

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 22 November 2016  
commencing at 9:00 am**

## **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

## **and Councillors:**

R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, Mrs M A Gore, Mrs J Greening,  
Mrs R M Hatton (Substitute for D T Foyle), Mrs A Hollaway, Mrs E J MacTiernan, J R Mason,  
A S Reece, T A Spencer, Mrs P E Stokes, H A E Turbyfield (Substitute for P D Surman),  
R J E Vines and P N Workman

### **PL.48 ANNOUNCEMENTS**

48.1 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.49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

49.1 Apologies for absence were received from Councillors D T Foyle and P D Surman. Councillors Mrs R M Hatton and H A E Turbyfield would be acting as substitutes for the meeting.

### **PL.50 DECLARATIONS OF INTEREST**

50.1 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.

50.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R E Allen	16/00539/OUT Land At Truman's Farm, Manor Lane, Gotherington.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.

Mrs G F Blackwell	16/00877/FUL Land Adjacent to Churchdown Community Centre, Parton Road, Churchdown.  16/01096/FUL 42 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M Dean	16/00714/FUL 20 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs M A Gore	16/00539/OUT Land At Truman's Farm, Manor Lane, Gotherington.  16/00965/FUL Parcel 7561, Malleson Road, Gotherington.	Had been involved in discussions with residents and the Parish Council in respect of both applications but had not expressed an opinion.	Would speak and vote.
Mrs A Hollaway	16/00714/FUL 20 Beverley Gardens, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs P E Stokes	16/00877/FUL Land Adjacent to Churchdown Community Centre, Parton Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.  Is a patient at the GP practice which was the subject of the application but had no personal or prejudicial interest.	Would speak and vote.
Mrs P E Stokes	16/01096/FUL 42 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P N Workman	16/00663/APP	Had been contacted	Would speak

Part Parcel 0085,  
Land West of  
Bredon Road,  
Tewkesbury.

16/00668/FUL  
Land West of  
Bredon Road,  
Tewkesbury.

by the applicant to  
discuss the queries  
raised at the last  
Planning Committee  
and had  
subsequently  
attended a meeting  
where the Planning  
Officer was also  
present.

and vote.

50.3 It was noted by the Chair that all Members of the Committee would have received correspondence in relation to various applications on the Planning Schedule but they did not need to declare an interest where they had not expressed an opinion.

50.4 There were no further declarations made on this occasion.

#### **PL.51 MINUTES**

51.1 The Minutes of the meeting held on 25 October 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

#### **PL.52 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

##### **Schedule**

52.1 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.

##### **16/00601/FUL – Teddington Hands Service Station, Evesham Road, Teddington**

52.2 This application was for the retention of a transport café and temporary showers for truck stop use; retention of temporary containers and structures connected with the haulage business and proposed additional vehicle parking; and retention of fuel and Ad Blue tank. The Committee had visited the application site on Friday 18 November 2016.

52.3 The Chair invited the applicant, William Gilder, to address the Committee. Mr Gilder indicated that he had relocated his business to Teddington in 2013 and, since that time, it had grown substantially increasing from 40 employees to over 140. The premises needed to expand in order to secure the future of the business. The growth had already benefited local people and suppliers; currently 35 employees were from within a six mile radius and some of them were mothers with children who were able to fit their work around family life. He also pointed out that £5.4M had been spent with local suppliers during the previous year. The community had been enhanced in other ways including the provision of a shop supplying local produce; provision of a café; facilities for driver training to help produce the next batch of Heavy Good Vehicle (HGV) drivers; and through working with Tewkesbury and Winchcombe Schools, encouraging school leavers to take apprenticeships in transport. This demonstrated that the business was highly sustainable. The overnight parking facility for outside hauliers had also expanded and over 400 vehicles had been parked during the last month. The site was safe and secure with decent showers, toilets and restaurant facilities. Lack of overnight parking was a real problem for hauliers; lay-bys and industrial estates filled up with trucks each night which were then targeted by thieves for their loads and fuel. He had engaged

with three different Landscape Officers within the Council, each of whom had different opinions which had made addressing landscaping issues very challenging; however, he believed that the extensive sympathetic scheme being proposed mitigated any landscape harm and provided a barrier between the site and the surrounding area. According to the current Landscape Officer, the site could be seen from a public footpath on top of Teddington Hill; from that same footpath it was also possible to see a travellers' site; Ashchurch Army Camp, Junction 9 of the M5 and the Teddington Hands roundabout which was used by almost 18,000 vehicles per day, 1,400 of which were his company's HGVs. It was intended to ensure that the site was sympathetic to the area and blended into the countryside. As the Council's own Landscape Consultant had stated, the scheme would be effective in screening vehicles from the surrounding road network. This was a worthy application which would create employment and provide a valuable service and he asked Members for their support.

52.4 The Chair indicated that the Officer recommendation was to refuse the application and he sought a proposal from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion explained that he rarely disagreed with the Officer recommendation but, in this instance, he felt that the proposal would have limited impact in respect of landscape harm as the site was already affected by noise and light pollution from the A435 which could be seen from Dixon Hill and surrounding areas, along with the travellers' site and Ashchurch Industrial Estate. The application was valuable in economic terms and he felt that it should be permitted. The seconder of the motion indicated that he had travelled past the site many times and the landscaping which had been undertaken to date had been very successful at screening it. The overnight lorry park which had recently been granted planning permission had been welcomed as facilities for drivers were relatively limited and, given the economic growth which was anticipated within the Borough through the Joint Core Strategy, applications such as this were much needed. A Member indicated that he had a lot of sympathy with the applicant and he was minded to support the proposal, however, additional planting would help to enhance the overall appearance and he queried whether this could be insisted upon. The Chair suggested that, if Members were minded to permit the application on the basis that the landscape impact would be limited in this particular location, compared to a similar proposal in the open countryside, it may be more appropriate to delegate authority to the Development Manager to permit the application in order to secure a comprehensive landscaping scheme.

52.5 In response to the comments made, the Planning Officer indicated that, if Members were minded to delegate permission, Officers would enter into discussions regarding the height of the bunding which was 4.7m in the centre and 3.65m at the end. This had been discussed at length with the Council's Landscape Officer who felt that it would be more appropriate if the bunding was 3.65m the whole way around. They would also seek to bulk up the screening; it was considered that copse planting would help to break up the visual impact of the bunding and assimilate better with the landscape. As this would involve a physical alteration to the scheme, Members were advised that it would be more appropriate for Officers to discuss this with the applicant and gain some agreement in terms of broad principles rather than imposing conditions on the planning permission. A Member raised concern that Officers had already spent a lot of time discussing the proposal with the applicant and had failed to reach a consensus. In response, the Chair indicated that the discussions would be starting from a different position if Members were minded to delegate permission and he was confident that an agreement could be reached; if it was not, the application would come back to the Committee in any case. The proposer and seconder agreed to amend their motion to delegate authority to the Development Manager to permit the application, subject to suitable landscaping measures and other conditions as appropriate. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to

**PERMIT** the application, subject to suitable landscaping measures and other conditions as appropriate.

**16/00762/FUL – 107 Cambrian Road, Walton Cardiff, Tewkesbury**

52.6 This application was for use of land for residential purposes including reconfiguration of wooden fencing.

52.7 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.

**16/00969/FUL – Morrisons, Ashchurch Road, Tewkesbury**

52.8 This application was for the variation of condition 1 of planning application 15/01316/FUL to allow for extended opening hours from 0700 to 2200 Monday to Saturday and from 0900 to 1700 on Sundays.

52.9 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a proposal from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member understood that shops were limited in terms of the hours they could trade on Sundays and he queried whether the proposal would be in accordance with the relevant legislation. In response, the Development Manager explained that it was his understanding that shops could open for a certain number of hours on Sundays but there was flexibility in terms of when they did that; this application would provide that flexibility. Upon being taken to the vote, it was

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

**16/00539/OUT – Land At Truman's Farm, Manor Lane, Gotherington**

52.10 This was an outline application, with all matters reserved except for access for the development of up to 65 dwellings (including 26 affordable homes) including access, landscaping and other associated works. The Committee had visited the application site on Friday 18 November 2016.

52.11 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1. He advised that comments had now been received from County Highways which raised no objection to the application, subject to a number of conditions including the requirement for a highway safety improvement scheme at Gotherington Cross junction which must be completed prior to the occupation of the sixteenth dwelling. The Council's Ecologist had also raised no objection subject to conditions and the full comments were set out at Appendix 1. In light of the representations received, the application complied with the development policy framework and the proposal met the tests within the Conservation of Habitats and Species Regulations 2010. It was recommended that additional provisions be included within the Section 106 Agreement to ensure provision for the long term implementation of the Landscape and Ecology Management Plan and the maintenance plan for flood risk management measures. In terms of affordable housing, the Council's Strategic Housing and Enabling Officer had advised that the

40% affordable housing should not all be provided on site as there was an oversupply within the Parish, as such, half would be provided on site and a financial

contribution would be sought for the remainder.

- 52.12 The Chair invited Councillor Rodney Churchill, representing Gotherington Parish Council, to address the Committee. Councillor Churchill explained that Gotherington's Neighbourhood Development Plan had completed the regulation 16 phase some weeks ago and a Referendum was expected in spring 2017. The Gotherington Neighbourhood Development Plan identified three small development sites whereas the Tewkesbury Borough Council Local Plan identified two; this development site was rejected as unsuitable in both plans. Approving the development would remove prime cherished agricultural land and would harm and destroy the rural nature of the village and its social cohesion. The Special Landscape Area and Area of Outstanding Natural Beauty made the site very special and the Cotswold landscape and Gloucestershire-Warwickshire railway were enjoyed by walkers, cyclists, horse-riders, families and visitors from far afield. The design conflicted with the existing linear village design as it proposed an urban style estate and the housing density was much higher than elsewhere with two storey houses going against the character of adjacent bungalows. Furthermore, it was too close to other properties and would restrict their light and seriously impact the residential amenity available to residents. He pointed out that there was no local employment, secondary school, doctors, dentist or library in the village. 65 houses would mean an extra 140 cars travelling through the village, exacerbating an existing traffic situation when high numbers of parked cars at school times caused severe congestion with buses and agricultural vehicles unable to pass without mounting the pavement. The village road had many bends making exit from cul-de-sacs dangerous. New builds at Gretton and Winchcombe had resulted in a significant increase in traffic and Gotherington had become a rat-run. The addition of a new crossing point east of Manor Lane presented a significant risk to pedestrians due to an extremely poor line of sight for them and oncoming motorists. The developer's transport statement in relation to public transport was totally misleading and out of date; the 527 and T and D bus services no longer visited the village so there was no regular public transport. In addition, Gotherington School was at maximum capacity which meant that children from the proposed development were unlikely to secure a place leading to limited social integration which was contrary to Paragraphs 7.1 and 7.2 of the Officer's report. The site was on the periphery of the village and was too far from the Freeman Field's play facilities for small children to walk. Oxenton Parish Council had noted that the Tirlle Brook and its sewage system were already overwhelmed and, in heavy rain, sewage was discharged onto the road at Grange Farm and into gardens which would be worsened by the development. Manor Lane already provided a positive edge between the village and the countryside with single storey bungalows so two storey houses would destroy the visual amenity. The Joint Core Strategy Inspector's interim report stated that scattering large amounts of housing around Tewkesbury's villages was not the most sustainable approach and Members must refuse the application.
- 52.13 The Chair invited Christine White, representing Neighbours Bordering Truman's Farm, to address the Committee. She stated that the Council could not permit this development when the many harms vastly outweighed the benefits. The Area of Outstanding Natural Beauty of Nottingham Hill directly relied on the Special Landscape Area. Truman's Fields and the heritage railway sat in the heart of the wide valley between Dixton and Nottingham Hills and, if approved, thousands of railway passengers, stopping at Gotherington Halt, would look towards Dixton Hill to see a close and dominating view of houses and parked cars. The Campaign for Rural England confirmed that those who walked or rode in the Area of Outstanding Natural Beauty would also have a clear view of the estate concluding that "the proposed development would have a significantly adverse effect on the landscape, sufficient to warrant refusal". Gotherington's countryside could not be allowed to be destroyed when there were other potential building plots which would not have such

an adverse impact. In terms of encroachment, there would no longer be a gap between the village and the Area of Outstanding Natural Beauty. This development would encourage building into the third Truman's field, joining up with the Garden Centre and houses near Gotherington Halt. The Neighbours Bordering Truman's Farm believed that it was only a matter of time before the third field was promoted by a developer and the encroachment would continue; to accept houses on Truman's Fields would open the door to encroachment. The character of Gotherington was important to its residents; as you travelled east there was a gradual tapering away as historic cottages signalled the entrance to the countryside and a housing estate at the end of the village would be wholly incongruous, destroying the atmosphere, character and amenity of east Gotherington. Furthermore, houses planned to back directly onto homes in Manor Lane and would take away the privacy and amenity of peace and tranquillity. Residents would suffer from a huge increase in the number of comings and goings from vehicles and pedestrians at all times of the day and night which constituted unacceptable harm. The development would destroy the character and amenity of Gotherington and the beauty of its countryside forever, with harms indisputably outweighing any benefits, and the Neighbours Bordering Truman's Farm urged Members to reject the application outright.

- 52.14 The Chair invited the applicant's agent, Paul Fong, to address the Committee. Mr Fong indicated that he had some sympathy with the Parish Council and local residents but the Borough Council did not have a five year housing land supply or an adopted development plan. The Joint Core Strategy had not yet been agreed and the proposal to remove Twigworth from the strategic allocations would mean that an additional 1,300 houses would need to be found. The benefits of this proposal spoke for themselves: a valuable affordable housing contribution with 50% being provided onsite; 10% of the properties would be bungalows which would assimilate with the village; and the provision of Section 106 contributions including £229,383 towards primary school provision, £62,343 towards pre-school provision, £182,978 towards secondary school provision and over £200,000 towards sports facilities. The government had set a bold agenda to deliver 300,000 houses per year and the Council's general strategy for new housing growth was to develop service villages in sustainable locations such as this. No objections had been received from statutory consultees and the Landscape Consultant had advised that any impacts would be localised and would not adversely affect the character of the Special Landscape Area and the adjacent Area of Outstanding Natural Beauty. Overall, the planning balance was in favour of permitting the development.
- 52.15 A Member sought clarification as to the number of applications which were currently valid for housing development in Gotherington. The Planning Officer explained that, as well as this application for 65 houses, Members would be considering another application for 50 houses later in the meeting. Members had recently permitted an application for 10 houses, pending the completion of a Section 106 Agreement and a further application for 90 houses on land south of Ashmead drive was also pending; there may be other minor applications but these were the significant ones and would result in a total of 215 houses.
- 52.16 The Chair confirmed that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the conditions set out in the comments received from the County Highways Authority and the Council's Ecologist (with the exception of condition EC03) in Appendix 1 and in the Officer's report, and the completion of a Section 106 Agreement to secure the heads of terms set out within the Officer's report, as well as provision for the long term implementation of the Landscape and Ecology Management Plan and provision for the long term implementation of the maintenance plan for the Sustainable Drainage Systems (SuDS)/flood risk management measures, and he sought a motion from the floor. It was proposed and seconded that the application be refused. The proposer of the motion indicated that, as Members would have seen from the Committee Site

Visit, the proposed site was located in a very sensitive landscape area. The site was in open countryside within the Special Landscape Area and bounded the Area of Outstanding Natural Beauty and she believed that the proposal would have a considerable impact on the character of the area and views, particularly to and from Nottingham Hill. As Members had seen, the land was not flat, it rose from Gretton Road up to the boundary of the Area of Outstanding Natural Beauty, and any development would have a significant impact on the openness and character of the landscape. She pointed out that the Cotswold Conservation Board and Campaign for Rural England had also confirmed their objections in relation to the landscape impact issues. She went on to indicate that the Officer's report stated that the site was in Flood Zone 1. In 2016, there had already been flooding recorded by residents of Manor Lane and Gretton Road and there were concerns that the proposed development would add to the problems, both up and down stream. Furthermore, the Parish Council had identified that there were problems with the sewage pipes at the end of the village. In terms of other issues relating to the site, it had been identified that there were a number of animal species present within the site that were protected under UK and European law and the play and other facilities which would normally be expected within a development of this size could not be located on the site due to the sensitive nature of the landscape. The site was considered both within the Strategic Housing Land Availability Assessment and the Gotherington Neighbourhood Development Plan and neither had put it forward as suitable for housing which was an indication that the impact of any development on the site would be detrimental. As Members had heard, there were a lot of applications for housing in Gotherington and, if all were approved, the number of houses would increase by 31% which represented a substantial expansion of the village. As the Inspector had found in recent cases at Alderton, she believed that an increase of this size would have a detrimental impact on the community in Gotherington. The village hall could not accommodate more people; even now clubs were restricted on their activities and numbers. The developer was proposing a mix of properties within the proposed site, including bungalows which were encouraged within the Gotherington Neighbourhood Development Plan, however, the site was so far away from any of the facilities that elderly occupants would effectively be cut off from the village causing additional community cohesion problems. She went on to explain that there was no room for a footpath directly from the site down to the school without having to cross the road. The Committee Site Visit had been carried out at 0930 hours, missing the rush hour traffic when cars were parked along the length of Gretton Road with parents delivering their children to Gotherington School, effectively making it a single lane road for traffic to manoeuvre. At weekends, when Prescott Hill Climb was on, there was a constant flow of traffic to and from the venue making it a very busy road. She believed that the application should be refused on the grounds of the harmful impact to the Special Landscape Area and Area of Outstanding Natural Beauty; the proposal would not be sympathetic to the sensitive edge of the settlement location and would significantly encroach upon the character and appearance of the Special Landscape Area and the foreground of the Area of Outstanding Natural Beauty; the proposal would represent an isolated site in respect of connectivity to the village of Gotherington and its facilities; and the development would have a disproportionate effect on the village in terms of cumulative impact which would have a detrimental effect on social wellbeing, community cohesion and the vitality of the village.

52.17

A Member indicated that he would be supporting the proposal to refuse the application. He pointed out that the government had introduced the Localism Act in 2011 and had allowed residents of towns and villages to draw up their own Neighbourhood Development Plans so that they could have their say about development in their areas. Gotherington had worked very hard to produce a plan and, recognising that there would be growth, had identified where that would be best placed within its community. The Committee had heard from local residents, the Parish Council and the Ward Member who had stated that this was not the right site



for growth and Members should listen to them. A Member agreed that this was totally the wrong location for housing and he made reference to the inadequate drainage in the areas which had resulted in part of the Gloucestershire-Warwickshire railway being washed away. Another Member expressed the view that the proposal would cause significant landscape harm and would be totally unacceptable in terms of the number of properties and the proposed design which would be at odds with the existing linear pattern of development. If Members were minded to refuse the application, it was suggested that the fact that the current sewage system was overwhelmed, and there was no proposal to alter that, and the danger to highway safety in terms of the crossing arrangements should also be addressed within the refusal reasons.

- 52.18 The Development Manager explained that landscape harm was a judgement for Members to make. In terms of the isolation of the site and connectivity, whilst there were issues around accessibility, Gotherington was a service village within the Joint Core Strategy and it would be very difficult to sustain a refusal reason on that basis. With regard to wellbeing and social cohesion, it was noted that, in the event that both this scheme and the application which was due to be considered later in the meeting were permitted on top of the existing commitments, this would result in a 30% increase over and above the existing number of houses in the village. Whilst this would undoubtedly have an impact, it must be considered in the context of this particular village, and other service villages where development had been permitted, and this level of increase was proportionate to that. Part of the policy for service villages in the Joint Core Strategy was that they should be considered in terms of their relationship with Cheltenham and Gloucester; Gotherington was less remote from Cheltenham than areas such as Toddington and Alderton, which had already seen an increase in housing, and more weight should be given to its designation as a service village as a result. In terms of the sewage issue, the Planning Officer confirmed that Severn Trent Water had raised no objection to the application on the basis that the sewage connection could be made and would be acceptable. With regard to the conflict between vehicles and pedestrians, Members were reminded that County Highways had raised no objection to the application, subject to conditions. Officers were acutely aware of the problems already experienced by vehicles travelling through Gotherington, particularly at school pick up and drop off times, but traffic was calmed naturally and speeds reduced by the very nature of the place. With that in mind, and considering the lack of objection from County Highways, it would be difficult to sustain an objection on highway safety grounds.
- 52.19 The proposer of the motion accepted the Development Manager's advice in terms of refusal reasons; however, she continued to have concerns over the social cohesion aspect. She drew attention to Page No. 418, Paragraph 16.4 of the Officer report, which set out that, when considered cumulatively along with the permitted 17 dwellings at Shutter Lane and the resolution to permit 10 dwellings at Gretton Road, the proposal would result in a 20% increase to the number of houses in the village. This would be sizeable enough to have an adverse effect on the social wellbeing of the community compared to other service villages in the Borough and she believed that should be addressed within the refusal reasons taking account of the fact that other sites were favoured within the Gotherington Neighbourhood Development Plan. The Development Manager explained that, whilst it was true that the government had introduced localism, the Neighbourhood Development Plan was subject to the same rules as any other development plan; there were housing land supply issues and, even when it had been adopted, the Neighbourhood Development Plan may immediately be out of date in the context of the National Planning Policy Framework. In terms of social cohesion, his advice would be that a refusal reason could be included based on the addition of 65 dwellings, as well as those already permitted within the village, which would result in cumulative development of the village that would be of a scale disproportionate to the existing settlement and, as such, the proposed development would fail to enhance the vitality

of Gotherington and would have a harmful impact on the social wellbeing of the local community, risking the erosion of social cohesion. A Member pointed out that the Joint Core Strategy Inspector had stated that a lack of housing supply should not be addressed by distributing housing across the rural community and the Development Manager confirmed that, whilst that was true in terms of what the Inspector had said, it could not be taken into account as the housing figures were not yet fixed. Members were advised that, if they were minded to refuse the application, it would also be necessary to include technical reasons related to the Section 106 Agreement not being signed. In response to a query, Members were informed that this was an outline application so, from an Officer point of view, there were no objections on design grounds at this stage.

- 52.20 The proposer and seconder of the motion indicated that they were happy with the changes to refusal reasons suggested by the Development Manager and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** with reasons for the refusal to be drafted by Officers on the basis that the proposal, by virtue of its urban character and prominent open location would represent significant encroachment into the surrounding landscape which would be unsympathetic to the settlement edge of Gotherington Village and would therefore have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty; the proposed addition of 65 dwellings, in addition to those already permitted in the village, would result in cumulative development of the village which would be of a scale disproportionate to the existing settlement, as such, the proposed development would fail to maintain or enhance the vitality of Gotherington and would have a harmful impact on the social wellbeing of the local community risking the erosion of community cohesion; in the absence of an appropriate planning obligation, the application does not provide housing that would be available to households which could not afford to rent or buy houses available on the existing market, it does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community, nor for the delivery of education, library and community infrastructure, nor the long term implementation of the ecological management measures required to make the development acceptable in biodiversity terms and the long term maintenance of off-site drainage infrastructure essential to make the development acceptable in flood risk terms.

**16/00663/APP – Part Parcel 0085, Land West of Bredon Road, Tewkesbury**

- 52.21 This application was for the reserved matters details of layout, scale, external appearance and landscaping for the development of 68 residential units along with public open space and associated drainage and highways infrastructure, pursuant to outline permission ref: 14/00211/OUT.
- 52.22 The Development Manager advised that this application had been deferred at the last Planning Committee meeting to enable further drainage information to be submitted and assessed to ensure that the development would not be at risk of flooding, nor would increase the risk of flooding elsewhere. The original Flood Risk Assessment submitted with the outline planning application established the need for a surface water connection to the drainage ditch to the north and that was what was being proposed. The Additional Representations Sheet set out further details in respect of the proposed surface water drainage; the on-site storm water sewer system had been designed to accommodate the 1:100 year plus 30% climate

change event without causing flooding of the site. Due to the relatively small catchment area associated with the development, the agent had suggested that the storm water flows reached the system relatively quickly and therefore began to discharge prior to river flood levels reaching the site. The applicant had also introduced a flap valve on the outfall to prevent flood waters backing up into the system. In terms of periods when the outfall may be submerged, it was felt that providing additional storage volume within the site was not sustainable and would have serious consequences in terms of viability and delivery of the proposed housing. Therefore, it was proposed to utilise a high level storm water outfall set just above the maximum flood level which would discharge surcharged flows onto the existing floodplain in an extreme event. At the last meeting, Members had raised concern about the proposal to locate some of the surface water attenuation features within Flood Zone 3 and the Development Manager confirmed that the built form would be located solely within Flood Zone 1, the lowest risk area. The County Highways Officer was broadly happy with what was proposed, however, there had been some discussion in respect of the tracking of refuse vehicles in two small areas of the site. Whilst the Additional Representations Sheet stated that the recommendation was to approve the application, Members were advised that this had been amended and it was now recommended that authority be delegated to the Development Manager to approve the application, subject to confirmation from County Highways that those arrangements were acceptable.

52.23 A Member questioned where the surface water attenuation features were actually located and the Flood Risk Management Engineer advised that the high level overflow was in Flood Zone 2 which was acceptable in terms of the National Planning Policy Framework. The outfall flat valve arrangement was in Flood Zone 3 and was designed to stop river water from coming back out of the system. If there was more water on the site from additional rainfall, the flat valve would still discharge because of the height differential. The Member raised concern that, if the outfall was submerged, the level of water discharging into the floodplain would increase and there was a danger of water rising up into Flood Zone 2 where there was some development. Members were informed that there was a natural perception that would be the case, however, levels did not just rise and fall in a linear manner and the point of discharge did not make a difference in this instance. The Member went on to indicate that she had read that the levels of the proposed housing would be raised and she understood that was unacceptable in terms of the impact of climate change on future flooding. The Flood Risk Management Engineer clarified that all development would be within Flood Zone 1 which was the lowest risk area and raising levels by 600mm to avoid the maximum level of flooding anticipated in catastrophic events, which fortunately had not been experienced here, was standard practice.

52.24 The Chair invited the applicant's representative, Rhian Powell, to address the Committee. She indicated that she was the Planning Manager for Bellway Homes and this reserved matters application followed the grant of outline planning permission in 2015. The principle of 68 dwellings on the site had therefore been established and it was only the detailed matters of layout, scale, appearance and landscaping that were before Members for approval. As Members were aware, the application had been deferred at the Planning Committee meeting on 25 October 2016 which the applicant had been disappointed with, although they understood that the main concerns were with regard to flood risk and drainage and they had been working with Officers on those particular points. She wished to clarify that the scheme was entirely in accordance with the drainage proposals considered to be acceptable by the appeal Inspector at the outline stage. All of the built development was located within Flood Zone 1; the only part of the site located within Flood Zones 2 and 3 was the retained Public Open Space area. Existing site levels were not being altered within Flood Zones 2 and 3 and, as required within the outline planning permission, the finished floor levels of the new units would be set at a minimum of

600mm above the flood zone level, or 13.75 AOD. Sufficient attenuation storage was provided on-site in order to ensure that development met the greenfield run-off rate, including climate change. Forms of sustainable urban drainage would also be incorporated into the scheme including areas of permeable paving and water butts. Overall the proposal had been considered in detail by the Environment Agency and the Council's Flood Risk Management Engineer; both had confirmed that they had no objections and the scheme would not be at unacceptable risk of flooding and would not increase the risk of flooding downstream. A separate application had been submitted for a surface outfall connection to an existing drainage ditch to the north of the site. This was fully in accordance with the drainage strategy approved with the outline planning application; however, the connection lay outside of the original site which was why the separate application was required. It was also worth noting that an earlier application for 23 units was also approved showing a surface water outfall in this location and that could be implemented today. Both the Environment Agency and Flood Risk Management Engineer had confirmed that the surface water outfall application was acceptable. She confirmed that all of the drainage infrastructure would be adopted and maintained by Severn Trent Water with the cellular storage below private drives maintained by the private management company. With regard to the proposed layout and design of the scheme, she advised that the applicant had worked closely with the Council's Urban Design Officer to make revisions to the layout and amend the house type elevations and this had been found to be acceptable. In summary, the scheme provided 68 much needed residential dwellings for Tewkesbury, including 35% affordable homes, and should be approved.

- 52.25 The Chair confirmed that the Officer recommendation was that authority be delegated to the Development Manager to approve the application, subject to the resolution of outstanding highways matters i.e. vehicle tracking, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A local Member indicated that Members had not wanted to see housing in this area but the outline planning permission had been allowed on appeal. The problem was that any overflow from the tank which would hold the water would go into the floodplain so, whilst these houses would not flood, the ones further down would be affected, as they had been in 2007. He doubted that the rise in the flood level would be 'negligible', as the applicant's representative had stated, and he indicated that he could not support any application which could potentially increase flooding in Tewkesbury. Several Members shared this view but felt that they were being held to ransom by the government. A refusal was likely to result in a further appeal with the decision ultimately being overturned and therefore they had no choice but to support the proposal. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the resolution of outstanding highways matters i.e. vehicle tracking.

**16/00668/FUL – Land West of Bredon Road, Tewkesbury**

- 52.26 This application was for the provision of drainage headwall and surface water outfall connection from proposed residential development in the south to existing drainage ditch.
- 52.27 The Chair indicated that there were no public speakers for this item. It was noted that the Council's Flood Risk Management Engineer had confirmed that the drainage details were suitable and therefore the Officer recommendation was now

for permission. The Chair sought a motion from the floor and it was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

**16/00965/FUL – Parcel 7561, Malleson Road, Gotherington**

- 52.28 This was an outline application for the construction of up to 50 dwellings, the formation of a new vehicular access onto Malleson Road, pedestrian and cycle links to Malleson Road and Shutter Lane, the laying out of public open space and landscaping, and associated infrastructure. The Committee had visited the application site on Friday 18 November 2016.
- 52.29 The Chair invited Councillor Howard Samuels, representing Gotherington Parish Council, to address the Committee. Councillor Samuels advised that Gotherington had been designated as a service village and accepted that it had responsibilities to provide 71 dwellings as identified by the Joint Core Strategy. The Localism Act of 2011 stated that decision-making should be at a local level and this had been the driver behind the Gotherington Neighbourhood Development Plan. 93% of residents had voted that they wanted to see multiple sites for development with approximately 16 dwellings on this particular site to mirror the houses on the opposite side of Malleson Road. Having 50 dwellings on this site would be at odds with the rest of the relatively small cul-de-sacs off Malleson Road and they certainly did not want to establish a housing estate which would be completely alien in a linear village such as Gotherington. He pointed out that the Inspector for the Joint Core Strategy had said in March 2016 that scattering such a large amount of housing around the Tewkesbury villages would not be the most sustainable approach. This development site lay between Malleson Road and Shutter Lane and was known as Lower Gotherington. Shutter Lane, with its medieval parts and listed buildings, already had 17 dwellings being developed and if the developers had their way a further 50 dwellings would border another part of the Lane; in other words, the bulk of Gotherington's housing commitment would be centred around the same area. This would equate to a further 80 vehicles and, according to the latest figures of 2.3 per household, would mean a minimum of 115 people; a significant increase to the present population. An estate of this size would be difficult to absorb into village life and would certainly damage the social cohesion of the village. A recent application to the east of the village had just been reduced in size from 27 to 10 dwellings as the Council's Urban Design Officer felt that there should be a tapering off of the village settlement yet, to the west of the village, the proposal by the developers was to increase the size from 16 to 50 so he trusted that the same would apply to this application. Therefore, the Parish Council asked Members to refuse the application for 50 dwellings and agree only to the 16 as detailed within the Gotherington Neighbourhood Development Plan endorsed by the Parish Council and local residents.
- 52.30 The Chair invited Ian Butler, a local resident speaking against the application, to address the Committee. Mr Butler indicated that a large number of objections had been received from people who strongly opposed the development which was not compliant with the National Planning Policy Framework. Section 6, Paragraph 55, stated that housing should be located where it would enhance or maintain vitality of rural communities but this application was for 50 houses in an unsuitable location, going against the known and democratically expressed wishes of that community. Section 7, Paragraphs 58 and 61 of the National Planning Policy Framework, set out that planning policies and decisions should aim to ensure that developments functioned well and added to the quality of an area; establish a strong sense of place; respond to local character and history; be visually attractive; and address connections between people, places and the integration of new developments into the natural, built and historic environment. This application clearly failed to meet

each of those criteria; it would not function well or add to the quality of the area and it would overwhelm the overloaded infrastructure, schools, medical services and local roads. Gotherington already had a strong sense of place and a vibrant thriving community of all ages. The proposal was not in keeping with the rest of the village and the Council's Urban Design Officer had previously stated that any development should taper to the edges. An urban estate completely out of character with a rural village would be a total eyesore and did not comply with the National Planning Policy Framework. Page No. 438, Paragraph 6.8 of the Officer report, set out that the site constituted Grade 2 farmland and, as such, the proposal would result in the loss of 3.64 hectares of Best and Most Versatile (BMV) land which conflicted with the National Planning Policy Framework and weighed against the overall planning balance. In terms of social cohesion, the village school and clubs were oversubscribed and Bishop's Cleeve Secondary School was also at capacity. Children of this development would be unable to go to school or join clubs with their village peers and there would be increased isolation and disconnection as a result. Furthermore, the inadequate bus service ran once an hour during the day, not evenings or Sundays, and the 100 or more vehicles which would be generated by the development would pose a grave safety risk in the village and at the A435 junction; widening the junction was not the solution. He also pointed out that there was no mention of the horse riders who used Malleson Road. Opposite the development site there had been sewer blockages which had resulted in gardens being filled with raw sewage, a problem which would be exacerbated by a further 50 additional homes, and the advice given by Severn Trent Water contradicted the residents' experience. Gotherington was at least 30 minutes from the nearest manned Fire Station and a large increase in the number of houses increased the risk of domestic fires yet the emergency services were not considered in the application or the Officer's report. He stressed that the local residents were not anti-development and their engagement with the Gotherington Neighbourhood Development Plan showed how invested and active they all were to ensure that properly planned development could be undertaken without destroying the vibrant, cohesive community and that they would not have to live with the consequences of poor planning decisions. Policy directives gave Members clear authority to dismiss this unwelcome, premature and opportunistic application and he considered that there was no other logical and defensible conclusion than to reject the application.

52.31 The Chair invited Owen Jones, speaking on behalf of the applicant, to address the Committee. Mr Jones explained that the applicant, Charles Church Developers Ltd. had an unrivalled reputation for quality and design. This application was to develop a parcel of land to the west of Gotherington which had a role to play in accommodating new housing in the future. The land was not within an Area of Outstanding Natural Beauty or Special Landscape Area and part of the site was included in the emerging Neighbourhood Development Plan as it had received the most support from the community as a future development site. 50 new properties were proposed ranging from two bedroom bungalows to five bedroom homes and the arrangement of the development reflected the morphology of the village's linear pattern south of Malleson Road. The Landscape and Conservation Officers had raised no objection, either in principle or in terms of the arrangement of the built form and no other objections had been raised by any statutory consultees. He pointed out that half of the site was open space and there had been positive discussions with the Parish Council around the future use and management of this community asset. A satisfactory and safe means of access could be provided along with improvements to Gotherington Cross and there was no further risk in terms of drainage. A number of planning obligations had been discussed including affordable housing provision, open space, education, recreation and library contributions and the development would be a positive addition which would increase the supply of housing and would be in accordance with the presumption in favour of sustainable development set out within the National Planning Policy Framework. He provided assurance that, if Members were minded to permit the application, the applicant would continue to

work with Officers to achieve the highest possible design when it was dealt with at the reserved matters stage.

- 52.32 A Member sought an update on the status of the highway safety scheme at Gotherington Cross junction as he could not see a definitive statement of what was being proposed. The Planning Officer explained that the scheme had been designed on behalf of Gloucestershire County Council and the developer had agreed to fund its implementation. A condition to that effect had been included in the Officer recommendation. The scheme itself had been detailed in the transport assessment which had been submitted with the application and included various different improvements to the junction. A Member expressed the view that traffic lights and a roundabout would be the safest option and she hoped that the proposals would be adequate.
- 52.33 The Chair confirmed that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member questioned whether the plan at Page No. 449/B of the Officer report was an accurate representation of the layout of the site and was informed that it was indicative at this stage and, if Members were minded to permit this outline application, the applicant may come back with an alternative scheme within the reserved matters application. In response, the Member queried whether a condition could be included in the planning permission to ensure that the layout within the plan was adhered to and he was advised that this was possible if Members felt strongly that the reserved matters should be substantially in accordance with the outline indicative plan.
- 52.34 The local Member indicated that the Parish Council and local residents had worked hard to formulate the Gotherington Neighbourhood Plan which was being submitted for inspection imminently. A great deal of residents were very disappointed that this site had been put forward for residential development but Members and Officers knew that there must be sound planning reasons to justify a refusal given that the Council was not able to demonstrate a five year housing land supply; this was enormously disappointing for her as the local Member. She advised that the Parish Council had made a request to have the first option on additional green spaces and she asked that this be a condition of the planning permission, should Members be minded to delegate authority to the Development Manager to approve the application. The Development Manager advised that it would be important to set out exactly what the Parish Council wanted and he would not recommend conditioning the outline application on that basis.
- 52.35 A Member expressed the view that it would be difficult to sustain a refusal on sound planning grounds, particularly given the proximity of the site to Cheltenham. The proposer of the motion pointed out that one benefit of delegating authority to permit this application was that the Council would be able to retain some influence and control over the fundamental details which mattered most to residents on the ground whereas if the application was refused, and subsequently allowed on appeal, that control would be lost. Gotherington had been identified as a service village within the Joint Core Strategy and this site was included within the Neighbourhood Development Plan; in his view this was the most sensible site for the development of the village and there were benefits in terms of securing highway safety improvements to a very dangerous junction. The proposer and seconder of the motion went on to confirm that they were happy to include a condition to secure the illustrative masterplan and, upon being taken to the vote, it was

**RESOLVED**

That authority be **DELEGATED** to the Development Manager to **PERMIT** the application in accordance with the Officer

recommendation, subject to the completion of a Section 106 Agreement and the inclusion of a condition to secure the illustrative masterplan.

**16/00714/FUL – 20 Beverley Gardens, Woodmancote**

52.36 This application was for a single storey side/rear extension with dormer window to the rear.

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

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

**16/00877/FUL – Land Adjacent to Churchdown Community Centre, Parton Road, Churchdown**

52.38 This application was for a two storey medical centre (Class D1) including ancillary pharmacy and associated car parking and landscaping.

52.39 The Chair invited Dr Jeremy Halliday, a representative for the applicant, to address the Committee. Dr Halliday indicated that he had been a senior partner at the surgery for 25 years and the application sought to establish new premises for Churchdown. The current premises had a net internal area of 350sqm which, by modern standards, was a facility for 7,000 patients; the surgery currently had a patient list of 14,000 and this could potentially rise to between 18,000 and 21,000 with the planned housing development in Churchdown over the next five years. This was recognised by the NHS, which was fully funding the scheme, as the medical centre was the number one priority for primary care development within Gloucestershire. Therefore, any changes to the scheme would require a business case to be submitted to the NHS which could put the facility at risk. It was noted that the proposal was also supported by the patient participation group. Dr Halliday indicated that the objections on the basis of location and access had been taken on board and the developer had confirmed that the access was standard for this type of facility. In terms of car parking, the current premises had eight spaces whereas the new development would include 67 spaces, the maximum permitted by the NHS. The surgery would generally open from Monday-Friday between 0900 hours and 1700 hours; there was no intention of opening evenings or weekends. The surgery would be more than happy to share the car parking with the local community centre next door so the proposal would increase parking available for the community. The land had been provided by the Churchdown Community Association and the last piece of the jigsaw was to gain planning permission from Tewkesbury Borough Council so he urged Members to support the proposal without delay.

52.40 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion explained that the Churchdown Practice covered a large area including Badgeworth, Staverton, Down Hatherley and Innsworth and she fully supported the plans to create a two storey medical centre which was much needed. She welcomed the additional parking spaces which would be provided given the large catchment area for the surgery which meant that people had no option but to arrive by car and she hoped that the proposal would be supported by Members. Upon being put to the vote, it was

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

**16/01059/FUL – 3 Finch Road, Innsworth**



- 52.41 This application was for a pair of semi-detached dwellings, associated access, parking and landscaping.
- 52.42 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the consultation response from the Highways Authority was 'standard advice' and she sought clarification as to what that meant. The Development Manager explained that, because of capacity issues, the Highways Authority did not look at every application individually and they had provided some standing advice against which to measure proposals e.g. details of visibility splays etc. Upon being taken to the vote, it was

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

**16/01086/FUL – 7 Ashlea Meadow, Bishop's Cleeve**

- 52.43 This application was for a loft conversion with rear dormer and side window.
- 52.44 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.

**16/01096/FUL – 42 Brookfield Road, Churchdown**

- 52.45 This application was for the separation of part of the rear garden to 42 Brookfield Road and erection of a new four bedroom detached house with integral garage served by new private drive.
- 52.46 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

**PL.53 DEVELOPMENT CONTROL - APPLICATIONS TO THE COUNTY COUNCIL**

- 53.1 The following decision of Gloucestershire County Council was **NOTED**:

<b>Site/Development</b>	<b>Decision</b>
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15/00987/CM  
Land at Shurdington Road  
Shurdington

Retention of the Waste Transfer Station by variation of condition 2 of temporary planning permission 14/0046/TWMAJW dated 21/08/2014 which limited the life of the site until 21 August 2015.

Application **PERMITTED** subject to conditions in relation to the commencement of development; restoration and aftercare; scope of the permission; permitted development; hours of operation; pollution prevention; highway safety; environmental protection and landscaping for the following summary of reasons:

“Temporary planning permission has been granted by Planning Committee for a further period of 10 years, rather than the permanent retention of the site which the operator sought, due to the Green Belt location and permits the applicant more time to seek an alternative non-Green Belt site. The proposal represents a relatively small scale waste recycling operation; the site is located within the Gloucester Cheltenham Green Belt, where planning permission would not normally be granted because the operation would not preserve the openness of the rural area in accordance with the National Planning Policy Framework.

Whilst one statutory consultee has objected to the proposal, 26 local residents and businesses have objected to the continued use of the site for waste recycling. Objections have been raised on the grounds of noise and dust and traffic generated by the site. A condition requiring the submission of a scheme to surface the access road between the public highway and the site entrance has been imposed in order that the concerns about mud and dust and noise can be addressed. The proposals have taken into account their impact on the environment and impact on the local highway network in accordance with Policy 37 of the Gloucestershire Waste Local Plan. The benefits of retaining the site, albeit for a temporary period, are considered to outweigh the harm caused to the Green Belt and that very special circumstances applied which provided justification in accordance with Policy WCS13 of the Waste Core Strategy. The resolution of the Planning Committee was that very special circumstances existed that clearly outweighed any potential harm to the Green Belt by virtue of economic, environmental and wider sustainability benefits of this particular site, subject to it being limited to a ten year period.”

**PL.54 REVIEW OF PROTOCOL FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS**

- 54.1 Attention was drawn to the report of the Borough Solicitor, circulated at Pages No.30-113, which set out the outcomes of a review of the Protocol for Councillors and Officers Involved in the Planning Process. The Planning Committee was asked to consider the proposed amendments to the Protocol and to put forward any comments for consideration by the Standards Committee at its meeting later that afternoon prior to being taken to the Council meeting on 6 December 2016.
- 54.2 The Borough Solicitor reminded Members that a new Protocol had been adopted by Council in April 2015. This had coincided with the introduction of the Scheme for Public Participation at Planning Committee which the Council had since resolved to continue on a permanent basis. After being operational for 12 months, the Protocol had been reviewed by a Joint Working Group of Members from the Planning and Standards Committees and, as well as grammatical and typographical errors, two minor amendments had been identified. The first related to the practice of allowing Parish Council representatives to attend Site Visits to point out any factual information they felt was necessary. Unfortunately, this had not tended to be the general experience and there had been occasions when the representatives had attempted to give their views on the application which had resulted in a perception that the process was not open or transparent given that no other statutory consultees were permitted to attend. It was noted that Parish Councils now had an opportunity to express their views through the Scheme for Public Participation at Planning Committee and, on that basis, the Working Group had considered that Parish Council representatives should no longer be invited to attend Committee Site Visits. The second amendment related to the Advance Site Visits briefing which was included as a item on the Planning Committee Agenda each month and intended to set out those applications which would be subject to a Committee Site Visit at the appropriate time. The Borough Solicitor understood that this had not worked particularly well in practice and the document had not been populated for some time. The Working Group considered it to be unnecessary given the arrangements within the Scheme for Public Participation and the new Protocol and it was recommended that this no longer be included on the Agenda. The Standards Committee was due to meet later that afternoon to consider the same report and to take on board any comments which Members may have.
- 54.3 A Member indicated that having Parish Council representatives on site could be useful in terms of local knowledge and, whilst she understood that it was not acceptable for them to express a view, she questioned whether Parish Councils would still be informed when Committee Site Visits were taking place to give them an opportunity to submit any factual information which they felt should be taken into account by Members. The Borough Solicitor advised that, if the revised Protocol was approved by Council on 6 December, it would be necessary to write to Parish Councils to advise them of the changes; putting submissions to Councillors in writing seemed like a good alternative if they were no longer permitted to attend site visits and this could be suggested in the letter. The Vice-Chair, who had sat on the Working Group, explained that one of the problems with the current Committee Site Visit procedure was that Parish Councillors sometimes gave their personal views as opposed to the views of their Parish Council. The introduction of the Scheme for Public Participation at Planning Committee had helped to address this. Several Members supported this view and recognised the importance of transparency in the planning process.
- 54.4 A Member indicated that most Parish Councillors volunteered for Committees and therefore the majority had received no formal training in planning procedures which could be an issue going forward. In connection with this, a Member questioned when the Planning Committee would be receiving additional training and the

Borough Solicitor advised that this was being arranged for February and Members would receive more details in due course.

54.5 Having considered the information provided, and views expressed, it was

**RESOLVED** To recommend to the Standards Committee that the revised Protocol for Councillors and Officers Involved in the Planning Process be **RECOMMENDED TO COUNCIL** for **APPROVAL**.

**PL.55 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

55.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 114-119. Members were asked to consider the current planning and enforcement appeals received and the Department of Communities and Local Government appeal decisions issued in September and October 2016.

55.2 A Member indicated that he was amazed with the decision to allow the proposal for 23 dwellings in Gretton; this would be substantial development for a village of its size. Furthermore, Gretton had not been identified as a service village in the Joint Core Strategy and he questioned whether a different approach should be taken when developing the Borough Plan i.e. considering all villages and hamlets for development. The Development Manager indicated that Officers were disappointed with the overall decision as the Council's case had been well put across but, unfortunately, on this occasion the Inspector had preferred the evidence put forward by the appellant.

55.3 It was

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

**PL.56 ADVANCED SITE VISITS BRIEFING**

56.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 120, which set out those applications that had been identified as ones which would be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they would be considered. Members were asked to note the applications contained within the briefing.

56.2 It was

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

The meeting closed at 11:50 am

## Appendix 1

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

Date: 22 November 2016

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

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

<b>Page No</b>	<b>Item No</b>	
390	1	<p><b>16/00601/FUL</b></p> <p><b>Teddington Hands Service Station, Evesham Road, Teddington,</b></p> <p>Comments from applicant's Landscape Consultant <b>attached</b>.</p> <p><b>Officer comments</b> - As set out in the report a previous application was refused on harmful landscape impact grounds with inappropriate and inadequate mitigation which included bunds of a lower height (2.25m). The revised scheme fails to address the previous concerns raised and, in fact, proposes a more inappropriate mitigation scheme. This is despite pre-application discussions being held which involved the Council's Landscape Consultant and concerns again raised by him in July to the proposed revised scheme.</p>
404	4	<p><b>16/00539/OUT</b></p> <p><b>Land At Truman's Farm, Manor Lane, Gotherington</b></p> <p><b>Additional representations –</b></p> <p><b>Local residents</b></p> <p>Members will have received an email from a local resident raising concerns about the Officer recommendation. A copy of that email is also <b>attached</b>.</p> <p>A further representation has been received from a local resident raising concerns that the proposal does not comply with TBLP Policy RCN1 in the provision of easily accessible playing space, and the social infrastructure of Gotherington (school, village hall and recreational facilities) does not have the capacity to expand to deal with the impact of the development.</p> <p><b>Highways</b></p> <p>Comments have now been received from the County Highways Authority (CHA) (<b>see attached</b>). No objection is raised subject to conditions. A number of advisory notes are also recommended.</p> <p><b>Ecologist advice</b></p> <p>Comments have now been received from the Council's Ecologist (<b>see attached</b>). It is recognised that this is a complex site that requires a range of ecological mitigation, both procedurally and spatially, in order to make the proposal acceptable from an ecological perspective. An ecological mitigation framework plan, ecological features and zones for ecological mitigation, which can be referenced in any positive decision, has been requested by the Ecologist and has now been provided by the applicant. Accordingly, no objection is raised subject to</p>

conditions.

### **Position update regarding ecological matters**

It is well established in case law (including *Morge v Hampshire CC* (2011)) that, where European Protected Species are present on an application site, the Local Planning Authority must apply the three derogation tests pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010. These are:

- the development should be in the interests of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- there must be no satisfactory alternative, and
- the favourable conservation status of the European Protected Species in their natural range must be maintained

The Council's Ecologist has confirmed that the third test can be satisfactorily met provided the ecological mitigation framework plan and recommended conditions are implemented. With regard to the first and second tests, it should be noted that the application proposes a significant housing development in an area where a five year supply of housing land cannot be demonstrated. The contribution that this proposal will make to the supply of housing land within the Borough, including affordable housing, is considered to represent an imperative reason of overriding public interest of a social nature. Similarly, as the Council cannot demonstrate a five year supply of deliverable housing sites it can only be concluded that there are no satisfactory alternatives to the proposed development. In the opinion of Officers therefore, the proposal satisfies all three derogation tests.

On the above basis and in light of the Ecologist's advice, it can be concluded that the proposal complies with the relevant legislative and policy framework set out at Paragraphs 13.1 and 13.2 of the Officer report. The ecological impacts are therefore acceptable.

### **Recommendation**

It is recommended that the conditions required by the CHA and the Ecologist are attached to any planning permission granted with the exception of condition EC03 within the Ecologist's comments. This condition would conflict with the access proposals shown on the indicative site layout. The Ecologist has subsequently confirmed that the retention of the hedge referred to in the condition is not matter upon which ecological mitigation rests. Furthermore, Officers consider that the impact associated with not retaining this small section of hedge would be outweighed by the benefits resulting from the direct plot access (i.e. integration with the village).

It is also recommended that the long-term implementation of the LEMP required by Condition EC01 within the Ecologist's comments is secured via a Section 106 agreement (i.e. through a management company). This requirement also needs to apply to the maintenance plan for the SuDS/flood risk management measures pursuant to condition 14 within the Committee report.

On this basis it is recommended that authority is **DELEGATED to the Development Manager to permit the application, subject to the conditions set out in the comments received from the County Highways Authority and the Council's Ecologist (with the exception of condition EC03) and in the Officers report, and the completion of a Section 106 legal agreement to secure the heads of terms as set out in the officer report and to include the following:**

		<ul style="list-style-type: none"> <li>- <b>provision for the long-term implementation of the LEMP;</b></li> <li>- <b>provision for the long term implementation of the maintenance plan for the SuDS/flood risk management measures.</b></li> </ul>
423	5	<p><b>16/00663/APP</b></p> <p><b>Part Parcel 0085, Land West Of Bredon Road, Bredon Road, Tewkesbury, Town Council</b> - Objection - Our opinion remains unchanged. If approved we would like to discuss S106 contributions.</p> <p><b>Agent</b> - Further details have been submitted in respect of the proposed surface water drainage. Consideration has been given to the operation of the outfall during periods when it is potentially ineffective due to flooding. The on-site storm water sewer system has been designed to accommodate the 1:100yr + 30% climate change event without causing flooding of the site. Due to the relatively small catchment area associated with our development storm water flows reach the system relatively quickly and therefore begin to discharge prior to river flood levels reaching the site, The applicant has also introduced a flap valve on the outfall to prevent flood waters backing up into the system. A revised Sustainable Drainage Strategy Statement has also been submitted.</p> <p>In terms of periods when the outfall may be submerged it is felt that providing additional storage volume within the site is not sustainable and would have serious consequences in terms of viability and delivery of the proposed housing. Therefore, it was proposed to utilise a high level storm water outfall set just above the maximum flood level which would discharge surcharged flows during an extreme event onto the existing flood plain. Given the very large flood plain area the dissipation of flows onto the flood plain is considered to result in a negligible rise in flood levels within the site. Furthermore, given that finished floor levels are set at least 600mm above the maximum flood level there would be no resultant flooding within the site. The overland flow route for storm water discharging from the high level outfall would be away from the development and onto the floodplain. The engineering layout has been amended to include an area of cellular reinforcement to the area downhill of the overflow manhole to prevent any erosion of the ground when the overflow is in use.</p> <p><b>Flood Risk Management Engineer</b> - Whilst the 'red line' ownership boundary does encroach into Flood Zone 2 and 3, the sequential design approach to the proposed residential development results in the built form being solely located in the lowest risk area - Flood Zone 1.</p> <p>The design utilises areas of pervious surfacing which is welcomed and favoured. Pervious surfaces are an efficient means of managing surface water and eliminate surface ponding and surface ice by storing rainwater in the underlying structural layer. Not only does this provide an effective means of intercepting runoff, reducing the volume and frequency of runoff but it also provides an excellent treatment medium for water quality improvements.</p> <p>The layout and landscaping of the site should route flood water resulting from exceedance rain events away from any vulnerable property, and avoids creating hazards to access and egress routes.</p> <p>The applicant has included a non-return valve at the discharge point to protect the site from rising flood water. Even if submerged, the flap valve arrangement still has a capacity to discharge due to the potential head differential the on-site levels give. However, as an extra level of protection they have included a high level 'overflow' chamber arrangement which is appreciated.</p>

		<p><b>Recommendation</b></p> <p>Given that the Flood Risk Management Engineer has confirmed the drainage details are suitable, the application is recommended for <b>Approve</b>.</p>
429	6	<p><b>16/00668/FUL</b></p> <p><b>Land West Of, Bredon Road, Tewkesbury</b></p> <p><b>Agent</b> - Further details have been submitted in respect of the proposed surface water drainage. Consideration has been given to the operation of the outfall during periods when it is potentially ineffective due to flooding. The on-site storm water sewer system has been designed to accommodate the 1:100yr + 30% climate change event without causing flooding of the site. Due to the relatively small catchment area associated with our development storm water flows reach the system relatively quickly and therefore begin to discharge prior to river flood levels reaching the site, The applicant has also introduced a flap valve on the outfall to prevent flood waters backing up into the system. A revised Sustainable Drainage Strategy Statement has also been submitted.</p> <p>In terms of periods when the outfall may be submerged it is felt that providing additional storage volume within the site is not sustainable and would have serious consequences in terms of viability and delivery of the proposed housing. Therefore, we propose to utilise a high level storm water outfall set just above the maximum flood level which would discharge surcharged flows during an extreme event onto the existing flood plain. Given the very large flood plain area the dissipation of flows onto the flood plain is considered to result in a negligible rise in flood levels within the site. Furthermore, given that finished floor levels are set at least 600mm above the maximum flood level there would be no resultant flooding within the site. The overland flow route for storm water discharging from the high level outfall would be away from the development and onto the floodplain. The Engineering layout has been amended to include an area of cellular reinforcement to the area downhill of the overflow manhole to prevent any erosion of the ground when the overflow is in use.</p> <p><b>Flood Risk Management Engineer</b> - The proposal is read in conjunction with the approval of reserved matters application which also appears on the schedule. Whilst the 'red line' ownership boundary does encroach into Flood Zone 2 and 3, the sequential design approach to the proposed residential development results in the built form being solely located in the lowest risk area - Flood Zone 1.</p> <p>The design utilises areas of pervious surfacing which is welcomed and favoured. Pervious surfaces are an efficient means of managing surface water and eliminate surface ponding and surface ice by storing rainwater in the underlying structural layer. Not only does this provide an effective means of intercepting runoff, reducing the volume and frequency of runoff but it also provides an excellent treatment medium for water quality improvements.</p> <p>The layout and landscaping of the site should route flood water resulting from exceedance rain events away from any vulnerable property, and avoids creating hazards to access and egress routes.</p> <p>The applicant has included a non-return valve at the discharge point to protect the site from rising flood water. Even if submerged, the flap valve arrangement still has a capacity to discharge due to the potential head differential the on-site levels give. However, as an extra level of protection they have included a high level 'overflow' chamber arrangement which is appreciated.</p>



		<p><b>Recommendation</b></p> <p>Given that the Flood Risk Management Engineer has confirmed the drainage details are suitable, the application is recommended for <b>Permission</b>.</p>
432	7	<p><b>16/00965/OUT</b></p> <p><b>Parcel 7561, Malleson Road, Gotherington</b></p> <p><b>Affordable housing</b> - The applicant is content to adopt the Council's preferred strategy but feels that the methodology for the off-site contribution should be reviewed. Discussions on this matter are still ongoing but the Strategic Housing and Enabling Officer has indicated that if the 50% on / 50% off is not agreeable then it would be necessary to revert to the standard approach with would be for 100% affordable housing on site.</p> <p><b>Economic and Community Development Officer</b> - The following contributions would be required:</p> <ul style="list-style-type: none"> <li>- £81, 486 towards off-site playing pitches and pitch provision including associated changing facilities (Gotherington playing Fields or new provision within the Parish).</li> <li>- £39,735 towards sports facilities (Sporting improvements within the community facilities that Gotherington Parish operate).</li> <li>- The Parish Council has requested that no play facilities are provided on-site. Therefore, £776 per household would be required for improving current play/teenage provision off-site within the Gotherington parish = £38,450 in total towards a new Multi Use Games Area.</li> <li>- £22,735 is required for community building improvements within Gotherington Parish.</li> </ul> <p><b>Parish Council</b> - Request contribution towards community/sporting improvements within the community facilities that Gotherington Parish operate = £39,735.00. As Gotherington is very short of land it would like to have the first option on acquiring the green space that they understand is currently down to be maintained by a Management Committee of the residents. Ideally it would like the position of the houses and the open space to be swapped around so the open space is nearer to the centre of the village but it is understood that this may not be possible at this stage.</p>
453	9	<p><b>16/00877/FUL</b></p> <p><b>Land Adjacent To Churchdown Community Centre, Parton Road, Churchdown</b></p> <p><b>7 additional letters have been received from local residents</b> supporting the proposed application for the same reasons previously given by other residents.</p> <p><b>The Agent</b> has written to express concern that condition 17 requires the replanting of trees on land outside the application site and within the Community Centre Lane. The condition is therefore re-worded as follows:</p> <p><b>Condition 17</b></p> <p>At least 3 replacement trees shall be planted within the grounds of the application site within two growing seasons following the felling of the trees. The exact species and location of the trees shall be agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of local visual amenity.</p>

## Item 1 – 16/00601/FUL Landscape Consultant (page 1 of 2)

**• Aspen Landscape Design [Planning] Services •**

*The Gables 33 Richmond Road Malvern Worcs. WR14 1NE  
T / F: 01684 577778 Mob: 07967 580046 Email: sp.spacie@mpm-ltd.com*

Ms Joan Desmond  
Senior Planning Officer  
Tewkesbury Borough Council  
Council Offices, Gloucester Rd  
Tewkesbury, Glos GL20 5TT

17<sup>th</sup> November 2016

Dear Ms Desmond

Tewkesbury B.C. ref.16/00601/F Retention of transport cafe and temporary showers for Truckstop use. Retention of temporary containers and structures connected with the haulage business and proposed additional vehicle parking. Retention of fuel and Ad Blue tank.

**Comments from TBC's Landscape Architects re Our Proposals for Earth Contouring, Native Planting & Wildflower Seeding**

I acknowledge receipt of fresh landscape comments from the you & Gerald DenHoed sent by email on 14/11/2016 only a week before the Committee meeting to consider the above application. There is now no time to consider these comments & amend our drawings.

The landscaping scheme has never really changed in principle, i.e. linear landscape mound with natural contouring, steep slopes 1:3-5 on the side facing the Truckstop and shallow 1:30-50 slopes facing open countryside. Native planting & wildflower seeding along the crest of the mound and the shallow slopes facing south put back to pasture to blend in with the adjacent fields & hedgerows. All the above in accordance with H.M. Government's 'Design Manual for Roads & Bridges - VOL 10 Environmental Design'. a.k.a. Good Roads Guide.

Since I started being your landscape consultant on this scheme and its predecessors in January 2012, the Council have produced 3 sets of comments from three separate landscape officers, e.g. Tracy Lewis, Toby Jones (external consultant) and very recently Gerald DenHoed.

I never met Mr DenHoed's predecessors, who refused to discuss the scheme on the phone, let alone meet me on site, due I was told to heavy workload. I contacted Mr DenHoed by email as soon as I was aware he was TBC's new Landscape Architect & he rang me almost immediately. I sent him paper copies of the relevant information, otherwise he would have had to search the computer & internet archive. We have spoken again at length about the scheme. Mr DenHoed has very helpfully provided us with 3 pages of landscape comments, but with only a week before the Committee meeting to decide the application, there is no time left to make further changes.

I have made many changes over the years, in response to the Council's concerns, but the two issues that remain that I can do nothing about are that:-

- In the Planning Officers' opinion the development is in open countryside, about which I am not qualified to comment in town planning terms. However it does not make sense to non-planning people to use this argument to prevent an expansion of an existing established and successful business which was given consent to transfer to this site only three years ago (TBC ref 13/00199/F - 'Proposed relocation of Haulage Operator including the erection of ancillary office/workshop building').

## Landscape Consultant (page 2 of 2)

In addition to this consent the junction of the two 'A' roads has traditionally attracted settlement including the Pub which is at least 200 years old. There may have been other older buildings in the vicinity of the old cross roads that have been demolished or replaced. In addition to the Pub there is a filling station with attached shop, a separate shop & a bungalow plus the recently built Haulage premises located on a slither of land left behind by the mid 20th century re-alignment of the A46 & creation of the roundabout to access the A435 & the B4077 (plus Crashmore Lane to the north). Landscape Architects would therefore use the term Urban Edge or Sub-Urban Edge to describe the application site & would not use the phrase Open Countryside. It may be true that part of the site is visually 'open' but this would not be the case after the proposed planting has become established in 5-10 years time.

- In the Landscape Officers' opinion certain aspects of the proposed site structures, vehicles & lighting will be significantly visible from the AONB. I think this an exaggeration due to the distance of the nearest footpath viewpoint (Viewpoint 10 in my Landscape Report submitted with the application) which is 1.3km from the centre of the proposed parking area. (For location of viewpoint see Context & Photograph Location Plan Scale 1:25,000; 25.2.13; Drg.THT.065.LC.1)

The village of Teddington is much closer. The distance from the viewpoint to the church is only 500m. Also visible from the same location in the AONB is the village of Pamington 2km distant to the north west. There is also a vast & highly visible military vehicles & storage Depot north of Pamington located only 2.5km from this viewpoint. Many of the farmsteads in the area contain clusters of large farm buildings visible from the AONB, that are similar in size to those at the Truckstop & there are farm vehicles & implements stored out in the open yards around some of the same farm buildings. I am not aware of any objection to these being renewed or enlarged so I do not see any reason why this application to extend the Truckstop should be refused for being visible from the AONB; as long as my landscape proposals are implemented properly.

In my second conversation Mr DenHoed went further & said that the mounding itself will be intrusive even though he confirms my useage of the H.M.Government's 'Design Manual for Roads & Bridges Vol.10' (DRMB) design principles for 'false cutting bunds' is wholly appropriate in this context. Having worked on road schemes on numerous occasions myself I can assure the Council that the re-contouring I propose will not be intrusive, at all, after the planting has become established.

I also disagree with some of Mr DenHoed's other detailed comments which, I will list in a separate document when I have finished writing my assessment of his comments.

Kind regards

Stephen Spacie CMLI  
Chartered Landscape Architect

CC Mr William Gilder  
Ian Murray (Ian Murray Associates Planning)  
Stuart Bond (Absolute Architecture)

## Item 4 – 16/00539/OUT Email from Allen Keyte to Members (page 1 of 2)

### Nick Sallis

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**From:** Paul Skelton  
**Sent:** 18 November 2016 12:07  
**To:** Ciaran Power; Matthew Tyas  
**Subject:** FW: Land at Trumans Farm, Gotherington 16/00539/OUT Meeting: 22 November 2016  
  
**Importance:** High

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**From:** [allenkeyte](#)  
**Sent:** 18 November 2016 11:09  
**To:** Councillor Allen; Councillor Bird; Councillor Blackwell; Derek Davies; Councillor Dean; Councillor East; Councillor Evetts; Councillor Gore; Councillor Foyle; Councillor Greening; Councillor Holloway; Councillor MacTiernan; Councillor Mason; Councillor Reece; Councillor Spencer; Councillor Surman; Councillor Vines  
**Cc:** Paul Skelton  
**Subject:** Land at Trumans Farm, Gotherington 16/00539/OUT Meeting: 22 November 2016  
**Importance:** High

Dear Member

As you are aware I live in Gotherington and have done so for over 40 years – so I know the area well and have watched it gradually develop over all of these years.

The tone of officer recommendations, I regret to say, does nothing to help communities develop in a measured way at all. Small settlements are not permitted to have any housing whereas the slightly larger villages are swamped with applications and recommendations to permit. So much for Service Villages. So much for care about community cohesion! So much for landscape designations!

The above application is:

- Outside the established development boundary
- In an area which we have designated as SLA because it is adjacent to the AONB and has a dramatic impact on it at this level
- Does not seek to integrate with the existing village – because this simply is not possible with a ‘bolt on’ couple of fields outside the natural village
- The village does have a basic level of services – but no church! The bus services have been significantly reduced with none in the evening or on Sundays.
- Provision of sporting facilities is constantly mentioned – but nothing for 40% of the community which is over 60. Where are the safe pathways for walking? And other facilities?
- Where would all of these sporting facilities be based? The Freeman Field, the playing field, is not capable of expansion and facilities for changing and showering already exist! This is all a smokescreen of pretence that something is being provided. All that additional sporting facilities would do is suck in yet more ‘visitors’ with their vehicles from surrounding communities – which we currently suffer.

Social Cohesion is the problem. The Gotherington draft Neighbourhood Development Plan indicated a site in Gretton Road (which has consent for 10 houses), Shutter Lane which has 17 houses being developed, and the balance (according to the Service Village Plan) up to around 80 in total in Malleson Road (subject



**Email from Allen Keyte to Members (page 2 of 2)**

to an application later on today). This would represent growth of just under 20% over (probably) in a 5-6 year period. This is more than enough to absorb. The Inspector for the JCS has already indicated that she does not want to see lots more houses in the villages. We are taking our share of that already proposed with the numbers indicated. I urge you to refuse this application at Trumans Farm which is not in line with the emerging GNDP or the Service Village concept.

I also urge you to get the Tewkesbury Borough Local Plan completed as soon as possible so that we need no longer suffer planning by lottery!

Thanks you for reading this  
Kind Regards  
Allen Keyte  
Honorary Alderman, Tewkesbury Borough Council

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## Highways Development Management

Shire Hall  
Gloucester  
GL1 2TH

Matthew Tyas  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

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

Please ask for: Oliver Eden

Our Ref: T/2016/036405

Your Ref: 16/00539/OUT

Date: 18th November 2016

Dear Matthew Tyas,

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

**LOCATION: Land At Trumans Farm Manor Lane Gotherington**  
**PROPOSED: Outline application with all matters reserved except for access for the development of up to 75 dwellings (inc. 30 affordable homes) including access, landscaping and other associated works**

The application is for Outline permission for the construction of up to 65 dwellings to the east of the village of Gotherington at Trumans Farm. The application in Outline form with all matters except for access reserved for future consideration.

#### Access-

Both vehicular and pedestrian access is proposed to be taken directly from Gretton Road. Vehicle access will take the form of a single bellmouth priority junction serving the majority of the development along with smaller private drives serving 2-3 dwellings directly from Gretton Road.

At this location Gretton Road is subject to a speed limit of 30 mph with the change to 40mph speed limit some 100m further to the east of the site boundary. On this basis new access points at this location would be required to provide visibility splays of 2.4 x 54m which have been shown on the submitted drawing Figure 3 of the TS. This will require the removal/cutting back of the existing hedgerow.

A footpath link is currently proposed behind the exiting hedgeline to link with the north western corner of the site where it will join Gretton Road. Currently there are no segregated pedestrian

**County Highways (page 2 of 6)**

facilities on this part of Gretton Road which the development seeks to address with the provision of a footway to the south west.

**Footway Link-**

Gretton Road currently has no segregated pedestrian facilities between the development site and the existing footway to the west of Manor Lane. The development initially proposed to provide a 2m wide footway connection between the site and Manor Lane using the existing highway verge on the south side and narrowing the carriageway. The narrowing of the carriageway would mean that it is no longer possible to pass vehicles in both directions along Gretton Road at this point. This would have required a priority system to be introduced that requires traffic approaching the village from the west to give way to vehicles leaving the village. The distance over which this is required is great and whilst Figure 4 of the TS showed the available inter-visibility between vehicles this is based on stationary vehicles at the give-way and approach lines. In reality vehicles will still be in free flow at these locations which is likely to be approximately 20 mph westbound and 30 mph eastbound due to the traffic calming effect on vehicles entering the village. In addition right turning vehicles from Manor Lane would not be able to see westbound vehicles approaching from beyond the give way line which could result in conflict within the pinch point area. The Highway Authority had significant concerns over how this layout would operate in practice and the applicant has since proposed a new strategy. The new access strategy (Drawing No: 0688-009B) proposes a pedestrian crossing across Gretton Road to a proposed new footway on the north side outside No's 55 and 59 within the existing highway verge. The existing footway to the west will be widened to provide a minimum 1.2m wide footway leading to another crossing point providing access to the south side of Gretton Road. The scheme has been submitted for an independent Road Safety Audit which has not identified any potential road safety problems. I am aware that concerns have been raised regarding this arrangement with the possibility of pedestrians walking in the carriageway however the developer can only reasonably be asked to provide suitable facilities which it is considered to be the case here. The existing highway layout with the dwellings on the south side of Gretton Road being close to the carriageway is a constraint to providing access directly to the south side of Gretton Road with the provision of a footway adversely impacting on the operation of Gretton Road. I consider that the proposed arrangements comply with paragraph 32 of the NPPF in that "the opportunities for sustainable transport modes have been taken up *depending on the nature and location of the site*".

**Bus stops/Public Transport-**

Currently there is a bus stop on Gretton Road just to the west of the application site that is served by the W1 and W2 services. The current stops are unmarked with no facilities and it is recommended that improved facilities be provided by way of a planning condition. The W1 and W2 bus services run through the village in opposite directions to provide a regular service between the site and Cheltenham. The smaller town of Winchcombe is a 20 minute bus journey to the north east on the W2 and the large village of Bishops Cleeve with its local services is a 10 minute journey on the W1 service.

**Traffic Impact-**

The submitted Transport Statement estimated that the proposed development (75 dwellings at this point) would generate 39 two-way vehicle movements in both the morning and evening peak times. The Highway Authority consider that these trip rates were low for an area such as Gotherington and these have been revised in a

**County Highways (page 3 of 6)**

subsequent Technical Note to 56 two way movements in the morning peak and 53 in the evening peak. For the revised arrangements of 65 dwellings this would result in 49 and 46 movements respectively.

In addition the TS originally based the development traffic distribution on the surveyed flows of Gretton Road which resulted in an approximate 50:50 split. In the Technical Note a more appropriate methodology of using Census data to distribute the traffic has shown that 95% of traffic would travel west from the development which is inline with what would be expected at this location.

The development will inevitably increase vehicle movements through Gotherington village however the existing flows are very low particularly east of Cleeve Road. There is very limited history of personal injury collisions within the village that would provide evidence of an existing road safety problem. The impact of the development could not be considered to be severe in terms of paragraph 32 of the NPPF.

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

1) No works shall commence on site until the primary site access has been provided broadly in accordance with the submitted plan 0688-008 rev A (including visibility splays to a height of between 0.26 and 2m above adjacent carriageway level), the first 20m of the access road from Gretton Road shall be surfaced in a bound material and the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason- To ensure that there is safe access to the site for construction works and thereafter and to ensure that the access is maintained in that form in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011 and paragraphs 32 and 35 of the NPPF.

2) Prior to works commencing on site details of the vehicle access points east and west of the primary site access shall be submitted to and agreed in writing by the Local Planning Authority and shall be completed in accordance with the approved plans prior to any dwelling served by that access being occupied.

Reason- To ensure safe and secure access in accordance with policy TPT1 of the Tewkesbury Borough Local Plan to 2011 and paragraph 32 of the NPPF.

3) Prior to any dwelling on the development being occupied the proposed footway link on Gretton Road shall be completed broadly in accordance with the submitted plan 0688-009B and shall be maintained such until and unless adopted as highway maintainable at public expense.

Reason- To ensure that the opportunities for sustainable transport modes have been taken in accordance with paragraph 32 of the NPPF.

4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:



## County Highways (page 4 of 6)

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

5) Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF.

6) No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

7) The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.

## County Highways (page 5 of 6)

8) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

9) No works shall commence on site until details of a highway safety improvement scheme on the Gotherington Cross junction (A435/Malleshon Road) has been submitted to and approved in writing by the Local Planning Authority, no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan.

Reason: - To reduce potential highway impact by ensuring cost effective improvements are provided in accordance with Paragraph 32 of the NPPF and TPT1 of the Tewkesbury Local Plan.

10) Prior to works commencing on site details of upgraded bus stop facilities on Gretton Road shall be submitted to and approved in writing by the Local Planning Authority, the approved details shall then be completed prior to occupation of any dwelling on the development.

Reason- To ensure that the opportunities for sustainable transport modes have been taken up and access to high quality public transport facilities is provided in accordance with paragraph 32 and 35 of the NPPF.

**NOTE:** The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

**NOTE:** The Highway Authority have an initial scheme that could be used in part to discharge condition 9

**NOTE:** The applicant is advised that to discharge condition 8 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### **Statement of Due Regard**

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

**County Highways (page 6 of 6)**

utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.


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

Yours sincerely,

Oliver Eden

Development Co-ordinator

Ecologist advice (page 1 of 5)

<b>APPLICATION NUMBER</b> 16/00539  <b>ADDRESS (FIRST LINE ONLY)</b> Trumans Farm <b>CASE OFFICER</b> Matthew Tyas	<b>CONSULTEE (NAME/SECTION)</b> Alastair Chapman Sustainability Team Leader (For Tewkesbury Borough Council) <b>DATE</b> 14-11-16									
<b>Issues Considered</b>  <table border="0"> <tr> <td data-bbox="357 651 735 707"><i>Landscape impact (SPD)</i></td> <td data-bbox="751 651 767 674" style="text-align: center;"><input type="checkbox"/></td> <td data-bbox="922 651 1011 674" style="text-align: center;"><i>Trees</i></td> <td data-bbox="1230 651 1246 674" style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td data-bbox="357 678 496 707"><i>Landscaping</i></td> <td data-bbox="751 678 767 701" style="text-align: center;"><input type="checkbox"/></td> <td data-bbox="922 678 1011 707"><i>Ecology</i></td> <td data-bbox="1225 678 1257 707" style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>			<i>Landscape impact (SPD)</i>	<input type="checkbox"/>	<i>Trees</i>	<input type="checkbox"/>	<i>Landscaping</i>	<input type="checkbox"/>	<i>Ecology</i>	<input checked="" type="checkbox"/>
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<b>COMMENTS</b>  <b>Summary</b> The site supports populations of a range of protected species (Bats, GCN, Dormice and Reptiles) and therefore requires integrated mitigation. The application is in outline and an ecological mitigation framework plan, to safeguard important features and mitigation areas, is required prior to a positive determination. Further information in regards to bat roosts in the area is required. In addition a number of conditions and an advice note is recommended.  <b>Preliminaries:</b> We have been asked to review matters in relation to ecology. The following Documents have been examined:  <ul style="list-style-type: none"> <li>a. Ecology Addendum07 – Tyler Grange (undated)</li> <li>b. Ecology Addendum06 – Tyler Grange (undated)</li> <li>c. Ecological Assessment – Tyler Grange (13-5-16)</li> <li>d. Indicative Site Layout (K) – Roberts Limbrick (11-5-16)</li> <li>e. Design and Access Statement – Roberts Limbrick (May 2016)</li> <li>f. Natural England Letter dated 5<sup>th</sup> July 2016</li> </ul> <b>European Sites</b> Natural England have advised “ <i>the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment</i> ”  A Habitats Regulations Assessment has been completed (attached). It has been concluded that there will be no likely significant effects on Natura 2000 sites (European designated nature conservation sites) alone or in combination and therefore appropriate assessment is not required.  <b>Bats</b> Annex II species of bats (Barbastelle & Lesser Horseshoe) have been recorded foraging/commuting on the site. Section 3.40 (c) identifies that there are a number of known roosts in the area. In order to support the conclusions reached in the ecological assessment <u>further information is required as to the location/species and assessment as to the contribution the applications site makes to the availability of commuting and foraging sites.</u> This could include a plan of the area showing roost sites (character and species where known) together with an analysis of the availability forage areas and commuting routes.  External lighting would have an adverse effect on the use of the area by bats if not appropriately detailed and controlled.  Without prejudice and subject to the above the general principles of the proposed mitigation are										

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acceptable.

**Dormice**

Dormice have been recorded on the site particularly utilising the northern and eastern boundary hedgerows. It is understood that access is reserved and therefore changes may occur at reserve matters stage. Currently the indicative layout shows multiple opening through the northern hedge which in effect degrades the whole hedgeline making unlikely to be used by DM. To mitigate the impact additional planting is proposed which in principle is acceptable however this will take some time to establish.

**Great Crested Newts.**

P1 & P3 support GCN although both have notable dispersal barriers (roads) between the ponds and the application site. Similar dispersal barriers do not occur between P4 and the site. Whilst P4 has not been surveyed (due to access issues) it can be assumed that mitigation measures would be similar to those proposed would be appropriate if the pond was a breeding location for GCN.

(It has been assumed that there's a small typo error at 3.30 (c)- D1 is actually 5cm deep)

**Evaluation**

This is complex site that requires a range of ecological mitigation both procedurally and spatially in order to make the proposal acceptable from an ecological perspective. As an outline application with all matters reserved, except access, the indicative layout cannot be relied upon (the indicative plan indicates in the region of only 60 residential gardens). Therefore it is considered that an ecological mitigation framework plan, ecological features and zones for ecological mitigation, which can be referenced in any positive decision, is required. This should identify on a plan, habitat mitigation areas with management objectives (e.g. new 4m wide native hedgerow). It should also identify dark areas and corridors to be less than 1 lux. We can advise further on a draft.

Subject to this being submitted the following conditions and advice notes are recommended.

EC01. At the first reserve matters application a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall be in accordance with the ecological framework plan (XXXX) and include the following.

- a) Description and evaluation of features to be implemented and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management including those in relation to dormice, reptiles, amphibians, bats and proportionate measures as biodiversity enhancement.
- d) Implementation phasing plan
- e) Appropriate management options for achieving aims and objectives including appropriate enhancement measures.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The LEMP shall also identify the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers

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the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved plan

Reason: In accordance with the requirements of the Habitats Regulations 2010 (as amended) and to safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 11 , (including paragraphs 109 & 118), Circular 06/2005

EC02. An external lighting control scheme, to demonstrate measures to reduce impacts on existing and proposed features for bat foraging and flight corridors as shown on the ecological framework plan (XXX) shall be submitted with the first reserve matters application and thereafter implemented, retained and maintained in accordance with the approved scheme.

Reason: To safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 11 , (including paragraphs 109 & 118) and Circular 06/2005.

EC03. The eastern 100m of the northern hedgerow (H1 (Ecological Assessment – Tyler Grange 13-5-16)) shall be retained, protected and managed as a continuous locally native species hedge suitable for Dormice.

Reason: In accordance with the requirements of the Habitats Regulations 2010 (as amended) and to safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 11 , (including paragraphs 109 & 118), Circular 06/2005

EC04 Trees T1-4 and T11 and 12 (Ecological Assessment – Tyler Grange 13-5-16)) shall be retained, safeguarded and protected during construction.

Reason: To safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 11 , (including paragraphs 109 & 118) and Circular 06/2005.

EC05. No development demolition, ground works or vegetation clearance shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" in accordance with the Ecological Framework Plan (XXXX) and the Landscape and ecological management plan.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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Reason: In accordance with the requirements of the Habitats Regulations 2010 (as amended) and to safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 11 , (including paragraphs 109 & 118), Circular 06/2005

**Decision Advice Notes**

**Protected Species:**

There is evidence to indicate this site supports populations of protected species (Great Crested Newts, Dormice, and Reptiles). These species are a protected by law. Prior to undertaking any works a European Protected Species Licence (Great Crested Newts & Dormice), administered by Natural England, will be required.

**Regulation 53 of the Conservation of Habitats and Species Regulations 2010**  
(please include the following in the officer report)

Bats are a European Protected Species (EPS) and the authority is required to have evidence to support an assessment of the likely impact on EPS, prior to issuing consent.

In these circumstances the planning authority takes guidance from the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010. Before determining this application (ODPM Circular 06/2005, paragraphs 99, 112 & 116). Regulation 53(2) defines the circumstances where derogation is allowed for an affected EPS and a license could be issued by Natural England. All three test are to be met by the proposals prior to planning permission being allowed which include:

- The first test set out in Regulation 53(2)(e) deems that the need for the development should be in the interests of public health, public safety and an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment.
- The second test set out in Regulation 53(9)(a) deems that there should be 'no satisfactory alternative'.
- The third test set out in Regulation 53(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS.

IT is considered that the third test can be satisfactorily met provided an ecological framework plan is provided prior to determination which safeguards ecological features and mitigation areas and the above conditions are implemented.

If it is considered that if the first and second test can be met then it will be possible to consent the application in accordance with the planning authority's obligations of Regulation 53 of the Conservation of Habitats & Species Regulations 2010.

The planning officer will also need to consider whether the first and second tests above can also be met prior to any positive determination by the LPA. When considering the first test the LPA should take account of the application's compliance with national and local planning policies and guidance. In relation to the second test the LPA should adopt a proportionate approach, determining whether the applicant has expended a reasonable level of effort in the search of alternative means of achieving the development and to what extent these alternatives have been consider. Alternatives should include the 'do nothing' approach.

**RECOMMENDATION (INSERT 'X' IN RELEVANT BOX)**

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|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <b>ADDITIONAL INFORMATION REQUIRED (Please re-consult when received)</b> |
| <input type="checkbox"/>            | <b>OBJECTION</b>   |
| <input type="checkbox"/>            | <b>NO OBJECTION</b>  |
| <input type="checkbox"/>            | <b>NO OBJECTION SUBJECT TO CONDITIONS</b>                                |
| <input type="checkbox"/>            | <b>NO OBJECTION SUBJECT TO REVISIONS</b>                                 |

<b>SUMMARY REASON FOR RECOMMENDATION (INCLUDING DETAILS OF REQUIRED CONDITIONS/ REVISIONS WHERE APPLICABLE).</b>
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*Note: Upon completion this form should be e-mailed to 'Planning'. This will ensure that your comments are passed to the appropriate officer and scanned onto CAPS.*