

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

18 September 2023

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 19 SEPTEMBER 2023**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Additional Representations Sheet.

Should you have any queries regarding the above please contact Democratic Services on  
Tel: 01684 272021

## **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.

<b>Agenda Item No</b>	
	<p><b>General Update</b></p> <p>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.</p> <p>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).</p> <p>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the NPPF therefore applies and states that, where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for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.</p> <p>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.</p>
<b>5b</b>	<p><b>22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington</b></p> <p><b><u>Revised Recommendation:</u></b></p> <p>Following the publication of the Agenda further highway information is required for assessment. It is therefore recommended that this item is <b>DEFERRED</b> to allow the necessary assessment of such additional information, prior to planning Committee determination.</p>
<b>5c</b>	<p><b>22/01343/OUT - Land At Chestnut Tree Farm, Twigworth</b></p> <p>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</p>

	<p>part of the published Committee report. <b>A copy of the additional comments is attached</b> to this Additional Representations Sheet.</p> <p>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.</p>
<p><b>5f</b></p>	<p><b>23/00187/FUL - Barn at Cold Pool Lane, Badgeworth</b></p> <p>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.</p> <p>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.</p> <p>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:</p> <p>The main benefits of the scheme are the provision of a single dwelling.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p><u>Additional Reason for Refusal</u></p> <p>Refusal Reason 4</p>

	<p>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</p>
<p><b>5g</b></p>	<p><b>23/00477/FUL - Land To South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh</b></p> <p>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:</p> <p>The main benefit of the scheme is the provision of a single dwelling.</p> <p>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.</p> <p>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.</p> <p>It is therefore considered that applying the NPPF policies for designated heritage assets here provides a clear reason for refusing the proposed development.</p> <p>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.</p> <p>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.</p> <p><u>Amendments to refusal reasons</u></p> <p><i>Refusal Reason 2 (Amendment):</i></p> <p>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).</p> <p><i>Refusal Reason 7 (New Additional Reason):</i></p>

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 (6<sup>th</sup> 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**

██████████ of STW emailed ██████████ (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.