

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 18 February 2020 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillor C Softley

PL.50 ANNOUNCEMENTS

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

PL.51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 51.1 Apologies for absence were received from Councillors L A Gerrard and R J E Vines. There were no substitutions for the meeting.

PL.52 DECLARATIONS OF INTEREST

- 52.1 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.

52.3 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

52.3 There were no further declarations made on this occasion.

PL.53 MINUTES

53.1 The Minutes of the meeting held on 21 January 2020, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.54 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

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

19/00865/FUL – 6 The Square, Toddington

- 54.2 This application was for the construction of three outbuildings comprising a garden room, double garage and gazebo.
- 54.3 The Planning Officer advised that the application related to one of nine dwellings located within a Grade II listed converted stable block range. The site and immediate surroundings were of particular historical significance and the impact of the proposals upon this environment was the main matter for consideration. The first part of the proposal sought the erection of a garden room and garage which were recommended for refusal because they were considered to be harmful to the architectural and historical significance of The Square and St Andrew's Church; the applicant had not provided any justification or public benefit to offset this harm. The second part of the proposal sought the erection of a gazebo which was deemed to be acceptable and was recommended for permission.
- 54.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was for a split decision to permit the gazebo and to refuse the garage and garden room and he sought a motion from the floor. It was proposed and seconded that a split decision be issued in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That a **SPLIT DECISION** be issued for the application to **PERMIT** the gazebo and **REFUSE** the garage and garden room.

18/01251/FUL – Starveall Farm, Pamington Road, Pamington

- 54.5 This was a hybrid planning application – a full planning application for the proposed erection of a new poultry site for up to 360,000 birds with solar panels, biomass boilers and associated buildings and development and an outline planning application for one agricultural worker's dwelling with all matters reserved except for access.
- 54.6 The Technical Planning Manager explained that Officers had been contacted the previous day by someone on behalf of the adjacent landowner who had directed them to consultation requirements in relation to the application which was subject to an Environmental Impact Assessment. In short, the regulations stated that, in such cases where the Local Planning Authority was aware of someone who was likely to have an interest in an application, but was unlikely to become aware of it as a result of the normal consultation process, the Local Planning Authority should notify that person in writing and provide them with 30 days to make any comments. The correspondence received made it clear that the person in question had not been made aware of the application in accordance with the regulations and, on that basis, it was Officers' firm recommendation that the application should be deferred to allow that consultation to take place. The risk of not doing so had been set out by Counsel on behalf of the person in question and any decision made by the Committee could be at risk in terms of judicial review.
- 54.7 The Chair indicated that the applicant had been intending to speak but was willing to forgo the opportunity if the Committee was minded to defer the application. The Officer recommendation was to defer the application in order to allow appropriate consultation to take place to accord with the Environmental Impact Assessment Regulations and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member indicated that he was happy to support a deferral but this was not the first application for a poultry farm and he questioned why Officers had not known about the consultation regulations. In response, the Technical Planning Manager clarified that this was a specific element of the Environmental Impact Regulations and was not something which had been raised previously; now that it had come to

light it was important that it was correctly addressed and, having taken advice, he reiterated that it was Officers' firm recommendation that the application be deferred.

54.8 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to allow the appropriate consultation to take place to accord with the Environmental Impact Assessment Regulations.

19/00476/FUL – Part Parcel 5778, Malleson Road, Gotherington

54.9 This application was for the erection of nine residential dwellings and associated vehicular access. The application had been deferred at the Planning Committee meeting on 17 December 2019 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.

54.10 The Technical Planning Manager advised that the main issue was around the threshold for affordable housing and whether it was required as part of this application. He explained that the Gotherington Neighbourhood Development Plan had a threshold of five dwellings which triggered the need for affordable housing but this had been superseded by the National Planning Policy Framework and Joint Core Strategy which had higher thresholds. The law was very clear that where there was a conflict between two development plan policies – in this case the Neighbourhood Development Plan and the Joint Core Strategy – the most recently adopted policy must be favoured as set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004. Notwithstanding this, there may be instances where material considerations indicated that an application should be permitted and delivered otherwise than in accordance with the development plan which was why it had been considered necessary to wait for the results of the Gotherington Parish Housing Needs Survey Report. If the survey demonstrated a critical need in Gotherington which could not be met in any other way, this would be deemed as a material consideration which would justify a decision being made other than in accordance with the Joint Core Strategy policy; however, for the reasons set out at Page No. 662, Paragraphs 9.6-9.9 of the Officer report, this was not the case. The survey had shown a need for five affordable houses, of which four had indicated a need for affordable rented housing - two of those had no preference as to where they would like to move, one had indicated they would prefer to move anywhere within Tewkesbury Borough and the fourth had expressed a desire to move outside of the borough to be closer to their place of work; the fifth had expressed a need for home ownership within Gotherington Parish only. In respect of alternative options, there was a site on the opposite side of the road which was currently under construction and would provide 10 affordable dwellings, therefore, the need could theoretically be met on that site. As such, it was Officers' advice that this application should be granted planning permission in accordance with the Officer recommendation.

54.11 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion thanked the Officers for the work they had done to establish affordable housing need in Gotherington and, whilst she was disappointed with the outcome, she accepted that the legal position was that the Neighbourhood Development Plan had been superseded despite having been adopted just months prior to the adoption of the Joint Core Strategy – she pointed out that this could have implications for other Neighbourhood Development Plans across the borough. Another Member made reference to the Stoke Road and Fiddington appeals, particularly the latter where the Secretary of State had given little weight to the Joint Core Strategy due to the

stage it was at, and he questioned whether the Committee should also give little weight to the Joint Core Strategy and if that would change the Officer recommendation. In response, the Technical Planning Manager clarified that the Member had been referring to the Joint Core Strategy review; the Joint Core Strategy itself was adopted and formed part of the development plan. In terms of affordable housing policies, the Joint Core Strategy was in general accordance with the National Planning Policy Framework and should be given full weight in determination of this application. If the policy was in the emerging Joint Core Strategy or Tewkesbury Borough Plan then consideration would need to be given to the weight which it could be afforded but, given it was an adopted policy of the Joint Core Strategy, insofar as it related to this application, it should be given full weight. The Member explained that, like the proposer of the motion, he was concerned that a lot of time and effort was being spent by Parish Councils to put forward their Neighbourhood Development Plans only for them to be overtaken by other policies. Another Member sought clarification as to how this impacted future Neighbourhood Development Plans. In response, the Technical Planning Manager explained that everyone was gaining experience of Neighbourhood Development Plans as they went through the process and dealt with scenarios such as this. He advised that this related to a very specific policy in a plan and the timing issues in this case were extraordinary in that the Gotherington Neighbourhood Development Plan had been adopted one or two months before the Joint Core Strategy had been adopted with a different policy. If there was particular evidence of a specific need within a local area then a policy within a Neighbourhood Development Plan may be justified but circumstances could change as they had here – the 2014 housing need survey, which had been used to justify the Neighbourhood Development Plan policy, had been superseded by the recent survey which had different findings and was unlikely to justify that policy had the Neighbourhood Development Plan been considered at this time. It was very much a learning curve but Officers were alert to the possibility of issues such as this arising in future.

- 54.12 Another Member emphasised what a huge undertaking Neighbourhood Development Plans were for Parish Councils and she found it very disappointing that the government could change its mind and abandon the localism agenda which it had previously been championing. Given this situation, she questioned whether Parish Councils should be regularly updating their Neighbourhood Development Plans. The Technical Planning Manager reiterated the need to learn from experiences such as this in order to be in a better position to advise on Neighbourhood Development Plans but he reminded Members that an application in Twynning had been refused by the Planning Committee where the Neighbourhood Development Plan would be more than two years old if and when an appeal was lodged meaning that its impact on the tilted balance under National Planning Policy Framework provisions would not then come into play as it did now. In response to a Member comment that Neighbourhood Development Plans bore no weight on appeal as a decision was taken by an inspector or the Secretary of State, the Technical Planning Manager pointed out that Highnam told a different story so that was not necessarily a given.

- 54.13 Upon being put to the vote, it was

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

19/01056/FUL – Hayrob, 21 Wynyards Close, Tewkesbury

- 54.14 This application was for change of use of land to residential garden and erection of a new boundary fence.
- 54.15 The Planning Officer advised that there were no concerns or objections to the application which required a Committee decision because the small area of public open space which would be incorporated into the residential garden currently

belonged to the Council.

- 54.16 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.

19/01154/FUL – Little Haven, The Village, Ashleworth

- 54.17 This application was for a new single dwelling and garaging.

- 54.18 The Planning Officer advised that this site was an infill plot in the village of Ashleworth and within the landscape protection zone. It was a significantly sloping site with ground levels rising to the north. The application required a Committee decision due to an objection by the Parish Council on the basis of concerns regarding the siting, scale and mass of the garage, impact on neighbouring amenity in terms of overlooking, overbearing nature of the development and highway access. The proposal had been amended and plans submitted for a smaller garage set back from the front boundary in line with the dwelling to the south; the first floor window in the south side elevation had been removed and the ground floor secondary windows had been reduced in size. Notwithstanding this, the Parish Council maintained its objection. Officers considered that the proposal as amended was appropriate in terms of design, materials and impact on neighbour amenity. The proposal was read in conjunction with existing residential development in the vicinity of the site and appropriate landscaping would be provided subject to condition. As such, it was considered that the proposal would have minimal impact on the surrounding landscape and the development was considered acceptable in terms of highway safety and surface water drainage, subject to appropriate conditions. Therefore, the Officer recommendation was that the application as amended should be permitted, subject to conditions.

- 54.19 The Chair invited the applicant to address the Committee. The applicant confirmed he had been working with an architect and the Planning team to design a home in keeping with the local vernacular. A number of amendments had been made to respond to the three key objections and he explained that overlooking of the southern gable end over the neighbouring property had been addressed through the removal of an upper floor window and the size and position of the garage had been addressed by reducing the garage in size and setting it back so it would not extend beyond the building line of the dwelling to the south. The Parish Council had questioned the possibility of moving the access to a more southerly position and the applicant had undertaken a traffic survey and employed a traffic consultant who had advised that it was in the most southerly position possible allowing for visibility splays and safety requirements. He pointed out that no objections had been raised by County Highways. The Planning Officer had recommended the application for permission and no objections had been received from other parties so he hoped the Committee would feel able to permit the application.

- 54.20 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

19/00758/OUT – Land at Homelands Farm, Gotherington Lane, Bishop's Cleeve

- 54.21 This was a hybrid application – a full planning application for 65 residential units (to include affordable housing, public open space, associated highways and drainage infrastructure) and an outline planning application, with all matters reserved except access, for up to 2,000sqm (GIA) small scale employment use (B1 class) and associated demolition, parking and open space.
- 54.22 The Technical Planning Manager indicated that all Members of the Committee had received an email from the applicant the previous day setting out their concerns in respect of the way the issue of education had been dealt with in the Officer report. The applicant had referred Members and Officers to a case in South Oxfordshire where a similar issue had arisen and had been dealt with in a particular way following Counsel advice on behalf of the applicant in that case. At the end of the email the applicant set out that, if the Council was in any doubt, they would suggest the application be deferred for a month; this would allow full research of the issue and, if necessary, for the Local Planning Authority to take Counsel advice itself. From an Officer perspective, it was considered wise to take up that suggestion in order to properly advise the Committee on the issue that had been raised and it was now recommended that the application be deferred.
- 54.23 The Chair indicated that the applicant had been intending to speak but was willing to forgo the opportunity if the Committee was minded to defer the application. The Officer recommendation was to defer the application to allow the issues raised in respect of education matters to be addressed and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member understood there was a significant shortfall of school places which was the responsibility of Gloucestershire County Council and, when the application came back to the Committee, he would like to know what it intended to do to cover that shortfall and the timeframe for that. Another Member agreed it was imperative that the issue with school places be resolved.
- 54.24 A Member expressed the view that the offer of £73 per dwelling for recycling and waste was inadequate given that the Council would potentially have to employ another crew or use an additional vehicle to service the new development and he felt that Officers needed to look carefully at this issue when negotiating with developers. This was noted by the Technical Planning Manager, although he pointed out that there was a difference between what the Council needed to provide a service and what each developer should be required to pay; £73 per dwelling was toward delivering the infrastructure, specifically waste and recycling bins. Whilst this could be considered, it should be borne in mind that there were other income streams to deliver services and care must be taken when seeking Section 106 obligations.
- 54.25 Upon being taken to the vote, it was
- RESOLVED** That the application be **DEFERRED** to allow Officers to address the issues raised in respect of education matters.

19/00997/FUL – 95 Orchard Way, Churchdown

- 54.26 This application was for the erection of a two storey side and rear extension, single storey rear extension and front porch.
- 54.27 The Planning Officer advised that the application required a Committee determination due to a Parish Council objection. The Officer report provided an assessment of the material considerations, which included the design and visual impact and the effect on residential amenity. No harm had been identified;

therefore, it was recommended that planning permission be granted.

- 54.28 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 asked for assurance that the first floor window in the side elevation of the extension would be obscure glazed and confirmation was provided that this was included in the conditions set out at Page No. 695 of the Officer report. Upon being taken to the vote, it was

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

19/01124/FUL – Raleigh Lodge, Station Road, Churchdown

- 54.29 This application was for the erection of a single storey rear extension and first floor front extension over garage; extension to existing loft space with a rear dormer window and installation of timber cladding.

- 54.30 The Planning Officer advised that the application required a Committee determination due to a Parish Council objection. An assessment of the material considerations, which included the design and impact upon residential amenity, was set out at Pages No. 698-699 of the Officer report. No harm had been identified; therefore, it was recommended that planning permission be granted.

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

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

19/01155/FUL – 19 Snowhill Drive, Bishop's Cleeve

- 54.32 This application was for change of use of land from public open space to a private residential garden including driveway.

- 54.33 The Planning Officer advised that the application required Committee determination as the Council owned the public open space to the side of the property and the Parish Council had objected to the proposal. The existing side boundary would be replaced by a new brick wall and timber fence with the side boundary to the front of the dwelling being open plan. Objections had been raised regarding the loss of part of the public open space which would have no public benefit, encouraged privatisation and would result in a disproportionate garden. Reference had also been made to the fact that public open space reduced the impact of building density. Members were informed that the proposed boundary treatment was considered to be in keeping with the character of other residential properties in the vicinity of the site; the gardens within the residential development varied in size and the open plan character of the estate would be retained; and low level planting on the front side boundary was proposed to mitigate for the loss of some of the existing low level landscaping. The majority of the public amenity area was retained and access through the area was not impeded. The proposal would provide additional off-road parking and improved visibility through the removal of the existing low level fence on the front side boundary and it was considered that it would not significantly impact highway safety or detract from the overall design and appearance of the wider area. Therefore, the Officer recommendation was to permit the application, subject to conditions.

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

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

19/00817/APP – Local Centre Plot 7 and 8, Cleavelands, Evesham Road, Bishop's Cleeve

- 54.35 This was an approval of reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline planning permission 17/00449/OUT for the erection of 30 dwellings.
- 54.36 The Planning Officer explained that the outline consent, which related to approximately 0.53 hectares of land located within the Cleavelands development on the north-western edge of Bishop's Cleeve, was granted for the erection of up to 30 dwellings in December 2018 with all matters reserved for future consideration. The application site comprised two parcels of land each being served by its own access point. A total of 45 car parking spaces were proposed, set within a courtyard arrangement on each parcel. The majority of the proposed dwellings would be sited along the perimeter of the two parcels of land and front onto the adjacent highway network. The development would comprise a variety of dwelling types, including flats, terraced, semi-detached and detached properties. Whilst the outline consent offered a policy compliant scheme of both affordable and market housing, the residential development advanced under this reserved matters scheme would deliver 30 affordable rent and shared ownership houses and flats. An assessment of the material considerations was included within the Officer report at Pages No. 706-709. At the time of writing, a new consultation period had been commenced following receipt of revised plans and Members were informed this had expired on 11 February 2020. Since that time, the Parish Council had confirmed that it had no objection to the revised plans but noted there should be a parking management strategy to avoid on-road parking and a condition was recommended on that basis, as set out in the Additional Representations Sheet, attached at Appendix 1. The Additional Representations Sheet also stated that, as no adverse comments had been received during the revised consultation period, there were no longer any outstanding matters as it was considered that the proposed development would result in an acceptable access, layout, scale, appearance and landscaping, as such, the Officer recommendation was now for approve rather than delegated approve.
- 54.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member questioned why all 30 dwellings within this application were affordable and the Technical Planning Manager explained that the site had been purchased by an affordable housing provider. The Member raised concern that this would be against policy in terms of providing fully integrated developments without isolated pockets of affordable housing. The Technical Planning Manager confirmed that was always the aim when considering particular sites; however, in this instance, the site as a whole would deliver approximately 600 dwellings and 30 affordable dwellings in the form provided within the current application would not prevent it from being fully integrated. From a management perspective, affordable housing providers preferred to provide clusters and, in any event, it was not possible to control who purchased a site. There were no restrictions in the Section 106 Agreement to

prevent 30 affordable dwellings being provided as proposed by this application.

- 54.38 The Member went on to seek an explanation of the inconsistencies between this application and item 19/00758/OUT in respect of Land at Homelands Farm, which had been considered earlier on the Agenda, in terms of Gloucestershire County Council and the school position. The Technical Planning Manager stressed that there were no inconsistencies, the difference was that this was a reserved matters application so any issues around education would have been dealt with at the outline stage and he would be happy to provide those outside of the meeting should the Member so wish.

- 54.39 Upon being taken to the vote, it was

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

19/00996/APP – Land North of Innsworth Lane, Innsworth

- 54.40 This was an approval of reserved matters application for access, appearance, landscaping, layout and scale comprising Phase 2 of outline planning permission 15/00749/OUT for the erection of 175 dwellings with associated infrastructure.

- 54.41 The Planning Officer clarified that this reserved matters application represented residential Phase 2 of the wider outline planning permission granted on appeal for a total of 1,300 dwellings. Phase 2 proposed 175 dwellings with associated highways, drainage, landscaping and infrastructure. Members would recall the recent Phase 1 reserved matters approval for 235 dwellings and the reserved matters approval for the site-wide infrastructure including the main primary street/spine road and Sustainable Drainage System (SuDS)/attenuation pond which had both been granted delegated approval in June 2019. As with the preceding phase, layout, design and character areas were guided by the overarching site-wide masterplan document, approved under condition 8 of the outline planning permission. The current Phase 2 development would be largely served by the approved spine road which would skirt the south-western corner of the site. Phase 2 would also be served by a new secondary route which would skirt the western and northern perimeter of the site and provide the sole direct access onto Frogfurlong Lane. This secondary route had already received approval as part of the recent site-wide infrastructure application. As identified within the site-wide masterplan, the southern portion of the site would adjoin the neighbourhood centre and employment land which would come forward as a later phase. In view of the proximity and relationship with these areas, dwellings here would have a higher density with strong continuous frontage and a contemporary architectural approach. Revised plans and information had been submitted on 7 February 2020 to address the outstanding County Highways issues and these were under review. Formal comments were yet to be received, therefore, the recommendation was for a delegated approval, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, attached at Appendix 1.

- 54.42 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the application before Members was for Phase 2 of the Innsworth development and would provide a further 175 residential dwellings with associated access arrangements. It did not contain any of the associated public open space or community facilities as set out in the agreed Section 106 which would be coming forward in a separate application. Of the 175 dwellings proposed, 69 (approximately 39%) would be affordable housing in accordance with the Section 106 Agreement and those units were evenly distributed across the application area. The proposals had been developed in accordance with the site-wide masterplan and were very much a continuation of the character delivered in Phase 1; however, particular attention had been paid to

the commercial square frontage which had a distinct character of its own. The amount of parking had been a key consideration in the evolution of the scheme and he confirmed that 466 parking spaces would be delivered for 175 dwellings with all four bedroom properties benefitting from a minimum of three spaces, all three bedroom properties benefitting from a minimum of two spaces and so on with an average of 2.6 spaces per property being achieved. He recognised the surface water drainage concerns for the development and was pleased to confirm that the first sections of the approved system were currently under construction on the site and would be in place prior to first occupation. At the Planning Committee meeting which had considered the Phase 1 application, the applicant had pledged to continue community engagement and Members were advised that another public event had been held in January where updates were provided on site activity and Phase 2 progress. Further to that event, the applicant had also recently met with local Councillors on site to provide an update on the delivery of the drainage infrastructure and, during that meeting, had agreed to explore ways of improving the current arrangements along Innsworth Lane as well as improving the existing bus stop. The applicant's representative went on to explain that this application had been submitted using a Planning Performance Agreement and he wanted to take the opportunity to relay how well the process had worked. Finally, this development would host the applicant's northern training academy where it would work with Gloucestershire College to train up to 20 apprentices per year following which they would be given the opportunity to advance into full time employment.

- 54.43 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to approve the application, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, and any other additional or amended conditions which may be required, 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 indicated that he did have concerns regarding the application, particularly as there was no direct control of the vehicle movements on and off the site being generated by construction traffic which was putting additional pressure on roads – this was something which had been raised with Planning Enforcement on a regular basis. Access onto Frogfurlong Road had been identified as a concern by Churchdown and Innsworth Parish Councils and should be of concern to the Committee as completion of the A40 gateway would mean that anyone currently using it as a shortcut would go via Frogfurlong Lane. He questioned whether any traffic impact assessment was being carried out on the area between Cheltenham Road East and this site and raised concern that, if the A40 gateway and the work at Twigworth coincided, this would bring traffic to a standstill. The Technical Planning Manager advised that these issues were outside of the remit of this reserved matters application. He appreciated there may be long term consequences, and that was something the County Highways representative could advise on, but he reiterated that these matters had been discussed at the outline stage and did not form part of the reserved matters approval. The County Highways representative confirmed there was no highways objection to the layout. The Member had raised concern regarding damage caused by construction traffic and he provided assurance that the County Highways Authority had powers to recover the cost of any damage to the highway. He reiterated that this was a reserved matters application so the concerns in relation to access had been dealt with at the outline stage, and as part of the Joint Core Strategy, so infrastructure and the need for junctions had been technically assessed. Any infrastructure improvements deemed necessary had been identified and secured at the outline stage – the reserved matters application was not an opportunity to revisit this matter.

54.44 Another Member raised concern regarding the design of the neighbourhood centre and character area; whilst she realised design was subjective, her view was that the apartments would look terrible once completed. The Planning Officer confirmed that the apartments were blue/black brick and a design rationale had been put forward specifically for this area, which would be different to the character areas across the whole site and reflective of being higher density and adjacent to the employment area. She realised it was a strong architectural approach which was different to the rest of the site but it was considered appropriate to this specific part of the site. A Member noted that these dwellings would be part of the spine road and the houses opposite were red brick so she questioned how they would go together. The Planning Officer reiterated that this specific part of the site was reflective of the relationship with what would be an employment area comprising shops and offices; whilst there would be a relationship with the red brick properties to the rear of the apartments, there would be relief from the cladding which was a lighter grey/blue. The Urban Design Officer was happy with the approach given the specific context and the Planning Officer stressed that it would not be reflective of the wider area which would be traditional type houses with a contemporary element. Another Member indicated that the houses opposite were white rendered, not red brick, and whilst he was not fond of the design, he accepted that this was a matter of opinion and not a reason for refusal. He was of the view that Phase 1 of the development was already high density and he asked for clarification of the density for this phase. The Planning Officer confirmed that the overall density for Phase 2 was 38.5 although there was higher density along the spine road which would reduce going back along the character areas towards the top of Phase 2.

54.45 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, and any other additional or amended conditions which may be required.

PL.55 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

55.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 32-35. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

55.2 It was

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

The meeting closed at 11:40 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 18 February 2020

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	
621	1	<p>19/00865/FUL – 6 The Square, Toddington</p> <p>Letter received – copy attached.</p> <p>Officer comments in relation to attached letter –</p> <p>The proposed ancillary use of the outbuilding is not disputed. It is not accepted that the garden building possesses architectural features which mirror that of the host dwelling; it is comprised of a configuration of contrived features cherry-picked from historic and modern designs which are cumulatively discordant. The submitted revisions have failed to overcome those concerns.</p>
676	6	<p>19/00758/OUT – Land at Homelands Farm, Gotherington Lane, Bishops Cleeve</p> <p>County S106 Officer – Additional information has been received from GCC in respect of its request for a financial contribution to be secured towards library provision to serve the needs of future residents in connection with the current proposal. It is stated:</p> <p>The library contribution is necessary to make the development acceptable in planning terms as Bishop's Cleeve Library serves the local population and is the third busiest in the County; physical expansion is not possible. However, the library's opening hours, its stock and facilities could be expanded as a means of increasing capacity.</p> <p>The contribution is directly related to the development in that it will be used towards the nearest library which is Bishop's Cleeve library. Achieving reasonable levels of accessibility to local library services for new communities - The Gloucestershire Manual for Streets (Feb 2012) includes a local agreed definition of 'a walkable neighbourhood' as that which supports a range of facilities within 10 minutes (800m) safe walking distance of residential areas.</p> <p>The Library space provision is calculated by reference to the Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) which sets out library space provision standard of 30sqm per 1,000 population which at the time was costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010 and is considered to be fairly and reasonably related to the development in scale and kind. The contribution will be used to increase access to services in line with 'A Strategy for Library Services in Gloucester 2012' and may include capacity improvements, facilitating increased opening hours, increase in accessibility and support for digital and IT facilities and increasing library stock, for</p>

		<p>example.</p> <p>Planning Officers have reviewed the additional information and it is considered that the requested library contribution of £12,740.00 would comply with regulation 122. As such, it is recommended that the third reason for refusal should be amended to include reference library contribution as follows:</p> <p><i>In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, library and education contributions for pre-school and secondary school provision. The proposed development is therefore contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (December 2017) and the National Planning Policy Framework.</i></p>
704	10	<p>19/00817/APP - Local Centre Plot 7 and 8, Cleevelands, Evesham Road, Bishops Cleeve</p> <p>Consultations and Representations</p> <p>As set out in Paragraph 3.7 of the Officer report, following receipt of revised plans, a new consultation period with relevant consultees was carried out. This expired on 11 February 2020.</p> <p>Since drafting the report, the Parish Council has confirmed it has no objection to the revised plans but notes there should be a parking management strategy to avoid on-road parking and a condition requiring a strategy is considered reasonable.</p> <p>Addressing Climate Change</p> <p>The applicant has confirmed that, whilst all the buildings will have photovoltaic panels on the roofs, the ground floor units in the blocks of flats (types B and C) would utilise a Mechanical Ventilation with Heat Recovery (MVHR) system. This is an energy efficient balanced and controlled forced air ventilation system that supplies both fresh and extracts stale air throughout the property and recycles the heat generated within it.</p> <p>Additional Conditions</p> <p>Prior to the first occupation of the development hereby permitted, a Parking Management Strategy, to include details of an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The parking management strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.</p> <p>Reason – To ensure the private parking amenity is maintained and that it remains available for its intended purpose.</p> <p>Recommendation</p> <p>Given no adverse comments have been received during the revised consultation period, there are no longer any outstanding matters which require the application to be delegated to the Technical Planning Manager therefore the recommendation has been amended to one of Approval.</p>

711	11	<p>19/00996/APP – Land North of Innsworth Lane, Innsworth</p> <p>The formal consultation response of the Landscape Consultant has now been received. Their comments are summarised as follows:</p> <ol style="list-style-type: none"> 1. Add more trees to the development as advised by the Tree Officer. 2. Add drifts of spring bulbs on prominent verges – and particularly along the Green Corridor/Green Link. Narcissus ‘Tete a Tete’ or ‘February Gold’ (or similar) would be suitable, or Crocus tommasinianus. 3. Add a new hedge or shrubs to screen the car parking area to the front of Plots 382-385 (facing onto the Green Link). 4. Change the proposed hornbeam trees along the Green Link – hornbeam is not a locally indigenous or prevalent tree in the Severn Vale and it would be nice to use something that is – for example, Field Maple (Acer campestre). 5. As part of the planting proposals, details should be provided of how the existing hedgerows will be managed – for example, proposed height (they could be managed to anything from 2m to 10m high so this should be made clear), how wide, will there be specimen trees retained in the hedgerows? It is important to know how these existing landscape features will look, in order to ensure that the proposed planting around them will be appropriate. 6. Further details are required of how the green verges along the Green Link will be protected from cars parking on them. A combination of additional tree planting and carefully positioned bollards should be adequate – this should be indicated on a plan.
-----	----	--

Item No. 1 – 6 The Square, Toddington

Comments to Planning Committee: Planning application 19/00865/FUL, 6 The Square, Toddington, GL54 5DJ

The following comments have been submitted for the attention of members of Tewkesbury Borough Council Planning Committee on the above application recommended for split decision.

The scheme is for three outbuildings: a gazebo, garden room and garage. The gazebo is recommended for approval. The other two buildings are recommended for refusal.

The applicant accepts the refusal for the double-garage but wishes the committee to consider the refusal reasons for the garden room. In relation to the garden-room the reason for its refusal centres on its design, whilst acknowledging efforts made to create a building which was in keeping with the host dwelling.

Design of garden building

At 36 square metres, the garden room is domestic in size, scale and design to be considered ancillary to the enjoyment of a dwelling-house. The size falls below the space standards for domestic dwellings set out in the Nationally Described Space Standards.

The building is separated from the host dwelling by mature trees, which would provide a degree of screening. The materials used and architectural features would mirror those of the host dwelling and therefore respect the character of a Grade II listed building and its curtilage.

Whilst the case officer has interpreted the plans as the front elevation facing the host-dwelling, it was the intention of the application to have the front elevation facing the parkland, a detail that can be secured through planning condition.

On the issue of heritage, the impact of the garden room on the setting of the remains of Toddington Manor, a Grade II* heritage asset, have been assessed in full in the Heritage Statement submitted with the application. It is noted that the Conservation Officer in his comments (Proposal and its Impacts, Paragraph 3) did not take issue with the original proposal in relation to the impact of the garden room design on heritage assets. Despite this assessment, the case officer considers the design is unsympathetic to historic environment (Paragraph 5.12 – Delegated Report).

Engagement with local planning authority

During the course of determining the application, the applicant on several occasions sought clarification on what specific design issues were considered problematic. However, a response was not forthcoming. The response received (06 December, 2019) was:

In terms of the garden room; its design is unacceptable which results in harm to the HA's. You will understand that onus rests with you as an agent/applicant to provide more suitable designs; not the LPA.

Without any direction from the case officer as to what elements of the design were objectionable, a revised design was submitted. The changes were: removal of the roof lantern, replacement of flat roof with pitched (without a change to overall height) and replacement of wood with stone to match the host dwelling.

Whilst the applicant obviously has to provide alternative designs, the local planning authority also has a duty to, in accordance with planning legislation, policy and guidance, to engage positively and proactively with applicants to ensure effective planning decisions are made.

Other matters

Regarding other matters have been raised by the case officer, on the protection of mature trees and *potential* bat corridors, these could be satisfactorily dealt with by via an appropriately worded planning condition.

The applicant respectfully requests that Committee members assess the revised design proposal to judge for themselves whether the garden room design is contrived or out of keeping with the host dwelling. If they consider it is not it is requested that the recommendation at officer level for refusal of the garden-room be overturned and planning permission granted subject to conditions.