

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 17 December 2019 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillor M G Sztymiak

PL.37 ANNOUNCEMENTS

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

PL.38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 38.1 Apologies for absence were received from Councillors R J G Smith and R J E Vines. There were no substitutes for the meeting.

PL.39 DECLARATIONS OF INTEREST

- 39.1 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.
- 39.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	19/00761/OUT 9 Parton Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

M A Gore	18/01281/FUL Crimmond, Mill Lane, Stoke Orchard.	Had received emails and telephone calls from the applicant but had not expressed an opinion.	Would speak and vote.
M L Jordan	19/00761/OUT 9 Parton Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	19/00726/FUL 4 Cheltenham Road, Winchcombe.	Had spoken to the residents of both neighbouring properties and the applicant but had not expressed an opinion.	Would speak and vote.
P D Surman	19/00988/FUL Pen Cerrig, Leckhampton Hill, Leckhampton.	Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.
M J Williams	19/01062/FUL Brawn Farm, Rodway Lane, Sandhurst.	Is the applicant.	Would not speak or vote and would leave the room for consideration of this item.
P N Workman	19/00531/OUT Land to the North of Church End, Twyning.	Had received various emails in relation to the application but had not expressed an opinion.	Would speak and vote.

39.3 There were no further declarations made on this occasion.

PL.40 MINUTES

40.1 The Minutes of the meeting held on 19 November 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.41 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 41.1 The Technical Planning Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

18/01281/FUL – Crimmond, Mill Lane, Stoke Orchard

- 41.2 This application was for the construction of a replacement dwelling and associated works. The Committee had visited the application site on Monday 16 December 2019.
- 41.3 The Planning Officer advised that the application site comprised a detached bungalow within a cluster of small dwellings between Mill Lane and a cul-de-sac at Archers Lane to the west. The application sought permission for a replacement 1.5 storey dwelling and detached garage with games room above. The scheme had been subject to a number of revisions during the application process which had resulted in the current design. Members were advised that, as the site lay within the Green Belt, the proposal was inappropriate in terms of Green Belt policy. The applicant had set out their case for very special circumstances which largely related to the fact that significant works could be carried out under their permitted development rights; however, the proposal was larger than the floor area of all of these potential works combined and, when considered along with the unsatisfactory design of the proposal, would not outweigh the harm that would be caused to the Green Belt. Therefore, the Officer recommendation was to refuse the application, as set out in the report.
- 41.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion indicated that she had attended the Planning Committee Site Visit and was aware of the fallback position so the main issue was design, which was subjective, and she was of the view that this was appropriate for the area. In response to a Member query, the Technical Planning Manager confirmed that it was a matter of judgement as to whether the proposal was acceptable in design terms and the Officer report was clear that the recommendation was finely balanced because of the fallback position, and given that Green Belt policy allowed for infilling in situations such as this; in this case, Officers felt that the design had tipped the balance in favour of a refusal whereas the proposer and seconder of the motion clearly took a different view and considered that the design was acceptable. The seconder of the motion went on to explain that the existing dwelling was a 1950s bungalow which added very little to the Green Belt and he felt that the proposed replacement dwelling would enhance the area. He pointed out that six to eight houses in the cul-de-sac to the rear of the site had previously been granted planning permission in the Green Belt and his view was that this proposal was probably better than those.
- 41.5 A Member indicated that she had read the late representation from the applicant's agent, as set out in the Additional Representations Sheet, attached at Appendix 1, and she sought clarification as to the difference between the proposal and what had been recommended by Officers. In response the Technical Planning Manager confirmed that the main difference was the addition of the porch which was something that did help in design terms. The sketch that had been provided by the

Planning Officer was purely illustrative – Officers had been clear that the removal of the front gable was very important and the sketch was to show how that could be achieved. Should Members be minded to permit the application, standard conditions were recommended for inclusion in relation to materials, levels, provision of parking and turning/manoeuvring space in accordance with the plans. The proposer and seconder of the motion indicated they were happy with those conditions and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as the proposed design would have an acceptable impact on the appearance of the streetscene which, together with the fallback position, would outweigh the potential harm to the Green Belt.

19/00531/OUT – Land to the North of Church End, Twyning

- 41.6 This was an outline application for up to 50 residential dwellings including access with all other matters reserved. The Committee had visited the application site on Monday 16 December 2019.
- 41.7 The Planning Officer advised that the site was located outside of the settlement boundary for Twyning as shown in the Twyning Neighbourhood Development Plan. The settlement boundary ran along part of the northern boundary of the site and the site was not subject to any landscape designation, although the eastern edge of the site abutted a Landscape Protection Zone. There were a number of hedgerows along the boundaries of the site and the site also included a number of protected trees. Two public footpaths ran through the site which connected to Twyning – one ran roughly through the centre of the site whilst the other ran along the eastern boundary. The site was in Flood Zone 1 and was therefore at low risk of flooding. It was noted that there was evidence of Great Crested Newts in the area. Members were informed that the access for the site would be provided directly off Shuthonger Lane and would also incorporate a footpath to link the new estate to the north. The County Highways Officer was satisfied that the visibility splays were appropriate and the access was acceptable in highway safety terms.
- 41.8 Whilst matters relating to layout, appearance, scale and landscaping would be reserved for future consideration, the applicant had provided an indicative masterplan that showed how the site could be developed. The main bulk of the development was to the west of the site along with an area of Public Open Space and further units were shown at the centre of the site which included a block of flats. A drainage pond was shown in the eastern corner of the site. Although no housing mix had been provided, the layout suggested that the site could deliver a mix of housing and the applicant had committed to provide 40% affordable housing.
- 41.9 The Planning Officer explained that the application was recommended for refusal for a number of reasons. Primarily, the site was contrary to the development plan in respect of its location and was considered to have an unacceptable impact on the landscape and would also erode the gap between Twyning and Church End. It was noted that views across the site from Shuthonger Lane were identified as important public views in the Twyning Neighbourhood Development Plan. In design terms, the site was considered to be divorced from Twyning and would not respond to the urban structure of the village or the surrounding area. There were also a number of technical reasons for refusal due to the lack of a signed Section 106 Agreement which was needed to secure the required affordable housing, public open space and play facilities, recycling facilities, education and library facilities. The Planning Officer explained that there was still some debate as to whether educational facilities would be secured via Section 106 or Community Infrastructure Levy (CIL); the recommended refusal reason still made reference to Section 106 for education but, if the application was refused by the Committee and the applicant chose to appeal, further investigation would be undertaken. With regard to play facilities, there was currently an area of open space in the centre of the site which could accommodate a

play area; however, this may be a mitigation area for Great Crested Newts and, in view of that, an offsite contribution of £42,700 would be sought if not provided on site. Other refusal reasons related to the lack of information on ecology as insufficient information had been provided to demonstrate that the proposal would not adversely affect protected European sites; and, in terms of highways, whilst there was no objection to the proposed access in itself, it had not been demonstrated that there would be an acceptable impact on the local road network. With regard to the presumption in favour of sustainable development, although the Council could not demonstrate a five year supply of deliverable housing sites, it was considered that the harms identified would significantly and demonstrably outweigh the benefits of the proposal, therefore, the application was recommended for refusal.

- 41.10 The Chair invited the representative from the Parish Council to address the Committee. The Parish Council representative indicated that he intended to put forward the Parish Council's reasoning in terms of planning policy, in particular the relevance of the Twynning Neighbourhood Development Plan. In the Parish Council's view, Planning Officers had correctly identified those aspects of the application that were contrary to policies in the Joint Core Strategy, the emerging Tewkesbury Borough Plan and, significantly, the Twynning Neighbourhood Development Plan. The proposed development was outside the development area, contrary to Neighbourhood Plan Policy GD1 and Joint Core Strategy Policies SP2 and SP10 and it met none of the exception criteria. Furthermore, it was located within the area designated as a strategic gap, contrary to Policy ENV2 of the Twynning Neighbourhood Development Plan and Policy LAN3 of the emerging Tewkesbury Borough Plan. The proposal was further contrary to Paragraphs 127 and 170 of the National Planning Policy Framework, Policies SD4 and SD6 of the Joint Core Strategy and Policies GD3, 4 and 5 of the Twynning Neighbourhood Development Plan in that the development would fail to respond positively to, or respect the character of, the site and its surroundings and would materially detract from the landscape character of this rural area. The applicant could question the reasonableness of the policy-making but there was no doubt that the analysis by the Planning Officers and their recommendation was one which the Parish Council completely endorsed and the Parish Council representative hoped the Committee would refuse the application accordingly.
- 41.11 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, in October, the Planning Committee had considered an application for development that was contrary to policies in the Twynning Neighbourhood Development Plan and endorsed the Officer recommendation to refuse the application; this was a much more significant application which was not solely about more houses but about the status, functionality and authority of the relevant development plans, including the Twynning Neighbourhood Development Plan. He did not intend to repeat the history of the Twynning Neighbourhood Development Plan as he was sure Members appreciated the time, effort and collaboration required to arrive at its current 'made' status. He indicated that Paragraph 12 of the National Planning Policy Framework remained an important consideration in the determination of this application and Members would also be familiar with the figures and discussions surrounding the progress of the Tewkesbury Borough Plan and the lack of a five year supply of deliverable housing land but it must be borne in mind that, in accordance with Paragraph 14 of the National Planning Policy Framework, as the Neighbourhood Development Plan was less than two years old, this requirement was reduced to three years. In accordance with the Communities and Local Government Statement on Neighbourhood Planning, dated 12 December 2016, and direction in the National Planning Policy Framework, local planning authorities were strongly encouraged to apply the full weight of the Neighbourhood Development Plan in the determination of this application. He did not agree with some of the conclusions in the application and took great exception at the suggestion that some of the policies were unreasonable.

He went on to reiterate that this application was contrary to significant policies in the Joint Core Strategy, the emerging Tewkesbury Borough Plan and, of course, the Neighbourhood Development Plan as mentioned by the representative from Twynning Parish Council. This land had been identified in the Strategic Housing Land Availability Assessment and was considered to be unsuitable and unachievable; it had not even been included in Tewkesbury Borough Council's landscape and visual sensitivity study. In any event, the site was inadmissible as it was part of the land mass now identified in the policy which defined the strategic gap. This was a significant precedence-setting decision and he called on the Committee to support the Twynning Neighbourhood Development Plan and the Officer recommendation to refuse the application.

- 41.12 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the proposal was for high quality homes in an accessible location which had good access to services to meet the everyday needs of residents. During the course of the application they had continued to work closely with Officers and had submitted additional information in response to concerns expressed by the County Archaeologist, County Highways, Lead Local Flood Authority and the Council's Landscape Adviser. The detailed supporting information demonstrated that the impacts of the proposals were minimal and that there were no significant impacts on the highway network, ecology, archaeology or heritage assets. The landscaping scheme enhanced existing natural features and provided a soft transition to the surrounding area. The indicative layout took into consideration the presence of protected trees within the site; the proposals did not impinge upon the Public Rights of Way and would provide links to them to enhance connectivity; and there were no significant ecological impacts with appropriate enhancement and mitigation provided. She pointed out that Officers had acknowledged that the lack of a five year housing land supply meant that the tilted balance was engaged. The scheme would bring significant social, environmental and economic benefits including: delivery of 50 high quality family homes, including 20 affordable dwellings; generation of 155 jobs; increased spending power to Twynning estimated at £1.37m; biodiversity and landscape gains; improved access to local services and public transport improvement; provision of on-site public open space and contributions towards off-site playing pitches and facilities; and pre-school and primary education and libraries. She indicated that the applicant was happy to liaise with Officers to agree suitable conditions and a legal agreement to secure the planning obligations, as set out in the report, and she respectfully requested Members' support in permitting the application.
- 41.13 The Chair invited one of the local Ward Members for the area to address the Committee. The local Ward Member indicated that he was supportive of the Officer recommendation to refuse the application on the basis that it was contrary to policies in the Joint Core Strategy, emerging Tewkesbury Borough Plan and the Twynning Neighbourhood Development Plan adopted in April 2018 and supported by an overwhelming majority of people at the Referendum. The development was not well-related to the existing village, the transport plan was very poor and did not demonstrate a safe means of movement for pedestrians or seek to reduce single occupancy car journeys and it also failed to address the ecology issues. The application encroached on the strategic gap that separated Twynning from Church End and was clearly an isolated development. In terms of the tilted balance, he felt the Officer report was clear in that any benefit of the proposal would not outweigh the harm caused by the development. Members should not be afraid to refuse the application as the reasons given in the Officer report were defensible and the Council had the policies to support refusal of the application which he hoped the Committee would resolve to do.

- 41.14 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion felt the application was extremely poor and he had struggled to find any good reasons to support it. The proposal clearly conflicted with Policies SP2 and SD10 of the Joint Core Strategy and Policy GD1 of the Twyning Neighbourhood Development Plan and would be an urbanising intrusion into the open countryside which would erode the strategic gap between Twyning and Church End. He felt that the design, layout and density was unacceptable and he raised concern that no contributions had been secured towards public open space etc. He made reference to the 178 letters of objection received from local residents - which he considered to be quite significant for a relatively small community such as Twyning - as well as the representations made by the Parish Council and the local Ward Member. A significant amount of time and effort had gone into the adopted Twyning Neighbourhood Development Plan which must not be disregarded. Twyning had already met its housing requirement as a service village and he stressed the importance of refusing the application.
- 41.15 A Member raised concern that the Council could not currently demonstrate a five year housing land supply and he referred to the summary of objections at Page No. 476 of the Officer report which stated that Twyning had met the required development numbers set under the Joint Core Strategy and should therefore be left alone until 2031 – he pointed out that the same could be said about Bishop's Cleeve and yet houses continued to be built there. He went on to draw attention to Page No. 480, Paragraph 6.5 of the Officer report which stated that the National Planning Policy Framework clarified that planning policies for housing would be judged out of date where the local planning authority could not demonstrate a five year supply of deliverable housing sites and that no policies in the Framework that protected assets of particular importance provided a clear reason for refusing the development in this instance and indicated that, on that basis, he could not support the motion to refuse the application.
- 41.16 Upon being put to the vote, it was
RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation.
- 19/00476/FUL – Part Parcel 5778, Malleson Road, Gotherington**
- 41.17 This application was for the erection of nine residential dwellings and associated vehicular access.
- 41.18 The Planning Officer explained that this application for nine new dwellings in Gotherington had been brought to the Committee at its meeting on 19 November 2019 and Members had resolved to permit the application, subject to an amendment to secure the provision of affordable housing in accordance with Policy GNDP04 of the Gotherington Neighbourhood Development Plan. Following the meeting, discussions had been held with the applicant who had advised that they were not in a position to offer any affordable housing as they did not believe that the current policies supported the lower threshold set out in the Neighbourhood Development Plan. Page No. 500, Paragraph 8.5 of the Officer report advised that the applicant would be seeking Counsel's opinion on the matter and presenting it to Members. That information had been emailed to the local planning authority and Members on Sunday 15 December; given the timescales, Officers had not had the opportunity to review this, therefore, it was now recommended that the application be deferred. The Technical Planning Manager drew attention to Page No. 500, Paragraph 8.8 of the Officer report and explained that the application was also being recommended for deferral on the basis that the housing needs survey for Gotherington was proposed to be published early in the New Year and it was considered that it would be worthwhile waiting to see the outcomes of that survey. This did bring the

potential risk of a non-determination appeal being lodged and the possibility of costs being awarded against the Council; however, given the timescales involved it would only be a short deferral so Officers were satisfied that would be reasonable.

41.19 A Member noted that the Planning Officer had stated that the applicant had sent an email to Members that weekend and raised concern that he had not received it. Several other Members also indicated that they had not seen the email. The Technical Planning Manager reiterated that the email was in relation to Counsel's advice obtained by the applicant and Planning Officers had themselves only just received it that morning as it had been caught in a spam filter; in any event, they had not had time to properly consider the information and advise Members' accordingly which enhanced the need for a deferral.

41.20 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to defer the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. The proposer of the motion pointed out that the Committee had discussed the need for affordable housing and the fact that the Gotherington Neighbourhood Development Plan stated that on-site affordable housing should be considered for sites of five or more dwellings and she had no issues with deferring the application pending the outcome of the housing needs survey. The seconder of the motion agreed that it was important for the Committee to have all of the necessary information to make an informed decision. A Member sought further clarification as to the risk of deferring the application and how long that was likely to be for. In response, the Technical Planning Manager advised that the risk was that the applicant would not be prepared to wait another month, which he understood to be the likely timescale; in his view that was not an unreasonable amount of time and discussions would continue in the interim. Upon being taken to the vote, it was

RESOLVED That the application be **DEFERRED** to allow consideration of the applicant's email containing advice from Counsel and the evidence arising from the housing needs survey in accordance with the Officer recommendation.

19/00726/FUL – 4 Cheltenham Road, Winchcombe

41.21 This application was for the erection of a single storey side and two storey rear extension to replace existing lean-to and single storey rear extension and erection of a detached garden store. It was noted that this had been amended at the request of the applicant to omit referring to the demolition of an existing garage -which was not a garage - from the original description. The Committee had visited the application site on Monday 16 December 2019.

41.22 The Planning Officer advised that the application related to a residential dwelling in Winchcombe and had been called-in to Committee by a Member in order to assess the impact of the proposal on the neighbouring property. The first part of the proposal sought to replace an existing single storey flat-roofed extension to the side with a mono-pitched single storey extension; the second part of the proposal sought to replace an existing single storey flat-roofed extension with a two storey extension; and the third part of the proposal sought to erect a garden store in the rear garden and to remove the existing outbuilding. The outbuilding and extensions would be constructed in locally-sourced Cotswold stone which would match the host dwelling. The Planning Officer reiterated that the description of development had been amended from that within the Officer report to omit the demolition of the existing garage. She also had a further update in relation to highway matters in response to the concerns raised about contractor parking and advised that, whilst there was ample space for two contractor vehicles to park on the site, there was further space for vehicles to park a short distance along Cheltenham Road where the double yellow lines stopped and County Highways had advised that it would be reasonable

to add a condition requiring the submission and approval of a construction vehicles management plan, should Members so wish.

- 41.23 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident expressed the view that it was wholly inappropriate for a variety of reasons to site a toilet directly opposite her front door and it was not acceptable to further reduce the light into her dining room and hallway – these were the two primary objections she had to the proposed works and related specifically to the proposed single storey extension to the south side of the building which bordered her land. She pointed out that the plans showed an increase in the length and height compared to the current lean-to and its size, use and impact would be overbearing and would have a psychological impact on her wellbeing. She indicated that her views were supported by two other neighbours. The existing bathroom and sewage were on the opposite side of the building so it did not make sense to site a toilet downstairs in the location proposed and she had not seen any provision for a rodding point or stench pipe for the emission of foul odour and waste. The gap between the building was quoted at Page No. 506, Paragraph 5.13 of the Officer report as being just three metres; however, it was only 1.21 metres from her front door to the boundary. The siting and proximity of the extension, albeit single storey, would without doubt have a detrimental effect on the light to both her front doorway and dining room. Page No. 507, Paragraph 5.14 of the Officer report stated that her property was already overshadowed by the existing building and that the new extension would not have an additional impact but she was adamant that it would for the reasons she had already given and due to the 45mm increase in height – she explained that her path and the current lean-to sloped towards the rear of the building so an assumption must be made that the height of the building would be more intrusive at some points than others. She felt that the extension would turn the entrance to her doorway into a gulley and the light she currently had access to inside her hallway would be greatly compromised making the inside of her property dim and potentially less safe. In the row of 17 properties on Cheltenham Road not one other home had extended a living space - let alone sited a toilet - up to the boundary line. With the vast amount of square footage and land that No. 4 had available to it, it seemed grossly unfair to use the space at the side which would impact on her enormously. She went on to explain that she also strongly objected to the planned side window which would overlook her front path and garden; this was an invasion of her privacy and would give the feeling of being watched – she pointed out that this had been raised as a concern but not discussed within the Officer report. The applicant had indicated that they would reconsider the siting of the downstairs toilet and she was very disappointed that had not happened. Should this application go ahead, it would set a precedent and would go against what Winchcombe represented. She reiterated that what was being proposed was unreasonable, unfair and overbearing and would mean that her wellbeing would be compromised, as would the character of Cheltenham Road and the approach to Winchcombe. She fully appreciated that restoration was required at No. 4 but considered there were better, fairer and more aesthetically pleasing and respectful ways of achieving this.

- 41.24 The Chair invited the applicant to address the Committee. The applicant stressed that the house was, and would remain, a two bedroom, two storey property significantly smaller in scale than the four bedroom detached house with three storeys at the rear on one side and a four bedroom semi-detached house with three storeys on the other side. The house needed significant repairs and renovation and there was an opportunity to make it suitable for modern living at the same time. The proposal complied with all planning policies and the development plan and they had engaged with an architect on all aspects of the proposed scheme, as well as taking advice from a Planning Officer at a face-to-face meeting under the pre-application advice service before submitting the application and modifying the scheme to take on board the Conservation Officer's choice of front window style and the Planning

Officer's preference that an angled side window be removed from the proposal – all of these steps had been taken in an attempt to ensure there could be no reason for refusal. Furthermore, it was noted that there had been no objection from the Town Council. She went on to explain that they had aimed to improve the appearance of the house by upgrading the proposed materials, for example, using Cotswold stone for walls, pitched slate roofs instead of flat corrugated iron and bitumen and upgrading windows from UPVC. The Planning Officer had explained why the two replacement extensions complied with planning policy when considering design, light, overlooking and overbearing and she stressed that the proposal was for a small increase in the height of the side extension for the practical reason that their heads currently brushed the underside of the ceiling insulation in the existing lean-to. She also explained that the proposed height was the lowest interior height that would satisfy building regulations and, to minimise the impact on the neighbouring property to the south, the proposal had a step down from the original house to the side extension and a mono-pitch roof with concealed guttering sloping favourably for the neighbour. The Planning Officer had judged both proposed extensions to not be unduly overbearing and, unlike overbearing, the question of any loss of light to the neighbouring house window to the south could be determined objectively. As the proposed single storey extension had a much larger building behind, i.e. their original house wall, daylight from that direction to the window of No. 6 was blocked anyway which was why the Planning Officer concluded that the proposal would not reduce sky light reaching the window of No. 6. Furthermore, there was no loss of sunlight because the side window of the neighbouring property faced north. She reiterated that the Planning Officer had stated there were no planning grounds to object to the proposed ground floor window, which in any event would face blank walls, or the proposed location of drains and the toilet which were matters for building control. In summary, the proposal appeared to be consistent with the development plan and planning policies and would result in upgraded materials and house design and she asked Members to support the Planning Officer recommendation to permit the proposal.

- 41.25 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 refused on the basis that it would have an unacceptable impact on the residential amenity of the neighbouring property. The proposer of the motion felt it was a difficult decision for the Committee to make. He recognised that older houses did require some form of extension to make them suitable for modern living and a lot of other properties along the road had rear extensions which had not caused any problems; however, he was extremely concerned that this proposal would result in the neighbour at No. 6 Cheltenham Road opening her front door to be faced with a toilet and the inevitable odours – he certainly would not want to be in that situation and he was sure other Members would feel the same. The seconder of the motion agreed with this and expressed the view that a full rear extension would have been more appropriate. Another Member indicated that she had intended to propose that the application be permitted in accordance with the Officer recommendation. A Member explained that he supported the views of the proposer of the motion to refuse the application and, whilst he respected the technical position given by the Planning Officer, there would be a significant detrimental impact on the amenity of the neighbouring property which would make him very wary of permitting the application. He agreed with the seconder of the motion that an alternative design may overcome the neighbour's concerns but, as it stood, it had not been satisfactorily demonstrated that there would be no undue impact on the neighbouring property.
- 41.26 The Technical Planning Manager advised that, as set out in the Officer report, the issue in relation to the toilet was dealt with via building regulations and, in this particular case, the elevation facing the neighbouring property would be a blank wall with no openings so it was difficult to see what actual harm would arise - he was

sure there were many situations where properties in close proximity had that sort of relationship, for example, terraced houses. The proposer of the motion explained that if the 'front' door was not to the side of the property then there would be no issue. Whilst there were no windows in the wall there were rooflights and there could be potential odour issues given the proximity of the properties so he could completely understand the objection from the neighbouring resident. He agreed that there was a possibility that a reasonably designed extension, in line with the majority of other properties in the road, may be able to cater for the needs of the applicant without putting a toilet outside the door of the neighbouring property. A Member questioned whether it was possible to grant delegated permission subject to moving the toilet from that part of the building. The proposer of the motion welcomed the suggestion but raised concern that there would be nothing to stop the applicant moving the toilet into the side extension once planning permission had been granted. Another Member went on to indicate that she had been on the Planning Committee Site Visit and she had felt that the rear extension was no problem but the increased roof height to the side would result in a loss of light to the adjacent property.

- 41.27 A Member did not feel she could make a decision on this application today and proposed that it be deferred in order to negotiate a repositioning of the toilet. The proposal for a deferral was duly seconded. The proposer of the motion to refuse the application felt that the Council needed to be seen to be fair and he would be happy with a deferral to try to secure a more appropriate design; he hoped that the applicant had listened to the views expressed and would give further thought to the need for the side extension. The seconder of the motion to refuse the application indicated that his personal view was that the proposal was an infringement on the neighbour's human rights and he did not agree with the Technical Planning Manager's earlier comment that this was comparable with terraced housing. The Technical Planning Manager felt it was important to clarify exactly what the deferral would be for as it seemed that some Members felt the position of the toilet was the only issue whereas others had raised concern about the side extension as regards loss of light etc. If it was the latter then he suggested that a delegated approval may be more appropriate as this would mean that it would only come back to Committee if the applicant did not agree to omit the side extension. A Member questioned whether the side extension could be constructed under permitted development rights if that element of the proposal was refused and was informed that would not be possible due to the location of the property within the Area of Outstanding Natural Beauty. The proposer and seconder of the motion to defer the application clarified that it was on the basis of negotiating a repositioning of the toilet extension and, upon being put the vote, it was

RESOLVED That the application be **DEFERRED** in order to negotiate a repositioning of the toilet extension.

19/00770/FUL – Land at Lower Stanley Farm, Gretton Fields, Gretton

- 41.28 This application was for variation of conditions 6 and 7 (25 year time restriction and cessation notice period) of planning permission Ref: 15/00350/FUL (the construction of a ground-mounted 4MW solar farm and associated infrastructure including substation, transformer stations, access, roads and fencing) to allow for 40 year operation and a 12 month cessation notice period.
- 41.29 The Planning Officer explained that the application site comprised an existing solar farm which had become operational and first exported electricity to the National Grid on 29 March 2016. The existing planning permission for the solar farm stated that it was for a temporary period of 25 years, to 29 March 2041, after which the development would be removed. A 25 year temporary permission had originally been granted as, at the time the application was permitted, solar panel manufacturers typically provided a 25 year warranty period and the applicant had advised that a 25 year permission was essential to ensure viability of supply. The

applicant had now advised that solar panels typically had warranties of 30 years or more and, with proactive management and maintenance regimes, good quality solar panels could be expected to operate efficiently for many years beyond their performance warranty period. Notwithstanding this, the applicant had also advised that the nature of solar panels was such that they could not operate on a permanent basis – not only did they have a limited lifespan but none of the component parts of a solar farm were designed to operate indefinitely. As such, a 40 year temporary consent was now being sought until 29 March 2056 as the operator considered that it was technically and economically feasible to operate the solar farm for this period and decommissioning early would represent an inefficient use of resources as equipment would be sent for recycling whilst still operationally sound. Therefore, it was recommended that permission be granted and the temporary permission extended.

- 41.30 The Chair invited the applicant's agent to address the Committee. The applicant's agent confirmed that the application sought to vary the wording of conditions 6 and 7 such that the operational life of the solar farm was for a period of 40 years – the existing permission allowed an operational period of 25 years, requiring the early decommissioning of the solar farm which would mean missing out on continued benefits from renewable energy. Since the original planning application had first been considered by the Planning Committee in 2015, performance warranties for solar panel photovoltaic models had increased from 25 years to 30 years or more. Panel manufacturers provided 'performance warranties' guaranteeing a minimum level of performance after a specified time; however, solar panels did not stop working at the end of the performance warranty period, rather they would continue to generate electricity at a gradually decreasing rate of performance. Good quality solar panels could be expected to operate efficiently for many years beyond their performance warranty period. The applicant's agent went on to advise that the extended operational life maximised the period within which the solar farm could generate renewable electricity, prior to removal and recycling, thereby avoiding premature decommissioning and providing continued contribution to the UK's low carbon energy needs. In all other respects, the application remained the same as previously found acceptable. The applicant had the UK's largest operations and management team for solar assets and would undertake a proactive scheme of monitoring and maintenance to keep the solar panels and associated plant in proper working order for the full 40 year period proposed. The greater operational period of the solar farm represented no materially greater harm; existing landscaping was becoming well-established and would continue to effectively screen the solar farm from view during these additional 15 years whilst providing an improved habitat for local ecology and biodiversity. As such, additional impacts of the extension of the operational period would be very limited. As set out in the Officer report, local and national planning policy favoured the development proposals in allowing for the full benefits of renewable energy generation to be realised from the plant installed. Taking into account the relevant planning considerations, this proposal represented sustainable development and enabled a variation to an existing planning permission to ensure that the solar farm continued to generate renewable electricity and contribute to national carbon reduction targets.
- 41.31 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 refused on the basis of prematurity. The proposer of the motion noted that solar farms were relatively new to the borough and the original application had only been permitted three years previously so she questioned the timing of this new application. She did not understand why the applicant did not come back towards the end of the 25 year permission to ask for an extension as technology was moving so quickly it was impossible to know what progressions might impact solar farms in the coming years. Another Member indicated that he could not support a motion to refuse the proposal given that the Council had declared a

climate change emergency and this would contribute towards addressing that. The seconder of the motion pointed out that there were other solar farms in the borough and he questioned whether any others had applied for a similar extension. The Planning Officer advised that, during his time at the Council, he had dealt with one other application for an extension of time for a solar farm a couple of years earlier which he believed had sought to increase the operation to 33 years. As part of the application process, a number of discussions had taken place with the applicant as to the reason for the 40 year period and the relevance of the date which he had explained related to the warranty period for solar panels and the wider components of the solar farm, such as cabling, which was not designed for permanent construction. There was no dispute that a solar farm was temporary in nature but whether that was for 25 or 40 years was for the applicant to propose. The Technical Planning Manager explained that the main issue with any application for a solar farm was the potential harm to the landscape – clearly there were benefits in respect of green energy and, in 2015, the Planning Committee had considered that the benefits justified the landscape harm. It was now necessary to question why it was unacceptable for a period of 40 years when 25 years had been considered to be acceptable.

- 41.32 A Member indicated that she completely supported the theory but she had reservations about the timeframe and she agreed with the proposer of the motion in terms of the changes that might happen in time, furthermore, she queried if the applicant would be altering the appearance of the site - if Members were minded to permit the application she would like to ensure this was closely monitored. A Member questioned what would happen if there was a substantial structural change or further extension. Another Member expressed the view that businesses had to plan for the future, not on the basis that they might be granted an extension in 20 years time. He could see no sound planning reasons to refuse the application when the principle of development had already been accepted and he felt that the Committee should be supporting the Officer recommendation. A Member indicated that this was not a permanent building that would go on forever, it was simply a small extension on the grounds of technology. The Technical Planning Manager advised that it appeared the concern was that it could become obsolete and he suggested that a reasonable compromise would be the addition of a condition to ensure that, if the site did not operate for a period of 12 months, it would be decommissioned along the same lines as within condition 5 as proposed. The proposer of the motion to refuse the application confirmed that she was happy to withdraw her proposal on that basis. The seconder of the motion indicated that there was significant history to the original application and, at the time, the Conservation Officer had been gravely concerned as to the impact on the Area of Outstanding Natural Beauty. Members had taken an on balance view that a 25 year permission would be acceptable but technology was moving at such a pace that he felt it would be more appropriate to insist on installing solar devices in new build properties as opposed to in sensitive areas and he referenced Oxfordshire where solar panels had been incorporated into the roof of properties on a new housing estate. On that basis he could not support the application. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation, subject to an additional condition to ensure that the solar farm was decommissioned if it did not operate for a 12 month period and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to an additional condition to ensure that the solar farm was decommissioned if it did not operate for a 12 month period.

19/01003/FUL – Land at Two Mile Lane, Highnam

- 41.33 This application was for proposed change of use of agricultural land to a mixed use of agricultural/equestrian, the installation of a 20 metre x 60 metre manege for private use and erection of a barn for equestrian use to provide stabling, tack room, wash area and storage. The Committee had visited the application site on Monday 16 December 2019.
- 41.34 The Planning Officer advised that the application site formed part of a larger field to the west of Two Mile Lane and was 3.46 acres. The application was similar to a previously refused scheme although it was noted that the ridge height of the barn had been lowered slightly to 5.3 metres from 5.5 metres. Horse-riding facilities were supported by saved local plan policy RCN6 provided there were no adverse impacts on landscape or residential amenity and that no traffic problems would be created. Policy SD6 of the Joint Core Strategy stated that applications for development would consider the landscape and visual sensitivity of the area in which they were to be located or which they may affect. The proposed development was not related to any existing development on the site and, notwithstanding the landscaping proposed, it was considered to be an isolated building which would be visually intrusive in an undeveloped field. A visible track was to be created from the access across the larger field to the site which was also considered to be visually intrusive. She explained that the highway reason for refusal had been withdrawn, as set out in the Additional Representations Sheet, attached at Appendix 1, as County Highways had removed its objection to the proposal subject to the inclusion of conditions for the access, parking and turning facilities – in accordance with drawing number M347/10 and implemented prior to occupation – the provision of parking for construction vehicles, and the storage of plant and materials to be within the site. Notwithstanding this, the Officer recommendation continued to be for refusal as the development was contrary to SD6 and saved local plan policy RCN6.
- 41.35 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that he had been asked by the applicant to review this application in light of the Officer recommendation to refuse the proposal and given his background of dealing with equestrian-related developments over the years. He noted that the County Highways concern had now been addressed and that refusal reason had been removed; the two remaining reasons both related to the siting and visual effect of the proposal and, given that those reasons were essentially relating to the same thing, he intended to treat them as a single issue for the purposes of his speech. He indicated that the proposed barn was clearly designed for stabling and the outdoor manege for the exercising of horses and the change of use of the field was simply necessary because horses would be kept on the field too, otherwise it was just a field and would remain so – he stressed that it was purely for equestrian use and was not to be used for any form of equestrian business. The Officer report described the site as being within the countryside and the stabling and exercising of horses, and a timber barn to accommodate them, was very much what one would expect to see in the Tewkesbury Borough countryside and indeed throughout the whole country – if people could not keep horses in the countryside then he wondered where they could keep them. Furthermore, it was alleged that the proposal would involve unwarranted intrusion into the rural landscape and he questioned what was so intrusive about horses and stabling and, more importantly, what was so harmful about this particular application when the Council had granted hundreds of applications over the years for similar buildings and uses throughout the borough. The site was not within the Area of Outstanding Natural Beauty, Green Belt or Conservation Area and the building would hardly be visible from any public vantage points so the only criticism seemed to be that the stables were not sited adjacent to existing buildings but that was simply because the position proposed would be the least visible location. The development was sited adjacent to existing mature boundary treatments, and additional landscaping was also proposed which would limit any visual impact and the applicant had reduced the

height of the barn, which the Officer report acknowledged would reduce the impact. Reference had been made to there being conflict with the current saved local plan policy RCN6 which indicated that stables should be closely related to existing buildings; however, the new policy on this topic in the emerging local plan RCN4 stated: *“New stables must be well-related to an existing group of buildings or, where this is not possible, a hedgerow or other landscaping feature which affords substantial screening”*. As Members would be aware, the majority of applications presented to the Committee over the last few months had indicated that at least moderate weight could be afforded to emerging policy and yet this report made no reference to this emerging policy and he questioned if there was a reason that at least moderate weight could not be afforded to this development as it seemed inconsistent to him. He could not see anything wrong with the proposal – it was simply a barn for the stabling of horses and a manege and the applicant had gone out of their way to compromise on size and siting so he could not understand why it had attracted such resistance.

- 41.36 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the basis that it would have an acceptable impact on the character and appearance of the locality. The seconder of the motion indicated that he had walked some distance across the field on the Planning Committee Site Visit and considered that the proposal would be well-hidden. He noted that the highway objection had been removed and understood that the applicant was willing to use grass screed instead of a hard track so he agreed that the application should be permitted. The Planning Officer advised that, should Members be minded to permit the application, she would recommend the inclusion of general conditions around the development being carried out in accordance with the approved plans and within agreed timescales; conditions for the access, parking and turning facilities (in accordance with drawing number M347/10 and implemented prior to occupation), the provision of parking for construction vehicles, and the storage of plant and materials to be within the site; and other conditions in relation to landscaping, details of the materials of the barn and track, a manure disposal plan and external illumination. The proposer and seconder of the motion confirmed they were happy with the suggested conditions and, upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to the inclusion of general conditions around the development being carried out in accordance with the approved plans and within agreed timescales; conditions for the access, parking and turning facilities (in accordance with drawing number M347/10 and implemented prior to occupation), the provision of parking for construction vehicles, and the storage of plant and materials to be within the site; and other conditions in relation to landscaping, details of the materials of the barn and track, a manure disposal plan and external illumination.

19/00678/OUT – 18 Westfield Road, Brockworth

- 41.37 This was an outline application for four proposed dwellings and associated amenity space, vehicle access and parking. The application had been deferred at the Planning Committee meeting on 19 November 2019 for a site visit to assess the concerns in relation to the size and scale of the dwellings, the impact on surrounding properties and the suitability of the vehicular access. The Committee had visited the application site on Monday 16 December 2019.
- 41.38 The Planning Officer advised that the application sought outline permission for four dwellings – two detached and two semi-detached dwellings – with access and scale for consideration at this stage. The site formed part of the gardens of No. 18 and No. 16 Westfield Road and was enclosed by residential development. It was noted that the principal of the development was acceptable in the location. The site was

set at a slightly lower ground level than land to the north on the indicative layout and the two storey side elevation was set back from the northern boundary and 11 metres to the rear boundary to the south-east. It was considered that there would be no significant harm in terms of loss of light, privacy or overlooking and amenity space could be further secured in the design of the scheme. The character of development in the area was mixed and the dwellings would not be visible from the streetscene; whilst the development was relatively dense, there was sufficient separation distance between properties and adequate amenity space. County Highways had no objection to the proposed access and the recommendation was to permit the application.

- 41.39 The Chair invited the applicant to address the Committee. The applicant indicated that Members would have seen on the Committee Site Visit that the surplus garden land was suitable for development. He had engaged with the Council from the outset, submitting a pre-application, and detailed illustrative plans had responded to local views about the relationship between the new houses and surrounding properties, access and ensuring there was adequate manoeuvring and parking space. In response to the latest objections, yet more illustrative plans had been prepared showing houses with reduced roof profiles and demonstrating that there was sufficient distance between the proposed new houses and existing dwellings. He drew attention to Page No. 524, Paragraph 5.15 of the Officer report which stated that there was over 24 metres between the rear elevations and at least 11 metres from the proposed dwellings to the rear boundary – this was a similar distance to that from the rear of the houses fronting Hillview Avenue to their boundary. It was noted that refuse vehicles would service the dwellings in the same way they serviced the court to the south and the bungalows to the north. He believed that all of the objections submitted were either not relevant in planning terms or did not stand up to scrutiny. Particular attention had been given to the relationship of the proposed houses to the bungalows to the north where there was a difference in land levels and he had ensured that access was at the centre of the site in order to minimise the impact on neighbours. This application had planning merit and was not overdevelopment of the site, there were no statutory objections on highway, drainage, nature conservation, wildlife, or any other grounds, furthermore, he had offered to remove permitted development rights. He pointed out that this application would also reduce the Council's five year housing land supply deficit. He urged Members to take full notice of the Officer's thorough report and clear recommendation and respectfully requested that permission be granted.
- 41.40 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 indicated that she preferred option 2 of the indicative designs. A Member expressed the view that the proposal would result in too many homes in a small area which was already overwhelmed by housing and would lead to overlooking and questioned whether it was possible to insist on lower lying houses, such as bungalows, instead. The Legal Adviser advised that scale was part of the application and so the height, length and width of the various buildings were included and though there had already been a motion to permit proposer and seconded, an amendment could be made if it could be clarified what was being proposed in that regard. Another Member indicated that she had been on the Committee Site Visit and was also of the view that the proposal would represent overdevelopment; in addition, she was particularly concerned about the access road being proposed along the site of No. 16 into the main road – she had recently driven along the main road at 5:30pm when it had been extremely busy and this would further compound the problem caused by the access from a development just up the road. The County Highways representative advised that the statutory width for an access road was 3.7 metres – the current access would be widened to 5.2 metres with visibility splays of 54 metres along Westfield Road so, regardless of the level of

traffic on the road, vehicles would be able to enter and exit safely. It was also noted that there was space for a vehicle to pull aside if they confronted a neighbour. A Member indicated that he may have felt differently if the properties to the south had not been built – the access for those properties was as close to the traffic lights as it could possibly be so if that was considered to be safe then this most certainly would be.

- 41.41 A Member questioned whether it was possible for Members to consider the different design options on the papers as she agreed with the proposer of the motion that dwellings with a slightly lower overall height would be preferable. The Technical Planning Manager explained that, should Members prefer a lower height, it was possible to apply a condition to the outline planning permission restricting the overall ridge heights. Both the proposer and seconder of the motion confirmed they would be happy to add such a condition to restrict the overall build height to seven metres. In response to a query as to how this would be controlled, Members were advised that if it was a condition of the planning permission this would be monitored in the usual way and more detailed plans would follow as part of the reserved matters application. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of an additional condition to restrict the overall ridge height to seven metres as indicated on the plans for option 2.

19/00761/OUT – 9 Parton Road Churchdown

- 41.42 This was an outline application for the erection of a single storey dwelling (all matters reserved).
- 41.43 The Planning Officer advised that the site formed part of the rear garden of 9 Parton Road and was not in a visually prominent position. An indicative plan had been provided for the layout and use of the existing access. The dwelling would be sited 11 metres from the rear boundary and 30 metres from the existing dwelling. It was considered that the development would not be overbearing and would have an acceptable impact in terms of privacy and light to the neighbouring properties. County Highways considered that improvements were required to the existing access and the parking layout, manoeuvring and access would be considered at the reserved matters stage.
- 41.44 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 taken to the vote, it was

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

19/00988/FUL – Pen Cerrig, Leckhampton Hill, Leckhampton

- 41.45 This was an application for the erection of a single storey side extension.
- 41.46 The Planning Officer advised that the application related to a detached dwelling in Leckhampton which was within the Area of Outstanding Natural Beauty and the proposal was for a single storey side extension. A Committee determination was required as the Parish Council had objected on the grounds of the increase in the size of the dwelling and the impact on the Area of Outstanding Natural Beauty. Whilst these concerns had been noted, the proposed extension would be very modest in size, this was a generous plot and there would be more than sufficient garden space left free from additions. Overall the proposal was considered to be of a suitable size and design and the Officer recommendation was to permit the application.

41.47 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. A Member noted that a neighbour had requested that no trees lining their boundary be removed or affected by the proposal and she was advised that this was addressed at Page No. 537, Paragraph 5.9 of the Officer report which confirmed that no trees would be removed as part of the proposal.

41.48 Upon being put to the vote, it was

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

19/01062/FUL – Brawn Farm, Rodway Lane, Sandhurst

41.49 This application was for the erection of an oak-framed cart lodge and gazebo.

41.50 The Planning Officer advised that Brawn Farm was a Grade II listed farmhouse on a corner plot. The oak frame car port with log store was sited in the front amenity area on the north-east boundary with the lane and the oak frame gazebo in the rear amenity space. The Conservation Officer had no objection to the proposal, subject to conditions, as it was considered that it would not dominate the farmhouse and the design and high quality materials would be sympathetic to the listed building. The proposal was considered appropriate in its context and in terms of height, scale and mass and there was no substantial impact in terms of neighbour amenity. Furthermore, the proposal was within the residential curtilage of Brawn Farm, was not considered to be out of character with the rural setting and would have minimal impact on the surrounding landscape, as such, the Officer recommendation was to permit the application.

41.51 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.

19/00935/APP – Part Parcel 5188, Tewkesbury Road, Twigworth

41.52 This was an approval of reserved matters application (access, appearance, landscaping, layout and scale) comprising Phase 1a of outline permission 15/01149/OUT for the erection of 79 dwellings and associated engineering operations, drainage infrastructure and landscaping.

41.53 The Planning Officer advised that this was the first reserved matters application for housing at the Twigworth strategic allocation and related to Phase 1a which was effectively a sub-phase of Phase 1 of the wider development. The principle of development had already been established through the outline permission, therefore this application related solely to the approval of access, layout, appearance, scale and landscaping. Whilst an indicative masterplan had been submitted with the original outline application, a condition required a site wide masterplan document to be submitted which had since been approved. The condition required all reserved matters applications to be in accordance with the approved document and the application had primarily been assessed in accordance with that document; the application also had regard to the outline consent, the Section 106 Agreement and the details approved under other conditions attached to the outline consent. In terms of the layout, it was considered that the road layout, block sizes and location of the public open space generally accorded with the masterplan. It was also considered that the scale and appearance accorded with the character areas described in the masterplan and the proposal was acceptable in terms of residential

amenity. With regard to landscaping, the strategy for the wider development was for a network of open spaces and green corridors, and the use of flood attenuation to create new wildlife habitats. The proposal included a garden square opposite the school land and a series of swales that connected to a large attenuation pond to the south-west corner of the development. The proposed planting was considered acceptable and the general landscaping and green infrastructure accorded with the approved masterplan. In terms of access, the road layout accorded with the masterplan and County Highways was satisfied that the submitted details were acceptable. In respect of flood attenuation, it was noted that the swales had been designed so they would be an integral component of the green corridors and would incorporate shrub and tree planting. They would generally have very shallow sides and had been designed to convey water rather than attenuate it. The Lead Local Flood Authority was satisfied that the proposed drainage complied with the approved drainage strategy for the site and was acceptable. In summary, the proposal was considered to accord with the outline consent, and the site wide masterplan document approved under that consent, and was therefore recommended for approval.

- 41.54 The Chair invited the applicant's agent to address the Committee. The applicant's agent confirmed that this reserved matters submission for 79 homes related to the first residential phase of the development of land at Twigworth which had outline planning permission approved by the Secretary of State in December 2017 and was allocated within the Joint Core Strategy for housing – the principle of residential development on the site had therefore been established. In accordance with the outline permission, a site wide masterplan document and detailed drainage strategy had been submitted pursuant to conditions 7 and 21 and those conditions had been formally discharged by the Council. The site wide masterplan document had been subject to a number of iterations over a period of 10 months responding to consultee feedback, notably from the Council's Urban Design and Conservation Officers. Amendments had been made to respond positively to the site context and, in particular, the nearby heritage assets. The application provided full details of all reserved matters and had been submitted in accordance with the approved outline planning permission, the parameters plans and the approved masterplan and drainage strategy. In summary, the first phase would deliver 43 market and 36 affordable homes; a traditional design was proposed; trees and hedgerows had been retained wherever possible; the drainage strategy included swales and provided betterment when compared to the approved site wide detailed drainage strategy submitted pursuant to condition 21; the proposed layout had full regard to the residential amenity of neighbouring residents, incorporating generous offsets and appropriate boundary treatments; a comprehensive landscaping scheme was proposed, including 121 new trees; and pedestrian links were provided throughout the layout, including access to the proposed new bus stop within the site. During the course of the application, the applicant had engaged proactively with the Borough and County Councils and amendments had been made to the design and layout to respond to consultee comments, notably in relation to design, highways and landscaping. Issues raised by consultees within their responses had been fully addressed via the revised plans. The applicant had also engaged proactively with Twigworth Parish Council and local Members. Meetings had taken place to discuss the site in general and the design of the first residential phase, including an opportunity for residents to ask questions about the development. A presentation and question and answer session had also been held focusing on the proposed drainage strategy for the whole site. The applicant remained committed to ongoing engagement with the Parish Council and Members to keep residents informed and to respond to any questions that may arise. In conclusion, this reserved matters

submission accorded with all of the parameters and principles approved as part of the outline planning permission and the applicant's agent urged Members to endorse the Officer recommendation to approve the application to enable much needed new affordable and market homes to be delivered on the site.

- 41.55 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member was of the view that the application should be deferred for more information. He drew attention to Page No. 543 of the Officer report which stated that Environmental Health had indicated that the submitted noise assessment 'appeared' satisfactory – he raised concern that it was either satisfactory or not and asked for clarification. In addition, Severn Trent Water had stated that the submitted drainage plans did not show outfall points for foul sewage or surface water and pointed out that, before they would consider a connection to a public sewer for surface water discharge, they would request that soakaways be investigated - he asked for clarification as to whether this was discussed in the Officer report and how a controlled reduced flow would impact on the swales and culverts. With regard to Page No. 546, Paragraph 5.5 of the Officer report, it stated that parked cars and visual clutter had been designed out of this key frontage and were accommodated in mews areas to the rear and side and he questioned whether Officers could guarantee that the road frontages would be kept clear, or if they could give an example of where this design had worked as he was aware of at least three in Longford, Innsworth and Wheatpieces where it had failed. In terms of Page No. 547, Paragraph 5.16 of the Officer report which related to the Parish Council's concerns, it stated that there was no requirement for the development to be strictly in accordance with the illustrative masterplan and he questioned how this managed expectations as it was that plan which had formed the basis of, albeit limited, consultation with the Parish. In respect of Page No. 547, Paragraph 5.17 of the Officer report which discussed concerns regarding the density of the proposed dwellings along the gateway street which were a higher density than the remainder of the phase, he made reference to Minute No. CL.95.13 of the Extraordinary Council meeting on 31 January 2017 which set out that, at a workshop held earlier that month, a Member had pointed out that part of the Innsworth side of the strategic allocation – which was designated for housing – had flooded through pluvial flooding and he had questioned whether that area of development had now been removed. In response at that meeting, the Planning Policy Manager had advised that the Innsworth and Twigworth sites were very much interlinked and the flood risk needed to be looked at as a whole. A more precautionary approach had been taken in the south-west corner of the Twigworth site and that was why the capacity for the site overall had been reduced as this would leave a green infrastructure buffer from flood risk areas. The Member questioned whether that was still the case and what guarantees Officers could give that the density of the development site would not increase as it had at Bishop's Cleeve and Innsworth. He went on to refer to the fact that there was no objection to the application from County Highways and referred to Minute No. CL.95.10 of the Extraordinary Council meeting on 31 January 2017 which stated that, in terms of highways, a Member had indicated that the A38 was already congested and, whilst there was a mention of a new link road between the A40 and the A48, she questioned whether this was a project that was included in Highways England's current plans. In response at that meeting, the representative from the County Highways had explained that Highways England was currently consulting on its Road Investment Strategy and was identifying issues and pinch points on the strategic road network; the A40/A38 had been put forward as an issue to be addressed within that period but there were other funding mechanisms that could be used if necessary. He had remained confident that funding could come forward as none of the suggested improvements were new in the thinking of either the County Council or Highways England with the plans for the A38/A40 having been under consideration for quite a long time. It had been stated that the costs would depend on the final design and the market conditions at the time of tendering but that would be factored into the project at the outset. The

Member requested that Officers go back to Highways England and remind them of the Council meeting and the recognised need for the link between the A38 and A40. Finally, with regard to Page No. 550 in respect of affordable housing, he asked if Officers could provide evidence of the need for affordable units and, as this was a Gloucester City allocation, whether the Gloucester City housing need figures were used. He proposed that the application be deferred in order to obtain more information.

- 41.56 In response, the Technical Planning Manager clarified that neither the link road or affordable housing were material considerations as part of the reserved matters application as they had been dealt with at the outline stage. The reserved matters applications had to demonstrate that they complied with the outline permission and, in this case, Officers were satisfied that was the case. In terms of drainage, the questions raised were not specifically related to this application aside from the fact that Officers were satisfied that all of these dwellings would be outside of areas at risk of flooding. With regard to noise issues, the Planning Officer confirmed that the noise survey submitted with the application had indicated that the noise levels would be higher for a small number of units adjacent to the new roundabout. In order to address this, additional noise mitigation measures would be implemented through the use of high specification glazing and acoustically treated ventilators; therefore, there would be no adverse impact, subject to mitigation. In terms of the response from Severn Trent Water, the Planning Officer confirmed that the plans did show connections to the swales and how they connected to the drainage basin at the south-west corner of the site. He reiterated that the drainage strategy had been approved at the outline stage and this application had to accord with the principles within that strategy which it did so far as the Lead Local Flood Authority was concerned. The County Highways representative advised that County Highways had just been involved in a week of positive meetings with the applicant who had made a clear commitment to any parking management that may be needed. The initial plan had shown double yellow lines along the spine road and County Highways had commented that this would need to be implemented prior to occupation. He confirmed that County Highways was satisfied that the frontages would be protected.
- 41.57 A Member went on to question whether streetscene plans had been provided as part of the reserved matters application and why they were not included in the Officer report. Page No. 542 of the Officer report outlined Twigworth Parish Council's concerns regarding the main access from the road and she questioned why this had changed from the original. She indicated that she wished to second the motion for a deferral as she did not feel Members had all of the information they needed to determine the application. A Member noted that Twigworth Parish Council felt that the scheme was not in keeping with the green village feel of the area and she sought a comment from the Urban Design Officer. The Urban Design Officer explained that the layout was in accordance with the site wide masterplan document which set out the principle for design and character of the scheme. She considered that the proposal was in keeping with that element of Twigworth and would maintain the green infrastructure network with an avenue of trees and planting. The Technical Planning Manager understood the Parish Council's concerns but stressed that this was a scheme for 725 houses so the plans would inevitably change and, with that amount of housing, it would be impossible to retain the feeling of a rural village as there may be in Twigworth currently. He considered that a balance had been achieved regarding the need to retain the character in terms of architecture and appearance whilst respecting the constraints of the site and the need to provide a significant housing development. The Parish Council considered that the green buffer should be larger at the entrance but that had been balanced against the need for usable open space on the site which had been provided within the actual site. In terms of density, Officers felt that this worked well in urban design terms with a lower density at the entrance and a higher density within the site. In respect of the

streetscene plans, the Technical Planning Manager advised that it was impossible to include every plan for every application within the Officer reports but Members were well aware that all of the information was available online and, if they wished to see anything specific, they could ask Officers at any time.

- 41.58 A Member noted that additional noise mitigation would be required for dwellings next to the roundabout and she argued that those houses should not be built in that location as there would inevitably be an adverse impact on those residents in terms of health and quality of life. Another Member questioned whether the dwellings would have solar panels and if electric vehicle charging points would be installed. In response, Members were advised that conditions on the outline permission required electric vehicle charging points to be installed for a certain percentage of dwellings and non-residential buildings; however, there were no conditions relating to solar panels and it would be difficult to make that request at this stage, nevertheless, it was noted that this was being addressed in the Tewkesbury Borough Plan and the government was also looking at including this in building regulations.
- 41.59 A Member indicated that she could not support a deferral as she believed that sufficient information had been provided in response to the questions raised by the Committee and she did not see what could be gained from a deferral. The proposer of the motion to defer the application explained that he respected the advice given by Officers but his concern was for the existing, and new, residents of Twigworth. He remained concerned that the noise assessment only 'appeared' satisfactory and indicated that he would like this to be determined either way. The problems with flooding in Twigworth were well documented and he felt that wider flooding issues must be taken into account on this site – he had not received a response to his question regarding the controlled reduced flow and the impact on culverts and swales and the wider area. He expressed the view that it was necessary to see the evidence that Severn Trent Water had requested in order to make an informed decision. Furthermore, he considered the A38/A40 link to be integral to the development and he asked that Officers establish what was being done. The Technical Planning Manager appreciated that this was an emotive application but ultimately the development had been allowed at appeal; the A38/A40 link had been raised at the appeal but no conditions had been included requiring it to be in place – it was certainly not an issue in respect of the reserved matters application. In terms of flood risk, a lot of time and energy had been spent at the appeal on convincing the Inspector there should be a robust suite of conditions but this had been scaled back by the Secretary of State. Clearly this had been very disappointing but it was now necessary to comply with the outline planning permission which set the parameters for the site. The noise issue had been explained by the Planning Officer and he clarified that the Environmental Health department was satisfied subject to the additional mitigation proposed in the noise assessment. The Flood Risk Management Engineer indicated that he could only reiterate the information in the outline application and stressed that ground conditions had been extensively tested. Surface water was going into a balancing pond, the outfall was nothing to do with Severn Trent Water and the documents did show the foul sewage connections. He clarified that a flow rate of below five seconds per litre was good – in this case it would be 4.79. Rainwater would be captured, conveyed and managed in a controlled manner to give a betterment over and above the existing undeveloped land. A Member indicated that a field opposite his farm had been under water for 8-10 weeks and queried whether the swales worked in reverse, i.e. did they bring water in. He was advised that this would be the case if the water was high enough but there would need to be around six metres of water for that to happen. The proposer of the motion to defer the application considered that it was a mistake to look at the site in isolation and that the major concern was the wider picture as water was being moved from the Brockworth escarpment via Longford and into Twigworth – if this reached the River Severn at a certain height it would back up and flood. The Technical Planning Manager confirmed that this point had been dismissed at the

appeal where it had been recommended that all strategic allocations be dealt with comprehensively due to a range of issues, including flooding, but that had not been supported by the Inspector or the Secretary of State. If the Committee did not make a positive decision on that basis then it would be considered unreasonable behaviour and could leave the Council open to costs. The Head of Development Services confirmed that the issues raised by Members had been dealt with at the outline stage and she could only reinforce the implications and risks associated with a deferral on the grounds raised.

- 41.60 Upon being put to the vote, there was an equal number of votes for and against and, upon the Chair exercising his casting vote, the motion for a deferral was lost. It was subsequently proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

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

- 41.61 This was an approval of reserved matters application (appearance, landscape, layout and scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.
- 41.62 The Technical Planning Manager explained that, at the Planning Committee meeting on 15 October 2019, Members had resolved to permit the application, subject to the resolution of the outstanding matters in relation to landscaping and the Habitats Regulation Assessment; addressing the highway concerns raised by the Committee; and the addition/amendment of planning conditions as appropriate. At the Planning Committee meeting on 19 November 2019, a correction was made to the Minutes of the October meeting making clear that Members wished to see highway improvements to Mill Lane prior to the commencement of development. Members were advised that the applicant did not believe that the requirement for the work to Mill Lane to be completed in advance of work on the site would be lawful as the outline application had already been granted. The current application related solely to appearance, landscaping, layout and scale for this particular parcel; highways was not a matter for consideration at this time. Nevertheless, he understood that work to widen Mill Lane had started on 2 December and included additional widening over and above that which had been agreed at the outline stage. The applicant had advised that the work between this application site and Shurdington Road was due for completion by the end of January and a second temporary access had been secured which could be used, if necessary, in advance of the Mill Lane works being completed. As such, it was Officers' strong advice to grant approval, subject to the resolution of outstanding technical matters related to landscaping and the Habitats Regulation Assessment; and the amendment/addition of planning applications as appropriate.
- 41.63 The Chair indicated that there were no public speakers for this item. The Officer recommendation was for authority to be delegated to the Technical Planning Manager to approve the application, subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment; and the addition/amendment of planning conditions as appropriate, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation. A Member confirmed that she had noticed that the road did look as if it was being widened but it was still a concern. The County Highways representative indicated that he had taken note of the issues raised by Members and had engaged with the landowner who he thanked for providing a scheme which went over and above the conditions on the outline permission and met the requirements of the Committee.

41.64 Upon being put to the vote, it was

RESOLVED That authority be delegated to the Technical Planning Manager to **APPROVE** the application, subject to the resolution of the outstanding matters relating to landscaping and the Habitats Regulation Assessment; and the addition/amendment of planning conditions as appropriate.

PL.42 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

42.1 Attention was drawn to the current appeal and appeal decisions update, circulated at Pages No. 21-26. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

42.2 In response to a Member query regarding the Fiddington appeal, Members were reminded that a decision had been due around 12 December 2019 but had been delayed due to the UK Parliamentary Election and was now expected around mid-January 2020.

42.3 It was

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

The meeting closed at 1:10 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS **ADDITIONAL REPRESENTATIONS**

Date: 17 December 2019

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

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

Page No	Item No	
467	1	<p>18/01281/FUL</p> <p>Crimmond, Mill Lane, Stoke Orchard</p> <p>The Urban Design Officer has reviewed the latest drawings and advised that the proposed amendments are minimal and that previous observations still stand. It is considered that the proposal fails to relate to its site or context and does not respond to the local character.</p> <p>Severn Trent Water has advised that the proposal would have a minimal impact on the public sewerage system. No objections are raised and a drainage condition is not required.</p> <p>Two further letters of objection have been received. The comments raised are summarised below:</p> <ul style="list-style-type: none"> - only minutely different from the previous plans - slight reshaping of the roof and addition of a porch - applicant is merely 'tweaking' the plans - out of keeping with rural lane - more in keeping with a large urban development - bungalow has been abandoned for past three years - previous objections to size and height not addressed <p>The recommendation remains unchanged.</p> <p>An additional letter was also received from the applicant's agent (attached).</p>

475	2	<p>19/00531/OUT</p> <p>Land To The North Of Church End, Parcel 4967 Opposite, Cherry Orchard Lane, Twynning, Tewkesbury</p> <p><u>Policy Context</u></p> <p>At Paragraph 4.2 of the Officer Report, it is stated that the Twynning Parish Neighbourhood Development Plan was adopted in January 2018; however, to clarify, the plan was not actually adopted as part of the development plan until the 17 April 2018.</p> <p><u>Ecology</u></p> <p>Following the publication of the Officer Report, a consultation response has been received from the Council's ecology advisor. It is advised that further bat surveys may be necessary should any trees highlighted as suitable for roosting need to be removed/pollarded/coppiced at the detailed design stage. Similarly, should any hedgerows need removal then it would be necessary for a Hedgerow Regulations survey to be undertaken to assess whether any hedgerows are classified as 'important'.</p> <p>The site is described as providing moderately suitable conditions for roosting bats. Therefore, retention of existing trees and hedgerows is recommended where possible. In addition, a lighting scheme and plan for the development will need to be submitted for approval by the Council prior to first occupation.</p> <p>As set out in the Officer Report, a moderate (suspected large) population of Great Crested Newts have been found in waterbodies near to the site. It would therefore be necessary for the applicant to apply to Natural England for a European Protected Species Great Crested Newts mitigation licence, which would involve the production of a Great Crested Newts mitigation method statement. This document would also need to be submitted to the Council for approval prior to its submission to Natural England.</p> <p>The ecology report details mitigation and enhancement for bats, Great Crested Newts, nesting birds, hedgehogs and reptiles. The ecology advisor requests that a Construction Ecological Methods Statement (CEMS) and Ecological Enhancement Plan (EEP) for these species is submitted to the Council prior to first occupation. These documents, which can be written as one combined document, should expand on the ecology report's recommendations for species' mitigation and site wide enhancements for these species. This could be secured by way of a planning condition.</p> <p>It is further advised that, as the proposal would result in an increase of 50 units, a Habitats Regulations Assessment is required to be prepared by the applicant to assess whether the proposals would impact on European Protected Sites within the wider area. As insufficient information has been submitted at this stage, it is not possible to conclude whether or not the proposal would have an adverse impact on any protected European sites. In light of this, an additional reason for refusal is recommended as follows:</p> <p><i>Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on protected European sites. The proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and advice set out in the National Planning Policy Framework.</i></p>
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		<p><u>Highways</u></p> <p>An email has been received from the applicant's transport consultant, which indicates that the applicant is willing to offer a sum of £100,000 towards an enhancement of the bus provision, which could be secured through a S106 Agreement; however, no information has been provided to justify this figure and therefore it is not possible to determine whether it is CIL compliant or indeed addresses the concerns raised in respect of the site's access to public transport facilities. Furthermore, this would not address the concerns raised in respect of the lack of pedestrian access to the bus stops on the A38.</p>
517	6	<p>19/01003/FUL</p> <p>Land at Two Mile Lane, Highnam</p> <p>Drawing number M347/10 (attached) was received on 11 December 2019 to demonstrate vehicle tracking for the access. County Highways has removed its objection to the proposal, subject to conditions for the access, parking and turning facilities (in accordance with drawing number M347/10 and implemented prior to occupation), the provision of parking for construction vehicles, the storage of plant and materials to be within the site.</p> <p>The highway refusal reason 3 of Officer recommendation is now removed.</p> <p>There is an error in the report and the second reason for refusal should read as follows:</p> <p><i>The proposed equestrian development would not be well related to existing group of buildings and by virtue of its siting, size, bulk and design would be harmful to the character and appearance of the rural landscape. As such the proposed development would conflict with Saved policy RCN6 of the Tewkesbury Borough Local Plan to 2011.</i></p> <p>The Officer recommendation remains for refusal for reason 1 of the report and reason 2 as cited above.</p>
522	7	<p>19/00678/OUT</p> <p>18 Westfield Road, Brockworth</p> <p>Additional information has been received from the Agent in response to objections raised by local residents.</p> <p>Attached is a full copy of the response and plan of indicative elevations.</p>
542	11	<p>19/00935/APP</p> <p>Part Parcel 5188, Tewkesbury Road, Twigworth</p> <p>During the assessment of the application, it has not been possible to reach a mutually agreeable position on one of the roof tiles. An additional condition is therefore recommended to secure these details at a later stage. The condition reads as follows:</p> <p><i>Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until samples of all external walling and roofing materials proposed to be used have first been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.</i></p> <p><i>Reason: In the interests of visual amenity.</i></p>
553	12	<p>19/00537/APP</p>

	<p>Phase 1 Land At Perrybrook , North Brockworth</p> <p>Committee Updates</p> <p><u>Appearance</u></p> <p>The scheme proposes the use of two different brick colours throughout the site, which is welcomed; however, concerns were raised in respect of the use of the yellow brick and the resulting contrast against the proposed second brick, which would be a red brick. Following successful negotiations, the yellow brick has now been omitted and its replacement would be another red brick of a different shade, the Forterra Meadow Red. Officers consider this to be an acceptable alternative and therefore conclude the appearance of the proposed dwellings would provide for a coherent and cohesive scheme.</p> <p><u>Cotswolds Beechwood Special area of Conservation (SAC)</u></p> <p>As set out in Paragraph 5.38 of the Officer report (Page 402 of the Agenda), Natural England requested further information in order to determine the significance of the impact of the development upon the Cotswolds Beechwood Special area of Conservation (SAC). Discussions have continued with Natural England and, as a result, further information has been submitted by the applicant. In light of the latest information, Officers are in the process of drawing up its Habitats Regulation Assessment record for the application, consistent with its duties as the competent authority under the Habitats Regulations. This will then be sent to Natural England for any further comments.</p>
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Item 1 – 18/01281/FUL



Crimmond, Mill Lane, Stoke Orchard, GL52 7SG
The construction of a replacement dwelling and associated works (Reference 18/01281/FUL)
Planning Committee Meeting on 17 December 2019

Please see the timeline of events for the above application.

- 21/12/18 submission, validated 15/01/19
- Parish Council and Urban Design Officer object
- 05/04/19 – Gemma Webster informs the application is written up for refusal for planning committee.
- 16/04/19 – Application not on agenda Gemma says this is because they have U-turned and consider it does not have any impact on the GB but the design is still bulky.
- Urban Design give us no clues on what changes they would like to see just 'for the architect to consider what alterations and design is required'
- We make changes urban design and Gemma see them as minimal
- 26/06/19 Gemma says application will go to July committee, with a recommendation for approval on the basis of it being infill development.
- Paul then U-turns the application and pulls it from sign off. Gemma gives us pointers to change.
- Thursday 29/08/19 meeting with myself, Becky (my colleague), client, Paul Skelton and Gemma – points agreed and revisions drawn by Paul
- 19/09/19 Bob becomes planning officer– does not believe that we have met the revisions Gemma wanted (although he did not know about the meeting with Gemma and Paul and only has access to some of Gemma's Emails)
- Revisions made between above date and early December – extensive changes are made; Bob scans a drawn design that officers want to see.
- Bob agrees he is writing it up for approval for the December committee.
- 28/11/19 Bob U-turns and believes the floor area calculations are too high and does not fit with Green Belt policy.
- We offer to remove the garage so that the calculations come down below the fall-back position.
- Bob then comes back and says there is no objection to the principle it's the design approach and the Urban Design officer is still objecting.
- Officer Report issued.

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REGISTERED NO: ENGLAND 06114677



16 December 2019

**Sent to all Members of the Tewkesbury Borough Council Planning Committee
by email**

Dear Councillor

**Crimmond, Mill Lane, Stoke Orchard, GL52 7SG
The construction of a replacement dwelling and associated works (Reference
18/01281/FUL)
Planning Committee Meeting on 17 December 2019**

I am writing with regard to agenda item 1 of tomorrow's Planning Committee. We act on behalf of the applicant, [REDACTED]

The application was submitted 12 months ago and valid January 2019. The timeline of events is highlighted in a separate document and shows the multiple U-turns and contradictions that officers have made during the course of this application.

The application is to replace the bungalow and modern extensions with a new dwelling which is designed to minimise the impact on the Green Belt especially when compared to the fallback position on site (see appendix 1).

The aim of this proposal is to enable the dwelling to blend into the existing built environment whilst allowing the owner to raise his family in a property appropriate to their needs and modern ways of living.

There are a number of concerns with the accuracy of the officer's report. Firstly, the plans in the report do not give an accurate representation of the proposal, given the fall-back position plans have not been attached.

The fall-back position is a material consideration and a familiar planning concept (I provide you with the plans for this in appendix 2). The applicants have applied significant time to this project and the fall-back is a realistic prospect that will occur in the alternative. Within the officer report under paragraph 5.22 it states that "*during negotiation on the application, the applicant has stated verbally that they would not carry out the fall-back position*". This has never been stated throughout any of the negotiations with officers.

Secondly, the report goes on to state that because the outbuildings are single storey, they would have less effect on the openness on the green belt. The permitted development scheme would fill 92.9% of the plot width when viewed from the street compared to 73.2% in the proposed development.

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REGISTERED NO: ENGLAND 06114677

Filling the width of the plot in this way would have a greater impact on the openness of the greenbelt than a narrower 1 and half storey house, considering other houses in the street are of this height too.

Thirdly, the officer report states that the proposed dwelling would be 216% larger than the existing dwelling. This though fails to mention that when compared to the floor area including the permitted development scheme this would only be 8.7% larger, far less than other replacement dwellings approved within the borough.

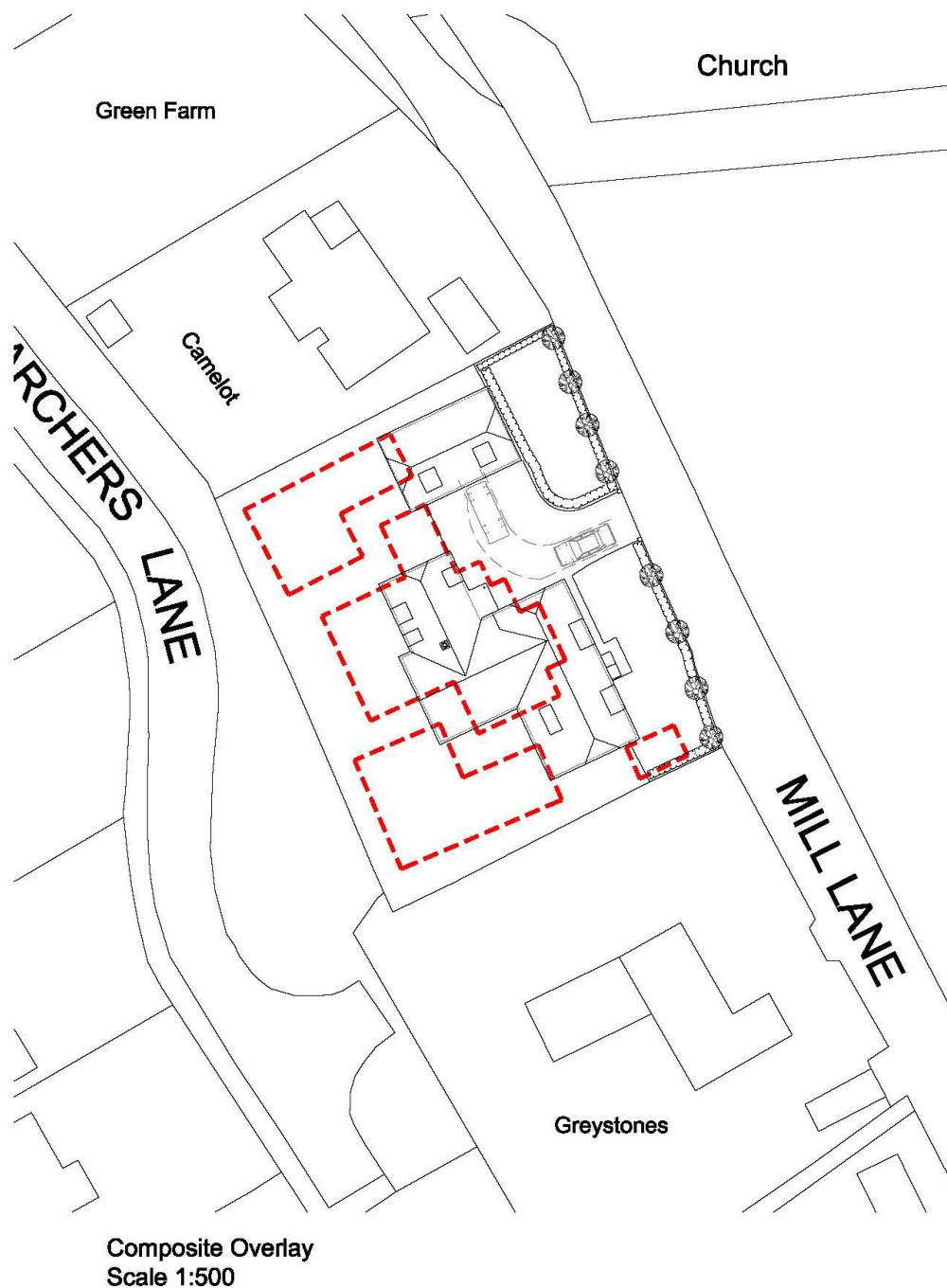
Lastly, I find it strange that officers claim the design is not of a high enough standard when officers themselves have helped design the scheme. A scanned image (shown in appendix 3) drawn by the planning officer shows the design they wanted to see. The submitted scheme entirely reflects this. The timeline of events within the separate document submitted with this letter further demonstrates the efforts the applicant has gone to to provide a design to officers' liking.

I am grateful to you for taking the time to read this letter. We will be using the opportunity to present to you on Tuesday. At that time, we will respectfully ask members take a common sense approach to the determination of this application and grant planning permission, in recognition of the many benefits of the scheme, and the provision of a more suitable home [REDACTED]

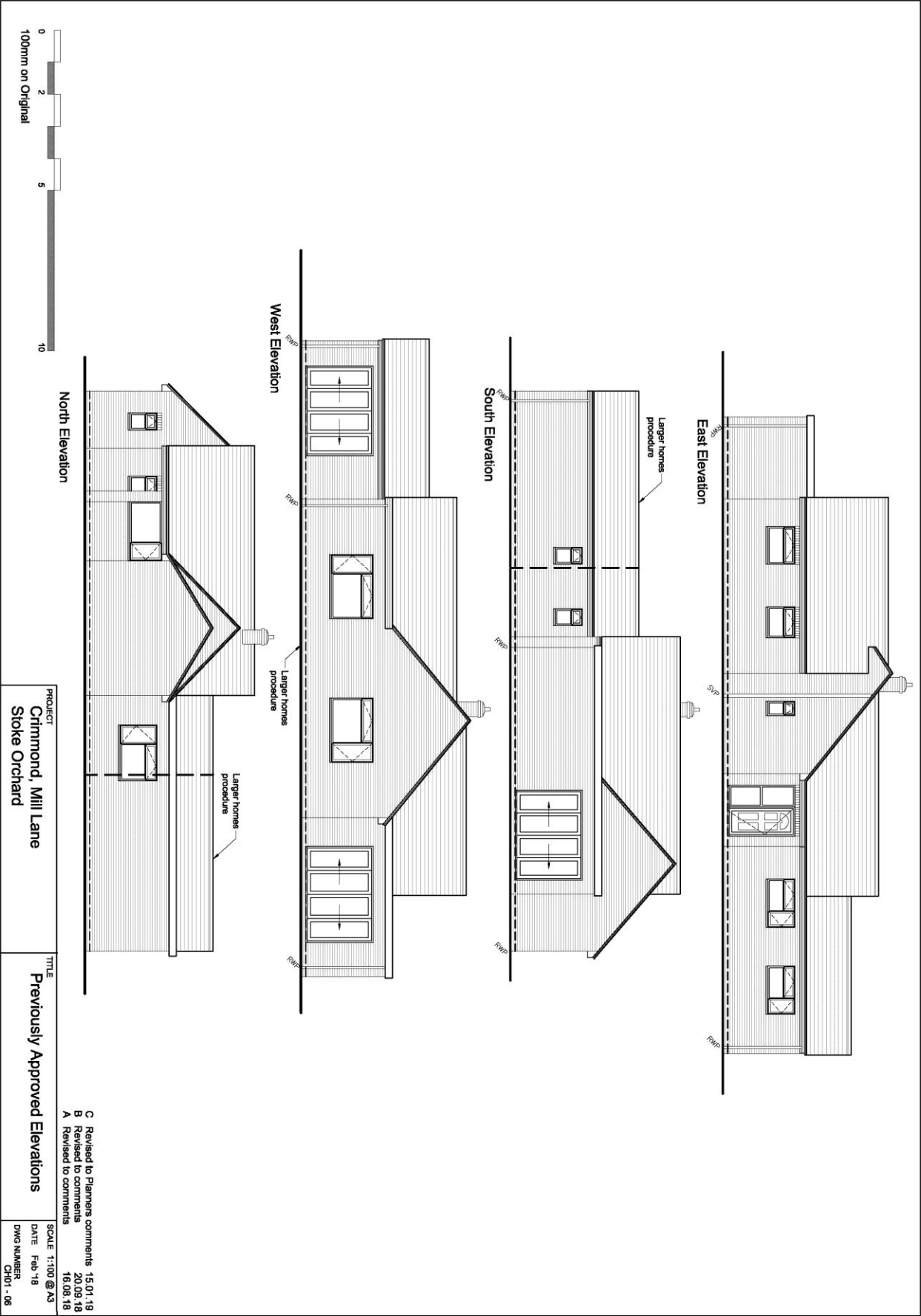
Yours faithfully

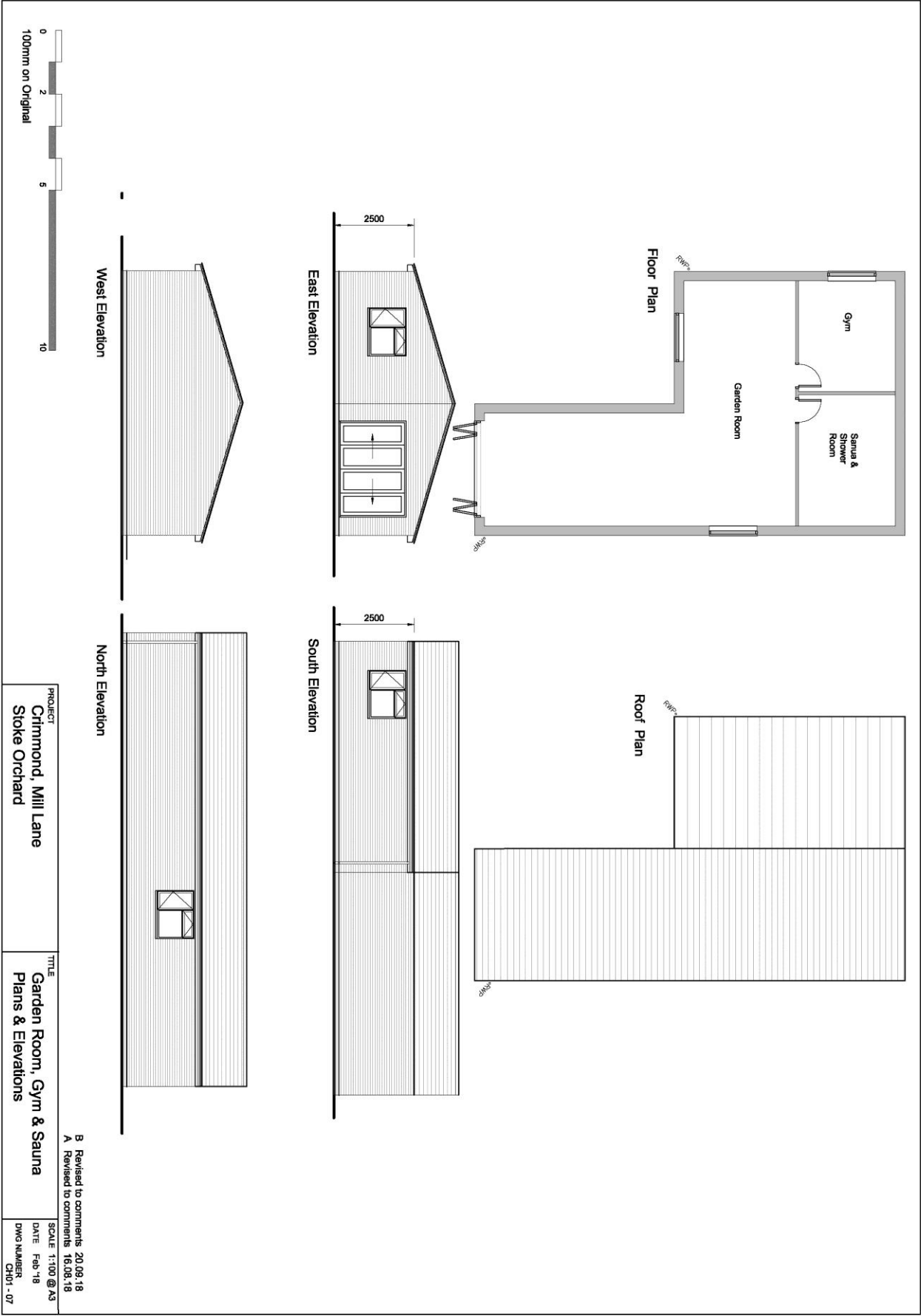
Marcus Evans
SF Planning Limited

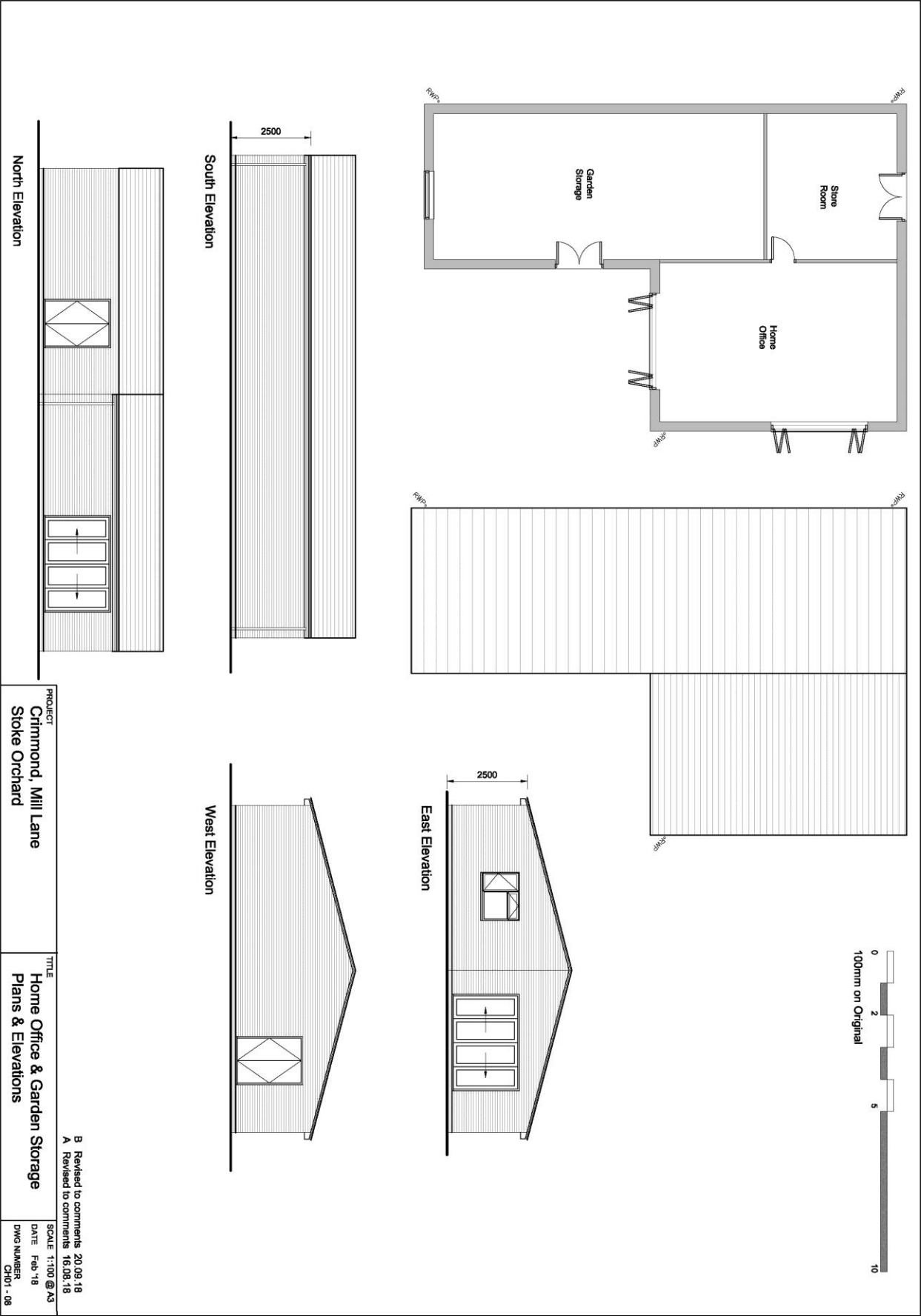
Appendix 1



Appendix 2



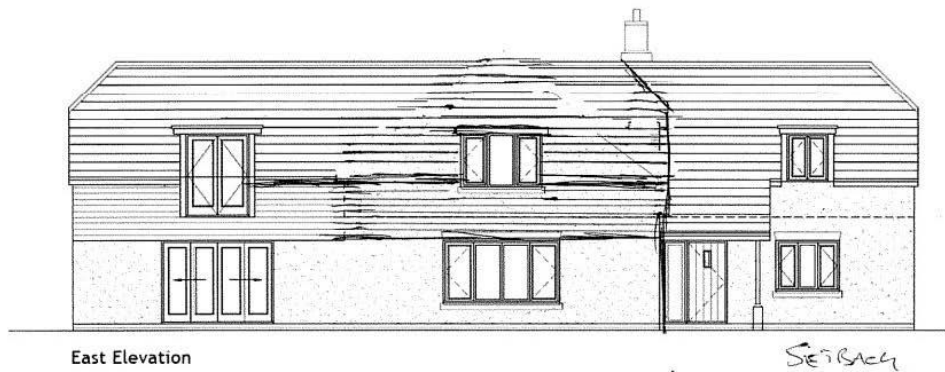






Appendix 3

Dwelling designed by Bob Ristic 19/09/2019



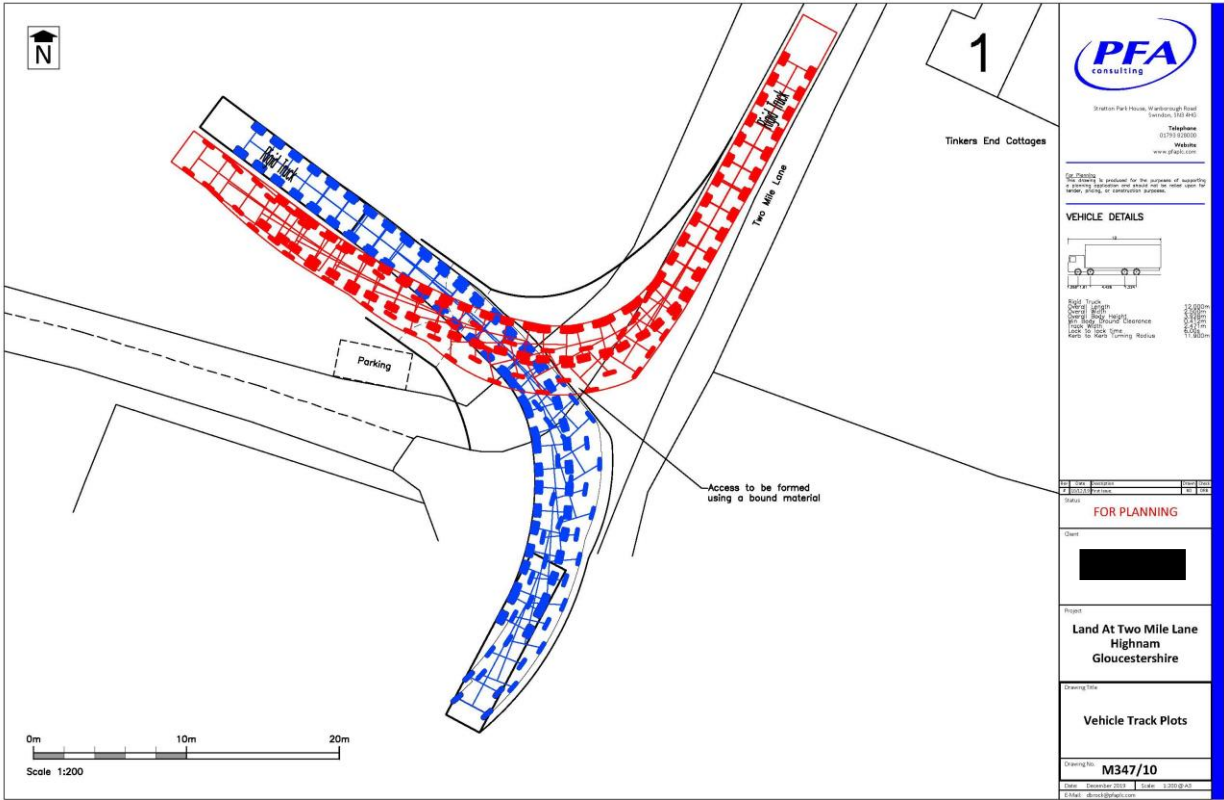
SIMPLIFIED 'BARN' and
LINEAR FORM

Final submission 28/11/2019 – Porch added at Bob's request 22/11/2019



East Elevation

Item No. 6 – 19/01003/FUL



Item No. 7 – 19/00678/OUT

TOTAL DESIGN LTD RESPONSE TO OBJECTIONS TO THE BELOW PLANNING APPLICATION

Application: 19/00678/OUT

Description: Proposed 4no. Dwellings and associated amenity space, vehicle access and parking.

Site: 16-18 Westfield Road, Brockworth, Gloucester, Gloucestershire GL3 4AP

Consultee Comments:

Highways - NO OBJECTION - subject to conditions

Land Drainage Officer - NO OBJECTION - subject to conditions

Building Control - NO OBJECTION

Parish Council - OBJECTION (following the number of local residence objections)

Common objection points raised by Local Residents:

- **Loss of Privacy** - The proposed development has been designed to comply with Tewkesbury Borough Councils design guide lines for distances between new and existing dwellings.
- **Loss of Light** - The dwellings will not cause loss of light, plot 1 was designed with the single storey garage on the most northerly part of the site to ensure that no loss of light occurred.
- **Loss of "open view"** - there is no right to a view in planning terms, again see point above with single storey garage to thereby appear to move the new development further from the northern boundary.
- **Overshadowing from tall imposing buildings** - A resident attempted to superimpose the new development on to a photo, but unfortunately they have probably scared themselves as the scale and proportions shown are so over exaggerated. The site was professional topographically surveyed, with the heights of the bungalows 20a, 20b & 20c being recorded, the new plot 1 house will only be 1.73 metres higher than the bungalows to the North, with the Garage of plot 1 being 1.5 metres lower than the bungalows roof.
- **Bungalows would be more beneficial** - As point above if a bungalow was sited against the Northern boundary it would be a greater height than the garage as drawn currently.
- **Noise and associated pollution from additional residential properties and their vehicles** - Adequate parking for all new and existing dwellings have been provided to highway standards, with a refuse area being located within the site.
- **Increased parking issues** - Adequate parking for all new and existing dwellings have been provided to highway standards
- **Access visibility due to people parking on the road** - Adequate parking for all new and existing dwellings have been provided to highway standards
- **Wheelie bins obstructing pavement** - refuse area is located within the site
- **Garden grabbing for financial gain** - The site is prime for infill, see attached sheet there have been infills to the North, East and South all surrounding the application site. These are 20a, 20b & 20c Westfield Road, 11 -15 Hillview View Avenue & 1 - 5 Corinium Court.
- **Reduction in green space within the village** - This is not losing any important area of public open space, its private residential garden therefore will not have any impact on the village.

- **Harm to habitats, wildlife and mature gardens** - hedges are being maintained, and trees are being retained where possible which will encourage wild life both into the new gardens as well as the large existing retained gardens.
- **Encourage others to do the same / set precedence** - each potential site I would imagine the planning officer will consider it on its own merits and constraints and therefore not relevant to this application.
- **Large Housing developments already approved locally** - Always a demand for additional dwellings
- **New houses with small gardens and reduction of garden space to no. 16 & 18** - new dwellings will have gardens same as or greater than Corinium Gardens, with the gardens of 16 & 18 being larger in sized compared with the vast majority of the dwellings in Westfield Road on either side of the road.
- **Flooding due to increased hard landscaping** - The site is not within a flood risk area, it is in flood zone 1 (not affected via flooding) of the environment agency maps.
- **Reduction in value and saleability to surrounding properties** - due to numerous points above, there should not be any reduction in values of properties, the only properties to have a lower value will be number 16 & 18 Westfield Road - the applicants
- **Cause of stress and anxiety to elderly residents by being "hemmed in" by the new development.** Do not understand this comment as no one will be "hemmed in"!!



INDICATIVE FRONT ELEVATIONS

Original Option



INDICATIVE FRONT ELEVATIONS

Alternative Option

Original indicative elevations overall build height 8metres

Alternative indicative elevations overall build height 7metres

ALTERNATIVE ELEVATIONS FOR CONSIDERATION @
16 WESTFIELD ROAD,
BROCKWORTH, GLOS
12TH DECEMBER 2019
SCALE: Not to Scale @A4
DWG No. T1265.05

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