TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Planning Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 19 September 2023 commencing at 9:30 am

Present:

Chair	Councillor P E Smith
Vice Chair	Councillor S Hands

and Councillors:

H J Bowman (Substitute for M Dimond-Brown), M A Gore, D J Harwood, M L Jordan, G C Madle, J R Mason, G M Porter, R J G Smith, R J E Vines, P N Workman and I Yates

also present:

Councillor N D Adcock

PL.29 ANNOUNCEMENTS

29.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

29.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

PL.30 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

30.1 Apologies for absence were received from Councillor E M Dimond-Brown. Councillor H J Bowman would be acting as a substitute for the meeting.

PL.31 DECLARATIONS OF INTEREST

31.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

31.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M A Gore	Item 5b – 22/01317/FUL – 3 Consell Green, Tewkesbury Road, Toddington.	Had received correspondence from, and had discussed the application with, local residents but had not expressed an opinion.	Would speak and vote.

M A Gore	Item 5d – 23/00476/PIP – Hales Farm, Malleson Road, Gotherington.	Had received an email from the applicant providing additional information which had also been shared with Officers.	Would speak and vote.
S J Hands	Item 5c – 22/01343/OUT – Land at Chestnut Tree Farm, Twigworth.	Is a Borough Councillor for the area. Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	Item 5a – 22/01104/FUL – Elms Farm, Main Road, Minsterworth.	Had received correspondence from the Harvey Centre in relation to the application but had not expressed an opinion.	Would speak and vote.
R J E Vines	Item 5f – 23/00187/FUL – Barn at Cold Pool Lane, Badgeworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

31.3 There were no further declarations made on this occasion.

PL.32 MINUTES

32.1 The Minutes of the meeting held on 15 August 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.33 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

33.1 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.

22/01104/FUL - Elms Farm, Main Road, Minsterworth

33.2 This application was for residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation; and other associated works. The application was deferred at the Planning Committee meeting on 15 August 2023 in order to obtain full information in relation to the drainage strategy for the site and for a Planning Committee Site Visit. The Planning Committee had visited the application site on Friday 15 September 2023.

33.3 The Senior Planning Officer noted that a question had been raised by Members regarding the community contributions figure of just under £17,000 and explained this came from a standard formula applied by the Council's Community team

through consultation and was not earmarked for any particular spending, therefore, it could feasibly be spent on the Harvey Centre or other community needs. Since the last meeting, the applicant's agent had submitted a thorough explanation as to how the drainage system would work in terms of foul and surface water disposal, as set out in the Committee report along with an explanation from the Lead Local Flood Authority and the Council's Flood Risk Management Engineer who had looked at the scheme in detail and raised no objections. With regard to the Harvey Centre, the applicant had engaged with the trustees following the last meeting and had volunteered to safeguard a small section of land which would appear in the approved plans and be supported by an additional condition. The applicant's agent had also spoken to the Harvey Centre about highway improvements and County Highways raised no objection in principle regarding removal of the central reservation, shown hatched on the plan, from the A48 outside the Community Centre which would allow eastbound traffic to turn directly into the access, although that would be subject to formal agreement with County Highways.

33.4 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the Committee would be aware of the current challenges in the borough regarding the amount of housing needed and the necessary pace of delivery required. During the consultation stages of the Tewkesbury Borough Plan preparation, his clients had worked proactively with Minsterworth Parish Council and the Borough Council's Officer team to demonstrate how this site was an appropriate development location in the village. This had culminated in the site being included within the defined settlement boundary, to pave the way for this planning application following adoption of the Tewkesbury Borough Plan. As such, this proposal was plan-led and the principle of development was established in accordance with the Tewkesbury Borough Plan. The scheme would deliver 37 quality new homes, including 15 affordable homes, which complied with policy at 40%. The houses were designed to a very high specification, incorporating solar panels and air-source heat pumps, and the scheme represented a vast improvement over and above building regulation requirements. The submitted energy assessment showed the scheme's energy demand would be 89% less than the national benchmark with carbon emissions reduced by 94%. The scheme was framed by generous landscaping and public open space, including new planting to reinvigorate the existing orchard and recreational walking loops to connect to the A48, Church Lane and into the adjacent play area. The proposal also delivered 55% biodiversity net gain – significantly above the mandatory 10% requirement from November. The scheme had been amended during the determination period to ensure that a brick barn, identified by the Conservation Officer as having heritage value, was retained. This barn remained within the application boundary but would be transferred back into the ownership of Elms Farmhouse so the buildings could retain their historic association. As detailed in the Committee report, the additional clarifications requested following deferral of the application at August Planning Committee had been submitted and, in addition to these updates, the applicant's agent confirmed that he and his clients had met with the Harvey Centre representatives again last week. The Harvey Centre representatives had confirmed they were happy with the proposals to safeguard the land to enable widening of the access for two cars passing, entering and exiting the site, and dialogue between the parties would continue in recognition of the mutual benefits that could arise during the development delivery stage. He hoped the Committee would agree with the Officer recommendation by concluding that the application was policy compliant with no technical objections and supported in principle by the Parish Council.

33.5 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Management Manager to permit the application, subject to the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with

the Officer recommendation and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application, subject to the completion of a Section 106 Agreement.

22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington

33.6 This application was for construction of two dwellings. The application had been deferred at the Planning Committee meeting on 18 July 2023 to obtain additional information regarding highway safety and for the County Highways representative to attend a site visit with local Ward Councillors. The Planning Committee had visited the application site on Friday 14 July 2023 and the site had been visited by the County Highways Officer, Planning Officer and local Ward Member on 8 August 2023.

33.7 The Development Management Team Manager (East) advised that the Officer recommendation had been changed from delegated permit, as set out in the Committee report, to defer to allow Officers to assess further information in respect of highways; he explained that new information had come to light around third party land and ownership that required clarification and discussion with the applicant's agent, the landowners and County Highways.

33.8 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, with regard to highway safety, County Highways had stated on 30 August 2023 that a site visit had been carried out and that the Highways Authority had undertaken a robust assessment of the planning application. She pointed out that the Planning Committee had requested additional information regarding highway safety, including accident records and speed measurements, and Members could not be expected to make an informed decision if that had not been presented. She wanted to see the robust assessment of the planning application that had taken place in August and felt it should be available for others to view and comment upon. She wished to revisit the calculations in the access statement dated 11 July 2023 which set out that the speed survey had been undertaken using a handheld speedometer on Wednesday 25 May 2022 between 1400 hours and 1510 hours, and on Thursday 26 May 2022 between 1040 hours and 1200 hours, with the average speed calculated to be 36mph. As per the highways report and data collected, the stopping sight distance was reported as 81m – the absolute minimum – and 103m – desired – and the maximum stopping sight distance shown on the drawing representing the site was 83.4m. She explained that, not only was the data taken during the quietest time of the day but a handheld speedometer was a very poor way to take accurate data as it was well known that motorists would slow down when noticing it. More accurate data from the speed sign recording unit for two hours every morning from 1 December to 5 December 2022 between 0600 and 0800 hours showed 228 cars with an average speed of 40.9mph resulting in an absolute minimum stopping distance of 102m. She reiterated there was only 83.6m available so almost 20m was required to meet the absolute minimum stopping distance and she questioned how that could be deemed by County Highways to be safe - observations from the site visit would have shown how poor the visibility was. She went on to indicate that the houses to either side of the proposed two-storey dwellings would be impacted by loss of light with 1 Consell Green losing morning light into the back rooms of their house and Mayfield losing late afternoon light. She asked whether a daylight and sunlight assessment had been undertaken and noted that, under the Rights of Light Act 1959, any property having uninterrupted enjoyment of light for more than 20 years acquired rights to light. If the development was to go ahead, the original single storey of plot one needed to be reinstated and plot 2 should also be single storey. The bedroom windows on the first floor of plot 1 would look

directly into the top floor bedroom windows of Mayfield and Mallory which was another reason that plot 1 should revert back to a single storey.

33.9 The Chair indicated that the Officer recommendation was for a deferral and he sought a motion from the floor. A Member noted that the reason for deferral was to do with land ownership and he asked for more detail in relation to that as his understanding was that you did not need to be the landowner to apply for planning permission. In response, the Development Management Team Manager (East) confirmed that it was possible to apply for planning permission without owning the land, provided the requisite notice was served on the landowner; however, the issue in this instance was in relation to achieving the required visibility splays and there was ambiguity around the plan detail and the measurements which had been taken at the site visit. It was necessary to clarify who owned the land as the visibility splays must be maintained in perpetuity – if that could not be controlled it would be an unsafe access, as such, it was necessary to establish if it could be achieved through land ownership. Another Member pointed out that part of the reason for the deferral, and included within the resolution, was to obtain accident records and speed measurements which were not included in the Committee report. The local resident speaking in objection to the proposal had clear information on that which should be provided to the Committee. Furthermore, Page No. 80, Paragraph 8.35 of the Committee report stated that the application site benefited from good walking and cycling connectivity with bus stops, places of employment, schools and convenience stores all within 10 minutes walking distance; however, the school had closed eight years ago so that information was incorrect and she asked that it be updated as part of any deferral. Accordingly, it was proposed and seconded that the application be deferred to allow Officers to assess further information in relation to highways, including clarification of land ownership to ensure the required visibility splays could be maintained in perpetuity and for accident records and speed measurements to be obtained. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow Officers to assess further information in relation to highways, including clarification of land ownership to ensure the required visibility splays could be maintained in perpetuity and for accident records and speed measurements to be obtained.

22/01343/OUT - Land at Chestnut Tree Farm, Twigworth

33.10 This application was for erection of up to 85 dwellings with public open space; landscaping and sustainable drainage system (SuDS); all matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access onto the A38.

33.11 The Senior Planning Officer advised that this application was brought to the Planning Committee further to the applicant's appeal against non-determination of the application to the Secretary of State. The Council must therefore advise the Secretary of State of its views on the proposal. The application site comprised a field of approximately 5.3 hectares, located on the northern side of the A38, Tewkesbury Road, Twigworth. Existing residential properties on Tewkesbury Road lined the site and the site backed onto them. Sandhurst Lane bounded the site to the east and the site was bounded by the tree-lined, private access lane to the west which led to the 'Nature in Art' Gallery and Museum; open fields/farmland lay to the northern boundary. The supporting Design and Access Statement noted that the site was currently in use as agricultural land for arable crop production use. It did not fall within any national or local landscape designation and the south-western corner of the site, and the adjoining land beyond to the west and the north, were within Flood Zone 2 with the adjoining fields to the north and west within Flood Zone

3. The village settlement boundary, as defined by the adopted Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (NDP), ran along the southern and eastern boundaries of the site. As such, the site itself, with the exception of a small portion which lay between existing built development fronting the A38, fell outside of the identified settlement boundary. A Public Right of Way ran parallel and just beyond the northern boundary of the site, continuing across Sandhurst Lane in an easterly/south-easterly direction until it reached the A38. The Twigworth Strategic Allocation site, which had been granted outline planning permission for 725 dwellings, was on the opposite side of the A38.

33.12 A number of heritage assets lay in relatively close proximity to the site including Twigworth Court, which lay to the western side of the Nature in Art access, and The Manor House, located towards the entrance to Sandhurst Lane on its eastern side. Furthermore, a number of existing utilities either crossed the site or were located in close proximity to it. A public sewer ran along the eastern site edge at the rear of the existing housing and a water main and low voltage cable ran along the southern boundary to the 'Nature in Art' access/lane. In addition, existing electricity and BT services run along the Sandhurst Lane frontage. The current application sought outline planning permission for the erection of up to 85 dwellings and an indicative masterplan had been submitted to accompany the application which proposed a single point of vehicular access off Sandhurst Lane. The accompanying Design and Access Statement noted the presence of a remnant orchard within the south-eastern and eastern parts of the site adjoining the A38, containing a pond and mature trees which were proposed for retention within the indicative masterplan as part of new 'wildlife areas' to serve the development. An assessment of the main material considerations was set out at Pages No. 99-115 of the Committee report and a number of key harms and benefits had been identified. In terms of the principle of development, the application site was not allocated for housing development and did not meet any of the exceptions of Policy SD10 of the Joint Core Strategy or Policy RES3 of the Tewkesbury Borough Plan. The application therefore conflicted with Policies SP2 and SD10 of the Joint Core Strategy, Policy RES3 of the Tewkesbury Borough Plan and Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Plan. With regard to landscape and visual impact, Officers had sought the advice of an external landscape consultant who had concluded that, whilst the A38 provided a strong and defensible boundary and the landscape impact was, on balance, acceptable, it did not meet the landscape protection aims and objectives of Policy SD6 of the Joint Core Strategy and Policy E2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan. The application site comprised approximately 4.2 hectares of grade 2, 3a and 3b best and most versatile land; such land had some protection from development by virtue of national policy. The applicant's argument to negate these concerns was that the site was small and the loss was not significant but that argument could be repeated for any land, leading to the gradual loss of such land to agricultural production and the suggested reasons for putative refusal reflected this issue. In terms of highways and access, Officers noted that, whilst County Highways had some concerns relating to details of access to the site, the harms identified were not such that the application should be refused on the basis of highway danger or road safety for all users and it was considered that the concerns raised could be appropriately addressed through conditions recommended by the County Highways at the reserved matters stage. Officers therefore considered that the access arrangements put forward at this outline stage were acceptable in principle and would accord with relevant development plan policy. In relation to design and layout, Paragraph 50 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan stated that *"A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available*

infrastructure." Notwithstanding the applicant's attempts to argue that the submitted revised proposal overcame the previous reason for refusal, Officers considered that the quantum, non-linear character, layout, and location of the development proposed remained contrary to Joint Core Strategy Policy SD4, Policies RES3 and RES4 of the Tewkesbury Borough Plan and Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan with regard to the location and character of development in the area. In terms of residential amenity, Officers considered that the level of maximum residential development proposed, as set out on the illustrative masterplan, could be accommodated within the site without detriment to the residential amenity of existing adjoining occupiers within the village. Officers were satisfied that the application was acceptable in terms of affordable housing, biodiversity and ecology, drainage and flood risk and heritage impact and were not contrary to policy. Putative refusal reasons 4 and 5 addressed the fact that a Section 106 Agreement had not yet been completed; however, it was expected that those reasons could be satisfied prior to the inquiry.

33.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was minded to refuse and he sought a motion from the floor. A Member noted that Page No. 101, Paragraph 8.9 of the Committee report stated that the Down Hatherley, Norton and Twigworth Neigbourhood Development Plan had been made on 28 May 2019; Paragraph 14 of the National Planning Policy Framework stated that Neighbourhood Development Plans needed to be two years or less, therefore, she sought clarification as to whether it was correct that it could be used as a reason for refusal and if that would be tested at appeal. In response, the Senior Planning Officer confirmed that, whilst the Neighbourhood Development Plan would be said not to be up to date, it was a relevant matter in so far as it contained the views of the local community as to where development should be located and would be tested at appeal. The Legal Adviser explained that the plan period for the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan was 2011-2031 but it had only been formally made and adopted in 2019 and was still applicable. The weight those policies could be afforded in terms of the five year housing land supply position would be explored at appeal but, just because the tilted balance was engaged did not mean those policies should be ignored; they may attract less weight when other factors were taken into account, for example, if they did not comply with the National Planning Policy Framework, but the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan was made at the time of the National Planning Policy Framework so it should be in compliance and Officers would have considered this when producing the report and balanced it in the round. In this case, the policies should still apply and be given weight in the decision-making process. In terms of the updated position regarding the lack of a five year housing land supply, the Senior Planning Officer explained that was not so important here as the Council had, in its previous decision taken not too long ago, decided that the proposal for development of the land was objectionable and that decision was also taken at a time when the Council was unable to demonstrate a five year housing land supply. The Legal Adviser explained that the policies within the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan did not allocate housing and were not, therefore, the important policies for applying the tilted balance in this case so she confirmed it was appropriate to reference the plan in the refusal reasons.

33.14 It was proposed and seconded that the Council be minded to refuse the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the Council be **MINDED TO REFUSE** the application in accordance with the Officer recommendation.

23/00476/PIP - Hales Farm, Malleson Road, Gotherington

33.15 This was a permission in principle application for development of the site to provide between one and five dwellings. The Planning Committee had visited the application site on Friday 15 September 2023.

33.16 The Principal Planner advised that the application site was located on the north side of Malleson Road in Gotherington, partly within, but mostly outside of, the settlement boundary and partly within the Special Landscape Area. The site consisted of a previous farmyard and part agricultural field with the former used as a builder's yard and for storage. The site was generally level, although dipped slightly into the adjacent field to the actual trodden path of the defined Public Right of Way. The applicant had provided a number of illustrative plans for potential different layouts - although these were not for consideration at this point - most of which retained the non-designated heritage assets of the traditional agricultural buildings on the site. It was not within the scope of this application to determine the details of site layout, design, access, landscaping or drainage. As explained in the Committee report, the application for permission in principle was limited to consideration of location, use and amount and, on that basis, it was considered that the proposal complied with the National Planning Policy Framework and Policy SD10 of the Joint Core Strategy and, whilst there were tensions with Policy RES3 of the Tewkesbury Borough Plan and the Gotherington Neighbourhood Development Plan, the proposal was considered by Officers to be acceptable.

33.17 The Chair invited the representative from Gotherington Parish Council to address the Committee. The Parish Council representative noted that 37 letters of objection had been received, as well as 17 letters of support, and he confirmed that the Parish Council had objected to the application so he did not intend to repeat the objections highlighted in the written submission. He explained that the Gotherington Neighbourhood Development Plan was created on the basis of an indicative requirement of 86 dwellings over the plan period 2011 to 2031. To date, 98 dwellings had been built and occupied; a further 95 dwellings on the Meadow and Trumans Farm had been consented; and, including this application, a total of 20 dwellings had been validated but not decided. This amounted to approximately 213 dwellings against an indicative requirement of 86. The Inspector's report on the Trumans' Farm appeal was published on 11 September 2023 and the Parish Council disagreed strongly with the decision but his comments were relevant to this application, specifically in paragraph 65 where he stated: "*65. There is evidence before me indicating that various local clubs or associations are stretched to, or beyond, capacity (including the local football, cricket and history clubs).* Inexplicably, the Inspector had not taken a precautionary approach and had allowed the appeal, adding a further 45 dwellings to the already consented 50 dwellings on the Meadow. Anyone with a passing knowledge of Gotherington would know that it was not a suitable location for unconstrained development, given issues around parking and playing field and hall sizes with little prospect of any expansion to those facilities. Unconstrained development also shattered trust in the planning system - why bother to produce a Neighbourhood Plan if this was what happened? It may seem a small increment in terms of numbers but the Parish Council view was that it was significant and needed to be taken into account. In summary, Gotherington Parish Council had objected to this application on the grounds that Gotherington had taken a large number of additional dwellings in the past two years with a further 95 dwellings yet to be delivered. There was no qualitative or quantitative evidence to suggest that Gotherington could accommodate additional residents and the community should be allowed to integrate new residents before further applications were consented. On a precautionary basis, the Parish Council representative urged Members to refuse the application.

33.18 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the proposal was presented following a comprehensive discussion with Officers on the matters relevant to this application for permission in principle which were restricted to location, land use and amount of development. As part of this process, further information had been provided on ecology, the existing use of the site, and further indicative plans. The applicant's agent recognised the comments of the Council's Conservation Officer and, should permission in principle be granted today, they would work with Officers to ensure a successful development in due course through the technical details consent process. In relation to location and land use, the Committee report set out that the application site was partially previously developed land, the redevelopment of which was strongly encouraged by planning policies. In addition, there were a number of other advantages associated with the redevelopment of the site. Firstly, in terms of removing a non-conforming and unfettered builders yard use from a predominantly residential area which would improve the amenity of neighbouring properties. The removal of this use would also result in the removal of larger vehicles, and would reduce overall traffic. In addition, the applicant's agent had allowed for an expanded red line either side of the existing drive for the access road to be widened if that was deemed necessary – this would be something to discuss further with Officers at the technical details consent stage. In relation to the amount of development, the application was for the development of between one and five dwellings and the removal of the modern sheds and stables to the north would provide a site that was more than capable of accommodating this level of development, with suitable landscaping and biodiversity net gain. In conclusion, the applicant's agent concurred with Officers that the site related well to the built form of Gotherington; the grant of permission in principle would create an opportunity to remove a non-conforming use and provide a much better landscape setting to the northern edge of the village. He hoped that Members could support the Officer recommendation and resolve to grant permission in principle.

33.19 The Chair invited a local Ward Councillor for the area to address the Committee. The local Ward Councillor indicated that, although not a planning consideration, there was strong local opposition to the application. The main concerns related to the narrow entranceway which would cause issues if two cars were entering and exiting the site at the same time resulting in an unsafe situation where the one entering from Malleson Road might be forced to reverse into the path of oncoming traffic. Furthermore, it was a brownfield site and contained a farm building – a stone barn with some historical value – and its loss would be felt deeply in the village. He indicated that the footpath line at the top of the development was not the original as the dropping of rubble had forced people to move away and he felt that the original line should be considered. Most important, any infill to the north of Malleson Road should be avoided as it was viewed from the Area of Outstanding Natural Beauty and could set a precedent for the loss of other parcels on the northern site; the local community sought to preserve the linear nature of the village on the northern side.

33.20 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member queried why there was no response from the Landscape Officer, given the sensitivity of the site within the Special Landscape Area and its visibility from the Area of Outstanding Natural Beauty. In response, the Development Management Team Manager (East) advised that the Landscape Officer was not specifically consulted on all applications and, in this case, the Planning Officer had made an assessment themselves based on the relevant policies and using their judgement. Another Member raised concern that the legal footpath route was not shown on the plan as it may impinge on the location of any future dwellings and, in response, the Principal Planner confirmed she was aware of the legal route but the trodden path was shown clearly on the site and on Google Earth; there would need to be a diversion of the formal route which was a separate process. The Legal Adviser agreed that, if needed, a diversion was a separate legal process and it would not prevent the scheme from going ahead

should Members be minded to permit the application. The Member asked who would be responsible for making the decision and the Legal Adviser explained there were a number of ways to apply to divert or stop-up a footpath; in this case she suggested a diversion would be needed and, for an application of this nature, the process would normally be that Tewkesbury Borough Council would make the order to do that.

33.21 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that, whilst there were clear objections to the proposal, they were subject to discussion later on in the process and at this stage he could see no planning reason to refuse permission in principle. Upon being put to the vote, it was

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

23/00212/FUL - Station House, 7 Newdawn Close, Bishops Cleeve

33.22 This application was for raised ridge height and installation of rear roof dormer and front rooflights.

33.23 The Planning Assistant advised that a Committee determination was required due to an objection from Bishops Cleeve Parish Council on design and amenity grounds. The proposal would see an increase in the ridge height to facilitate the installation of a rear box roof dormer which would allow for a bathroom and two additional bedrooms within the loft space. The dormer would extend across much of the rear roof slope but would be set back from the eaves and finished with hanging roof tiles to match the existing, softening its appearance and limiting harm to the appearance of the dwelling. The proposal would see elevated rear facing windows installed facing toward the frontages of the dwellings on Newdawn Close to the rear. The proposed windows would be approximately 20m from the front of those properties to the rear. Due to the relationship and orientation of these plots, the main outdoor amenity space of rear properties would not be impacted given the dwellings would block views to the rear. As a result of the separation distances between the properties, it was not considered that undue harm would arise from the residential amenity enjoyed by the neighbouring occupants. As such, the proposal would not result in undue harm to the character and appearance of the host dwelling, or the residential amenity of neighbouring occupants, and it was therefore recommended that Members permit the application in line with the Officer's recommendation.

33.24 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. In response to a query regarding permitted development rights, the Planning Assistant advised that a rear dormer could be carried out under permitted development rights in principle but planning permission was necessary in order to achieve the required headspace so it may not be achievable in practice. Upon being put to the vote, it was

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

23/00187/FUL - Barn at Cold Pool Lane, Badgeworth

33.25 This application was for rebuild of a barn and subsequent use in C3 residential along with associated infrastructure – resubmission of application 21/01263/FUL.

33.26 The Development Management Team Manager (South) advised that this application sought full planning permission for the erection of a three bedroom dwelling. The site was located outside of a designated settlement boundary, within the open countryside and in the Green Belt. The site was previously occupied by a barn which was granted planning permission for conversion to a dwelling; however, the existing structure had been completely dismantled and the site cleared. As a result, the previous permission for the conversion could no longer be implemented and the application stood to be considered on the basis of a new dwelling in the countryside. The site lay outside of any defined settlement and would not accord with any exception for dwellings in rural areas. Furthermore, the proposal would constitute inappropriate development in the Green Belt and no very special circumstances existed which would outweigh the harm to the Green Belt by way of inappropriateness. The site was presently clear of development and the construction of a new dwelling would, by its presence, impact openness and the purposes of the Green Belt. Whilst it was noted that the Council could not demonstrate a five year housing land supply, as set out in the Additional Representations Sheet, attached at Appendix 1, it was considered that the harms of the development in terms of its location, impact on Green Belt, unsustainable location and potential impact on highway safety would not significantly and demonstrably outweigh the benefits of the development. It was therefore recommended that planning permission be refused for the reasons set out in the report and the additional reason set out in the Additional Representations Sheet.

33.27 The Chair invited the applicant to address the Committee. The applicant advised that he had purchased The Old Barn on Cold Pool Lane in April 2021 and it had come with planning permission to build his dream family home; however, this was during a time of lockdown due to the pandemic and he had been unable to find a builder that could start the build within the required timeframe to keep the planning permission alive, so he had decided to at least start the build himself. After reading up on building regulations, he had concluded that poured concrete foundations were required. He had not been able to find any foundations in place beneath the existing barn and, whilst looking for the foundations, part of the roof had collapsed when he had opened one of the large barn doors. He had decided that the only way to safely install the foundations was to carefully take down the barn, dig the footings, pour the concrete and then rebuild the barn into a solid, structurally sound and well insulated dwelling, using as much of the original building materials as possible. He had carefully disassembled the barn, storing all the timber, tiles and stones blocks on pallets and under cover. The footings had been dug and they had been inspected by Building Control on 19 July 2021 when he had been given the green light to pour the concrete, which had been done the next day. The following day, he received an email from a Planning Enforcement Officer telling him to immediately cease all works and the resulting emails between himself and the Officer had led to the realisation that he had made a huge mistake in taking down the barn to which he had held his hands up, admitted the error and stopped all building work. He had been working since then to get back his planning permission which was a very stressful and expensive process. He had been able to find two very similar cases where Tewkesbury Borough Council had approved the rebuild of an old building such as his and he wished to reassure the Committee that his re-application was for the exact same plans that had previously been submitted and granted permission – the same size footprint as the original barn, in the exact same location. He had provided an artist impression based on these plans and believed it would vastly improve the appearance of the area when compared to what was there before. Given that a solid foundation, along with power, water, sewers and drainage, was

now already in place, he felt it would be huge waste of resources for this project to stop here. The Old Barn was included on the first ever Ordnance Survey map which was drawn between 1844 and 1888 and it would be a great shame if this piece of history was not rebuilt. The applicant indicated that he was truly very sorry for his mistake and begged Members to give him permission to rebuild The Old Barn into the dream family home he had excitedly purchased nearly two and half years ago. With reference the recent comment made by County Highways he confirmed he had been accessing the site for the last two years without issue, but the hedge in question was on his land so could be easily trimmed back to give greater visibility.

33.28 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member asked for clarification as to whether planning permission for the conversion of an existing barn had been granted but since expired and the Development Management Team Manager (South) advised that it was not that it had expired but it could no longer be implemented by virtue of the fact that the building was no longer there so, technically, there was no planning permission. The Member indicated that similar cases had been brought to the Committee before and, in those cases, she understood that the principle of development on site had been established through the previous planning permission so she asked why that was not the case here. In response, the Development Management Team Manager (South) explained that the principle of conversion of an agricultural dwelling in a rural location was compliant with policy, subject to the caveat that the building was structurally sound to be converted which had not proven to be the case. As the building was no longer in existence, implementation of that planning permission was no longer possible and Members were required to determine the application before them – as there was no longer a building to convert, the previous conversion policies were not applicable and it was necessary to apply new dwelling policies which would not allow permission to be granted in this location. A Member noted that the applicant had stated that the materials from the original building had been preserved for reuse and she asked if that provided mitigating circumstances. The Development Management Team Manager (South) advised that, unfortunately, that was not the case; Officers had assessed the application on its own merits and, whilst technically the building would appear the same, it was not an appropriate location for a new dwelling. Another Member sought confirmation as to whether the planning permission would stand if the site had not been cleared and had been left in a state of collapse and the Legal Adviser explained that if the building, or part of, was still there, planning permission would stand; unfortunately, the building was no longer there so there was nothing left to convert and the original planning permission could not be carried out so it was necessary to start afresh which required assessing the application on the basis of a clear site in the open countryside. She recognised it was a very difficult situation, and she had sympathy with the applicant, but the position would not be altered by using the same materials and rubble did not amount to a building which could be converted in terms of planning legislation. In response to a query as to whether demolition of the building constituted the start of development, the Development Management Team Manager (South) advised that was not true in this instance as the planning permission was for conversion rather than demolition and rebuild.

33.29 A Member expressed the view that planning permission had already been granted, the work had been started at a strange time during the pandemic and the applicant had been in the process of implementing the build when the building had become unsafe and he been told by the Planning Enforcement Officer to stop. The applicant had confirmed that he intended to put the building back as it was and had retained the materials to do that and he questioned whether the Council should be encouraging work to be undertaken when the conditions made that dangerous. In response, the Legal Adviser explained that it was the applicant's responsibility to take all steps necessary to make the building safe. She appreciated it was a very

difficult period of time but scaffolding would usually have been put up to retain some part of the building to allow it to be converted. The current position was that the building had gone and it would be necessary to start again from scratch. A Member questioned whether this meant that Members' hands were tied and it was not legally possible to give consent to go ahead with the application. In response, the Development Management Team Manager (East) advised that the relevant National Planning Policy Framework and Joint Core Strategy policies were set out within the Committee report and it was for Members to determine the application based on what was before them. The Legal Adviser added that, whilst it was within Members' gift to go against the Officer recommendation, as the site was located within the Green Belt, very special circumstances were required in order for planning permission to be granted and, based on Officer's advice, none had been put forward to warrant that. If Members considered there were very special circumstances, that may lend itself to an alternative motion. A Member drew attention to the recommended refusal reasons, set out at Page No. 198 of the Committee report, and suggested that these needed to be considered as a whole without focusing solely on the conversion aspect.

33.30 It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion acknowledged the difficult situation and sympathised with the applicant but, by his own admission, the applicant had demolished the building of his own accord – this was not his fault and had not been intentional but planning permission had been granted to allow conversion of an existing building to be utilised as a dwelling and there was now no existing building so erection of a new dwelling would be at the expense of the Green Belt and protection policies were in place for that very reason. A Member made reference to the malicious demolition of Crooked House near Dudley, and the calls for the person responsible to rebuild it on the basis that it was a heritage asset, and she asked if Tewkesbury Borough Council would have required a rebuild in that scenario. In response, the Development Management Team Manager (South) reminded Members that it was necessary to look at the application before them and to make an assessment based on its own merits and the relevant planning policies. Another Member recognised this was a complicated application and raised concern that planning permission had previously been granted for conversion of the existing building on the basis that it was structurally sound and capable of conversion which had evidently not been the case. He had great sympathy with the applicant but noted that this application was for a new building in the Green Belt which conflicted with policy; however, if Members were minded to refuse the application in line with the Officer recommendation, he was sure the applicant would appeal and the Inspector may take a different view given the five year housing land supply position. In addressing the points raised, the proposer of the motion indicated that if the building had been a heritage asset then it was possible that the Council would require a rebuild but that was not the situation here. There was no suggestion that the barn had been unsafe for conversion, and he presumed the relevant checks had been carried out in that regard, rather the applicant had felt the appropriate thing to do was to deconstruct the existing building. The application was now for a new dwelling in the Green Belt and, although it may seem heartless, Members needed to assess the proposal before them today. The Development Management Team Manager (East) advised that the previous application was a prior approval application which was a permitted development application to convert a building and the tests for that were slightly different to a full planning permission application. He confirmed that the necessary information had been provided in terms of a structural study on the basis of what was proposed at that stage and that type of application did not look at the Green Belt or locational tests in strategic policies for housing so Members were considering a different raft of policies in relation to this application.

33.31 A Member noted that Officers had got the recommendation right based on policy but, looking at it in the round, he felt it would be harsh to refuse the application given that there was no ill will on the part of the applicant and it was a very unfortunate situation – if permitted, the barn would be reinstated and he felt that was the right thing to do. Another Member asked whether permitting the application would set a precedent and was advised that each application must be considered on its own merits based on interpretation of planning policy. With regard to the earlier comment regarding the five year housing land supply, a Member expressed the view that this was a single home in the Green Belt with other objections, including highway grounds, so she did not feel that would apply in the same way as it would for a development of 20 houses outside of the Green Belt - in her opinion, the planning balance was weighted the other way. Another Member indicated that she considered that the principle of development had already been established on this particular site and, taking into account the purpose of the Green Belt - to check unrestricted sprawl of large built up areas, prevent neighbouring towns merging, assisting with safeguarding the countryside from encroachment, preserving the setting and special character of historic towns and assisting with urban regeneration - she did not feel that permitting the application would go against the fundamental principles of Paragraph 138 of the National Planning Policy Framework. It was a sad situation and one which had happened before with a similar barn being taken down in Twigworth where the Planning Committee had resolved that the principle of development had been agreed. As such, she believed that planning permission should be granted on the basis that it did not go against the fundamental aims of the Green Belt. Another Member indicated that he could not support the motion as the applicant had taken down the building with good intentions and had kept the materials for the rebuild; he did not consider it to be a new building as there had been one there previously. Upon being put to the vote, the motion to refuse the application was lost.

33.32 The Legal Adviser indicated that a new motion must now be put forward and Members needed to demonstrate why the Committee considered that very special circumstances outweighed the harm to the Green Belt and the issues around transport choices and the fact that the site was unsustainable. In response to a Member comment regarding the original reasons for planning permission being granted, the Legal Adviser explained that the policy and legislation was different when there was an existing building on the site and what was being considered today was a vacant site with no development which was the basis for the policy applied – had there been an existing building the Officer recommendation may have been different. A Member expressed the view that building had already been started due to the footings being poured and the Legal Adviser reiterated that the position was that the building had been removed and the planning permission was for conversion as opposed to removal and rebuild. Building Control was a separate legislative process – it did not give consent for development but controlled what was being done to ensure it was in accordance with the proper regulations; it was not their remit to pick up on the unauthorised removal of the building and that was why the Planning Enforcement Officer would have gone out the following day. A Member noted that the building had been dismantled but was still in situ, as could be seen from Google Earth, and the Legal Adviser explained that legally there was no building on site. The Development Management Team Manager (East) advised that the policies which would have applied in 2017 were the rural conversion policies and building needed to have commenced to be able to apply those policies in this instance; he appreciated there was material on the ground but there was nothing to convert.

33.33 It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application on the basis that very special circumstances existed as there had been a longstanding structure on the site and the principle of development had already been established; there was no conflict with the fundamental aims of the Green belt policy and would be no impact on its openness; and the proposal would accord with the Tewkesbury Borough Plan and Planning Policy Guidance which recognised there were thriving rural communities which did not have public transport options and had to rely on private vehicles, subject to conditions. The Development Management Team Manager (East) drew attention to the additional refusal reason, outlined on the Additional Representations Sheet, in relation to the failure to demonstrate that safe and suitable access could be achieved. He was unsure whether this could be dealt with by condition so it may be necessary to obtain further information in relation to that. The proposer and seconder of the motion indicated that they were happy for this to be included within the delegation and brought back to the Committee if it could not be resolved by condition. In terms of conditions, the Development Management Team Manager (South) suggested it would be necessary to refer to commencement of development, the development being carried out in accordance with approved plans, details of materials, details of new windows and doors, highways conditions regarding visibility splays and parking, landscaping, restriction of permitted development rights, and ecological enhancements and protection and mitigation measures as set out in the Ecological Protection Report. The proposer of the motion asked for provision of an electric vehicle charging point to be required by condition and the Development Management Team Manager (South) advised that this was a requirement under building regulations so would not require a condition. The proposer and seconder of the motion confirmed they were happy with the suggested conditions. With regard to the visibility issue, the County Highways representative advised that the previous condition was for a very large visibility splay of 147m which seemed excessive and could impact the hedgerow – that had been based on an approach speed of 60mph so, if the true approach speed could be ascertained, it may be possible to reduce the size of the splay.

33.34 A Member asked that it be noted that, in his view, if the application was permitted, the Council was essentially giving licence to the demolition and rebuild of existing buildings in the Green Belt. Another Member disagreed with this view and felt it was about different interpretation of policies. The Development Management Team Manager (South) clarified that the building was not being replaced with the same use – there were caveats to Green Belt policy which applied to the conversion of buildings which did not apply to this application. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application on the basis that very special circumstances existed as there had been a longstanding structure on the site and the principle of development had already been established; there was no conflict with the fundamental aims of the Green belt policy and would be no impact on its openness; and the proposal would accord with the Tewkesbury Borough Plan and Planning Policy Guidance which recognised there were thriving rural communities which did not have public transport options and had to rely on private vehicles, subject to conditions in relation to commencement of development, the development being carried out in accordance with approved plans, details of materials, details of new windows and doors, highways conditions regarding visibility splays and parking, landscaping, restriction of permitted development rights, and ecological enhancements and protection and mitigation measures as set out in the Ecological Protection Report.

23/00477/FUL - Land to the South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh

33.35 This application was for the erection of a 1.5 storey, one bedroom, oak-framed dwelling.

33.36 The Development Management Team Manager (East) advised that the application site related to a parcel of land to the south of Blacksmith Lane, The Leigh. The site had an existing access from Blacksmith Lane, to the northeast of the site, and featured many established trees and boundary hedgerow, as identified within the submitted tree survey. To the west lay Cyder Press Farmhouse, which was a Grade II listed building. The land was separated from the main building by Mary's Cottage, a detached annex building within the curtilage of the listed building. The dwelling would have a bedroom and bathroom in the loft and would be constructed with an oak frame, painted black, with brick and weatherboard walls, slate roof tiles and oak-framed windows and doors. The building was in the form of a traditional timber weatherboarded building but with a flat roof extension down one side. The application was recommended for refusal for the reasons stated within the Committee report. As set out in the Additional Representations Sheet, attached at Appendix 1, since the publication of the Committee report the Council could not currently demonstrate a five year housing land supply and the application of Paragraph 11(d) of the National Planning Policy Framework had been assessed and considered in the planning balance in terms of this proposal. Whilst a single new dwelling would contribute to the shortfall, it would be negligible and the harms identified were considered to outweigh the benefits of the scheme. The site was considered to be in an unsustainable location and there would be harm to the setting of the listed building, as well as landscape harm. Furthermore, there were highways issues in terms of substandard access and questions over whether adequate visibility splays could be achieved. Updated ecology and tree assessments were required in order to fully assess the proposals.

33.37 The Chair invited the applicant to address the Committee. The applicant explained that she had withdrawn her previous application in January, based on the Conservation Officer's comments, and had incorporated all of the recommendations, reducing both bulk and height - with a smaller footprint on the same site and the same access, the previous surveys and tree reports remained relevant. According to The Leigh Neighbourhood Development Plan, priority was given to existing residents; it asked that houses were aesthetically in-keeping and provided infill between existing houses and she believed this application ticked all of the boxes. The site was a small strip of land that was bought by the previous owners of Cyder Press Farm in the 1980's to extend their garden, with a wood store, chicken run and large concrete pig sty. In the 1990's it had become a substantial vegetable garden with two greenhouses and two sheds. In 2017, she had removed most of the vegetable garden and two greenhouses as they were too much to manage and it had been laid to lawn with smaller vegetable plots and two sheds ever since. She had made a pre-planning application to Tewkesbury Borough Council in 2019 to build an art studio with occasional sleep-out. The Conservation Officer had agreed, subject to obtaining the appropriate planning permission, that a structure measuring 4m x 6m, with substantial glazing to the south side, would be acceptable. The applicant indicated that, whilst she was now seeking residential use, the application was based on the confidence she had gained at that meeting. She wanted to build a sustainable timber frame house with an electric car charging point, a self-contained sewage system, a heat pump and drainage on site, thus allowing her to live a simple life with a reduced carbon footprint. She had already established a nature reserve on the south side of the site and planted 400 trees and, if she was able to build her house, this land would remain within the title. She indicated that the list of previous applications in the Committee report related to Cyder Press Farm as a whole, not the site she was

referring to. Unfortunately, her experience with the planning office has been unorthodox and, should she need to appeal, she would be using a documented timeline that would look like sharp practice in a commercial situation, for example, her application had been validated within hours of being submitted, but her agent was not notified and they were told it was too late to go to Committee but then given only a few hours to put her case together, she was then told that her letter of representation, sent on 20 July, was too late for the Committee meeting. In conclusion, she hoped Members would support her vision for a small project that was considerate, well thought through and put the environment at the forefront of planning.

33.38 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member indicated that he could not see any stairs within the plans and the Development Management Team Manager (East) explained that the application had been amended to include a first floor, making it 1.5 storey, and it appeared that the plan of the first floor had been omitted from the Committee report. Notwithstanding this, the internal layout of the building did not have to be determined through the planning process. A Member sought clarification of the date of the appeal referenced at Page No. 215, Paragraph 8.7 of the Committee report, and was informed the Inspector's decision had been issued on 3 September 2021 – the tilted balance had been engaged at that point which was the same situation as currently. The Member questioned whether that was before or after the adoption of the Tewkesbury Borough Plan and was advised it was before, with the Tewkesbury Borough Plan having been adopted in June 2022; however, the plan was emerging at that point and the policies within the emerging plan had been taken into consideration, albeit with less weight. The Member indicated that Tewkesbury Borough Plan Policy RES4 allowed small scale development and she could see no reason why The Leigh should not be considered within that context; however, she appreciated that Officers did not feel that the scale and form of this particular property was appropriate for the area – Policy RES4 stated that it needed to be proportionate to its size and function. On that basis, she was not adverse to a planning application if the plans could be changed to address the concerns. In response, the Development Management Team Manager (East) advised that, as set out in the Committee report, there was an issue with the building in terms of its impact on the setting of the listed building but there were also locational issues – the Inspector had given Policies RES3 and RES4 notable weight despite the tilted balance being engaged, thus considering it an unsuitable location, and Officers continue to recommend refusal on sustainability grounds. A Member asked if the applicant was on the self-build register and was advised that, as far as Officers were aware, she was not.

33.39 Upon being put to the vote, it was

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

PL.34 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

34.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Page No. 234. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

34.2 A Member wished to record her thanks to Enforcement Officers for their exceptional work in relation to the enforcement appeal at Plot 19, Warren Fruit Farm; residents had felt that they had been listened to and that the matter was being dealt with.

34.3 It was

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

The meeting closed at 11:52 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 19 September 2023

The following is a list of the additional representations received since the Planning Committee Agenda was published 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.

Agenda Item No	
	General Update Since the last meeting of the Committee, the Council has received the appeal decision relating to an application (22/00650/FUL) for the development of 45 dwellings at Trumans Farm Gotherington. The Inspector, in allowing the appeal, confirmed an independent view from the Planning Inspectorate that the Council cannot currently demonstrate a five year housing land supply. In light of this appeal decision, it is considered that the Council cannot at this time demonstrate a five year supply of deliverable housing land. The Council's policies for the provision of housing should not therefore be considered up to date in accordance with footnote 8 of the National Planning Policy Framework (NPPF). Paragraph 11(d) of the NPPF therefore applies and states that, where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The application of Paragraph 11(d) in respect of each Agenda item before the Committee has been assessed by Officers and considered in the planning balance, which has been updated. Officers will address the revised balance for each item in this update sheet below and the Officer presentations.
5b	**22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington** **Revised Recommendation*:*** Following the publication of the Agenda further highway information is required for assessment. It is therefore recommended that this item is **DEFFERED** to allow the necessary assessment of such additional information, prior to planning Committee determination.
5c	**22/01343/OUT - Land At Chestnut Tree Farm, Twigworth** An additional representation has been received from Twigworth Parish Council - the comments reiterate the concerns that have already been taken into account as part of the assessment of relevant planning considerations as part of the published Committee report. **A copy of the additional comments is attached** to this Additional Representations Sheet.

	Five year housing land supply - given the updated position whereby the Council cannot demonstrate a five year housing land supply, it is considered that Paragraph 11(d)ii. of the NPPF is engaged and there are significant and demonstrable harms resulting from the proposed development, as set out in the report, that are not outweighed by the benefits. It is considered that the recommendation should therefore still be minded to refuse for the reasons set out in the published report.
5f	**23/00187/FUL - Barn at Cold Pool Lane, Badgeworth** The Highways Officer has further reviewed the site and the proposed development and has raised concerns in respect of visibility from the proposed site access. The Officer has advised that it is likely that a significant length of hedgerow would need to be removed to achieve necessary visibility splays and that this may be over third-party land over which the applicant may have no control. In the absence of a an up to date speed survey to inform any reduction in visibility splays and plans to accurately reflect what is achievable, the Highways Officer objects to the proposal. Five Year Housing Land Supply - the provisions of NPPF Paragraph 11(d) i. (relating to Green Belt) are relevant to refusing this application and the tilted balance therefore needs to be assessed in light of this. The balance of the policies and the weight to be attributed to them is therefore reassessed as follows: The main benefits of the scheme are the provision of a single dwelling. The NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As set out in the Committee report, there is clear conflict with Green Belt policy. Furthermore, the proposal is also considered to be in an unsustainable location for residential development and it has not been demonstrated that adequate visibility splays can be achieved. Whilst a new dwelling would contribute to meeting the housing shortfall, this contribution of a single dwelling would be negligible. It is therefore considered that the harms identified above significantly and demonstrably outweigh the benefits of the development. As such para 11 d) ii of the NPPF would also apply. In conclusion it is considered that the tilted balance is engaged and that in considering the planning balance overall, the harms of the proposal clearly outweigh the benefits. <u>Additional Reason for Refusal</u> Refusal Reason 4 The applicant has failed to demonstrate that safe and suitable access can be achieved. The proposal would therefore conflict with policy INF1 of the of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031

5g	**23/00477/FUL - Land To South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh** The provisions of NPPF Paragraph 11(d) i. (relating to listed buildings) are relevant to refusing this application and the tilted balance therefore needs to be assessed in light of this. The balance of the policies and the weight to be attributed to them is therefore reassessed as follows: The main benefit of the scheme is the provision of a single dwelling. Notwithstanding this, the site is within the setting of Grade II listed building and as such a judgement must be made as to whether the proposal would sustain and enhance the significance of the heritage asset, and whether any impacts provide a clear justification for refusing permission. As set out in the Committee report, following consultation with the Council's Conservation Officer, the proposal in its current form would cause a moderate degree of less than substantial harm to the setting of the nearby Grade II Listed Building which would not be outweighed by the public benefits attributed to the proposal and would be contrary to paragraph 202 of the NPPF and the statutory duty set out at s66 of the Listed Buildings and Conservation areas Act 1990. It is therefore considered that applying the NPPF policies for designated heritage assets here provides a clear reason for refusing the proposed development. With this in mind, whilst a new dwelling would contribute to meeting the housing shortfall, it must also be acknowledged that this contribution of a single dwelling would be negligible. It is therefore considered that the harms identified above and in the published Committee report significantly and demonstrably outweigh the benefits of the development. As such para 11 d) ii of the NPPF would also apply. In conclusion it is considered that the tilted balance is engaged and that in considering the planning balance overall, the harms of the proposal clearly outweigh the benefits. <u>Amendments to refusal reasons</u> *Refusal Reason 2 (Amendment):* The proposal, by virtue of its siting, layout and design would have a harmful impact on the character and the setting of the listed building. A moderate degree of less than substantial harm would be generated and this would not be outweighed by the public benefits of the scheme. As such the proposal would be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy HER2 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and policies H1 and E3 of The Leigh Parish Neighbourhood Plan 2020-2031 (2022). *Refusal Reason 7 (New Additional Reason):* 7. The location of the proposed development results in no realistic transport choices other than the private vehicle to gain access to the site and to access local and community facilities. The scheme is therefore contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and would conflict with the sustainable transport aims of the NPPF.

	Updated Information from Agent The agent would like the Planning Committee to know that they have seen the comments in regards to Drainage and Trees and would like to issue the following reply: Drainage – due to timescale between comments submitted and committee a new drainage survey/statement cannot be provided. Suggest a pre-commencement condition regarding an updated drainage report should the Council support the application to demonstrate that drainage issues can be adequately addressed. Trees – disagree with some concerns raised. Suggest a pre-commencement condition regarding an updated tree survey is suggested should the Council support the application to demonstrate that tree issues can be adequately addressed. **Updated Information from Applicant** Infill - as per the submitted photographs (on the planning portal), the proposed site is a small area of vacant land wedged between Mary's Cottage and Stonehouse Cottage and has a significantly narrower frontage than the property opposite. The site was a former vegetable plot between 1998 and 2015, with a tennis court-sized area of raised beds around a large fruit cage plus two greenhouses and a shed. Prior to that, there was a large concrete farm building for pigs, a three metre square folly and between 1998 - 2010 there was also a manmade pond approximately 20 metres in diameter. Since 2015, the plot has had no other use. Street scene - set back at an angle, six - nine meters from the road, the proposed building would be behind a high hedge, several trees, and a fence. There would be no visibility to the street during the summer and only partial visibility in the winter months. Windows are minimal on the street side and the construction is wooden clad and barn-like in appearance. Access and traffic - with an existing driveway already in daily use for many years, the access is proven to be safe. It blends in neatly with the local scene and has a wide splay, allowing offroad parking in front of the gate. The visibility extends in excess of 50 metres one way and 27 metres the other. The road is on a circular loop at the end of the village and services two or three other dwellings, depending on which way they are exiting the village, as there are two exit points. Height of proposed dwelling - the comparable height of buildings erected in recent history are closer to the listed building. 1. The neighbouring house (Mary's Cottage) is situated between Cyder Press Farm and the proposed site. It was built in 1989, is a two-storey building and is 7.5 metres high. 2. The triple garage with an additional lean-to, built in 2004 and situated adjacent to the listed building is 6.5m high. Bulk of proposed dwelling - the revised proposal is significantly reduced in overall size, as requested by the former conservation officer. Hidden flat roof on proposed dwelling - it was felt that this was an ideal solution to further reduce the bulk of the proposed building. Ecological impact by access - there are overhanging shrubs and trees on the access drive which have been assessed in the tree survey and are on the tree report. Currently, cars and delivery vans pass easily beneath, however, the lower canopies can all be safely cut back, without harm, to allow greater access if needed. The proposal is based around the conservation of nature,

	and the dwelling is a sustainable eco-house, constructed mainly off-site. The modules can be reduced in size and brought in on smaller vehicles if needed, however, there is an additional driveway to the proposed site on the southwest side, which currently provides access for lorries and a full-sized oil tanker that delivers heating oil to Mary's Cottage and Cyder Press Farm several times a year.

Item 5c - 22/01343/OUT - Land At Chestnut Tree Farm, Twigworth- Additional representation from Twigworth Parish Council

Comments for Planning Application 22/01343/OUT

Address: Land At Chestnut Tree Farm Twigworth

Proposal: The erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS). All matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access on to the A38.

The Twigworth Parish Council **OBJECTS** to this application.

Comments

Severn Trent Water - Sewage issues in Down Hatherley & Twigworth

In Zoom meetings in March and May 2021, residents showed [redacted] of STW (and other agencies) evidence of floodwater bursting up through manholes in properties in Ash Lane during the winter of 2020/1, and reported the distress and difficulty caused to residents. At the same time Twigworth's northern two pumping stations caused sewage to back up in people's houses – this is a routine event in times of moderate or worse rainfall.

The system was not fit for purpose at that point, and this was prior to the addition of a hundred plus houses at Yew Tree Farm in Twigworth and in Down Hatherley.

The Ash Lane sewage pumping station is particularly vulnerable, for it is the convergence point for multiple other sewage pumping stations, including Twigworth's, with the exception of Twigworth Green, whose new pipeline runs directly to Innsworth. Since the pumping station failures in 2020/1, several new sites have been added to the system, and other applications are in process.

Planning

Brook Lane, Down Hatherley

There is currently an application for a further 160 houses at Brook Lane (21/00976/OUT) seeking to discharge to three outpoints: Ash Lane, Twigworth, and Innsworth via the new Twigworth Green pipeline.

Surely Ash Lane is already at critical point? And do not Twigworth's pumping stations only channel sewage back to Ash Lane? Moreover, the new pipeline for Twigworth Green failed in January 2023, overwhelming the local meadows and public right of way with sewage pouring out of a manhole.

We understand that STW is not a statutory consultee, but that should not serve as an excuse to duck the issue. As Cllr Bocking explained on Wednesday, planning committees do listen to what STW says, and most of STW's comments up until now have failed to acknowledge the reality of this area's predicament, but waved applications through regardless. We understand that STW is a business and needs to be profit-minded, but we believe that this policy is leading to catastrophe for this area.

Chestnut Tree Farm, Twigworth

A further alarming example of STW's failure to acknowledge the scale of the problem arose recently, relating to STW comments (6th June 2023) on a development at Chestnut Tree Farm:

I can confirm that we have no objections in principle to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority

[Twigworth (STW ref P-230104-38824 / 22/01343/OUT / Land At Chestnut Tree Farm, Twigworth GL2 9PL]

Surely this is wholly misleading? If STW does not report accurately to planning teams the limitations of its service, they will of course be ignored.

Twigworth Green pipeline

[redacted] of STW emailed [redacted] (18.01.23) to say he would respond with a report on the failure of the new Twigworth Green pipeline. Residents would like to have an explanation of cause, and what the developer needed to do to prevent a repeat. Has this remedial work been carried out? Presumably STW commented on sewerage at the planning stage? Had the work been done as STW guided?

STW review of the area infrastructure

We appreciate that STW is now undertaking a much-needed review to establish what can be done to ameliorate the service, and that this will take some years.

Until this is completed and necessary works then carried out, we ask how STW can reach a view of 'no objection in principle' to 100s more houses being added to the network.

Size and location of the development

The proposed location of the development is adjacent to the Twigworth Settlement Boundary and totally inappropriate for a site so close to other residential properties in the rural village of Twigworth.

The visual impact of such a large housing development would fundamentally change the tranquil character of the area.

The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017)

The proposed development contravenes Neighbourhood Development Plan 2011-23 Policy H2

Significant negative visual impact for residents living adjacent to the site boundary

There are a number of residential properties located adjacent to the site boundary.

The development will have a significant adverse visual impact to these properties, especially from first floor windows.

The proposed development contravenes Neighbourhood Development Plan 2011-23 Policy H2

Negative impacts on landscape character

The housing development would significantly and adversely, impact the character and appearance of the local landscape.

We consider the proposed development contravenes Neighbourhood Development Plan 2011-23 Policy H2

Negative visual impact for users of the footpath and bridleway across the site

The site cuts across a Public Right of Way running from Sandhurst Lane (nr Telephone Exchange), to the Nature in Art access Lane; which is well used by dog-walkers from the local area, ramblers as well as people from further afield.

Currently there are extensive open views of green fields and agricultural farmland.

We consider the proposed development contravenes Neighbourhood Development Plan 2011-23 H2

Loss of Productive Arable Land

It is very important to prevent arable land being lost to development, which would otherwise allow food to be grown in the UK and thereby reduce the reliance on imported food.

Agricultural Land Classification (ALC) is a system used in England and Wales to grade the quality of land for agricultural use. The proposed site has a mix of Graded Land and is capable of producing moderate yields of a narrow range of crops, principally: cereals and grass, lower yields of a wider range of crops. high yields of grass which can be grazed or harvested over most of the year.

We consider the proposed development contravenes Neighbourhood Development Plan 2011-23 H2 Policy

Traffic Concerns

The proposed development will create a significant impact on Sandhurst Lane and the A38 during development.

The proposed access route to the site is via the A38 which is a busy road, this section of the road is within a 40mph limit, heavy lorries will undoubtedly bring mud and debris onto this section of road, presenting a serious traffic safety issue.

The junction from Sandhurst Lane onto the A38 has poor visibility when turning onto the A38 due to existing hedgerows and the bends in the A38.

Heading southbound on the A38 the turn into Sandhurst Lane is very blind due to the hedgerows and sharp corner.

The village is popular with walkers, cyclists, pedestrians and horse riders and are already overburdened and totally unsuitable for large vehicles.

The access route will be significantly impacted by the noise and vibration caused by the very large increase in HGV traffic during the construction phase.

Local community

Residents living adjacent to the site will have a significant adverse visual impact from the site, whilst there will also be a loss of the rural amenity of the extensive open views along the footpath crossing the site.