

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

22 January 2024

Dear Councillor

PLANNING COMMITTEE- TUESDAY 23 JANUARY 2024

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: 23 January 2024

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	
5a	<p>22/00610/OUT</p> <p>Part Parcel 2352, Mythe Road, Tewkesbury</p> <p>Update on Non-Determination Appeal</p> <p>The non-determination appeal has been validated, is to be heard by way of Inquiry, and is scheduled to open on 16th April 2024.</p> <p>Additional Representation from Residents on Surface Water Drainage</p> <p>Since the preparation of the Committee Report, one additional representation has been received from a local resident.</p> <p>The objection raised concerns about existing flooding and the potential for increase in run off from the site, into drainage outlets on the A38 which it is advised cannot cope with existing waterflows. As such, concerns were raised that the proposed development will increase the risk of flooding in properties downhill from, in the vicinity of, the application site on the A38.</p> <p>Officers sent these comments to the Lead Local Flooding Authority which advised that:</p> <p><i>‘Bearing in mind I haven’t seen the flooding in person but the information I have suggests only a relatively small portion of the northwest corner of the site is draining to the watercourse that crosses the A38 by Bradley Farm. It makes up (again based on the information I have) only about 4% of the total area draining to the point where the flooding is so anything that happens on the site will have a very minor impact on this existing issue.</i></p> <p><i>On top of that, the development should not have a negative impact on it at all and may well improve things (albeit only a small amount considering the above). The masterplan shows that a reasonable portion of that corner will remain public open space so will drain in the same way it does currently. The houses that will be built in this corner will drain to the attenuation basin in the northeast corner so will no longer contribute to the water collecting at the A38.</i></p> <p><i>As for the impact the development will have on the Avon, the SuDS being used will mean there will not be an increase in the rate of water leaving the site and entering the Avon. In fact, they will be limiting the discharge rate to that of a 1 in 2 year storm so for extreme events (i.e. up to a 1 in 100 year storm), the rate of surface water leaving the site will be lower that it currently is. The SuDS will also accommodate increases in rainfall predicted with climate change so there won’t be an impact in the future.</i></p> <p><i>We don’t have any objections to the surface water drainage strategy subject to conditions we’ve recommended in our response. We don’t comment on the foul drainage so will not comment on STWs objections.’</i></p> <p>Officers have considered the additional representation from the local resident, and having regard to the additional information and clarifications from the Lead Local Flood Authority remain of the view that the site is at a low risk of flooding and would not</p>

increase the risk of flooding to third parties.

Foul Drainage and Severn Trent

Further to the preparation of the Committee Report, Officers have continued to liaise with Severn Trent regarding its objection to the planning application. Severn Trent has confirmed that it continues to object to the application. Following discussions, Severn Trent has advised that, as consultee, it considers that the following additional putative reason for refusal should be submitted to the Planning Inspectorate to inform the appeal:

The applicant has failed to demonstrate that the proposed development can provide adequate foul drainage and as such failed to ensure that any risk of flooding and pollution from the development proposals is appropriately mitigated and that the natural environment, including Severn Ham Site of Special Scientific Interest, is protected. As such the proposed development conflicts with Policies INF2 and SD9 of the Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.

Historic England Consultation Response

Further to the receipt of the Verified Visual Images an additional consultation response has been received from Historic England. This states:

'I have reviewed our previous advice and the only outstanding assessment that we were waiting for is the LVIA impacts on the setting of the Abbey, given that we agreed with the (Councils' Conservation Officer's) assessment of impact on the other Grade 2 buildings within setting of the application site. Given that no further significant impacts have been identified to the setting of the Abbey, we would not wish to make any further detailed comments. There would be some intervisibility from the Abbey tower, as identified in the LVIA, and although this would diminish the rural outlook and setting of the Abbey to the north, the degree of harm would be at the lower end of less than substantial.'*

Following receipt of this additional consultation response, no additional heritage concerns are identified on Grade 1 and 2* designated heritage assets and Officers consider that there should be no alterations to putative reason for refusal 2 as set out in the Committee Report.

Proposed Access and Potential Impact on Trees subject to Tree Preservation Order 421

Officers have met on site with the applicant's highways engineers and arboricultural consultants. It has been agreed that the applicant will clearly identify all trees and hedgerows that would be lost in order to create the proposed vehicular access and associated visibility splays.

Following receipt of this information, Officers will need to consider the harm caused by the loss of individual specimens with the group of trees protected by the Tree Preservation Order and whether this gives rise to a putative reason for refusal, and the extent that this harm will cause a harmful impact on the character and appearance of the area.

Officers therefore seek delegated authority to add an additional putative reason for refusal, if considered necessary, due to the potential impact on trees protected by a Tree Preservation Order, and/or amend putative reason for refusal 3 to reflect the outcomes of these discussions.

Contested Planning Obligations

The applicant has advised that they do not consider that the evidence provided in the consultation response from the Council's Communities Team shows that the contributions sought in Paragraph 9.147 of the Committee Report would either be necessary or would be directly or fairly related to the development.

	<p>Officers have sought additional information from the Communities Team on these requests and will continue to liaise with the applicant and, dependent on the outcome of these ongoing discussions, will either maintain or amend these planning obligation requests at the Inquiry.</p>
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