

Democratic Services



**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

15 March 2021

Dear Councillor

PLANNING COMMITTEE- TUESDAY 16 MARCH 2021

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

Yours sincerely

Head of Democratic Services



Agenda 5 Planning Committee

ADDITIONAL REPRESENTATIONS SHEET

Date: 16th March 2021

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.

Item No	
5b	<p>19/00771/OUT</p> <p>Land To The South Of Down Hatherley Lane, Down Hatherley Lane, Down Hatherley, Gloucester, Gloucestershire,</p> <p>Further Representations</p> <p>Since writing the committee report one additional representation from a local resident objecting to the application has been received. The comments are summarised as follows:</p> <p>Concerned surface water would be displaced to flood existing properties in Twigworth;</p> <p>Sewage and pumping stations can't currently cope let alone with more houses;</p> <p>Applications should be considered holistically rather than on a case by case basis.</p> <p>Additional Consultation Response</p> <p>Since writing the committee report an updated response from Gloucestershire County Council as Local Highway Authority (LHA) has been received. The response confirmed that the LHA consider that the development would not result in an unacceptable impact on highway safety or a severe impact on congestion and as such there are no justifiable grounds on which an objection could be maintained.</p> <p>Officer Update</p> <p><u>Local Area for Play (LAP)</u></p> <p>The Council's Community and Place Development Officer has requested that the LAP incorporates 'natural play equipment' suitable for a broad range of ages. The specific details of the play equipment would be secured via the legal agreement.</p> <p><u>Developer Contributions</u></p> <p>At the time of writing the committee report there was a couple of outstanding matters in respect to the developer contributions required to be resolved.</p> <p>Since then, Gloucestershire County Council as Local Education Authority (LEA) have reviewed the level of contributions towards education provision and advised that the following contributions towards education provision are required in order to mitigate the impact of the development:</p> <p>Pre-School = £144,873.60</p> <p>Primary = £197,993.93</p>

Secondary = **£124,736.00**

Further to the above, a contribution of **£73** per dwelling, which equates to **£2,336** based on 32 dwellings, towards recycling and waste bin facilities is required.

In terms of formal sports provision the Council's Community and Place Development Officer has confirmed a contribution towards off-site sports provision is not required.

Revised Recommendation

Given the developer contributions have been finalised the recommendation has been revised to the following:

Permission is DELEGATED to the Development Manager subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure the following heads of terms:

- **£467,603.53 towards education provision;**
- **£6272 towards library resources;**
- **£2336 towards waste and recycling facilities;**
- **11 on-site affordable housing units;**
- **Provision of on-site LAP;**
- **Highway Infrastructure Improvements**

Additional Conditions

Since writing the committee report the Local Highway Authority have recommended a number of conditions:

1. No works shall commence on site on the development hereby permitted until details of the provision of bus stop facilities and safe access thereto have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved works have been completed and are open to the public.

Reason: In the interest of highway safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

2. No dwelling hereby permitted shall be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

3. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details submitted as part of the reserved matters, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway.

Reason: In the interests of highway safety.

5. Parking shall be provided in accordance with approved details as part of the reserved matters application.

Reason: To ensure the provision and availability of adequate parking provision.

6. No dwelling hereby permitted shall not be occupied until cycle parking has been made available in accordance with approved details as part of the reserved matters application and maintained for this purpose thereafter.

Reason: To ensure the provision and availability of adequate cycle parking.

7. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres or to the extremities of the site boundary in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 1 metre from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

9. Prior to occupation of any dwelling hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interests of highway safety.

Additional Informative Notes

Since writing the committee report the Local Highway Authority have recommended a number of informative notes:

1. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee

	<p>iii. Approving the highway details</p> <p>iv. Inspecting the highway works</p> <p>Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.</p> <p>2. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.</p> <p>Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:</p> <p>i. Drafting the Agreement</p> <p>ii. Set up costs</p> <p>iii. Approving the highway details</p> <p>iv. Inspecting the highway works</p> <p>You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.</p> <p>The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.</p>
5d	<p>17/01268/FUL</p> <p>Greenacres , Main Road, Minsterworth, Gloucestershire, GL2 8JG</p> <p>Revised Proposal Description</p> <p>The development no longer includes the removal of the existing barn and stables therefore the description of the proposal has been amended to reflect this.</p> <p>Correction</p> <p>The first sentence of paragraph 1.8 of the Update Report should read:</p> <p><i>"Officers acknowledge that an emerging visibility splay could be provided from Watery Lane onto the A48 however this would require control of third-party land."</i></p> <p>Paragraph 2.6 of the Update Report should read:</p> <p><i>"The applicant has failed to demonstrate that a safe and suitable access to the site for all users could be achieved and as such the development would result in an unacceptable impact on highway safety."</i></p>

	<p>Additional Information</p> <p>Since writing the Update Report a Technical Note in response to the issues raised by the Local Highway Authority (LHA) has been submitted. In addition an updated Visibility Splay Plan has been provided. These documents have been reviewed by the LHA who maintain their objections.</p> <p>Officer Update</p> <p>Since writing the Update Report the agent acting on behalf of the applicant has confirmed that the development no longer proposes the provision of affordable housing. At the committee in November 2018, whilst there was no policy requirement for affordable housing, the applicant offered to provide three affordable homes on site as part of the development. The provision of these affordable homes carried positive weight in the consideration of the application.</p> <p>Officers consider the change in position, in respect to affordable housing, does not alter the recommendation.</p>
5e	<p>20/00955/APP</p> <p>18 Westfield Road, Brockworth, Gloucester, Gloucestershire, GL3 4AP</p> <p>An additional neighbour representation was received on 7th March 2021 after the write up of the officer's report. Comments relevant to the proposal were with regard to commencement of works including the access, clearance of hedges and trees, also site drainage and erection of fences. The access was approved under the outline consent 19/00678/OUT. A video of the site has been requested by the local member and will be presented to the planning committee. Details with regard to drainage and hard and soft landscaping have been considered within the officer's report. Other matters raised which are not related to the current planning application have been dealt with separately.</p> <p>A revised site and landscaping plan drawing number 22022/03 (E) was received on 12th March 2021 to address highways concerns.</p> <p>The Highway Authority have confirmed that the revised the drawings demonstrate sufficient car parking, cycle parking and manoeuvring space and that each property has a 7Kw electric vehicle charging unit.</p> <p>Access was determined at the outline stage, therefore the consideration is the internal layout and this has now been satisfactorily addressed.</p> <p>The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Recommend the following condition:</p> <p>No dwelling hereby approved shall be occupied until the parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing 22022/03(E).</p> <p>Reason: To ensure conformity with submitted details.</p> <p>As highway concerns have been addressed the recommendation is now to APPROVE and drawing number 22022/03 (E) added to the condition 2 and a further condition to be added that prior to occupation the parking and turning facilities are provided in accordance with drawing number 2202/03 (E) .</p>

5f	<p>20/01233/FUL</p> <p>Beech House, Toddington, Tewkesbury, Gloucestershire, GL54 5DT</p> <p>The applicant's agent has acknowledged recommended condition 1 within the committee report, which requires the works to be begun before the expiration of five years from the date of any consent. The applicant's agent suggests that, under Section 51, this condition should alternatively specify a period of three years.</p> <p>Paragraph (1) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that, subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—</p> <p>(a) the applicable period, beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or</p> <p>(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.</p> <p>Paragraph (2) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that the period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.</p> <p>It is considered that the 5 year period referred to in recommended condition 1 is appropriate having regard to the provisions of the development plan and to any other material considerations. Taking account of this, the recommendation remains unchanged.</p>
5g	<p>20/00213/FUL</p> <p>Manor Farm Yard, Stoke Road, Stoke Orchard, Cheltenham, Gloucestershire, GL52 7RY</p> <p>The applicant's agent has confirmed that there has been an oversight in respect of the existing and proposed floor space details referred to within the submitted application form, as detailed within paragraph 1.4 of the committee report. The applicant's agent confirms that the existing floor area is 968 square metres and that the proposed floor area would be 589 square metres (Unit 1 = 152.4sqm + Unit 2/3 = 437.1sqm), resulting in a net loss of 379sqm and therefore no intensification of the site.</p> <p>Taking account of this, the recommendation remains unchanged.</p>
5h	<p>20/00612/FUL</p> <p>Whites Hill Cottage, Old Brockhampton Road, Winchcombe, Cheltenham, Gloucestershire,</p> <p>Further to Paragraph 7.21 in the committee report, the applicant has provided details of a standalone bat house. This has been assessed by the Council's Ecological Adviser who has confirmed that this would be appropriate and that there are no objections subject to a further condition to secure its appropriate installation.</p> <p>The County Archaeologist has confirmed that there is no significant archaeology known at the location and that there is a low risk that archaeological remains will be adversely affected by the development. It is advised that no archaeological investigation or recoding will be required.</p>

	<p>The submitted arboricultural report has been reviewed by the Council's Tree Officer who is satisfied with the details including measures to protect retained trees during the course of construction. The officer has recommended additional conditions which are set out below.</p> <p>The recommendation remains to Permit subject to the conditions set out in the main report and additional condition set out below:</p> <p>15. The development hereby permitted shall be carried out in accordance with the details set out in the MHP Arboricultural Survey, Impact Assessment and Protection Plan No.20100, dated 29/06/20.</p> <p>Reason: To ensure proper provision is made to safeguard retained trees.</p> <p>16. Prior to commencement of works (including site preparation, or clearance) precise details of the location of the standalone bat roost provision shall be submitted to and approved in writing by the Local Planning Authority. The structure shall be installed in accordance with the approved details prior to works starting and shall be retained for the duration of the use.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>17. Prior to the approved tree works being carried out, a detailed bat and bird nesting survey shall be undertaken on identified Tree T2 to ensure no protected species are present. Should any evidence of any protected species be found prior to or during the approved tree surgery, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>Informative</p> <p>The applicant's attention is drawn to the Wildlife and Countryside Act 1981 and Schedule 2 of the Habitat Regs 2010 protects species from harm, injury and deliberate capture, killing, disturbance, damage and destruction of eggs, breeding sites or resting places.</p>
5j	<p>20/00950/FUL</p> <p>Yew Tree Farm, Little Shurdington, Cheltenham, Gloucestershire, GL51 4TX</p> <p>Further to reviewing the Committee Report, the applicant has advised that the intention is to use natural Cotswold stone for the ground floor element and not 'painted blockwork' as stated in the Report. Officers advise that the details of external materials would be secured by proposed condition 3.</p> <p>The applicant has also advised in respect of the alleged abandonment of the B8 use of the building, that whilst acknowledging that ancillary hay storage in association with the equestrian use has occurred, the building has consistently been used for B8 purposes and that the internal lockup within the building was used for this purpose yet not viewed during the officer site visit. Officers advise that this clarification does not alter the Green Belt conclusions of the Committee Report</p>

There is also a typographic error in paragraph 7.7 of the Committee Report and this should refer to Policy RES4 of the Emerging TBP rather than Policy RES5 and the revised text should state:

7.7. In conclusion, the application is contrary to adopted policies SP2 and SD10 of the JCS. However, the proposal is in accordance with Policy RES4 of the Emerging Local Plan. Officers also consider that the application site is not in an isolated location in the countryside, however it is acknowledged that future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping.