and residents had put great effort into the Neighbourhood Development Plan which had recently been endorsed by the local community at Referendum. For this reason the mix and design of the development was very important and should not be in stark contrast to what was already built and the village sense of place. Members all understood the pressure the Council was under to meet housing targets but it was important to be sensitive to existing settlement characteristics. The Parish Council had, quite rightly, raised concerns about the finer details of the development. He noted from the Officer report that the Urban Design Officer's concerns about the layout, design and uninspiring architecture had now been satisfied from an Officer point of view but the same could not be said for the Parish Council and the 101 residents who had objected to the detrimental impact of a development of this scale on former farmland that would be more akin to a city than a rural village. He shared the view that the lack of bungalows in the proposal was a missed opportunity to encourage the many more elderly residents to downsize and free up existing properties – the proposed apartments would not encourage retired people and that was regrettable. Whilst retaining the existing Oak tree was welcome, dewatering would be an issue on the site and he would expect it to be closely monitored. Members would recall that he had raised concern at the outline planning stage about the potential surface water run-off and how that would be mitigated. He noted that attenuation ponds now featured as part of a Sustainable Drainage Scheme (SuDS) and he queried whether grey water harvesting had been insisted upon for all dwellings. Despite the Section 106 contributions for various facilities, he pointed out that, yet again, there was no expectation for a contribution to maintain the proposed SuDS which was an ongoing problem for the Borough Council. He was surprised that Gloucestershire County Highways had not sought funding for restitution of the highway on completion of the development given the history of Lassington Lane and its frequent need for repair. He shared the Parish Council and residents' concerns about the urbanisation of Highnam; it was one of the many attractive village settlements in the Borough and, despite its proximity to Gloucester, had always been recognised as such.

60.55 The Chair advised that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member expressed the view that the applicant had showed disregard for the elderly and disabled in this village location. He was very let down and would not be supporting the proposal. Another Member also raised concern about the lack of bungalows and she questioned whether a viability assessment had been provided. She agreed with Councillor Awford that it was a constant battle to secure financial contributions for the ongoing maintenance of SuDS. If provision was not made at the planning stage, the Borough Council was likely to be liable for the maintenance costs in the future and, if Members were minded to approve the application, this was something she would wish to see addressed. The Development Manager accepted the comments which had been made regarding the bungalows but it was a matter of fact that they were not required by the outline planning permission or the Section 106 Agreement and therefore could not be insisted upon at this stage. In terms of the SuDS, this would have been negotiated at the outline stage, although he took on board the point about contributions for future maintenance and this was something which would be borne in mind going forward. Clarification was provided that it was proposed that the SuDS would be maintained by a private management company in this instance. A Member expressed the view that one of the main problems was the lack of detail being provided on applications at the outline stage which meant that permission was granted for aspects of the development which could not be altered at the reserved matters stage. The Development Manager explained there had been no evidence available at the outline stage, e.g. a Housing Needs Survey, to insist on the provision of bungalows via the Section 106 Agreement.

60.56 The proposer of the motion understood how residents felt about the application but many other villages had been through the same process and ultimately had to accept new development; whilst Members and Officers tried to address concerns, it came down to whether development was acceptable in policy terms and refusing applications in such instances would only lead to decisions being overturned at appeal, incurring further costs. A Member expressed the view that it would be beneficial to defer the application for further negotiations to see if the applicant would be willing to provide bungalows on the site having heard the concerns raised at the meeting. Another Member was of the same opinion and did not want to lose the opportunity to provide a more favourable housing mix. The Chair indicated that he also had huge sympathy with the local residents but there was absolutely no requirement for bungalows to be provided on the site so he failed to see what a deferral would achieve. A brief debate ensued as to whether a delegated approval would be appropriate and Members were advised that this would depend on the expectation of the Committee; if a delegated approval was being suggested in order to negotiate further with the applicant about the provision of bungalows, it was unlikely that anything would be gained given that the application had been submitted in July and significant negotiations had already taken place. Upon being taken to the vote, it was

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



**PL.61 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL**

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

**Site/Development**

16/00049/LA3  
Alderman Knight School  
Ashchurch Road  
Tewkesbury  
  
New Post-16 Unit.

**Decision**

Application **PERMITTED** subject to conditions in relation to the commencement of development; scope of the development; hours of working; drainage; ecology; soft and hard landscaping and aftercare scheme; materials; highways; external lighting; construction method statement; additional information; mechanical and electrical; and site waste management plan for the following summary of reasons:

“As disruptive as the proposed works will be during the period of construction, the County Planning Authority (CPA) in their consideration of the material planning merits of the proposal have balanced the provision of a much needed facility with the fact that no statutory consultees object and that the grounds for objection raised by the one contributor were actively considered and addressed through the submission of an amended parking layout. It is therefore the considered opinion of the CPA that there are no material considerations that could justify refusal.

Subject to the imposition of conditions, it is considered that the proposal has been sufficiently mitigated through negotiation and submission of amended plans and additional supporting information to ensure that the development will not have an unacceptable adverse effect upon the character of the area, the ecology of the site nor the amenity of neighbouring residents and the general locality by reason of its design, appearance, scale and siting in accordance with Tewkesbury Borough Local Plan to 2011 (Adopted March 2006) (Saved Policy): GNL8, GNL15, RCN2, TPT1, TPT6, EVT2, EVT3, EVT9, LND7 and NCN5, along with Policy WCS1 and WCS2 of the Gloucestershire Waste Core Strategy and the aims and interests that the National Planning Policy Framework seeks to protect and promote”.

**PL.62 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

62.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 41-44. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued in September and October 2016.

62.2 It was

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

The meeting closed at 12:15 pm

## Appendix 1

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

Date: 20 December 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	
484	2	<p><b>16/00804/FUL</b></p> <p><b>Stanboro Nurseries, Stanboro Lane, Elmstone Hardwicke</b></p> <p>The Committee Report recommends that a condition (condition 7) is imposed on the planning permission stating that the development shall not be open for customers outside the hours of 0730-1800 Monday - Friday and 0800-1300 on Saturdays and the development shall not be open for customers at all on Sundays and bank holidays. The reason it is recommended that the condition is imposed is to protect the amenity of residents.</p> <p>There is no condition restricting the hours of use on the existing site but the Council's Environmental Health Adviser has raised some concerns about the impact on residential amenity of additional vehicle movements and objections have been received from residents about existing vehicle movements early in the morning and in the evening.</p> <p>Following a review of the Committee Report the applicant has advised that it is their wish that the proposal be considered without an hours of operation restriction. The applicant has stated that the existing horticultural use on the site (inclusive of retail and wholesale) has unrestricted opening hours and that the early and late arrivals at the site are typically associated with the nursery, and they always have been; these include journeys to market early in the morning and late at night. These journeys have been happening for over 50 years. The applicant has also identified users of the storage containers which would be impacted upon by restricting access hours to the containers, as an example Innsworth Cubs only use the site a few times a year early on a Friday or late on a Saturday evening to collect and return kit.</p> <p>The applicant has stated that an hours of operation condition will have implications on the existing business, and the businesses of their customers, and that it is difficult to see how the proposed additional 16 units and 4 additional traffic movements per day can be judged to materially impact on residential amenity or aural amenity.</p> <p>The National Noise Policy Guidance for England advises that, when considering the impact of noise, decisions should be made having regard to the guiding principles of Government policy on sustainable development. There is a need to integrate consideration of the economic and social benefit of the activity with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.</p>

		<p>Having considered the additional information provided by the applicant, having regard to the economic impact on the business of imposing a condition restricting hours of customer access, the context of the site and likely noise generated by the journeys to an additional 16 units, it is recommended that, if the Committee is minded to approve the application, condition 7 should not be imposed.</p> <p>If the Committee is minded to impose condition 7 then the reason for imposing the condition should be amended to clarify that consideration has been given to the economic benefits of the proposal against any harm arising from noise in determining that the condition should be imposed.</p>
495	4	<p><b>16/00481/OUT</b></p> <p><b>Land at Kyderminster Road, Winchcombe</b></p> <p><b>Consultations &amp; Representations:-</b></p> <p><b>Landscape Officer comments</b> - The topography of the site is at a similar level to the existing housing development adjoining to the east, helping to visually relate and define the site as an acceptable limit to the built up residential edge of Winchcombe. Although there are partial views of the site from the Winchcombe Way on the upper slopes of Langley Hill, existing planting, intervening vegetation, topography and the site's close juxtaposition adjacent to the settlement edge, do not cause unacceptable landscape and visual impacts to the setting. Therefore, no landscape objection is raised to the proposed development, subject to appropriate planning conditions relating to the submission of a comprehensive landscaping scheme; tree and hedge protection plan; and landscape and ecological management plan.</p> <p><b>Affordable Housing:-</b></p> <p>The agent has submitted additional justification in respect of the current application relating to the extent of affordable housing need within Winchcombe. The current extent of affordable housing need in Winchcombe is demonstrated by the Gloucestershire Homeseeker Register. At the time of completing the Local Housing Needs Assessment which supports this application, a total of 94 households were registered on the waiting list for Winchcombe. This figure has now increased to 123 households, as confirmed by the consultation response from the Council's Strategic Housing and Enabling Officer.</p> <p>The Winchcombe Town Housing Needs Survey Report (September 2016) is a publically available, independent report prepared by Gloucestershire Rural Community Council (GRCC). The report notes that the survey was completed by GRCC following confirmation of the support of Winchcombe Town Council in July 2016 (to undertake the survey). The survey, which had a 33% response rate (823 completed replies), found that there are 67 households with a local connection that are in need of affordable housing in the Parish. Given the response rate, it is likely that this figure is actually higher (as demonstrated by the Homeseeker Register), something that is recognised by the report itself. The report also found that there was a shortage of affordable properties in Winchcombe for rent and for low cost home ownership.</p> <p>The recent Housing Needs Survey Report therefore provides further evidence that there is an immediate, unmet need for affordable housing in Winchcombe.</p>
515	5	<p><b>15/01378/OUT</b></p> <p><b>Nerva Meadows, Plots 3200, 7400, 7520, Gloucester Business Park, Brockworth</b></p> <p>In a letter received on 16 December 2016, the applicants have questioned the accuracy of the advice received from Bruton Knowles.</p>

		<p>The applicants point out that the IO centre was a speculative development. Whilst this may have been the case it is still a relatively historic transaction and therefore does not undermine the point the report is making that speculative industrial development at Gloucester Business Park has been limited.</p> <p>The applicants also make reference to the point raised in the report about it being possible to deliver units utilising a shared access as seen on other plots on the site. It does not make the observation that this is a requirement of the applicant.</p> <p>It is also suggested that commercially it is difficult for a developer to state a quoted land sale price, as this depends on the nature of the sale and the land. Officers consider that this observation is questionable. If a developer genuinely wants to sell land it can be reasonably expected that they would have a price available even it were a high price.</p> <p>It is suggested that there are incorrect assumptions made that the applicants have a strong preference to secure much larger occupiers rather than consider smaller less profitable transactions. In relation to industrial occupiers, no relatively small industrial deals have been done.</p> <p>The applicant is concerned that reference to occupation costs is misleading as this comment evidences office rents. However, the observations in relation to service charges making the location more expensive remain relevant to office and industrial development.</p> <p>It is acknowledged that some of the observations made by Bruton Knowles are not site specific as, in many instances, there is no site specific information available. However, Bruton Knowles is aware of a number of transactions at high levels in the area which has helped inform their observations.</p> <p>In terms of viability information provided, Bruton Knowles has confirmed that it considers the assessment work undertaken to be reasonable and achievable, although it is acknowledged that £120 per sqft would be the highest achievable. Also it is pointed out that speculative development has been successful at other sites in the area.</p>
545	10	<p><b>16/00582/OUT</b></p> <p><b>Land Parcels 2800 3667 4900 And 6600, Stoke Road, Bishops Cleeve</b></p> <p><b>Affordable Housing</b></p> <p>The applicant has submitted a note on affordable housing (<b>see attached below</b>) which proposes a contribution of £249,624 to provide 4 additional offsite affordable units, in addition to the 40% provision set out in the Officer report. Local Plan Policy HOU13 sets out that the Council will seek to negotiate the provision of affordable housing with developers, in order to address the demonstrated lack of affordable housing across the Borough. The Joint Core Strategy (JCS) Inspector has noted that the JCS would not meet all affordable housing need and any increase in provision is to be welcomed. It is considered that the contribution would meet the relevant tests set out in the Community Infrastructure Levy (CIL) regulations. The contribution proposed is an additional benefit which should be given some weight in favour of permission.</p>
570	11	<p><b>16/00858/APP</b></p> <p><b>Land to the West of Lassington Lane, Highnam</b></p> <p><b>Please note the development is for 88 dwellings rather than 87.</b></p> <p><b>County Highway Authority - No objection, subject to the following condition (to be added to any decision) (copy attached below):</b></p> <p>The proposed streets hereby permitted shall not be opened to the public until the</p>

	<p>visibility splays shown on drawing 3778-102 D are available between a height of 0.6 and 2m above the adjacent carriageway level and shall be maintained as such thereafter.</p> <p>Reason: To ensure that a safe and secure layout is provided that minimises conflicts between traffic and cyclists and pedestrians in accordance with paragraph 35 of the NPPF and Policy TPT1 of Tewkesbury Borough Local Plan to 2011.</p> <p><b>Condition 1</b> (Approved plan condition) will be updated to reflect the updated plans received to address highway matters.</p>
--	---

**Item 10 – 16/00582/OUT**  
(Page 1 of 2)

**Planning application ref. 16/00582/OUT – Land at Stoke Road Bishop’s Cleeve**

**Affordable Housing Note**

**Introduction**

This note sets out Gladman’s position in relation to a contribution of £249,624 to provide 4 additional off-site affordable units. As set out in the Officer’s Report (Section 14), Gladman have agreed with the Council to provide 40% affordable housing (53 dwellings on-site and 53 dwellings off-site).

Following further discussions with the Case Officer, it has been agreed to provide an additional 4 dwellings off-site. This equates to 57 affordable off-site, and a total 110 affordable units overall as part of the scheme. This means the proposals will provide for 41.5% affordable homes.

**Justification**

Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

Whilst this application is not being determined by PINs, their Procedural Guidance is relevant. N.3.3 of PINS Procedural Guidance provides clarity on these tests and sets out a criteria of 5 requirements which the affordable contribution has been assessed against:

*“The following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority’s requirement for one) meets the tests:*

- 1. The relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance;*

**Response:** emerging JCS Policy SD13 states local authorities will “seek through negotiation” to deliver affordable housing and “40% affordable will be sought”. The policy does not impose a minimum or a maximum and allows flexibility for negotiation with developers. The policy requirements demonstrate that affordable housing is necessary in planning terms.

The combination of off/on-site allows for greater flexibility to deliver additional affordable housing. The 4 extra units can be achieved, and is considered fairly related in scale to a scheme of 265 units.

- 2. Quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development;*

**Item 10 – 16/00582/OUT**  
(Page 2 of 2)

3. **Response:** Affordable housing has been the subject of scrutiny throughout the Examination in Public (EiP), including discussions on the 2015 Strategic Housing Market Assessment (SHMA). The Inspector's Interim report has stated that 638 affordable dwellings per annum are required within the Joint Core Strategy Area. *Details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands;*

**Response:** As set out at point 2, there is a significant need for affordable housing. The EiP Inspector has requested a 5% uplift to the housing requirement to assist in meeting the pressing affordable housing need. Even on this basis, there is clear uncertainty as to whether the JCS Authorities are able to meet this need.

4. *The methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands;*

**Response:** The Housing Enabling Officer has provided calculations based on affordable housing value to determine the figure of £62,405 per dwelling. Gladman instructed an affordable housing consultant to review this figure, including the calculation upon which it is based, and they have confirmed that the figure has been calculated on a sound basis.

5. *Details of the facilities or infrastructure on which any financial contribution will be spent."*

**Response:** The Council have demonstrated that the contributions will be used to provide affordable housing within the Borough on a number of identified sites.

**Summary**

It is common practice to secure financial contributions to provide affordable housing off-site. The contribution to provide an additional 4 units is CIL compliant. Whilst the emerging JCS Policy SD13 seeks to achieve 40% affordable housing, it provides sufficient flexibility to negotiate the quantum of affordable housing with the developer.





## Highways Development Management

Shire Hall  
Gloucester  
GL1 2TH

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

email: [oliver.eden@gloucestershire.gov.uk](mailto:oliver.eden@gloucestershire.gov.uk)

Please ask for: Oliver Eden

Our Ref: T/2016/036709

Your Ref: 16/00858/APP

Date: 19 December 2016

Dear Ciaran Power,

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

**LOCATION: Land To The West Of Lassington Lane Highnam Gloucester Gloucestershire**

**PROPOSED: Reserved Matters details of layout, scale, external appearance and landscaping for the development of 87 residential units, along with public open space and associated drainage and highways infrastructure, pursuant to outline permission ref: 14/00583/OUT.**

I refer to the above planning application received on 8th August 2016 with Plans Nos: 8070 PL01 A, 8070 PL02, Design and Access Statement and revised plans 3778-101-3D, 3778-102-D, 8070-PL03V and 3778-110-F.

The proposed highway layout is based around a central loop road with open space in the middle which broadly replicates the existing Maidenhall to the east. The remaining streets are made up of cul-de-sacs to the north and south. The primary routes are mostly carriageway with separate footways.

Parking is generally provided at 2 spaces per dwelling with only a small number of the smaller dwellings having only one allocated parking space and the larger dwellings having a garage as a possible additional space. In addition there are a number of off carriageway unallocated visitor spaces distributed around the proposed development that will help to minimise on street parking. This level of car parking is considered to be suitable for a development of this type and location.

**Item 11 - 16/00858/APP**  
(Page 2 of 2)

Vehicle tracking of a large refuse vehicle and a private car has been provided for the proposed layout which shows that it will be possible for service vehicles to pass through the development in order to service the new dwellings.

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

1) The proposed streets hereby permitted shall not be opened to the public until the visibility splays shown on drawing 3778-102 D are available between a height of 0.6 and 2m above the adjacent carriageway level and shall be maintained as such thereafter.

Reason: To ensure that a safe and secure layout is provided that minimises conflicts between traffic and cyclists and pedestrians in accordance with paragraph 35 of the NPPF and Policy TPT1 of Tewkesbury Borough Local Plan to 2011.

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

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

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

Yours sincerely,

Oliver Eden

Development Co-ordinator

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	Tuesday 17 January 2017
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Paul Skelton, Development Manager
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Cllr D M M Davies
<b>Number of Appendices:</b>	1

<p><b>Executive Summary:</b> To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued.</p>
<p><b>Recommendation:</b> <b>To CONSIDER the report</b></p>
<p><b>Reasons for Recommendation:</b> To inform Members of recent appeal decisions</p>

<p><b>Resource Implications:</b> None</p>
<p><b>Legal Implications:</b> None</p>
<p><b>Risk Management Implications:</b> None</p>
<p><b>Performance Management Follow-up:</b> None</p>
<p><b>Environmental Implications:</b> None</p>

## 1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions that have recently been issued.

## 2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the First Secretary of State of CLG:

<b>Application No</b>	15/01218/FUL
<b>Location</b>	105 Tewkesbury Road Longford Glos GL2 9BJ
<b>Appellant</b>	Mr Marco Vaccaro
<b>Development</b>	Demolition of old workshop and erection of 3no properties
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason</b>	The Inspector considered that the proposed development would not be sympathetically designed in harmony with the scale and character of the settlement. Further he commented that the development would create an oppressive sense of enclosure from existing dwellings when looking out of windows which would cause unacceptable harm to the living conditions of the occupiers of the adjoining dwelling. Further the Inspector observed that due to their size, the private amenity spaces provided for the new dwellings would be of limited use. The appeal site was also located within Flood Zone 3 and had not been accompanied by a Flood Risk Assessment to demonstrate that there are no other appropriate sites for the development in a lower risk zone, that the site would not be at unacceptable risk from flooding and that it would not increase the risk of flooding to third parties. The Inspector considered that the proposal would be inconsistent with the guidance on managing flood risk. The Inspector also agreed with the Council's reasons for refusal in respect of the potential harm to protected species as no protected species survey had been carried out.
<b>Date</b>	13.12.2016

<b>Application No</b>	16/00397/FUL
<b>Location</b>	Land to rear of Grove View Market Lane Greet Glos
<b>Appellant</b>	Mr David Cornwall
<b>Development</b>	Erection of single storey detached building for holiday let
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Dismissed</b>
<b>Reason</b>	The appeal site is secluded and of rural character. The proposed building would be sited in a location unrelated to existing buildings. Due to the size and bulk as the building it would be opposed to the sylvan setting. Overall the building would be an incongruous feature in the landscape and would create a more urbanised appearance. This would be exacerbated by future pressure to remove trees. For these reasons the proposal would cause unacceptable harm to the landscape character of the Special Landscape Area and the surrounding countryside. There would be some small scale economic and social benefits arising from the proposal however these do not outweigh the adverse social and economic impacts
<b>Date</b>	13.12.2016

<b>Application No</b>	16/00422/FUL
<b>Location</b>	64 North Street, Winchcombe
<b>Appellant</b>	DZK Country Cottages
<b>Development</b>	Demolition of existing garage building and erection of a single dwelling with off-road parking.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Delegated
<b>DCLG Decision</b>	<b>Allowed</b>
<b>Reason</b>	<p>The Inspector considered that the proposal would be viewed as subservient and complementary to the varied character and appearance of the street scene, subject to appropriate materials, landscaping and boundary treatments being secured by condition. The development would make a positive contribution upon local character and distinctiveness, as desired by paragraph 131 of the NPPF. In addition, the proposed car parking and access arrangements would not have a detrimental impact upon highway and pedestrian safety. The Inspector also concluded that the living conditions of neighbours would be preserved, subject to appropriate planning conditions being imposed, relating to boundary treatments and rooflight positioning.</p> <p>This was a disappointing decision in that, whilst the principle of development was acceptable, the proposal did not reflect the high quality design officers would hope to secure in a sensitive area such as this.</p>
<b>Date</b>	23.12.16

- 3.0 ENFORCEMENT APPEAL DECISIONS**
- 3.1 None
- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1 None
- 5.0 CONSULTATION**
- 5.1 None
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1 None
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1 None
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1 None
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1 None
- 10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 10.1 None
- 11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 11.1 None

---

**Background Papers:** None

**Contact Officer:** Jane Bagley, Appeals Administrator  
01684 272286 [Jane.Bagley@teWKesbury.gov.uk](mailto:Jane.Bagley@teWKesbury.gov.uk)

**Appendices:** Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
	Bus Bungalow Sandhurst Lane Longford Gloucester Gloucestershire GL2 9AB	Alleged unauthorised stationing of static caravans for residential use and general associated domestic storage	16/12/2016	P	JWH	
	Bus Bungalow Sandhurst Lane Longford Gloucester Gloucestershire GL2 9AB	Unauthorised engineering operations to create the provision of hard-standing surfaces and the installation of services ancillary to that hard-standing	16/12/2016	P	JWH	
15/00749/OUT	Land North Of Innsworth Lane Innsworth	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.	20/12/2016	P	PDS	
16/00484/CLE	Bus Bungalow Sandhurst Lane Longford Gloucester Gloucestershire GL2 9ND	Use of land as a residential caravan site (including use ancillary thereto).	15/12/2016	P	PAI	26/01/2017

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
16/00344/PDAD	Hayden Barn Hayden Farm Hayden Lane Boddington Cheltenham Gloucestershire GL51 0SR	Change of use of agricultural barns to provide 2No residential dwellings, including building operations reasonably necessary to convert the building for these purposes.	16/12/2016	W	SDA	
16/00417/OUT	Land Rear Of Dormans Mill Lane Prestbury Cheltenham Gloucestershire	Residential development of up to 76 dwellings with the creation of a new access to Southam Road (B4632), together with an emergency, pedestrian and cycle link to Mill Lane, associated landscaping, and public open space	03/01/2017	I		

#### Process Type

- “HH” Indicates Householder Appeal
- “W” Indicates Written Reps
- “H” Indicates Informal Hearing
- “ I ” Indicates Public Inquiry