

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 29 September 2015  
commencing at 9:00 am**

**Present:**

Chairman  
Vice Chairman

Councillor J H Evetts  
Councillor R D East

**and Councillors:**

R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, Mrs J E Day (Substitute for D T Foyle),  
M Dean, Mrs M A Gore, Mrs J Greening, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason,  
A S Reece, T A Spencer, Mrs P E Stokes, P D Surman and R J E Vines

**also present:**

Councillor P W Awford

**PL.31 ANNOUNCEMENTS**

- 31.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 31.2 Members were reminded that the Council had resolved to introduce a Scheme of Public Speaking at Planning Committee for a 12 month period, starting with the new term of the Council in May 2015, which had therefore commenced with the meeting on 9 June 2015. The Chairman gave a brief outline of the scheme and the procedure for Planning Committee meetings.

**PL.32 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 32.1 Apologies for absence were received from Councillors D T Foyle and P N Workman. Councillor Mrs J E Day would be acting as a substitute for the meeting.

**PL.33 DECLARATIONS OF INTEREST**

33.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

33.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R E Allen	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
Mrs J E Day	15/00638/FUL Hill Barn, Dryfield Meadow, Cheltenham Road, Winchcombe.	Had spoken to the applicant and one of the neighbours.	Would speak and vote.
Mrs A Hollaway	14/00925/FUL The Laurels, Aston Carrant Road, Aston-on-Carrant, Tewkesbury.	Is a friend of the applicant.	Would speak and vote.
J R Mason	15/00638/FUL Hill Barn, Dryfield Meadow, Cheltenham Road, Winchcombe.  15/00783/FUL Oaklands, 16-18 Gretton Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P D Surman	14/00838/FUL Land to the West of Farm Lane, Shurdington.	Is a Borough Councillor for the area.  Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	14/00838/FUL Land to the West of	Is a Gloucestershire County Councillor for	Would speak

Farm Lane, the area. and vote.  
Shurdington.  
15/00045/APP  
Land to the West  
and South of  
Gloucester  
Business Park,  
Brockworth.

R J E Vines General Declaration. Had received correspondence in relation to various applications but had not expressed an opinion. Would speak and vote.

33.3 It was noted by the Chairman that all Members of the Committee would have received correspondence in relation to various applications on the planning schedule but they did not need to declare an interest where they had not expressed an opinion.

33.4 There were no further declarations made on this occasion.

#### **PL.34 MINUTES**

34.1 The Minutes of the meeting held on 1 September 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

#### **PL.35 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

##### **Schedule**

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

##### **15/00638/FUL – Hill Barn, Dryfield Meadow, Cheltenham Road**

35.2 This application was for a proposed extension to the front of the property. The Committee had visited the application site on Friday 25 September 2015.

35.3 The Chairman invited Councillor Judith Petchey, Chairman of Winchcombe Town Council's Planning Committee, to address the Committee. Councillor Petchey indicated that the barn was one of three traditional Cotswold stone barns that had been converted to private dwellings. They sat on rising ground on the approach to Cleeve Hill and their visibility from the B4632 varied with the season and the growth/dieback of tree foliage. The barns sat squarely within the Area of Outstanding Natural Beauty and were considered to be an attractive feature when viewed from the surrounding area. The original conversions had been carried out to a high quality standard. The proposed extension was completely out of keeping with the building to which it would be attached and would spoil the entire area in which it would sit. Winchcombe Town Council Planning Committee had considered that the design of the proposed extension was poor and would have "the charm of a shipping container". The Borough Council's Conservation Officer had outlined his objection to the proposal and had pointed out that any extension should of a similar scale, type and form to, and constructed of materials compatible with, the original building. In

2006, English Heritage had issued guidance relating to the conversion of traditional farm buildings in that any extensions should be subordinate in scale and relate to the character of the farmstead; the proposed extension did not conform to those guidelines. The Planning Officer had recommended the application for refusal for similar reasons and she mentioned in her report the failure of the applicant to ensure that the design conformed with a variety of policies contained within the National Planning Policy Framework, and Policy SD8 of the submission version of the Joint Core Strategy. In addition, it did not fit with Policy HOU8 of the Tewkesbury Borough Council Local Plan. As such, Winchcombe Town Council asked the Committee to refuse the application.

35.4 The Chairman invited the applicant, Richard Bull, to address the Committee. In terms of the impact on the Area of Outstanding Natural Beauty, he indicated that, in his opinion, the visual prominence of Hill Barn had been overstated in the Planning Officer's report. It was very difficult to see the property at all from the B4532 and the view of Hill Barn from the footpath that ran through Dryfield Farm was also very limited as Hill Barn was at a much lower ground level to the north and did not detract from the views of Winchcombe and the hills to the east. It was also very difficult to see the barn from Belas Knap and the Salt Way looking in a westerly direction. He noted that Winchcombe Town Council had not registered an objection to a previous larger proposal. The Town Council's objection against the current application was with regard to the contemporary design and views had been requested from the Conservation Officer. The original comments from the Conservation Officer had been positive, noting that the 'freestanding pavilion' concept was an approach that could work well for additions to traditional buildings. The only slight reservation had been in relation to the design as the depth of the parapet/fascia over the fully glazed south-east elevation risked appearing top heavy and there was a good case for a more articulated eaves detail. The design had been changed and resubmitted in accordance with the examples suggested by the Conservation Officer. In respect of design, a glazed link was utilised between the existing barn and the proposed extension in order to provide a separation between the old and the new. The minimum framing to the glass walls and roof allowed maximum transparency and made the link very unobtrusive. The proposed separation ensured that the existing form of the barn retained its integrity. The design was of high quality and used materials that had been carefully selected. Traditional and modern architecture combined in this way was complementary, as opposed to detracting, and was a good option in sensitive areas such as this. His final point was in relation to the residential amenity of the neighbouring properties. There was currently an existing elevated open terrace at the front of Hill Barn which offered unrestricted views to the north-east towards Badgers Rest on the location of the proposed development. The proposed development did have limited glazing to that elevation, but more restricted than the views from the existing terrace. At no point had the Planning Officer asked to reduce or remove glazing to the elevation which was a route which could have been taken if that was of concern.

35.5 The Chairman indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion indicated that the Committee Site Visit had been invaluable. Whilst he understood the Conservation Officer's concerns, this ignored the presence of the unfortunate looking building which currently existed. Without starting from scratch and building a new dwelling, he felt that the proposed extension would be the best option in terms of improvement. He recognised that the extension was a very modern style but he indicated that he would not like to see a pastiche of the original building. The seconder of the motion drew attention to the Additional Representations Sheet, attached at Appendix 1, which referred to the representations section of the report and incorrectly stated that two neighbour representations received in support of the currently proposal had withheld their names and addresses when in fact the

information had been supplied. They were immediate neighbours and considered that the proposed extension would enhance the building. She did not agree with the argument that the application would result in an adverse impact on the Area of Outstanding Natural Beauty. She went on to refer to examples of recent development in Gretton Road and Corndean Lane where the impact upon residential amenity was significantly greater than that of the proposed extension and she noted that the applicant had gone to great expense to adjust the plans to reflect the comments made by the Conservation Officer and yet the application was still recommended for refusal. In her view the application should be permitted in accordance with the wishes of the neighbouring residents who would be the ones most affected by the extension.

- 35.6 A Member stressed that each application should be determined on its own merits and the comparisons to other developments was irrelevant. The Officer report set out very clearly that the proposal was contrary to Policy AGR7 of the Tewkesbury Borough Local Plan which stated that rural buildings should be capable of conversion to the proposed alternative use without substantial alteration or extension to their original structure. On that basis, he could not support the motion to permit the application. The Planning Officer indicated that, if Members were minded to permit the application, she recommended the inclusion of conditions relating to materials and the obscure glazing of high level windows. Upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to standard conditions, including materials, and a condition requiring obscure glazing to the side elevation.

**14/00925/FUL – The Laurels, Aston Carrant Road, Aston-On-Carrant**

- 35.7 This application was for the proposed erection of one dwelling with garage, access drive and parking space/turning.

- 35.8 The Chairman indicated that there were no public speakers for this item. He explained that the Officer recommendation had been changed to delegate authority to the Development Manager to permit the application, subject to the resolution of issues relating to the pumping station, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application, subject to the resolution of issues relating to the pumping station, in accordance with the Officer recommendation. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of issues relating to the pumping station in accordance with the Officer recommendation.

**15/00719/FUL – Stanboro Nurseries, Stanboro Lane, Elmstone Hardwicke**

- 35.9 This application was for a change of use from a nursery (agricultural diversification) to a mixed use comprising small scale storage (siting of up to 24 static shipping style containers, Class B8) and retained agricultural (horticultural) use.

- 35.10 The Chairman invited the applicant, Sara Gardner, to address the Committee. She explained that the application was for the diversification of the site and she clarified that the nursery would continue to operate. She indicated that Gloucestershire County Highways and Tewkesbury Borough Council's Environmental Health Team were both happy with the proposals and the Planning Officer was supportive of the application. Horticultural and agricultural businesses had a long history of diversifying to meet changing needs and Stanboro Nurseries, which had been in operation for more than 50 years, was no different. The lane had previously been the main artery road into Cheltenham, prior to the construction of the motorway, and the section of the lane by the nursery was straight and wide; this could be

demonstrated by the fact that a longboat had been turned in the lane only yesterday. As such, traffic would not be impacted negatively by the proposals. She explained that, once in place, the storage units were static and they would replace a large broken greenhouse. Furthermore, Phoenix Business Park was located across from the field so the proposal would not be out of keeping with the area.

- 35.11 The Chairman indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

**15/00740/FUL – Towncrest Sports Club, East Street, Tewkesbury**

- 35.12 This application was for the refurbishment of the social club to include demolition of a single storey building and rear extensions to create five new dwellings, access and parking areas (amendment and reduction to previous planning permission and Conservation Area consent under references: 11/01012/FUL and 11/01013/CAC).

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

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

**15/00783/FUL – Oaklands, 16-18 Gretton Road, Winchcombe**

- 35.14 This application was for a change of use from bed and breakfast accommodation to nursery daycare for up to 60 child places and guest house accommodation at first floor level comprising three service rooms and associated alterations to car parking layout (revised scheme). The Committee had visited the site on Friday 25 September 2015.

- 35.15 The Chairman invited Councillor Judith Petchey, Chairman of Winchcombe Town Council Planning Committee, to address the Committee. Councillor Petchey indicated that Winchcombe Town Council fully supported the application. The application was for a change of use from a bed and breakfast establishment to a day care nursery; the applicant currently provided such a facility in Winchcombe but, due to the rapid expansion of dwellings in and around the town, it was operating at capacity and needed to expand to offer sufficient places to satisfy demand. The current owner of the building had suffered a period of ill health and wished to retire and the change of use to a day care nursery would meet both his requirements and those of the prospective purchaser. The proposal sought to make sympathetic changes to the building to make it suitable for day care use and they would seek to minimise any problems experienced by neighbouring properties. Care had been taken to reduce the noise impact of children playing outside in good weather and the applicant had worked with the neighbours to put in place elements that would further reduce any perceived noise problem; as a result, objections had been withdrawn. She also noted that the revised application incorporated the parking changes requested by Gloucestershire County Highways.

- 35.16 The Chairman invited Robert Turner, the husband of one of the applicants, to address the Committee. Mr Turner explained that current infrastructure in Winchcombe to support the 250 new homes was deficient in terms of childcare and current providers were oversubscribed with waiting lists. He confirmed that the

immediate neighbours on all boundaries of the proposed development had now registered written support for the application. Businesses had operated from Oaklands for over 30 years; for many years as a care home and in recent years as a bed and breakfast. The applicants wished to emphasise that they had lived in Winchcombe for 20 years and intended to stay there for many years to come. They were actively involved in the local community and it was very important to them in terms of personal credibility that the neighbours, and wider community as a whole, saw the nursery as an ongoing positive asset to the town. The proposed nursery was supported by the Head Teacher at Winchcombe Abbey Infants and Junior School in terms of the desperate need in Winchcombe for the provision of additional childcare spaces. The applicants had been unable to find an alternative location in Winchcombe and the current location met sustainability criteria as its proximity to parents, children and employees meant that it was very accessible by pedestrians and cyclists, thus reducing car journeys. The provision of accommodation rooms would support local tourism and the local economy and the application would result in much needed new jobs for local people, estimated to be an extra five full time equivalent jobs over the next two years.

- 35.17 The Chairman indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

**15/00835/FUL – Tithe Farm, Great Washbourne, Tewkesbury**

- 35.18 This application was for the retention of an open storage area for despatch operations in association with the adjoining premises.
- 35.19 The Chairman invited John Kopec, speaking against the application, to address the Committee. Mr Kopec explained that he was a resident of Great Washbourne who had been asked to represent the fellow villagers that had lodged objections to the application. Great Washbourne was a small hamlet of 22 households lying in a designated Conservation Area, immediately adjacent to an Area of Outstanding Natural Beauty. The representations in support of the application were based on financial involvement with the company, family connections, friends or employees, almost all of whom were not local to the village. The corresponding objections, however, were almost entirely local and had been presented in constructive arguments based upon material planning considerations. There were 12 submissions from households in the village, with eight objecting and four supporting the application. Locally, two out of the three submissions were in opposition, the majority of which were from residents who had lived in the village for decades. Those residents had supported the business in the past and wished to make it clear that this was not a case of individual local 'NIMBY-ism' as had been suggested by others. That support, however, had now changed to opposition and grave concern as the business had far outgrown the size of the village, now spilling over its original site boundary into the adjacent field, violating the very planning conditions that had been attached to the prevailing consents given by the Council to protect residents. In terms of size, the factory had grown a staggering 6.5 times its original built space with 70% of that expansion occurring since 2004. This could not be described as 'gradual expansion over the last 30/40 years' as quoted in the Officer report. The latest application was for it to spread eastwards along the conservation boundary towards the properties in the north end of the village. This encroachment had brought the source of noise from the JCB handling of materials at the site closer to those residents, as per the nuisance reports submitted in May 2015. The proposed screening and conditions would do nothing to mitigate the impact. Although it was a 'cottage industry' in its early years, it was absolutely clear, by virtue of the continued breach of conditions, and the illegal use of the field, that the business had outgrown

its current location and was no longer a sustainable development in Great Washbourne. The negative social and environmental impacts were clear, and there was no substantiation of any economic or social benefit to the community from the business. On the contrary, the community was fractured and many residents who had already been negatively impacted by the business were deeply concerned about the future of Great Washbourne. Recent strategic alliances of the business with large international companies would inevitably mean more expansion, more traffic and more noise, and permitting further growth of the business in its current location could only exacerbate the situation. The objectors asked the Committee to refuse planning permission, return the field to its correct use and urge the applicants to relocate the external storage to a more appropriate location, such as an industrial site. The objectors contended that there would be no loss of jobs or adverse impact upon trade and that the expansion of the business to an appropriate site would not only safeguard employment, but would facilitate further growth without constraint. To summarise, he indicated that refusal by the Committee would demonstrate a balanced approach and a proper adherence to planning policy, would have no adverse impact upon jobs or trade and would protect the residential amenities and the conservation status of Great Washbourne.

- 35.20 The Chairman invited the applicant, Alistair Albutt, to address the Committee. Mr Albutt explained that Albutt Ltd was a rural business providing 40 jobs on site along with countless more in supporting local companies; all of the employees lived within a 25 minute commute of work. The company supplied handling equipment to a wide customer base, both nationally and internationally, however, the roots of the business were firmly in the local farming community to whom it provided much support. The countryside was not a museum and needed a thriving rural economy which was provided by Albutt Ltd to its employees, and to the local and wider community. The application related to a modest area of land that was situated adjacent the existing premises and had been within the ownership of the company for some 35 years. The area had been used for storing finished goods awaiting despatch to customers for the last seven years or more. When concern was first raised over the actual siting of the footpath that crossed the area, it was found that there was a breach of planning regulations for using the site for storage. He stressed that the breach was in no way intentional and action had immediately been taken to apply for the correct planning permission. The site had been visited by various Tewkesbury Borough Council representatives; both Environmental Health Officers had found no issues with the application and one had described the company as an asset to the village. Gloucestershire County Highways had commented that the site should only be used in conjunction with the business, which he confirmed was the case, and recommended no objection on that basis. Neither the Conservation Officer nor Parish Council had raised any objection. The Planning Officer who had visited the site recommended seven points, all of which had been agreed and, in most cases, were already being adhered to. The main point related to the moving of forklifts on the site with the suggestion that there be no movement before 0730 hours; in actuality, there was already a rule in place to ensure that there was no movement of forklift trucks before 0800 hours. The Officer had also proposed landscaping the area which had been taken on board. Where access was required across an adjoining field, the area had been cultivated and re-seeded. The earth bund which had been built had had time to settle and was ready to receive plantings during the autumn. The area that had been stoned down had been reduced to accommodate the bund and would be returned to agricultural field, along with the footpath which would be fenced with post and rail. If the company lost the ability to store finished goods in the area, it would undoubtedly lead to many more vehicular movements, as off-site storage would have to be found and goods moved on a constant daily basis, leading to many more lorry movements along the drive and the local road network. Products, once made, would have to be taken away for storage and then brought back to the premises in order to be despatched, loaded and delivered. Obviously that would lead to a large increase in handling,



movements and costs. He felt that it was important to point out the drive to the factory, which passed the side of the storage site, as it was also the driveway to his house and was used as access to and from his smallholding. The Government supported and encouraged a thriving rural economy through its rural productivity plan and he hoped that the Committee felt that it could do the same.

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

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

**15/00846/FUL – Phoenix Bearings of Tewkesbury Ltd, Northway Lane, Newtown**

- 35.22 This application was for the demolition of an existing vacant unit and provision of a new lorry park as part of enabling works for future development proposals for Cotteswold Dairy.

- 35.23 The Planning Officer drew attention to Condition 8 of the recommended planning permission, set out at Page No. 265 of the Officer report. The condition set out that there would be no external storage or operation of plant, machinery or equipment on the site, other than that contained within the vehicles associated with Cotteswold Dairy Ltd. As the applicant had indicated that it may be necessary to operate machinery and equipment from the site from time to time, for instance, to carry out general vehicle maintenance, it was necessary to reword the condition to allow for such instances and the recommendation had been changed to delegate authority to the Development Manager to permit the application on that basis.

- 35.24 The Chairman indicated that there were no public speakers for this item and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application, subject to the rewording of Condition 8, in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the rewording of Condition 8 of the planning permission in accordance with the Officer recommendation.

**15/00449/APP – Homelands Farm, Gotherington Lane, Bishop's Cleeve**

- 35.25 This was a reserved matters application for 52 residential dwellings (use Class C3) Local Equipped Area for Play (LEAP), public open space, allotments, road and drainage infrastructure in Phase 3B of outline planning permission (10/01005/OUT).

- 35.26 The Chairman invited the applicant's agent, Colin Danks, to address the Committee. Mr Danks indicated that this was the second application for Homelands Farm and there had been a lot of close working with Officers to develop the scheme. There were three main elements he wished to highlight: the substantial amount of parking, approximately 300%, including a significant amount of visitor parking; the amendment so that the dwellings fronted onto the open space to the north as opposed to backing onto it; and the fact that the house types and materials were the same as those previously approved in phases 1A and 1B of the application. He indicated that there had been a late request for alternative play equipment and the Officer recommendation had been amended to a delegated approval as it had not been possible to deal with this matter prior to the Committee. The developer was ready to commence this phase of the scheme, which was a trigger for the community benefits within the Section 106 Agreement, and he hoped that Members would support the Officer recommendation.

- 35.27 The Chairman confirmed that the Officer recommendation had been amended to delegate authority to the Development Manager to approve the application, subject to the alternative play equipment being acceptable, and he invited a motion from the floor. It was proposed and seconded that the authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A Member queried whether there was adequate space for refuse vehicles to turn within the site, particularly if there was on-street parking. The Planning Officer explained that Gloucestershire County Highways looked carefully at vehicle tracking when assessing applications and this scheme provided approximately 300% parking i.e. three spaces per property, almost all of which would be off-road. There were nine on-street visitor parking spaces which had also been assessed by the County Highways Officer. The parking provision was considered to be very generous and was an acceptable solution. A Member noted the concerns raised by the Parish Council in relation to flood risk and sewage disposal and, although no objections had been raised by any of the consultees, he sought assurance that this issue was not just being dismissed. The Planning Officer reiterated that this was a reserved matters application and the issue of flooding and surface water drainage had been explored at the outline stage. Notwithstanding this, Condition 10 of the outline permission required details of the surface water drainage scheme for the whole development to be submitted with the first reserved matters application. These details had been submitted with application 14/00481/APP and, following consultation with the Environment Agency and the Council's Flood Risk Management Engineer, were considered to be sufficient to enable the condition to be fully discharged. A Member noted that the Officer report stated that there would be an update from Gloucestershire County Highways provided at the meeting, however, nothing had been included from them on the Additional Representations Sheet. The Planning Officer confirmed that this was an error in the report; although that had been the position when the report had initially been drafted, the full response had been received and was set out within the main body of the report. He clarified that Gloucestershire County Highways had no objection to the application. The Planning Officer went on to reiterate that the recommendation had been amended from approve to delegated approve as the Economic and Community Development Manager had requested amendments to the play equipment in the LEAP; some minor tweaks to the soft landscaping scheme were also required which necessitated the submission of additional information.

- 35.28 The seconder of the motion reiterated the overall position in terms of the proposed number of off-site parking spaces compared with the previous scheme and he was very pleased that this had been carefully considered by the applicants. He noted that there were still four or five properties which only had one allocated parking space per property and, whilst he appreciated that the amount of parking for the overall development was high, his general preference was that there should be a minimum of two spaces per property. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the alternative play equipment being acceptable in accordance with the Officer recommendation.

#### **15/00720/FUL – Land at Ash Lane, Down Hatherley**

- 35.29 This application was for village infill development of two detached dwellings.
- 35.30 The Chairman invited the applicant's agent, Oliver Rider, to address the Committee.

Mr Rider explained that a recent High Court decision in February 2015 had provided clarity on the National Planning Policy Framework's policy of supporting limited infilling in villages in the Green Belt. The clear purpose of the policy was to allow for infilling of gaps in otherwise built up frontages, to provide much needed housing in rural areas. This was because the Government recognised that the infilling of such gaps did not create urban sprawl and did not conflict with the defined Green Belt purposes. Despite this, the current application was recommended for refusal solely on Green Belt grounds. Whilst the Officer Report confirmed that infilling in Green Belt was acceptable in principle, the suggestion was that Ash Lane was not part of the village of Down Hatherley. He indicated that the Tewkesbury Borough Council he knew had always considered Ash Lane to be an integral part of Down Hatherley village, and, more importantly, the residents of Ash Lane very much considered themselves to be part of the village and would be somewhat horrified to learn that they were no longer considered as such. Letters submitted by local residents in respect of the application had specifically referred to the impact it would have on 'the village', that being the village of Down Hatherley. The suggestion that Ash Lane was not part of a village because it did not contain any services was a confusing one, particularly as there was no cited reason for refusal on sustainability grounds. He pointed out that there were many villages in Tewkesbury Borough which were sporadic in nature, for example, Staverton, Boddington, Twigworth and Minsterworth were all dispersed villages. Twigworth and Minsterworth were both included as Service Villages in the emerging Joint Core Strategy and the fact that some villages were dispersed did not stop them from being villages. Notwithstanding this largely technical point, he asked Members to consider the reason behind the Government's policy. The intention was not to have applications refused on the technicality of whether somewhere was a village or not; it was to allow rural areas to grow modestly, where it would not conflict with the overall aims of Green Belt, hence the support for infilling only. In conclusion, the development was exactly what the Government had in mind in supporting infilling in villages; if this was not a classic example of infilling, he did not know what would be. He hoped that the Committee would agree that this small infill did not prejudice the protection of Green Belt, which was ultimately about preventing large scale developments. It would not give rise to urban sprawl and it would certainly not contribute towards the coalescence of Cheltenham and Gloucester.

- 35.31 The Planning Officer advised that the key point related to whether Ash Lane constituted a village which, in Officer opinion, it did not. The applicant had highlighted a number of relevant appeals where Inspectors had found infilling to be appropriate in Green Belt locations, however, those cases were considered to be very different to the application site as they were either substantial villages with a significant number of services and facilities, or at the edge of a much larger settlement and clearly considered to constitute a village. Maintaining the openness of the Green Belt was a key consideration and a dispersed collection of houses, which this section of Down Hatherley was considered to be, did not constitute a village.
- 35.32 The Chairman confirmed that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be deferred for a Committee Site Visit to judge the Green Belt policy issues on the ground. The proposer of the motion felt that it was important that Members had the opportunity to see for themselves the position of the site

within the open countryside and to assess the conflicting arguments in relation to whether Ash Lane constituted a village. Upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** for a Committee Site Visit to judge the Green Belt policy issues on the ground.

**15/00213/FUL – 52 Kayte Lane, Bishop’s Cleeve**

35.33 This application was for the erection of a first floor side extension.

35.34 The Chairman invited Daniel Drayton, a planning consultant speaking on behalf of the applicant, to address the Committee. Mr Drayton did not consider that the scale of the extension would cause harm to the character of the existing dwelling or the appearance of the streetscene. It was a modest proposal which would create an additional bedroom with storage above. Revised plans had been submitted to show that the extension would be stepped down and back from the edge of the original building to make it more subservient, proportionate and in keeping with the surroundings. In terms of the impact on residential amenity, the extension would not extend beyond the footprint of the existing dwelling and would project no further back from the existing rear building line. Whilst a daylight impact assessment had not been carried out, he did not consider that the proposal would have a harmful impact on the amenity of the neighbouring properties or result in undue overlooking. The Planning Officer had recommended the inclusion of a condition to secure the obscure glazing of certain windows which would safeguard the privacy of residents. The extension of properties in built-up residential areas would always result in a changed outlook for neighbouring properties to some degree but, in this instance, the effects would be very minor and did not warrant planning permission to be withheld. He considered that the revisions had addressed the concerns of the third parties, and the Parish Council, and he urged the Committee to permit the application.

35.35 The Chairman confirmed that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being put to the vote, it was

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

**15/00496/FUL – Cedar Lodge, Two Hedges Road, Woodmancote**

35.36 This application was for the construction of a detached dwelling, including new vehicular access.

35.37 The Chairman advised 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. Upon being taken to the vote, it was

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

**15/00738/FUL – 7 Read Way, Bishop’s Cleeve**

35.38 This application was for a proposed front porch extension, first floor extension and single storey rear extension. The application had been deferred at the Planning Committee meeting on 1 September 2015 for a Committee Site Visit in order to assess the impact on the living conditions at the neighbouring properties. The Planning Committee had visited the site on Friday 25 September 2015.

- 35.39 The Chairman invited Peter Sollars, speaking against the application, to address the Committee. Mr Sollars explained that his main objection was aimed at the first floor extension part of the application as the extension, combined with the existing ground floor rear extension, would produce a 49% increase over the original wall area presented to his property. The Tewkesbury Borough Local Plan Policy HOU8 did not give any physical limitations, however, it did require an evaluation of the impact on his property in terms of bulk, massing and size. From his perspective the proposed extension would result in an imposing and overbearing wall. He indicated that similar comments had been made by Bishop's Cleeve Parish Council. To justify the application by suggesting that there were similar extensions was misleading; there was only one similar extension which had been built over 25 years ago, in a row of 26 properties, and the proposed extension was 20% larger than that. Policy HOU8 suggested that the proposal should not cause an unacceptable loss of residential amenity, however, from dawn until 11.00am, his kitchen window was the prime source of light to that area and it would be in shadow if the extension was permitted. Although his rear entrance door was obscure glazed, daylight did beam through it and the situation would be worse in winter, when the sun did not rise so high, or when there was no direct sunlight.
- 35.40 The Chairman indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be refused on the grounds of the detrimental impact to the neighbouring properties. A Member understood the concerns of the neighbours, and he agreed that the first floor extension and single storey rear extension were too large and would be overbearing and out of character with the rest of the street, notwithstanding this, he was of the opinion that the proposed extension to the front porch would be acceptable. Another Member agreed with this view and queried whether a split decision would be possible as he did feel that the upper storey extension, in particular, would be very intrusive and would block the light to the neighbouring properties. The Development Manager confirmed that Members could issue a split decision, if they so wished, and the proposer and seconder of the motion agreed to amend their motion. It was subsequently proposed and seconded that a split decision should be issued with the proposed front porch extension being permitted and the proposed first floor extension and single storey rear extension being refused. A Member felt that this was an interesting application and he sought clarification as to why Officers had found it to be acceptable. In response, the Development Manager indicated that it was very much a matter of judgement and Members may wish to take a different view.
- 35.41 Upon being taken to the vote, it was
- RESOLVED**
1. That the proposed front porch extension be **PERMITTED**.
  2. That the proposed first floor extension and single storey rear extension be **REFUSED** as the proposed rear extension, by virtue of its size, scale and location would have an undue overbearing impact on, and would lead to an unacceptable loss of light to the kitchen window of, No. 9 Read Way and, as such, the proposed development would conflict with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the provisions of the National Planning Policy Framework which required high quality design.
- 15/00859/FUL – 7 Chiltern Avenue, Bishop's Cleeve**
- 35.42 This was an application for a proposed single storey front extension (revised scheme).
- 35.43 The Chairman advised that there were no public speakers for this application. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in

accordance with the Officer recommendation. Upon being put to the vote, it was

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

**14/00838/FUL – Land to the West of Farm Lane, Shurdington**

- 35.44 Members noted that the description for this application had been amended to increase the number of dwellings as follows: 'Full application for residential development comprising ~~369~~ **377** dwellings, including access and associated infrastructure'. The Committee had visited the application site on Friday 25 September 2015.
- 35.45 The Planning Officer explained that the proposed number of dwellings had been increased from 369 to 377 as a result of changes to the layout, following discussions with the Council's Urban Design Officer, which principally reflected changes to the house types with an increased number of smaller units. A number of late representations had been received including letters from Cheltenham Borough Council, as set out on the Additional Representations Sheet attached at Appendix 1, and correspondence received from the Leckhampton Green Land Action Group (LEGLAG). In terms of planning policy, the site was allocated for housing in the current Local Plan for approximately 360 dwellings. Policy SD2 identified the site as an appropriate location for strategic development and it was part of the strategic allocation known as South Cheltenham in the emerging Joint Core Strategy for 1,124 dwellings, the majority of which were located within Cheltenham Borough. An outline planning application for residential development of up to 650 dwellings within the housing allocation site was currently the subject of an appeal which was ongoing at the present time.
- 35.46 Members were reminded that Tewkesbury Borough Council could not currently demonstrate a five year supply of deliverable housing sites, as required by the National Planning Policy Framework and, as such, the Council's relevant policies for the supply of housing were out of date. In accordance with Paragraph 14 of the National Planning Policy Framework, the presumption in favour of sustainable development therefore applied and planning permission should be granted unless there were any adverse impact of doing so which would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole. The report set out a number of considerations including landscape and visual impact; accessibility and highway safety; ecology; flood risk and drainage etc. Gloucestershire County Highways had no objection to the application in principle, however, discussions were ongoing in respect of internal highway layout details and parking on Church Road. The Flood Risk Management Engineer also raised no objection to the application subject to the inclusion of a drainage condition which was set out as recommended Condition 10. One further issue related to comprehensive development and prematurity as the site formed part of the strategic allocation for South Cheltenham and it was important to ensure that the application would not prejudice the delivery of infrastructure to serve the wider allocation. The applicant had submitted a Statement of Comprehensive Development which demonstrated that requirements relating to education, health, community, sport and open space facilities for the site, and the wider strategic allocation, could be secured through a Section 106 Agreement. It was recognised that a number of concerns had been raised regarding the capacity of the existing health facilities in the area. Whilst the details of the Section 106 Agreement were still subject to negotiation, Members were advised that the applicant had agreed to make a contribution towards a new GP surgery; if the surgery was not delivered, the contribution would go towards improving existing facilities. The applicant had also submitted a draft Unilateral Undertaking for comment which referred to the provision of up to 40% affordable housing. Leckhampton with Warden Hill Parish Council and Shurdington Parish Council had made submissions to both Tewkesbury and Cheltenham Borough Councils for land to be allocated as Local Green Space. The

Planning Officer explained the Local Green Space would be considered as part of the Local Plan process. In terms of the overall balancing exercise, the application had been considered on the basis of the three dimensions of sustainable development: economic, social and environmental. The adverse impacts identified had been considered and, whilst the proposal would result in harm to the character and appearance of the area, it was concluded that the identified harm would not significantly and demonstrably outweigh the benefits of the proposal and the scheme represented sustainable development for which there was a presumption in favour. It was therefore recommended that authority be delegated to the Development Manager to permit the application, subject to the formal comments from County Highways, and required highway conditions/contributions, and the completion of negotiations for a Section 106 Agreement to secure the required infrastructure for the development and to ensure that the delivery of the wider strategic allocation was not prejudiced.

35.47 The Chairman invited Councillor Jo Sobey, representing Shurdington Parish Council, to address the Committee. Councillor Sobey explained that Shurdington Parish Council opposed the application on a number of grounds. The application was considered to be premature pending the outcome of the Joint Core Strategy Examination in Public which was currently taking place. Nobody knew what the Inspector's report would say with regard to the number of homes required, on this site or the associated development on the Cheltenham side of the boundary. The appeal regarding the development of up to 650 dwellings at Leckhampton, Shurdington Road, Cheltenham was currently taking place and, as that provided the supporting infrastructure/services for the application being considered today, it would appear that taking a decision on this application would be premature. Furthermore, the linked application 15/00456/FUL to develop the spine road through the proposed development was also subject to a separate application which had been assigned a delegated decision status. If the current application was refused, she questioned whether Officers would insist on the spine road application being determined by the Planning Committee. It was recognised that the area of open space adjacent to Leckhampton Lane had been widened as a result of objections and it may now be large enough to provide a solid and sufficient boundary between the built development and the Area of Outstanding Natural Beauty, provided that it was adequately protected and maintained in perpetuity. She went on to indicate that the site was principally served off Leckhampton Lane which was unsuitable for such expected traffic numbers, adding to the existing flow of traffic using the road, especially at the junction with the A46 in Shurdington and in Church Road, Leckhampton. The provision of a footpath along Leckhampton Lane would do little to help the situation, other than assist the few people who might walk. Shurdington Parish Council strongly disagreed with the transport assessment summary at Paragraph 7.52 which stated that "existing congestion at the junction of Leckhampton Lane and A46 is short lived". Any additional traffic would exacerbate the existing problem when vehicles queued on both roads for significant periods, both at peak times and at other points during the day, to the detriment of people living along both Shurdington Road, Leckhampton Lane and Church Lane who would have even more difficulty in access/egress to and from their properties. The Parish Council believed that, if the development was to be permitted, provision should include a traffic management scheme at the junction of Leckhampton Lane and the A46, which was vital, as well as action at the Church Lane end. In addition, the Parish Council was not convinced that the proposals for dealing with surface water drainage were adequate, bearing in mind the existing surface water flood problems in the locality and the additional surface water run-off which would be generated from a development of this size.

35.48 The Chairman invited Chris Nelson, speaking in objection to the application, to address the Committee. Mr Nelson explained that he was a Cheltenham Borough Councillor and a Parish Councillor for Leckhampton with Warden Hill. He intended

to concentrate on one key issue, highlighted in the letter received from the Chairman of Leckhampton with Warden Hill Parish Council dealing with the issue of legality and soundness. The letter set out the risks which would be faced if Members went ahead and determined the application today which could ultimately mean that Tewkesbury Borough Council would be unable to adopt the Joint Core Strategy. He also referred to a letter from the barrister representing LEGLAG in the appeal currently being considered at Cheltenham Borough Council which was also significant. He felt that the application conflicted with the Leckhampton Fields Local Green Space application currently being examined by Inspector Elizabeth Ord through the JCS Examination in Public; it was not clear how the Inspector would deal with the conflict, but the recommendation which she made on the principle for designating the Local Green Space would be binding to both Tewkesbury and Cheltenham Borough Councils and, if the Councils did not implement the recommendation, they would be unable to adopt the Joint Core Strategy. If the application was permitted, the risk could be reduced by adopting the green area to the north part of the site as designated Local Green Space to help offset the density of the Redrow application which was approximately three times that of the nearby Lanes development. He went on to indicate that, before permitting the application, Members needed to be very sure about the transport mitigation measures proposed and whether they were acceptable to Gloucestershire County Highways. The application had generated over 800 letters of objection and was opposed by both MPs. He urged Members to make the right decision and to be sure that they had all of the answers that they might need.

- 35.49 The Chairman invited the applicant's agent, Conor Flanagan, to address the Committee. Mr Flanagan recognised that most Members were familiar with the background to the Farm Lane site and would be aware that SD2 had been allocated for residential development since March 2006. The principle of development on the site had therefore already been established in adopted planning policy. The site also formed part of the South Cheltenham strategic allocation in the Joint Core Strategy. He was aware that a number of representations had been received claiming that it would be premature to determine the application, however, as confirmed by the Officer report, this was not the case for a number of reasons. Firstly, the site had already been allocated for housing, the Joint Core Strategy had now reached an advanced stage and the application had emerged with a comprehensive approach to both masterplanning and infrastructure delivery for the wider strategic site. This had been robustly tested by the application submission and there were no grounds for prematurity on that basis. Secondly, the Borough's housing land supply position remained in difficulty and this detailed application gave confidence for the delivery of housing in the short term to help address the shortfall. Thirdly, he did not feel that there was an issue of prematurity in respect of Local Green Space. This had been confirmed by legal advice and the Joint Core Strategy had been clear that any Local Green Space allocations should be made through the Borough Local Plans rather than strategic allocations. A huge amount of work had been undertaken to get to this point, including a number of meetings with the Council's Urban Design Officer to arrive at a well-designed scheme. All of the three storey development had been removed and the landscape buffer had been increased to the Area of Outstanding Natural Beauty in response to comments from consultees and local residents. There were no outstanding technical objections from statutory consultees. The application proposal would deliver a high quality housing scheme and a comprehensive package of planning obligations including local infrastructure for education, highways and open space, and up to 40% affordable housing. To put the strategic importance of the site into context, he explained that, with the exception of the Ministry of Defence site at Ashchurch, the Farm Lane site was the only strategic allocation in the Joint Core Strategy which benefited from the presumption in favour of development as it was not located within the Green Belt or the Area of Outstanding Natural Beauty. He expressed his gratitude to Officers for their work on this complicated application which he hoped that Members would



support.

- 35.50 The Development Manager indicated that this was another difficult application for the Committee to determine but he stressed that this should not be a debate about the Joint Core Strategy. There had been a huge shift in policy since the previous appeal had been dismissed on the site and the policy position had been set out by the Planning Officer. The implications of the National Planning Policy Framework in relation to housing development was a scenario which the Committee was familiar with; in terms of the development of this site, Policy SD2 was out of date on the basis of the Council's five year housing supply position. The current Local Plan allocated the site for residential development of approximately 360 homes and all three of the Joint Core Strategy authorities had agreed that the site should be developed; the site was one of two non-Green Belt allocations in the Joint Core Strategy. There was understandably some debate about whether the site should be brought forward in advance of the framework of the Joint Core Strategy, particularly given the policy aspirations of the Local Plan and the Joint Core Strategy for the site to be developed as part of a comprehensive scheme. He recognised that it would be better if the application had been submitted with the land at Cheltenham, and once the Joint Core Strategy had been adopted, but unfortunately that was not the position. To refuse the application on the grounds of prematurity, there must be clear evidence of significant and demonstrable harm which would prejudice the emerging Joint Core Strategy and, for reasons set out in the report, it was not considered that this could be demonstrated in this case. Whilst the Joint Core Strategy was now much further advanced, Members would recall the Bishop's Cleeve decision where the Secretary of State had considered that 1,000 houses would not prejudice the outcome of the Joint Core Strategy. The local communities had a number of understandable concerns and he indicated that technical concerns around flooding and highways had been addressed to the satisfaction of the specialist consultees, although some details were yet to be agreed in respect of highways. Although there were some outstanding details in terms of the Section 106 Agreement, Officers were happy that mechanisms could be put in place which would mean that approving the application now would not prejudice the delivery of the strategic allocation as a whole. It was considered that the scheme which had been negotiated was much improved and would meet the aspirations of the Joint Core Strategy which was the reason for the recommendation for a delegated permission.
- 35.51 A Member sought legal advice in respect of the Local Green Space issue and asked for an explanation regarding the spine road application, which had been raised by the Shurdington Parish Council representative, and how it would be affected by the determination of the current application. The Development Manager advised that, if Members were minded to permit the application before them, they would effectively be permitting the spine road as part of the full application. He explained that, if the application was permitted today it would be subject to various conditions; the developers were seeking a separate planning permission for the spine road which would be unencumbered by those conditions in order to allow them to start delivering the infrastructure for the site, therefore, a separate application had been submitted on that basis. Whilst any Member could ask for an application to be determined by the Committee, he did not see what particular input the Committee could have with regard to the spine road application if the full application was permitted today. The Legal Adviser explained that the issue of Local Green Space had also been considered by Cheltenham Borough Council. It had originally been included as a refusal reason when determining the application for the site within Cheltenham Borough, however, whilst she could not disclose the advice which had been provided to that Council on its reconsideration of the matter, this was something which had been reconsidered in face of the appeal and it was a matter of public record that Local Green Space had been removed as a reason going forward in the appeal on Cheltenham Borough Council's part. There was public advice on

record when the Joint Core Strategy was considered advising that Local Green Space could be dealt with as part of the Local Plan, not as part of the Joint Core Strategy. Local Green Space was about specific areas which were special to particular communities and Planning Practice Guidance explained that Local Green Space should not be used to prevent housing which was sustainable and would help to address the housing supply problems of an area. There had been objections to that approach and these were being put forward to the Inspector, however, this was a live application and the site in question was already in the Council's adopted Local Plan as allocated for housing; it would be very difficult to argue that the site was not suitable for housing on that basis. She confirmed that it was not the case that the Council would be unable to adopt the Joint Core Strategy if the Committee resolved to permit the application before them.

- 35.52 A Member drew attention to the Section 106 contributions outlined at Page No. 314, Paragraph 21.2 of the Officer report, and he raised concern that there was no confirmation from the NHS about its requirements. He queried whether there was any indication that the need for a GP surgery would be met under the Section 106 Agreement. In response, the Planning Officer explained that a new GP surgery was proposed as part of the Cheltenham Borough Council application which was now subject to appeal. If the application was allowed on appeal and the current application was permitted by the Tewkesbury Borough Council Planning Committee, the contribution towards the GP surgery would be proportionate to the number of residents arising from the developments. If the current application was delivered first, or if the other development did not take place, there were mechanisms in place to allow the contribution to go towards improving existing facilities in the area to ensure that there was adequate provision. A Member raised concern that the draft Unilateral Undertaking referred to the provision of 'up to' 40% affordable housing and she sought assurance that it could be reworded. The Development Manager clarified that the recommendation was on the basis of 40% affordable housing and, if Members were minded to permit the application, it would be brought back to the Committee if that could not be achieved through negotiations.
- 35.53 The Chairman confirmed that the Officer recommendation was to delegate authority to the Development Manager to permit the application subject to the formal comments from County Highways, and required highway conditions/contributions, and the completion of negotiations for a Section 106 Agreement to secure the required infrastructure for the development and to ensure that the delivery of the wider strategic allocation was not prejudiced, and he invited a motion from the floor. It was proposed and seconded that the application be deferred until the Joint Core Strategy Examination in Public and the appeal in relation to the Cheltenham Borough part of the site had concluded. The proposer of the motion noted that Policy SD2 set out that development should be via the planning process; the Joint Core Strategy would set the blueprint for development until 2031 and he did not feel that sites should be released before its adoption in order to suit developers. There was no way of knowing what conclusion the Inspector would reach in relation to the Joint Core Strategy and the housing figures included within the plan. He considered that it would be premature to permit the application before the conclusion of the appeal on the site within Cheltenham Borough. The two sites should be taken together to develop the necessary infrastructure and he doubted whether local facilities could cope with demand if SD2 came forward as a standalone site. There was a shortage of school places, with no plans for a new school, and it was a highly unsustainable site which would be heavily reliant on cars. Traffic congestion was a major problem on the A46 and nothing was proposed to address the problems on Church Road, Farm Lane or the junction with the A46. A traffic management scheme would need to be put in place before houses were built. He drew attention to Page No. 305, Paragraph 8.6 of the Officer report, which set out that the National Planning Policy Framework stated that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development

are severe”, and he suggested that would be the case if Members permitted this application today. He raised concern that there was no mention of current or future traffic problems on the A46, or any of the other roads, in the overall balancing exercise, set out at Page No. 313, Paragraph 20 of the Officer report. He went on to reiterate that 806 letters of objection had been received which reiterated that point, as well as raising numerous other areas of concern including flooding and the impact on the Area of Outstanding Natural Beauty. In his opinion, there were too many issues which needed to be addressed for the application to be permitted. The country was facing a housing crisis but that was no excuse to push this application through and he urged Members to support his proposal for a deferral pending the conclusion of the JCS Examination in Public and the Cheltenham Borough appeal. The seconder of the motion indicated that he fully supported the points which had been made by the proposer. This site had not originally been recommended for inclusion in the Local Plan during discussions in 2004, however, a contrary decision had been taken in 2005. A 10 year gap had now elapsed which had given ample opportunity to find a way forward regarding the A46, Farm Lane and Leckhampton Lane as well as Crippetts cross-roads. Gloucestershire County Highways considered that there would be no severe traffic impact, despite having carried out modelling work and assessments; in his view the traffic implications of permitting this application would be quite severe. In addition, he indicated that many of the people living within the new development would be without healthcare as plans for a GP surgery were wrapped up within the Cheltenham Borough appeal. As such he fully supported the proposal to defer the application.

- 35.54 A Member reiterated that each application should be considered on its own merits. The Government was looking for progress and he felt that it would be inappropriate to defer the application on the basis of prematurity. A Member sought clarification as to whether a deferral would leave the Council at risk of a non-determination appeal. The Development Manager advised that a deferral would serve no real purpose as there would be a real threat of a non-determination appeal. Members would need to put forward very clear reasons as to why a deferral was necessary and, from the discussion so far, he did not feel that this was possible. The application had been received some time ago and a lot of work had been done with the applicant to get to a position where Officers felt that they could proceed favourably. The report acknowledged that this was not an ideal scenario, however, the National Planning Policy Framework was very clear on the position regarding five year housing land supply and there needed to be significant and demonstrable harm in order to refuse the application. On that basis, he considered that there would be a very high risk of appeal if the application was deferred.
- 35.55 A Member felt that it would be very dangerous to defer the application given the Borough Council’s position regarding the lack of a five year housing land supply. She felt that it must be borne in mind that this was one of only two strategic sites which were not located within the Green Belt and the Council would have great difficulty defending an appeal if Members refused or deferred the application. As the site was within the Local Plan, and designated for housing, she could see no reason to defer the application pending the outcome of the appeal or the decision of the Inspector in relation to the Joint Core Strategy. Another Member supported the view that there was nothing to be gained from a deferral and he reiterated what was at risk in the wider context, namely unplanned, unregulated development in other parts of the Borough and a loss of control over this particular application in the likely event of an appeal with no consideration of local matters. Deferral was a dangerous concept and he urged Members to reject the proposal. Upon being taken to the vote, the proposal to defer the application was lost.
- 35.56 It was proposed and seconded that authority be delegated to the Development Manager to permit the application, subject to the formal comments from County Highways and required highway conditions/contributions and the completion of negotiations for a Section 106 Agreement to secure the required infrastructure for

the development and to ensure that the delivery of the wider strategic allocation was not prejudiced, in accordance with the Officer recommendation. The proposer of the motion accepted that housing demand was exceeding supply but there was only one option in his view and that was the strategic plan which would deliver approximately 30,000 dwellings over the next 20 years across the three local authority areas. He did not understand how Members could expect to be able to refuse applications for residential development, particularly where those sites were allocated within the strategic plan. He understood the objections and had great sympathy with local residents; he indicated that he had used the same arguments before to prevent unplanned and unregulated development outside of the plan only for them to be dismissed by the Appeal Inspectors. The prematurity argument was one which had failed before and he considered that a refusal would be illogical and would undermine the hard work which had gone into the strategic plan for the benefit of the Borough in order to provide housing for those who needed it. The Planning Committee had to make tough decisions for which they would be held accountable and this development would be in the best interest of the Borough given the overall imperative to provide housing. A Member indicated that, despite a well thought out campaign by LEGLAG, unfortunately there was no sound planning reason to refuse the application. The Local Plan had expired in 2011, with only a small number of saved policies, and that was a situation which needed to be corrected immediately. He asked that Members support the motion on that basis. Another Member felt that the main concern was how the required housing would be accommodated if applications for residential development in sites allocated in the Local Plan and the Joint Core Strategy were refused. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the formal comments from County Highways, and required highway conditions/contributions, and the completion of negotiations for a Section 106 Agreement to secure the required infrastructure for the development and to ensure that the delivery of the wider strategic allocation was not prejudiced, in accordance with the Officer recommendation.

#### **15/00131/OUT – Land Rear of Rectory Farm, Main Road, Maisemore**

- 35.57 This was an outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration). The application had been deferred at the Planning Committee meeting on 1 September 2015 for a Committee Site Visit in order to assess the impact of the proposal on the character and appearance of the village and the impact of the access on neighbouring residential properties. The Planning Committee had visited the site on Friday 25 September 2015.
- 35.58 The Planning Officer explained that there had been two main amendments to the application following the Committee Site Visit, as outlined on the Additional Representations Sheet, attached at Appendix 1. At the Planning Committee meeting on 1 September 2015, the local resident speaking in objection to the proposal had expressed concern regarding the location of the proposed new access to Rectory Farm. The original plan had shown the access half way down the existing track and concern had been raised about the impact on residential amenity in terms of traffic noise. The revised plans proposed that the Rectory Farm access be relocated to the northern end of the site access adjacent to Main Road. In addition, the applicant had offered to provide a brick wall along the entire length of the rear gardens of No. 6-8 The Ridings to address the neighbours' concerns about noise and disturbance. The Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the completion of the Section 106 Agreement but also to allow sufficient time for the revised plans and information to be advertised and consulted upon.
- 35.59 The Chairman invited Councillor Andrew Cooley, representing Maisemore Parish

Council, to address the Committee. Mr Cooley indicated that there were currently just 190 houses in Maisemore and planning permission already granted would add a further 19; a 10% increase. This application would add another 28 bringing the total to 47 which was an increase of almost 25%. It was also 50% more than the total disaggregated target of 28 new homes for Maisemore over the life of the Borough Plan, even before the Plan had been adopted. On the basis of the Officer report, there would be no policy reason to prevent continued growth at that rate, but he did not consider that to be sustainable development. Paragraph 5.11 of the Officer report referred to requirements of the National Planning Policy Framework in relation to sustainable development having an economic, social and environmental dimension. The application would damage the economy of Maisemore; it would cause the closure of one business, the Livery Stable, and damage the groundworking business which used the old builder's yard. There were no retail outlets, other than a public house and coal merchants, to gain economically from the new residents and he questioned whether this would be building a strong, responsive and competitive economy as required by the National Planning Policy Framework. The social element required developments to support a strong, vibrant and healthy community. This could be achieved through small scale organic growth, which had occurred in the village over many years, and as a result of a Local Development Order to provide land for self-build, as advocated by the Parish Council, but it would not happen with a bolt-on estate such as this. Members would already be aware of the sewage and drainage problems of the village and although the applicant had suggested a local sewage treatment plant this would be susceptible to the use of chemical cleaners and could easily fail, causing a foul discharge. The only reliable solution was the construction of a new sewer connection to the existing pumping station at the lower end of the village; this was a feasible solution but one not suggested by the applicant. The geology of the site made stormwater soakaways a problem; the land was river gravel over a thick impervious clay and soakaways would take the water directly to this clay layer to join up with the existing aquifers on the site which discharged further down the village. This could be overcome by rainwater harvesting. The National Planning Policy Framework also required that development should contribute to protecting and enhancing the natural, built and historic environment. Members had seen the wide variety of individually styled houses and the absence of any private estates of more than eight houses when they had visited the application site. Even though some of the saved policies from the previous Borough Plan were considered out of date, and the new Plan had not yet been adopted, the Parish Council believed that the application failed to meet the requirements of the National Planning Policy Framework and should be refused for that reason.

- 35.60 The Chairman invited John Kerry, speaking against the application, to address the Committee. Mr Kerry indicated that the Committee Site Visit had provided an opportunity to see the design challenges arising from the proposed access road being squeezed between existing properties. He intended to focus on those design matters but stressed that he appreciated the work which was being done in relation to the other outstanding concerns. He noted the Officer recommendation for a delegated approval and asked the Committee to consider three conditions if they were minded to go along with the recommendation. He did wish to point out that the Planning Officer had stated several times that the existing lane already had traffic but that the lane served riding stables and had a gate that was closed every evening, however, the proposed road would be a public highway to a housing development and so would be very different. He explained that the first requested condition arose from the proximity of the proposed road to existing gardens, and to his neighbour's house where the back door was only an arm's length away. It was suggested that the proposed narrow verge be widened by 1.2m outside the back door, tapering to the existing proposal to the north and south. The verge could be planted for occupants and visitors to the new houses to enjoy and it was considered that public environmental gain would outweigh any localised sacrifice on the

opposite site of the road. The Parish Council had requested in April that the new road be no higher than the existing lane and he was pleased to state that none of the drawings he had seen had shown it to be any higher. The Planning Officer had stated that it was his expectation that it be no higher, however, this was not specified anywhere and the local residents sought a confirmatory condition to ensure that the new road would be no higher than the existing lane at any one point. Finally, there was an existing brick wall around a large proportion of The Ridings, including a short distance up the existing lane. The developer proposed to extend this wall along the new access road, but to a slightly reduced height, and it was felt that a condition should specify the height and thickness of the new walls to match the existing wall at 2m by 225mm. Incidentally, on the other side of The Ridings the existing wall was considerably higher. The conditions had been requested to protect the amenity of existing residents and the wider verge would create an environmental benefit for generations of people going to and from the new houses. In summary, local residents did not agree that traffic on the existing gated lane to the riding stables was a precedent for a road to a new housing development and they were seeking three conditions to protect amenity and to make an environmental improvement.

- 35.61 The Chairman invited Councillor P W Awford, a Ward Councillor for Highnam with Haw Bridge, to address the Committee. Councillor Awford indicated that the local residents understood the Council's position regarding the lack of a five year housing land supply and the considerable pressure to find sites for development, however, that should not mean that a rural Parish should be sacrificed in the process. If the application was permitted, the village would expand by 25% without infrastructure such as shops, a school and local employment. The National Planning Policy Framework required that development proposals which accorded with the development plan should be approved without delay and, where the development plan was absent, silent or relevant policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the proposal conflicted with Policy HOU4 of the Local Plan, however, the policy was out of date and as such planning permission should be permitted unless there were significant and demonstrable harms which outweighed the benefits. He did not wish to reiterate the issues in relation to access, highways and drainage but he felt that the application would set a precedent which could be used against the Council in the future. Past applications for a single dwelling had been refused on highway grounds and he found it incredulous that Gloucestershire County Highways had not raised an objection to the application. He also questioned whether the discharge of the site was being dealt with appropriately; it should not be assumed that disposal by running into soakaways would be acceptable just because the sewer was at capacity and there was to be no investment.
- 35.62 With regard to the conditions referenced by the public speaker, the Planning Officer explained that Condition 5 of the recommendation set out that the submission of reserved matters would include details of the existing and proposed ground levels and proposed ground floor slab levels of the buildings and roads, access and driveway to Rectory Farm so the concerns about the road level would be dealt with. He would be happy to amend the wording to clarify that the estate road should not be higher than the existing road. A condition requiring details of the screen fencing and brick wall was included on the Additional Representations Sheet, attached at Appendix 1, and this could be amended to refer to the specific height and thickness requested by the local residents i.e. 2m x 225mm. With regard to moving the access further from the neighbours, this request had been made to the applicant but had been formally rejected as it was considered that it was unnecessary, particularly as the road would be straightened to provide a verge. The applicant had made a number of concessions, including replacing the existing timber fence with a brick wall, and it was not considered that a condition of that nature could be insisted upon.
- 35.63 A Member sought clarification as to what the visibly splays should be as, although

the road had a speed limit of 30mph, vehicles had been found to be travelling considerably more quickly along the road when the Committee had undertaken its Site Visit. The Gloucestershire County Highways representative advised that a speed survey had been undertaken on the A417 with speed counters at 50m either side of the proposed access. The average speed determined was 37mph and the applicant had provided visibility splays commensurate to that. In response to a query regarding the arrangements for sewerage and surface water, the Planning Officer explained that the preferred scenario would be that the development was connected to the mains sewer, however, it was recognised that this may not be possible and, in those circumstances, the next best option would be a packing treatment works on site. If this was installed, the Environment Agency would need to issue consent to discharge into a watercourse or drainage ditch and, before approval, the drainage would be required to meet very exacting standards as a secondary safeguard. The suggested condition included on the papers allowed for both scenarios. The Member queried whether the condition covered long term management of the package treatment works, if this was necessary, as she wanted assurance that the people buying the houses would take on this responsibility. The Planning Officer confirmed that would be the case; the package treatment plant could be offered for adoption by Severn Trent Water and this would be one of the main considerations within the reserved matters application. A Member questioned if it was possible to ensure that the floor level of the houses would not be built below flood level. In response, the Planning Officer clarified that the application site was not located within a flood zone, and therefore it would be difficult to include a condition of that nature, however, recommended Condition 5 did require ground level details. When the reserved matters application was received, this would be something which Gloucestershire County Highways would wish to look at closely in terms of highway dangers.

- 35.64 The Chairman clarified that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the completion of a Section 106 Agreement and to allow sufficient time for the revised plans and information to be advertised and consulted upon. He invited a motion from the floor and it was proposed and seconded that authority be delegated to the Development Manager to approve the application, subject to the inclusion of suitable conditions, including the rewording of Condition 5 to clarify that the estate road should not be higher than the existing road, and Condition 22 to refer to the height and thickness of the wall as being 2m and 225mm respectively; completion of a Section 106 Agreement; and to allow sufficient time for the revised plans and information to be advertised and consulted upon in accordance with the Officer recommendation. Upon being put to the vote, it was

**RESOLVED**

That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the inclusion of suitable conditions, including the rewording of Condition 5 to clarify that the estate road should not be higher than the existing road, and Condition 22 to refer to the height and thickness of the wall as being 2m and 225mm respectively; completion of a Section 106 Agreement; and to allow sufficient time for the revised plans and information to be advertised and consulted upon in accordance

with the Officer recommendation.

**15/00369/OUT – Vine House, Tewkesbury Road, Twigworth**

35.65 This was an outline application for the erection of five dwellings.

35.66 The Chairman advised that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to securing an affordable housing contribution through the Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to securing an affordable housing contribution through the Section 106 Agreement.

**15/00045/APP – Land West and South of Gloucester Business Park, Brockworth**

35.67 This was an approval of reserved matters application for Public Open Space 1 sports facilities and associated landscape works comprising: football pitch, rugby pitch, Multi-Use Games Areas, changing room and maintenance room building, allotments area and footpaths.

35.68 The Chairman indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the receipt of satisfactory comments from Highways England and upon the completion of a deed of variation to the Section 106 Agreement in respect of the proposed allotment provision, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the receipt of satisfactory comments from Highways England and upon the completion of a deed of variation to the Section 106 Agreement in respect of the proposed allotment provision.

**PL.36 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

36.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 18-22. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued in August 2015.

36.2 A Member raised concern that, where applications were refused and then



subsequently overturned by an Inspector at appeal, the Council lost control of the Section 106 contributions to be paid which could be detrimental. The Development Manager indicated that there would be better news next month as the appeals in respect of Moat Farm and the 72 houses in Toddington had been dismissed. He provided assurance that Inspectors must take account of clear planning reasons for refusal, and he indicated that there was a good team representing the Council at appeals, however, in terms of Section 106 Agreements, some Inspectors, for example, found that contributions such as recycling contributions and dog bins/signs should be paid but others were questioning why developers should have to pay for that type of infrastructure. It was likely that this would continue to be a problem until the Community Infrastructure Levy was in place.

36.3 It was

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

### **PL.37 ADVANCED SITE VISITS BRIEFING**

37.1 Attention was drawn to the Advanced Site Visits briefing, circulated at Pages No. 23-24, which set out those applications that had been identified as ones which would be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they would be considered. Members were asked to note the applications in the briefing.

37.2 A Member sought an update in respect of application 15/00166/OUT Land at Stoke Road, Bishop's Cleeve which was outline planning permission for up to 265 dwellings and an A1 convenience retail store with associated open space and landscaping, with all matters reserved except for access. The Development Manager advised that there were several issues of principle, and matters which had been raised by statutory consultees, and the applicant was seeking to provide further information in order to address those concerns. As such, he was unsure when the application would come before the Committee but he indicated it was unlikely to be the following month.

37.3 It was

**RESOLVED** That the Advanced Site Visits briefing be **NOTED**.

The meeting closed at 12:10 pm

**Appendix 1****SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 29th September 2015

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

<b>Page No</b>	<b>Item No</b>	
228	1	<p><b>15/00638/FUL</b></p> <p><b>Hill Barn, Dryfield Meadow, Cheltenham Road, Winchcombe, GL54 5AG</b></p> <p><b>Consultations &amp; Representations</b></p> <p><b>The Conservation Officer has provided further comment in respect of the revised plans:</b></p> <p>The principal justification for accepting the residential re-use of redundant farm buildings is to preserve, as far as possible, their architectural, historic and landscape value as agricultural buildings. Policy AGR7 on the adaptation of rural buildings states that 'buildings should be capable of conversion to the proposed alternative use without substantial alteration or extension to their original structure. New works should be of a scale, form, type and materials compatible with the character of the original building and the surrounding area'.</p> <p>This is reinforced in English Heritage's 2006 national guidance which advises that 'new extensions, be they a contemporary design or one based on an existing outbuilding, should be subordinate in scale and relate to the character of the farmstead group. Overtly domestic extensions such as conservatories are alien in character and rarely work successfully within the context of historic farm buildings.'</p> <p>In the light of these long-established conservation objectives, it is clear that even allowing for the impact of the initial conversion phase, the present scheme represents a further, substantial dilution of the building's agricultural character and therefore <b>cannot be supported under prevailing policy</b>.</p> <p><b>The representations section of the committee report</b> incorrectly states that the two neighbour representations received in support of the current proposal withheld their names and addresses. Only the names were omitted from the representations and the addresses were, in fact, supplied.</p>
232	2	<p><b>14/00925/FUL</b></p> <p><b>The Laurels, Aston Carrant Road, Aston-On-Carrant, Tewkesbury, GL20 8HL</b></p> <p><b>Officer Update &amp; Recommendation</b></p> <p>As no information has yet been received on the nearby sewage pumping station, the recommendation is <b>DELEGATED PERMIT subject to no objection being raised from Environmental Health following consideration of the requested information</b>.</p>

254	6	<p><b>15/00835/FUL</b></p> <p><b>Tithe Farm, Great Washbourne, Tewkesbury, GL20 7AR</b></p> <p><b>Consultations &amp; Representations</b></p> <p>Environmental Health (Contaminated Land) - A search of our database has indicated that there is potentially contaminated land at this site due to the presence of an unknown tank at this location. As there will be no ground disturbance under the proposed planning application no site investigation into the nature and extent of the contamination is required at this stage. A site investigation will be required in the event of any future proposed development of the site.</p> <p>2 additional letters of objection have been received objecting to the application on the size and impact of the business (e.g. from HGVs) and the impact of the proposals on the conservation area.</p>
261	7	<p><b>15/00846/FUL</b></p> <p><b>Phoenix Bearings of Tewkesbury Ltd, Northway Lane, Newtown, Tewkesbury</b></p> <p><b>Planning conditions</b></p> <p>Consultation with the applicant on the conditions set out within the Officer's report to Committee has identified problems with a number of the conditions from an operational perspective. Furthermore, detailed drawings of the proposed acoustic fence have now been provided by the applicant. Accordingly, it is recommended that the conditions set out in the Officer's report are amended as follows:</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers AHR-AR-PHO-PL-001, AHR-AR-PHO-PL-100, AHR-AR-PHO-PL-101 (all received 01/08/15), and drawing numbers AHR-AR-PHO-PL-200 and AHR-AR-PHO-PL-201 (both received 23/09/15).</p> <p><i>Note - amended to include acoustic fence drawings</i></p> <p>3. Prior to the lorry park hereby permitted being first brought into operation, the vehicle parking along the southern boundary of the main dairy site, as shown within a blue line on Drawing Number AHR-AR-PHO-PL-100, shall be reduced to the extent shown on that drawing. The vehicle parking along the southern boundary of the main dairy site shall remain in accordance with the plan referred to in this condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Note - this condition is to be omitted. The applicant has advised that there will be a transitional period whereby the existing lorry park and proposed lorry park may both need to be used. Furthermore, the applicant has advised that the area along the southern boundary may still need to be used for the time being for the ad-hoc parking of vehicles. The applicant's agent has pointed out that the condition conflicts with the tests for conditions within the NPPF as is not necessary to enable the development to go ahead. The existing parking along the southern boundary is lawful and can continue to exist notwithstanding the outcome of this planning application, and the noise from the proposed lorry park will be completely mitigated by the proposed acoustic fence. The agent has also commented that the practice guidance to the NPPF makes it clear that conditions cannot be used to try to address existing problems, which are not directly related to the development. In light of this conflict within the tests for conditions within the NPPF officers recommend that this condition is omitted.</i></p>

	<p>4. The proposed barrier mitigation (acoustic fence) and general boundary treatments to be installed on site shall be in accordance with drawing numbers AHR-AR-PH0-PL-200 and AHR-AR-PH0-PL-201 unless an alternative suitable scheme is first submitted to and approved in writing by the local planning authority. The proposed barrier mitigation and boundary treatments shall be fully installed prior to the lorry park hereby permitted being first brought into operation, and shall remain on site in perpetuity unless otherwise agreed in writing or in the event that the lorry park hereby permitted ceases to operate on the site.</p> <p><i>Note - amended to make reference to the submitted drawings rather than require submission of details</i></p> <p>5. In the event that the lorry park hereby permitted ceases to operate the barrier mitigation referred to in Condition 4 of this permission shall be removed in its entirety.</p> <p><i>Note - condition unchanged. The applicant's agent has requested that the condition is omitted as is too onerous. Officers would stress however that the condition is necessary and should be retained. The proposed fence, although considered acceptable in this particular instance given its necessity, is far from desirable in aesthetic terms. Officers therefore recommend that the fence is removed when it no longer serves a purpose.</i></p> <p>6. The site shall be used only as a lorry park in connection with Cotteswold Dairy Ltd and for no other purpose including those falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless with the written consent of the Local Planning Authority to an application on that behalf.</p> <p><i>Note - condition unchanged. The applicant's agent has requested that the condition is omitted as it will prevent other businesses from occupying the site in the event that Cotteswold Dairy ceases to operate on it. Officers would however stress that the aim of the condition is to avoid any outdoor industrial uses that may create noise over and above that planned for by this application. This could potentially harm the residential amenity of nearby occupiers and the visual amenity of the area. Furthermore, on the basis of Condition 5 the effects of any alternative outdoor uses would be un-mitigated. Due to the outdoor nature of the site and the proximity of nearby residential occupiers it is recommended that the Council exercises control over future uses. This condition is therefore considered to be necessary and should be retained in the recommendation to committee.</i></p> <p>7. Prior to the lorry park hereby permitted being first brought into operation, full details of the proposed boundary treatment to the western site boundary (height and appearance) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the details approved by the Local Planning Authority unless otherwise agreed in writing.</p> <p><i>Note - this condition is to be omitted in light of the submitted details referred to in Condition 4.</i></p> <p>9. Prior to the commencement of development (excluding demolition works) on site details of a scheme for the drainage of surface water shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures for the treatment of contaminated surface water run-off from the site prior to its discharge to the mains sewer. The development shall be carried out and operated in accordance with the approved drainage scheme.</p>
--	---

*Note - amended to allow for demolition works to take place in advance of the submission of details to satisfy the condition*

**Additional representations**

An objection has been received from the occupier of the nearest residential property to the site (Tipyn O Cymru). Concerns are raised over existing noise from the dairy operations. Concerns are also raised over the access road to the dairy being subject to flooding.

In response to these concerns, Officers would comment that the noise from the proposed development will be mitigated in its entirety by the proposed acoustic fence. This application cannot be seen as an opportunity to remedy existing noise issues at the dairy.

A consultation response has been received from the Council's Environmental Health Officer (contaminated land). No objection is raised but the following condition is recommended:

**Condition:**

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Report update**

This application has been referred to the Committee for determination as the applicant is related to a Member of the Council.

267	8	<p><b>15/00449/APP</b></p> <p><b>Homelands Farm, Gotherington Lane, Bishops Cleeve, GL52 8EN</b></p> <p><b>Revised Plans</b></p> <p>Bishop's Cleeve Parish Council objects to this application. The amended plans show minor material improvements. However, these do not warrant a change in the decision of the Parish Council to object to this application. The Parish Council objected to the outline planning for this large scale development and further made comment with regard the reserved matters: there is concern that there is not sufficient attenuation to deal with surface water and this will have a negative impact on the flood capacity of Dean Brook. Although the immediate site sewage infrastructure plans seem sufficient, there is concern that this will add to the load on the existing sewage infrastructure further downstream and its inability to cope with the additional pumping from this site. There is concern that parking for individual dwellings is insufficient in some cases, where allocated parking is only 1 space. It is felt that all dwellings should have at least 2 parking spaces external to the property. This is compounded by narrow roads and will lead to traffic congestion. The Parish Council would like reassurance that the development of cycle paths will be a key component within this development.</p>
279	10	<p><b>15/00213/FUL</b></p> <p><b>52 Kayte Lane, Bishops Cleeve, GL52 8AP</b></p> <p>The applicant has provided some photographs of similar extensions on the estate. The photographs are of 2 Pagets Road and 5 Delabere Road. <b>Photos attached below.</b></p>
287	12	<p><b>15/00738/FUL</b></p> <p><b>7 Read Way, Bishops Cleeve, GL52 8EL</b></p> <p>The applicant has provided a photograph of a similar extension at 37 Read Way. <b>Photos attached below.</b></p>
293	14	<p><b>14/00838/FUL</b></p> <p><b>Land to the West of Farm Lane, Shurdington</b></p> <p><b>Consultations &amp; Representations</b></p> <p><i>Letter from Portland Practice Hatherley</i> - Our Hatherley Branch Surgery is bursting at the seams. We simply do not have any spare capacity to accommodate additional GPs nor to house the extra nursing staff nor administrative staff who would be needed if the proposed development proceeds.</p> <p>We are not "inviting new patients" but within the terms of our contact we cannot close the Surgery to new patients.</p> <p>Each Practice sets its own Practice boundary and is not able to continue to care for their pre-existing patients once they move outside that specific area. Therefore patients already registered with other Cheltenham practices may well have to re-register with one of the local practices who cover the area of the proposed development.</p> <p>This proposed development would create a huge increase in the number of patients registering with us. As already explained our current branch Surgery is already utilised to the full with GPs hot-desking.</p>

		<p>The developers have failed to acknowledge the immense difficulty their development would bring to our Surgery. Our current building is simply not large enough to deal with the huge increase in numbers of patients and the Developers have failed to address this issue.</p> <p><i>Historic England</i> - We have now considered the information received and we do not wish to offer any substantial comments on this occasion. The information now supplied satisfies the requirements as set out in the NPPF. The conclusions arrived at by the consultants are agreed with.</p> <p><i>County Highways</i> - The Highway Authority has advised that they do not consider that this development will have a severe impact on the local highway network. Nevertheless, internal layout highway details still remain to be agreed and discussions are still on-going and a report on Church Road parking is still awaited. The following highway contributions have however been confirmed:</p> <ul style="list-style-type: none"> <li>- £84,000 contribution towards the implementation and monitoring of a residential travel plan</li> <li>- -South-West Cheltenham Transport Strategy £124,600</li> <li>- -Diversion of local bus service £289,296</li> </ul> <p><i>Flood Risk Management Engineer</i> - In principle, I have no objection to the proposal at this stage subject to a drainage condition. <b>(A full copy of the comments is attached)</b>. Members will note that Condition 10 requires the submission/approval of a detailed drainage scheme.</p> <p><i>Cheltenham Borough Council (CBC)</i> - Reiterate concerns in respect of the master planning of the site and need to create places which are pleasant to live in and which make a positive contribution to the quality of the local built and natural environment. CBC is of the view that there are serious shortcomings in the master planning of the scheme which fails to provide an appropriate response to local character. A specific request from LEGLAG is in regards to the amenity space and provision of local area of play within the site.</p> <p><b>Officer Comments</b></p> <p>Due to changes to the layout following discussions with the Urban Design Officer the number of units has increased to 377 which principally reflects changes to the house types with an increased number of terraced/smaller units. The applicant has also submitted a draft Unilateral Undertaking (UU) for comment. Within the UU it refers to the provision of up to 40% affordable housing.</p>
318	15	<p><b>15/00131/OUT</b></p> <p><b>Land rear of Rectory Farm, Main Road, Maisemore</b></p> <p><b>Officer Update</b></p> <p>Revised plans have been received in response to the objections from neighbours regarding the location of the proposed new access to Rectory Farm. The revised plans propose that the Rectory Farm access is relocated to the northern end of the site access adjacent to 'Main Road' <b>(see plans attached)</b>. The location is similar to the existing entrance to Rectory Farm. The County Highways Authority has confirmed that it has no objection to the revised layout.</p> <p>In addition to this amendment, the applicants have also offered to provide a brick wall along the entire length of the rear gardens to No.'s 6 - 8 The Ridings to address the neighbours' concerns about noise and disturbance.</p>

### Conditions & Notes

The following condition and advisory note are added to the recommendation.

Condition 22: The details required by condition 1 above shall include details of all screen fencing proposed (to include the provision of a brick wall to the rear boundaries of no.s 6 to 8 The Ridings). No dwellings shall be occupied until the brick wall has been constructed. All screen fencing shall be maintained as such thereafter.

Reason: In the interests of amenity in accordance with the NPPF.

Note 6: This decision relates to the revised plans received by the Local Planning Authority on the 22nd September 2015.

### Recommendation

The revised plans have been re-advertised and consulted upon. The recommendation for Delegated Permit is therefore amended to allow time for the consultation period to expire, as follows:

It is therefore recommended that **permission be delegated to the Development Manager: to allow sufficient time for the revised plans and information to be advertised and consulted upon, and to allow for the completion of a Section 106 Agreement to secure the following planning obligations; and amendments to conditions as necessary:**

- **Affordable Housing - 35.7% provision.**
- **Off-site sports provision (playing pitches and changing facilities) - £35,000.**
- **Off-site contribution towards play facilities of £769 per household.**
- **Off-site contribution of £13,682 indoor sports facilities.**
- **Community - contribution towards community related facilities - to be confirmed.**
- **Recycling - £50 per dwelling**
- **Dog bins & signs - 1 bin per 45 houses at £350 per bin. 1 sign per 10 houses at £50 per sign**

### Representations & Consultations

One letter has been received from the occupier of No. 6 The Ridings in response to the amended access details. The occupier is pleased to see the revised access which is considered to be a positive alternative to the original plans. However, it is considered that the access road to the application site remains too close to the rear boundary of No. 6, the implications of which have not been fully addressed.

### Further Note on Drainage Matters:

- **Foul sewerage** - The applicants preferred strategy is to discharge by gravity to the Severn Trent sewer - in accordance with the above hierarchy. However, the concerns of the local community with regard to the capacity of the existing sewerage infrastructure are noted and therefore a second option is also offered proposing an on-site Sewerage Treatment package plant. Details of the on-site package treatment option have been provided. The applicant considers that both options are implementable and would appropriately deal with foul drainage from the site.
- A similar scenario was agreed by Committee for the Bell House Farm proposal for 15 dwellings (14/00495/FUL).



		<p>- <b>Surface water</b> - It important to note that a number of the objections to the application relate to concerns about surface water surcharging the sewers. However, the application does not propose to discharge surface water to the public sewage system and instead proposes to utilise shallow sustainable infiltration techniques on-site to discharge surface water run-off at source. It is anticipated that this would be implemented through the use of permeable construction within roads and parking bays and/or rear garden soakaways.</p> <p>Severn Trent has formally commented on the application and has raised no objection to the proposal subject to a condition that requires an assessment of whether there are any necessary improvements to the public foul sewerage system (to accommodate the development) having been carried out, and that no dwelling should be occupied until the necessary works have been carried out.</p> <p>Severn Trent comments further that, if the developer decides to provide a private package treatment works on site and not propose to connect to the public sewerage system, then the condition requiring investigation of the public sewer, and subsequent improvements, would not be required - providing surface water also discharges to either soakaways or a local ditchcourse/watercourse.</p> <p>The Council's Flood Risk Management Engineer has also formally commented and has assessed package treatment proposal which is considered a workable solution and in accordance with the guidance set out above. The recommended condition requires full details of drainage and sets out what should be provided: including long-term management. The condition also allows for connection to the public sewer - but requires that any necessary improvements to those sewers are in place before development commences.</p> <p>Condition 14 "Development is not to begin until comprehensive evidence based surface water and foul drainage details, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard. In addition, unless foul water is to be treated via a package treatment plant, that the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load, and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage."</p>
343	17	<p><b>15/00045/APP</b></p> <p><b>Land to the West &amp; South of Gloucester Business Park, Brockworth</b></p> <p><b>Consultations &amp; Representations</b></p> <p>A representation has been received from the Council's <i>Community and Economic Development Manager</i> – No objection is raised to the revised application.</p> <p>An additional consultation has been made since the publication of the report to committee. <i>Highways England</i> has been consulted in respect of the proposed ball stop netting and flood lighting adjacent to the M5 motorway – comments are awaited.</p>

	<p><b>Conditions</b></p> <p>Following consultation with the applicant on the conditions set out in the officer recommendation, it is recommended that <b>Condition 5</b> is amended as follows:</p> <p>Prior to the commencement of the development hereby approved, a Management and Maintenance Scheme for the Public Open Space hereby approved, including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full throughout the Maintenance Period; as defined at Paragraph 1.1 of the Section 106 agreement between Tewkesbury Borough Council, Stroud District Council, Bovis Homes Ltd, Westbury Homes Holdings Ltd, P&amp;O Property Holdings Ltd and Barrat Homes Ltd dated 13/01/05.</p> <p><b>Revised recommendation</b></p> <p>In light of the above it is now recommended that determination of the application be <b>delegated to the Development Manager to permit the application upon receipt of satisfactory comments from Highways England, and upon the completion of a deed of variation to the S106 agreement in respect of the proposed allotment provision.</b></p>
--	---

**Item 10 – 15/00213/FUL, 52 Kayte Lane, Bishops Cleeve**  
Similar extensions, 1 of 3





**Item 10 – 15/00213/FUL, 52 Kayte Lane, Bishops Cleeve**  
Similar extensions, 2 of 3





**Item 10 – 15/00213/FUL, 52 Kayte Lane, Bishops Cleeve**  
Similar extensions, 3 of 3





**Item 12 – 15/00738/FUL, 7 Read Way, Bishops Cleeve**  
Similar extension at No 37 Read Way



**Item 14 – 14/00838/FUL, Land to the West of Farm Lane, Shurdington**  
Flood Risk Management Officer comments

14/00838/FUL | Full application for residential development comprising 369 dwellings, including access and associated infrastructure. | Land To The West Of Farm Lane Shurdington.

The proposed development is located in Flood Zone 1. In line with the NPPF; in this zone the authority would seek evidence that the overall level of flood risk in the area and beyond is reduced and water quality improved, through the layout and form of the development and the appropriate application of Sustainable Drainage Systems (SuDS) - designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk, by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge and improving water quality and amenity. The range of SuDs techniques available means that a SuDs approach in some form will be applicable to almost any development.

Using infiltration to discharge surface water would be welcomed and favoured; as would a commitment to rainwater harvesting/recycling, water quality improvement and utilising permeable (or porous) surfacing. However; until the site layout is finalised, ground conditions further investigated and detailed drainage design is completed; the amount of infiltration/attenuation capacity cannot be calculated and assessed definitively. In determining applications; the authority gives priority to the use of permeable surfacing and other 'open to surface' SuDS management train techniques; as opposed to piped and tanked solutions which offer nothing in terms of water quality, amenity, biodiversity and have increased maintenance requirements.

In addition; there is a need to demonstrate that the layout and landscaping of the site routes water away from any vulnerable property, and avoids creating hazards to access and egress routes, whilst also not increasing the flood risk beyond the site boundary. Further guidance, which should be adhered to, can be found in: CIRIA publications C697 'The SuDS Manual' and C635 'Designing for Exceedance in Urban Drainage - Good Practice'.

Clearly; as the preferred intention would be to manage the foul sewage by creating a new connection to mains sewer, this is a matter for the sewerage undertaker. However; while outside of the developer's direct control, the system could be affected by the proposed new development.

In principle, I have no objection to the proposal at this stage subject to the above comments being incorporated to further detailed design and the following condition:

Condition:

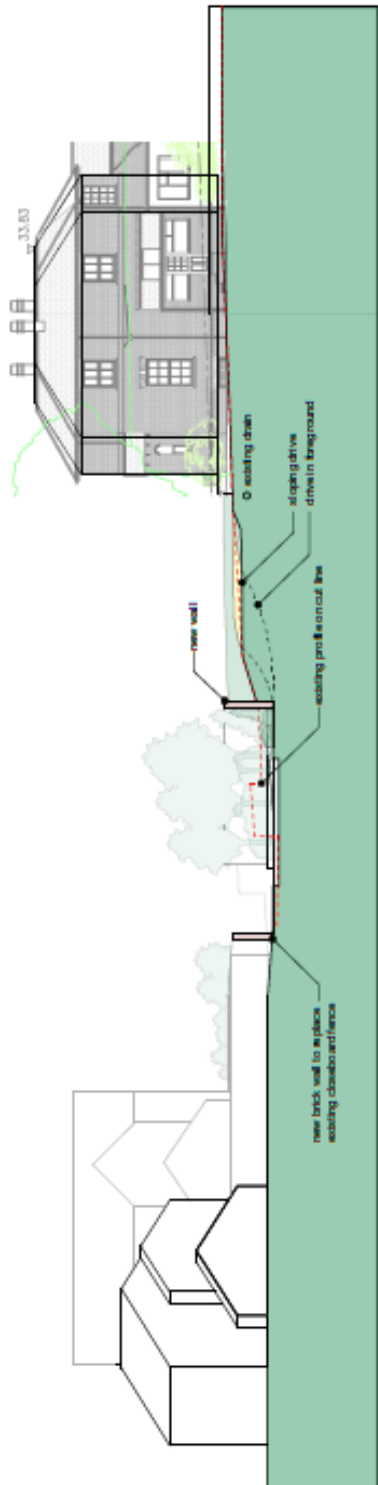
Development is not to begin until comprehensive evidence based drainage details, leading on from the Flood Risk Assessment submitted and including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard. In addition, that the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load, and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage.

Reason:

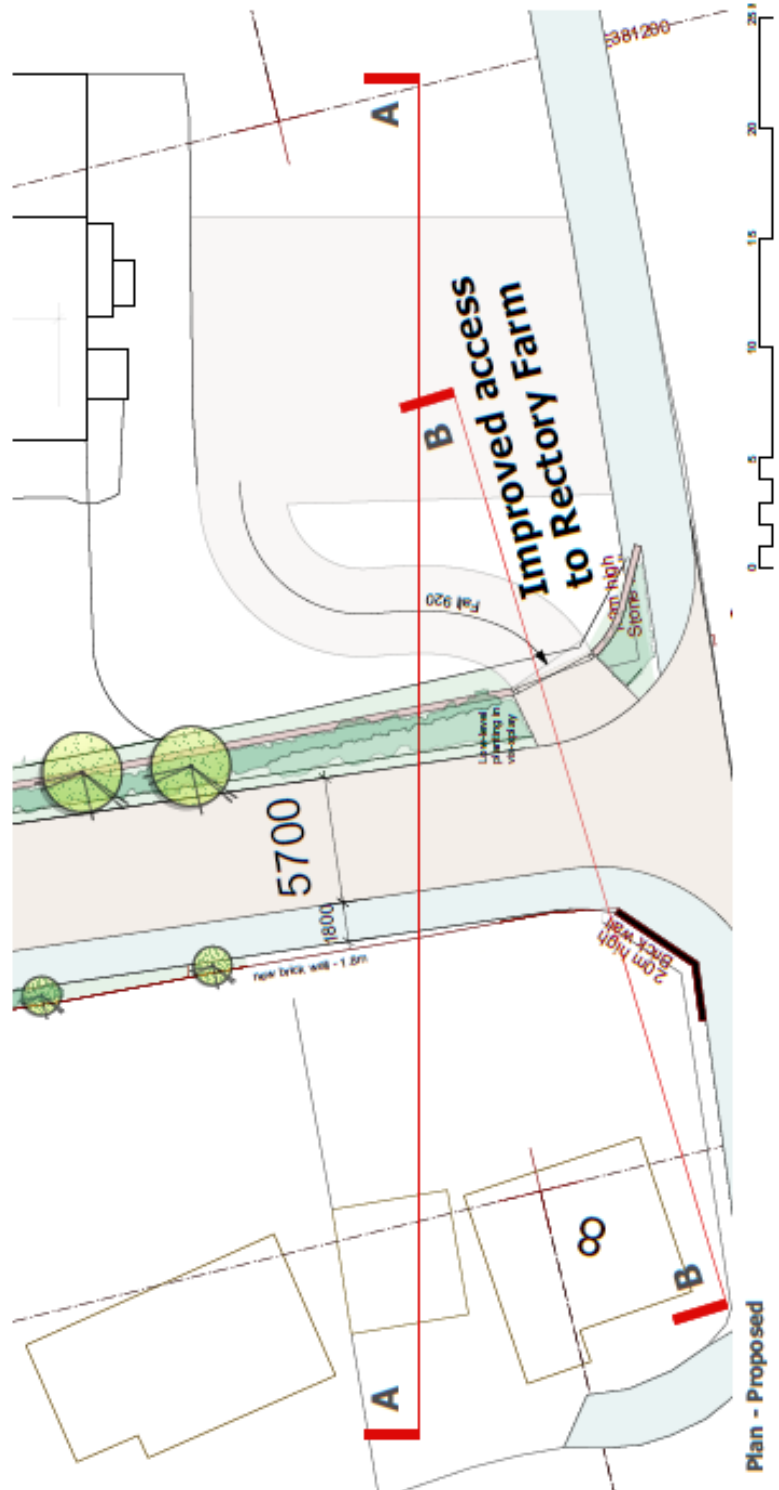
To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.

**Item 15 – 15/00131/OUT, Land rear of Rectory Farm, Main Road, Maisemore**  
 Revised Plans, 1 of 2

NO	DATE	DESCRIPTION	BY	CHECKED
1	15/07/15	PROPOSED	...	...
2	15/07/15	REVISIONS	...	...



**Section A-A**



**Plan - Proposed**

Ordnance Survey (c) Crown Copyright 2014.  
 All rights reserved. Licence number 100029242



CLIENT: River Ltd  
 PROJECT: Land at Maisemore  
 DRAWING: New Site Access Road - Section  
 SCALE: 1:200 @ A3 DWG NO: 1553 P 05  
 DATE: July 15 REV: B



PRO VISION  
 A BETTER A DESIGN  
 100029242  
 0 10 20 30



Item 15 – 15/00131/OUT, Land rear of Rectory Farm, Main Road, Maisemore  
 Revised Plans, 2 of 2

