

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 15 October 2019 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, G F Blackwell, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines,
M J Williams and P N Workman

also present:

Councillors H S Munro, C Softley and R J Stanley

PL.26 ANNOUNCEMENTS

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

PL.27 DECLARATIONS OF INTEREST

- 27.1 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.
- 27.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D J Harwood	19/00822/FUL 29 Sparrow Hawk Way, Brockworth. 19/00537/APP Phase 1, Land at Perrybrook, North Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.

J R Mason	18/00318/OUT Land to the Rear of 18-26 Orchard Road, Alderton.	Is a Borough Councillor for the area and had met with representatives from Alderton Parish Council on site at their request but had not expressed an opinion.	Would speak and vote.
R J E Vines	19/00527/FUL Peak View Cottage, Green Lane, Witcombe. 19/00725/FUL Rannoch, Green Lane, Little Witcombe. 19/00822/FUL 29 Sparrow Hawk Way, Brockworth. 19/00537/APP Phase 1, Land at Perrybrook, North Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
M J Williams	19/00897/PIP Land to the West of the A48, Minsterworth.	The applicant is known to him.	Would not speak or vote and would leave the room for consideration of this item.

27.3 There were no further declarations made on this occasion.

PL.28 MINUTES

28.1 The Minutes of the meeting held on 17 September 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.29 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

29.1 The Technical Planning 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.

19/00689/FUL – Tree Tops, Church End Lane, Twyning

- 29.2 This application was for the erection of two self-build two storey dwellings and associated detached garages, provision of associated vehicular access and landscaping (revised scheme to reference 18/00934/FUL). The Committee had visited the application site on Friday 11 October 2019.
- 29.3 The Planning Officer advised that the site comprised a triangular shaped parcel of land on the northern side of Church End Lane, Twyning and was adjacent to a public right of way. There was an existing static home on the site along with associated timber sheds and a detached double garage. The application proposed the removal of these buildings and the erection of two self-build two storey dwellings as well as construction of two detached garages, each sitting forward of the front elevation of its associated dwelling. The existing vehicular access point to the site would be retained to service the proposed dwelling at plot 1 and an additional vehicular access point would be provided towards the western side of the front boundary to serve the proposed dwelling at plot 2. As set out within the Officer report, there had been a number of historical planning applications proposing the erection of dwellings on the site, all of which had been refused and, where they had been made, appeals had been dismissed. The most recent planning application on this site, also proposing the erection of two self-build two storey dwellings and associated detached garages, was refused planning permission on 5 April 2019 and the reasons for refusal were included in the Officer report. It was noted that the development currently proposed was very similar to that which had been proposed under the previously refused application. The submitted plans showed the elevations and floor plans of the proposed four bed dwellings and the detached garages. As detailed in the Officer report, the extent of the residential development boundary of Twyning was defined within the adopted Twyning Neighbourhood Development Plan; the application site was located outside, and approximately 0.8 miles to the south-west, of the boundary in a rural location. The Twyning Neighbourhood Development Plan was not supportive of new housing development in the location proposed and the proposal was judged to be entirely inconsistent with the spatial strategy of the development plan, as set out within the Joint Core Strategy and the Twyning Neighbourhood Development Plan. Furthermore, the proposal would not accord with the environmental dimension of sustainability as a result of the location of the application site, remote from the nearest amenities and facilities, and the need to travel by unsustainable transport means. It was also considered that the proposed two storey dwellings and associated garages would result in a cramped form of development relative to the existing modest structures on site and would fail to respect the character and appearance of the area; the proposal would materially detract from the landscape character of this rural area, in conflict with the development plan. Whilst the proposed development had addressed one of the four reasons for refusal given under the previous application earlier in the year in terms of the impact on the amenity of adjoining occupiers, it was considered that it had failed to overcome the remaining three. It was felt that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and that it would not be a sustainable form of development, as such, it was recommended for refusal.
- 29.4 The Chair invited the representative from the Parish Council to address the Committee. The Parish Council representative indicated that the application was significant as its outcome would partially determine the relevance and authority of the Twyning Neighbourhood Development Plan and would set a precedent for what may come later. The Parish Council accepted that the borough only had a 4.33 year supply of deliverable housing land and that the Tewkesbury Borough Plan was at its pre-submission stage and therefore carried limited weight; however, the Twyning Neighbourhood Development Plan was less than two years old and, as Members

would be aware from the 2016 statement from the Department of Communities and Local Government, as a result it was only necessary to demonstrate a three year supply. The Twyning Neighbourhood Development Plan was a 'made' plan and, in accordance with Paragraph 12 of the National Planning Policy Framework, where a planning application conflicted with an up-to-date development plan – which included Neighbourhood Development Plans – planning permission would not normally be granted. As such, the local planning authority should have regards to the provisions of the Twyning Neighbourhood Development Plan so far as it was material to the application, and to any other material considerations. The Parish Council agreed with the recommendation to refuse the application as the reasons for refusal related to the policies within the Twyning Neighbourhood Development Plan, in particular Policy GD1. The Parish Council recognised there was no policy within the Plan which addressed self-build houses but Policy SD10 of the Joint Core Strategy was relevant in that regard. The Parish Council was sympathetic to the needs of the applicant and it was possible that a more modest self-build option may be considered to be acceptable; however, based on the current proposal - and with the policies and principles of the Twyning Neighbourhood Development Plan in mind – the Parish Council had no option but to support the Officer recommendation to refuse the application.

- 29.5 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 noted that a self-build scheme for four houses had been approved directly opposite this site and she questioned whether these counted towards the number of properties on the self-build register for Twyning. In response, the Planning and Enforcement Team Leader (North) confirmed that the self-build register was showing that eight houses had been provided in Twyning and, although she had not looked specifically in relation to those four properties, if they had been provided as self-build properties then they were likely to form part of that. The self-build register required 12 properties in Twyning and the Planning Policy Team had advised that a number of individual smaller sites had been given planning permission in the area which could also meet the definition for self-build, as such, it was considered that the self-build need in Twyning had already been satisfied. In response to a query regarding the replacement of the existing static home on the site, the Planning Officer advised that Policy H5 of the Twyning Neighbourhood Development Plan specified that applications for the replacement of existing mobile homes/residential caravans by permanent dwellings on site, where residential development was inappropriate, would not be supported.
- 29.6 A Member indicated that he was slightly confused as the Parish Council representative had suggested that the Parish Council did not object to the principle of residential development on the site, stating that a more modest proposal may be acceptable, therefore, whether the proposal should be allowed in view of the Twyning Neighbourhood Development Plan did not appear to be an issue. He had serious concerns in relation to recommended refusal reason 2, which stated that the application was not in a sustainable location for residential development given that the site was just off a main road and there was existing residential development in the vicinity, with more to come on the site opposite as pointed out by the previous Member. A lot of time and effort had gone into the development of the Tewkesbury Borough Plan which intended to dispel the myth that a site was unsustainable if the only means of access was by car. Another Member agreed with these points and felt that something could possibly be achieved on the site. The Planning and Enforcement Team Leader (North) explained that the proposal conflicted with the replacement dwelling policy within the Joint Core Strategy as it would result in an additional dwelling on the site as opposed to the replacement of one existing dwelling with one proposed dwelling; this policy had been carried forward to the pre-submission version of the Tewkesbury Borough Plan. As the Parish Council

representative had pointed out, since the Twynning Neighbourhood Plan was less than two years old, it contained allocations to meet specific requirements and could demonstrate in excess of a three year housing land supply, therefore, it should be considered up-to-date and given full weight in the determination of applications which was reflected in recommended refusal reason 1. In terms of recommended refusal reason 2, the application site was not accessible as it was well outside of an existing settlement which was contrary to the development plan policies. She reminded Members that the Council had approved the development plan and planning judgements were made in accordance with that plan. There were clear policy requirements to look at sustainable modes of transport and to reduce reliance on the private car, as such, the Officer recommendation was in accordance with the adopted development plan. The seconder of the motion to refuse the application indicated that, whilst he could not speak for the Parish Council, his understanding of the statement made by the representative was that the Parish Council may be more sympathetic to a scheme for one replacement dwelling; however, this particular site did not accord with the Twynning Neighbourhood Development Plan therefore the Parish Council considered the proposal to be unacceptable.

29.7 Upon being taken to the vote, it was

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

18/00318/OUT – Land to the Rear of 18-26 Orchard Road, Alderton

29.8 This was an outline application for the erection of five self-build bungalows, including alterations to existing vehicular access, with all matters reserved for future consideration except means of access. The Committee had visited the application site on Friday 11 October 2019.

29.9 The Planning Officer advised that the application site comprised a rectangular field of approximately 0.4 hectares, located immediately north of Alderton village. The majority of the site lay within the Cotswolds Area of Outstanding Natural Beauty, with only a narrow strip of the south-western extent of the site - which provided access via Orchard Road - falling within the Special Landscape Area. An existing watercourse ran along the eastern boundary, passing through the site at its south-eastern corner before continuing through the garden of 2 Orchard Road and entering into the culvert under Dibden Lane/School Lane. A public footpath ran close to the western extent of the site, leading from Cambridge Square in the heart of the village, passing through the rear gardens of No.'s 28 and 29 Orchard Road, before continuing in a northerly direction towards Dumbleton. The village settlement boundary, as defined by the adopted Alderton Neighbourhood Development Plan, ran along the southern and western boundaries of the site, as such, the site itself – with the exception of the narrow access strip – fell outside of the identified settlement boundary. The outline application had been supported by an indicative layout plan which showed a single point of access off Orchard Road for both vehicles and pedestrians, utilising the grassed strip that lay between No.'s 16 and 18 Orchard Road. The indicative layout also showed five 'L' shaped bungalows with a shared private drive with vehicle turning head. The Officer report provided a clear assessment of the principle of development and all other material planning considerations. At the Committee Site Visit, Members had queried the relevance of the Alderton and Gretton Watercourse Assessment 2010 which had been commissioned by the Parish Council with grant aid funding from Tewkesbury Borough Council. The Council's Flood Risk Management Engineer had been consulted on this issue and had advised that the site itself did not form part of the scope of the hydraulic study, the main focus being the system downstream of the site where problems had historically occurred. With that aside, he had advised that flooding had been witnessed immediately downstream of the site which he considered to add further weight to his objection in respect of the current application due to insufficient evidence being produced to determine whether the flood risk was

acceptable for the site and if it increased the risk to others. Without further detailed information, the Flood Risk Management Engineer considered that the development could present a clear and present danger of increasing flood risk to the immediate vicinity as well as the wider area.

- 29.10 The Chair invited the representative from the Parish Council to address the Committee. The Parish Council representative indicated that the reasons why the Parish Council strongly opposed the proposed development were well summarised in the Officer report; the problems with the scheme were numerous and he intended to refer to a few key aspects. He stressed that this matter was taken very seriously by the village and 75 letters of representation had been received. The Parish Council had spent years, and hundreds of hours, preparing the Neighbourhood Development Plan which had achieved a return of 60% in the approved referendum and a 99% vote in favour. The Plan had been discussed thoroughly with the Planning Policy Team and this application was an important test of that Plan. The proposed site was outside of the settlement boundary and the development was not provided for in either the Neighbourhood Development Plan or the emerging Tewkesbury Borough Plan. Alderton had already seen a 26% increase in new homes over the past few years, which was a huge increase for a small rural village, and the Parish Council felt that it had already done its bit for new housing stock. There was no evidence that there was a special demand for self-build in Alderton and evidence from the Parish Council had shown a ready supply of bungalows in the village coming naturally onto the market. The proposed development was in an Area of Outstanding Natural Beauty and used the whole field as opposed to being a single infill; this application was a critical test of the value placed on the Area of Outstanding Natural Beauty designation - there was a series of neighbouring fields which were also within the Area of Outstanding Natural Beauty that could be the next target for speculative development. Serious site-specific issues had been raised by key consultees and the developer had failed to provide responses to problems in respect of highway access, surface water and archaeology, despite having had around a year to do so.
- 29.11 The Chair invited a local resident, speaking in objection to the application, to address the Committee. The local resident advised that she would be directly affected by the proposal and was speaking on behalf of residents of Orchard Road and Brookside. She explained that the proposed development was on a meadow that had been left fallow for most of the past 14 years and was an important corridor for many animals including frogs, toads, bats, hedgehogs, green woodpeckers, owls, pheasants and more. The proposed units were on an elevated site and would completely overlook bedrooms, bathrooms, all existing rear windows and amenities of properties in Orchard Road thus creating an unacceptable loss of privacy for those already living in close proximity. The entrance to the land was not suitable for residents' vehicles, let alone emergency and building vehicles, due to the tight angle, width and slope of the approach. There was no room for both vehicle and pedestrian access, and no provision for a separate pedestrian corridor, and refuse vehicles had to reverse up the road due to a lack of turning space. Local residents were extremely concerned about the safety of the roads; Orchard Road had a large number of residential vehicles, many of which had to be parked on the road, reducing the width to a single lane and making access up and down the road difficult. Furthermore, the junction of Orchard Road and Dibden Lane was already very busy, especially when parents were taking children to and from school and playgroup. Construction traffic squeezing past and weaving behind parked cars would be an additional hazard and was likely to cause danger to children and local residents, particularly those who were dependant on walking aids and mobility scooters. She indicated that there had always been a concern regarding flooding from the natural land drain from Dumbleton Hill which ran through the brook on the edge of the site and this had caused severe flooding on land in Orchard Road and in many houses; this severe flooding was likely to be significantly increased when

introducing non-permeable surfaces. There had also been many problems with faulty sewers and drainage and the water pressure was often so low it was difficult to run a shower efficiently – many complaints had been sent to Severn Trent Water in relation to those issues.

- 29.12 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, in his view, the report failed to correctly deal with the definition of infill in Policy SD10 of the Joint Core Strategy which allowed for infilling in all villages of the borough and was defined as *"the development of an under-developed plot well-related to existing built development"*. The Officer report stated that the proposal was not infilling but the site was an under-developed plot and was well-related to the existing built development, as confirmed by the Council's Urban Design Officer. Infill dwellings on land like this had been granted on appeal twice at Cleeve Hill in line with Policy SD10 – Cleeve Hill was not a service village and was wholly within the Area of Outstanding Natural Beauty whereas Alderton was a service village on the edge of the Area of Outstanding Natural Beauty with part of the site outside of it. With regard to landscape, the Council's 2014 landscape assessment, which was referenced in the Officer report, considered that the site was already part of the settlement and was not an important aspect of the wider landscape. The applicant's agent agreed with the Tree Officer's suggestion to retain hedgerows and he pointed out that the Landscape Officer had not commented and the Urban Design Officer had mentioned a positive visual connection between the site and the settlement of Alderton. The layout was not fixed and the reserved matters stage would result in a scheme he was confident Members would be happy with; however, the applicant would be willing to change the description of development to **"up to five dwellings"** if that was more acceptable to the Committee. Should Members be minded to grant delegated permission, highways, drainage and archaeology would all be resolved with further details – if Members accepted the principle of development but preferred to see more information before making a decision, that could be brought back. In terms of self-build considerations, the Council had a legal duty to satisfy the demand on the register - no other form of development had this legal duty, not even affordable housing. When considering the previous application, it had been stated that other small sites could meet the demand for self-build; however, recent case law had shown there was no mechanism in place to ensure they met the legal definition of self-build. This illustrated that the Council had no clear plan in place for self-build properties which was also demonstrated by the Officer recommendation for the self-build scheme in Shuthonger that was now being delivered on site after the Committee approved it in 2017 contrary to the recommendation. There was huge demand for the self-build plots at Shuthonger from people across the borough and he pointed out that local traders would be used, rather than national housebuilders, which would be of genuine benefit to the local economy. He requested that Members grant permission to continue to meet the demand – with a scheme that did not cause the harm Officers were suggesting – just as they had done in 2017.

- 29.13 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. The proposer of the motion congratulated the Officer on the report and expressed the view that there were sound reasons to refuse the application which conflicted with the Council's adopted policies. The seconder of the motion made reference to the extensive objections raised by the Parish Council which he felt summed up the position and he indicated that he could not think of a suitable reason to permit the application. A Member noted that the application had been validated in April 2018 so it had taken a very long time to come to Committee. He questioned whether there would have been a different outcome had it been a permission in principle application, if that provision had been available at that time. In response, the Planning and Enforcement Team Leader (North) reiterated that this was an outline

application for self-build bungalows which also included access at this stage. The scope of Permission in Principle applications was limited to location, land use and amount and, if permitted, it was still necessary to apply for Technical Detail Consent which was the next stage of that process.

29.14 Upon being put to the vote, it was

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

19/00620/FUL – 13 High Street, Stanton

29.15 This application was for the erection of a single storey garage/car port and extension and alteration to existing driveway, including the provision of a gated access (amendment to previously approved application 18/00868/FUL).

29.16 The Planning Officer advised that the proposal was for the erection of a single storey garage to be used for ancillary purposes, incidental to the enjoyment of the existing dwelling, and alterations to the existing driveway and the provision of inward opening oak gates. The garage structure was now substantially complete, as could be seen from the photographs displayed at the meeting, and therefore was partially retrospective. She advised that an application had been permitted earlier in the year for a similar garage in the same location and the current proposal sought a slightly enlarged version. This application had been brought to Committee because an objection had been received from the Parish Council which was concerned with the scale of the structure and that it had been built without necessary permission. These points had been assessed in relation to the planning policies and the Officer recommendation was to permit the application.

29.17 A Member noted from the Additional Representation Sheet, attached at Appendix 1, that the Parish Council had reiterated that the structure was larger than what had been permitted and she asked whether this was correct. The Planning Officer confirmed that an Enforcement Officer had been out to the site and the built structure corresponded to the plans.

29.18 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed, seconded and

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

19/00690/PIP – PETT Archive and Study Centre, Church Lane, Toddington

29.19 This was a permission in principle application for up to five dwellings following demolition of existing buildings (following withdrawal of application 19/00256/PIP). The Committee had visited the application site on Friday 11 October 2019.

29.20 The Planning Officer advised that the application site was located on the western side of Church Lane, Toddington and to the south of a cul-de-sac at Church Meadows which was permitted in the late 1990s. The application site was presently used as a records and research centre and comprised two blocks, with a building to the central part of the site and a further block to the western rear part. Toddington was identified as a service village in the Joint Core Strategy and the site would fall within the settlement boundary as proposed by the Tewkesbury Borough Plan pre-submission version. The site comprised previously developed land and the proposal sought permission in principle for the redevelopment of the site for up to five dwellings which would equate to a density of up to 15 dwellings per hectare. It was considered that the proposal accorded with criteria 3 of JCS Policy SD10 which supported residential development on previously developed land in the built-up area. Furthermore, Policy RES2 of the emerging Tewkesbury Borough Plan accepted residential development within settlement boundaries. Attention was drawn to the annotated plan included in the Additional Representations Sheet, attached at

Appendix 1; however, Members were reminded that specific details of the design,

access layout and amenity would remain matters for consideration at the technical details consent stage and the recommendation was minded to permit as the decision had previously been issued.

- 29.21 The Chair invited the representative from the Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council had already submitted a response to the application citing several reasons for objection. The proposed development was located on the edge of a floodplain area, thus placing the development at increased risk of flooding and putting further pressure on the current inadequate surface and sewer system in the Parish. There were many trees on the proposed site, including a large Oak tree, and their loss would have a devastating effect upon wildlife. No provision had been made to preserve the trees or wildlife that would be impacted by the development. The Parish Council had requested that an ecological survey be completed and that the Council carry out a tree survey to determine if any other trees within the site should be given a Tree Preservation Order. A neighbouring property had a Tree Preservation Order protected tree – a Cedar of Lebanon – but no consideration had been given to the impact of the proposal on the tree protection area which must be taken into account with respect to the scale of the development. Likewise, the proposed development had not taken into consideration any of the adjoining properties as the impact on their privacy would be contrary to Paragraph 127 of the National Planning Policy Framework in that daylight and sunlight would be impacted. The Parish Council requested that a report be completed by the Urban Design Officer to ensure plans met design guidelines, especially suitable distances between properties. It was unclear how access would be gained to the field at the rear of the proposed properties and, whilst the Parish Council realised this was a permission in principle application and such details were not necessary at this stage, clarification was required in relation to the access and the ownership of the land following development due to the impact on the neighbouring properties. As this was a permission in principle application, no detailed plans had been submitted for the proposed individual houses and the Parish Council representative questioned how the Parish Council – or even Planning Officers – could make an informed decision with so little information. The Parish Council was also of the opinion that the process followed for this particular application was flawed due to a technical error. The Parish Council representative pointed out that there were eight other letters of objection online and, to ensure these were given due consideration, it was suggested that the process for the application be re-commenced, or that a new, full planning application be submitted.
- 29.22 The Chair invited a local resident, speaking in objection to the application, to address the Committee. The local resident indicated that the neighbours did not object to the principle of development on the site; however, they challenged the amount of development. The Officer report contained an indicative drawing that showed the site and the proposed houses within it but no other drawings had been submitted to show how that amount of housing could be accommodated within the site. Page No. 362, Paragraph 5.13 of the Officer report stated that “*The application sets out that the proposal is for up to five new dwellings. An indicative plan that accompanies the application shows how such a quantum of development could be laid out within the site, however, it should be noted that layout was not a consideration of PIP and is a matter of consideration at the technical details stage*” and, at Paragraph 5.14 “*It is nevertheless considered that the form and layout of the proposal on the indicative drawing has demonstrated that the site is capable of accommodating up to five dwellings as applied for and the ‘amount’ of development is considered acceptable*”. Notwithstanding this, the indicative drawing only showed the site itself and the houses within that site, not the neighbouring properties or the

impact that the amount of development proposed for the site had on those neighbouring properties. The amount of development indicated by the drawing included two houses situated very close to the boundary of the site. These two houses caused undue overlooking and had an overbearing impact on the neighbouring properties as defined in design requirements used throughout the UK. The Council's Urban Design Officer had commented against the previous application 19/00256/PIP, which had now been withdrawn, to say that plots 1 and 2 were very close to existing residential properties and could cause overlooking and have an overbearing impact; these two houses were unchanged in this application so those comments applied equally here. In summary, the amount applied for, based on the indicative drawing together with the context of the neighbouring properties, could only be accommodated by causing undue impact on neighbouring properties, therefore, the local resident requested that Members reject the application for those reasons.

29.23 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the permission in principle application before Members was a new application type that allowed landowners to establish the likelihood of residential development being permitted on smaller sites without needing to provide full details at the initial stage. A charitable organisation had recently taken over the PETT Centre and had taken the opportunity to explore options for the site to establish how it might fit with its existing portfolio; at present the site continued to operate as an archive and study centre. Permission in principle allowed the issue of principle to be separated from the consideration of technical details. The scope of permission in principle was limited to location, land use and amount of development judged against relevant development plan policies. In this case, the location within the village of Toddington was considered to be acceptable and it was a brownfield site. The proposed residential use was an acceptable land use and the proposed number of dwellings was appropriate; this had been demonstrated through the submission of an indicative site layout plan. It was recognised that a number of issues had raised concern locally, for example, drainage, amenity impact and ecology, but legislation was clear that these were not matters for consideration at this stage, but at the technical details consent stage which would follow a successful permission in principle application. This meant that matters such as impact on neighbouring dwellings could not be assessed at this stage but would be fully assessed at the technical details stage – this application should only be concerned with location, land use and amount of development which, in respect of this site, were all deemed to be acceptable. The applicant had worked with Officers throughout the process and Members were therefore requested to endorse the Officer recommendation.

29.24 The Chair indicated that the Officer recommendation was that Members be minded to permit the application and he sought a motion from the floor. A Member queried what could be attached to the planning permission in terms of notes, should Members be minded to permit the application, for instance, with regard to layout would it be possible to ensure that no buildings were set tight against the boundary of the site which the local resident had indicated would result in overlooking of the neighbouring properties. She also had a question in relation to access for maintenance of the site as it had appeared from the Committee Site Visit that it would be 'landlocked'. The Head of Development Services clarified that it was not possible to include conditions on permission in principle applications but there was an opportunity to add advisories on what the technical detail consent should address; however, that was not possible in this particular case as the permission in principle had already been issued. She assured Members that the Officer would work with the applicant on the technical details consent in terms of what was required so the issues referred to by the Member could be addressed at that stage. The Member questioned whether the technical details consent could be determined by the Planning Committee and the Head of Development Services confirmed this.

Another Member queried whether change of use would be required given that the current use was not residential and the Planning Officer advised that this was implicit in the proposed new use.

- 29.25 It was proposed and seconded that Members be minded to permit the application in accordance with the Officer recommendation. The seconder of the motion indicated that the Committee had little option given that the decision must be based on only three factors and she believed that the application should be permitted but that all associated technical details consent applications should be brought to the Committee for Member determination. It was

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

19/00527/FUL – Peak View Cottage, Green Lane, Witcombe

- 29.26 This application was for the demolition of existing garage and erection of a detached two bay garage with storage over.
- 29.27 The Planning Officer advised that the site fell within the Area of Outstanding Natural Beauty and revised plans had been submitted on 16 August to reduce the proposal from a three bay to a two-bay garage. A Committee determination was required as the Parish Council had objected on the grounds of the proposed height of the garage. The Parish Council's concerns had been noted; however, Officers considered that the revised garage would be a suitable size and design and would be set well back from the road. Overall, the revised proposal was considered to be in keeping with the rural area and the Area of Outstanding Natural Beauty and the Officer recommendation was to permit the application.
- 29.28 The Chair invited the applicant to address the Committee. The applicant explained that the proposal had been reduced in size to more clearly reflect the dimensions of the original garage which was to be taken down. It had been agreed by all parties that the existing garage was old and inadequate and that a good quality replacement would be appropriate. The applicant had listened to the concerns of the neighbours and the Parish Council and had submitted a revised application accordingly. She indicated that the scale of the new garage was more appropriate than the earlier, larger application when compared to the size of the existing dwelling. Its design and character would serve to enhance, rather than detract from the character of the property and neighbourhood. The building would be an Oak frame clad in Cedar weatherboard which would weather naturally, much like a garden shed, and the applicant felt this would help it settle into its surroundings. It was a more sustainable building method than brick or block as the Oak and Cedar were from renewable sources. The frame and weatherboarding would be completed in around two days rather than the several weeks that a brick or block garage would take to build, without noisy cement mixers. Its design - including the natural oak frame, timber cladding and roof pitch - reflected other garages and outbuildings in the Parish and the Planning Officer had been provided with photographic evidence of three garages with a 45 degree pitched roof and three garages with timber cladding, all within Green Lane. The applicant clarified that the space above the garage was only intended for storage, not for future commercial or residential use. The height and pitch of the roof space was necessary to allow ease of movement and storage above the garage and was fully in keeping with building regulations – a shallower pitch would look too modern and would be out of keeping with the traditional Oak-framed building type that they wished to build. Permitted development rights would have allowed an extension of similar scale to the proposed garage without the requirement for a new planning application and the new structure was appropriate to its position within the Area of Outstanding Natural Beauty as it would enhance, rather than detract from, the countryside character of the area. The applicant indicated that the boundary dispute with the neighbours to the north was irrelevant because it was not a planning matter and was being dealt with by Land Registry. In

any event, no part of the planning application would encroach upon this disputed land and the vehicle turning area would be to the south of the existing garage, directly behind the house. The neighbours to the north had suggested that the workshop be located to the house side of the structure to protect their property from noise and disturbance; however, that property was centrally located in a plot of around three acres so moving the workshop to the side rather than the end of the garage would make no difference to those neighbours but would mean it was closer to the other neighbouring property. The applicant objected to the imposition of conditions restricting future changes to the structure - the proposal should be treated solely on its own merits and not future hypothetical changes.

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

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

19/00725/FUL – Rannoch, Green Lane, Little Witcombe

- 29.30 This application was for the erection of a replacement rear porch, installation of front and rear dormer windows and rooflights for loft conversion; alterations to fenestration and external materials.

- 29.31 The Planning Officer advised that the application related to a detached bungalow in Little Witcombe and the site fell within the Area of Outstanding Natural Beauty. Revised plans had been submitted on 1 October to reduce the front elevation in line with existing and add a gable; to reduce the number of rooflights proposed; to reduce the size of the dormer windows on the rear elevation; and to replace the middle dormer with a gable. A Committee determination was required as the Parish Council had objected on the grounds of overlooking. Whilst those concerns had been noted, Officers considered that the revised proposal would not result in harmful overlooking as the view to the neighbour's garden to the north would be oblique and limited. Overall the revised proposal was considered to be of a suitable size and design and would not result in a harmful loss of residential amenity to neighbouring dwellings. Therefore, the Officer recommendation was to permit the application.

- 29.32 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.

19/00822/FUL – 29 Sparrow Hawk Way, Brockworth

- 29.33 This application was for the erection of a single storey rear extension.

- 29.34 The Planning Officer advised that a Committee determination was required as the Parish Council had objected on the grounds of overdevelopment. These concerns had been noted; however, the property had not been previously extended and the proposed extension was modest in size. Overall the property was considered to be of a suitable size and design and would be in keeping with the area, therefore, the Officer recommendation was to permit the application.

- 29.35 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted that a lot of drawing numbers were included in recommendation 2 at Page No. 373 of the Officer report and he questioned if they were all necessary. In response the Planning Officer confirmed that the applicant had submitted several plans, including 3D projections, and all were relevant to the

determination of the application. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

19/00897/PIP – Land to the West of A48, Minsterworth

29.36 This was a permission in principle application for residential development of up to six dwellings (resubmission of application 19/00550/PIP).

29.37 The Planning Officer advised that the application was a resubmission of an earlier scheme which had been presented to Members at the Planning Committee meeting in August 2019. Officers had previously recommended permission as, although the proposal would be contrary to Joint Core Strategy Policy SD10 and Policy RES3 of the Tewkesbury Borough Plan, the Council did not have a five year housing land supply meaning the tilted balance was engaged whereby the test was whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole. Members had taken a different view and, having visited the application site, considered that the site's location would be contrary to the Joint Core Strategy and emerging Tewkesbury Borough Plan and would result in unacceptable encroachment into the open countryside. These harms were judged to significantly and demonstrably outweigh the benefits of the proposal and Members had resolved to refuse permission in principle for these reasons. The current application for permission in principle was identical to the previously refused scheme and no further amendments had been advanced to address the previous reason for refusal. The Council remained unable to demonstrate a five year supply of deliverable housing sites and the tilted balance was therefore engaged for this application. As set out in the Officer report, the previous refusal was a significant material consideration in the determination of the current application and was taken to weigh significantly against the proposal. In light of this, the Officer recommendation was to refuse permission in principle.

29.38 The Chair indicated that there were no public speakers for this item. 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 requested an opinion from the County Highways Officer who explained that County Highways standard response to permission in principle applications would be 'no comment' unless there were technical matters which meant there was absolutely no doubt that access could not be achieved. Upon being put to the vote, it was

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

18/01146/FUL – Land at Dean's Farm (Cleavelands Phase 3), Bishop's Cleeve

29.39 This application was for the construction of 166 dwellings with associated infrastructure and public open space.

29.40 The Planning and Enforcement Team Leader (South) advised that the application related to the middle phase of the Cleavelands development. Some Members would remember the outline scheme for 550 dwellings plus 16 live work/units and ancillary development had been allowed on appeal by the Secretary of State in 2012 after a public inquiry. All phases had been granted reserved matters approval and two of the phases to the south and north of the site had been built out or were well underway. The middle phase of the development had not yet commenced and the applicant was seeking to amend the house types to accord with the two built out phases; as a consequence, there would be an increased number of smaller sized units. As the time to submit a reserved matters application had expired, the

application had been submitted in full; however, as set out in the Officer report, the original requirements and conditions relating to the original outline application were still considered relevant and had been carried over where necessary. The layout and design remained largely unaltered but some areas of development were slightly denser which had been achieved by replacing some of the detached dwellings on the outer edge with semi-detached properties. The mix that had been achieved included more two and three bed units which reflected the most recent Housing Market Assessment so the current proposal was in line with current policy. In terms of parking provision, the scheme would achieve over two parking spaces per dwelling plus 35 designated visitor spaces which was considered acceptable and was commensurate to the provision on the previous layout. Considerable additional work had been undertaken by the applicant to update the Flood Risk Assessment from the original outline consent so that it reflected the most recent climate change guidance; that had demonstrated that the site would not be at risk of flooding and a condition was recommended in relation to finished floor levels. Conditions had been imposed on the outline appeal requiring energy efficiency measures over and above the national regulations and that requirement would carry over to the current permission and would require installation of energy efficient building techniques and solar panels to ensure that at least 20% of the energy demand of the development would come from renewable sources. As it was a full application, the whole development of 166 dwellings would be liable for Community Infrastructure Levy, not just the additional 40 dwellings. This did not override or replace the existing requirements for contributions set out in the existing Section 106 Agreement, many of which had already been paid; where contributions had not been paid or delivered on site, this requirement would either be secured through a new standalone Section 106 Agreement relating to the current proposal, or secured through a Deed of Variation to the existing Section 106 Agreement.

- 29.41 The Chair invited one of the local Ward Members to address the Committee. The local Ward Member stated that, for many residents, this application completed a hat-trick of breaches of trust by the applicant, both to their customers and the wider community of Bishop's Cleeve, and the Councillors should play no part in that. This was not an ordinary site as it was approved against the wishes of the Council at appeal. The site was clearly set out with a masterplan that was approved at national level and Borough Councillors were now being asked to approve changes to that plan for the benefit of the applicant, not residents. Bishop's Cleeve had met its housing need and had a housing allocation to 2030 so it did not need these houses; however, it did need community centres but not one brick had been laid toward that by the applicant or any other house builder currently in the Parish. The local Ward Member pointed out that the applicant was contesting the size and cost of the overdue community centre and he questioned how a village larger than Tewkesbury Town could be left without a single community facility meaning that local groups, such as Scouts and Guides, were unable to promote themselves as they had no room for new members. The applicant was not the only developer dragging its feet on a community centre; Bishop's Cleeve had a second large development of 500 houses allowed on appeal within Cleeve St Michael's Ward which had not delivered the required Section 106 commitments. He hoped that the Committee would agree that Section 106 contributions were not luxuries, rather they were essential to ensure sustainable development. He had not even touched on the lack of school places but stressed that developer's failure to deliver the community centre and haggling over the vital Section 106 commitment was exactly why no more housing should be shoe-horned into this site - the local Ward Member was adamant that Bishop's Cleeve should not be a dumping ground to meet the Council's housing target.
- 29.42 The Chair indicated that he had exercised his discretion under the Constitution to allow a Member from an adjoining Ward to speak. The Member asked the Committee to refuse the application which would add another 40 houses to the 126

originally granted on appeal. Bishop's Cleeve had grown significantly over the last few years from a population of approximately 10,500 in 2011 to approximately 17,000 in 2018 without a corresponding improvement in infrastructure to support this; it still had the same roads and parking spaces, the same sports centre, was still in need of a new primary school and - most significantly in terms of this application - the developer had failed to build the two new community centres or the cycle path between Bishop's Cleeve and Gotherington, it had not made up the roads properly and the open space had not been adopted. She reiterated that the application had initially been refused by the Council and permission had been granted by the Inspector at appeal for 126 houses, not 166 as was currently being sought. She reminded the Committee of its duty to residents and urged Members not to grant the additional 40 houses which the applicant was trying to sneak in.

29.43 A Member sought clarification on the current position in relation to the Section 106 Agreement contributions. The Planning and Enforcement Team Leader (South) explained that most of the requirements had already been provided in accordance with the triggers; the main issue, as referenced by the local Members, was the community building which was part of the proposal, and a requirement of the Section 106 Agreement, but had not been provided despite the triggers for this having passed. The Section 106 Agreement required a building of a specific size and set an upper limit on the cost which had caused a problem. The Council's view was that it was the developer's responsibility to honour the Section 106 Agreement, notwithstanding the upper limit, and legal action would be considered accordingly. He reiterated that any existing Section 106 Agreement requirements that had not been paid or delivered on site would be secured through a new Section 106 Agreement or a Deed of Variation to the existing Section 106 Agreement. As the legal mechanism for securing the community centre was in place, that could not be used as a reason to refuse this application.

29.44 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement (or Deed of Variation to the existing agreement) to secure affordable housing and community and public open space contributions and contributions towards waste and recycling as appropriate; the receipt of a positive County Highways Authority consultation response; and variations or additions to conditions as necessary, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion recognised that the development had been granted outline planning permission on appeal and this was effectively a reserved matters application; if Members refused this application another appeal was inevitable and the Council's chance of success would be virtually zero in the absence of good planning reasons – this would be a complete waste of taxpayers money and would do no favours whatsoever for local residents. He felt that the density was perfectly reasonable in light of the Housing Market Assessment and the developer's proposal to make alterations so there was a greater number of smaller houses would not change the overall population or the demand on infrastructure. In his opinion, it was a perfectly sensible proposal which was compliant with planning rules and regulations and should be supported. The seconder of the motion understood the comments made by the local Members but felt there were no sound reasons to refuse the application, particularly as the Council could not demonstrate a five year housing supply, and she agreed that, ultimately, a refusal would be lost at appeal and the Council would lose its ability to negotiate what it wanted on the site.

29.45 A Member sought an Officer opinion as to the Council's chances at appeal and the Planning and Enforcement Team Leader (South) reiterated that there must be sound planning reasons for a refusal which Officers did not feel could be demonstrated in this instance. All of the issues had been considered as part of the wider outline scheme and the impact of this proposal over and above that would be very minor,

furthermore, there had been no objections from any of the statutory consultees. Another Member asked for clarification on the position in relation to the Joint Core Strategy review which had been raised several times at an appeal hearing the previous week and had a bearing on decisions taken by the Committee. He also asked what weight was given to the Planning Inspector and Secretary of State's decision on this appeal site – little, moderate or great weight. He went on to question whether the masterplan was agreed after the appeal decision and if a phasing plan had been agreed through applications to the Planning Committee. In terms of the original application, great weight had been placed on the lack of a five year housing supply and the fact that previous oversupply could not be considered. The application allowed on appeal was for up to 550 dwellings, including 30 for retired people, a high street comprising four units plus ancillary accommodation, 15 units for class B1 and D1 uses and 16 live/work units – subsequently approved for a further 30 dwellings – a community facility with a hall, extension to allotments, and open space provision including changing rooms which was subject to conditions and he questioned how many of those elements had been delivered. He also questioned what new impact assessments had been carried out on the new proposal as he had not seen any new traffic impact assessments or updated plans for Sustainable Drainage Systems (SuDS) and he understood from the Additional Representations Sheet, attached at Appendix 1, that County Highways did not have enough information to provide a response to the application. On that basis, he would like to see the application amended on the grounds that it represented overdevelopment of the site, was contrary to the Planning Inspector and Secretary of State's decision on 16 July 2012 and took no account of the masterplan and phasing schedule agreed by the Planning Committee. In his view, there was no reason to set a dangerous precedent because of the position the Council had been put in with regard to its housing land supply. Paragraph 124 of the National Planning Policy Framework set out that the creation of high quality buildings and places was fundamental to what the planning and development process should achieve and being clear about design expectations and how they would be tested was essential – this test had already been conducted as part of the masterplan and phasing applications on the appeal site, made on the recommendation of the Planning Inspector and Secretary of State. In response, the Head of Development Services confirmed that the Joint Core Strategy was a 'made' plan which had been adopted by the Council; this was now being reviewed and consultation on the issues and options had commenced earlier in the year with a view to presenting the preferred option to Council early in the New Year. She advised that great weight should be attributed to the Inspector's decision to grant outline consent at appeal as the principle of development had clearly been established and the five year housing land supply was an important factor in determination of this application. The masterplan and phasing plan were part of the original outline application and made up part of the appeal decision. The Planning and Enforcement Team Leader (South) clarified that the illustrative masterplan and Design and Access Statement formed part of the outline consent and a condition required a drainage strategy covering the whole site to be submitted as part of the first reserved matters in order to ensure there would be sufficient space for the SuDS when the later phases came in. As the drainage issues had been considered in 2012 when the climate change guidance had not been as strict, the applicant's drainage proposal was updated so that it complied with the latest guidance to account for climate change. The Member noted that great weight should be given to the Secretary of State's decision which was for up to 550 dwellings. The Head of Development Services reiterated the fact that the principle of development had already been established and Members were required to make a decision on the application before them which increased the number of dwellings from 126 to 166 and was recommended for permission based on the five year housing land supply position and the absence of objections from statutory consultees.

29.46 In response to a query regarding the community centre and whether the developer could refuse to build it due to cost, the Planning and Enforcement Team Leader (South) reiterated that the developer was legally obliged to provide the community building but was finding it difficult to achieve the required floor space within the cost limit imposed by the Section 106 Agreement. A significant amount of time had been taken to try to resolve the issue which had been considered in great detail with the conclusion being that responsibility for delivering the community centre lay squarely with the developer even if the cost exceeded the upper limit; this was the Council's position and was the stance being taken with the developer. A Member indicated that the cost of building the community centre was likely to have been significantly less when the outline application was granted permission in 2012. He noted that this proposal would be subject to CIL and queried whether that could be used towards the community centre. In response, the Planning and Enforcement Team Leader (South) explained that Officers' view was that it was a separate issue as it was the developer's choice not to implement the original reserved matters and that was how the Council would proceed on a legal basis if necessary.

29.47 Upon being put to the vote, it was

RESOLVED That authority be delegated to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement (or Deed of Variation to the existing agreement) to secure affordable housing and community and public open space contributions and contributions towards waste and recycling as appropriate; the receipt of a positive County Highways Authority consultation response; and variations or additions to conditions as necessary, in accordance with the Officer recommendation.

19/00537/APP – Phase 1 Land at Perrybrook, North Brockworth

29.48 This was an approval of reserved matters application (appearance, landscape, layout and scale) for phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.

29.49 The Planning Officer advised that the outline consent, which related to approximately 76 hectares of land located immediately north of the settlements of Brockworth and Hucclecote, known as Perrybrook, was granted by the Secretary of State in March 2016 for a mixed use scheme of up to 1,500 dwellings and ancillary development, including principal means of access. All matters except access were reserved for future consideration. The current reserved matters application related to phase 1 of the wider development site and was the third phase to be submitted. The application site comprised two distinct field parcels, was irregular in shape, covered approximately 8.7 hectares of land and formed the far eastern part of the wider development site. The site would be served by a new primary road which would have two access points onto Mill Lane. The primary road would in turn give access to secondary and tertiary roads to serve the development and a new site-wide footpath would be provided along the northern edge of the development. The development would deliver 135 new dwellings, of which 36 would be affordable, and would include a mix of sizes from two to five bedroom houses. In accordance with the design principles of the outline consent, the dwellings would front onto Mill Lane as a key frontage; around the perimeter of the site, the dwellings would face outward to address the public open spaces. Landscaping would be integrated into the scheme - a landscape buffer was proposed along the northern boundary, longer runs of parking would be interspersed with trees and a locally equipped area of play would be located adjacent to the proposed attenuation pond.

29.50 The Officer report provided an assessment of the material considerations and the Planning Officer reiterated that the principle of development on the site had already been established through the grant of outline consent, therefore, this application related solely to the approval of the layout, appearance, landscaping and scale of this phase of the wider development site. At the time of writing the report there were a number of ongoing matters which required updates. Page No. 399, Paragraph 5.9 of the Officer report set out that Officers had raised concern with regard to the layout and configuration of a small number of plots. Discussions had continued with the applicant and a revised site layout plan had been submitted and was displayed at the meeting. The changes were considered to be relatively minor in nature given the amount of development proposed and included the following: plots 1-7 had been re-planned to provide less frontage parking and a continuous building line and the rear fence line of these plots had also been adjusted to achieve a distance of 10.5 metres; plot 8 had been re-orientated to positively address Mill Lane and re-positioned to minimise any overlooking to surrounding plots; the house type for plot 15 had been changed in order to ensure a satisfactory back-to-back distance would be maintained for plots 31-15; and plots 39 and 40 had been re-orientate to face south toward the primary road – in order to achieve those changes, amendments were required to plots 113-119 to balance out the affordable housing arrangement. Several other plots had been adjusted marginally to increase the distance to the rear boundary line. Officers considered that the revised layout addressed the previous concerns raised and the layout, scale, street hierarchy and residential character areas of the development would now respond positively to the principles set out under the outline consent and the proposal would represent a well thought out design. As set out at Page No. 400, Paragraph 5.13 of the Officer report, the scheme proposed the use of two different brick colours throughout the site. Whilst this was welcomed, concerns had been raised regarding the use of the yellow brick and the resulting contrast against the proposed second brick which would be red. Following successful negotiations, the yellow brick and now been omitted and would be replaced with another red brick of a different shade. Officers considered this to be an acceptable alternative and therefore concluded that the appearance of the proposed dwellings would provide for a coherent and cohesive scheme. Page No. 400, Paragraph 5.20 of the Officer report indicated that the Council's Landscape Adviser had identified a small number of shortcomings with the landscape approach and discussions had continued since the drafting of the report. As discussions in respect to the layout had also been ongoing, revised landscape plans had not been submitted as they would need to reflect the agreed layout; however, the applicant had advised that plans were being prepared and should be submitted within the next day or two; these would be sent to the Landscape Adviser for final comments. Given the positive discussions between the parties so far, it was envisaged that the revised landscape plans should address all of the previous concerns raised. With regard to Page No. 401, Paragraph 5.29 of the Officer report, inadequate separation distances were shown in a limited number of plots resulting in overlooking of private rear gardens. The revised site layout plan had taken account of those concerns and the Planning Officer confirmed that separation distances were now satisfactory to ensure no adverse overlooking issues would be created. Finally, Page No. 402, Paragraph 5.38 of the Officer report stated that Natural England had requested further information in order to determine the significance of the impact of the development upon the Cotswold Beechwood Special Area of Conservation. As a result of continuing discussions with Natural England, further information had been submitted by the applicant and, in light of the latest information, Officers were in the process of drawing up its Habitats Regulation Assessment record for the application, consistent with the Council's duties as the competent authority under the Habitats Regulations; this would be sent to Natural England for any further comments.

- 29.51 Taking this into account, the applicant and Officers had worked proactively together during the course of the application to secure a scheme which Officers considered represented an improvement to the original proposal. As a number of matters had been resolved, whilst the recommendation was still to delegate authority to the Technical Planning Manager to approve the application, the outstanding matters subject to resolution had been reduced. Furthermore, it was noted that conditions to be attached to the planning approval were to be confirmed, therefore, the recommendation had been amended to delegate authority to the Technical Planning Manager to approve the application, subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment, and the addition/amendment of planning conditions as appropriate.
- 29.52 The Chair invited the applicant's representative to address the Committee. The applicant's representative reiterated that the application was for phase 1 of the wider Perrybrook development and two reserved matters applications had been approved earlier in 2019. Phase 3 and phases 2 and 5 were being delivered by other developers. The proposal was for 135 residential units comprising two to five bed properties. The affordable housing proposed was consistent with the site-wide strategy which was 40% across the whole site, of which 36 properties would be delivered by phase 1. The drainage strategy for phase 1 was in accordance with the site-wide strategy and an attenuation basin was included in the phase 1 layout to ensure surface water run-off was discharged at an appropriate rate. In terms of highways, two access points were proposed off Mill Lane and, in accordance with the masterplan, further improvements to Mill Lane would be delivered via the Section 278 Agreement which was currently being discussed with County Highways. The scheme would provide an average of 2.6 car parking spaces per plot and there would be an additional 20% visitor parking spaces across the site. The applicant had worked positively and proactively with Officers to ensure there were no outstanding objections and a number of amendments had been made in recent weeks to address the comments that had been received. Furthermore, the applicant had been working closely with the Parish Council and would continue to meet with them on a regular basis. Overall, it was considered there were no reasons to refuse or defer the application.
- 29.53 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to approve the application, subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment, and the addition/amendment of planning conditions as appropriate, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation. A Member questioned what the improvements to Mill Lane would constitute and whether confirmation could be provided that it would be widened to two lanes. Another Member indicated that Mill Lane would be accessed by all 1,500 properties across the site and she had huge concerns regarding health and safety, particularly as there was a school directly opposite the site, and she was very disappointed that the developer had carried out a road survey on a Sunday afternoon which clearly did not give a true reflection of usage. The County Highways Officer explained that the developer of phase 3 of the site was responsible for the Section 278 Agreement and County Highways was working with that developer to establish the correct alignment of Mill Lane; this application was considered acceptable by County Highways on the basis that Mill Lane was being reviewed through the Section 278 Agreement. A Member queried who paid for the Section 278 Agreement and was advised that it was a legal agreement which was paid for by the developer. Works were costed and the applicant was required to produce a bonded sum of 110-200% of that figure which

was at the discretion of County Highways based on the likelihood that the County Council would have to carry out the work if it was in the public interest to do so. In response to a query as to whether a condition could be included to prevent occupation of the properties until such time as the works to the road had been completed, it was confirmed that the outline planning permission had been granted by the Secretary of State following call-in and condition 17 of that permission stated that 'no more than 80 dwellings shall be occupied in phase 1 until Mill Lane highway improvement works had been completed'; however, other phases had been granted reserved matters approval and could commence development prior to this application for phase 1.

- 29.54 During the debate which ensued, a Member expressed the view that the application should be deferred as it was premature until the issue with Mill Lane had been resolved. The Legal Adviser confirmed that a deferral was an option available to Members; however, it was also possible to amend the delegated approval so that it was subject to addressing the highway concerns – in that situation, the application would only need to come back to the Committee in the event that those matters could not be resolved. A Member raised concern that this was too vague and he would like to state exactly what the improvements would be. In response, the Legal Adviser explained that it would be necessary to go back to the original application to obtain those details; notwithstanding this, she provided assurance that Officers were clear that Members wished to secure the highways improvements prior to commencement of development. The proposer and seconder of the motion indicated that they were happy to make that amendment.
- 29.55 A Member went on to question whether a need assessment had been carried out in relation to sports pitches in Brockworth as he was concerned that the area would be inundated with playing fields and sports pitches which the Parish Council would be required to maintain. The Head of Development Services explained that the need for sports pitches had been identified at the outline planning stage for the entire site and was in accordance with the Playing Pitch Assessment for the borough which the Council had in place at that time. A borough-wide assessment had been carried out and she could provide this to Members outside of the meeting should they wish. She confirmed that conversations had taken place with Parish Councils during the negotiations around the outline application and that was the appropriate time for such concerns to be raised.
- 29.56 Upon being put to the vote, it was
- RESOLVED** That authority be delegated to the Technical Planning Manager to **APPROVE** the application, subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment; addressing the highway concerns raised by the Committee; and the addition/amendment of planning conditions as appropriate.

PL.30 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 30.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 14-18. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.
- 30.2 It was
- RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 12:50 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS **ADDITIONAL REPRESENTATIONS**

Date: 15 October 2019

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	
323	1	<p>19/00689/FUL</p> <p>Tree Tops, Church End Lane, Twyning</p> <p>As detailed within the Officer report, the proposal is promoted as a 'self-build' development.</p> <p>The report detailed the number of entries on the self-build register in total (96) and the number of which were entered on Part 1 (83). Since the completion of the report, the numbers on the register remain unchanged.</p> <p>The number of those specifying Twyning as their desired self-build location up until 30 October 2018 was five. There are now currently eight on the register in total expressing a preference for Twyning specifically.</p> <p>In the first base year (01/10/2015 - 30/10/2016), there was a demand on the register of 12 plots across the three base years (up until October 2018). In order to meet that demand, Tewkesbury Borough Council would need to give permission for 12 dwellings considered to have self-build potential over three years between 31/10/2016 and 30/10/2019.</p> <p>In terms of meeting that demand, eight self-build dwellings have been permitted over those three years. This figure has been derived solely from where "self-build" was explicitly included within the description of development. This leaves an outstanding figure of four self-build dwellings to meet this demand. This may be met through permissions for individual dwellings and those on small scale sites where "self-build" wording has not been specified within the description of development. To date, it is not possible to confirm the exact numbers for how many self-build dwellings have been granted permission through these sorts of application, but the Planning Policy team advises that the overall figure is very likely to exceed the 12 required.</p> <p>It is therefore considered that moderate weight can be attached to the self-build considerations within the overall planning balance.</p>
354	3	<p>19/00620/FUL</p> <p>13 High Street, Stanton</p> <p>The Parish Council wishes to reiterate the following:</p> <ul style="list-style-type: none"> – The structure is larger than what has been permitted and is near completion. – The garage appears of two storey height and the Parish Council questions the need for roof light windows.

359	4	<p>19/00690/PIP</p> <p>PETT Archive and Study Centre, Church Lane, Toddington</p> <p>A public speaker has submitted an annotated plan which is attached to this report.</p> <p>While the application has been accompanied by an illustrative layout plan the precise design, layout and scale of the proposed dwellings and relationship with adjoining development will be a matter for consideration at the 'technical details' stage.</p> <p>Highway issues remain a technical matter and it is considered that safe access and egress could be secured subject to suitable visibility splays being achieved.</p> <p>The recommendation remains unchanged.</p>
364	5	<p>19/00527/FUL</p> <p>Peak View Cottage, Green Lane, Witcombe</p> <p>One further letter of objection has been received from the immediate neighbours to the north. The information is summarised as follows: They maintain their objections. There is no mention of the felling of the trees, the relevant policy in terms of trees, or any requirement for new planting.</p> <p>Officer comments:</p> <p>In terms of the trees that were removed, they did not require consent as they were a row of Leylandii. It is not considered to be necessary to replace these trees.</p>
374	8	<p>19/00897/PIP</p> <p>Land To The West Of The A48, Minsterworth Village, Minsterworth</p> <p>Late representations have been received from the following consultees:</p> <p>Minsterworth Parish Council object to this application on grounds that: (1) the development is not within the proposed settlement boundary for Minsterworth; (2) dangerous access and egress onto a fast and busy for main road; (3) concerns regarding how the drainage will be dealt with, as the drainage in Watery Lane is already overloaded; and (4) concerns about the number of houses already proposed for Minsterworth as the infrastructure is not there to support this further increase in the number of houses.</p> <p>County Highways Authority does not consider the Town and Country Planning (Permission in Principle) Order 2017 to make provision for highways matters to be considered at the 'permission in principle' (PIP) stage. However, recent case law has established that highways should be considered at PIP stage insofar as establishing whether or not there is an insurmountable highways objection. With this in mind, the County Highways Officer has provided the following response 'for comment only'.</p> <p><i>I consider I can infer in this instance a refusal position on insufficient evidence that is likely to have significant merit in a highways position at technical approval stage.</i></p> <p><i>The A48 is an established 50mph speed limit.</i></p> <p><i>The measured speeds would be required and in this instance I can advise as follows. Assuming a broad principle that the required visibility will be between 160m and 215m (up to 60mph 85th percentile - which is discussed but can in no way be agreed at this time)</i></p>

		<p><i>The applicant would only be able to achieve the required visibility across land that is not within the red line and not within public highway. Whether in the blue land or otherwise the requirement for visibility does not seem achievable without a Grampian condition and at the upper extents of visibility may not be achievable at all as visibility is then hindered by buildings outside both the red and blue line.</i></p> <p><i>This also assumes that the access is only at the northern most part of the site. It appears only the northern half of the site may achieve access. Beyond this there is likely to be no achievable safe and suitable form of access.</i></p> <p><i>I would thus advise as follows:</i></p> <p><i>I cannot consider the presentation of a site that would be reliant on Grampian conditions / third party land / land outside the red line to be suitable in highways terms at this stage.</i></p> <p><i>These are potentially not insurmountable but given the outlined position the highway authority cannot establish why it may have to work at risk as a consequence of approval when the matter of access could be first reasonably established in planning.</i></p>
379	9	<p>18/01146/FUL</p> <p>Land At Deans Farm (Cleevelands Phase 3), Evesham Road, Bishops Cleeve</p> <p>The County Highways Authority has not yet provided a formal response to the application, but has informally commented that there are no technical objections to the proposed layout and parking provision, subject to conditions and obligations as necessary.</p> <p>The delegated recommendation is amended as follows:</p> <p>Authority be delegated to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement (or Deed of Variation to the existing agreement) to secure affordable housing and community and public open space contributions, and contributions towards waste and recycling as appropriate, to the receipt of a positive County Highways Authority consultation response, and variations or additions to conditions as necessary.</p>
395	10	<p>19/00537/APP</p> <p>Phase 1 Land At Perrybrook , North Brockworth</p> <p><u>Appearance</u></p> <p>The scheme proposes the use of two different brick colours throughout the site, which is welcomed; however, concerns were raised in respect of the use of the yellow brick and the resulting contrast against the proposed second brick, which would be a red brick. Following successful negotiations, the yellow brick has now been omitted and its replacement would be another red brick of a different shade, the Forterra Meadow Red. Officers consider this to be an acceptable alternative and therefore conclude the appearance of the proposed dwellings would provide for a coherent and cohesive scheme.</p> <p><u>Cotswolds Beechwood Special area of Conservation (SAC)</u></p> <p>As set out at Page No. 402, Paragraph 5.38 of the Officer report, Natural England requested further information in order to determine the significance of the impact of the development upon the Cotswolds Beechwood Special area of Conservation (SAC).</p>

		<p>Discussions have continued with Natural England and, as a result, further information has been submitted by the applicant. In light of the latest information, Officers are in the process of drawing up its Habitats Regulation Assessment record for the application, consistent with its duties as the competent authority under the Habitats Regulations. This will then be sent to Natural England for any further comments.</p>
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Item No. 4 – 19/00690/PIP – PETT Archive and Study Centre, Church Lane, Toddington

