

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 21 November 2017 commencing at
9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

P W Awford (Substitute for D J Waters), G F Blackwell, D M M Davies, M Dean, R Furolo,
M A Gore, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, Mrs P E Stokes,
P D Surman and P N Workman

PL.41 ANNOUNCEMENTS

- 41.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 41.2 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.42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 42.1 Apologies for absence were received from Councillors D T Foyle, J Greening, T A Spencer and D J Waters. Councillor P W Awford would be acting as a substitute for the meeting.

PL.43 DECLARATIONS OF INTEREST

- 43.1 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.

43.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	17/00783/APP Land Off Nup End, Ashleworth.	Had received a representation from Ashleworth Parish Council to which he had responded but not expressed an opinion.	Would speak and vote.
G F Blackwell	17/00901/FUL 34 Pelham Crescent, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
G F Blackwell	15/00045/APP Land to the West and South of Gloucester Business Park, Brockworth.	Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
P E Stokes	17/00901/FUL 34 Pelham Crescent, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

43.3 No further declarations were made on this occasion.

PL.44 MINUTES

44.1 The Minutes of the meeting held on 24 October 2017, copies of which had been circulated, were [after some initial discussion as to their accuracy in respect of a Minute No. PL.39.27] approved as a correct record and signed by the Chair.

PL.45 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

45.1 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 Members prior to decisions being made on those applications.

17/00783/APP – Land Off Nup End, Ashleworth

45.2 This was an application for the approval of reserved matters in relation to

appearance, landscaping, layout and scale, pursuant to outline planning application 15/00965/OUT as allowed under appeal APP/G1630/W/16/3150236 for the erection of 35 dwellings.

- 45.3 The Chair invited the representative from Ashleworth Parish Council to address the Committee. He explained that the Parish Council took the view that the development did not respond to National Planning Policy Framework requirements in terms of design. It did not reflect local character or history, did not add to the overall quality of the area, or establish a strong sense of place. It was considered that the rather uniform design lacked unique characteristics and was far more suited to an urban environment. In terms of road traffic, the application did not address problems relating to the entire section of road through Nup End and down the hill to Lawn Road. The narrow lane was already hazardous for road users with several pinch points, four bends and little footpath provision. Unreported minor collisions and near misses were not infrequent and the additional traffic from 35 dwellings would make the road significantly more dangerous, even with the proposed lay-by. The Parish Council took issue with the fact that the road traffic audit was based on a 30 minute site visit at 10:45am on a weekday, when traffic was lighter and slower than in early morning and late afternoon when commuters travelled. It was incorrect to infer that, despite the absence of signed speed limits, vehicle speeds were self-enforcing due to the character of the village. Drainage and flooding were matters of considerable concern to the community as, despite the attention of Severn Trent and County Highways for many years, drainage and sewerage systems around the village continued to be unable to cope with heavy - let alone extreme – rainfall. The Parish often experienced closed roads, sewage being deposited on the public highway and damage to road surfaces and verges. A major problem area was close to the pumping station at Nup End Lane where, after heavy rainfall, clean and foul water burst through their respective drain covers causing flooding polluted by sewage; this was the point where storm and foul water from the new development was intended to pass. The Parish Council could foresee severe consequences in times of extreme rainfall; 15cm of rain in 12 hours was not unprecedented and would result in over 50 litres per second running off the new impermeable area. The applicant stated that the “restriction” process could cope with 17 litres per second which meant over 33 litres per second would be left to run into other residential areas across slopes to the north-east and south. It was common sense that extreme rainfall would not be contained by the proposed mitigation and Members were asked to examine the proposal very thoroughly before the point of no return.
- 45.4 The Chair invited the applicant’s representative to address the Committee. With regard to the concerns in respect of flooding, he advised that the proposed drainage scheme had been agreed in principle by the Lead Local Flood Authority. The discharge of water from the development would be seven litres per second up to a 1/100 year event and included a 40% allowance for climate change which was a betterment from 30% as agreed in the original outline application. This would be achieved through flow controls in the drainage system to slow the discharge rate and surface water drainage mitigation measures upstream including installation of oversized pipes in the road, permeable parking in driveways and an attenuation pond. In addition to the betterment associated with discharge rate, it was also intended to upgrade sections of the highway drainage network to a standard that made them adoptable by Severn Trent Water, as well as installing additional gully/pipework to assist in conveying water from ditch to drainage network more efficiently. He pointed out that statutory consultees had no other technical objections. Five objections had been received from members of public. The objections made reference to the provision of farmland access - a contractual obligation from the vendor; the location of the Public Right of Way, which had been addressed; and flooding, which was in accordance with the outline application. It was also noted that the County Highways Authority did not share the concerns raised about the width of Nup End Lane. The site sat well in the location and

context of Ashleworth, and the application would result in a sustainable development with 40% affordable housing and therefore should be positively considered in accordance with the National Planning Policy Framework.

- 45.5 A Member questioned whether the applicant had complied with condition 12 of the outline planning permission in respect of road widening. The Planning Officer confirmed that the applicant was progressing a separate application to discharge several conditions, of which road widening was one. The details were currently being worked through with the Highways Authority. Another Member queried why there was no representation from the Council's Flood Risk Management Engineer and was informed that the Lead Local Flood Authority was the statutory consultee for major developments i.e. 10 dwellings or more. The Flood Risk Management Engineer would consider and comment upon applications for less than 10 dwellings where there was a flood risk or drainage issue. Assurance was provided that the Flood Risk Management Engineer would not normally be expected to comment on a scheme of this nature.
- 45.6 The Chair indicated 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. Whilst he accepted the comments made by Officers in relation to flooding, a Member went on to raise concern that the Council's revised Flood and Water Management Supplementary Planning Document (SPD) contained aspirations for a 70% allowance for climate change and yet this proposal would only achieve 40%. The Parish Council did not consider the proposed mitigation to be adequate and Members would recall that similar concerns had been raised on the previous site visit in relation to the outline application. He also indicated that he would need more clarification in respect of the discharge of the road widening condition within the outline planning permission before he could support the proposal to approve this application. The Development Manager explained that this reserved matters application was for appearance, landscaping, layout and scale; road widening was a separate matter which was covered by condition 12 of the outline planning permission and it was not unusual to deal with this outside of, and after, the reserved matters application. Road widening did not affect what Members were being asked to consider today. In terms of the SPD, a 70% climate change allowance was certainly the aspiration in the right circumstances. At the time the outline application was permitted, this was not the case and the application had been determined on the basis of a 30% climate change allowance. Members had heard this had been increased to 40% by the applicant which was a betterment compared to the requirements of the outline permission and, given the circumstances, acceptable in planning terms. In response to a query as to what would happen if condition 12 of the outline planning permission failed to be discharged, Members were advised that this had no bearing on the decision in respect of this application. If agreement could not be reached in relation to condition 12, the application for its discharge would be refused and the applicant would have two options: either to change its approach in order to come to an agreement with the Council and the Highways Authority, or to appeal the condition. The Member remained unconvinced this was a separate matter and felt that the two were intrinsically linked. The Development Manager clarified that the condition only required the highway works to be in place prior to the occupation of the first dwelling; work could not commence until this reserved matters approval application had been approved which demonstrated that this issue should not affect the decision on the current application. The Member raised concern that construction traffic would be using the lane before the development was built-out which could be very dangerous given the lack of passing places. The Development Manager noted this point; however, the fact remained that outline planning permission had been granted and the highway work only had to be carried out prior to the occupation of the dwellings. He pointed out that condition 6 of the outline planning permission required a

construction method statement which would include the parking of vehicles, loading/unloading of plant and machinery, storage etc. which was something that had to be dealt with before development could commence.

- 45.7 In returning to the earlier point in relation to the 70% climate change allowance, a Member questioned why it was not possible to increase the requirement at this stage and whether this could be facilitated through a delegated approval. The Development Manager reiterated that outline planning permission had already been granted with a condition requiring 30% climate change allowance. Whilst it was possible to speak to the developers to see if they would be willing to look at a further increase from 40%, the outline planning permission required only a 30% allowance and any betterment over and above that could not be required from the developer. The Member expressed the view that the Council had a duty to the residents of Ashleworth to provide the best drainage system possible and felt that a delegated approval on that basis would be an appropriate way forward. The proposer and seconder of the motion confirmed that they would be happy to amend this to a delegated approval in order for further discussions to take place with the developers regarding the potential for increasing the climate change allowance to 70%. The Chair stated that this could not be a requirement, but could see that it was at least worth a discussion. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application in order for further discussions to take place with the developer regarding the potential for increasing the climate change allowance to 70%.

17/00896/FUL – Cartref, Stockwell Lane, Woodmancote

- 45.8 This application was for a two storey side extension with balcony to rear.
- 45.9 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

17/00901/FUL – 34 Pelham Crescent, Churchdown

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

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

15/00045/APP – Land to the West and South of Gloucester Business Park, Brockworth

- 45.12 This application was for public open space (POS1), sports facilities and associated landscape works comprising: football pitch, rugby pitch, Multi-Use Games Areas (MUGAs), changing room and maintenance room building, allotment area and footpaths.
- 45.13 The Development Manager advised that the allotment area was no longer part of the proposal and the description of the development needed to be amended

accordingly. He explained that the original reserved matters application had been considered by the Planning Committee in 2015 where it had been granted delegated approval, subject to the receipt of satisfactory comments from the Community and Economic Development Manager in respect of revised plans and the completion of a Deed of Variation to the Section 106 Agreement in respect of the allotment provision. The Community and Economic Development Manager had confirmed that the revised plans were acceptable but the applicant had also decided to revise the scheme so that the allotments were provided in an area of land within Stroud District. This was in line with the original permission and the details within the original Section 106; therefore the Deed of Variation was no longer required. The application had been brought back to the Committee as Members' previous decision was based on different plans which had shown the allotments on the current application site.

- 45.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to approve the application, subject to an amendment to the description to remove the allotment provision, and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. Upon being taken to the vote, it was

RESOLVED That the application be **APPROVED**, subject to an amendment to the description to remove the allotment provision.

PL.46 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL

- 46.1 The following decisions of Gloucestershire County Council were **NOTED**:

Site/Development	Decision
17/00842/LA3 Shurdington Primary School Badgeworth Lane Badgeworth	Application PERMITTED subject to conditions in relation to commencement of development; scope of the development; hours of construction; construction traffic; removal of the temporary classroom; and, submission of a travel plan.
Single storey extensions to school hall to provide additional classrooms, flexible hall storage/seating area, toilets and circulation space; changes to external appearance of existing buildings; provision of a Multi-Use Games Area; additional car and bicycle parking; and associated works.	
17/01004/CM Wingmoor Farm Stoke Orchard Road	Application PERMITTED subject to conditions in relation to commencement of development; duration; definition of

Bishops Cleeve

Variation of condition 20 (hours of operation) of planning consent 09/0028/TWMAJW dated 11/11/2011.

permission; approval of plans and application documents; restriction of permitted development rights; buildings, plant and machinery; highways; hours of operation; noise; dust; litter; lighting; environmental protection/pollution control; protection of the railway line; ecology; landscape; premature cessation of landfilling operations; and, review of restoration progress.

PL.47 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

47.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 41-47. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

47.2 It was

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

The meeting closed at 9:35 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 21 November 2017

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	
453	1	<p>17/00783/APP</p> <p>Land Off Nup End, Ashleworth</p> <p><u>Representations</u></p> <p>A copy of a letter from the applicant to Ashleworth Parish Council has been received. The letter is in response to the Parish Council's concerns regarding flooding and summarises the drainage works proposed. The letter is attached.</p> <p>A response to the applicant's letter has been received on behalf of the Parish Council and raises concerns with regards to the submitted drainage details. This email is attached.</p> <p>The representations have been reviewed by the Lead Local Flood Authority drainage engineer who has explained that:</p> <p><i>"The proposed development has been designed on the basis that design is already in accordance with the necessary guidelines and, in all storm events to 100yr +40%cc, provides attenuation so that discharge is less than QBAR.</i></p> <p><i>Please see below by the applicant discharge betterments offered by this scheme, against the existing situation are:</i></p> <ul style="list-style-type: none"> – <i>QBAR is 9.4 litres/second and Q1 us 7.8 litres/second.</i> – <i>This scheme discharges at 7.0 litres/second in all storm events, including the 100yr.</i> – <i>Q100 is 24.4 litres/second so, in the 1in100yr event, we have a betterment of over 17 litres/second.</i> – <i>This scheme discharges at less than at the discharge generated by 1yr event.</i> <p><i>In addition to the significant betterments associated with the discharge rates, the applicant will also:</i></p> <ul style="list-style-type: none"> – <i>Upgrade sections of the highway drainage network to a standard that makes them adoptable by Severn Trent Water. There are currently failures in the highway drainage network and these will be remediated.</i> – <i>Install additional gully/pipework to assist in conveying water from ditch to drainage network more efficiently. This will reduce ponding on the highway along the site frontage.</i>

	<p><i>Applicant proposes surface water drainage solution to the required standard using SuDS application i.e. flow control (Hydro brake) and attenuation.”</i></p> <p><u>Amended Condition</u></p> <p>6 No dwelling shall be occupied until the noise mitigation measures and acoustic fencing have been installed in accordance with the details set out within the Clarke Saunders Acoustic report AS8236.150714.NIA.1.5. The acoustic screen shall thereafter be maintained in accordance with the submitted details for the duration of the use.</p>
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Our Ref: 3219 RN ED Consult2
Please reply to the Corsham office.

14th November 2017

Ms. N Hill
Clerk to Ashleworth Parish Council
Orchard Cottage
Hill Farm Lane
Tirley
GL194EZ



Dear Sir or Madam,

Proposed development at Land at Nup End, Ashleworth (17/00783/APP)

I note from your consultee comments on this application that the main concerns of the Parish Council related to Flooding. I wanted to write to you to set out the improvements that our proposal will have.

- The discharge from this development will be restricted, at all times, to less than the discharge generated by the average daily rainfall in the local area. During periods of extreme rainfall, this restriction will mean that the surface water leaving the site will be reduced by 17 litres/second.
- The existing surface water sewers/highway drains in Nup End have been surveyed and several areas of damage have been identified. The development proposal includes remedial works to these sewers and this will improve the efficiency of the drainage network in this area.
- The surface water that falls onto the existing road, adjacent to the site, drains into the ditch to the south of Nup End. The pipes and gullies that then convey this to the drainage network are not adequate and a build-up occurs within the ditch, causing localised flooding. The development proposal includes additional pipework and road gully to reduce the effects of this issue.

We welcome your comments and suggestions and should you have any questions or queries regarding the application, please email us at info@bhpharwood.co.uk or alternatively write to me at the Corsham address.

Thank you in advance for your time and we look forward to hearing from you.



Robin Needham
BHP Harwood LLP.

CC. Mr B Ristic, Senior Planning Officer - Tewkesbury Borough Council
Mr A Godden, Redcliffe Homes

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Dear Mr Needham

Ref: Land at Nup End, Ashleworth, (17/00783/APP)

Thank you for your letter of 14 November in response to the consultee comments from Ashleworth Parish Council. Thank you also for the email of 15 November and the additional document showing drainage details.

Unfortunately, the copy of drawing (10884-0080h S104 drainage layout) prepared by your drainage / flooding consultant does little to allay our concerns.

There appears to be no real, tangible evidence that the mitigation/"restriction" will deal with extreme rainfall. Our calculations (below) suggest that with extreme rain, e.g. 15cm in 12 hrs which is not unprecedented, the runoff will be over 50 litres /second. Your letter states that the "restriction" will reduce the runoff by 17 litres / second; this still leaves 35 litres / second running off into Nup End and beyond. It would also be helpful if it could be explained how the "restriction" operates if we are to believe that it will contain 17 litres /second over 12 hours or more.

Runoff calculation:

Plot is roughly 100m (10,000cm) by 150m (15,000cm) = 150,000,000 sq cm. Extreme rain has been at least 15cm in 12 hours which translates into 15x150,000,000 cc (2,250,000,000 cc) in 12 hours (43200 seconds). The volume of water per second is 2,250,000,000 cc / 43200 secs = 52,083 cc/sec = 52 litres/second.

We would appreciate it if you could clarify how you believe your "restriction" would work.

The drawing does not inform us of the quantitative improvements that are planned. Is the remedial work to the sewers improving performance by 10% or 100% and how is any predicted increase in performance being measured?

Finally, what exactly is planned in terms of the pipes and gullies of the drainage network? If this could be quantified in some way, it might enable the Council to have more confidence in the proposed improvements and the benefits that should ensue.

Regards, Tony Eardley, on behalf of Ashleworth Parish Council.