

29 April 2016

Committee	Planning
Date	Tuesday, 10 May 2016
Time of Meeting	9:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



	Item	Page(s)
3.	DECLARATIONS OF INTEREST	
	Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.	
4.	MINUTES	1 - 65
	To approve the Minutes of the meeting held on 12 April 2016.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) Schedule	
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	
	(b) 13/01003/OUT - Land South of A46 and North of Tirlle Brook, Ashchurch	66 - 141
	To consider the provision of a shuttlebus service following a decision to defer the application at the last Planning Committee meeting.	
6.	REVIEW OF SCHEME FOR PUBLIC PARTICIPATION AT PLANNING COMMITTEE	142 - 172
	To note the Overview and Scrutiny Committee's report to Council proposing the continuation of the Scheme for Public Participation at Planning Committee as shown at Annex A and to determine whether the Committee wishes to make any comments to the Council to be considered alongside the report.	
7.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	173 - 176
	To consider current Planning and Enforcement Appeals and CLG Appeal Decisions.	
8.	ADVANCED SITE VISITS BRIEFING	177
	To note those applications which have been identified as being subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they will be considered.	

DATE OF NEXT MEETING**TUESDAY, 7 JUNE 2016****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, 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, R J E Vines and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 12 April 2016 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

PL.78 ANNOUNCEMENTS

- 78.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 78.2 Members were reminded that the Council had resolved to introduce a Scheme for 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.79 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 79.1 Apologies for absence were received from Councillor T A Spencer.
Councillor R Furolo would be acting as a substitute for the meeting.

PL.80 DECLARATIONS OF INTEREST

- 80.1 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.
- 80.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
Mrs G F Blackwell	15/01274/APP – Land to the West and South of Gloucester Business Park, Brockworth.	Is a Borough Councillor for the area. Is a Member of Churchdown Parish Council.	Would speak and vote.

M Dean	15/00830/FUL The Hall, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
J H Evetts	16/00105/FUL Sycamore Cottage, Buckland.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
R Furolo	16/00027/FUL – Longmarsh House, 97A Tewkesbury Road, Longford.	Has a professional interest with the applicant.	Would not speak and vote and would leave the Chamber for the consideration of this item.
Mrs J M Greening	16/00317/ADV – Tewkesbury Borough Council, Gloucester Road, Tewkesbury.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs A Hollaway	15/00830/FUL The Hall, Stockwell Lane, Woodmancote.	Is a Borough Councillor for the area.	Would speak and vote.
Mrs P E Stokes	15/00817/FUL Part Parcel 2813, Chosen Hill, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	15/01274/APP Land to the West and South of Gloucester Business Park, Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
R J E Vines	15/00166/OUT Land at Stoke Road, Bishop's Cleeve.	Has professional dealings with a very near neighbour.	Would not speak or vote and would leave the Chamber for the consideration of this item.

80.3 There were no further declarations made on this occasion.

PL.81 MINUTES

- 81.1 The Minutes of the meeting held on 15 March 2016, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

PL.82 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 82.1 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.

16/00317/ADV – Tewkesbury Borough Council, Gloucester Road, Tewkesbury

- 82.2 This application was for proposed signage to advertise Tewkesbury Leisure Centre.

- 82.3 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to grant consent for the application, subject to no objections being received in relation to the proposed development following the expiry of the public consultation period, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to grant consent for 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 **GRANT CONSENT** for the application, subject to no objections being received in relation to the proposed development following the expiry of the public consultation period.

15/01293/OUT – Parcel 0630, Mythe Road, Tewkesbury

- 82.4 It was noted that this application for residential development of up to 250 dwellings, public open space, vehicular and pedestrian access and associated infrastructure, plus detailed approval for access arrangements for Mythe Road, with all other matters to be reserved, had been withdrawn.

15/00963/FUL – Gardener's Arms, Beckford Road, Alderton

- 82.5 This application was for alterations to the existing car parking layout and provision of an overspill car park area, external seating area, external lighting and fencing and alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows. This application had been deferred for a Committee Site Visit at the last meeting and the Committee had visited the application site on Friday 8 April 2016. It was noted that the description had been amended to reflect the fact that some work had already been carried out.

- 82.6 The Chair indicated that there were no public speakers for this application. 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. A Member suggested that the fact that a car park may potentially be granted planning permission was further evidence of the fact that Alderton was unsustainable as a service village given the reliance on private motor vehicles. She appreciated that it was a thriving village, with the public house being a major part of the community, and the Committee Site Visit had shown that the car park did need to be extended; however, she was concerned about lighting and the potential use of marquees on the site. A Member supported this view, and those of the Parish Council, particularly as part of the area had been

designated as an important open space in the existing adopted Tewkesbury Borough Local Plan. If Members were minded to permit the application he would like to see conditions in relation to landscaping and lighting. Local residents were particularly concerned with the lighting and, whilst he understood that it was a necessary requirement, he felt that it needed to be controlled.

82.7 In response to the queries raised, the Development Manager clarified that low level lighting would be used and advised that the Officer recommendation included a condition to restrict the use of the lighting outside of the opening hours of the premises. It was noted that opening hours were controlled by other legislation but it was reasonable to tie lighting to that. A landscaping condition was also recommended so Officers would have control over the final approach in that respect. In terms of restricting the use of marquees, Members were advised that licensed premises had certain permitted development rights which allowed marquees to be erected a certain number of times per year. Whilst he understood where the supposition had come from, there was no indication from the application that the landowner intended to erect a marquee and it would be difficult to justify restricting rights that the landowner already enjoyed on the basis of what was proposed.

82.8 A Member sympathised with the Parish Council objections but felt that the public house should be supported and the inclusion of the suggested conditions would help to overcome any issues. Upon being put to the vote, it was

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

16/00105/FUL – Sycamore Cottage, Buckland

82.9 This application was for a single storey rear extension with a first floor balcony. The Committee had visited the application site on Friday 8 April 2016.

82.10 The Chair invited the applicant, Mr Reen, to address the Committee. Mr Reen noted that there had been a number of objections to the inclusion of a balcony on the approved structure which had been submitted to the Planning department in late January/early February 2016. He wished to apologise to his neighbours for not keeping them fully informed of the change to the approved structure; this was a timing issue as, due to their holiday and his own emergency travel commitments, they had not been able to see them for the whole of January and much of February. He noted that a comment had been made that the majority of permanent residents in Buckland were opposed to the development and he wished to clarify that, from a total of 29 properties, objections had been received from only six properties.

82.11 The Chair advised 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 and, upon being put to the vote, it was

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

15/00394/OUT – Land to the South of B4077, Toddington

82.12 This was an outline planning application for the erection of up to 33 dwellings and associated works with all matters reserved for future consideration with the exception of access. The Committee had visited the application site on Friday 8 April 2016.

82.13 The Chair invited the applicant's agent, Ian Jewson, to address the Committee. Mr Jewson clarified that his client sought approval for the access arrangements and principle of development for up to 33 dwellings with all other matters reserved for future consideration. Whilst the layout was not for approval at this stage, the design had been the subject of very detailed scrutiny during discussion with the Planning and Urban Design Officers, as well as the Council's Landscape Advisor. He

stressed that the proposals were not an attempt to bypass the planning process, as had been suggested, but an opportunity to provide housing at a sensitive scale and density in an area which was identified for housing development. As could be seen from the report, the national planning policy context for the site was an important consideration and required local planning authorities to significantly boost the supply of housing and to work proactively with applicants to find solutions rather than problems. Development on the land had been the subject of discussions since 2014 and an earlier scheme had been refused by the Council with the subsequent appeal being dismissed. The Inspector's decision letter did, however, provide an agenda by which they had been able to work through the outstanding concerns with Officers. In terms of the principle of development, Members would be aware that Toddington was identified as a service village in the emerging Joint Core Strategy where new housing was proposed. In addition, the site was identified as one of two options for housing development in the emerging Borough Plan. These proposals had been amended substantially in comparison to the earlier scheme for 72 dwellings and, as a result, there were no technical objections to the 33 dwelling scheme from statutory consultees. Importantly, when considering the early concerns of the Council and the appeal Inspector, there were no objections from the Council's Landscape Advisor, Urban Design Officer or Highways Officer. Setting aside the earlier decisions on the site, it was hoped that Members were able to recognise the very significant efforts which had been made, by the applicant and Officers, to negotiate an appropriate solution for the site. He hoped they would agree that the low level of density and significant landscaping and open space provision on the site was an appropriate response which would provide significant benefits to the local area, both in terms of infrastructure provision and the delivery of much-needed market and affordable housing. His client had also agreed additional contributions through the Section 106 process and he asked the Committee to support the Officer recommendation.

- 82.14 The Chair advised that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the signing of a Section 106 Agreement, 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 in accordance with the Officer recommendation. With regard to the Section 106 Agreement, a Member sought clarification as to where the playing pitch provision, sports hall and astroturf would be located. The Planning Officer explained that the Parish Council had made a suggestion that some of the playing pitch provision could be facilitated next to the Village Hall; although the land was not within the Parish Council's control, there was support for that proposal. He confirmed that the astroturf would be in Winchcombe and the swimming pool would be the new leisure centre on the Tewkesbury Borough Council Offices site. There were two potential options for the sports hall; Winchcombe, or opposite Toddington Village Hall. In response to a further query, the Planning Officer advised that the Sports England calculator was used to determine the funding required for the activity generated by the development and consideration was given to providing sporting facilities in the immediate area, although the only requirement was that it must service the development. Officers had been instructed that Toddington Village Hall would be the preferred location in this instance. The Development Manager clarified that it was often timings, and the projects which were coming forward, which determined the most suitable location to meet the needs of the development at the appropriate point in time. The Member indicated that infrastructure was very important for new development and he feared that communities could lose out on the benefits of Section 106 contributions. The Development Manager provided assurance that this was something which Officers were very aware of, particularly through the work being done on the Community Infrastructure Levy. The Council's Community Development Officers had an important role to play in making sure that Parish Councils were aware of what money was available and working with them to bring forward projects in those communities.

- 82.15 The Chair drew attention to Page No. 931/D of the Officer's report which he felt demonstrated how particular care had been taken with the scheme to reflect the housing on the opposite side of the road. He also felt that it was important to be firm regarding materials, and to ensure that there was appropriate screening, in order to protect the ribbon development of Toddington. Upon being taken to the vote, it was

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

15/00865/FUL – Land at Berrow Farm, Wickridge Street, Ashleworth

- 82.16 This application was for the installation of two biomass boilers on a concrete pad and the change of use of the grain store and mill house for use in association with commercial wood chip drying. The Committee had visited the application site on Friday 8 April 2016.
- 82.17 The Chair invited Shaun Pitt, speaking against the application, to address the Committee. Mr Pitt indicated that the National Planning Policy Framework was clear that it supported development where there was no harm or loss of amenity to local residents. The applicant had already started the operation so he had been able to sit in the garden of Orchardside whilst they had been loading lorries. The noise report stated that it took four scoops of 1.5 tonnes and 15 minutes to load the lorries which was incorrect; it actually took 40-45 scoops to load and around 45 minutes. During that period, the clanking of the telehandler bucket was at a level high above the side of the lorry being loaded which was very obtrusive. The lorry itself had sat idling and, unless a 4m high acoustic fence was constructed, as recommended by the Environmental Health Officer, it would cause a major impact on Orchardside. He questioned whether such a fence would be acceptable in this rural location; in his view allowing the extra door in the grain store even closer to Orchardside was madness. The operation proposed two lorries per day to be loaded, however, drying grain was a slower process and the amount of lorries involved was significantly less. It was seasonal, not 365 days per year, and there was no guarantee that dry grain would continue. He went on to explain that the telehandler used for the operation was a large wheeled loader that would not be used in the pig buildings. The pig buildings themselves were located further from Orchardside and did not face directly onto the property so any loading or scraping would have far less of an impact. In fact, the existing use as a pig farm could be reinstated even if planning permission was granted so this noise could be 'as well as', not just 'instead of'. The noise report took no account of the considerable forward and backward shunting to get the trailers into the dryer, or the beeping generated by the reversing vehicles, and he noted that other Councils imposed bleeper restrictions on all vehicles. The grain store had been designed and located for tractor and trailer size loads, not the bulk walking floor lorries that delivered the woodchip; tractor and trailer was far quieter than the walking floor trailers that the woodchip arrived in. The lorries were already damaging the verges as they negotiated the bends and cutting up the verge outside the unit as the access was far tighter than the applicant had led people to believe. The Planning Officer assumed that the lorries came through Ashleworth, thus avoiding the verges of the Site of Special Scientific Interest (SSSI). There were no proposals to restrict how the site was accessed and Chamberlayne Farms had told him that a one-way system would be used to avoid lorries passing one another. The local horse riders had objected due to the noise that would be occurring next to the bridal path and the entrance where the loading would be taking place; they were also concerned about highway safety. The majority of residents in Wickridge Street had raised objections and there was no real local support for the application. The Council's policies were clear and robust and he urged Members to send a message to the Planning Inspectorate that Tewkesbury Borough Council did not support inappropriate rural diversification that had a harmful impact upon existing residents.

- 82.18 The Chair invited the applicant's agent, Julie Branfield, to address the Committee. She advised that the grain store had been used by Chamberlayne Farms since the 1990s and was adequate for farm purposes, however, the drying was powered by a noisy, expensive to run, diesel engine. The replacement biomass boilers met the demands of the farm but, to ensure economic viability, they needed to be used beyond the agricultural grain drying window. The proposal was sustainable on both economic and environmental grounds and the installation had been encouraged at a national level to reduce the reliance on fossil fuel. She understood that Members had been concerned that the boilers had not been running at the time of the Committee Site Visit; however, she explained that the fans had been operating at approximately 98% of their capacity and, as could be seen from the noise assessment, the biomass boiler was quieter than the fans and significantly quieter than the Lister engine previously used. The proposed woodchip drying could take place without any changes to the internal arrangement of the building. As had been demonstrated on the Site Visit, the applicants had been testing the drying procedure in terms of timescales and volumes through the extended application period. It had become apparent that the drying time was more likely to take 60-72 hours per floor, rather than the previously estimated 48 hours, but it would vary in accordance with the specification of the customer and the quality of the woodchip. With regard to noise mitigation, the proposed measures were: white noise reversing beepers on the equipment owned by the applicant; doors to the grain store being closed at night; full training of all yard staff – a family member had been doing the majority of loading work on site to date but, in the event that it was an employee loading or unloading lorries, they would be fully briefed on the procedures of the facility and would only be employed in the role if they had received adequate telescopic handler training; an acoustic fence on the roadside hedge to a height of 2.5m – this would be tongue and groove wooden fencing which was essentially a 'reflective' noise barrier, commonly used for residential or commercial applications where traffic noise was the main concern, and noise hitting the dense barrier was reflected back towards the source with only the diffracted noise being shadowed over the top; the lean-to that currently housed the fans would be clad along approximately two-thirds of the length on both sides with insulated box profile steel in Juniper green which would further deflect the sound whilst also keeping the airflow to allow the fans to function correctly. The facility would be managed in house and, as such, the applicant would have full control over the delivery and collection vehicles and opening hours.
- 82.19 The Chair advised that the Officer recommendation was that Members be minded to permit the application and he sought a motion from the floor. It was proposed and seconded that the Committee be minded to permit the application in accordance with the Officer recommendation. The seconder of the motion indicated that Members had not thought that the engine or fans had been working when they had visited the site and it was only when they had walked to within 1.5m of the building that they had heard the fans running. A Member indicated that, whilst the fans had been running, there had been no tractors in operation which would be likely to generate considerably more noise. He noted that the Officer report referred to a 'small number of objectors', however, he felt that 21 letters of objection was significant in a village the size of Ashleworth. The Planning Officer advised that one of the recommended conditions was for the submission of a noise mitigation plan which would seek to control the noise within the building and there would be a requirement to ensure that the doors were closed at all times of operation. Tractors were part and parcel of farm operations and it was not unusual to have that type of noise and activity in an agricultural context.

- 82.20 Whilst she recognised that farms needed to diversify, a Member expressed concern that she had not been able to hear the same level of noise which the neighbouring residents would be exposed to when the Committee had visited the site. She understood that, when the lorries loaded and unloaded they would be connected to a dumper truck which banged on the floor to scrape up the woodchip and this noise reverberated across the road. She proposed that the application be deferred for a further site visit in order for the Committee to see the facility when it was fully operational. This proposal was seconded. The Development Manager reminded Members that an appeal had been submitted in relation to the application and it would be difficult to defer the application for a site visit and still adhere to the appeal timetable. Furthermore, it would be quite unusual for any change of use application to be up and running when Members visited the site so it had been of some benefit that part of the facility had been in operation on the first site visit. In response to a Member query, clarification was provided that the appeal had been submitted on the basis of non-determination; from an Officer perspective there had been some impatience on the part of the applicant who had been working with Officers to address the various noise issues and it was unfortunate that decision now had to be made on a 'minded to' basis.
- 82.21 A Member indicated that he shared the concerns raised about the facility not being fully operational at the time of the Committee Site Visit and he felt that the objectors were being let down in terms of a full assessment of the noise which would be generated. He had been led to believe that the facility would be in constant operation which would lead to heavy traffic seven days per week and he was unsure as to how that could be mitigated. The Planning Officer advised that one of the recommended conditions would limit the number of heavy goods vehicles delivering and collecting woodchip to and from the site to two per day, i.e. four movements per day, and the hours of collection/delivery would be restricted to 1000-1500 hours Monday to Saturday with no collections/deliveries on Sundays or Bank Holidays. A further condition was recommended which would restrict operations or activities required in connection with commercial woodchip drying to between the hours of 0800 and 1700 Monday to Friday and 0900-1600 on Saturdays, Sundays and Bank Holidays. In response to a query, the Planning Officer clarified that the facility would be used for grain drying between May and September and outside of that time it would be used for woodchip drying.
- 82.22 Another Member continued to have concerns that the Committee had not got the full picture when it had visited the site; it had been clear that some part of the facility had been in operation but they had all struggled to understand why the residents were so concerned based on the noise which they had heard on that day. He was of the view that it would not be fair to make a decision without hearing what the residents were being subjected to. The Development Manager understood Members' apprehensions but he reiterated that it would be unusual for them to see a fully operational facility on the Committee Site Visit. The application had not been determined within the normal timescales largely due to the amount of work which had been done by Officers and the applicant and their agent to make the proposal acceptable. The application had been fully assessed by professional Officers in terms of environmental health concerns and it was considered that the potential harm to the residential amenity of nearby properties could be sufficiently controlled by the recommended conditions.
- 82.23 The proposer and seconder of the motion to defer the application for a further Committee Site Visit indicated that they did not wish to withdraw the motion on the basis of the Planning Officer's advice and, upon being put to the vote, it was
- RESOLVED** That the application be **DEFERRED** for a further Committee Site Visit in order to assess the facility when it was fully operational.

15/00982/FUL – Hayden Hill Fruit Farm, Old Gloucester Road, Boddington

- 82.24 This application was for the erection of ground mounted solar panels with an electrical output of approximately 5MW along with associated infrastructure landscaping and ancillary structures. The application had been deferred at the Planning Committee meeting on 22 December 2015 to negotiate a reduced scheme in an attempt to address landscape concerns.
- 82.25 The Chair indicated that there were no public speakers for this item. 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 on the basis that the benefits of renewable energy would outweigh harm to the Green Belt and given that it was not a permanent structure with the land being restored after 25 years. The proposer of the motion recalled that the Committee had considered four applications for solar farms at the meeting on 22 December, three of which had been recommended for permission but had subsequently been refused by the Committee. In terms of this particular application, Members had felt that a reduced scheme, or re-siting of solar panels in accordance with the Parish Council's suggestions, could be acceptable. Personally he would have been happy to permit the application when it had initially been considered and he continued to be of that view given the proposed amendments.
- 82.26 A Member indicated that a solar farm was currently being built within her Ward and Western Power had recently constructed a sizeable building on the site. She questioned whether this was likely to happen if Members were minded to permit this application as she could not see anything to indicate this on the plans. The Planning Officer explained that distributors, such as Western Power, would be involved in any solar farm application and the building referenced by the Member would have been constructed under permitted development rights. In terms of previous applications for solar farms, no additional conditions had been included to ensure screening of buildings constructed under permitted development rights and this was something which he felt would be beneficial going forward to ensure that the Council had some control over minimising the impact.
- 82.27 The proposer of the motion queried whether this application would need to be forwarded to the Secretary of State and the Development Manager clarified that, whilst there was a requirement for certain major developments over 0.5 hectares in size to be referred to the Secretary of State, he did not believe that this was necessary in this instance. He stressed that there were strict rules as to which applications needed to be referred; notwithstanding this, a decision could still be made subject to referral to the Secretary of State if necessary.
- 82.28 The Planning Officer indicated that Members may wish to consider delegating authority to the Development Manager to permit the application, subject to conditions including the limitation of the proposal to 25 years; submission of a method statement prior to commencement of development; details of hard and soft landscaping including hedgerow retention; implementation of biodiversity enhancement measures; noise mitigation; highways; drainage and screening of electricity provider equipment. The proposer and seconder of the motion indicated that they were happy with this amendment. Upon being put to the vote, the proposal for a delegated permission was lost. It was subsequently proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation. It was noted that Members wished to receive a report in relation to the construction of electricity substations in association with solar farms.

15/01288/FUL – Part Parcel 0022, Oxenton

82.29 It was noted that this application for proposed change of use of an agricultural building to a dwelling house and associated building operations had been withdrawn.

15/00817/FUL – Part Parcel 2813, Chosen Hill, Churchdown

82.30 This application was for an upgrade to existing entrance track.

82.31 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation, subject to the inclusion of an additional condition to ensure that the reclaimed railway sleepers be removed from the site and replaced with a re-profiled grass banking in accordance with the suggestions of the Parish Council. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of an additional condition to ensure that the reclaimed railway sleepers be removed from the site and replaced with a re-profiled grass banking in accordance with the suggestions of the Parish Council.

15/00830/FUL – The Hall, Stockwell Lane, Woodmancote

82.32 This was a retrospective application for retention of a dwelling as built including roof light, garden walls and picket fence; and erection of a single storey extension to provide a garden room.

82.33 The Chair indicated that there were no public speakers for this item. 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.

16/00027/FUL – Longmarsh House, 97A Tewkesbury Road, Longford

82.34 This application was for change of use of a domestic double garage to an architectural reclamation showroom and office, including roof alterations.

82.35 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Upon being taken to the vote, it was

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

16/00138/FUL – Land West of Ash Lane, Down Hatherley

82.36 This application was for the erection of a single infill dwelling and detached garage.

82.37 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider indicated that a planning application for two infill dwellings, on the opposite side of Ash Lane, had been permitted by the Planning Committee in October 2015. He had advised the Committee on that day of a High Court decision in February 2015 which had provided clarity on the National Planning Policy Framework's policy of supporting 'limited infilling in villages' in the Green Belt. The High Court decision set out the clear purpose of the policy which was to allow for the infilling of gaps in otherwise built up frontages. This was because the Government recognised the need to provide much needed housing in rural areas, whilst acknowledging that the infilling of such gaps did not create urban sprawl and did not conflict with the defined

Green Belt purposes. This had been recognised by Members and it was established that Ash Lane was part of the village of Down Hatherley and was exactly what the Government had in mind in supporting infilling in villages. The current proposal was a very similar example to that approved by the Committee in October; this time the proposal was for a single infill dwelling but, again, the proposal was to infill a gap in an otherwise built-up frontage. Officers had correctly recognised that this was a classic case of village infilling and was supported by the National Planning Policy Framework. Furthermore, Officers acknowledged that the design of the dwelling would be in keeping with the character and appearance of the area and that there would be no impact on the amenity of local residents. The development was also safe from a highways perspective and was accessible by local bus stops and other local services. He noted that the Parish Council had objected to the application, however, it appeared that was more to do with concerns over setting a precedent for a much larger form of residential development to come forward. Given that the policy only supported 'limited infilling' he suggested that the Parish Council did not need to be concerned in that regard. He encouraged Members to conclude that the development was small infill which did not prejudice the protection of the Green Belt. It would not give rise to urban sprawl and it would certainly not result in the coalescence of Cheltenham and Gloucester. He noted that late representations had been made by a local resident implying that there were protected species in the area although, eight weeks in to the application process, they had not been able to provide any conclusive evidence as such. Professional ecological surveys had been carried out on behalf of the applicant which had not uncovered any evidence of protected species on the site, nor was it deemed to be a suitable habitat for such species. Nevertheless, he was confident that this issue could be satisfactorily addressed in the near future under delegated powers if Members felt that they could only make a 'delegated permit' decision today.

82.38 The Chair indicated that the Officer recommendation had been changed to delegated permit in order to resolve the ecological issues and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion noted that the dwellings would be accessed via a private road and she questioned whether it would be appropriate to include a condition to ensure that the surface was restored if any damage was caused by large vehicles. The Development Manager clarified that this was a private matter between the developer and the owner(s) of the road and not something which the Committee should be concerned with. A Member went on to question what would happen if the road did become damaged and the Legal Adviser confirmed that the right of access would need to be acquired and a case could be made to cover potential damage within that agreement.

82.39 Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of ecological issues.

15/01274/APP – Land to the West and South of Gloucester Business Park, Brockworth

82.40 This application was for proposed development of 214 residential dwellings with associated roads, footways, parking, drainage and landscaping comprising parcels 25a, 25b, 26a, 27a and 27b.

82.41 The Planning Officer explained that it had been recommended that authority be delegated to the Development Manager to approve the application, subject to the consideration of additional information regarding vehicle tracking to ensure that refuse and emergency vehicles could navigate adequately around the estate. County Highways had now indicated that it was happy with the scheme and the recommendation had therefore been changed to approve.

- 82.42 The Chair invited Rachel Capener, speaking on behalf of the applicant, to address the Committee. She explained that, as outlined in the Officer report, various amendments had been made to the original application in order to accord with the approve design code and with the various consultee responses. These included changes to road types and hierarchy; the addition of boundary treatments such as railings and hedge planting; increase in back to back distances; reduction of render; and increase and reconfiguration of parking to allow for soft landscaping. In terms of parking, all homes had at least two parking spaces with four bedroom homes generally having three spaces and five bedroom homes having four spaces. Additionally there were 35 visitor parking spaces. The proposed drainage scheme followed the existing strategy for the overall scheme and all finished floor levels were in accordance with the approved plans. The design of the houses and materials used were in line with the design code and sympathetic to the surrounding parcels. Overall it was felt that the applicant had worked well with Officers to produce an attractive and successful scheme.
- 82.43 The Chair indicated that the Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.
- 15/01177/FUL – Adjacent 74 Evesham Road, Bishop’s Cleeve**
- 82.44 This application was for the erection of 71 dwellings (access from Evesham Road) with public open space and other associated infrastructure. The Committee had visited the application site on Friday 8 April 2016.
- 82.45 The Planning Officer advised that there had been two matters outstanding at the time of writing the report in relation to highways and archaeology. The County Highways Authority had requested additional information in relation to vehicle tracking and safety. This had now been received and assessed and County Highways had no objection to the application, subject to the imposition of conditions. The County Archaeologist had received the results of an archaeological field evaluation which had confirmed that no evidence for any significant archaeological remains had been found and he was happy for the proposal to proceed to the determination stage. Additional comments had been made by the applicant in response to the Parish Council’s concerns regarding the capacity of existing utilities and the neighbours’ concerns in relation to the proximity of the pumping station. The applicant had provided a Utilities Statement which confirmed that relevant utilities provision could be made for the scheme and that the pumping station would be set back from the properties, would not be audible and would be built to the exacting standards of the water company. Members were advised that the recommendation was still for a delegated permission but this was now purely to allow for the completion of a Section 106 Agreement.
- 82.46 The Chair invited the applicant’s agent, Andrew Ross, to address the Committee. Mr Ross indicated that Bishop’s Cleeve was a key location within Tewkesbury Borough, outside of both the Green Belt and Area of Outstanding Natural Beauty, and one which was capable of accommodating sustainable development. The site was partly brownfield land and not sensitive in landscape terms, being close to and surrounded by other existing development and outside of any Special Landscape Areas. On that basis, it was a logical location for additional development at Bishop’s Cleeve. The detailed design of the dwellings and this scheme had evolved through a number of iterations and constructive dialogue with the Council’s Urban Design Officer and others. The scheme would secure high quality new housing for the area, providing further choice alongside other approved schemes, further helping to boost housing supply in the short term. Whilst it would make a significant positive

contribution to housing supply, the scheme was modest in scale compared to other options and, as set out in the report, there would be no cumulative effects with other existing commitments that resulted in unacceptable impacts. The scheme would deliver 40% affordable housing, partly through on-site provision and partly via financial contributions that had been agreed with the Council's Housing Officer. This had been highlighted in the comments of the Council's Affordable Housing Officer as a significant benefit as the financial contribution secured would assist delivery of affordable housing in rural communities that were struggling to make necessary provision. This was an immediately deliverable scheme, with approval sought in full, being brought forward by an experienced housebuilder who had the skills and expertise to ensure that delivery would occur as anticipated; this was in contrast to other applications nearby which might represent longer term options. All technical issues relating to drainage, highways, ecology and other matters had been addressed to the satisfaction of the relevant internal and external consultees as set out in the report; this included the updates that had been provided in respect of both archaeology and highways in the Additional Representations Sheet. The scheme would also deliver overall improvements in terms of flood risk along the Evesham Road frontage through new on-site drainage infrastructure. He considered that the Officer's report was thorough and agreed with the conclusion that the benefits of the scheme outweighed any harm, and that planning permission should therefore be granted, and he hoped that Members would support the proposals.

- 82.47 The Chair invited Councillor Mrs Sue Hillier-Richardson, one of the local Members for Bishop's Cleeve, to address the Committee. Councillor Hillier-Richardson indicated that she supported the view of Bishop's Cleeve and Gotherington Parish Councils which considered that the proposed development would be unsustainable and would represent urban sprawl. There would be a cumulative effect on the infrastructure of the village as Bishop's Cleeve was already congested with traffic, not just at peak times, and schools were full to capacity. There were still upwards of 1,000 houses to be built or occupied in the area, the majority of which had been permitted against the wishes of the Committee. The development was not included in either the Joint Core Strategy or the Tewkesbury Borough Plan and she urged Members to refuse the application.
- 82.48 The Chair reiterated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the boundary of the development was set right against No. 74 Evesham Road and he questioned if that had been considered in the negotiations with developers. The Planning Officer explained that the layout of the revised plans had been assessed along with the impact on neighbouring residential properties and was considered to be acceptable in terms of overbearing impact etc. He pointed out that there was another application on the east side of the breaker's yard pending for further residential development for 26 dwellings and the impact of that scheme had also been assessed in relation to this one and found to be acceptable. In response to a query, the Planning Officer provided clarification that there would be a boundary fence and it was not thought that the relationship would be unacceptable in terms of impact on that particular resident. A Member drew attention to Pages No. 999/A and 999/B of the Officer report which appeared to show No. 74 Evesham Road in two different forms and he queried which was the correct one. The Development Manager explained that the plan at Page No. 999/A was from the Ordnance Survey which, unfortunately, had not always been found to be completely accurate. In terms of this application, No. 74 was opposite the application site which was shown on the block plan at Page No. 999/B; this was the more important of the two plans as it showed the relationship between the development and the existing buildings.

82.49 In terms of affordable housing, a Member queried where the off-site provision was likely to be and whether the tenure had been decided. The Development Manager explained that there were no details available at this stage, however, a new initiative was being used to look at the need for market and affordable housing across the Borough so there would be opportunity to look outside of Bishop's Cleeve. A Member noted that Gotherington Parish Council had raised specific concern that the proposed layout showed the development close to the Parish boundary and, should the application be permitted, it would request a revision of the site layout to provide a greater area of green space to the north of the site. The Planning Officer explained that a revision had been made to step back the extent of the houses further off the boundary. The landscape impact had been assessed with specific reference to the Gotherington 'gap' and it was considered that the development would not be intrusive and would not cause significant harm in the planning balance. The Member went on to query why there was no contribution towards a GP surgery within the Section 106 Agreement. The Development Manager confirmed that NHS England had been consulted on the proposal and, if no feedback was provided, a contribution could not be legitimately sought, however, a new GP surgery was being provided through the Homelands/Cleavelands developments so there would be adequate provision within the area.

82.50 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application in accordance with the Officer recommendation, subject to the signing of a Section 106 Agreement.

15/00166/OUT – Land at Stoke Road, Bishop's Cleeve

82.51 This was an outline planning application for up to 265 dwellings and an A1 convenience retail store of up to 200sqm with associated open space and landscaping; with all matters reserved except for access (access defined as off Stoke Road to 15m in to the site). The Committee had visited the application site on Friday 8 April 2016.

82.52 The Development Manager advised that the Council was unable to demonstrate a five year supply of deliverable housing sites and as such, the Council's housing policies, including HOU5 must be considered out of date. Paragraph 49 of the National Planning Policy Framework set out that all housing applications must be considered within the context of a presumption in favour of sustainable development. There were very clear benefits arising from the proposal which were set out in the Officer's report. Whilst there would clearly be some landscape harm caused by introducing new urban development where there were currently green fields, the Council's Landscape Consultant did not feel that it would be significant and demonstrable enough to outweigh the benefits of the scheme. In terms of accessibility, County Highways had been consulted and the cumulative impact of other planned development in the area had been taken into account; the County Highways Officer had no objection to the application. There were some concerns around the design as the development would have very limited connections and poor links to the existing village. Although footpath connections were shown on the draft development framework plan, they lay outside of the application site and outside of the developer's control. There were significant concerns arising from the location of the site on the boundaries of Malvern View Business Park and opposite Wingmoor Farm Waste Management facility, particularly in respect of the lack of a robust assessment of air quality. Members were reminded that Wingmoor Farm was a safeguarded site in the Waste Core Strategy and concerns had been raised by both the operators of the site and Gloucestershire County Council, as Waste Planning Authority, that operations on the site could be put at risk. Overall it was

considered that it had not been demonstrated that this was a suitable site for housing development and there were no very special circumstances to significantly and demonstrably outweigh the harm which would be caused, therefore the application was recommended for refusal.

82.53 The Chair indicated that there were no public speakers for this item. 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 refused in accordance with the Officer recommendation. A Member raised concern that there was a single access in and out of the site which was potentially dangerous if that road became impassable. A Member questioned whether the Council was any closer to being able to demonstrate a five year deliverable housing land supply, particularly given the Secretary of State's decision to agree with the Planning Committee's resolution to permit the application at Perrybrook for mixed use of up to 1,500 dwellings. The Development Manager explained that the Council was in a very difficult position as it was still not clear what the actual figure would be to achieve a five year supply. It could be assessed against the number in the Joint Core Strategy, however, there had been significant objection to those figures at the examination and it was important to be cautious of the weight that could be applied to Policies SP1 and SP2. In any event there was more work to do to reach the Joint Core Strategy figure and he reminded Members that there would be a long lead in time for very large sites such as Perrybrook so only a limited amount actually contributed to housing supply at this point in time. He noted the concern regarding the access, however, County Highways had assessed the proposal and was satisfied that it was safe and suitable.

82.54 A Member was of the view that the proposal was unsuitable for a variety of reasons and not least in terms of its location on the edge of Bishop's Cleeve, well away from facilities. The main thrust of the Officer recommendation to refuse the application seemed to be health issues and the local community had a whole host of other reasons why it was inappropriate. He would be supporting the motion to refuse the application and felt that, if the land had to be developed, light commercial development would be more appropriate given that the Joint Core Strategy Inspector had stated that there was a need for that type of use and this would be a natural extension to what was already being done in the area. Upon being taken to the vote, it was

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

13/01003/OUT - Land South of A46 and North of Tirlle Brook, Ashchurch

82.55 Attention was drawn to the report of the Senior Planning Officer, circulated at Pages No.34-88 which set out the progress that had been made since the last meeting where Members had resolved that they would be minded to permit an application for a proposed garden centre, retail outlet centre and ancillary facilities, together with associated infrastructure works including access, car parking and landscaping, subject to referral to the Secretary of State, and on the basis that the application be brought back to the next meeting of the Committee with recommended conditions and negotiations with the applicant in respect of Section 106 obligations. Members were asked to consider the report.

82.56 The Planning Officer indicated that a list of suggested conditions was attached at Appendix 1 to the report. The applicant had confirmed agreement with those conditions subject to the addition of "staff rooms and storage areas" to the list of exclusions set out under the definition of "net sales area" which was considered to be acceptable. In terms of the Section 106 Agreement, the position in terms of contributions for transport related work had been agreed in accordance with the recommendations of County Highways. It was noted that a separate unilateral

undertaking for the safeguarding of land may be necessary for improvements to the A46 and Junction 9 of the M5 motorway. Other elements included measures to mitigate the impact of the development on the health of Tewkesbury Town Centre and a total of £1.2M contributions had been agreed, which accorded with the Community Infrastructure Levy (CIL) regulations; the mitigation measures were not limited to, but included a number of the measures, set out at Appendix 3 to the report e.g. physical improvement to the town centre relating to town centre regeneration schemes and marketing and tourism initiatives. It was important to have flexibility and the agreement reflected that; some of the payments would be required upon the grant of the planning permission with others coming forward once the various phases were brought into use.

82.57 A Member noted that the report set out that the total contributions for the Tewkesbury Town centre mitigation measures amounted to £1.79m, however, the Planning Officer had stated that this would be £1.2M. The Planning Officer advised that discussions had been ongoing since the last Planning Committee meeting and it had been agreed that £1.2M was an appropriate figure in recognition of the benefits that would arise from the proposals. The Member sought further information regarding the contribution towards the public art trail and was advised that this was a Tewkesbury town centre regeneration project and it was principally a walking/cycling route along the old railway line which was intended to make the link between the two more interesting. The Member went on to query why the shuttle bus between the development and Tewkesbury town centre was no longer included in the list of mitigation measures. The Planning Officer explained that the developer had been intending to operate a shuttle bus, however, County Highways had been of the opinion that this should not be required given that it would compete with the normal bus service. The view prior to the last Planning Committee was that it would not be appropriate to require the applicant to operate that service so it had not been worked into the agreement. The Member questioned whether the normal bus service route would be amended to incorporate the new site and if the frequency of the service would be increased. The Planning Officer indicated that she did not currently have that level of detail but she clarified that, in assessing the proposal, County Highways had considered the sustainability credentials in terms of the current operational bus service, the improvements being made and where the bus stops would be as part of the development. A Member felt that the proposal was an exciting opportunity for Tewkesbury and the regeneration of the town centre however, he was of the view that it should be made as easy as possible for people to use the public transport system in order to get to the development, particularly in the east of the Borough where there were very few buses from places such as Bishop's Cleeve and Winchcombe. He raised particular concern about congestion on the A46 and felt that this was something which needed to be addressed. Whilst she did not disagree, the Planning Officer explained that it was necessary to be proportionate in terms of the impact of the proposal and what harm would be reasonable for the developer to mitigate; it was very easy to look at the wider picture and see it as an opportunity to resolve existing problems but it was necessary to have justification for the measures which were being asked for.

82.58 A Member noted that much had been made of the impact of the scheme on Gloucester city centre, as well as Tewkesbury town centre, however, since the application had originally been submitted, Gloucester City Council had dropped the idea of a shopping centre in favour of a mixed use scheme, including a possible covered market and she questioned whether the Secretary of State had been informed of these changes. The Planning Officer clarified that, to date, the Secretary of State had been sent the Committee report and resolution from 15 March and would also be sent the presentation and report from this meeting. Whilst the plans for the King's Quarter site in the city centre had changed, this issue was not something that the Council's retail consultant considered would weigh against the proposal.

82.59 A Member indicated that he continued to have concern about the shuttle bus which had been part of the development since the consultation stage. Whilst he recognised that County Highways did not favour the introduction of a shuttle bus, he questioned whether it could still be provided if the developer was willing to fund and operate it. In his view, a shuttle bus into the development was very different to the existing bus service and people would not want to go out of the development to find a bus stop. The Development Manager indicated that Officers could go back and renegotiate on the basis of the provision of the shuttle bus if Members so wished, however, it was important to recognise that there would be a potential impact on the existing bus service, which should be supported and improved where possible, and that it would go against the professional advice of County Highways. In his view there was a strong likelihood that the existing bus service would be re-routed once the scheme was in operation in order to pick up people from within the development site. A Member raised concern that it had taken a significant amount of time to reinstate the bus stop at Ashchurch Railway Station and she could not see why the bus company would re-route the service into a retail development where the majority of people would arrive by car. The Development Manager indicated that he did not see the benefit of including the shuttle bus in the Section 106 Agreement and in his view it should be left up to the developer if it wished to provide that service.

82.60 Having considered the information provided and views expressed, it was proposed, seconded and

RESOLVED That the application be **DEFERRED** in order to negotiate the provision of a shuttlebus linking the proposed development with Tewkesbury town centre.

15/01124/FUL - Noake Farm, Churchdown Lane, Churchdown

82.61 Attention was drawn to the report of the Development Manager, circulated at Pages No. 89-106 which set out the progress that had been made since the last meeting where Members had resolved that they would be minded to permit an application for the change of use to a horticultural/landscaping business including the redevelopment of existing building and creation of new buildings for use of the business and conversion of coach house to one dwelling including the erection of a detached garage/store and associated vehicular access and parking (including demolition of derelict buildings), subject to referral to the Secretary of State, negotiations with the applicant to reduce the height of the buildings and the formulation of conditions. Members were asked to consider the report.

82.62 Following the Planning Committee meeting on 15 March 2016, the applicant had submitted amended plans which had changed the overall building height, with building two being reduced by 0.5m and both buildings now proposed to be set 0.5m into the existing ground levels. A list of suggested conditions was attached at Appendix 1 to the report and the applicant was broadly happy with what was proposed, however, the applicant had requested opening times of 0630 – 1830 hours Monday to Friday. The Environmental Health Officer had been consulted and advised that this would have an unacceptable impact on residential amenity in terms of noise and how night time and day time measurements were undertaken in the British Standard and World Health Organisation where day time ran from 0700 – 2300 hours. Whilst the applicant's operational requirements were understood, proper regard must be had to the living conditions of neighbouring residential properties and, as such, it was recommended that suggested conditions 15 and 16 restrict the hours of operation from 0700 – 1830 Monday to Saturday. It was recommended that the application be permitted in line with the amendments reducing the height of the buildings and the conditions set out at Appendix 1 to the report.

82.63 A Member welcomed the applicant's request to amend the opening times as he considered 0630 hours to be a reasonable start time for this type of operation and he did not feel that this would have an onerous impact on the local residents. The Development Manager confirmed that this recommendation was very much in line with recommendations for similar applications around the Borough and it was only fair that the residents were treated in the same way as recommended by the Environmental Health Officer.

82.64 It was proposed, seconded and

RESOLVED That the application be **PERMITTED**, subject to the proposed amendments reducing the height of the buildings and conditions set out at Appendix 1 to the report.

PL.83 REVIEW OF PROTOCOL FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS

83.1 The report of the Democratic Services Group Manager, circulated at Pages No. 107-109, sought nominations to serve on a joint Standards and Planning Committee Working Group to review the Protocol for Councillors and Officers Involved in the Planning Process in accordance with the Council decision made on 14 April 2015 and the decision of the Standards Committee on 21 March 2016.

83.2 Members were informed that, at its meeting on 14 April 2015, the Council had considered the revised Protocol for Councillors and Officers Involved in the Planning Process and resolved that the Protocol be adopted with a review after 12 months. The initial review had been undertaken by a joint Working Group made up of four Members of the Planning Committee and four Members of the Standards Committee; this mechanism had worked extremely well and it was therefore suggested that a similar arrangement be put in place to examine how the new Protocol had worked after being operational for 12 months and whether any further amendments were required.

83.3 At its meeting on 21 March 2016, the Standards Committee had nominated Tewkesbury Borough Councillors Mike Dean and Philip Surman; Parish representative, Jeremy Horsfall; and Independent Person, Martin Jauch to serve on the Working Group. Previously the representatives from the Planning Committee had been Councillors Derek Davies, John Evetts, Jim Mason and Mrs Jude Perez and, it was suggested, for consistency, that those Members remaining on the Planning Committee may wish to put themselves forward to serve on the Working Group. In respect of Jude Perez, as she was no longer a Member of the Council, there was one vacancy to fill.

83.4 It was proposed, seconded and

RESOLVED That the Planning Committee Members to serve on the re-established Joint Standards and Planning Working Group to review the Protocol for Councillors and Officers Involved in the Planning Process be as follows:

Councillors D M M Davies, R D East, J H Evetts and J R Mason.

PL.84 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

84.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 110-116. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government (CLG) appeal decisions issued.

84.2 It was

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

PL.85 ADVANCED SITE VISITS BRIEFING

85.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 117, 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.

85.2 It was

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

The meeting closed at 12:15 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 12 April 2016

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.

Page No	Item No	
886	1	<p>16/00317/ADV</p> <p>Tewkesbury Borough Council, Gloucester Road, Tewkesbury</p> <p>Consultations and Representations</p> <p>A representation has been received from Gloucestershire County Highways Authority. No objection is raised to the proposed signage.</p>
889	2	<p>15/01293/OUT</p> <p>Parcel 0630, Mythe Road, Tewkesbury, Gloucestershire</p> <p>The application has been formally withdrawn.</p>
903	3	<p>15/00963/FUL</p> <p>Gardeners Arms, Beckford Road, Alderton, Tewkesbury, GL20 8NL</p> <p>On the site inspection for the Planning Committee it was found that large parts of the proposed development had commenced and were nearing completion. The application is therefore part retrospective and the description of development is amended as follows:</p> <p>Alterations to existing car parking layout and provision of overspill car park area, external seating area, and fencing (all retrospective or part completed), and proposed provision of external lighting and alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows.</p> <p>Recommendations</p> <p>No changes are made to the recommendation within the Committee report, and it is therefore recommended that planning permission is granted subject to conditions.</p>

910	4	<p>16/00105/FUL</p> <p>Sycamore Cottage, Buckland, Broadway, Worcestershire, WR12 7LY</p> <p>Consultations and Representations</p> <p>Three additional letters have been received from three local residents in response to the Committee report. Many comments are reiterations of previous objections. These are as follows (summarised):</p> <ul style="list-style-type: none"> • There is no precedent for a balcony in Laverton or Buckland. • A balcony will be visually intrusive and totally inappropriate within a category four Cotswolds Conservation Area within the boundary/curtilage of a listed Church. • It is quite disingenuous to argue that a single, small, window affords the same visual impact as a balcony. • Concerns over the privacy of The Old Stable, Buckland. • Adverse impact on the neighbours (at Orchard Cottage, The Old Stables, and Buckland Manor Cottage). • The proposed balcony development appears "incongruous". <p>Further additional comments were also raised in respect to the Committee report, these are as follows (summarised):</p> <ul style="list-style-type: none"> • The omission of Orchard Cottage from the block plan. • Inaccuracy in the measurements between the properties. <p>Other issues were raised but are not considered to be material planning considerations:</p> <ul style="list-style-type: none"> • The reference to holiday homes. • Neighbours unsuccessful attempts to engage with the applicants. <p>Officer Comments</p> <p>The impact of the proposal upon Orchard Cottage has been assessed despite its omission from the block plan. As mentioned in the Committee report it is considered that all measurements are correct and were taken from three different sources using a mixture of electronic measuring tools and scaling on a paper based system.</p>
916	5	<p>15/00394/OUT</p> <p>Land To The South Of B4077, Toddington</p> <p>Consultations and representations</p> <p>County Highway Authority - No objections subject to conditions, the response is attached in full. The suggested conditions are already incorporated within the Committee report; however, Condition 15 should be amended to read:</p> <p><i>No part of the development shall be occupied until the pedestrian improvement works, bus stop relocation and highway safety works shown on plan SK04B have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.</i></p> <p><i>Reason: To reduce potential highway impact, in accordance with Paragraph 32 of The Framework.</i></p>

932	6	<p>15/00865/FUL</p> <p>Land at Berrow Farm, Wickridge Street, Ashleworth, GL19 4JW</p> <p>Conditions</p> <p>Further to the conditions set out in the Officer recommendation, it is recommended that the following condition is added:</p> <p>11. There shall be no installation or operation of wood chipping machinery or similar equipment on the site and operations shall be limited to the drying and internal storage of woodchip only.</p> <p>Reason: To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.</p>
940	7	<p>15/00982/FUL</p> <p>Hayden Hill Fruit Farm, Old Gloucester Road, Boddington, GL51 0SW</p> <p>Additional Information</p> <p>The agent submitted a Flood Risk Assessment (FRA) Addendum on 05.04.2016 with regard to the drainage implications of the proposal. This is following the increase in impermeable area across the site as a result of the concrete beams that would be used support the solar arrays. The Lead Local Flood Authority (LLFA) has been consulted in respect of the document and raised no objection to revised scheme. It is commented that the increase in impermeable area would result in an increase in the volume of surface water run-off but the updated size of the swale would be sufficient to cope with the increased volume.</p> <p>It is therefore considered that sufficient information has been submitted to demonstrate that the proposal would not have a detrimental impact upon flood risk and the recommendation should be updated to remove refusal reason 3.</p>
950	8	<p>15/01288/FUL</p> <p>Part Parcel 0022, Oxenton, Cheltenham</p> <p>This application has now been formally withdrawn by the applicant.</p>
957	9	<p>15/00817/FUL</p> <p>Part Parcel 2813, Chosen Hill, Churchdown</p> <p>In light of the comments made by Churchdown Parish Council, the applicant has confirmed that they would be prepared to remove the reclaimed railway sleepers at the site entrance in favour of a sloped banking that would be re-seeded with mixed grasses. While it is not considered that the reclaimed railway sleepers would have a detrimental impact on the visual amenity of the Special Landscape Area, it is acknowledged that a re-profiled grass banking would assimilate with the surrounding landscape and would provide a softer appearance than the railway sleepers. The applicant has not provided amended plans to show the proposed changes and it is therefore recommended that the following condition is added should Members be minded to permit the application with the suggested amendments:</p>

		<p>5. <i>Notwithstanding the submitted plans, the reclaimed railway sleepers shall be removed from site and replaced with a re-profiled grass banking that shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority within a period of three months of the date of this permission. The re-profiled banking shall be re-seeded with mixed grasses.</i></p> <p><i>Reason - To ensure the development will be visually attractive in the interests of amenity in accordance with the provisions of the NPPF and Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.</i></p>
971	12	<p>16/00138/FUL</p> <p>Land West of Ash Lane, Down Hatherley</p> <p>Consultations and representations</p> <p>An additional neighbour representation was received questioning the findings of the ecological report and highlighting the presence of Great Crested Newts in the immediate area.</p> <p>Recommendation</p> <p>The ecological issue raised by the local resident is a matter that requires proper consideration and it is therefore recommended that permission is delegated to the Development Manager to resolve the ecological issues.</p>
976	13	<p>15/01274/APP</p> <p>Land To The West And South Of Gloucester Business Park Brockworth</p> <p>Local Residents</p> <p>Two additional letters have been received from local residents who share the concerns of previous objectors and consider that existing services and facilities are already oversubscribed and unable to cope with any additional demand.</p> <p>It is considered that parking within the area is already a problem with many examples of cars being park on the highway; there are a number of houses in multiple occupancy.</p> <p>Consider there is insufficient Public Open Space which will result in increased pressure on the surrounding Area of Outstanding Natural Beauty.</p> <p>County Highways Authority</p> <p>The County Highways Authority (CHA) has now provided its response to the application and considers that the proposed highway layout is broadly the same as that proposed by the framework plan in the outline application. The road and footways widths are considered acceptable and sufficient to allow safe passage of refuse vehicles. The proposed layout has been subject to a Stage 1 Road Safety Audit including the revised layout plans submitted. The audit has raised only one concern which is the provision of pedestrian crossing points within the development, this can be provided by way of a planning condition.</p> <p>Each dwelling is provided with a minimum of two car parking spaces per dwelling with larger properties having a higher provision of up to four spaces. Across the development there are also 34 unallocated visitor spaces which would provide parking spaces for visitors and any additional parking demand created by some individual dwellings. The CHA also comment that, whilst some of the parking is in 'courts' to the rear of the properties (as required by the Design Code), the access to those parking areas is as direct as reasonably possible. The proposed visitor parking spaces on the spine road would facilitate and limit the number of vehicle parked on the carriageway.</p>

		<p>Subject to conditions, the CHA raises no objection to the proposal.</p> <ol style="list-style-type: none"> 1. Prior to the associated highway being opened to the public or vehicle access being brought into use the area between the visibility splay line shown on submitted plan number 0141-2_305 D shall be cleared of obstruction above a height 600mm and maintained as such for the duration of the development. <p>Reason - To ensure a safe and secure layout is provided that minimises conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of the Tewkesbury Borough Local Plan.</p> <ol style="list-style-type: none"> 2. Prior to works commencing on site details of pedestrian crossing points within the development shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the dwellings served being occupied. <p>Reason - To give priority to pedestrian movements and create a safe and secure layout that minimises conflicts between traffic and pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of Tewkesbury Borough Local Plan.</p> <p>The recommendation is now therefore to Approve the application.</p>
982	14	<p>15/01177/FUL</p> <p>Adjacent 74 Evesham Road, Bishops Cleeve</p> <p>Consultations and Representations</p> <p>An additional letter has been received from a local resident who objects (in addition to a previous objection) to the pumping station adjacent to their property due to the noise and vibrations from the pump, and the potential impact should the pump fail.</p> <p>County Highways Authority</p> <p>The County Highways Authority (CHA) has now provided its response to the application and considers that the site is located in a sustainable location with adequate links to the nearest facilities. The CHA considers that the applicants' Transport Assessment (TA) demonstrates that the site access would have sufficient capacity to accommodate the proposed development. In terms of the layout, the CHA that the parking provision is considered suitable and higher than the average car ownership figures in the 2011 census data. The amended plans now demonstrate that adequate forward and junction visibility is available throughout the layout and the tracking plans demonstrate that a large car and a refuse vehicle can safely pass each other.</p> <p>The CHA concludes that the proposed development would not have a severe impact on the local highway network, and that in accordance with the National Planning Policy Framework, "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." Subject to the imposition of conditions, the CHA therefore has no objection to the application.</p> <p>The CHA response, including the recommended conditions, is attached in full.</p>

County Archaeology

The County Archaeologist (CA) has confirmed receipt of a report (as requested) on the results of an archaeological field evaluation undertaken on the site. The CA advises that no evidence for any significant archaeological remains were found. Therefore, the CA recommends that no further archaeological investigation or recording should be required in connection with this planning application, and has no further observations concerning this scheme.

Additional comments from the applicant

Utilities

In response to the Parish Council's concerns regarding the capacity of existing utilities, the applicants have provided a Utilities Statement which they consider confirms that relevant utilities provision can be made for the scheme and that there are no fundamental issues to prevent planning permission being issued.

Proximity of neighbouring property to proposed pumping station

In response to the objectors' concerns regarding the proximity to the proposed pumping station, the applicant confirms that the relevant manufacturers advise that such plant is not audible even if you were to be stood directly on top of the chamber, and in any event the minimum off-set distances to dwellings have been applied. In terms of any flood risk, the pumping station would also have two pumps to reduce the risk of flooding in the event of the main pump failing. It is also required to provide emergency storage of 160 litres per dwelling within the system to provide storage in the unlikely event of both pumps failing. There would be emergency alarms provided which will notify the water company via telemetry that the pump has failed. This storage volume is based on the response time for the water company to reach the pump station to prevent flooding.

Contributions

The applicant has written wishing to point out that, whilst they have no objection to the various Section 106 contributions that are set out in the Committee report, they will require some additional justification as to the specific amounts and also have it demonstrated that the benefitting facilities are not subject to any pooling issues.

The recommendation is that **permission be delegated to the Development Manager to allow for any necessary amendments to the proposed planning conditions (as necessary) and to allow for the completion of a Section 106 Agreement to secure the following planning obligations:**

- * **Affordable Housing - on-site provision and off-site contribution.**
- * **Education - £434,053 for p re School, primary and secondary education requirements.**
- * **Libraries - £13,916.**
- * **Off-site sports provision (playing pitches and changing facilities) - £113,176.**
- * **Provision of a LAP on-site**
- * **Off-site contribution of £75,171 indoor sports facilities.**
- * **Community - a contribution of £32,739 towards community buildings provision in the local area.**
- * **A contribution of £3,550 towards recycling and dog bins and signage.**

1000	15	<p>15/00166/OUT</p> <p>Land At Stoke Road, Bishops Cleeve, GL52 7DG</p> <p>Consultations and representations</p> <p><u>Lead Local Flood Authority (LLFA)</u> - a response has been received from the LLFA which advises it was not a statutory consultee at the time the application was submitted, nevertheless, offers comments given the nature of the application following a request from Officers. The LLFA would object to the application on the basis that a detailed site layout has not yet been developed and as such a full SuDS scheme has not been provided.</p> <p>Nevertheless, the applicants are allowed to submit outline applications and, in these circumstances, it is standard practice across the country to apply appropriately worded planning conditions to outline permissions requiring full details of drainage, based on SuDS principles. Despite its 'in principle' objection the LLFA offer suggested conditions should the application be accepted at outline stage.</p> <p>This is a matter that could be adequately addressed by planning condition.</p> <p>Applicants response to the recommendation:</p> <p><u>Pollution</u></p> <p>The applicant has submitted a response to the Officer report which is attached. The response includes comments from the applicant's Air Quality Adviser. These comments are noted, however, it is not considered that this response changes the view that the application does not demonstrate that the proposals would not be at risk from pollution, in particular from the Wingmoor Farm operations.</p> <p>The applicant's comments regarding connectivity are also noted and understood. Whilst technically ownership is not a planning issue, the lack of control over the proposed linkages as shown on the Development Framework plan mean that there is no way ensuring that those linkages could be secured.</p> <p><u>S106 obligations</u></p> <p>It should be noted that the applicant has confirmed that they agree to the proposed obligations as set out in the report.</p> <p><u>Benefits</u></p> <p>In terms of the purported benefits of the proposal, as set out in the Officer report, it is recognised that the scheme overall offers significant social and economic benefits in the form of housing delivery, including affordable housing and the convenience store.</p> <p>New Homes Bonus can only be considered as a material consideration in the determination of a planning application where there is a direct link between the proposed development and what the money would be spent on - very much in the same way as S106/CIL monies. In this case, this is not possible to determine given the way that the Council decides how to utilise New Homes Bonus monies.</p>
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Item 5 – 15/00394/OUT – Land to the South of B4077, Toddington

Highways Development Management
Shire Hall
Gloucester
GL1 2TH

Ciaran Power
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

email: michael.glaze@gloucestershire.gov.uk

Please ask Michael Glaze
for:

Phone: 01452 425626

Our Ref: T/2015/033844

Your Ref: 15/00394/OUT Date: 29 March 2016

Dear Ciaran Power,

**TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATION**

LOCATION: Land To The South Of B4077 Toddington
PROPOSED: Outline planning application for the erection of up to 39 dwellings and associated works with all matters reserved for future consideration with the exception of access (Revised Applciation 14/00748/FUL).

This response is based on the following amended plans and information:

Transport Statement August 2015, SK04-B, SK05, RSA1, Designer's Response and email from Audit team

General

A Transport Statement has been submitted in support of a planning application for up to 39 dwellings to the south of the B4077 in Newtown, Toddington. The proposal includes the construction of a new vehicular access from the B4077, as well as four separate private access points, each providing access to a maximum of six dwellings. All matters are reserved apart from access.

Planning Policy

The National Planning Policy Framework (NPPF, March 2012) is the primary national planning policy relevant to the proposed development. The main considerations of the NPPF, in transport terms, are set out in Section 4 Paragraph 32:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused where the residual cumulative impacts of the development are severe.

Existing Transport Conditions

Local Highway Network

The site would be accessed via a new priority junctions with the B4077. The B4077 is single carriageway and subject to a 40mph speed restriction. It is a bus route and connects the rural settlements in the area with Tewkesbury, the A46, the A435 and the M5 to the west. The B4077 connects to the B4632 via a four-arm roundabout to the east. The B4632 provides north-south linkages through the area and connects the site with settlements such as Winchcombe and Broadway.

The residential development to the north of the B4077 benefits from frontage access and footway. There is no footway to the south of the B4077 along the site frontage.

Highway safety

The TS has reviewed Personal Injury Accident data for the five year period to 31st December 2015 in accordance with industry standard methodology and concluded that there are no inherent highway safety issues in the vicinity of the site. This is a reasonable conclusion based on the data used, however the accident data is significantly out of date and therefore this analysis should be updated with the most recently available data.

Local facilities

Facilities in Newtown include a public house, a primary school and convenience store. These facilities are within walking distance, although other trip destinations such as supermarkets and employment centres are outside of standard active travel distances. Bus stops at the Newtown roundabout are within the CIHT recommended walking distance of the site.

Sustainability

The TS concludes that the site is relatively sustainably located. Whilst there are some facilities within walking distance, many residents would need to travel further afield for retail, leisure, education and employment and public transport services are intermittent. For this reason GCC considers it important to agree an appropriate package of sustainable transport improvements in order to fulfil the requirements of the NPPF Paragraph 32.

Access

Vehicular Access

The principle of providing access to the site via a priority controlled T-junction and additional private drives serving a small number of dwellings has been agreed as being reasonable during pre-application

discussions. The provision of frontage access and development should help to provide 'side friction' and slow vehicle speeds. ATC data has been collected on the B4077 at the proposed site access. The data showed that the 85th percentile traffic speeds significantly exceed the posted 40mph speed limit. The speed survey data demonstrates that between 10-12 and 14-16 that average speeds are generally below 40mph. On that basis it is considered that applying Manual for Streets parameters for visibility purposes is reasonable. Furthermore, the introduction of a footway and frontage development will help to reduce vehicle speeds.

The revised plan demonstrates visibility splays of 120m can be provided. These are in excess of the splays required for the measured speeds when applying MfS parameters.

The junction provides a road width of 5.5m and corner radii of 10m. A Swept Path Analysis has been provided demonstrating that a large refuse vehicle (9.86m long, 3 axle) can turn into and out of the site access, with at least 0.5m clearance between the vehicles and other vertical boundaries such as kerbs and fences. It is reasonable for the refuse vehicle to over-run the centre line as sufficient forward visibility is provided on the access road for an approaching vehicle to see a turning refuse vehicle.

Servicing

Refuse collection and servicing vehicles will use the primary adoptable access road. The internal layout will be designed to allow vehicles to enter and exit the site in a forward gear. Refuse collection for the private drives will be carried out from the roadside on the B4077. This is acceptable.

Pedestrian/Cycle Access

A 2m footway is provided on both sides of the access road. A further 2m footway is proposed to run alongside the site frontage on the south side of the B4077. An informal footway will be provided along the south of the development providing connection with the B4632.

Tactile paving and dropped kerbs are provided directly to the west of the access junction in order to facilitate pedestrian crossing.

Public Transport

The development proposes to move the existing westbound bus stop on the B4077 20m to the west to accommodate the masterplan. This would move the bus stop away from the facilities to the east of the roundabout, but closer to the new and some existing residences. This is likely to have a neutral impact on public transport availability. There will be a benefit as footway will be provided to access the bus stop.

Highway Impact

Trip rates have been derived using the TRICS database as is standard industry methodology. The TRICS exercise has used the category "houses privately owned" to determine rates for the proposed residential development, which includes 14 affordable dwellings. This is reasonable. The development will generate approximately 25 vehicle trips in both the AM and PM peak hours.

Given the relatively low level of traffic likely to be generated by the development and low levels of opposing flow, GCC can be confident that the proposed site access junction can accommodate traffic levels associated with the proposed development without an unacceptable impact on highways capacity or safety.

Parking

This is a Reserved Matter so a recommendation is not required on this element at this stage and this should be dealt with by the Reserved Matters application. Advice is given on this element to inform the developer in advance of the Reserved Matters Application. The applicant is correct in the assessment that suitable levels of parking will need to be provided so as to ensure that no safety and operational issues result from over-spill parking on the nearby highway. This is particularly pertinent as there are limited locations in Newtown where on-street parking can be accommodated.

GCC's LTP2 forms the current parking standards for residential development, set at a maximum of 1.5 spaces per dwelling. However, the Manual for Streets: Evidence and Research Document (TRL, 2007) found that an average of 1.5 spaces per dwelling is potentially inadequate in a number of new developments. It is increasingly being recognised that we need to manage car use, rather than seek to control car ownership, which was the aim of a maximum standard of 1.5 spaces per dwelling.

Policy 17 of the emerging LTP3 intends to "*Review and appraise residential parking standards for Gloucestershire to meet the needs of housing development sites across the County.*" It is therefore considered that car parking is required to be provided in accordance with the criteria set out in paragraph 39 of the NPPF. It is noted that car ownership in the Isbourne Ward is approximately 1.9 cars per household. Visitor car parking is also required to be included within the development. In order for garages to be counted towards the parking provision, minimum internal dimensions of 3m by 6m are required. Parking courts should be avoided.

Cycle parking should be provided in accordance with the Council's Cycle Facility Guidelines. It is agreed that a minimum of one cycle parking space per household is appropriate.

Layout

The layout of the site is also a reserved matter not to be agreed now. Advice is given on this element to inform the developer in advance of the Reserved Matters application. The layout will need to provide safe and suitable access to and from each dwelling for all modes. A Swept Path Analysis will be required demonstrating that a large refuse vehicle (9.86m long, 3 axle) can traverse the site at the same time as an oncoming estate car, with at least 0.5m clearance between the vehicles and other vertical boundaries such as kerbs and fences.

Travel Plan

The proposed development quantum falls below the threshold required for a Travel Plan.

Road Safety Audit

All issues identified in the audit have been satisfactorily resolved. The audit team have confirmed via email that problem 2.2 has been resolved through the submission of plan SK04-B and that the visibility splays provided are greater than required.

Recommendation

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

No part of the development shall be occupied until the pedestrian improvement works, bus stop relocation and highway safety works shown on plan SK04B have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;*
- ii. provide for the parking of vehicles of site operatives and visitors;*
- iii. provide for the loading and unloading of plant and materials;*
- iv. provide for the storage of plant and materials used in constructing the development;*
- v. provide for wheel washing facilities;*
- vi. specify the intended hours of construction operations;*
- vii. measures to control the emission of dust and dirt during construction*

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

Prior to the use of each site access the first 10m of that access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with drawing SK04-B. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Informative's

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those work.

For avoidance of doubt the submitted layout plan has been treated as being for illustrative purposes only.

The applicant is advised that to discharge condition (LPA numbering) that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and

civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Michael Glaze

Principal Development Co-ordinator

Item 13 - 15/01274/APP - Land To The West And South Of Gloucester Business Park Brockworth

Local Residents

Two additional letters have been received from local residents who share the concerns of previous objectors and consider that existing services and facilities are already oversubscribed and unable to cope with any additional demand.

It is considered that parking within the area is already a problem with many examples of cars being park on the highway. There are a number of houses in multiple occupancy.

Consider there is insufficient Public Open Space which will result in increased pressure on the surrounding AONB.

County Highways Authority

The County Highways Authority (CHA) have now provided their response to the application and consider that the proposed highway layout is broadly the same as that proposed by the framework plan in the Outline application. The road and footways widths are considered acceptable and sufficient to allow safe passage of refuse vehicles. The proposed layout has been subject to a Stage 1 Road Safety Audit including the revised layout plans submitted. The Audit has raised only one concern which is the provision of pedestrian crossing points within the development, this can be provided by way of a planning condition.

Each dwelling is provided with a minimum of two car parking spaces per dwelling with larger properties having a higher provision of up to 4 spaces. Across the development there are also 34 unallocated visitor spaces which would provide parking spaces for visitors and any additional parking demand created by some individual dwellings. The CHA also comment that whilst some of the parking is in 'courts' to the rear of the properties (as required by the Design Code), the access to those parking areas is as direct as reasonably possible. The proposed visitor parking spaces on the spine road would facilitate and limit the number of vehicle parked on the carriageway.

Subject to conditions, the CHA raise no objection to the proposal.

1) Prior to the associated highway being opened to the public or vehicle access being brought into use the area between the visibility splay line shown on submitted plan number 0141-2_305 D shall be cleared of obstruction above a height 600mm and maintained as such for the duration of the development.

Reason - To ensure a safe and secure layout is provided that minimises conflicts between traffic and cyclists or pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of the Tewkesbury Borough Local Plan.

2) Prior to works commencing on site details of pedestrian crossing points within the development shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the dwellings served being occupied.

Reason - To give priority to pedestrian movements and create a safe and secure layout that minimises conflicts between traffic and pedestrians in accordance with paragraph 35 of the NPPF and policy TPT1 of Tewkesbury Borough Local Plan.

The recommendation is now therefore to **Approve** the application.

Item 14 – 15/01177/FUL – Adjacent 74 Evesham Road, Bishop’s Cleeve

Highways Development Management
Shire Hall
Gloucester
GL1 2TH

John Hinett
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

email: michael.glaze@gloucestershire.gov.uk

Please ask Michael Glaze
for:

Phone: 01452 425626

Our Ref: T/2015/035096

Your Ref: 15/01177/FUL Date: 07/04/16

Dear John,

**TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATION**

LOCATION: Adjacent 74 Evesham Road Bishops Cleeve Cheltenham Gloucestershire GL52 8SA

PROPOSED: Erection of 71 dwellings (access from Evesham Road), with public open space and other associated infrastructure

This response is based on the following amended plans:

15010.010-F Site Layout
389-040-A Swept path analysis
TK04-Tracking and forward visibility
D001-Road widths plan
RSA and Designer Response

The recommendation of the Highway Authority to Tewkesbury Borough Council for the proposed development of 71 dwellings accessed via Evesham Road is based on the National Planning Policy Framework, the saved policies within the Tewkesbury Borough Local Plan and any other material planning considerations. I am aware and have considered the consultation responses of the Parish Council and other letters of representation.

Development proposals

A Transport Assessment and Framework Travel Plan have been provided to accompany a full Planning Application for 71 dwellings on land to the east of the A435 and west of the Homelands Farm development. Primary vehicle access is proposed onto Evesham Road.

Sustainable Access

An NMU context report has been provided to support the application to set out the objectives for NMU's travelling to and from the development, in accordance with the DMRB HD 42/05. The report also includes an audit which assesses the suitability of the routes serving the development.

Walk

The TA identifies facilities within walking distance of the site. The majority of the relevant facilities, including supermarkets, local shops and primary schools are located between 1km and 1.5km from the centre of the site as the crow flies. This is above the *preferred maximum* walking distance for town centres of 800m, and above the *acceptable* walking distance for commuting and schools of 1000m, as outlined in the CIHT document "Providing for Journeys on Foot". However, there are facilities at the Homelands and Cleavelands developments within a shorter walking distance which will be built out within the lifetime of this development. The site is therefore considered as an urban extension to Bishops Cleeve, with adequate links to the nearest facilities. There will be a new footway to link to the existing footway on Evesham Road to the east of the site access with an uncontrolled pedestrian crossing provided to allow pedestrians to cross Evesham Road.

Cycle

Cycling is usually considered to be a viable alternative to car travel for trips up to five kilometres in length, this includes many local settlements and the northern edge of Cheltenham. Cycle routes in the area are generally on-road but there is a segregated cyclepath/footpath along either side of the A435 Bypass.

Public Transport

Bus stops are available within the Homelands Farm development, which is a short walk from the development. These new bus stops are served by the following bus services, T, W1 and W2. There are also a number of other bus stops located within walking distance of the site, however these are beyond the recommended 400m distance and therefore have not been considered in great detail as part of this assessment. It is considered that sustainable transport modes have been taken up depending on the nature and location of the site.

Rail

The TA identifies that Cheltenham Spa is the nearest rail station. Many rail users will access the network at Cheltenham due to the range of services. It is also likely that Ashchurch rail station will be accessed for some services as it can be reached without driving through Cheltenham town centre.

Traffic Impact

Access Junction

A simple priority junction is shown to access the site. Swept Path Analysis (SPA) has been provided to demonstrate that a refuse vehicle can make the turning movements into and out of the site. A 6m radii and junction visibility of 2.4m x 54m has been demonstrated. A footway extension and uncontrolled pedestrian crossing has also been provided.

Traffic generation

Manual traffic counts of the nearby Dean Farm development were undertaken to obtain a locally derived trip rate. These trips were compared against the TRICS database. The locally derived trips were slightly

higher than the TRICS rates and were therefore used as the basis for the assessment. It should be noted that the trip rates do not take into account any reduction for travel plan measures. The trip rates used in the assessment do also not take account of the existing breakers yard, which could generate a high number of trips if fully utilised, the assessment is therefore considered extremely robust.

It is estimated that the development of 71 dwellings will generate a total of 44 two way trips in the AM peak and 41 trips in the PM peak.

Traffic Distribution

Traffic has been distributed based on Census Journey to Work data for the Cleeve Ward, which is an accepted methodology.

Site Access

The TA demonstrates that the site access will have sufficient capacity to accommodate the proposed development.

Off-site junctions

The following junctions were assessed to test the impact of the development, A435/Evesham Road, Evesham Road/Finlay Way, Evesham Road/Sunrise Avenue and A435/Hayfield Way/Finlay Way. Given the relatively small scale of the development, the opening year is expected to be 2017. Therefore the impact of the development was assessed in 2017, this assessment also included the committed developments at Homelands Farm and Cleavelands for robustness, although it is accepted that these developments will not be fully built out at this time.

All junctions are shown to be operating with spare capacity, with the exception of the A435/Hayfield Way/Finlay Way roundabout. The base modelling demonstrates that the A435 south arm is currently operating slightly above capacity and that this is exacerbated by committed development. However, the modelling demonstrates that when the proposed development trips are added to the committed development trips, there is no change in the performance of the junction. On this basis, it is clear that the development is not having a severe residual cumulative impact on this junction. Modelling has also been presented which demonstrates that the committed highway improvements at this junction improve the performance of the junction to ensure that it is operating with ample spare capacity. As the development is not having a severe impact on this junction, occupation of the development does not need to be tied to the completion of the junction improvement works.

Road safety

Personal injury collision statistics have been presented for a study area which cover the A435 to the north of the site, to the Hayfield Way roundabout, extending east along Finlay Way and north along Evesham Road.

The 3 collisions recorded were classified as 'slight' injury collisions. Of the 3 collisions, 2 involved cyclists colliding with a car. The nearest accident was recorded on A435, approximately 180m to the west of the Site. A car heading north on A435 was hit by a falling tree, with the driver sustaining slight injuries.

The collision recorded on Finlay Way, occurred when a car pulled out from a private driveway into the path of a cyclist. The other incident involving a cyclist was recorded on Evesham Road (at the junction

with Finlay Way). The incident occurred when a car collided into the side of a pedal cycle as it approached the junction.

Overall therefore it is reasonable to conclude that there are not an excessive amount of personal injury accidents on the wider network and that those accidents that do occur are spread. It is reasonable to conclude that the additional traffic from the development will not have a material impact on general road safety in the area.

Layout

A total of 187 car parking spaces are provided for the 71 dwellings. Each property, except the 1 bed dwellings have at least 2 car parking spaces plus garage provision. The amount of parking provided is higher than the average car ownership figures in the 2011 census data. The parking provision is therefore considered suitable. Amended plans have been submitted demonstrating that adequate forward and junction visibility is available throughout the layout. Tracking plans demonstrate that a large car and a refuse can safely pass each other. The road, footway and shared surface widths are suitable.

A road safety audit has been submitted. The safety issues identified are minor and can be resolved as part of the sc38/278 agreements.

Travel Plan

A Travel Plan has been submitted and reviewed. As the development is for less than 80 dwellings, the Travel Plan will be secured by planning condition rather than obligation, in accordance with GCC's Travel Plan guidance.

Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable consequence of engineering works and can not be avoided, however the submission of a construction method statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

Recommendation

The National Planning Policy Framework (NPPF) states at paragraph 32 that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to the following obligations and conditions being attached to any permission granted

Conditions

No works shall commence until the first 20m of the proposed access road, including the junction with the existing public road (Evesham Road), associated visibility splays, as shown in drawing no.

1066675-D001C, has been completed to at least binder course level, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works, in accordance with paragraph 32 of the National Planning Policy Framework.

Prior to first occupation of the proposed development the site access from Evesham Road including the footway link to the east along Evesham Road and pedestrian crossing shall be completed in all respects in accordance with drawing no. 1066675-D001C, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of the National Planning Policy Framework.

No development shall be commenced until a scheme for the provision of fire hydrants served by mains water supply shall be submitted to and approved in writing by the local planning authority and no building shall be occupied until the fire hydrant serving that building has been provided in accordance with the approved scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the National Planning Policy Framework.

No development shall take place until a Construction Method Statement and Transport Plan has been submitted to, and approved in writing to the local planning authority. The approved Statement shall be adhered to and shall address and provide for:

- i. The parking of vehicles of site operatives and visitors;*
- ii. The unloading and loading of materials;*
- iii. The storage of plant and materials used in constructing the development;*
- iv. Wheel washing facilities;*
- v. Measures to control the emission of dust and dirt during construction;*
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;*
- vii. Details of the site access/routeing strategy/signage during the construction period.*

Reason: To reduce the potential impact on the public highway in accordance with paragraph 32 of the National Planning Policy Framework.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the car parking associated with each dwelling within the development (including garages and car ports where proposed) has been provided in accordance with the submitted plan and shall be maintained available for that purpose thereafter.

Reason: - To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework. .

Informatives

The applicant is advised that to discharge condition XX that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following groups will not be affected by the transport impacts of the proposed development: gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Michael Glaze

Principal Development Co-ordinator

Item 15 - 15/00166/OUT – Land At Stoke Road, Bishop’s Cleeve



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Mr Paul Skelton
 Planning Department
 Tewkesbury Borough Council
 Gloucester Road
 Tewkesbury
 GL20 5TT

8th April 2016

Dear Mr Skelton

Proposed Residential Development at Stoke Road, Bishop’s Cleeve, ref:15/00166/OUT

Following our telephone conversation on 4th April I set out below our comments in respect of your recommendation to refusal planning permission for our proposals at Stoke Road, Bishop’s Cleeve.

Reason 1a (pollution): It is disappointing that the Planning Department failed to provide the comments from Worcester Regulatory Services (dated 18th June 2015) until 4th April 2016. Consequently we have not been able to respond on this matter until now.

Addendum 1 (attached) provides the response from Wardell Armstrong which demonstrates the following:

- The proximity of the Wingmoor Waste Site will not lead to significant air quality effects at the proposed development site.
- The methodology used by Wardell Armstrong was undertaken in accordance with the methodology agreed with Tewkesbury Borough Council’s Environmental Health Officer.
- There are no objections from the Environment Agency nor Environmental Health.

Reason 1b (connectivity): The assertion within the Officer’s Report that the proposal cannot connect to the south-east of the site is predicated on an objection from the landowner. A legal opinion has been provided to the Council and landowner demonstrating that this is an historic route of carriageway and drift way and therefore access is permissible. Even if this was not the case, the Officer’s Report already accepts that “it is not considered that this issue in itself justifies refusal”, nor has the County Highways Officer raised an objection. Land ownership is not a land use planning consideration.

Addendum 2 (attached) provides the legal response on this matter.

Reasons 2 – 4 (planning obligations): The Officer’s Report does not reflect the constructive discussions with consultees in terms of planning obligations, which are largely agreed. Notably, it has been agreed with Erin Davies (Strategic Housing & Enabling Officer) that the proposal provides a 50% financial contribution of £3,307,500 towards off-site provision of affordable housing, with the remainder being provided on-site.

Directors: D J Gladman BA, K J Gladman MCSP, SIBP, J M S Shepherd BSc, CEng, MIEE, G K Edwards DipITP, MRTPI
 VAT Registration No. 677 6792 63

Registered Address: Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire, CW12 1LB, Registration No. 3341567

Education, NHS, and public transport contributions have also been agreed. If the proposal is approved, Gladman will seek to reach agreement on any outstanding matters as expeditiously as possible.

Planning Balance

It is considered that the Committee Report does not demonstrate that any adverse impacts would significantly and demonstrably outweigh the benefits. The benefits include:

- **Market Housing** – The proposal will make a significant contribution in providing market housing. This will ease the shortfall in housing land supply, which the Inspector has raised concerns over in finding the emerging Local Plan sound.
- **Affordable Housing** - The proposals will provide 40% affordable housing at a time where there is a chronic shortage within the District. It has been agreed that a 50% financial contribution of £3,307,500 towards affordable housing will be provided, with the remainder being delivered on-site.
- **Provision of A1 convenience store** – the provision of a local shop will allow both new and existing residents to access everyday goods without needing to visit the centre of the Bishop's Cleeve.
- **Economic Benefits** - New Homes Bonus (NHB) of £2.3 million over six years to Tewkesbury Borough Council, whilst Gloucestershire County Council would receive £574,000 over six years. The proposal will create 60 full time construction jobs and, once complete, the annual household spending will equate to £1.5 million in Tewkesbury and £1.2 million in Bishop's Cleeve.

On this basis, it can reasonably be concluded that there are no material considerations or adverse impacts which demonstrably outweigh the benefits which flow from the development. It is therefore requested that the proposal is approved.

Yours sincerely

John Chorlton
Gladman Developments
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ADDENDUM 1

Wardell Armstrong Air Quality Response

Wardell Armstrong
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 Telephone: +44 (0)1942 260101 Facsimile: +44 (0)1942 261754 www.wardell-armstrong.com



Our ref: LE12436/CMD/RMc/003
 Digital ref:
 Your ref:

Date: 6th April 2016

Mr Paul Skelton
 Tewkesbury Borough Council
 Council Offices
 Gloucester Road
 Tewkesbury
 Gloucestershire
 GL20 5TT

Dear Mr Skelton

15/0166/OUT – Land off Stoke Road, Bishops Cleeve

Further to your correspondence with Mr John Chorlton at Gladman Developments Limited on 3rd April 2016, we have reviewed the comments provided with regard to the air quality assessment for the proposed development at land off Stoke Road in Bishops Cleeve.

From the information provided to us, it is understood that comments have been provided by Ms Laura Carradine, Senior Technical Officer at Worcester Regulatory Services (WRS), on 18th June 2015 (although these were only received by the client on 4th April 2016) and from Mr Neil Kirby, Senior Technical Officer at WRS, on 1st April 2016. Comments have also been provided by Grundon Waste Management Limited in a letter dated 30th July 2015. Finally, we have also been provided with a copy of the Tewkesbury Borough Council (TBC) Committee Report, dated 4th April 2016.

Please find to follow our response to these comments.

Consultation and Agreement on Scope of Assessment

Consultation was undertaken by telephone and email with Ms Kathryn Griffiths, Senior Environmental Health Officer at TBC, between 30th June and 2nd July 2014. A detailed methodology was provided by email, which included the use of the Design Manual for Roads and Bridges (DMRB) screening spreadsheet for the prediction of road traffic emissions, and was agreed by return email on 2nd July 2014. From a discussion with Ms Griffith on 30th June



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ENERGY AND CLIMATE CHANGE
 ENVIRONMENT AND SUSTAINABILITY
 INFRASTRUCTURE AND UTILITIES
 LAND AND PROPERTY
 MINING AND MINERAL PROCESSING
 MINERAL ESTATES AND QUARRYING
 WASTE RESOURCE MANAGEMENT



2014, it was understood that the main concern was the location of the proposed development in relation to the Wingmoor waste site. Contact details were also provided for the relevant Regulatory Officers at the Environment Agency (EA), in order to discuss this element of the assessment further.

Contact was made by telephone with Ms Sarah Dennis at the EA on 1st July 2014 and further email correspondence took place with both Ms Dennis and Ms Anna Turner between 2nd and 3rd July 2014, when information was provided in relation to the annual monitoring reports for both landfill sites and the odour complaint history (associated with the waste site) for the Bishops Cleeve area.

No reference was made during this period to the requirement for further consultation with WRS. The assessment was therefore undertaken in accordance with the methodology agreed with TBC, considered by Wardell Armstrong at the time to be the appropriate Local Planning Authority (LPA) for the proposed development site, and taking into account available information about the Wingmoor waste site from the EA.

Use of the DMRB Screening Tool in the Air Quality Assessment

As per the standard procedure used by Wardell Armstrong, a review of the local air quality situation and any potential issues associated with air quality, was undertaken prior to the preparation of the proposal and consultation with TBC. This review identified that, as of 2014, there were no Air Quality Management Areas (AQMAs) located in the vicinity of the proposed development, or in Bishops Cleeve as a whole. The closest AQMA was identified as being within the centre of Tewkesbury, approximately 5.6km to the north west. In addition, it was noted that there was no air quality monitoring taking place within Bishops Cleeve. The presence of the Wingmoor waste sites was also noted and further research was undertaken to identify the various processes taking place within its boundary.

The study area of the air quality assessment was informed by the traffic flow information available from the appointed transport consultant and from discussions with TBC. Given the distance to the Tewkesbury AQMA, it was not considered likely that traffic associated with the proposed development would have a significant impact within its boundary, due to dispersal across the local highway network.

It is acknowledged that the emission factors used within the DMRB screening tool have been superseded by those included within the Emission Factor Toolkit (EFT) v6.0.2; however where air quality from road traffic emissions is not considered to be a significant issue, the DMRB screening spreadsheet is still considered to be a useful tool to allow the potential impact of development generated traffic to be assessed. Where the use of the DMRB screening tool suggests a potential air quality issue, it is considered good practice to consider the issue in more detail (i.e. through the use of an air dispersion model such as ADMS-Roads).

It should also be noted that the air quality assessment considered a robust approach in that 2013 background concentrations and vehicle emission factors were used in the 2020 Opening/Future Year scenarios. Therefore, no improvement in backgrounds or emissions over time were assumed.



Given that there are no AQMAs or air quality monitoring locations within Bishops Cleeve, it was considered that the DMRB screening tool would provide a suitable methodology for considering this source. As previously stated, this methodology was agreed with TBC.

The results of the assessment concluded that development generated traffic would lead to:

- An increase of between 0.06 and 0.22 $\mu\text{g}/\text{m}^3$ in nitrogen dioxide (NO_2) concentrations at the five existing sensitive receptor locations considered; and
- An increase of between 0.02 and 0.07 $\mu\text{g}/\text{m}^3$ in fine particulate matter (PM_{10}) concentrations at the five existing sensitive receptor locations considered.

All pollutant concentrations predicted were predicted to be well below the relevant Air Quality Objectives, at both the five existing and one proposed sensitive receptor location considered.

Taking into account these results, the DMRB screening tool is considered to be an acceptable tool for the consideration of road traffic emissions in the air quality assessment. The use of the ADMS-Roads dispersion model is considered unlikely to change the overall conclusions of the report, in relation to road traffic emissions.

Consideration of the Wingmoor Waste Site

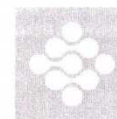
A separate section was included within the air quality assessment report to consider the potential effects of the Wingmoor waste site on the proposed development.

The first step was to identify the various permitted processes within the collective waste sites to be considered further. This research was undertaken using information available online, and by taking into account the information provided by the EA during initial consultations.

The assessment comprised a review of relevant documents relating to the Wingmoor waste sites including annual monitoring reports for the hazardous and non-hazardous landfill sites; the air quality assessments undertaken for two consented Anaerobic Digestion (AD) facilities within the waste site; and a Neighbourhood Health Profile compiled by the NHS.

The closest permitted activities to the proposed development site are the Wingmoor Quarry non-hazardous landfill site and the Materials Recycling Facility (MRF), both operated by Grundon Waste Management Limited.

Following receipt of the comments provided by Grundon Waste Management Limited, in relation to the planning application for the proposed development, it is accepted that the boundary of Wingmoor Quarry non-hazardous landfill site included on drawing LE12436-003 is incorrect with relation to the area covered by the Environmental Permit. It was however noted from the information provided by the EA in relation to the landfill site that the area closest to Stoke Road (i.e. identified as Phase 1, in the northern part of the Permit area) was identified as having been restored (Plan provided by the EA and produced by GWP Consultants, Ref: BISH1310, dated 22/10/2013).



The distances included within the air quality assessment report therefore refer to the closest areas where it could be identified from the available information that landfilling activities (i.e. waste disposal) were likely to take place. However, it is accepted that the distances included within Table 21 of the air quality assessment report should be standardised to take into account the distance from the Permit Area boundary to the proposed development.

Despite the discrepancy in relation to the distance of the Wingmoor Quarry non-hazardous landfill site to the proposed development site, it is understood from the information provided by the EA that monitoring of fine particulate matter takes place at locations adjacent to the northern site boundary (and therefore at a closer distance to the proposed development site than the distance included within Table 21 of the report). This does not therefore affect the conclusion of the consideration of dust and fine particulate matter effects associated with the landfill site, as included within the air quality assessment report.

It is noted that concerns have been raised with regard to the potential air quality effects associated with the Wingmoor waste sites at the proposed development. With regard to air quality, the main impacts associated with the Wingmoor waste site are identified as:

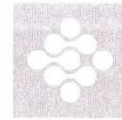
- Road traffic accessing the site; and
- Point sources, such as landfill gas engines and Combined Heat and Power (CHP) units associated with the two consented Anaerobic Digestion (AD) plants.

Road traffic associated with the Wingmoor waste site will have been included within the traffic data used in the air quality assessment, as the site is operational, and so forms part of the baseline. The results of the air quality assessment suggest that pollutant concentrations within the proposed development site, as a result of road traffic emissions will be well below the Air Quality Objectives, even when no improvement in air quality by 2020 is assumed.

With regard to the point sources, from the information provided by the EA it is understood that the landfill gas engines are located approximately 300m to the west of the proposed development, and the closest consented AD facility is the Wingmoor Farm East AD facility operated by Andigestion, located approximately 710m from the proposed development.

As detailed in the air quality assessment report, air dispersion modelling was undertaken by SKM in support the planning application for the AD facility, which showed that there would be no exceedances of the relevant Air Quality Objectives at the Malvern Business Park (i.e. at a location adjacent to the proposed development site) for two scenarios: when just the proposed AD facility was taken into account, and when both AD facilities and the landfill gas engines were considered cumulatively.

Given the results of previous air dispersion modelling and the distances of the proposed development site to the closest point sources, it is not considered likely that these point sources will lead to significant air quality effects at the proposed development site.



Consideration of Dust Emissions from Elliot's Aggregates

We also note that the Committee Report refers to the potential for dust to arise from the neighbouring "Elliot's Transport" premises, which we have not been able to find reference to in any of the other comments provided.

It is assumed that this refers to Elliot's Aggregates, a relatively small scale paving and landscape supplies premises located to the east of the site. This appears to be quite a small source of dust in terms of scale and therefore we wouldn't expect it to lead to significant dust effects for future residents at the proposed development.

We trust that this provides some clarification on the comments raised with regard to the air quality assessment.

Yours sincerely
for Wardell Armstrong LLP

REBECCA MCCOLLOM
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ADDENDUM 2

Legal Response to Historic Public Carriageway and Driftway

Note on the Private Carriage Road and Driftway in response to paragraph 7.5 of the planning committee report dated 04.04.16

We attach:

- 1 objection received as part of the planning process – Hunter Page 17.07.15
- 2 response from Gladman 06.08.15
- 3 copy of our research showing the route of the private carriage road and driftway
- 4 statutory declaration of the landowner relating to the use of the pathway

Paragraph 7.5 refers to the objection attached. The report acknowledges that this does not in itself justify refusal. We responded to that objection and confirm we have received no further correspondence from the objecting landowner particularising their objection or refuting our response of 06.08.15

We attach a copy of our research which shows a historic public carriage road and driftway in the position of the access and have found no evidence to the contrary.

Additionally we attach a statutory declaration of the landowner confirming over 50 years use of the pedestrian access route.

Based on our research, the evidence of the landowner of the promotion site and the lack of any objection as part of the planning consultation other than an isolated objection to which we have responded, we do not consider there is any legal reason to question the deliverability of access either by private carriageway and driftway and/or by reason of a right of way established by long user.

Gladman Legal Department

07.04.16



Mr. Andrew Thompson
 Planning Department
 Tewkesbury Borough Council
 Council Offices
 Gloucester Road
 Tewkesbury
 Gloucestershire
 GL20 5TT

Our Ref. PF/HJ/eds
 17th July 2015

SENT ELECTRONICALLY

Dear Mr. Thompson

OBJECTION TO PLANNING APPLICATION REF. 15/00166/OUT FOR THE DEVELOPMENT OF UP TO 265 DWELLINGS AND A1 CONVENIENCE RETAIL STORE OF UP TO 200SQM, WITH ASSOCIATED OPEN SPACE AND LANDSCAPING; ON LAND AT STOKE ROAD, BISHOPS CLEEVE

We are instructed by our client with regard to the above application for the proposed development on land at Stoke Road, Bishop Cleeve.

Having visited the site and read the application documentation, we write to object to the application for the reason set out below. From the outset, an objection is made on the basis that pedestrian access into the site is proposed on land that does not fall within the applicants' ownership and they have not served notice on the landowner informing him that an access route is being proposed through his land. Additionally, the access has not been included within the red line on the site location plan submitted as part of the application. There is also concern regarding the proximity of the proposed residential use to an existing employment site.

Before dealing with the above matters I have sought to set out the relevant background information to the development.

Relevant Background Information

The Site

The application site comprises four agricultural fields on the westernmost edge of Bishop's Cleeve. It measures approximately 13.56ha and is 'L' shaped. Open countryside lies beyond the north and western boundaries of the site whilst the south-western corner of the site is adjacent to Stoke Road. Existing residential development lies beyond the north eastern boundary whilst a parcel of land and Malvern View Business Park separates the northern-eastern section of the site from Stoke Road to the south.

The Development

Outline planning permission is being sought for up to 265 dwellings and an A1 convenience store with only access being determined at this stage. New vehicle access into the site is proposed from Stoke Road into the south-western section of the site. An emergency vehicle access point is also being proposed in this area of the site whilst pedestrian access routes are proposed in the north-eastern corner of the site. The southern proposed pedestrian access route into the north-eastern section of the site runs north-south through a parcel of land to the south of the site. This is an existing track but is not a Public Right of Way (PROW) and will require work to be brought into use.

Relevant Planning Policy

The adopted development plan for Tewkesbury Borough consists of the Tewkesbury Borough Local Plan (2006). This plan expired in 2011, therefore in-line with paragraph 215 of the National Planning Policy Framework (NPPF) (2012), its policies are afforded weight according to their degree of consistency with the NPPF.

However, of relevance to this objection are paragraphs 24 (ref ID. 14-024-20140306) and 27 (ref ID. 14-027-20140306) of the National Planning Practice Guidance (NPPG) (2014) note titled 'Making an Application'.

Paragraph 24 lists the information which must be included on a location plan and states that the red line should include all land necessary to carry out the development. This includes access to the site.

Information relating to applications on someone else's land is contained within paragraph 27. It states that the applicant must notify owners of the land and buildings to which the application relates.

Points of Objection

As stated above, there are three matters upon which our client wishes to object to the proposal, both will be dealt with in turn below.

Serving Notice

Prior to submitting the application the applicants have not served notice on our client, despite part of the proposed development being located on land which falls within his ownership. The aspect of the development referred to is the proposed pedestrian access which connects the north-eastern corner of the site with the existing public right of way connecting Stoke Road with residential development to the east of the site (referred to above as the southern proposed pedestrian access route). The stretch of the path proposed to provide pedestrian access into the site is not a public right of way so the applicants require a right of access in order for it to be used. The Development Framework Plan which accompanies the application demonstrates this access route runs north-south through the eastern section of a parcel of land to the south of the site, which is owned by our client.

This approach taken by the applicants is not consistent with paragraph 27 of the NPPG note titled 'Making an Application'.

Red Line Plan

As illustrated above, a pedestrian access into the site is proposed from Stoke Road, entering at the north-eastern section of the site. In accordance with paragraph 24 of the NPPG note titled 'Making an Application' this proposed access route should be included within the red-line on the location plan as it is necessary to carry out the development. This has not been done and results in the application being in conflict with the NPPG.

Proximity to Existing Employment Land

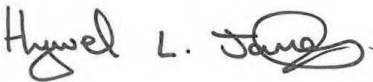
Further concern is raised in relation to the proximity of the existing employment at Malvern Hill Business Park to the proposed residential. It is considered that a larger buffer is required between the two uses.

Conclusion

The applicants have acted contrary to the relevant guidance of the NPPG by not serving notice on our client who owns the parcel of land to the south of the proposed development site, through which the proposed pedestrian access runs, and by not including the proposed pedestrian access within their red line boundary on the site location plan. It is therefore respectfully requested that the application is refused for the reasons set out above. The proximity of the proposed residential development to the existing employment site is also a concern. I would be grateful if you would register our client's strong objection to this application.

Please don't hesitate to contact me should you need any further information.

Yours Sincerely

pp. 

Paul Fong MRTPI
Hunter Page Planning
paul.fong@hunterpage.net



Our Ref: RES/sm/SL244/01/M/01

Att: Andrew Thompson
 Planning Department
 Tewkesbury Borough Council
 Council Offices
 Gloucester Road
 Tewkesbury
 Gloucestershire GL20 5TT

Gladman House, Alexandria Way
 Congleton Business Park
 Congleton, Cheshire
 CW12 1LB

T: 01260 288800

F: 01260 288801

www.gladman.co.uk

06 August 2015

Dear Sirs

**Planning Permission Reference: 15/00166/OUT
 Land at Stoke Road Bishops Cleeve**

We write in response to the letter of objection from Hunter Page Planning dated 17 July 2015 forwarded to Gladman Developments Limited as the applicant.

The objection as referred to in paragraph 2 is that:

1. the pedestrian access is not within the applicant's ownership
2. the owner of the pedestrian access has not been served notice of the application; and
3. the access is not included within the red line on the site plan submitted as part of the application

Dealing with those points in turn:

1. there is no requirement for the access to be within the applicant's ownership. Enquiries made by the applicant indicate this as being a historic route of carriageway and driftway through those fields
2. there is no requirement to serve a notice of the application on the owner as the red line boundary submitted as part of the application did not include this area and the access route was shown as indicative as based on a historic route of access through these fields
3. for the reason set out above we agree that it is not included within the redline on the site plan and it was not intended to be

Yours faithfully

A handwritten signature in black ink, appearing to read "Rebecca Simpson".

REBECCA SIMPSON
Solicitor for Gladman Legal Department

Direct Dial: 01260 288918
 E-mail: b.simpson@gladman.co.uk

Enc:

M:\Legal Documents\STRATEGIC LAND - (formerly FLP)\2014 Bishops Cleeve\9. Correspondence\15-08-10 - Lett - LPA.docx

BISHOPS CLEEVE FOOTPATH - PRELIMINARY ARCHIVAL NOTES

1. The Bishops Cleeve tithes were commuted and the common fields inclosed in the late 1830s and 1840s: the surveyor for both operations (Richard Hall) signed an oath of due diligence in November, 1837; the tithe apportionment is dated 31 January, 1839; the tithe map is dated 1841; and the Inclosure award (with a separate plan) was enrolled in 1847.

2. The inclosure award created Stoke Road as **Public Carriage Road and Highway No. 1** (the "Bishops Cleeve and Stoke Orchard Road"), as well as a number of other roads; amongst these was the subject pathway, identified as **Private Carriage Road and Driftway No. 9**.

3. The lower sections of this path were shown on the tithe map as skirting an older inclosure ("Upper Hisnams", allotment No. 622), and are marked separately from the northward extensions on the inclosure plan. Although this suggests that these sections of the path predated the tithe and inclosure awards, the inclosure description clearly includes them as part of private road No. 9.

4. As detailed by the attached, Private road No. 9 extended much further north than "point A" of the subject pathway, and included an east/west section further north.

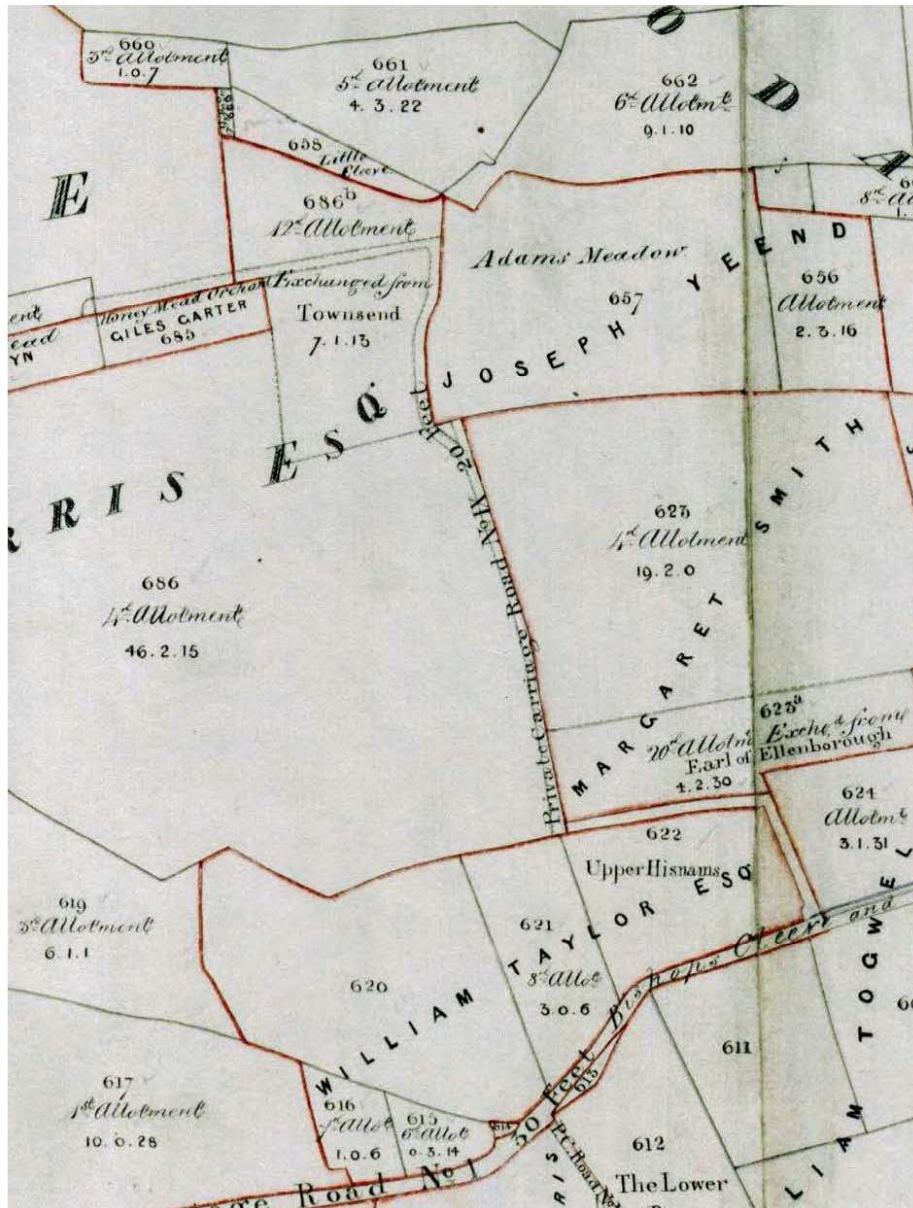
Documents:

Map 1	1841 tithe map, showing the path around Upper Hisnams.
Map 2	Part of the inclosure map which defines the line of private road No. 9.
Documents	Transcripts and copies of inclosure award descriptions of Public Carriage Road and Highway No. 1, and Private Carriage Road and Driftway No. 9.
Map 3	Larger-scale excerpt from the inclosure plan identifying private road No. 9 and properties with beneficial use and liability for the upkeep of the road.
Map 4	Aerial photo marking line of private road No. 9.

W H H Van Sickle
11 January, 2015



Map 1. Tithe Map, 1841



Map 2. Bishops Cleeve Inclosure Plan.

Transcripts and Copies of Bishops Cleeve Inclosure Award

No. 1

One Public Carriage Road and Highway of the width of Thirty feet numbered 1 on the Map or Plan hereunto annexed commencing at the north west corner of a Garden now or lately belonging to John Probyn and extending in a westwardly direction over the Farm Furlong and Horsecast Fields to the south east corner of a close called Upper Hisnams lately belonging to Mrs Taylor and now to Mr William Taylor thence between Inclosures to the north west corner of Burrows Piece lately belonging to Mrs Morris the Widow of William Morris Esquire both now deceased and thence in a northwestwardly direction into and over the Irish Butts and Wingmore Fields to the junction with the new road leading to Stoke Orchard and which said Public Carriage Road and Highway No. 1 is called the Bishops Cleeve and Stoke Orchard Road.

No. 9

One other Private Carriage Road and Driftway of the width of twenty feet and numbered 9 on the same map or plan commencing from and branching out of the Public Carriage Road and Highway No. 1 at the south west corner of an old Inclosure called Upper Hisnams belonging to Mr William Taylor and extending first in a northwardly direction then in a westwardly direction over the Allotment No. 623a then in a northwardly direction over the Allotment No. 686 along a part of the eastern side thereof then extending over the Allotment 686b first in a northwardly and then in a westwardly direction thence over or upon the Allotment No. 682 along a part of the southern side thereof and thence over or upon the Allotment No. 683 along a part of the southern side thereof to the north east corner of an Inclosure called Runny Mead now or lately belong to John Probyn.

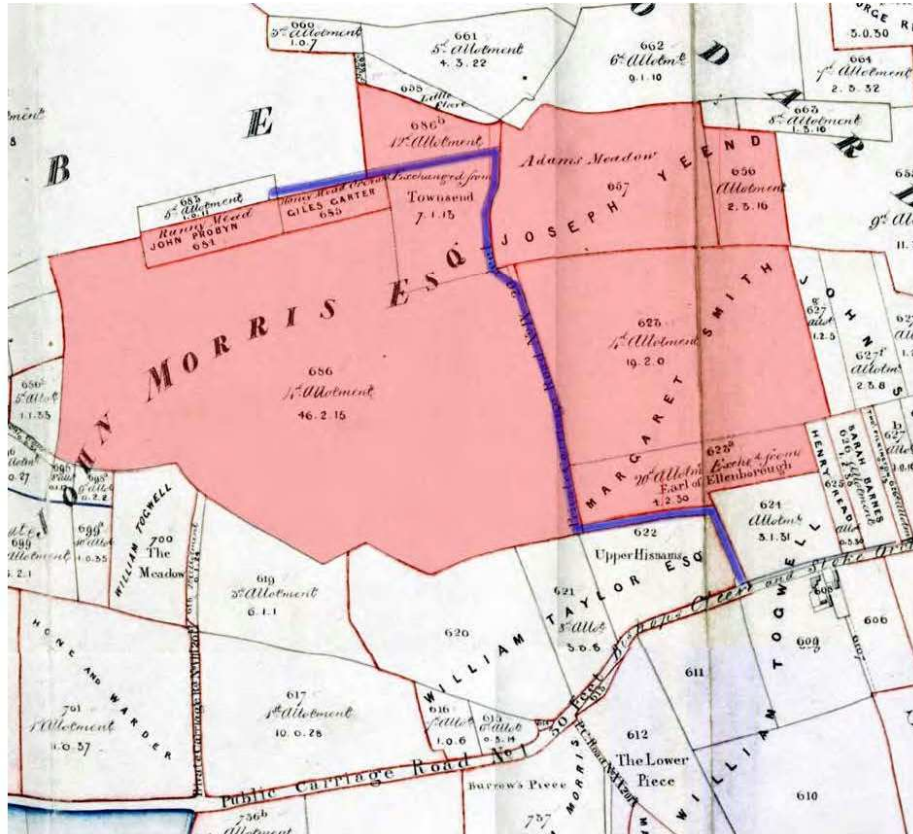
And he the said Commissioner doth hereby order direct appoint and award that the lastly described Road shall and for ever remain a Private Carriage Road and Driftway for the use of the Owners and Occupiers for the time being of the Allotments being respectively Nos. 623, 623a, 656, 686, and 686b and of the old Inclosures called respectively Adams Meadow now or lately belonging to Joseph Yeend Honey Mead Orchard now or lately belonging to Giles Carter and Runny Mead now or lately belonging to John Probyn and shall be made and at all times hereafter be supported and kept in repair by and at the expence of Margaret Smith Joseph Yeend and the owner or owners of the freehold estate late of John Morris as the Owners of the lastly mentioned Allotments their respective heirs and assigns in the proportions following that is to say to every sum of ten shillings costs of making supporting and keeping in repair the same the said Margaret Smith shall pay the sum of Three shillings and six pence the said Joseph Yeend the sum of Three shillings and six pence and the said owner or owners of the freehold estate late of John Morris the sum of Three shillings and so in proportion for any greater or less costs of making supporting and keeping in repair the same Carriage Road and Driftway.

9. *One other private carriage Road and Driftway*
of the width of Twenty feet and numbered 9, on the same
Map or plan commencing from and branching out of the a-
fore said carriage Road and Highway N^o 1. at the south east co-
rner of an old Inclosure called Upper Hounams belonging to
Mr William Jagter and extending first in a northwardly di-
rection then in a westwardly direction over the Attachment
N^o 623^o then in a northwardly direction over the Attachment
N^o 626. along a part of the eastern side thereof thence ex-
tending over the Attachment N^o 626 first in a northwardly and
then in a westwardly direction thence over or upon the at-
tachment N^o 622. along a part of the southern side thereof
and thence over or upon the Attachment N^o 623. along a

part of the southern side thereof to the north east corner
of an Inclosure called Hunny Mead now or lately belonging
to John Prebyn.

And he the said Commissiener doth hereby order direct
appoint and award that the lastly described Road shall be
and for ever remain a private carriage Road and Driftway
for the use of the Teners and Occupiers for the time being of
the Attachments being respectively N^o 623. 623^o. 626. 626. and
626. and of the old Inclosures called respectively Adams in
Meadow now or lately belonging to Joseph Hound Henry Mead
Orchard now or lately belonging to Giles Carter and Hunny Mead
now or lately belonging to John Prebyn and shall be made
and at all times hereafter be supported and kept in repair
by and at the expence of Margaret Smith Joseph Hound and
the owner or owners of the freehold estate late of
John Morris as the Teners of the lastly mentioned Attachments
their respective heirs and assigns in the proportions following
that is to say In every sum of ten shillings costs of making
supporting and keeping in repair the same the said Margaret
Smith shall pay the sum of Three shillings and six pence the
said Joseph Hound the sum of Three shillings and six pence
and the said John Morris the sum of Three shillings and six
pence in proportion for any greater or less costs of making supporting
and keeping in repair the same carriage Road and Driftway.

10. *One other private carriage Road and Driftway*
of the width of Twenty feet and numbered 10. on the same



Map 3. Bishops Cleeve Inclosure Plan

- Blue: Line of Private Carriage Road and Driftway No. 9
- Red: Properties identified as having beneficial use and liability for upkeep of private road No. 9



Map 4. Aerial showing line of Private Carriage Road and Driftway No. 9.

STATUTORY DECLARATION

Land at Stoke Road, Bishops Cleeve, Gloucestershire

I, **DONALD MARTIN GILDER** of Pinnock Wood Farm, Winchcombe, Cheltenham Gloucestershire DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I and other members of my family have owned the field known as Bitwell's Piece since 1940 to the present day. My family has farmed Bitwell's Piece since this time.
2. There is now produced to me and marked "DG1" a plan showing Bitwell's Piece edged and hatched red. The part shown hatched pink on the plan was sold to Cleevewood Properties in 2001.
3. From on or about 1940 until 2001, I and my other family members used the track shown coloured green on the accompanying plan as a means of access to an egress from Bitwell's Piece. We would walk along the track and bring farm machinery along it as necessary. Our use ceased in 1991 when an alternative access was provided linking Bitwell's Piece and our adjoining land to Stellar Way.
4. To my knowledge and belief my family has never been prevented from using the track as an access to Bitwell's Piece and our adjoining land and no third party has claimed to own the track.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared at
in the County of

this day of 2016

Before me,
Solicitor/Commissioner for Oaths

Agenda Item 5b, Page 34**13/01003/OUT****Land South of the A46 & North of Tirl Brook, Ashchurch, Tewkesbury**

The applicant has confirmed agreement with the conditions as set out in Appendix 1. The only matter raised is the addition of "staff rooms and storage areas" to the list of exclusions set out under the definition of 'Net Sales Area'. This is considered to be acceptable.

In terms of S106 heads the applicant is agreed on transportation and on the highway reserve land. In terms of Tewkesbury Town Centre mitigation it has been agreed that a sum of £1.2m would provide for mitigation that obviates harm in accordance with the tests set out at CIL Regulation 122. The contributions would be used towards measures which increased footfall and spend within Tewkesbury Town Centre (ie mitigated adverse impacts of the proposed development) to include, but not necessarily limited to (to introduce flexibility for any further evolution of these plans), the initiatives listed in appendix 3 of the report. It was agreed with the applicant that trigger points for payments in the S106 should ensure that the appropriate mitigation measures are in place to address the impact from the proposed development.

Agenda Item 5c, Page 89**15/01124/FUL****Noake Farm, Churchdown Lane, Churchdown, GL3 2LS**

Notes:

The following additional notes are recommended to be added to any planning permission granted:

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
2. The applicant is advised that protected species (including bats) may be present on site. The Conservation of Habitats and Species Regulations 2010 provides very strong protection for these species and so you must be certain that they are not present before works begin. If the presence of bats or other protected species is suspected, a licence may be required from Natural England before works can commence. If protected species are found whilst carrying out work, all work must stop and Natural England must be informed.

The consent given by this notice does not override the protection afforded to these species and their habitat.

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	10 th May 2016
Subject:	13/01003/OUT - Land South of the A46 And North of Tirlle Brook, Ashchurch, Tewkesbury
Report of:	Joan Desmond, Senior Planning Officer
Chief Officer:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies, Lead Member for Built Environment
Number of Appendices:	5

<p>Executive Summary:</p> <p>To consider the suggested additional planning condition to secure the provision of a shuttle bus service to be attached to the outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping on land South of the A46 and North of Tirlle Brook, Ashchurch.</p>
<p>Recommendation:</p> <p>That Members PERMIT the proposed development subject to the suggested planning conditions and S106 agreements to mitigate the impact on Tewkesbury Town Centre; to address transportation issues and to ensure that land is safeguarded for potential highway improvements to the A46 and junction 9 on the M5.</p>
<p>Reasons for Recommendation:</p> <p>At the Planning Committee on 15 March 2015 Members resolved to grant outline planning permission (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping (13/01003/OUT) on land South of the A46 and North of Tirlle Brook, Ashchurch, Tewkesbury subject to appropriate planning conditions and S106 agreements. The suggested planning conditions and S106 agreements were considered by Members at the last Planning Committee and Members resolved to defer consideration of the application subject to the provision of a shuttlebus service.</p>

<p>Resource Implications:</p> <p>None</p>
<p>Legal Implications:</p> <p>Completion of S106 legal Agreements</p>

<p>Risk Management Implications:</p> <p>None</p>
<p>Performance Management Follow-up:</p> <p>None</p>
<p>Implications for Biodiversity:</p> <p>None</p>

1.0 INTRODUCTION/BACKGROUND

- 1.1** At the Planning Committee on 15 March 2016 Members resolved to grant outline planning permission (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping (13/01003/OUT) on land South of the A46 and North of Tirlle Brook, Ashchurch, Tewkesbury subject to appropriate planning conditions and S106 agreement. (Copy of Committee report is attached at **Appendix 1**).
- 1.2** Members considered that the proposed development would not have an adverse impact on the health of Gloucester City Centre and whilst it was felt that it would have an impact on the health of Tewkesbury Town Centre, this impact would not be significant and any adverse impact could be addressed through appropriate mitigation measures. County Highways raised no objection to the development subject to a S106 agreement for the following contributions:
- £70,000 towards the provision of GCC scheme 9172 for the footway/cycleway to the east of Northway Lane;
 - £289,425 towards the GCC A438/Shannon Way Improvement scheme; and
 - £5000 monitoring fee for a Travel Plan.
- 1.3** In terms of Tewkesbury Town Centre mitigation it has been agreed that a sum of £1.2M would provide for mitigation that obviates harm in accordance with the tests set out at CIL Regulation 122. The contributions would be used towards measures which increased footfall and spend within Tewkesbury Town Centre (i.e. mitigated adverse impacts of the proposed development) to include, but not necessarily limited to (to introduce flexibility for any further evolution of these plans), the initiatives listed in **Appendix 2** of the report. It was agreed with the applicant that trigger points for payments in the S106 should ensure that the appropriate mitigation measures are in place to address the impact from the proposed development.
- 1.4** The applicant has submitted draft S106 agreements for transportation issues; Town Centre initiatives and a draft Unilateral Undertaking for the safeguarding of land for improvements to the A46 and Junction 9 of the M5. Copies of these agreements are attached at **Appendix 3**. It should be noted however, that the suggested agreement for Town Centre indicatives has been superceded by the recent agreement of the applicant as detailed above in Paragraph 1.3.
- 1.5** At the last Planning Committee on 12 April 2016, Members resolved to defer consideration of the application subject to the provision of a shuttlebus service to run between the proposed development and Tewkesbury town centre.

1.6 Given the type and scale of the development, the Secretary of State has been notified that the Council intend to permit the application subject to appropriate conditions and S106 agreement and the Secretary of State will decide whether or not to call in the application. A decision on this matter is still awaited.

2.0 PROVISION OF A SHUTTLE BUS SERVICE

2.1 At the last Planning Committee, Members considered that a shuttle bus service should be operated between the proposed Factory Outlet Centre (FOC) and Tewkesbury town centre. The applicant had previously indicated a commitment towards providing enhanced bus services between Ashchurch railway station, the proposed FOC and Tewkesbury town centre or otherwise funding those service enhancements for a period of 5 years, to encourage visits to Tewkesbury town centre. Members considered however, that a shuttle bus service should be provided between the FOC and town centre and that this service should be included as part of the agreed mitigation measures.

2.2 The applicant has agreed to the provision of a shuttle bus service which would operate between the FOC, Tewkesbury Town Centre and Ashchurch railway station. The proposed service would complement those bus services which route between Northway and Tewkesbury. Details of the proposed shuttle bus service are attached at **Appendix 4**. The intention is that the shuttle bus would operate on weekends and bank holidays when the numbers of visitors to the retail outlets are predicted to be at their highest. The shuttle bus would operate throughout the day commencing prior to the retail outlet's opening times and ending after the retail outlet's closing times on each day. It is envisaged that the type of bus would be a low emission, midi size 'Optare' type bus with a carrying capacity of 25-30 seats. The timings of the shuttle bus would be co-ordinated with rail services arriving at Ashchurch railway station to reduce waiting times and encourage trips by rail.

2.3 The advice in the PPG on the 'Use of Planning Conditions' states that, where it is possible to overcome a planning objection to a development proposal, either by way of imposing a condition on the planning permission or by entering into a planning obligation, then the local authority should use a condition rather than seeking to deal with the matter by means of a planning obligation. As such it is suggested that a condition is attached to any permission granted to secure the provision of a shuttle bus service as detailed below:

"Prior to the commencement of building works a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of a Shuttle Bus Service linking the development hereby permitted with Ashchurch Railway Station and Tewkesbury town centre. The scheme to include: days of operation, hours of operation, frequency of service, ticketing arrangements, thresholds for its provision and mechanism for review (after three years). The Shuttle Bus Service shall thereafter be provided and run in accordance with the approved scheme."

Reason: To protect the vitality and viability of Tewkesbury town centre and to encourage visitors to travel to the proposed development by rail."

2.4 A full list of suggested conditions and reasons is attached at **Appendix 5**. The additional shuttle bus condition is listed at number 42.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 None

- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** The Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, TPT9, TPT13, RET6. Tewkesbury Town Centre Masterplan.
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1** NPPF
PPG on the use of planning conditions
Community Infrastructure Levy Regulations 2010 (as amended).
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1** None
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** None
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1** Planning Committee Minutes - 15 March 2016 and 12 April 2016

Background Papers: Planning Committee Report and Minutes – 15 March and 12 April 2016.

Contact Officer: Joan Desmond, Team Leader (North)
01684 272103 joan.desmond@tewkesbury.gov.uk

Appendices: Appendix 1 – Committee Report
Appendix 2 – Draft CIL Compliance Statement
Appendix 3 – Draft S106 Agreements submitted by Applicant
Appendix 4 – Details of proposed Shuttle Bus Service
Appendix 5 – List of suggested Conditions/Reasons

13/01003/OUT

**Land South Of The A46 And North Of Tirl Brook, Ashchurch,
Tewkesbury**

Valid 02.10.2013

Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping.

Grid Ref 392055 233031

Parish Ashchurch Rural

Ward Ashchurch With Walton
Cardiff

Robert Hitchins Limited

C/o Agent

RECOMMENDATION Refuse

Policies and Constraints

DEFERRED AT 15.03.2016 COMMITTEE (Item No 1, Page No 790)

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, TPT6, TPT9, TPT13, EVT5, EVT9, RET6, RET8 and LND4.

JCS (Submission Version) November 2014 - SD1, SD2, SD5, SD7, SD10, SD15, INF1, INF2, INF3

Adjacent to Major Employment site

Flood Zones 2 and 3

Public Transport Corridor (A46)

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Ashchurch Rural Parish Council (APRC) - Object on following grounds:

o This Council's principal objection is against any development of the floodplain and the shoulders of the floodplain, which retain water and slow its passage through natural drainage throughout and adjacent to all of the watercourses in Ashchurch Rural Parish.

o In particular we are unable to see any way that the needs of 'out of town' shoppers can be balanced against the rights and needs of members of our community who are likely to suffer damage and inconvenience for the sake of profit and the minimal provision of jobs when this development displaces the water that would have naturally drained through the site and without development already floods and displaces water elsewhere throughout Natton and Fiddington.

o Against the loss of the rural aspect of the parish should this development go ahead, and feel that the size and nature of the development is inappropriate and too large for the outskirts of the historic market town of Tewkesbury and would be better suited to a major conurbation such as Cheltenham, Gloucester, Bristol and Worcester.

o Concerned about the 'run-off' pollution that will be naturally transmitted from the hard standings to the Tirlbrook and downstream to Walton Cardiff Village.

o The increase of traffic on the A46 will be totally unacceptable.

o Against the detrimental effect such a large shopping centre will have on the town centre businesses and historic market of Tewkesbury. We do not believe that a free or subsidised bus service to take shoppers to the town centre and Abbey will have a significant uptake when visitors to the centre will have come for one thing and one thing alone - to shop at the outlet or garden centre with easy access to the M5 motorway.

If the application does go ahead ARPC would like the following important points to be considered: Adequate flood alleviation measures and long term maintenance plan needed and traffic congestion. If permission is granted ARPC would like the following 106 items considered:

- A footpath & cycleway along Fiddington Lane to promote alternative uses of transport to the site and allow local residents safe access.

- Possibly a dedicated minibus to the parish council to transport the isolated rural residents who live in the parish to the site.
- A footpath from the top of Fiddington Lane up to the railway bridge and beyond so that residents from Ashchurch can access the site and a footpath to the traffic lights at Northway Lane with a pelican crossing facility so that residents can access the footpath/railway station.
- The proposed access shortens the safety space of queuing traffic and lessens the visibility of traffic coming over the bridge towards the lights. Access should be via traffic lights at Alexandra Way ONLY and not impose this extremely unnecessary and impractical traffic plan etc on Fiddington Lane, it's residents and the A46.

APRC has also advised that it does not support the suggested name change of Ashchurch for Tewkesbury railway station to Tewkesbury Parkway and also expresses extreme disappointment at the County Highways comments, particularly the Recommendation - 'The Highway Authority considers that this development will not have a severe impact on the local highway network.' ARPC are highly confused by this statement - the A46 is well known by all who use it (especially at peak times) that this area of the road is already near saturation point and will really struggle to take the proposed amount of traffic to/from this development.

Tewkesbury Town Council - Object - New design still does not resolve the car park impact on the site. The flooding implications of the development have not been resolved. The traffic implications for the A46 have not been resolved.

Northway Parish Council - No Objection so long as the infrastructure and flooding issues are addressed.

Stoke Orchard Parish Council - Concerns over Fiddington lane access, giving how already difficult it is to currently exit onto the A46. Also very concerned about increased flood liability into the Tirlbrook.

Gloucestershire County Council Highways - No objection subject to conditions and planning obligations relating to highway improvements; footway/cycle improvements and travel plan monitoring.

Highways England - Initial comment was that the TA and associated documents lacked sufficient detail to establish an informed view on the highways and traffic impact of the development proposals on its network. Several Directions were issued for non-approval of the application in order to give the applicant time to submit information required. Following the completion of further technical work and engagement, the HA raise no objection subject to highway conditions.

Gloucester City Council - Object on the grounds that it would be contrary to National and local planning policy. The applicant should assess the potential of other more accessible 'out-of-centre' sites to establish whether or not they could reasonably accommodate the proposal in its entirety or disaggregated elements of the proposal. Concerned about the anticipated level of trade draw from designated centres in the catchment of the proposal, including Gloucester city centre and Tewkesbury town centre, and the resulting impact on vitality and viability. Of greater concern however is that the assessment only considers cumulative impact for the application for Sainsbury's at the Trelleborg site to the north of the application site. It does not factor in the cumulative impact of other planning consents granted in the wider area, of which there are several and all of which will, to differing degrees, draw trade from designated centres and therefore impact on their vitality and viability. Loss of Strategic Employment site principally intended to accommodate Class B growth. The Tirl Brook is identified in the Joint Core Strategy draft Green Infrastructure Plan (GI) which should be taken into consideration.

Wychavon District Council - In making a decision on this application due regard should be given to paragraphs 26 and 27 of the NPPF and the council should take account of the impact on the proposal on town centre vitality and viability, including Evesham. If the impact is found to be significantly adverse, permission should be refused. The retail impact assessment admits that the proposed development will have an impact of 6% on Evesham Town Centre. It also acknowledges that Evesham is a struggling centre, therefore, the additional impact will be severely felt given its fragile state. However, it also states that this is not permanent and the current interest shown by Waitrose proves this. Recognition should be given to the fact this is due to Wychavon District Council's intervention to facilitate the availability of the site otherwise there would not be any commercial interest. Despite this Evesham is still in a fragile state in terms of comparison goods and any confidence could be undermined by an out of town retail development with such an impact. The development will have the greatest impact on Evesham Country Park. We were specific in terms of what type of retail is acceptable in the 2010 planning permission to minimise the impact on Evesham Town Centre and other centres including Tewkesbury. We hope that a similar rigid approach will be taken with this proposal.

Environmental Health - Comments awaited.

Environment Agency - No objection subject to a condition to secure an exemplar SUDS scheme.

Severn Trent Water - No objection subject to conditions.

County Archaeological Officer - Recommend condition for archaeological mitigation.

Natural England - No objection to development.

Letter from Savills on behalf of Stanhope Plc who is the selected developer for the regeneration of land at The Kings Quarter site in Gloucester City Centre. Object on the grounds that it would have a direct impact on the city centre and planned private/public investments at Kings Quarter, Gloucester. A further letter has been received from Stanhope plc outlining their present position in terms of the Kings Quarter Project with a projected start date of mid 2017 once the relocated bus station is completed. An Application for the development in due to be submitted in mid 2016.

2 Letters from WYG on behalf of Gloucester Quays LLP - Object on following grounds:

- o Unsustainable development
- o It would result on the loss, in entirety, of the Key Strategic Employment Site for the Borough of Tewkesbury
- o Proposals are of an inappropriate scale and contrary to the role and function of Tewkesbury in the retail hierarchy.
- o Would result in a significant adverse impact on existing, planned and committed investment in the central area of Gloucester.
- o Fails to comply with adopted and emerging development plan strategy and the NPPF.
- o Would have devastating consequences the future important redevelopment of other regeneration sites within Tewkesbury as a result of the high traffic levels and the attendant delay, congestion and road safety issues arising. This is particularly important for the redevelopment of the MOD Ashchurch site.

Letter from Blencowe Associates on behalf of Ross Labels Factory Outlet Centre - Would have an adverse impact on the Ross Labels Factory Outlet Centre; Contrary to NPPF as not sustainable development as customers would almost all go by car; Previous FOC in area refused on appeal and decisions should be consistent; in open countryside; contrary to Development Plan and emerging policies in Core Strategy.

2 Letters from Eagle One Limited who own Evesham Country Park - Would undermine the significant investment to the Country park and in consequence would undermine committed public and private investment in Evesham town centre; unsustainable; not policy compliant as out of town centre location and located on employment allocation site; scale of development inconsistent with retail hierarchy approach; Fails sequential (particularly in terms of the flexibility that is required to be shown) and impact tests.

Local Residents - 9 letters have been received objecting to the application on the following grounds:

- o Unsuitable for site
- o Would impact heavily on the vitality of the town and would be better placed within the town centre in order to draw in rather than take away.
- o Garden centre could be a consideration as Tewkesbury does lack this facility of a least a competitor for the small one at Mythe Bridge
- o Has opened up alternatives to using green field land and should be taken into serious consideration.
- o Fiddington lane will be affected by run-off water unless thorough surveys and management and installation of robust flood defence works and undertaken
- o Highways England need to monitor A46 and assess impact on this major trunk road which is already struggling to cope with current capacity.
- o Fails to address the current and future transport infrastructure needs of the area
- o Adverse traffic impact on A46 and Fiddington Lane
- o Flood risk
- o Water voles are a protected species and should be considered prior to determination
- o Sewerage pumping station will fail due to flooding
- o Adversely affects access to Newton Farm

One letter has been received in support of the development - best thing for Tewkesbury's future.

Ashchurch, Tewkesbury & District Rail Promotion Group - Support in principle the development but would wish to see reciprocal support (Section 106 monies) towards an enhanced station to be known as Tewkesbury Parkway.

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The site comprises 21.37ha of agricultural land and lies to the east of Tewkesbury town adjacent to junction 9 on the M5 and lies immediately to the south of the Tewkesbury Business Park on the opposite side of the A46. The site wraps around the existing BP service station and includes part of Fiddington Lane to the east. The Tirlle Brook demarcates the southern boundary (**see attached location plan**).

2.0 History

2.1 This site was subject of a number of applications for residential/employment use in the early 1990's but none of the applications were progressed.

2.2 In terms of planning history, reference has been made to a former application (Ref: 93/5593/0975/OUT) for a retail outlet centre on Tewkesbury Business Park in the mid 1990's (known as RAM Euro). This application was refused by the Secretary of State on the following grounds:

- i) that the development would not be accessible by a choice of means of transport
- ii) that it would encourage greater car use
- iii) that the applicant had not complied with the sequential approach
- iv) that the benefits of investment in Tewkesbury were not sufficient to overcome the above objections.

2.3 It is important to note that the above decision was made in a different planning policy context at National, Regional, and Local level and also at a time when there was little empirical evidence on the impact of Retail Outlet Centres and their operational characteristics. Ashchurch railway station was also not open at that time. As with any application, this particular proposal must be considered on its own individual merits however this previous decision is a material consideration.

3.0 Current Application

3.1 The current proposal seeks outline planning permission for a new garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works (including access), car parking and landscaping. The means of access is to be dealt with at this stage, but all other matters are reserved for future consideration. The Retail Outlet Centre (ROC) would provide approximately 17,545 sq.m floorspace and the new Garden Centre 8,000 sq.m floorspace. These figures are taken from the retail assessment report but do conflict with those on the application form which specifies that ROC would provide 16,795 sqm floorspace and the garden centre 7,600 sqm. In addition the application form solely specifies A1 use yet the proposed controls offered in the retail assessment discuss separate Class A3, A4 and A5 units in the retail factory outlet centre and separate A3 and A5 uses associated with the garden centre. During discussions with the applicant it is clear that a mix of uses is proposed. A combined parking provision for up to 2,112 parking spaces split between the garden centre and an area of overflow car parking is proposed with a dedicated area for coach parking.

3.2 Access to the proposed development would be via the A46 and Fiddington Lane. This would involve modifications of the existing A46(T)/ Alexandra Way junction, carriageway widening, the realignment of Fiddington Lane and its junction with the A46(T) and associated works to create vehicular, pedestrian and cyclist accesses.

3.3 Whilst the remaining matters of layout, scale, appearance and landscaping are reserved for future consideration, the applicant has provided an indicative Masterplan, Land use Parameters Plan, Access and Circulation Parameters Plan, Buildings heights and levels Parameters plan, Landscaping Parameters Plan and Indicative sectional elevations.

3.4 A design and access statement (DAS) has also been provided, which gives further information in to the likely design and layout of the development and the rationale behind the concept. An addendum to the DAS has been submitted following concerns raised by the Landscape Officer and Urban Design Officer
Copies of the Masterplan and Parameters Plans will be displayed at committee. Copies will also be displayed in the Members Lounge.

3.5 The application has been accompanied by an Environmental Statement as required under the Town and County Planning (Environmental Impact Assessment) (England) Regulations 2011. The Environmental Statement includes assessment of the following issues:

- Planning Policy Context;
- Hydrology, Flood Risk and Drainage;
- Noise;
- Air Quality;
- Archaeology and Cultural heritage;
- Ground Conditions;
- Transport;
- Ecology and Nature Conservation;
- Landscape and Visual effects;
- Socio-Economic Effects;
- Agriculture;

A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Policies of the NPPF include those in its section 1 (Building a strong, competitive economy), section 2 (Ensuring the vitality of town centres) and section 4 (Promoting sustainable transport). PPG on 'Ensuring the vitality of town centres' is particularly relevant to this application.

4.3 Retail Policy RET6 of the local plan seeks to protect the vitality and viability of existing retail centres.

4.4 Policy RET8 of the local plan states that proposals for new garden centres located in the open countryside will not be permitted unless they are directly related and ancillary to an existing agricultural or horticultural business; involve the redevelopment of an existing built or derelict site, or the re-use of existing buildings; do not result in an adverse landscape impact and are well related to the primary road network and do not result in any adverse traffic impact. This Policy is out-of-date and as such should be afforded limited weight accordingly. Although this site is a greenfield site, outside of any development boundary, it is a proposed strategic allocation in the JCS (Submission Version) and lies adjacent to an existing employment area and the M5. Therefore the consideration of this site through this policy is not considered to be particularly appropriate and the impact of the garden centre is considered in tandem with the ROC in the following analysis section.

4.5 Local Plan Policy EVT5 seeks to protect the ability of floodplains to perform their function of accommodating the flow and storage of floodwater, and also to protect habitable property from flooding.

4.6 Policy EVT9 requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria.

4.7 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport. It also seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Policy TPT9 seeks to promote sustainable transport measures on the main public transport corridors (A46) and Policy TPT13 seeks to encourage the implementation of measures to alleviate traffic problems which exist between M5 junction 9 and Aston Cross.

4.8 Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape.

4.9 Policy NCN5 of the local plan seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.10 The above local plan policies are considered to be consistent with the NPPF and are therefore considered to have significant weight.

Emerging Development Plan

4.11 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

4.12 The JCS Submission Version November 2014 is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. In terms of the retail strategy it seeks to maintain and improve the city, town and rural service centres to ensure their long-term role and wider function, promoting their competitiveness whilst ensuring their roles are complementary. A retail hierarchy (Policy SD3) is identified with Gloucester and Cheltenham being the key urban areas and Tewkesbury next in the hierarchy as a market town.

4.13 This site is identified as a strategic employment site in the JCS (Policy SA1 (Area A9)).

4.14 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)

4.15 On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In this respect there are objections to Policies SD3 and SA1 (A9).

5.0 Analysis

5.1 The main issues in this case are considered to be the impact of the proposals on the vitality and viability of nearby centres; the use of a proposed allocated employment land; its impact on the character and amenity of the area and highway impacts.

Retail Impact Considerations

5.2 The NPPF seeks to ensure the vitality of town centres. Paragraph 24 of the NPPF outlines the requirement for a sequential test for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This states that local planning authorities *'should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'*.

5.3 Paragraph 26 of the NPPF outlines the requirement for an impact assessment for retail development outside of town centres and not in accordance with an up to date development plan. This applies to development over 2,500 sq. m unless locally set thresholds indicate otherwise. Such assessments should include:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area.*

5.4 The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and/or on town centre vitality and viability, it should be refused.

5.5 A Government letter in January 2015, also reinforced the Government's town centre first policy and states that *'Ministers wish to restate policy which makes clear that where an application ... is likely to have a*

significant adverse impact on the town centre, as set out in the NPPF, it should be refused.'

5.6 In view of the scale of the current proposal, the applicant has provided a full impact assessment and a Commercial Assessment which concludes that:

- *Having regard to the JCS Retail Study 2011, which identifies capacity for nearly 100,000 sqm (net) of comparison goods floorspace in the study area by 2021, the proposed development would constitute just 15% of this identified capacity in a form of development which would be complementary to the retail offer in the established town centres.*
- *The proposal would also help to boost the relatively low proportion of new floorspace identified by the JCS Study for Tewkesbury borough. The nature of the proposed retail offer, in the form of tightly controlled Factory Outlet and Garden Centre goods, is intended to provide a new retail experience to Tewkesbury and to complement existing provision in the established town and city centres.*
- *Whilst there would be some direct competition with Gloucester Quays, that development is due to increase its attraction through new investment in an enhanced leisure offer, and in any event the levels of forecast impact are not considered to be such as to result in significant adverse impact.*
- *There are a number of notable planned improvements to the key centres within the study area which will serve to strengthen their attraction and resilience over time. We do not anticipate any of this new investment would be deterred as a result of this proposal, nor should they be directly affected by the proposed development in view of its specialist nature.*
- *The proposed development would not have a significant adverse impact on investment in any of the established centres; nor would the proposals significantly adversely impact the vitality and viability of these centres having regard to the levels of trade diversion forecast in the assessment and the relative health of these centres.*
- *Any impact on consumer choice is expected to be positive in terms of broadening the retail offer to shoppers in Tewkesbury and the wider study area and introducing a new retail and leisure experience to complement that on offer in the established centres.*
- *The proposal satisfies paragraphs 26 and 27 of the NPPF and those aspects of adopted development plan policies which are consistent with that Framework.*
- *The development satisfies the sequential test.*

5.7 Letters have been received from Gloucester City Council, Wychavon District Council and various practices/consultants, as detailed in the consultations section above, expressing concerns that the proposed development would have a harmful impact on nearby centres, including on Tewkesbury Town Centre itself, and on planned private/public investments in Gloucester City.

5.8 The Council commissioned an independent retail appraisal (DPDS) of the submitted assessment which considered whether the proposal satisfies the sequential test and what impact it would be likely to have on the vitality and viability of the town centres in the study area (These include Tewkesbury, Cheltenham, Gloucester and Worcester). The appraisal focussed on the impact of the ROC as it concluded that the proposed Garden Centre was likely to have very little impact on the vitality and viability of town centres. The initial appraisal raised a number of issues in respect of the sequential test and requested further information to enable a full appraisal of the proposal. The initial findings were however that the proposal would have an adverse impact on identified town centres both in terms of their vitality and viability and planned investment, contrary to the NPPF and Policy RET6 of the local plan.

5.9 The applicant responded by reiterating the complementary nature of the proposals to the retailing offer in Tewkesbury and other established centres, particularly with regard to the proposed Factory Outlet Centre (FOC). It is widely recognised by practitioners that there are clear qualitative differences between the retail offer in FOC's and those generally found in town and city centres such as Tewkesbury and Gloucester. FOC's operate by creating a critical mass of stores that attract visitors from a wide catchment. They tend to target high end designer fashion and homeware retailers and discounted goods which would not normally be found in town centres. It is also pointed out that planning conditions are proposed to control the nature of the proposed operation both in terms of the FOC and the Garden Centre including preventing the sale of DIY goods.

5.10 In terms of the sequential test further assessment work has been undertaken by the applicant on some of the 31 sites identified in 6 centres including Tewkesbury, Cheltenham, Gloucester, Evesham, Great Malvern and Worcester. It is however contended by the applicant that a smaller FOC at Ashchurch would not be successful and therefore would not be able to deliver the benefits which have been identified would flow from the proposed development. Nevertheless, it is stated that a flexible approach has been adopted to the sequential approach as required by policy in considering what contribution alternative sites are able to make individually to accommodate the proposal. The response concludes that:

- *The scale of the proposed development is necessary in order to be viable and there is strong justification for the combined FOC and Garden Centre;*
- *Both the FOC and the Garden Centre provide the type of retail offer which is not typically found in town centres. For these reasons the proposal is considered to 'complement' rather than 'compete' with Tewkesbury town and other established centres;*
- *As a consequence we do not consider there would be a sizeable level of 'job substitution' nor do we consider there will be a significant adverse impact on existing, committed and planned public or private investment in the principal centres within the catchment area;*
- *The proposed development will not result in a significant adverse impact on town centre vitality and viability. We have reviewed our economic assessment and provided sensitivity tables to further justify this conclusion including revisiting the turnover of the main centres from household survey and the turnover and trade draw of the proposals, with particular emphasis on the FOC;*
- *There are not considered to be any sites which are sequentially preferable to the application site having regard to their suitability, availability, and viability for the proposed development, even adopting a flexible approach regarding scale and format. Indeed, DPDS recognise that FOCs are not readily designed to fit into town centres and that easy access to the motorway and trunk road networks is important to the success of the FOC; whilst we have not relied on this, a number of sequential sites could be eliminated on this basis alone;*
- *There are a number of reasons why the Secretary of State's decision in 1996 is not considered to be a relevant determining factor in this case. The fact that the proposed development, by its nature, may encourage greater car use, is not the relevant policy consideration as confirmed by the NPPF; rather decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. We maintain the application site delivers against these objectives;*
- *The proposed development is consistent with relevant and up-to-date planning policy. The emerging strategic employment allocation in JCS and the obsolete and dated Local Plan policy RET8 should be afforded appropriate weight accordingly;*
- *The proposed development is estimated to generate 818 individual jobs.*

5.11 Following lengthy discussions with the applicant and the submission of further information, the Council's retail consultant reached the following conclusions:

- *The applicant has met the sequential test.*
- *The proposal would not, on its own have a significant adverse impact on the Tewkesbury town centre, but the combined impact of the proposal and the permitted Sainsbury foodstore would. Unless there are material considerations which would outweigh that objection, the NPPF indicates that planning permission should be refused.*
- *The proposal would represent a significant risk to the planned investment in Gloucester City Centre.*
- *The employment generation and wider contribution to the local economy might outweigh the harm to the town centre. It is considered that there would be employment benefits in the Tewkesbury area in the proposal, but these would be offset to some extent by job losses elsewhere. In terms of job generation it is considered that any estimate is highly uncertain because retail employment is more related to sales than floorspace but that the applicant has overestimated employment benefits considerably.*

5.12 In response to this conclusion the applicant has responded as follows:

1. *Insufficient regard has been given to the complementary nature of the retail offer at the proposed FOC/Garden Centre relative to the retail provision in Tewkesbury town centre. We do not agree that the proposed FOC would enjoy a turnover of £70m or that a significant adverse impact will result on Tewkesbury town centre.*
2. *We contend that we have substantiated that linked trips and the associated spin-off benefits could more than offset the anticipated trade diversion.*
3. *We have considered at length the potential impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal. The impact on Kings Quarter in Gloucester has been a key consideration as part of this analysis. However, this is based on the assumption those retail schemes are competing for the same target operators; that is not the case here. The Kings Quarter redevelopment would cater for the more mainstream comparison goods shop rather than the infrequent, specialist shop which FOC's attract. As previously stated we therefore contend that the proposals will not represent a risk, significant or otherwise, to the planned investment to the Kings Quarter development. In this respect it is argued that:*

- The operation of the FOC is proposed to be controlled via a range of planning conditions which restrict its function and the type of goods that can be sold
- The promoters Stanhope, have reconfirmed their commitment to Kings Quarter in the full knowledge of our proposals
- Any delays to bringing forward the Kings Quarter redevelopment are the result of wider market conditions and site specific complexities, not the possible existence of a FOC at Ashchurch
- The forecast impact of the proposed FOC on Gloucester City Centre is around 3.6% prior to the introduction of Kings Quarter. Following its introduction the impact falls to 3.2% based on a conservative assessment of that scheme's turnover. We do not consider this to be a level of impact which can be regarded as 'significantly adverse'
- Savills have submitted an objection to the proposed FOC on behalf of Stanhope but this is based more on concerns over impact on Gloucester City Centre overall (based on an erroneous methodology by Savills) and compliance with the sequential approach rather than impact on investment per se. Nowhere in this letter does Stanhope state that the proposal will result in the Kings Quarter scheme not coming to fruition.

5.13 Following further discussions with the applicant additional independent retail advice has been sought (GVA) and this assessment concludes that on the sequential test, GVA do not consider that the applicant has yet properly explained how flexible it can be over the proposed retail uses although it is arguable that the applicant has possibly gone further that it needs to in terms of how it assesses alternative sites. Therefore, if the Council is satisfied that the actual assessment of alternative sites is robust then GVA consider that even if the applicant employed a greater amount of flexibility in terms of site size but excluded disaggregation then it is unlikely that a suitable site would be found.

5.14 In terms of impact GVA has concluded the proposal is likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre. In relation to Tewkesbury, GVA have reached this view based upon the proximity of the proposal to Tewkesbury and its potential to offer a rival retail destination to the town centre, including a significant amount of floorspace capable of selling a wide range of comparison goods supplemented by a large amount of food and beverage uses. This would make the site very attractive to the local shopping population and is, in the opinion of GVA, likely to lead to a diminution in the role of Tewkesbury town centre. Consideration of controls offered by the applicant has been taken into consideration in the assessment.

5.15 In relation to Gloucester city centre, GVA consider that it is likely that there would be a large trading overlap with the current proposal, competing particularly for clothing and fashion shopping trips. This level of competition is coupled with the relatively poor performance of the city centre in recent years, including a loss of market share and lower than expected turnover growth. As a consequence of these factors, GVA consider that the city centre is vulnerable to even relatively small impacts and the scale and type of impact from the proposal is likely to lead to significant adverse harm.

5.16 In relation to impact on investment, GVA support the general approach of the advice provided by DPDS, which has focused in on the key issues of impact on investment in Tewkesbury town centre and Gloucester city centre. GVA consider that the focus in Tewkesbury town centre is likely to be on the impact on existing investment and have reached the conclusion that the proposed development is likely to have a significant impact on existing investment due to the scale and type of retail floorspace proposed and its proximity to the town centre. The same considerations could also apply to the impact on investment in Gloucester city centre, bearing in mind the lack of sufficient expenditure capacity. However, GVA recommend that before the Council can reach a final conclusion on this impact test that further information is sought from Gloucester City Council. This information is still awaited and **Members will be updated at Committee.**

5.17 The applicant has offered a package of mitigation measures including £675K towards Tewkesbury Borough Council initiatives and measures to enhance the attraction of the town centre and increase in footfall and a commitment towards providing and maintaining an interactive Tourist Information point in the ROC promoting attractions in the town centre. These initiatives are in addition to the transportation measures including enhanced bus services between the railway station, ROC and the town centre. No mitigation measures are proposed for Gloucester city centre. It is not considered that the mitigation measures proposed would address the likely significant adverse impact on the vitality and viability of these centres.

5.18 In conclusion the sequential test has been satisfied and there are no alternative, sequentially preferable sites for this development in nearby centres. Whilst there is clearly disagreement between the applicant and the Council's retail consultant (GVA) on the impact of the development on nearby centres, the Council's retail consultant concludes that the proposal is likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre. In terms of impact on investment it is also considered that the proposal is likely to have a significant impact on existing investment in Tewkesbury town

centre and a similar impact is also likely on investment in Gloucester city centre but further evidence of this is awaited from Gloucester City Council. Whilst it is recognised that there would be some employment generation and wider contribution to the local economy, these benefits would not outweigh the harm to both Tewkesbury town centre and Gloucester city centre. The harmful impact to these centres weighs heavily against the development. The mitigation measures proposed would fail to address this harm.

Use of allocated employment site

5.19 The application site is identified in the JCS (Submission Version) as one of the Strategic Allocations and is covered by Policy A9: Ashchurch Strategic Allocation. This policy looks to allocate this land for approximately 14 hectares of employment land which would make a significant contribution to the supply of employment land required to meet the needs of the JCS area. The NPPF, as well as the JCS (Submission Version) recognises that 'employment' should be considered in a wider sense, outside just tradition B class uses, and can include retail development that are also large job generators.

5.20 The Planning Policy section initially commented that there would be no objection in principle to the proposed retail use on this site as it would be broadly in line with the employment aspirations set out in the draft JCS (Submission Version). Following the JCS examinations sessions it is recognised however that the issue of suitable types of employment for the employment allocation sites remain unresolved. Ashchurch/J9 is one of the most popular and successful areas in the County for high quality/hi-tech business and the needs of existing and new businesses looking to expand/relocate to the area should continue to be provided for. This is why the JCS is seeking to allocate land in this location and there is concern that the proposed development would affect the ability of this successful area to accommodate the needs of the existing and potential new businesses which are so crucial to the economic success of the area.

5.21 The JCS continues to count this site towards its future supply against the B class employment land need of 192ha and a proposed amendment to the employment policy SD2 has been submitted to the EiP which would seek to ensure that employment land at Strategic Allocations would be predominantly for B class use. In this case the whole of the allocation site is to be used for retail use and as such it would result in the loss of land for Class B (Business) type employment uses which would be a disbenefit and weighs against the scheme in the planning balance.

Landscape and Visual Impact

5.22 One of the core planning principles of the NPPF is to contribute to conserving and enhancing the natural environment and this core principle is reflected in Policy LND4 of the local plan and Policy SD7 of the JCS (Submission Version) and as such these policies should be accorded considerable weight. The Tirlle Brook is also identified in the JCS Green Infrastructure Strategy and is covered by Policy INF4 which seeks to conserve and enhance this green infrastructure network.

5.23 The application site reflects the landscape character type Settled Unwooded Vale as recognised within the Gloucestershire Landscape Character Assessment. The site and the surrounding area directly to the south and east is a soft, gentle undulating to flat landscape with medium to large irregular fields. The area has mixed arable and pastoral land use enclosed by a hedgerow network forming a strong landscape pattern. There are limited woodlands and hedgerow trees within the area. The M5 borders the west boundary which divides and cuts the pattern of the surrounding rural landscape. There is also a network of public rights of way to the south and east of the application site, some providing clear views of the site. The Gloucestershire Way national trail lies within close proximity to the south of the site which leads from the elevated and prominent Oxenton Hill to the south east. To the north lies the A46 which together with the M5 to the west is a major visual influence on the sites character. To the north of the A46 industrial units and a small business park has been developed. There is also a small number of isolated farms scattered within the surrounding landscape with the closest being Newton Farm to the east.

5.24 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that the overall landscape and visual effects of the proposed development would result in the loss of openness and a corresponding extension of the current urban area into open countryside. This would result in a new urban edge being created to the north of Tirlle Brook where presently it is formed by the alignment of the A46 highway. The LVIA states that structural landscaping to mitigate potential impacts would create a natural edge to the development which would reduce the visibility of the new development, existing highway and existing commercial buildings to the north of the application site. This vegetative margin would mitigate visual impacts both to existing public rights of way and residential properties south of Tirlle Brook. Most significant effects are likely to be experienced on Fiddington Lane from Newton Farm to the bridge over Tirlle Brook. Proposed landscaping along the application boundary with Fiddington Lane would establish a vegetative

buffer that would screen new built form and retain a rural character to the lane. Whilst this could not mitigate the loss of openness presently experienced it would screen views of the commercial structures and highway presently experienced on the lane. The landscape and visual assessment concludes that the landscape and visual effects resulting from the development would be acceptable in the context of the potential benefits arising from the development. These benefits include the creation of a new natural landscape edge to the development which would provide a buffer between the current commercial area of Ashchurch and the open countryside to the south of Tirl Brook.

5.25 The Council's Landscape Officer (LO) advises that the site does not have any national or local designations within or adjacent to its boundaries. It has few landscape features within it worthy of retention and therefore has a reduced landscape value. However, the open character of the field itself does form part of the overall landscape character of the area and contributes to the rural, agricultural open environment to the south of the A46. The main landscape feature is the Tirl Brook which meanders from east to west making the southern boundary of the site irregular. The few landscape features associated with the brook and current land use being heavily managed reduces its sensitivity to accommodate change.

5.26 The LO felt that the proposed indicative master plan did not appear to consider views of the site, particularly those from nearby rights of way, or the rural open landscape. The southern boundary of the development had a hard line and did very little to integrate or respect the surrounding existing flat landform. It was evident that the LVIA has not influenced the design of the retail buildings and therefore had led to an unengaged frontage to the north and poor design along the southern boundary. In addition, the sheer size and mass of the units, reaching over 15m in height, would also contribute to the harmful visual impact on the predominately flat rural landscape despite having the backdrop of the existing units north of the A46. The vast areas of car parking especially the multi-storey units also contributed to the adverse effect. Whilst in principle there was felt to be no strong objections to the development of this site, it was considered that a better informed design reflecting the outputs of the LVIA would be more appropriate for the site. The design should allow the smooth transition and integration of the development into the surrounding rural area.

5.27 In response to the comments raised, the applicant has submitted an Addendum to the DAS. This seeks to demonstrate how an appropriate design approach, combined with a landscaping scheme, could achieve an acceptable development in design, landscape and visual impact terms within the set parameters. In developing the proposed masterplan, the views of the site from local public rights of way have been considered and a Green Infrastructure and Landscape Strategy Plan has been produced. This plan includes the following mitigation measures:

- Location of developable areas close to the existing employment sites along the A46 to minimise the magnitude of change to the landscape.
- Provision of breaks within the massing of the new built form to retain glimpsed views of the rural vale landscape.
- Tirl Brook watercourse and open land to the north of the Brook to be retained and protected. This area would include planting and integrated SUD's. The open land adjoining the Brook would become an area of species rich grassland which would maintain an open setting for the watercourse and its riparian vegetation. This would offer partial screening and would help the transition to the rural landscape.
- Reinforcing the existing structure planting alongside the M5 slip road to maintain the separation of the development from the landscape and motorway. Maintaining a green corridor along the A46 through two styles of planting. The first would use native species in a formal manner on either side of the junction opposite Alexandra way. This would act as a 'window' to the site and would enable glimpsed views of the rural vale landscape and distant Cotswold Hills. The second would be a whole hedgerow surrounding the service station through to the improved junction at Fiddington Lane. This native structure planting would continue along the eastern edge of the development and would provide screening from the access road and Newton Farm.

5.28 Following further discussions with the agent, further revised illustrative plans have been submitted which seek to address the concerns in respect of views from the south and the hard outer edge of the proposed multi storey parking areas. The plans indicate the removal of the above ground decked parking building to the south.

5.29 In conclusion, the principle of development on this site is considered to be acceptable given its allocation for employment use in the JCS; the landscaping parameters plan indicates proposed Green Infrastructure and visual buffers to help mitigate its visual impact on the landscape; and the revised Parameters Plan would ensure a softer edge to the development when viewed from the south. There are some doubts as to whether the scale and form of development proposed could be accommodated on this site in an acceptable way, however, on balance, it is considered that these matters could be addressed at

reserved matters stage.

Layout/Design

5.30 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

5.31 Most matters relating to design and layout are reserved for future consideration but the application includes the proposed means of access. The application has however, been supported with an indicative layout which illustrates how the site could be developed. The application is also supported with a design and access statement (DAS) and parameter plans. The DAS states that it is anticipated that the Garden Centre would be located on the western part of the site and the retail outlet on the eastern part. This is primarily because the eastern part of the site is larger than the western part and therefore, suits the larger development area requirements of the retail outlet. The more irregular development area to the west is also more suitable for the location of the outdoor sales area of the Garden centre which does not need a regular shaped footprint. The separation of the delivery and distribution of goods from customer traffic is an important requirement. The DAS advises that the retail experience and the safety of shoppers is significantly enhanced if the lorries are separated from cars at the earliest opportunity and loading areas are discrete and separate from customer parking. In this case loading is proposed to be located on the northern boundary adjacent to the A46 and customer parking to the south and east. An existing hedge running along the northern edge of the site would be reinforced which it is argued would provide an enhanced frontage to the development and to screen the loading areas from the road. The buildings would have a maximum height of 14.5m (Garden centre) and 15.5m (Retail Outlet buildings). A decked parking area is proposed around the eastern and southern edges of the retail outlet units which would have a maximum building height of 5.5m. The car parking for the garden centre is indicated to be at ground level at levels to suit stepped buildings.

5.32 The Urban Design Officer (UDO) commented that while some aspects of these proposals are felt to have a potentially positive impact on the quality and functionality of the area (the garden centre), there are other elements (the retail outlet village) that in their current form would exert too harmful an impact on the quality of the area. He considered that the retail village in particular did not appear to be striking the right balance of development, and this appeared to mitigate against the scheme being able to take relatively obvious opportunities to improve how it would integrate into and engage with its setting. It was difficult to see how the proposals were actively seeking to improve the character and functionality of the area. The UDO had particular concerns about the relationship with the A46 and wider open landscape setting. In respect of the wider landscape setting it was felt that the multi-deck parking would create an enclosed, canyon like character to the principal area of public realm.

5.33 The addendum DAS has sought to address these concerns and explains the rationale for the loading areas being located alongside the A46 as it is a less sensitive boundary in terms of long-range views into the site from the open countryside and it is argued that structural landscaping would create a strong frontage and screen the loading areas. The step down in levels it is argued would also enhance the opportunity to make these loading areas discrete. The DAS states that some decked parking is required to meet parking standards but that landscaping could be used to soften and mitigate its impact. It is considered that a detailed scheme design at reserved matters stage would ensure that the proposed development is acceptable in terms of mitigating the visual impact of views from the south. The buildings would have steeply pitched roofs to reflect traditional buildings in a rural context. These roof pitches, together with opting for a mono-pitch roof for the retail units would also give the option for PV panels.

5.34 The UDO has commented that whilst the application is in outline form, the submitted design proposals would play an extremely important role in setting out the actual physical parameters of any subsequent Reserved Matters application. It is however, recognised that the inherent nature of this type and scale of development, and the fact that the extent of the site is limited by floodplain to the south, means that it would be difficult to address some aspects of accepted good urban design practice. An example of this is how the development is unlikely to be able to provide a significant active frontage to the A46 due to the complex servicing requirements of the development. It is accepted that placing the servicing areas to the northern side of the development would be less damaging to the overall character and quality of place than placing them to the developments southern edges.

5.35 It is accepted that the proposed landscape mitigation strategy would soften views of the development

from the wider landscape setting, but it is felt that it would not address the issue of failing to create a good sense of place. Further details have been submitted to indicate that the car parking along the southern boundary would have ground level parking with lower level parking (3m lower) although the decked parking area along the eastern boundary is proposed to remain.

5.36 In response to previous concerns raised in respect to the height and scale of the architectural design, the addendum DAS states that there would be scope to reduce the overall heights of buildings in any future Reserved Matters application. It should be noted however, that this application would fix the physical parameters for the proposed development. As highlighted above, the maximum height for the retail outlet buildings is stated as being 15.5m and it would be difficult to require buildings to be of a lower height if these parameters are agreed. Although some improvements have been made to the application, concerns in respect of the impact of the retail outlet village on the character and functionality of the area have not been successfully addressed. Achieving an appropriate quality of design is recognised in the NPPF as a key strand of sustainable development. Consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design. This weighs against the proposal in the planning balance.

Accessibility and Highway Safety

5.37 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

5.38 A Transport Assessment (TA) has been submitted as part of the ES which states that in the interests of sustainability measures to encourage walking, cycling and public transport travel and to mitigate the additional travel demand as well as generally improving the surrounding transport infrastructure are proposed. The TA concludes that with the implementation of the mitigation measures, the additional demand would be safely and satisfactorily accommodated on the local transport network. The overall residual impacts of the proposed development in transport terms are likely to be neutral / no effect - low to moderate adverse. Low - moderate beneficial effects are likely in the PM peak hour for Driver Delay, where the mitigation measures have a wider benefit. In addition, further information has been submitted by the applicant detailing other highways related benefits of the scheme including:

- *The retail proposal would generate significantly less traffic during the critical weekday AM and PM peak periods than that of a traditional employment development comprising a mix of B1, B2 & B8 employment generating uses.*
- *The site access arrangements and associated A46(T) improvements increase the capacity of the A46(T) which traffic modelling has shown mitigates the impact of the proposed development. Furthermore, a financial contribution towards an improvement of the A438/Shannon Way junction would be provided which would deliver significant improvements to the operation of the local highway network.*
- *The proposals not only deliver an acceptable highways solution for the development itself, they offer the potential to enable future important developments along the A46(T) corridor to be realised through safeguarding sufficient land along the frontage of the application site for future highway improvements should these be deemed necessary to facilitate planned growth identified in the JCS. Therefore the proposed development would not prejudice the development of other sites in the JCS coming forward.*
- *The provision of a shuttle bus service connecting the retail development with Ashchurch railway station and Tewkesbury town centre during the weekends and other peak times such as Bank Holidays, would encourage visitors to the retail outlets to travel by rail via Ashchurch Station, and encourage 'linked-trips' for visitors to travel between the retail outlets and Tewkesbury town centre.*

5.39 Highways England (HE) who are responsible for the Strategic Road Network (A46/M5) originally advised that insufficient information had been provided in support of the application and various Holding Directions were issued to enable this information to be provided and assessed. Following the submission of further technical information and detailed discussions with the applicant's highway consultants the HE now confirm that, whilst the development proposals would give rise to increased congestion and delay on the A46, and increased queuing impacts at M5 junction 9, these outcomes would not be so severe as to justify the refusal of planning permission. Further, that subject to the imposition of relevant planning conditions, the

overall safety and efficiency of the SRN in this location would be adequately protected. The works which are considered necessary to make this development acceptable to the HE comprise widening and signalisation works to the A46, and enhancements to the Fiddington Lane access (**see attached plans**). In respect of the junction 9 slip roads, HE have reviewed the relevant design and technical submissions and is content that that the development trips could be accommodated, albeit that the existing design and layout of the slip roads would not be compliant with the relevant standards as are required by the Design Manual for Roads and Bridges (DMRB). It follows that a 'departure from standards' would need to be agreed with HE. HE raise no objection to this development subject to the imposition of conditions to ensure the necessary highway improvement works are undertaken.

5.40 County Highways (CH) is responsible for the local highways network and has commented as follows:

Access Proposals

5.41 The proposed primary access off the A46/Alexandra Way junction would provide a fourth arm to the south. This junction would ban the right turn from the site access, with that traffic using the eastern access. This is done to achieve a more efficient flow of traffic, but it could result in drivers being unaware and thus turning left and needing to U-turn at the M5 Junction 9. CH however considers that this is unlikely to be a major issue and the benefit of banning the right-turn outweighs the potential capacity issue of an increase in U-turning traffic.

5.42 The second access involves realignment of Fiddington Lane into a new signal controlled junction to replace the existing priority junction. This would form part of a left-right staggered junction with Northway Lane. The two accesses would be joined by an internal link road with roundabout junctions to distribute the traffic. The applicant has satisfied CH that there are suitable solutions which could be delivered within the land available to address their concerns which relate to the junction being able to accommodate large vehicles (HGV's), including the turn into the north access to Newton Farm. A prohibition of driving order is likely to be required to prevent the right-turn from the north Newton Farm access, which would be physically prevented by a central island. Access has been designed to be compatible with HE Pinch Point proposals.

5.43 Pedestrian/cyclist access would be provided from the existing footway/cycleway along the north of the A46. The link across the M5 Junction 9 would be improved as part of the HE pinch point scheme. Pedestrians/cyclists would therefore need to cross the A46 to access the site. Signalised crossing facilities are proposed at the Access Junction with Alexandra Way. The use of Fiddington Lane is also proposed to form a segregated pedestrian/cyclist route which is welcomed. A signalised crossing is proposed across the A46. The developer also proposes to contribute to the funding of footway/cycleway improvements on the east side of Northway Lane which would provide improved facilities for employees and customers travelling between Northway and the Proposed Development.

5.44 The development proposes to provide a shuttle bus between the site, the railway station and Tewkesbury town centre to enhance opportunities to travel by bus and train and to encourage "linked-trips" for visitors to travel between the retail outlets and Tewkesbury town centre. This would be co-ordinated with rail services at Ashchurch Railway Station. Whilst CH recognise the benefits of such a service they are concerned about the impact on the viability of existing services which are currently subsidised by the County. The applicant has developed the bus operation proposals to address these concerns. The bus is proposed to operate on weekends and Bank Holidays when there is the greatest visitor demand. It would have three stops; Ashchurch Railway Station, Tewkesbury town centre and the Outlet Centre, and would operate at a 20-minute frequency. Connection with the station would be free of charge, whilst travel between the Outlet Centre and the town centre would be charged at the same rate as the public service, but refundable with proof of purchase of goods. Public bus stops are available on the A46 to the west of the western access and on Northway Lane.

Highways Impact

5.45 CH consider that the traffic impact of the proposed development on the A438-A46 corridor is not severe, subject to the contribution to the A438/Shannon Way improvement scheme being provided. In terms of the local road network, modelling indicates that queue lengths (am and pm) on local roads including Alexandra Way, Shannon Way, Northway Lane and the A438 approach to the M5 Junction 9 at their junction with the A438/A46 corridor would be similar with or without the development in place. There will be an increase in queue lengths on Northway Lane but this is not considered to be severe.

5.46 CH has been developing a package of measures to address congestion on the A438 between the junctions with the A38 and the M5. This includes a concept design for improvements at the A438/Shannon

Way junction. This would provide an additional eastbound exit lane from this junction, enabling ahead traffic on the A438 to use both lanes at the junction with Shannon Way. This also has the benefit of improving the A438 capacity at the M5 Junction 9 by providing two full lanes for the length of this approach, as opposed to a single lane plus a flare as at present. This improvement scheme would provide significant benefit to the proposed development by improving its accessibility.

5.47 CH considers that this development will not have a severe impact on the local highway network and recommend that no highway objection be raised to this application, subject to the conditions being attached to any permission granted and planning obligations relating to highway/footway/cycleway improvements and Travel plan monitoring fee.

Prematurity

5.48 In responding to the application however HE has also advised that *'The implementation of the current proposal for the retail outlet centre and garden centre would result in the remaining highway capacity on the A46 and M5 junction 9 being utilised, such as to limit the scope to accommodate any significant future proposals on the SRN in this location. Development on the application site would also limit the scope for any major improvement to junction 9.'* HE conclude that *'There is a risk that future proposals for development on identified strategic sites may be found to be unacceptable on highway grounds, due to capacity constraints on the A46 and M5, junction 9 and the attendant delay, congestion and highway issues.'* In the light of these comments, it is necessary to whether, if this development proposal were to be implemented, there would be any prejudice to the delivery of the allocated strategic site (A8 - MOD Ashchurch) in the emerging JCS.

5.49 In this respect an analysis of transport modelling work to inform the JCS is being undertaken and a separate study of options for improvements at M5 junction 9 and on the A46 has been commissioned. The ongoing analysis of this area is indicating that significant improvements to the A46 may be required in future and this would likely require more extensive improvements around the M5 to facilitate new infrastructure.

5.50 The applicant has provided details of suggested highway improvements and how these works could be accommodated within the safeguarded land which they are proposing as part of the application.

5.51 In respect of the proposed safeguarded Land, HE have advised that, with the information available, there remain concerns that there is insufficient land set aside to accommodate potential infrastructure improvements identified for the A46 - M5 J9. HE also consider that further information on the proposed improvements is required in order for them to carry out a proper analysis. For such an analysis to take place the highway improvements scheme would need to be drawn up to a full build-ready stage and until such time it is not possible to confirm whether the safeguarded land proposed in this application would be sufficient. Even if a fully designed scheme were to be produced, the ongoing modelling work being undertaken through the JCS means that at this stage it is not possible to know what the final solution and required design specification would be.

5.52 Due to these uncertainties and possible requirement for more extensive infrastructure improvements, the Council is not in a position to confirm that the safeguarded land as proposed would be adequate. In terms of the impact of A46, further initial analysis is being undertaken which suggests that, a more extensive solution along this corridor may be required in future.

5.53 In response to these concerns the applicant believes that they have provided clear and comprehensive information to justify the area of land to be safeguarded and that is not disputed. They also refer to guidance in the PPG on prematurity and case law. The PPG provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. It advises that such circumstances are likely to be, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or Neighbourhood Planning and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.54 The applicant argues that there has to be evidence to demonstrate *"the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits"* and that moreover granting permission for the development of this site which is an emerging JCS allocation cannot *"predetermine*

decisions about the scale, location or phasing of new development that are central to an emerging plan". It is argued that the prematurity argument flies in the face of the PPG and the urgency injected by both the NPPF and the Planning for Growth agenda.

5.55 In conclusion, in terms of the safeguarded land the Council is not in a position to confirm whether this is adequate but it is acknowledged that the applicant has done all they can to safeguard land required for improvements to the A46/M5 junction. It is however clear that this development would add to the existing capacity constraints in this area which, without fully understanding the impact of all development planned in this area and the infrastructure improvements needed to deliver it, could prejudice the delivery of growth. It is considered therefore that the issue of prematurity remains unresolved however it is recognised that there is insufficient evidence at this stage to justify a refusal on these grounds.

Conclusion on transport related matters

5.56 In terms of accessibility and highway safety both HE and CH consider that this development would not have a severe impact on the strategic and local highway network and that the development would be accessible by sustainable transport modes. In terms of prematurity, it is not yet known what impact all of the development planned in the area would have or what the infrastructure improvements needed to deliver it would be. The comments of Highways England are noted in that it is possible that the proposals could prejudice the delivery of planned growth in this area, however HE do not object to the application and it is considered that there is insufficient evidence to justify refusal on these grounds.

Ecology

5.57 The NPPF sets out at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity. This advice is reflected in Local Plan Policy NCN5.

5.58 An ecological assessment has been carried out on site which has been submitted as part of the application. The report concludes that the site is of low ecological value. The proposals would provide the opportunity to enhance the ecological interest of the site through the provision of areas of species-rich grassland within the Tirlle brook floodplain zone, new landscape / buffer planting, new tree planting and the creation of new attenuation ponds, providing green links through the site in particular along its southern boundary. No significant adverse impacts are considered to arise on any statutory designated sites and the protection of the Tirlle Brook would ensure there are no adverse effects on the Walton Cardiff Newt Ponds.

5.59 The loss of habitats of greater interest such as sections of hedgerows and the copse, would be offset by new areas of tree and landscape / buffer planting of a greater area than that lost. The creation of new species-rich grassland within the Tirlle Brook floodplain zone would provide new and enhanced foraging opportunities for Badgers, and provide a safe dispersal route for this species. The planting of new landscape / buffer planting and hedgerows within the site, would provide new navigational and foraging opportunities for bats. The erection of bat boxes would provide new roosting opportunities over the existing situation. Provisions would be made to ensure no Otters are disturbed during the construction and operational phases of the development proposal. The creation of species-rich grassland within the Tirlle Brook floodplain zone would likely provide enhanced habitat for Otters. Measures have been put forward to avoid impacts on nesting birds and to enhance foraging and nesting opportunities post-development. The creation of new habitats as part of the Landscape Proposals would maximise the assemblage of birds attracted to the site post-development and the provision of bird boxes would also provide new nesting opportunities for birds.

5.60 The ecological assessment concludes that with the mitigation proposed, the proposed development would not result in any adverse residual impact on habitats of species of any significance, and there would be no net loss of features of ecological importance. Following mitigation and enhancement measures, overall impacts are considered to be positive at the local level and would ensure no net loss in biodiversity terms.

5.61 Natural England (NE) has advised that based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes or European Protected Species. The authority is advised to consider securing measures to enhance the biodiversity of the site. NE also recognises that the development may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

5.62 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site. The proposals would deliver a net benefit for wildlife which could

be secured through appropriate planning conditions.

Heritage Assets/Archaeology

5.63 The NPPF seeks to conserve the historic environment and advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

5.64 The Heritage/Archaeology Statement in the ES states that there are no designated or non-designated heritage assets of the highest significance situated within the site itself, nor within its immediate proximity, such that the proposed development would have cause to harm their associated setting. During construction, the proposed development would result in a long term adverse environmental effect on an area of heritage sensitivity identified within the north-western extent of the site. However, the ES concludes that implementation of an appropriate programme of archaeological investigation and recording phased ahead of, and/or during, development, would serve to mitigate this effect and overall result in a minor beneficial residual effect through increasing our knowledge on the archaeology and historic landscape of the area.

5.65 The County Archaeological Officer (CAO) has commented on the submitted Heritage Statement and other supporting reports undertaken to investigate the archaeological impact of the proposed scheme. The CAO comments that it is clear from the results of the investigations that the archaeological remains are not of the first order of preservation, since they have undergone erosion from later ploughing with the result that all surfaces associated with the remains have been destroyed. For that reason it is his view that the archaeology on this site is not of the highest significance, so meriting preservation in situ. Nevertheless, while not of the highest significance, it is still considered that the archaeological deposits on this site will make an important contribution to our understanding of the archaeology of both the locality and the wider region.

5.66 On that basis the CAO raises no objection in principle to the development of this site, with the proviso that an appropriate programme of archaeological work involving excavation and recording of any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme.

Hydrology, Flood Risk and Drainage

5.67 The NPPF sets out at paragraph 103 that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA).

5.68 The submitted Flood Risk Assessment concludes that the site is considered to be in an area of generally low sensitivity in terms of the water environment. The proposed development would after implementation of the proposed SuDS mitigation measures, have no significant adverse environmental effects on hydrology and flood risk either during construction or when completed. The proposed sustainable drainage System would help to reduce overall flood risk in the area and would have a moderate beneficial impact. Overall it is concluded that the effect of the proposed development on hydrology and flood risk is considered to be beneficial.

5.69 The Environment Agency (EA) has reviewed the Flood Risk Assessment (FRA) and has commented that although the site lies within all four flood zones as defined in the NPPF, a site specific hydraulic model has been undertaken on this site which identifies the extent of the flood zones and all development is proposed to be located within the area defined as Flood Zone 1 (Low Risk). Proposed finished floor levels are deemed acceptable to mitigate any risk of internal flooding to the new development building from fluvial sources.

5.70 The proposed surface water drainage strategy follows current accepted principles in maintaining existing greenfield runoff rates from the site, whilst storing additional volumes and taking account of climate change. The strategy also takes account of long term storage should the discharge points become submerged. The EA recommend a condition to secure an exemplar SUDS scheme as this is imperative to ensure surface water entering the Northway and Tirlie Brook is of an acceptable quality and that the aims of the Water Framework Directive (WFD) are not adversely affected. Severn Trent Water also raise no objection to the development subject to drainage conditions.

Loss of agricultural land

5.71 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic

and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

5.72 The ES confirms that of the study area of 18.56 hectares, 8.31ha comprises BMV (grade 3a) with the remaining 10.25 grade 3b which does not constitute BMV. Surplus soil could be used to restore other sites which are short of soil, to preserve the soil and retain soil functions such as water and carbon storage.

5.73 It is recognised of course that the site is allocated for development in the emerging Joint Core Strategy however it is clear that 8.31 hectares of BMV would be lost to the development and this is a matter which weighs against the proposal in the overall planning balance.

Air Quality

5.74 The ES states that the potential air quality impacts associated with the construction and operation of the proposed retail development have been assessed, including the operational impacts of increased traffic emissions arising from the additional traffic on local roads, due to the development. Existing conditions within the study area show poor air quality in the centre of Tewkesbury, with concentrations of nitrogen dioxide exceeding the annual mean objective along the High Street and Barton Street. An AQMA has been declared for this area.

5.75 The ES concludes that the overall operational air quality impacts of the development would be low adverse. This conclusion, which takes account of the uncertainties in future projections, in particular for nitrogen dioxide, is based on the concentrations being at, or just below, the annual mean objective for nitrogen dioxide, and the impacts being slight adverse at two receptors, assuming no reduction in vehicle emissions. The construction works have the potential to create dust. During construction it would therefore be necessary to apply a package of mitigation measures to minimise dust emission. With this mitigation, the overall impacts during construction are judged to have no effect.

5.76 The comments of the Environmental Health Officer are awaited and **Members will be updated at Committee.**

6.0 Overall Planning Balance and Conclusion

6.1 In accordance Paragraph 14 of the Framework, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. The three tests of sustainability are formed by the economic, social and environmental tests as set out in paragraph 14.

6.2 In terms of the economic dimension it is recognised that the proposal would provide jobs, both directly and indirectly. The proposal would therefore contribute towards building a strong, competitive economy and these matters are given significant weight in line with the NPPF. The development would however, result in the loss of land identified in the emerging Joint Core Strategy for Class B (Business) type employment uses which would be a disbenefit and weighs against the scheme in the planning balance. The development is also likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre and is likely to have a significant impact on existing investment in Tewkesbury town centre due to the scale and type of retail floorspace proposed and its proximity to the town centre. The proposal is also likely to have a significant impact on investment in Gloucester city centre, bearing in mind the lack of sufficient expenditure capacity but further evidence of this is awaited from Gloucester City Council. These adverse impacts attract substantial weight against the proposal in line with Government's policy on 'Ensuring the vitality of town centres'. The NPPF clearly advises that in such cases the application should be refused.

6.3 With regards to the social dimension, the proposal would again provide jobs which would help support local communities and would have social welfare benefits. Nevertheless there remain concerns about whether the proposed development would provide a high quality environment which weighs against the proposal in the planning balance.

6.4 Turning to the environmental dimension, there would be harm arising from its intrusion into open agricultural land. This impact is however, likely to be limited to the immediate surroundings and could be

further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The development would also result in the loss of 8.31 hectares of 'Best and most versatile agricultural land' (BMV) (Grades 1, 2 and 3a).

6.5 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development would not have an unacceptable impact in terms of contamination of land or soil and would not appear to raise any air quality issues. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. The development provides opportunities for sustainable transport and would not have a severe impact on either the strategic or local highway network. It may however prejudice the delivery of further growth in the area which weighs against the development.

6.6 Whilst there are clear and significant benefits to the proposal as set out above, it is considered that the adverse impacts identified significantly and demonstrably outweigh the benefits that would accrue from the development. The proposal therefore does not represent sustainable development in the context of the NPPF and is recommended for **Refusal**.

Summary of Reasons for Decision:

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would be likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre and is also likely to have a significant impact on existing investment in Tewkesbury town centre due to the scale and type of retail floorspace proposed and its proximity to the town centre. Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form and layout fails to demonstrate good design which would deliver a strong sense of place. The proposal would also result in the loss of 8.31 hectares of best and most versatile agricultural land. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 2 (Ensuring the vitality of town centres) and 7 (Requiring Good Design) and paragraph 112 of the NPPF, Policy RET6 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD3 and SD5 of the Joint Core Strategy Submission Version November 2014.

Notes:

1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

DRAFT

Planning Obligations – CIL Compliance Statement

Address: Land south of A46 and north of Tirl Brook, Ashchurch

Proposal: Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping.

Application Reference: 13/01003/OUT

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) relates to pooling restrictions and provides:

A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that—

(a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

This came into effect on 6 April 2015 and applies to all S106 obligations entered into since 6 April 2010. Tewkesbury Borough Council has carried out a review of all S106 obligations entered into since April 2010 to identify any infrastructure that may be affected by the pooling restrictions.

The table below assess each obligation against Regulation 122 and Regulation 123.

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
Town Centre Improvements - £802, 800	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Riverside Project (see Programme of works)</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	Since April 2010 the number of obligations containing a contribution to Town centre improvements :1
<p>Marketing Strategy :-</p> <p>£50,000 towards strategy and branding</p> <p>£200,000 towards marketing campaign over 5 year period</p> <p>£50,000 towards website development</p> <p>Total cost - £300,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	Since April 2010 the number of obligations containing a contribution towards marketing strategy :1

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
<p>Economic Development and Tourism Strategy Contribution:-</p> <p>£100,000 towards series of events (all year round)</p> <p>£150,000 towards local shop campaign</p> <p>£50,000 towards public development of public art trails</p> <p>£100,000 towards marketing investment group – shop front initiative and empty shops units.</p> <p>Total cost - £400,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Economic Development and Tourism Strategy :0</p>
<p>Evening Economy Contribution - Voucher scheme £50,000.</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Evening Economy :0</p>

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
<p>Tourist Information Provision - Tourist Information Point at retail Outlet Centre £25,000</p> <p>Tourist information centre in Tewkesbury town Centre - £50,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Tourist information provision: 0</p>
<p>Transport -</p> <p>A contribution of £70,000 towards the provision of GCC Scheme 9172, the footway/cycleway to the east of Northway Lane.</p> <p>A contribution of £289,425 towards the GCC A438/Shannon Way Improvement Scheme.</p> <p>A Travel Plan monitoring fee of £5,000.</p>	<p>County Highways requirements.</p> <p>Local Plan Policies TPT1, TPT3 and TPT5</p>	<p>Since April 2010 the number of obligations containing a contribution towards identified transport improvements/Travel Plan: 0</p>

THIS AGREEMENT is made the

day of

2016

BETWEEN

1. ROBERT HITCHINS LIMITED (Co. Regn. No. 686734) whose registered office is at The Manor Boddington Cheltenham Gloucestershire GL51 0TJ ("the Owner")
2. LLOYDS BANK PLC (Co. Regn. No. 2065) whose registered office is at 25 Gresham Street, London, EC2V 7HN ("the Chargee") and
3. GLOUCESTERSHIRE COUNTY COUNCIL of Shire Hall in the City of Gloucester GL1 2TG ("the Council")

WHEREAS:

- (1) The Owner is the registered proprietor of the freehold interest in the Land which is registered with title absolute under title numbers GR118545 and GR92289 subject to the matters set out in the registers
- (2) The Owner proposes to carry out the Development on the Land
- (3) The Council is
 - (a) a Local Planning Authority as defined in the Act and the Local Planning Authority for the purposes of planning obligations imposed pursuant to the provisions of Section 106 of the Act; and
 - (b) the Highway Authority for Gloucestershire and is of the opinion that the Contributions are necessary to address the consequences of the Development; and is
 - (c) satisfied that entry into this Agreement is of benefit to the public
- (4) By the Charges the Owner charged the Land (together with other land) to the Chargee to secure repayment to the Chargee of the monies therein mentioned

NOW THIS DEED WITNESSETH as follows:

1. Definitions and Interpretation:

- a) It is hereby agreed by the parties that in this Agreement the following expressions shall have the following meanings:

'the Act'	means the Town and Country Planning Act 1990 and any amendment thereof
'the Application'	means an application for planning permission pursuant to the Act and made to Tewkesbury Borough Council under reference number 13/01003/OUT (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping
'the Charges'	mean firstly a charge dated 9 September 2011 (charge reference GR92289) and secondly a charge dated 20 December 2013 (charge reference: CYM126641) both made between (1) the Owner and (2) the Chargee relating to the Land and other land
'CIL Regulations'	means, for the purposes of this Agreement, Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations of 2012 and 2013
'Commencement Date'	means the date which any material operation as defined in Section 56 of the Act, comprised in the Development shall commence to be carried out (but excluding for the avoidance of doubt operations consisting of site clearance demolition work archaeological investigations for the purpose of assessing ground conditions remedial work in respect of any contamination or other adverse ground conditions diversion and laying of services erection of any temporary means of enclosure and the temporary display of site notices and advertisements) and 'Commence' and 'Commencement of Development' shall be construed accordingly
'the Contributions'	means the Footway and Cycleway Contribution, the Highway Works Contribution and the Travel Plan Contribution
"the Development"	means the construction on the Land of a new garden centre and retail outlet centre with associated highway works in accordance with (or largely in accordance with)

	the Permission
'the Footway and Cycleway Contribution'	means the sum of Seventy Thousand Pounds (£70,000.00) to be used toward the cost of the new footway/cycleway which is to be constructed on the east side of Northway Lane to provide improved facilities for employees and customers travelling between Northway and the proposed Development
'the Highway Works Contribution'	means the sum of up to Two Hundred and Eighty Nine Thousand Four Hundred and Twenty Five Pounds (£289,425.00) to be used towards the costs of the A438/ Shannon Way junction improvement scheme identified in Gloucestershire County Council's 'Pinch Point' scheme for the A438 at Ashchurch
'the Index'	means the Road Construction Tender Price Index (1995 = 100) Road Type Factors - New Construction Location Factors - South West (issued by Department for Business Innovation and Skills or by any other Department Ministry or other body upon which the duties in connection with that index devolves
"the Land"	means the land to the south of the A46 and north of the Tirl Brook, Tewkesbury and shown edged red on the Plan
'Late Payment Interest'	means a rate calculated on a daily basis and compounded quarterly from the due date until payment at five per cent (4%) per annum over HSBC Bank place base rate from time to time in force
'Notice of Commencement'	means written notification from the Owner to the Proper Officer of the Commencement Date in accordance with the provisions of the agreement
'the Permission'	means planning permission granted pursuant to the Application
'the Plan'	means the plan annexed hereto
'the Proper Officer'	means the Commissioning Director: Communities & Infrastructure or such other Chief Officer as shall from time to time be responsible for the highway and transportation function of the Council
'Repayment Interest'	means interest repaid at the London Interbank seven day rate (as compiled by the British Bankers Association) then

	subsisting calculated annually at the end of each financial year to ascertain the simple average interest rate for that year and then compounded annually calculated from the date of payment until repayment (net of tax if such deduction is required by the guidance in respect thereof issued by Her Majesty's Government at the date of such refund)
'the S106 Monitoring Officer'	means that officer of the Council appointed from time to time with the role of monitoring the compliance of the Owner or other persons with the provisions of this Agreement
"Occupation" and "Occupied"	occupation for the purposes permitted by the Permission but not including occupation by personnel engaged in construction and 'first Occupation' shall be construed accordingly
'the Travel Plan'	means a plan to promote sustainable travel patterns and behaviour
'the Travel Plan Contribution'	mean the sum of Five Thousand Pounds (£5,000.00) to be used towards the monitoring of the Travel Plan
'VAT'	means the tax referred to in the Value Added Tax Act 1994 or any tax of a similar nature which is introduced in substitution for or as an addition to such tax from time to time

- (b) The Development shall be deemed to be commenced on the Commencement Date
- (c) Where the context so admits
- (i) words of the masculine gender shall incorporate the feminine gender and words of the singular shall include the plural and vice versa and where there is more than one covenantor all obligations of such covenantors shall be joint and several
 - (ii) where reference is made to a statutory provision this includes all prior and subsequent enactments amendments and modifications relating to that provision and any sub-ordinate legislation made under it
- (d) The expressions "the Council" "the Owner" and "the Chargee" shall include their respective successors in title and assigns

- (e) All headings in this Agreement are for ease of reference only and are not part of the Agreement nor are they intended to be used as a guide to its interpretation
- (f) All payments in accordance with the terms of this Agreement shall be exclusive of any VAT payable in respect thereof
- (g) Any phrase introduced by the terms 'including' 'include' 'in particular' or any similar expression shall be construed as illustrative and shall not limit the sense of the words following those terms

2. Statutory Provisions:

The parties hereby agree that:

- (a) the obligations on the part of the Owner hereinafter contained are planning obligations imposed pursuant to the provisions of Section 106 of the Act which are enforceable by the Council and
- (b) inter alia this is an Agreement pursuant to Section 278 of the Highways Act 1980 Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011
- (c) Obligations hereunder shall not be enforceable against:
 - (i) owner-occupiers or tenants of retail units constructed pursuant to the Permission nor against those deriving title from them
 - (ii) any local authority or statutory undertaker who takes a transfer of any part of the Land in the normal course of the Development
 - (iii) a chargee of any part of the Land personally unless and until it takes possession or otherwise exercises its right of sale under a charge
 - (iv) any person who has disposed of his interest in the Land or relevant part of it at the time a breach hereunder occurs always provided that they have given notice to the Council of the date of disposal and details of to whom the disposal has been made

3. Conditionality

- 3.1 Save for the provisions of Clause 5 (Payments due on Completion) jurisdiction and delivery clauses and any other relevant provisions which shall come into effect immediately upon completion of this Agreement, this Agreement is conditional upon:
 - (i) the grant of the Planning Permission; and
 - (ii) the Commencement of Development
- 3.2 In the event that the Application falls to be determined by Secretary of State or by an Inspector appointed by the Secretary of State (as to the whole or any

part of this Agreement, as appropriate), the obligations hereunder are conditional upon the Secretary of State or the Inspector appointed not stating in his report that the provisions are irrelevant or not required in order to grant Planning Permission or are not compliant with the CIL Regulations (and any provision in this Agreement that the Inspector determines does not meet the policy tests set out in the CIL Regulations shall from the date of such determination not be enforced) UNLESS such decision is quashed following a successful planning challenge

4. The Contributions:

The parties hereby agree and covenant with the other that:

Travel Plan Contribution

- (a) the Owner will pay the Travel Plan Contribution to the Council prior to the Commencement Date
- (b) the Council will return the Travel Plan Contribution to the Owner within twenty one (21) days of;
 - (i) the Permission lapsing before the Commencement Date; or
 - (ii) the occurrence of any of the events set out at clause 8(e) hereoftogether with Repayment Interest on the amount repaid from the date of payment until the date of repayment

Footway and Cycleway Contribution and Highway Works Contribution

- (c) The Owner will pay the Footway and Cycleway Contribution to the Council prior to the Commencement Date (provided that the Footway and Cycleway Contribution shall not be payable in the event that the Owner shall have already paid such sum to the Council pursuant to a planning obligation entered into in relation to the Owner's proposed development of land to the south of Aston Fields Lane, Ashchurch, Tewkesbury);
- (d) The Owner will pay the Highway Works Contribution to the Council prior to the Commencement Date (provided that the Highway Works Contribution shall not be payable in the event that the Owner shall have already paid such sum to the Council pursuant to a planning obligation entered into in relation to the Owner's proposed development of land to the south of Aston Fields Lane, Ashchurch, Tewkesbury);
- (e) The Council will return the Footway and Cycleway Contribution to the payee within twenty one (21) days of the relevant event, if the Footway and Cycleway Contribution has been paid but the Permission lapses before the Commencement Date together with Repayment Interest on the amount repaid from the date of payment until the date of repayment.

- (f) The Council will return the Highway Works Contribution to the payee within twenty one (21) days of the relevant event if the Highway Works Contribution has been paid but the Permission lapses before the Commencement Date together with Repayment Interest on the amount repaid from the date of payment until the date of repayment
- (g) The Council will
 - (i) expend all sums and contributions paid by the Owner to the Council under this Agreement in the manner and solely for the purpose for which the monies are paid and as soon as practicable following receipt of each payment;
 - (ii) ensure that all costs and expenses which it incurs or expends in relation to any of its obligations pursuant to this Agreement are reasonable, accurate, verifiable and evidenced by appropriate documentation;
 - (iii) if requested by the Owner, provide a written statement accounting for the planned, proposed or actual collection and expenditure of contributions received and
 - (iv) in the event that all or part of the Footway and Cycleway Contribution and/or the Highway Works Contribution is unspent or uncommitted by the date five (5) years from the date of receipt of the respective payment of the same, return to the payee any such unexpended or uncommitted sum together with Repayment Interest on the amount repaid from the date of payment until the date of repayment
- (h) There shall be added to the payment of the Footway and Cycleway Contribution and the Highway Works Contribution a sum calculated by reference to any percentage increase in the Index between the publication immediately before the date hereof and the date upon which the payment of the respective Contributions are actually paid to the Council

5. Payments due on Completion:

The Owner hereby agrees with the Council that it will upon the execution hereof pay to the Council:

- (a) the Council's legal charges in the sum of [] Pounds (£[]) and
- (b) the Council's (highways) technical charges in the sum of [] Pounds (£ [])

6. Notices:

Any notice to the Owner or the Chargee under this Agreement shall be in writing signed by the Head of Legal Services for the time being of the Council unless otherwise herein provided and shall be deemed to be sufficiently served if sent to it by registered or recorded delivery post in the case of the Owner or the Chargee at their respective addresses stated at the beginning of this Agreement and any notice to the Council under this Agreement shall be in writing and shall be deemed to be sufficiently served if sent by registered or recorded delivery post to the Council addressed to the Head of Legal Services Gloucestershire County Council Shire Hall Gloucester GL1 2TG

7. Non-Waiver:

It is hereby agreed by the parties hereto that failure by the Council or the Proper Officer at any time to enforce the provisions of this Agreement or to require performance strictly or otherwise by the Owner of any of the conditions covenants agreements or obligations of this Agreement or any failure or delay by the Council or the Proper Officer to exercise any act right or remedy shall not be construed as a waiver of or as creating an estoppel in connection with any such condition covenant agreement or obligation and shall not affect the validity of this Agreement or any part thereof or the right of the Council to enforce any provision

8. General:

The parties hereby agree that:

- (a) this Agreement constitutes the entire agreement between the parties in respect of the Permission and
- (b) this Agreement supersedes and replaces all previous negotiations whether oral or written and
- (c) none of the parties has relied on any express or implied statement warranty representation or undertaking given by or on behalf of another and no collateral agreement exists between the parties and
- (d) nothing herein contained excludes the liability of any of the parties in relation to fraud
- (e) this Agreement shall be determined and have no further effect if;
 - (i) the Permission expires before the Commencement Date;
 - (ii) the Permission is varied or revoked or otherwise withdrawn;
 - (iii) the Permission is quashed following a successful legal challenge
 - (iv) the Permission (without the consent of the Owner) is modified by any statutory procedure; or

(v) development of the Land is undertaken pursuant to another planning permission granted after the date of this Agreement insofar as it has not already been complied with or should have been complied with save for clauses 4 (b) 4(e) 4(f) and 4(g) which shall remain in force until complied with

9. Indemnity:

Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Agreement

10. Warranty

The Owner warrants that it has not mortgaged charged or otherwise created any interest (legal or equitable) in the Land or any part thereof which would adversely affect the enforceability of this Agreement at the date of this Agreement other than as shown on the register of title numbers GR118545 and GR92289 as at the date hereof

11. Contract (Rights of Third Parties) Act 1999:

It is not intended that any third party shall have a right to enforce the terms of this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999 even if the terms are expressed to be for their benefit and nor shall any such third party have a right of veto over any future variations of this Agreement

12. Effect of invalidity illegality or enforceability:

- (a) If any provision in this Agreement shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions hereof shall not in any way be deemed thereby to be affected or impaired
- (b) In the event that the Application falls to be determined by Secretary of State or by an Inspector appointed by the Secretary of State (as to the whole or any part of this Agreement, as appropriate), and either the Secretary of State or the Inspector appointed by the Secretary of State determines that any provision hereunder does not meet the statutory tests set out in either the CIL Regulations or paragraphs 203-206 of the National Planning Policy Framework such provision shall from the date of such determination not be enforced UNLESS such decision is quashed following a successful planning challenge

13. Late Payment Interest

If any sum payable under the terms of this agreement is not paid at the time specified herein the Owner shall pay to the Council Late Payment Interest on such sum

14 Notice of Commencement and Notice of Substitution:

The Owner hereby agrees and covenants with the Council that:

- (a) it will write to the S106 Monitoring Officer no less than twenty eight (28) days before the Owner expects commencement of the Development to occur notifying the Council of the expected Commencement Date;
- (b) within 7 (seven) days of the actual Commencement Date the Owner will serve on the S106 Monitoring Officer the Notice of Commencement
- (c) the Proper Officer is at liberty to elect a date which it considers to be the Commencement Date in default of the Owner's compliance with sub-clauses 14(a) and (b) above for the purposes of Clause 4(a) and 4 (c) as applicable and will notify the Owner of such date;
- (d) the Owner will give the S106 Monitoring Officer written notice as soon as possible following any change in ownership of any part or parts of the land occurring before all of the obligation of the Owner under this Agreement have been discharged, such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land sold by reference to a plan

14. Chargee's consent:

The Chargee acknowledges and declares that this Agreement has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Agreement and that the security of the Chargee over the Land shall take effect subject to this Agreement PROVIDED THAT the Chargee shall otherwise have no liability under this Agreement unless it takes possession of the Land as mortgagee in possession, (and then only if it shall have caused such breach to have been occasioned and provided further for the avoidance of doubt it shall not in any event be liable for any breach of this Agreement arising prior to it becoming a mortgagee in possession of the Land regardless of whether or not such pre-existing breach shall continue for any period during which it is a mortgagee in possession of the Land) in which case it too will be bound by the obligations as if it were a person deriving title from the Owner PROVIDED ALWAYS that the successors in title to the Chargee shall become fully liable for any breach of this Agreement.

THE COMMON SEAL of
GLOUCESTERSHIRE COUNTY COUNCIL
was hereunto affixed
in the presence of:-



Head of Legal Services

DATED

2016

(1) ROBERT HITCHINS LIMITED

(2) LLOYDS BANK PLC

(3) THE COUNCIL FOR THE BOROUGH OF TEWKESBURY

A G R E E M E N T

in respect of land to the south of the A46 and north of the Tirlle Brook,
Tewkesbury, in the County of Gloucestershire
pursuant to Section 106 of the Town and Country Planning Act 1990 (as
amended) Section 111 of the Local Government Act 1972 and Section 2 of
the Local Government Act 2000
(Town Centre Initiatives)

	secondly a charge dated 20 December 2013 made between (1) the Owner and (2) the Chargee relating to the Land and other land
'CIL Regulations'	means, for the purposes of this Deed, Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations of 2012 and 2013
'Commencement of Development'	means the date which any material operation as defined in Section 56 of the Act, comprised in the Development shall commence to be carried out (but excluding for the avoidance of doubt operations consisting of site clearance demolition work archaeological investigations for the purpose of assessing ground conditions remedial work in respect of any contamination or other adverse ground conditions diversion and laying of services erection of any temporary means of enclosure and the temporary display of site notices and advertisements) and 'Commence Development' shall be construed accordingly
"Development"	means the construction on the Land of a new garden centre and retail outlet centre with associated highway works in accordance with (or largely in accordance with) the Permission
'Index'	Means the All Items Index of Retail Prices issued by the Office for National Statistics
'Interest'	means interest calculated on a daily basis and compounded quarterly from the due date until payment at 4% above the base lending rate from time to time of Lloyds Bank Plc
"Land"	means the land to the south of the A46 and north of the Tirlle Brook Tewkesbury shown edged red on the Plan
"Occupation" and "Occupied"	occupation for the purposes permitted by the Permission but not including occupation by personnel engaged in construction and 'first Occupation' shall be construed accordingly
'Permission'	means planning permission granted pursuant to the Application
'Plan'	means the plan annexed hereto

'Town Centre Initiatives'	means any one or more of the following, but not limited to: <ul style="list-style-type: none"> • Built environment/public realm enhancements; • Accessibility improvements • Security improvements • Promotional events (including provision of a tourist information point) • Town centre management
'Town Centre Initiatives Contribution'	mean the sum of Six Hundred and Seventy Five Thousand Pounds (£675,000.00) to be used by the Council towards the implementation of the Town Centre Initiatives
'VAT'	means the tax referred to in the Value Added Tax Act 1994 or any tax of a similar nature which is introduced in substitution for or as an addition to such tax from time to time

2. CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council or the successors to their statutory functions.
- 2.7 Any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing

3. LEGAL BASIS:

- 3.1 This Deed is made pursuant to Section 106 of the Act. To the extent that the obligations fall within the terms of Section 106 of the Act the obligations contained in this Deed are planning obligations for the purpose of Section 106 of the Act and are enforceable by the Council
- 3.2 To the extent that any of the obligations contained in this Deed are not planning obligations within the meaning of the Act they are entered into pursuant to powers contained in Section 111 of the Local Government Act 1972 Section 2 of the Local Government Act 2000 and all other enabling powers
- 3.3 The obligations created by this Deed create planning obligations for the purpose of Section 106 of the Act and are enforceable by the Council as local planning authority for the area in which the Land is situated

4. CONDITIONALITY

- 4.1 Save for the provisions of Clause 14 (Costs) jurisdiction and delivery clauses and any other relevant provisions which shall come into effect immediately upon completion of this Deed, this Deed is conditional upon:
- (i) the grant of the Planning Permission; and
 - (ii) the Commencement of Development
- 4.2 In the event that the Application falls to be determined by Secretary of State or by an Inspector appointed by the Secretary of State (as to the whole or any part of this Deed, as appropriate), the obligations hereunder are conditional upon the Secretary of State or the Inspector appointed not stating in his report that the provisions are irrelevant or not required in order to grant Planning Permission or are not compliant with the CIL Regulations (and any provision in this Deed that the Inspector determines does not meet the policy tests set out in the CIL Regulations shall from the date of such determination not be enforced) UNLESS such decision is quashed following a successful planning challenge

5. THE COVENANTS:

The parties hereby agree and covenant with the other that:

- 5.1 The Owner will pay the Town Centre Initiatives Contribution to the Council prior to the date of first Occupation;

- 5.2 The Council will return the Town Centre Initiatives Contribution to the payee within 21 days of the relevant event, if the Town Centre Initiatives Contribution is not used five years from the date of first Occupation;
- 5.3 There shall be added to the payment of the Town Centre Initiatives Contribution a sum calculated by reference to any percentage increase in the Index between the publication immediately before the date hereof and the date upon which the payment of the Town Centre Initiatives Contribution is actually paid to the Council
- 5.4 The Owner hereby agrees and covenants with the Council that:
- (i) it will write to the Council no less than twenty eight (28) days before the Owner expects first Occupation to occur notifying the Council of the expected date of first Occupation; and
 - (ii) within 7 (seven) days of the date of first Occupation it will serve on the Council written notice confirming the date of first Occupation

6. MISCELLANEOUS

- 6.1 The covenants in this Deed shall come into effect on the date of it.
- 6.2 This Deed shall be registrable as a local land charge by the Council.
- 6.3 Nothing in this Deed shall be construed as imposing a contractual obligation upon the Council as to the issue of the Permission or as restricting the exercise by the Council of any power or function exercisable under the Act or under any other Act or authority.
- 6.4 This Deed shall cease to have effect if;
- (i) the Permission expires before Commencement of Development;
 - (ii) the Permission is varied or revoked or otherwise withdrawn;
 - (iii) the Permission is quashed following a successful legal challenge
 - (iv) the Permission (without the consent of the Owner) is modified by any statutory procedure; or
 - (v) development of the Land is undertaken pursuant to another planning permission granted after the date of this Deed insofar as it has not already been complied with or should have been complied with save for clause 5.2 which shall remain in force until complied with.
- 6.5 This Deed shall not be enforceable against tenants of the retail units constructed pursuant to the Permission nor against those deriving title from them.
- 6.6 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after parting with their entire interest in the Land

but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

- 6.7 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.8 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.
- 6.9 If the Permission shall expire (or shall be revoked or be quashed in any legal proceedings) before the Commencement of the Development then this Deed shall forthwith determine and cease to have effect and the Planning Obligations shall be removed from the register of local land charges by the Council or otherwise record the fact that it has come to an end and no longer affects the Land

7. WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

8. THIRD PARTY RIGHTS

A person who is not a party to this Deed has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed but this does not affect any right or remedy of a third party which exists or is available apart from that Act

9. CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged, such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

10. INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

11. VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

12. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England.

13. NOTICE

13.1 Any notice or other communication required to be given under this deed shall be in writing and shall be delivered personally, or sent by pre-paid first class post or recorded delivery or by commercial courier, to any person required to receive the notice or communication at its address as set out below:

Council: at the address set out above

Owner: at the address set out above;

or as otherwise specified by the relevant person by notice in writing to each other person.

13.2 Any notice or other communication shall be deemed to have been duly received:

13.2.1 if delivered personally, when left at the address and for the contact referred to in this clause;

13.2.2 if sent by recorded delivery, at the time the delivery was signed for; or

13.2.3 if by post on the second working day after the envelope containing the same was delivered into the custody of the postal authority within the United Kingdom

13.2.4 if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

13.2.5 if sent by facsimile transmission at the time of successful transmission provided it was sent before 4pm and if sent after 4pm the next working day,

AND in proving such service it shall be sufficient to prove that personal delivery was made and a receipt obtained or that the envelope containing such notice consent or approval was properly addressed and delivered into the custody of the postal authority in a pre-paid first class recorded delivery envelope and a receipt obtained or that facsimile was successfully transmitted

14. COSTS:

The Owner shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed which shall be limited to the sum of [] Pounds (£[])

15. CHARGEES CONSENT

The Chargee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Deed and that the security of the Chargee over the Land shall take effect subject to the Deed PROVIDED THAT the Chargee shall otherwise have no liability under the Deed unless it takes possession of the Land as mortgagee in possession, in which case it too will be bound by the obligations as if it were a person deriving title from the Owner

IN WITNESS whereof the parties hereto have caused this Deed to be executed the day and year first before written

THE COMMON SEAL of
ROBERT HITCHINS LIMITED
was hereunto affixed
in the presence of:-

Director:
Director/Secretary:

Executed as a Deed (but not delivered until
dated) by

(name and designation)
as attorney for LLOYDS BANK PLC
in the presence of:-

Signature of Witness
Name of Witness
Address
Occupation

THE COMMON SEAL of
TEWKESBURY BOROUGH COUNCIL
was hereunto affixed
in the presence of:-



DATED

2016

ROBERT HITCHINS LIMITED

and

LLOYDS BANK PLC

To

THE COUNCIL FOR THE BOROUGH OF TEWKESBURY

Unilateral Undertaking

in respect of land to the south of the A46 and north of the Tirlle Brook,
Tewkesbury, in the County of Gloucestershire
pursuant to Section 106 of the Town and Country Planning Act 1990 (as
amended)

A DEED made the day of 2016

BY

1. **ROBERT HITCHINS LIMITED** (Co. Regn. No. 686734) whose registered office is at The Manor Boddington Cheltenham Gloucestershire GL51 0TJ ("the Owner") and
2. **LLOYDS BANK PLC** (Co. Regn. No. 2065) of Registrations, Secured Assets, Barnett Way, Gloucester GL4 3RL ("the Chargee")

creating planning obligations enforceable by THE COUNCIL FOR THE BOROUGH OF TEWKESBURY of Council Offices Gloucester Road Tewkesbury GL20 5TT ("the Council")

WHEREAS:

- (1) The Owner is the registered proprietor of the freehold interest in the Land which is registered with title absolute under title numbers GR118545 and GR92289 subject to the matters set out in the registers
- (2) The Owner proposes to carry out the Development on the Land
- (3) The Council is a Local Planning Authority as defined in the Act and the Local Planning Authority for the purposes of planning obligations imposed pursuant to the provisions of Section 106 of the Act
- (4) By the Charges the Owner charged the Land (together with other land) to the Chargee to secure repayment to the Chargee of the monies therein mentioned

NOW THIS DEED WITNESSETH as follows:

1. Definitions and Interpretation:

- a) The definitions and rules of interpretation in this clause apply in this Undertaking:

'the Act'	means the Town and Country Planning Act 1990 and any amendment thereof
'the Application'	means an application for planning permission pursuant to

	the Act and made to Tewkesbury Borough Council under reference number 13/01003/OUT (with all matters reserved except access) for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access, car parking and landscaping
'the Charges'	mean firstly a charge dated 9 September 2011 (charge reference GR92289) and secondly a charge dated 20 December 2013 (charge reference: CYM126641) both made between (1) the Owner and (2) the Chargee relating to the Land and other land
'CIL Regulations'	Means, for the purposes of this Deed, Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations of 2012 and 2013
'Commencement Date'	means the date which any material operation as defined in Section 56 of the Act, comprised in the Development shall commence to be carried out (but excluding for the avoidance of doubt operations consisting of site clearance demolition work archaeological investigations for the purpose of assessing ground conditions remedial work in respect of any contamination or other adverse ground conditions diversion and laying of services erection of any temporary means of enclosure and the temporary display of site notices and advertisements) and 'Commencement of Development' shall be construed accordingly
'the Development'	means the construction on the Land of a new garden centre and retail outlet centre with associated highway works pursuant to the Permission
'the Highway Reserve Land'	means the land shown edged and hatched blue on Plan 2
'the Highway Reserve Period'	means the period of 10 years following the Commencement Date
"the Land"	means the land to the south of the A46 and north of the Tirl Brook, Tewkesbury and shown edged red on Plan 1
'Notice of Commencement'	means written notification from the Owner to the Council of the Commencement Date in accordance with the

	provisions of the Undertaking
'the Permission'	means planning permission granted pursuant to the Application
'Plan 1' and 'Plan 2'	means the plans annexed hereto and respectively numbered Plan 1 and Plan 2
'VAT'	means the tax referred to in the Value Added Tax Act 1994 or any tax of a similar nature which is introduced in substitution for or as an addition to such tax from time to time

- (b) Where the context so admits
- (i) words of the masculine gender shall incorporate the feminine gender and words of the singular shall include the plural and vice versa and where there is more than one party all obligations of such parties shall be joint and several unless there is an express provision otherwise
- (ii) where reference is made to a statutory provision this includes all prior and subsequent enactments amendments and modifications relating to that provision and any sub-ordinate legislation made under it
- (c) The expressions "the Council" "the Owner" and "the Chargee" shall include their respective successors in title and assigns and any deriving title through or under that party and successors to any statutory functions of the Council
- (d) All headings in this Undertaking are for ease of reference only and are not part of the Undertaking nor are they intended to be used as a guide to its interpretation
- (e) All payments in accordance with the terms of this Undertaking shall be exclusive of any VAT payable in respect thereof
- (f) Any phrase introduced by the terms 'including' 'include' 'in particular' or any similar expression shall be construed as illustrative and shall not limit the sense of the words following those terms

2. Legal Basis:

- (a) Obligations hereunder on the part of the Owner are planning obligations for the purposes of Section 106 of the Act and enforceable by the Council
- (b) The covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the Act to the intent that it shall bind the Owner and its successors in title to each and every part of the Land and are enforceable by the Council as local planning authority
- (c) Obligations hereunder shall not be enforceable against:

- (i) owner-occupiers or tenants of retail units constructed pursuant to the Permission nor against those deriving title from them
- (ii) any local authority or statutory undertaker who takes a transfer of any part of the Land in the normal course of the Development
- (iii) a chargee of any part of the Land personally unless and until it takes possession or otherwise exercises its right of sale under a charge
- (iv) any person who has disposed of his interest in the Land or relevant part of it at the time a breach hereunder occurs always provided that they have given notice to the Council of the date of disposal and details of to whom the disposal has been made

3. Conditionality:

The obligations hereunder are conditional upon:

- (a) the grant of Planning Permission and
- (b) the Commencement of Development

4. Owner's Covenants:

- (a) The Owner will observe and perform the obligations set out in this Undertaking
- (b) The Owner undertakes that, during the Highway Reserve Period, it will not erect any structures on the Highway Reserve Land nor use the Highway Reserve Land in such way as would preclude use of the Highway Reserve Land as highway or footpath maintainable at public expense
- (c) The Owner shall pay to the Council its proper and reasonable legal costs incurred in negotiating this Deed upon completion of this Deed

5. Notices:

Any notice to the Owner or the Chargee under this Undertaking shall be in writing signed by the Head of Legal Services for the time being of the Council unless otherwise herein provided and shall be deemed to be sufficiently served if sent to it by registered or recorded delivery post in the case of the Owner or the Chargee at their respective addresses stated at the beginning of this Undertaking and any notice to the Council under this Undertaking shall be in writing and shall be deemed to be sufficiently served if sent by registered or recorded delivery post to the Council addressed to the Head of Legal Services at The Council For The Borough Of Tewkesbury Council Offices Gloucester Road Tewkesbury GL20 5TT

6. Non-Waiver:

The Owner acknowledges that failure by the Council at any time to enforce the provisions of this Undertaking or to require performance strictly or otherwise by the Owner of any of the conditions covenants or obligations of this Undertaking or any failure or delay by the Council to exercise any act right or remedy shall not be construed as a waiver of or as creating an estoppel in connection with any such condition covenant or obligation and shall not affect the validity of this Undertaking or any part thereof or the right of the Council to enforce any provision

7. General:

- (a) This Undertaking supersedes and replaces all previous negotiations whether oral or written and
- (b) Nothing herein contained excludes the liability of any of the parties in relation to fraud
- (c) This Undertaking shall be determined and have no further effect if;
 - (i) the Permission expires before the Commencement Date;
 - (ii) the Permission is varied or revoked or otherwise withdrawn;
 - (iii) the Permission is quashed following a successful legal challenge
 - (iv) the Permission (without the consent of the Owner) is modified by any statutory procedure; or
 - (v) development of the Land is undertaken pursuant to another planning permission granted after the date of this Undertaking insofar as it has not already been complied with or should have been complied with
- (d) The Owner acknowledges that this undertaking will be registered as a local land charge in the Register of Local Land Charges
- (e) Nothing in this Undertaking shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Undertaking

8. Warranty

The Owner warrants that it has not mortgaged charged or otherwise created any interest (legal or equitable) in the Land or any part thereof which would adversely affect the enforceability of this Undertaking at the date of this Undertaking other than as shown on the register of title numbers GR118545 and GR92289 as at the date hereof

9. Contract (Rights of Third Parties) Act 1999:

It is not intended that any third party shall have a right to enforce the terms of this Undertaking pursuant to the Contracts (Rights of Third Parties) Act 1999 even if the terms are expressed to be for their benefit and nor shall any such third party have a right of veto over any future variations of this Undertaking

10. Effect of invalidity illegality or enforceability:

- (a) If any provision in this Undertaking shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions hereof shall not in any way be deemed thereby to be affected or impaired
- (b) In the event that the Application falls to be determined by Secretary of State or by an Inspector appointed by the Secretary of State (as to the whole or any part of this Undertaking, as appropriate), the obligations hereunder are conditional upon the Secretary of State or the Inspector appointed not stating in his report that the provisions are irrelevant or not required in order to grant the Permission or are not compliant with the CIL Regulations (and any provision in this Undertaking that the Inspector determines does not meet the policy tests set out in the CIL Regulations shall from the date of such determination not be enforced)

11 Notice of Commencement:

The Owner:

- (a) undertakes that it will write to the Council no less than twenty eight (28) days before the Owner expects commencement of the Development to occur notifying the Council of the expected Commencement Date;
- (b) within 7 (seven) days of the actual Commencement Date will serve Notice of Commencement on the Council
- (c) acknowledges that the Council is at liberty to elect a date which it considers to be the Commencement Date in default of the Owner's compliance with sub-clauses 12(a) and (b) above for the purposes of Clause 4(a) and will notify the Owner of such date

12. Chargee's consent:

The Chargee acknowledges and declares that this Undertaking has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Undertaking and that the security of the Chargee over the Land shall take effect subject to this Undertaking PROVIDED THAT the Chargee shall otherwise have no liability under the Undertaking unless it takes possession of

the Land as mortgagee in possession, in which case it too will be bound by the obligations as if it were a person deriving title from the Owner

13. Jurisdiction:

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales

14. Consent to Registration:

The Owner hereby consents to the registration of this Deed as a Local Land Charge and as a notice against title numbers GR118545 and GR92289

IN WITNESS whereof the parties hereto have caused this Deed to be executed the day and year first before written

THE COMMON SEAL of
ROBERT HITCHINS LIMITED
was hereunto affixed
in the presence of:-



Director:

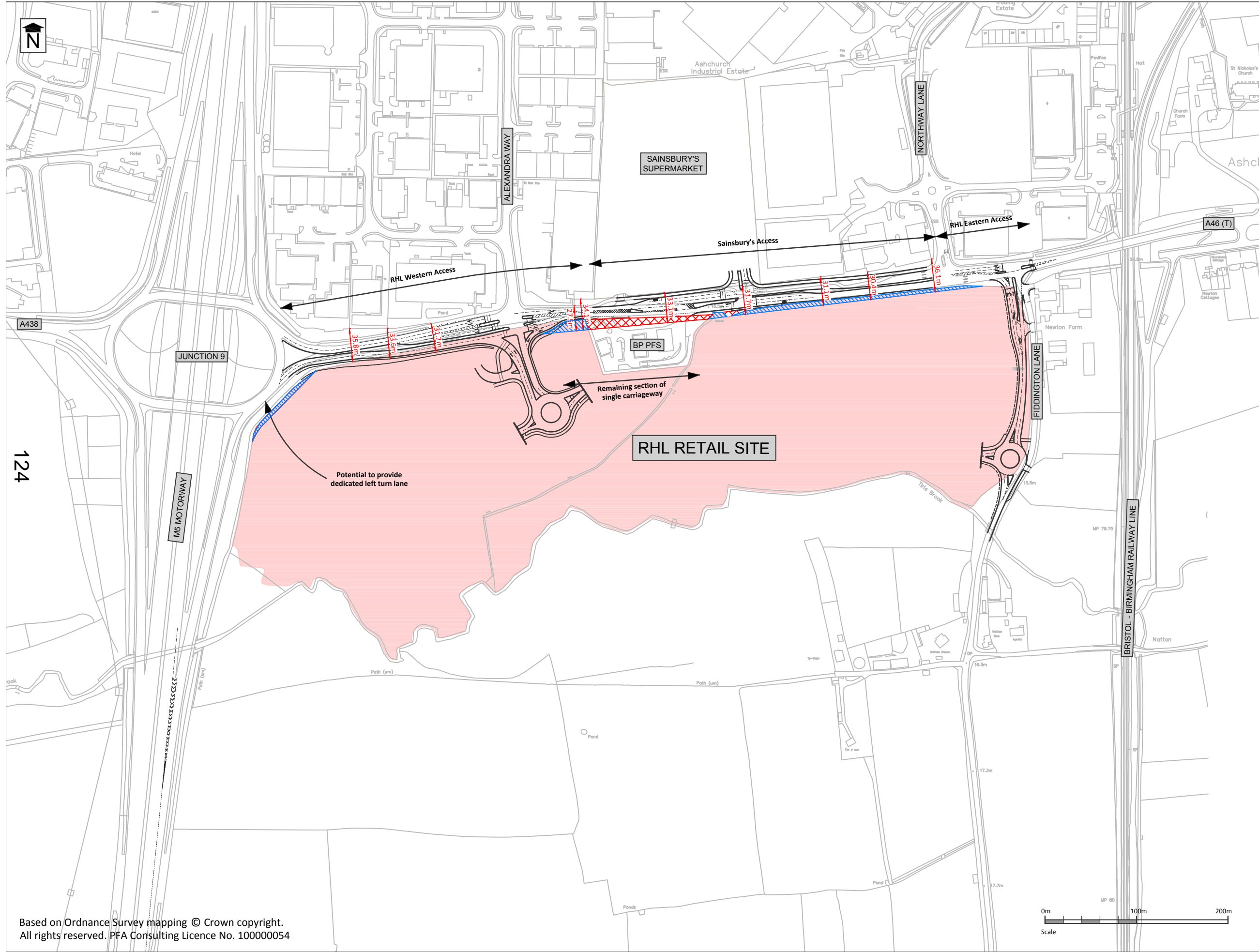
Director/Secretary:

THE COMMON SEAL of
LLOYDS BANK PLC
was hereunto affixed
in the presence of:-



Director:

Director/Secretary:



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Stratton Park House, Wanborough Road
Swindon, SN3 4HG

Telephone

01793 828000

Facsimile

01793 835500

Email

admin@pfapl.com

Website

www.pfapl.com

KEY

3rd Party land potentially required for highway improvements to provide dual carriageway

Land within RHL ownership to be safeguarded for a potential future improvement to the A46 (T)

RHL ownership boundary

FOR DISCUSSION

Rev	Date	Description	Initials
B	06/02/2015	Minor amendment to safeguarded land.	CS
A	05/02/2015	Safeguarded land amended to accommodate illustrative master plan and landscaping	CS

Client
Robert Hitchins Ltd

Project
**Proposed Garden Centre and Retail Outlet
Ashchurch, Gloucestershire**

Drawing Title
Plan showing land to be safeguarded for potential future improvement to A46(T)

Drawing No. **H439/29** Rev B

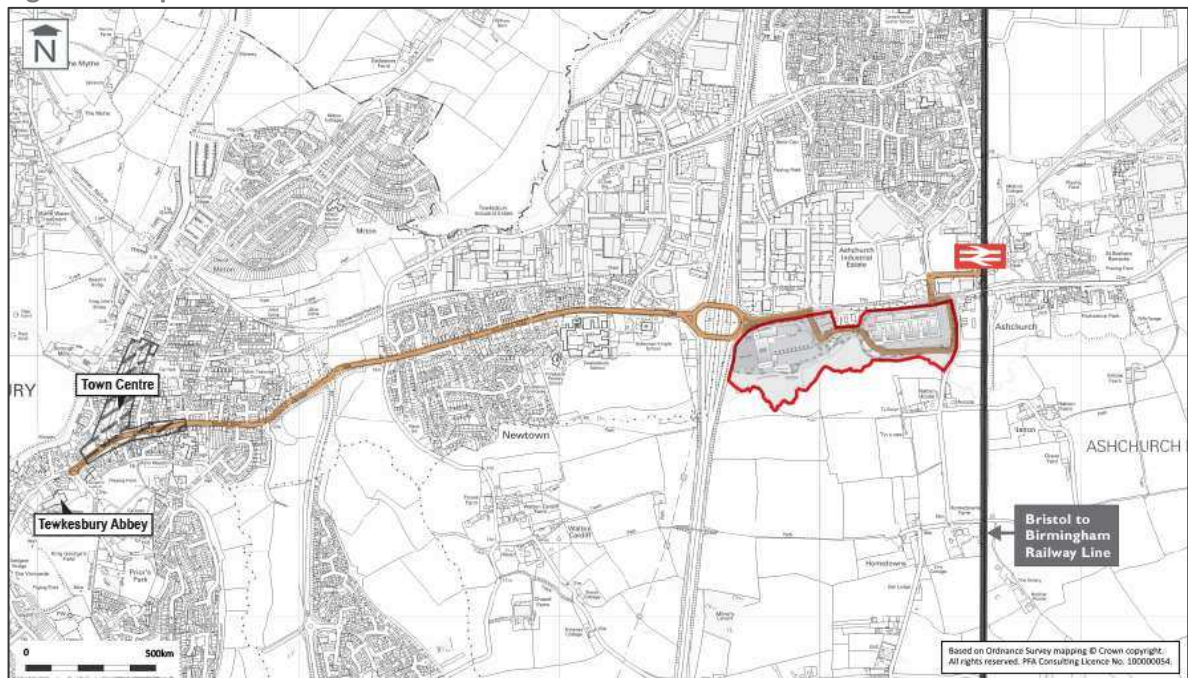
Date	January 2015
Scale	1:4000 @ A3
Drawn By	CS
Checked By	JA
E-Mail	csumbler@pfapl.com
File Ref.	F:\Workfile\H439\Drawings

PROPOSED GARDEN CENTRE AND RETAIL OUTLET CENTRE AT ASHCHURCH, GLOUCESTERSHIRE

PROPOSED SHUTTLE BUS SERVICE

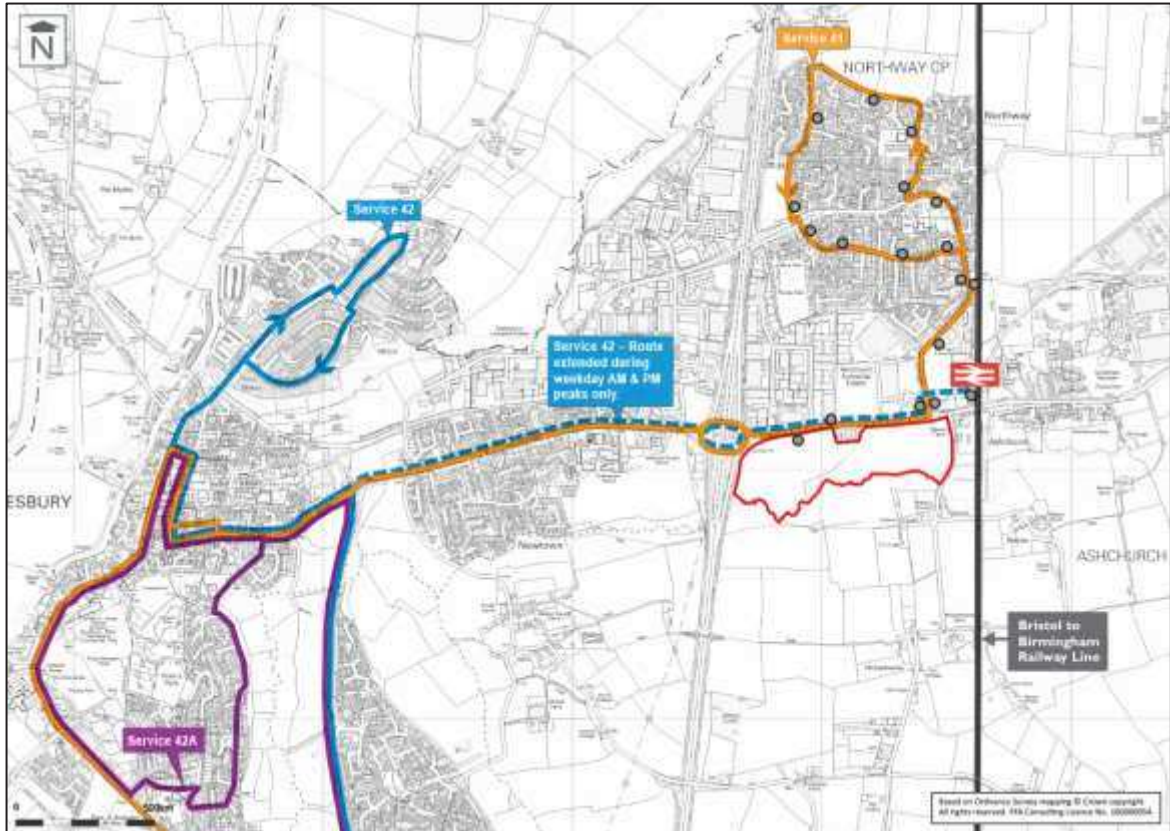
- 1.1. The planning application for the proposed garden centre and retail outlet centre at Ashchurch highlights the potential to operate a shuttle bus service to link the development to Tewkesbury town centre. As part of the consideration of the application, Gloucestershire County Council (GCC) as the local highway authority has requested further information about the proposed service. This file note seeks to provide that further information.

Figure 1: Proposed Route of Shuttle Bus



- 1.2. The objectives of the shuttle bus service are two-fold:
- to encourage visitors to the retail outlets to travel by rail via Ashchurch station; and
 - to encourage 'linked-trips' for visitors to travel between the retail outlets and Tewkesbury town centre.
- 1.3. GCC recognise the benefits that a shuttle bus service would have in increasing the number of 'linked trips' to Tewkesbury town centre, they are however concerned about whether such a service would have an impact on the viability of existing local bus services.
- 1.4. The shuttle bus service would therefore need to integrate and complement those bus services which route between Northway and Tewkesbury. **Figure 2** shows the routes of bus services 41 and 42/42A with the frequency of service for different days shown in **Table 1**.

Figure 2: Existing Bus Service Routes



- 1.5. The extension of bus service 42 along the A438 and A46(T) to Ashchurch station occurs only during the weekday AM and PM peak periods. No services currently operate during weekends or bank holidays.

Table 1: Frequency of Bus Services

Service	Weekday Frequency	Saturday Frequency	Sunday Frequency	Bank Holidays
41 (Cheltenham – Tewkesbury – Northway)	Every 20 minutes	Every 20 minutes	Every 60 minutes	Every 60 minutes
41 (Northway – Tewkesbury – Cheltenham)	Every 20 minutes	Every 20 minutes	Every 60 minutes	Every 60 minutes
42/42A (Cheltenham – Tewkesbury)	Every 30 minutes	Every 30 minutes	Every 60 minutes	Every 60 minutes
42/42A (Tewkesbury – Cheltenham)	Every 30 minutes	Every 30 minutes	Every 60 minutes	Every 60 minutes

Note: Information taken from Stagecoach website September 2014.

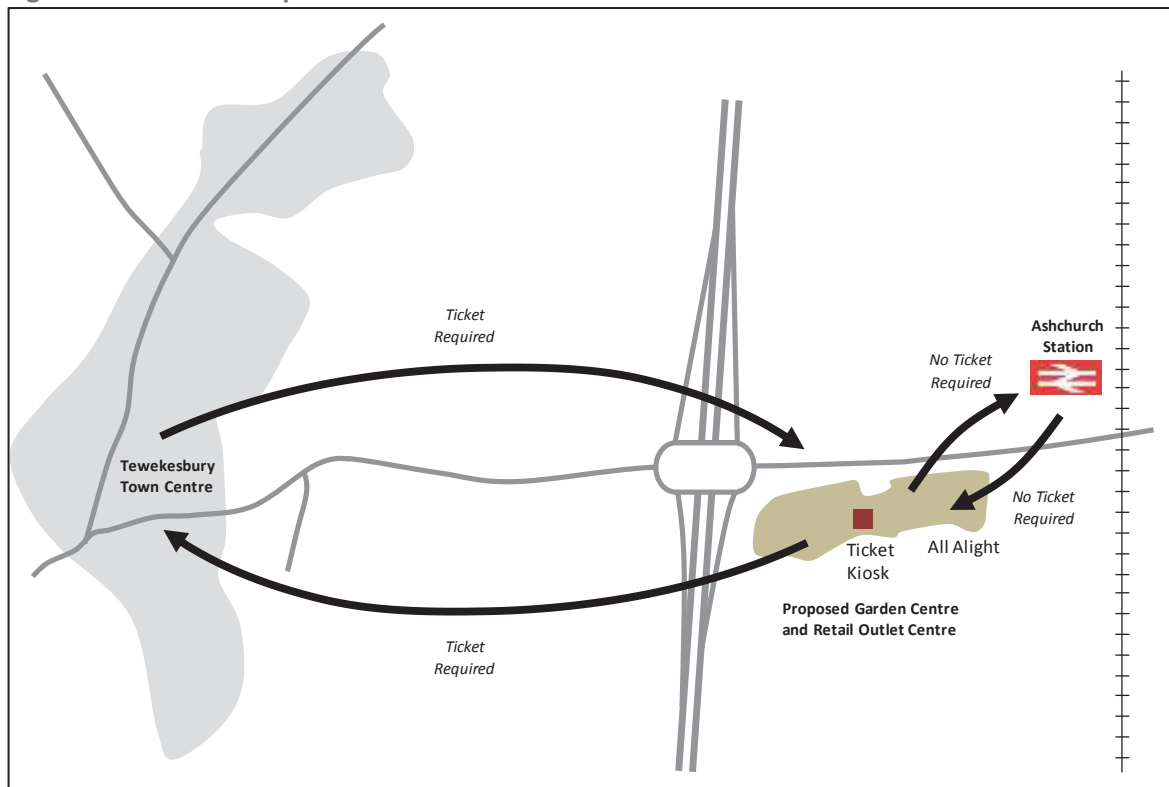
- 1.6. At weekends and on bank holidays the only bus service which could potentially be affected by the provision of a shuttle bus is service 41 which operates an hourly service on these days.

Operation of Shuttle Bus

- 1.7. The shuttle bus would be funded by RHL and would operate during the weekends and bank holidays when the number of visitors to the retail outlets would be at their highest. The shuttle bus would operate throughout the day commencing prior to the retail outlets opening times and ending after the retail outlets closing times on each day. It is envisaged that the type of bus would be a low emission midi size ‘optare’ type bus with a carrying capacity of 25-30 seats. To help with the marketing of the garden centre and retail outlet centre the shuttle bus would be suitably branded to make it easily recognisable.

- 1.8. The shuttle bus would be co-ordinated with rail services arriving at Ashchurch station to reduce waiting times and encourage trips by rail. The bus service would only have three stops, Ashchurch station, the retail outlets and Tewkesbury town centre. This would reduce journey times to/from Tewkesbury town centre, and reduce the impact on local bus services given the limited locations at which the shuttle bus can be accessed. The journey time for a 'round-trip' would be approximately 20 minutes thereby providing a service frequency of three 'round-trips' per hour throughout the day.
- 1.9. On arrival at Ashchurch station the shuttle bus would be free with no ticket required for travel to the retail outlets at which point all passengers would be required to alight from the bus. For travel from the retail outlets into Tewkesbury town centre a bus ticket would be required to be collected from a kiosk within the outlet centre (proof of purchase of goods required). The return trip from Tewkesbury town centre back to the retail outlets would also require a ticket to be produced to the driver. For those starting their journey in Tewkesbury a ticket will need to be purchased from the driver with the bus fare redeemed from the outlet centre with a proof of purchase of goods. For the journey back to Ashchurch station from the retail outlets no ticket will be required.
- 1.10. The above shuttle bus strategy is represented in **Figure 3** below:

Figure 3: Shuttle Bus Operation



- 1.11. As the shuttle bus is only going to operate at weekends and on bank holidays, the only people that would potentially find it to be an alternative to bus service 41 for travel to Tewkesbury town centre are residents living in Northway. The vast majority of the businesses located in the employment areas north of the A46(T) in the vicinity of the proposed retail outlets will not be operational during weekends.
- 1.12. For Northway residents to benefit from free travel into Tewkesbury town centre they would first have to walk to Ashchurch station to board the shuttle bus. They would then be required to alight from the bus at the retail outlets and obtain a bus ticket following a purchase before boarding a

bus for onward travel into Tewkesbury town centre. This is unlikely to be an attractive alternative to that of using local bus service 41 which routes through Northway providing an hourly service where the cost of travel to/from Tewkesbury town centre is £1.30 for a single and £2.30 for a return.

- 1.13. To encourage 'linked-trips' to Tewkesbury town centre during weekdays when the shuttle bus is not in operation visitors of the retail outlets will be able to use local bus services 41 & 42 for travel to/from Tewkesbury. The bus fare for these journeys will be able to be redeemed from the outlet centre with a proof of purchase of goods. Discussions with GCC and Stagecoach will be undertaken to establish the merits of routeing some of the local bus services into the garden centre and retail outlet centre.
- 1.14. The provision of a shuttle bus service operating at weekends and bank holidays at the proposed garden centre and retail outlet centre will together with the provision of subsidised travel for local bus services during weekdays encourage 'linked-trips' to Tewkesbury town centre without compromising the viability of existing local bus services operating in Ashchurch.

Land south of the A46 and North of the Tirlle Brook, Ashchurch, Tewkesbury

Reference: 13/1003OUT

Draft Planning Conditions

Phasing

1. As part of the first reserved matters application a phasing plan for the whole site shall be submitted to the LPA for approval in writing. The phasing plan shall indicate the development phases and their order and phasing of key infrastructure, including surface water drainage, green infrastructure and access for pedestrians, cyclists, buses and vehicles. The development shall be carried out in accordance with the approved phasing plan.

Design Principles

2. As part of the reserved matters application for phase 1 submitted pursuant to condition 3 a document setting out the Design Principles (hereafter referred to as 'Design Principles') for the development hereby approved shall be submitted to the LPA for approval in writing. The Design Principles shall accord with the Parameter Plans (6611/PL03, 6611/PL04, 6611/PL05 Rev A, 6611/PL06, 6611/PL07); the indicative Masterplan (6611/PL02), Indicative Sectional Elevations Plan (6611/PL08 Rev A), the Design and Access Statement dated September 2013 and addendum to same dated October 2014. The Design Principles shall include the following matters:
 - (i) The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs and fenestration;
 - (ii) The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - (iii) The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, parking areas and external pedestrian circulation space;
 - (iv) The principles for the laying out of the green infrastructure including the access, location and general arrangements of the area of publicly accessible open space;

The development shall be carried out in accordance with the approved Design Principles.

Reserved matters

3. The development of each phase for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings and landscaping (hereinafter referred to

as "the reserved matters") of that phase have been submitted to and approved in writing by the LPA. The development shall be carried out as approved.

4. Application for the approval of the reserved matters for phase 1 as identified by the phasing plan shall be made to the LPA before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the reserved matters for phase 1, whichever is the later.
5. Application for the approval of reserved matters for the subsequent phases of development as identified by the phasing plan shall be made to the LPA before the expiration of 8 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 10 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Ground and floor levels

- 6 No development comprising the erection of buildings shall take place in any given phase of the development until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn in that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Outlet Centre Conditions

- 7 The Factory Outlet Centre (FOC) shall be used only for factory outlet shopping (Class A1) and uses within Classes A3, A4 and A5 of the *Town and Country Planning (Use Classes) Order 1987* (as amended).
- 8 All retail sales from the Class A1 floorspace in the FOC shall only be by manufacturers selling their branded seconds, surplus stock, or discontinued lines or other retailers selling rejects, returned goods, seconds, clearance goods and surplus stock, all at discounted prices.
- 9 Not less than 85% of the total gross Class A1 retail floorspace of the FOC shall offer goods for sale at a price at least 30% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has been, offered for sale at the manufacturers' or their retailers' high street outlets

- 10 The remainder of the total gross Class A1 retail floorspace of the FOC shall offer goods for sale at a price at least 10% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has been, offered for sale at the manufacturers' or their retailers' high street outlets
- 11 The retail units other than those in Class A3, A4 and A5 shall not be used for any of the purposes within Class A1 of the *Town and Country Planning (Use Classes) Order 1987* as amended other than for the sale of goods by way of factory outlet shopping. The Class A1 retail units shall not be used for the sale of convenience goods, DIY goods, tools, garden furniture, carpets, floor covering, electrical/gas goods/appliances, hardware, motor vehicle spares and accessories.
- 12 No Class A1 retail unit (excluding the Tourist Information Centre) in the Factory Outlet Centre shall have a gross floor area less than 50m².
- 13 No Class A1 retail unit in the Factory Outlet Centre shall have a gross floor area greater than 1,200m².
- 14 The net sales area for the Factory Outlet Centre shall not exceed 13,436m².
- 15 Not more than 11,500m² of the total net sales area shall be used for the sale of clothing and/or footwear or uses ancillary thereto.
- 16 Not more than 3,850m² of the total net sales area shall be for the sale of items other than clothing and/or footwear.
- 17 There shall be no more than 10 Class A3-A5 units and no single unit shall exceed 750m² gross.
- 18 Other than the Class A3-A5 units, the Factory Outlet Centre shall constitute no less than 30 units and no more than 90 units at any one time.

Garden Centre Conditions

- 19 The premises shall be used as a garden centre (incorporating café/restaurants and foodhall) and for no other purposes including any other purpose in Class A1 of the *Town and Country Planning (Use Classes) Order 1987* as amended.
- 20 The floorspace permitted for each of the following categories of Class A1 goods shall not exceed the maximum floor area indicated below.

The covered, enclosed accommodation (to a maximum of 7,600m² Gross Internal Area):

		Maximum floor area (GIA)
a)	Horticultural products, composts, peats, chemicals and other goods associated with plant/garden care, tools, watering equipment and garden machinery.	7,600
b)	Houseplants, dried, artificial and cut flowers and goods associated with their care and maintenance.	
c)	Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and barbecue accessories.	
d)	clothing and footwear for outdoor pursuits	
e)	Pets, pet foods, pet cages, fish and accessories including ponds, equestrian products, pet care advice and care products.	
f)	Other goods falling within Class A1, including farm produce, gifts and crafts, confectionary, preserves, pickles, herbs, spices and biscuits.	1,600
g)	Seasonal products.	1,140

The uncovered external area (to a maximum of 7,765m² Gross External Area):

		Maximum floor area (GEA)
a)	All living plants of all varieties and sizes.	7,765
b)	All garden related products which are not plants: including rockery, statuary, ponds, pools, fountains and accessories, cold water fish, compost, peat and other garden care products, garden and conservatory furniture, garden lighting and heating, barbeques and accessories, pets, birds, fish and accessories, including aviaries, cages and ponds, garden buildings, greenhouses, conservatories, gazebos, summer houses, swimming pools, spas with all accessories, landscape and building material, fencing and timber products.	

- 21 No part of the Garden Centre shall be used for the sale of the following goods and services (other than as otherwise permitted above): carpets and other floor coverings (other than for outdoors and conservatories), electrical goods (other than electric garden tools and machinery, and electrical products for garden features), chemists, medical and beauty products, newspapers and magazines (other than gardening magazines), food and drink, toys, jewellery, watches and clocks, CDs DVDs and videos (other than those related to gardening and seasonal goods), caravans and car parts and accessories, photographic goods, musical instruments, luggage, leather goods, DIY goods and decorator's supplies, hardware (other than products for garden construction, improvement and maintenance) and clothing and footwear.
- 22 The café/restaurants hereby permitted shall only be used for the purposes of Class A3 (Restaurants and Cafes) and Class A5 (Hot Food Take-away) and for no other purpose.
- 23 There shall be no more than two A3/A5 units subject to a combined maximum gross internal area of 929m².
- 24 The external dining area shall not exceed 1,045m² gross floorspace.

Protection of existing trees and hedgerows

- 25 Within each phase no hedges or trees shall, with the exception of those required to implement the approved accesses, be removed or felled unless the removal or felling is part of an approved landscaping scheme.
- 26 Details of fencing for the protection of existing trees within a phase shall be submitted to and approved in writing by the local planning authority. The fencing shall accord with BS 5837:2012 (Trees in Relation to Construction). Before any equipment, machinery or materials are brought into that phase for the purpose of the development, the fencing shall be erected in accordance with the approved details. The fencing shall be retained until all equipment, machinery and surplus materials have been removed from that phase. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor any excavation be made without the prior written consent of the local planning authority.
- 27 All planting, seeding or turfing comprised in the approved details of landscaping for each phase shall be carried out in the first planting and seeding seasons following last occupation of that phase. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Landscaping and Ecological Management Plan

- 28 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be in accordance with the mitigation and enhancement measures in the submitted Environmental Statement. It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the LEMP.

Construction Management Plan

- 29 No development shall commence until a construction environmental management plan (CEMP) detailing how the site will be accessed and laid out during construction has been submitted to, and approved in writing by, the LPA and the CEMP shall be fully implemented and shall include:
- (i) specific noise level targets and vibration levels at existing residential properties;

- (ii) the type of machinery to be used to meet the noise and vibration levels;
- (iii) hours of operation;
- (iv) methods of construction;
- v) Likely type and number of vehicular movements;
- vi) Parking provision;
- vii) How deliveries will be controlled and managed;
- (viii) traffic routes and signage for construction traffic and site staff traffic;
- (ix) provision for wheel washing facilities;
- (x) measures to control the emission of dust and dirt during construction;

In producing the CEMP guidance should be sought from BS 5228.

Construction Noise

- 30 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written agreement of the Local Planning Authority.

External Plant/Extraction

- 31 Prior to installation, details of any external plant, including air handling units, extract ventilation and filter systems shall be submitted to and approved in writing prior to the installation of the external plant. The detail shall include details of how noise and odour will be controlled. The external plant/extract ventilation and filter system shall be installed in accordance with the approved scheme before the development is brought into use and maintained in accordance with the approved scheme thereafter.

Lighting

- 32 A Lighting plan for each phase of development shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.

Highways/Access Conditions

- 33 With the exception of operations relating to site clearance, remediation, diversion of services, site investigations and the erection of fencing and hoardings, the development hereby approved shall not commence until a detailed scheme for the proposed access works to the A46 has been agreed in writing by the Local Planning Authority. Such works shall be broadly in accordance with drawings H439/03 and H439/04 and incorporate site access traffic signal arrangements which are linked through Link MOVA, to the existing signal controls between the M5 Junction 9 and Northway Lane.
- 34 The development hereby approved shall not be occupied until the highways works agreed under condition 33 above have been implemented in full, to the written satisfaction of the Local Planning Authority.
- 35 Notwithstanding the submitted details, no works shall commence on site until the full engineering details of the eastern access route and non-motorised user linkages with Fiddington Lane, including a scheme to prevent the right turn from the northern access to Newton farm, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved works have been completed. The works shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.
- 36 No works shall commence within a phase until details of the Car park Management Plan (CPMP) for that phase have been submitted to and approved in writing by the Local Planning Authority. Prior to the beneficial occupation of a phase the CPMP for that phase shall be implemented and shall be retained for the duration of the development thereafter.
- 37 The car parking, vehicular loading and turning, cycle parking arrangements agreed pursuant to Condition 36 shall be provided prior to the beneficial occupation of that phase and shall be retained for the duration of the development thereafter.
- 38 Prior to the beneficial occupation of a phase, the approved Travel Plan (TP), reference H439-DOC06 TP Issue 3 shall be implemented insofar as that phase is concerned and shall be continued thereafter.

Fire Hydrants

- 39 No development within a phase shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) within that phase. No development within a phase shall be occupied until the fire hydrants serving that phase have been provided to the satisfaction of the Local Planning Authority.

Drainage

- 40 The first reserved matters application submitted pursuant to Condition 3 shall be accompanied by details of the surface water drainage strategy for the whole development hereby approved, incorporating sustainable drainage principles and a management and maintenance plan. All subsequent reserved matters submitted pursuant to Condition 3 shall accord with the approved surface water drainage strategy and the development shall be carried out only in accordance with the approved surface water drainage strategy. The details shall be based on the Flood Risk Assessment dated September 2013. No building hereby permitted shall be occupied until the sustainable drainage scheme for the relevant phase has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Archaeology

- 41 No development shall take place within a phase (excluding works to the existing public highway) until a programme of archaeological work for that phase has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Shuttle Bus

- 42 Prior to the commencement of building works a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of a Shuttle Bus Service linking the development hereby permitted with Ashchurch Railway Station and Tewkesbury town centre. The scheme shall include: days of operation, hours of operation, frequency of service, ticketing arrangements, thresholds for its provision and mechanism for review (after three years). The Shuttle Bus Service shall thereafter be provided and run in accordance with the approved scheme.

Informatives

1. For the purposes of the "Retail" conditions the following definitions apply:

Gross External Area (Gross) - The aggregate superficial area of a building measured externally at each floor level (includes: external walls and projections, and open-side covered areas and enclosed car parking areas, but excludes open covered ways or minor canopies and open vehicle parking areas etc)

Gross Internal Area (GIA) - Measurement of a building on the same basis as gross external area, but excluding external wall thicknesses (includes atria/entrance halls and ancillary space e.g. offices)

Net Sales Area - The usable space within a building measured to the internal finish of structural, external or party walls, but excluding toilets, lift and plant rooms, stairs and lift wells, common entrance halls, lobbies and corridors, internal structural walls and columns and car parking areas.

2. The applicant is advised that this planning permission does not confer approval to any departures from standards in respect of highways design and layout, as set out in the Design Manual for Roads and Bridges (DMRB).
3. The highway proposals associated with these consents involve works within the public highway, which is land over which you have no control and is subject to the provisions of the Highways Act 1980. In order for these works to proceed, the Highways Authority for the A46 requires the developer to enter into a suitable legal agreement to cover the design and construction of the works.
4. Please contact Mr David Steventon of the Highways Agency's Area 9 Network Delivery and Development Directorate at an early stage to discuss the details of the highways agreement. His contact information is as follows: Floor 9, The Cube, 199 Wharfside Street, Birmingham, B1 1RN. Tel: 0121 678 8723.
5. The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
6. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

REASONS

1. To secure the programming and phasing of, and an orderly pattern to the development.
2. To ensure that the development is carried out in accordance with good urban design principles and in order to integrates harmoniously with its surroundings.
3. The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
4. To comply with the requirements of Section 91 of the Town and County Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the timely commencement of this development in order to meet the proposed housing trajectory of the emerging plan.
5. To comply with the requirements of Section 91 of the Town and County Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the timely commencement of this development in order to meet the proposed housing trajectory of the emerging plan.
6. In the interests of amenity to accord with the NPPF.
7. To protect the vitality and viability of other centres.
8. To protect the vitality and viability of other centres
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22. To protect the vitality and viability of other centres
23. To protect the vitality and viability of other centres
24. To protect the vitality and viability of other centres
25. To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
26. To secure the protection of the health and visual amenity of mature trees and hedgerows on the site, which are important to the quality of this development
27. To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
28. To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
29. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
30. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
31. In the interests of noise and air pollution to accord with the NPPF.
32. In the interests of amenity to accord with the NPPF.
33. In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF.
34. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF
35. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006
36. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the N
37. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006

38. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF
39. To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
40. To ensure adequate disposal of surface water drainage in accordance with the NPPF and Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
41. To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which would be lost.
42. To protect the vitality and viability of Tewkesbury town centre and to encourage visitors to travel to the proposed development by rail.

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	10 May 2016
Subject:	Review of Scheme for Public Participation at Planning Committee
Report of:	Overview and Scrutiny Committee and Public Participation at Planning Committee Review Working Group
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Member:	Councillor P W Awford, Chairman of Overview and Scrutiny Committee Councillor R D East, Chairman of the Public Participation at Planning Committee Review Working Group
Number of Appendices:	One

Executive Summary:

At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and so commenced with the Planning Committee in June. The Overview and Scrutiny Committee, at its meeting on 23 February 2016, established a Working Group to review the scheme in order to inform the Council as to whether the scheme should continue and, if so, whether any amendments needed to be made. The report of the Working Group was adopted by the Overview and Scrutiny Committee at its meeting on 12 April 2016 and will be considered by the Council at its meeting on 17 May 2016.

Recommendation:

To NOTE the Overview and Scrutiny Committee's report to Council proposing the continuation of the Scheme for Public Participation at Planning Committee as shown at Annex A and to DETERMINE whether the Committee wishes to make any comments to the Council to be considered alongside the report.

Reasons for Recommendation:

To ensure that the Council has the opportunity to consider whether or not to confirm the arrangements for Public Participation at Planning Committee before the expiry of the trial period in June.

Resource Implications:

None additional to those already in place.

Legal Implications:

None directly arising from this report.

Risk Management Implications:

Should the Council determine not to proceed with a scheme, there could be a reputational risk that will require careful management.

Performance Management Follow-up:

Should the Council determine to introduce the scheme on a permanent basis, monitoring will continue and any issues/concerns will be reported to Members.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

1.1 At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and so commenced with the Planning Committee in June.

1.2 At its meeting on 23 February 2016, the Overview and Scrutiny Committee resolved to establish a Working Group to review the scheme. The Working Group comprised the following Members:

Councillors: Mrs G F Blackwell, R D East (Chair), D T Foyle, Mrs M A Gore, T A Spencer, Mrs P E Stokes and P D Surman.

2.0 REPORT TO COUNCIL

2.1 The objective of the Working Group was to conduct an assessment of how the Scheme for Public Participation at Planning Committee had worked since its introduction at the Planning Committee meeting in June 2015 in order to inform the Council as to whether the scheme should continue and, if so, whether any amendments need to be made.

2.2 Annex A sets out the Working Group's report which was adopted by the Overview and Scrutiny Committee at its meeting on 12 April 2016 and will be presented to the Council on 17 May 2016.

2.3 The Planning Committee is asked to note the report and determine if it wishes to make any comments to the Council which will be considered alongside the report when a final decision is made on this matter.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 The review has involved extensive consultation with stakeholders and the Council report has been submitted to the Planning Committee for comments with the views of that Committee being reported verbally to Council.

- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1 Scheme for Public Participation at Planning Committee
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1 The scheme supports the government's agenda for open, transparent and accountable local governance.
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1 Included within the report.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1 None
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1 None directly arising from this report.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1 Council – 14 April 2015
Overview and Scrutiny – 23 February 2016

Background Papers: Scheme of Public Participation at Planning Committee

Contact Officer: Lin O'Brien, Democratic Services Group Manager
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Appendices: Annex A - Draft Report to Council

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 April 2016
Subject:	Review of Scheme for Public Participation at Planning Committee
Report of:	Overview and Scrutiny Committee
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Members:	Councillor R D East, Chair of the Overview and Scrutiny Committee Working Group Councillor P W Awford, Chair of Overview and Scrutiny Committee
Number of Appendices:	5

Executive Summary:

At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and so commenced with the Planning Committee in June. The Overview and Scrutiny Committee, at its meeting on 23 February 2016, established a Working Group of seven Members to review the Scheme for Public Participation at Planning Committee and approved the Terms of Reference attached at Appendix 1. This report details the outcome of the Group's work, which was adopted by the Overview and Scrutiny Committee, and enables the Council to make a decision on the continuation of the scheme based on the findings of the Working Group.

Recommendation:

That the Scheme for Public Participation at Planning Committee be confirmed as a permanent arrangement with minor adjustments as set out at Paragraph 5.

Reasons for Recommendation:

To ensure that the Council has the opportunity to consider whether or not to confirm the arrangements for Public Participation at Planning Committee before the expiry of the trial period in June.

Resource Implications:

None additional to those already in place.

Legal Implications:

None arising directly from this report.

Risk Management Implications:

Should the Council determine not to proceed with a scheme, there could be a reputational risk that will require careful management.

Performance Management Follow-up:

Should the Council determine to introduce the scheme on a permanent basis, monitoring will continue and any issues/concerns will be reported to Members.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and this commenced at Planning Committee in June.

1.2 As the one year trial period comes to an end, the Overview and Scrutiny Committee determined to undertake an assessment of how the Scheme for Public Participation at Planning Committee had worked since its introduction in order to inform the Council as to whether the scheme should continue and, if so, whether any amendments should be recommended.

1.3 Accordingly a Working Group comprising the following seven Members was established to work with Officers to review the scheme in accordance with the Terms of Reference attached at Appendix 1:

Councillors: Mrs G F Blackwell, R D East (Chair), D T Foyle, Mrs M A Gore, T A Spencer, Mrs P E Stokes and P D Surman.

2.0 BASIC PRINCIPLES OF THE SCHEME

2.1 Anyone wishing to speak on a particular planning application could register once the Agenda for the Planning Committee meeting at which it was due to be considered had been published. The only way to register a request to speak was by telephoning the Democratic Services department by 10.00am on the day before the meeting. There were four speaking slots: one for Parish/Town Councils, one for a representative on behalf of the objectors, one for a representative on behalf of the supporters (including the applicant or their agent) and one for Ward Councillors. Only one speaker was allowed in each slot (with the exception of Ward Councillors) and registration was on a first come, first served basis. Within each speaking slot, a maximum of three minutes per speaker was allowed. The existing scheme is set out in full at Appendix 2.

3.0 WORK OF THE GROUP

3.1 Letters were sent to those who had used the scheme or had an interest in the scheme inviting views/comments either in writing or in person to the Working Group.

- 3.2** At the first two meetings of the Working Group, Members heard from a variety of stakeholders including agents, members of the public, Parish Councillors and Officers involved with the administration of the scheme. 14 written representations were also received and considered by the Working Group.
- 3.3** At the third meeting of the Group, other schemes operating in the county and across the country were considered, together with a summary of all the representations which had been received.
- 3.4** At the fourth and final meeting of the Group, Members considered their report to be presented to the Overview and Scrutiny Committee and, subsequently, the Council. In addition, the Group received the information leaflet, which gave guidance to the public on how the scheme operated, proposing minor changes to aid clarity.

4.0 FINDINGS OF THE GROUP

4.1 Comments from users of the scheme

- 4.1.1** The vast majority of the representations received were supportive and very complimentary of the Council's scheme, including its administration both before the Planning Committee meetings and the organisation during the meetings.
- 4.1.2** Many of those making representations highlighted the value of the scheme and were strongly in favour of its continuance. Some suggestions/comments were made advocating changes to the scheme and are set out at Appendix 3, together with the response of the Working Group.
- 4.1.3** Appendix 4 provides a summary of the comments received where no response was required.

4.2 Officer comments

- 4.2.1** In terms of the Officer comments, again, it was generally felt that the scheme had worked, well. The following instances were highlighted where problems had occurred:
- A Parish Councillor was not allowed to speak in a situation where they had failed to register as required. The requirement is clear in the scheme but there is perhaps a need to remind Parish/Town Councillors of the registration requirements.
 - A Parish Councillor attended the Committee but with the intention of presenting their own views rather than those of the Parish Council. Registration had taken place as required but, in the circumstances, the Parish Councillor was not heard by the Committee. The scheme is absolutely clear, but on this occasion, the Parish Councillor was not familiar with its provisions and had assumed that a designated slot presented an opportunity for any Parish/Town Councillor to give their views on an application within their Parish. In an endeavour to prevent recurrence of such instances, the Member Services Officer has now introduced a screening system whereby any Parish/Town Councillor registering to speak is now asked to confirm that they will be attending to speak to the Parish Council's formal view on the application and not on any personal/contrary view.

The Group felt that additional publicity in the Borough News would be beneficial to assist with these misunderstandings. It was also felt that Parish Councils should be reminded that it is their responsibility to ensure that their representative puts forward the views of the Parish Council and it is highly recommended that Parish Councils put in place a process to ensure that this happens. The responsibility cannot rest with the Borough Council, although it would do what it could to help.

- 4.2.2** The scheme/leaflet had, so far, been interpreted that any Ward Councillors (that are not Planning Committee Members) wishing to speak, have to register in the same way as any other speakers, though this isn't explicitly set out as it is for Parish/Town Councillors; the introduction in the leaflet refers to supporters, objectors and Parish/Town Councils. So far no Ward Members have challenged this but they could possibly draw on Rule 48 in Section 1, Part II of the Constitution:

“48. Councillors Attending Committees

Council Procedure Rules 13 and 14 apply (Items/Motions from Councillors).

A Councillor who is not a Member of the Committee may speak at a meeting of the Committee (but not vote, move or second Motions):

- 1. during the consideration of any item of Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14*
- 2. with the agreement of the Chairman of the meeting; or*
- 3. during the consideration of any matter specifically affecting that Councillor's Ward.”*

The Group felt that it was important for Ward Councillors to register in the same way as all other speakers as this greatly assisted with the management of the meeting. It was agreed that the provision in the Constitution should be clarified on this basis whilst recognising that Ward Councillors have a democratic entitlement to represent the views of their electorate. It was also agreed that the scheme should be reworded to clarify this point.

- 4.2.3** The deadline for registration is 10.00am on the day before the meeting. In the scheme adopted on 14 April 2015, the wording is “the day” before the meeting, whereas the information leaflet refers to “working day” – the latter should be inserted into the scheme also (in the past some meetings have fallen immediately after a Bank Holiday so the deadline for registration would then be the Friday and not the Monday).

The Working Group was of the view that the scheme should be amended to make it clear that it is “working day”.

- 4.2.4** In general, the introduction of the scheme had increased the workload of Democratic Services which initially had been significant but had now settled down to a manageable level based on the scheme currently in place.

- 4.2.5** The Officer comments and the response of the Working Group are set out in full at Appendix 5.

4.3 Reviewing other Schemes

In reviewing other schemes both across the county and the country the following main differences were identified as set out below, together with the response of the Working Group:

- 4.3.1 Difference** - Prior registration by Parish Councils not required

Comment - This would provide for unfairness, impact upon the efficient management of the meeting and potentially be open to greater abuse with personal views, rather than those of the Parish Council, being put forward as identified above.

4.3.2 Difference – Speakers are not required to await the publication of the relevant Agenda before they can register their wish to speak on a particular application. This means that it could be months before the application is brought before Committee, or it may not even go to Committee. In these circumstances, there is normally a dedicated Planning Committee Co-ordinator who keeps the record and checks when the application is listed for Planning Committee.

Comment – This was not raised as an issue by any of the consultees and, apart from one instance where a prospective speaker wished to register in advance due to being on holiday on the publication date, this had not caused any problems at Tewkesbury Borough Council. This system would be too administratively burdensome for the Council to operate within its current Member Services resource and would put the onus and responsibility on the Council when it should properly rest with those who have an interest in the application.

4.3.3 Difference – Speakers are given a limit of five minutes to present their views.

Comment – The majority of consultees felt that three minutes was adequate to get across the salient points without losing emphasis and becoming repetitive. It was not felt that the extra two minutes would add to the process and could even disadvantage a speaker. There had been a few large, complex applications considered during the trial period where three minutes had proved more than adequate. The visual timing aid was also particularly helpful as speakers were aware of how much time remained without the need to be interrupted. Three minutes tended to focus the minds of speakers to write down the most important points that they wished to convey.

4.3.4 Difference – Councillors are permitted to question speakers and enter into an exchange of dialogue with them, almost akin to a minor hearing within the Planning Committee, on each application subject to public speaking.

Comment – Members of the Planning Committee receive a considerable amount of information prior to the meeting. The aim of the Scheme for Public Participation at Planning Committee is to provide the opportunity to get over the important points that the speakers want Members to have uppermost in their minds when drawing together all the information received and coming to a decision. A mini-hearing would, in the view of the Working Group, detract from this and be a barrier to the efficient and effective decision-making process of the Committee taking account of all the relevant information that had previously been provided. In the view of the Group, the process could significantly lengthen the meetings without providing any benefit to the decision-making process.

5.0 CONCLUSIONS OF THE WORKING GROUP

5.1 The opportunity to speak at Planning Committee is valued, it supports open, transparent and accountable local government and the scheme should be introduced on a permanent basis, largely unchanged other than to:

- i) clarify that the deadline for registration is 10.00am on the working day before the meeting;
- ii) clarify the requirements for Ward Councillors wishing to speak at the Committee;
- iii) amend the scheme to allow a Parish Clerk to read a statement setting out the views of the Parish Council in the circumstance where no Parish Councillor is available to attend the meeting of the Planning Committee, subject to the required registration procedure being complied with (see Appendix 3); and
- iv) grant authority to the Borough Solicitor to review the wording of the scheme to ensure clarity without changing the fundamental elements of the scheme.

- 5.2** The following matters should be addressed by Officers, taking account of the view expressed by the Working Group to enhance the administration of the scheme:
- i) review of information leaflet on the Scheme for Public Participation at Planning Committee, taking account of the suggestions put forward by the Working Group;
 - ii) review of information on the website about the scheme to ensure that it is helpful and consistent, including that supported by the Planning section which was currently being revised as a result of the Planning systems thinking review;
 - iii) the layout of the meeting room be configured slightly differently to ensure that no Members have their backs to the speakers, whilst ensuring that everyone is able to see the electronic clock, and a trial be undertaken of the Councillors' name labels being set out in advance of the meeting;
 - iv) the Constitution be re-worded to make it more compatible with the scheme for Ward Members to register in advance to speak at meetings of the Planning Committee;
 - v) the scheme to be more widely publicised, including an article in the Borough News;
 - vi) training to be provided for appropriate Officers to ensure that they are fully conversant with the scheme and its operation; and
 - vii) Parish Councils to be reminded that it is their responsibility to ensure that their representative puts forward the views of the Parish Council.

6.0 OTHER OPTIONS CONSIDERED

6.1 None

7.0 CONSULTATION

7.1 The review has involved extensive consultation with stakeholders and this report has been submitted to the Planning Committee for comments with the views of that Committee being reported verbally to Council.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Scheme for Public Participation at Planning Committee

9.0 RELEVANT GOVERNMENT POLICIES

9.1 The scheme supports the government's agenda for open, transparent and accountable local government.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 Included within the report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None directly arising from this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Council – 14 April 2015

Overview and Scrutiny – 23 February 2016

Background Papers: Scheme of Public Participation at Planning Committee

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Appendices: Appendix 1 – Working Group Terms of Reference
Appendix 2 – Existing Scheme for Public Participation at Planning Committee
Appendix 3 – Representations received and comments of Working Group
Appendix 4 – Representations where no comment was required
Appendix 5 – Officer representations and comments of Working Group

**Scheme for Public Participation at Planning Committee Review –
Terms of Reference**

Introduction

An Overview and Scrutiny Working Group comprising seven Members will be asked to work with Officers to review the Scheme for Public Participation at Planning Committee following the Council's decision to introduce a scheme for a one year trial period commencing in May 2015.

Purpose of the Review

- To undertake an assessment of how the Scheme for Public Participation at Planning Committee has worked since its introduction at the Planning Committee meeting in June 2015.
- To inform the Council as to whether the scheme should continue and, if so, whether any amendments need to be made.

Consultees

- a) Users of the scheme
 - i) Parish/Town Councils;
 - ii) members of the public speaking in support or objection of applications; and
 - iii) Ward Councillors who are not Members of the Planning Committee.
- b) Officers involved in the administration of the scheme
 - i) Planning
 - ii) One Legal
 - iii) Democratic Services
- c) Members of the Planning Committee

Process

- To receive and consider representations from the consultees listed above.
- To review other schemes, identify best practice and undertake a comparison with the Council's scheme.

Timetable

Working Group Meeting 1	Tuesday 1 March PM
Working Group Meeting 2	Monday 7 March PM
Working Group Meeting 3	Thursday 17 March 2.00pm
Working Group Meeting 4	Thursday 31 March 2.00pm
Overview and Scrutiny Committee	Tuesday 12 April 2016 4.30pm
Planning Committee	Tuesday 10 May 2016 9.00am
Council	Tuesday 17 May 2016 6.00pm

Outcome

A full review of the Scheme for Public Participation at Planning Committee and a report to Council recommending whether or not the scheme should continue and, if so, whether any amendments to the scheme should be made.

Scheme for Public Participation at Planning Committee Meetings

Members of the public have the right to attend most Committees arranged by the Council. In addition there is a Public Participation Scheme in place which allows the public to make submissions to meetings of the Council or its Executive Committee.

The majority of planning applications received by the Council are determined by Officers under the Council's delegation scheme; however, major or contentious proposals are dealt with by the Council's Planning Committee. The Committee usually meets every four weeks on a Tuesday morning at 9.00am in the Council Chamber at Tewkesbury Borough Council Offices and the Agenda is published on the Monday of the week prior to the meeting. It is a non-political meeting and all decisions are made strictly on planning grounds.

Everyone has the right to make written representations about a planning application and all are carefully considered before a decision is made. In addition to this provision, the public speaking facility was introduced in May 2015. It allows individuals to speak at the Planning Committee to state their views on specific proposals.

When is public speaking allowed?

Public speaking is allowed on any application contained within the Planning Schedule of applications considered by the Planning Committee. Public speaking is not allowed on items contained within the Agenda such as potential enforcement action, tree preservation orders etc.

If public speaking has taken place on an application and it is then deferred, for example, to enable Members to visit the site or to allow further negotiations, further public speaking will be permitted when the application is reconsidered by the Committee; the original speakers will be automatically re-registered unless notification is received to the contrary.

Who is allowed to speak?

The following individuals can speak and will be called in the following order:

1. A representative of the Town or Parish Council or Parish Meeting(s) within which the application is located – to put forward considered views of that Council/Meeting rather than their own independent views.
2. A representative on behalf of the objectors.
3. A representative on behalf of the supporters (this includes the applicant or their agent).
4. Ward Councillors.

No one is required to speak; it is an entirely voluntary opportunity.

Members of the Committee who have a Code of Conduct interest in an application within the Agenda which prevents them from participating in the debate will be able to speak for three minutes prior to leaving the meeting.¹

¹ Town and Parish Councillors are reminded of their responsibilities under the agreed Code of Conduct.

Procedure for Applying to Speak at Planning Committee Meetings

It is the responsibility of the person wishing to speak to check that an item is on the Schedule of Planning applications for the meeting. This can be done by calling the Planning Case Officer or the Democratic Services section. The Agenda for the meeting, including a copy of the Schedule, is published five clear working days before the meeting; this is usually the Monday of the week before the meeting. The Agenda and Schedule can be viewed at the Council Offices or on the Council's website www.tewkesbury.gov.uk

Members of the public wishing to speak at Planning Committee meetings will need to telephone Democratic Services on 01684 272021 – this is the only way to register a request to speak. The deadline for registration is 10.00am on the day before the meeting.

Registering to speak will not guarantee the opportunity to speak at the Committee. This is because there may be many requests to speak on certain applications. The Chairman of the Committee will only allow one speaker "for" and one speaker "against". The onus is entirely on the parties concerned to communicate with each other and agree who should act as the spokesperson. If no agreement is reached the speaking slot will be given to the first registered speaker.

Public speakers are requested to submit a copy of their representations, either by email to democraticservices@tewkesbury.gov.uk in advance of the meeting or by handing a copy to the Committee Administrator at the meeting.

How long are public speakers allowed to speak?

Within each speaking slot, a maximum of three minutes per speaker per application will be allowed in which to speak. This time must be strictly adhered to and speakers are encouraged to practice their presentation in order to use the time constructively.

What is the procedure for consideration of applications at Planning Committee?

The Chairman will introduce the application and the Planning Officer may then provide a short presentation.

Speakers will be asked by the Chairman of the Committee to move to a designated seating area before they speak. The three minute limit will be strictly applied by the Chairman and speakers will be asked to return to their seats in the public area after that time.

When there are no further speakers, the Chairman will start the debate. Finally the Committee will be asked to take a decision on the application.

What are speakers allowed to say?

Speaking slots will be purely provided to enable views to be expressed. Speakers will not be permitted to enter into debate with Members or Officers, nor with each other, and the Chairman will not allow cross-examination of either the applicant or the objector by either party.

No new written material, documents, plans, photographs or other visual aids may be presented on the day of the meeting.

Planning Committee meetings are held in public and comments of a personal, slanderous, defamatory or otherwise offensive or abusive nature must not be made. The Chairman of the Committee has the right and duty to stop anyone speaking if such comments are made and the speaker may then forfeit their opportunity to continue to speak.

Advice for Public Speakers

- Keep observations brief and relevant.
- Speak clearly using the microphone.
- Please limit your views to relevant planning issues, for example:
 - impact of the development on the character of the area;
 - external design, appearance and layout;
 - impact of development on neighbouring properties;
 - highway safety; and
 - government guidance.
- Avoid referring to non-planning matters as these cannot be taken into account when the Committee determine the application e.g.:
 - “trade” objections such as competition issues;
 - boundary or property disputes;
 - the developer’s motives;
 - “moral” arguments;
 - matters covered by other laws;
 - loss of “view”;
 - personality issues; and
 - reduction in property values.
- Please remember that you are addressing Members of the Planning Committee and not the public gallery.

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Follows good practice and had worked satisfactorily for him as an objector. • Had found it a handicap that he had not been permitted to show any data directly to the Committee e.g. table of data, map, photograph – the ability to project a Word or Powerpoint slide would match the facility given to applicants whose plans and documents were published in the Agenda documents. • Is there a way for the Parish Council to accredit a non-Member to speak on its behalf? It can be a difficult for smaller Parish Councils to find an available Member at short notice. • Smaller Parish Councils and the general public are unaware of the existence of the scheme – need something similar to the useful information on the website about making written representations embedded in the “tree” that leads to the detailed application. 	<p>The Working Group recognised that exercising discretion left the Council open to arguments of unfairness and would add significantly to the amount of additional information they had to take into consideration if every speaker was able to introduce new material at the meeting. It was noted that there was an opportunity for additional representations to be submitted up until 5.00pm on the day before the meeting which provides the Officers with the opportunity to consider all new material and advise the Committee on any implications.</p> <p>In terms of accrediting a non-Member of a Parish Council to speak on its behalf, the Working Group felt that this would be extremely difficult to police. However, it was suggested that the Scheme could be amended to allow the Parish Council Clerk to attend on behalf of the Parish Council and read an agreed statement setting out the views of the Parish Council.</p> <p>With regard to the “tree” on the website, it was noted that the Planning department was currently revising its procedures as a result of the systems thinking review and appropriate advertising of the scheme was something which could be addressed as part of that.</p>
<ul style="list-style-type: none"> • In favour of being able to speak. • Would have been helpful if Members had been able to question her. • Would be helpful to have formal statement of the motion passed as she left the meeting with a different understanding to what was published in the Minutes. 	<p>More than one of the consultees had suggested that they would like Members to have the opportunity to ask questions of the speakers. The general feeling amongst the Working Group was that there would be no real benefit and that it could considerably extend the length of meetings. (See also Paragraph 4.3.4 of the report).</p> <p>Members did not feel that it would be appropriate to issue a formal statement of the motion which had been passed and it was noted that the Minutes of the meeting were the definitive record.</p>

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Fully agrees with the initiative to invite members of the public to speak at Planning Committee and hopes it will become permanent. • 3 minute period is not long enough, suggest extending to 5 minutes. • No contribution from Committee Members made it seem as if the decision had already been made and the Members were condescendingly going through the motions of listening to the speakers but not taking on board what was being said. • If time slots are extended, it should allow time for Members to question the speaker. • A firm Chair is necessary to control proceedings. 	<p>A Member indicated that some high profile applications had been determined at the Planning Committee meeting earlier that week and 3 minutes had been more than adequate for the speakers to get their points across.</p>
<ul style="list-style-type: none"> • Opportunity to speak at Planning Committee is positive. • Chance to get their voice heard, present a counter argument and allay fears about the application. • The position of the public speaker needs to be relocated – currently there are Members with their backs to the speaker which gives the impression that they are not really listening. • 3 minute slots are long enough. • Well looked after when attending the meeting. • If they had not been invited to attend the meeting would not have known about the scheme. • Information contained within the leaflet was sufficient. 	<p>It was noted that the Working Group had considered alternative room layouts following the Planning Committee meeting on 15 March. In future the room would be set out in a slightly different configuration to ensure that there were no Members with their backs to the speakers whilst ensuring that everyone was able to see the electronic clock. It was also agreed that it would be beneficial for the Councillors' name labels to be set out in advance and this would be trialled at the next meeting.</p>

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Background in estate management, 33 years of experience in planning and development. • Whole process needs to be as clear and transparent as possible. • Needs to be an appropriate balance between expediency and propriety and the opportunity for a full discussion and open debate on planning issues. • Information leaflet is very clear, concise and informative. Comments as follows: <ul style="list-style-type: none"> - Who is allowed to speak at Planning Committee? Refers to a need to register in advance, first come-first served basis. There should be a degree of flexibility for higher profile, strategic applications where there are a variety of views. - 3 minute slots – should be the ‘norm’ but not necessarily long enough in every instance so there should be a degree of discretion. - Guidance on use of visual aids is confusing – states that no new written materials are permitted but it mentions that you can submit them by 5pm on the day before the meeting. Question mark over what is ‘new’ material. He would suggest that discretion be applied in terms of use of visual aids e.g. Powerpoint, photographs. - What speakers are allowed to say – long list of examples, he did not necessarily agree with what should and should not be taken into account. 	<p>The Working Group had considered the information leaflet and made suggestions for minor revisions.</p>

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> When a Parish Councillor attends the Planning Committee on behalf of a Parish Council they should be reminded before they are allowed to speak that they should only give the formal view of the Parish Council and that no other view should be stated. 	<p>Whilst speakers were advised when registering that the Parish Council slot was to represent the formal view of the Parish Council, Members agreed that the onus should not be on Member Services to determine whether the representation correctly reflected the Parish Council's consultation response.</p>
<ul style="list-style-type: none"> Welcomed the opportunity to present representations. The time restriction of 3 minutes dominated the process to a point where time management was more critical than what residents had to say. Suggestion to offer an additional 3 minutes to the objector if the applicant does not turn up to the meeting. Imagined that the Committee would have time to read through the presentation as it was delivered to the meeting. Concern that the remit for consideration of a planning application is not met if there is no debate or questioning. To restrict the Parish Council in this process is patronising and discriminatory and they deserve a better hearing than the opportunity offered by this process. For any input to influence the decision-making process, surely it would have to be registered and considered prior to the meeting or it would be classed as 'too late' i.e. beyond the closing date for objections. With the appropriate objective, remit, shared purpose and commitment from participants to manage it professionally, it must be a positive addition to the planning process – a good but timely decision will always be better than a quick decision. 	<p>3 minutes was generally considered sufficient by the majority of participants (see also Paragraph 4.3.3 of the report). If additional time was allowed for the objector this would create unfairness and bias.</p> <p>It was not the intention of, or relevant to, a scheme for public speaking. Written materials would detract from the points being made by the speaker.</p> <p>A scheme of public speaking was not a requirement for the consideration of a planning application with or without questioning.</p> <p>The Parish Council was a statutory consultee and as such has other opportunities to make representations on an application.</p> <p>Not relevant to the scheme – the planning process involved extensive consultation.</p> <p>The scheme was the last part of a long consultative and consideration process; it was the final opportunity to summarise the important points before a decision was made.</p>

Appendix 4 – Representations received where no comment was needed

101

<ul style="list-style-type: none"> • Scheme is very good – archaic not to have one. • All other Councils within Gloucestershire allow public speaking and some even webcast their meetings – this facilitates important engagement from local residents and can only be positive for the Council’s reputation. • Committee Members had discussed his points after he had spoken. • The process had helped him to gain information on reasons for decisions and allowed some items of the application to be improved via planning conditions.
<ul style="list-style-type: none"> • Opportunity to speak is a good one – process can be sterile without it. • Allows balanced and diverse review of potential planning conditions. • Similar schemes have been implemented in other authorities across the county – Tewkesbury Borough could be seen to be refusing to engage with the community if the scheme was removed. • Administration of the scheme has been effective.
<ul style="list-style-type: none"> • Although a representative of the Parish Council has been unable to attend the meetings, the Parish Council is supportive of the scheme.
<ul style="list-style-type: none"> • Scheme worked well and gave interested parties the opportunity to have direct impact into the planning process. • Wish the scheme to remain in place.
<ul style="list-style-type: none"> • Firmly believes in allowing public speaking at Planning Committee. • Experience as a Councillor who introduced public speaking to Cheltenham Borough Council as Planning Committee Chairman and from a business involved in making presentations to Planning Committees. • For many residents the consideration of a planning application may be the only interaction they have ever had with the Council and it is essential they have the opportunity to address the Committee rather than be limited to writing a letter – it is their “one day in court”. • Reputation of the Council – very few Councils do not allow public speaking at Planning Committee. • Listening to an individual, as opposed to reading letters, helps to concentrate the mind. • Allows a final opportunity to provide last minute clarification and confirmation of points raised since the publication of the Committee papers. • Provides a balance to the Committee - without public speaking the only voice heard and physical presence is the Case Officer.

Appendix 4 – Representations received where no comment was needed

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| <ul style="list-style-type: none">• Has not participated in the scheme but support it and will make use of it when the need arises.• Supports any measure to enhance the democratic accountability of the Borough Council. |
| <ul style="list-style-type: none">• Chairman has observed one Planning Committee meeting.• Felt that public participation worked well.• System operates successfully elsewhere and contributes to transparency and the idea that all parties get a fair hearing.• In favour of the scheme continuing. |
| <ul style="list-style-type: none">• Administration side was straightforward – communications from Democratic Services about what would happen on the day were to a high standard and very helpful.• Ability to have one last say to the people whose decision would have an important impact on the local community was critical – gave true democratic participation in a complicated process.• Hopes that the practice of allowing the public to speak will continue. |
| <ul style="list-style-type: none">• Background – planning consultant for 8 years, Planning Officer at Cotswold District and Cheltenham Borough Councils.• Organisation of public speaking is very good and letters go out in good time.• Display with 3 minute countdown clock is preferable to alternatives such as Officer interrupting the speaker to advise when 1 minute is left.• Different from Cotswold District Council where it appears the speakers are not being listened to as no debate or comment comes from the item after they have spoken.• 3 minutes is long enough for each speaker and is consistent with other schemes across Gloucestershire.• Some London authorities have a scheme where people can just turn up on the day but the applicant can only speak if there is an objector speaking which is incredibly unfair.• Has been waiting for Tewkesbury Borough Council to bring in a scheme for a very long time.• Useful in situations where there may be something missing from the Officer report.• Before the scheme was brought in the only way to get additional points across was by putting them in writing – would expect that correspondence to Members has reduced as a result of the scheme. |

Appendix 4 – Representations received where no comment was needed

<ul style="list-style-type: none">• Main objective was to ensure a fair hearing and it was important from his point of view to ensure all relevant facts were presented to the Committee.• With the best will in the world he would not expect Members to take in all the details of every application on the schedule, particularly smaller applications which were not in their Wards.• All of the attention is focused on the speaker for that 3 minute period.• In his case, once he had spoken he felt that all of the relevant facts had been presented to the Committee and was confident that the final decision would be fair and democratic.• Very pleased that the scheme was brought in and hopes that it will continue.• 3 minute slots are long enough.
<ul style="list-style-type: none">• The opportunity to show how they felt and to point out factual inaccuracies in the Officer report was extremely valuable.• They had also been able to suggest conditions for incorporation into the planning permission.• Councillors had listened to their views and were sympathetic to their requests.• 3 minutes is quite a short amount of time but not inconsistent with what they wanted to do.• Vital that members of the public are able to continue to come and speak at Planning Committee.
<ul style="list-style-type: none">• Had not attended a Planning Committee meeting or used the scheme but certainly would if it was felt necessary.• Any involvement in the planning process was to be welcomed.• Parish Councillors were aware of the scheme and if they wanted to speak they would go to him as the Chair.
<ul style="list-style-type: none">• Winchcombe Town Council had used the scheme on a number of occasions and felt it was working well.• The scheme introduced democracy to the planning process and it was important that it continued.• 3 minutes was plenty of time for each speaker.

Appendix 4 – Representations received where no comment was needed

- Critical that public speaking was introduced – there had always been an expectation that there would be an opportunity to speak at Committee.
- Even if the result is not what they were hoping, speakers feel they have had a fair hearing.
- 3 minutes is the optimum time for speaking, any less and speakers would not be able to get their points across, any more and they risked losing the audience. If the slots were for 5 minutes people would feel they needed to speak for the full amount of time.
- Electronic clock works well and the beep is necessary to let speakers know when there is only one minute left.
- Sitting at eye level with Members and Officers is important – does not have the same effect when sat at the back of the room or in the gallery.
- Does not feel there is a problem with the current position of the speaker; although a couple of Members were sat with their backs to the speaker, they gestured to show that they were listening.
- A strong Chair is vital. If people are allowed to speak beyond 3 minutes there could be a perception that the process is unfair.
- Other authorities have an opportunity for Members to ask questions of the speakers but he recognised that it would be easy to lose control of the meeting if this was introduced.

- Had never attended a Planning Committee meeting and favoured written comments but understood others did like the opportunity to speak at meetings.
- Comments about information leaflet:
 - Who is allowed to speak? Reference to 'Ward' Councillor could be confusing, would suggest using 'Borough' Councillor.
 - 3 minutes per speaker – this should be at the discretion of the Committee as there would be certain cases where more time was required.
 - Saw potential difficulties with the first come –first served registration process. If someone had more knowledge and would do a better job, they should be the one to speak.
 - Whilst he realised that a 'Councillor' and a 'Member' were the same thing, other people might not so he suggested that this should be consistent throughout the document.
 - How are Parish/Town Councils involved? Not all Parish/Town Councils had offices where plans could be viewed.

Appendix 4 – Representations received where no comment was needed

- Had used the planning process around 6 times in the last 4 years; once with the scheme in place.
 - Very much in favour of being able to speak for 3 minutes.
 - Opportunity to rectify any errors in the Officer's report and focus Members' minds on a particular application which is especially important when schedules are so large.
 - Makes Planning Officers more accountable.
 - Hopes that the scheme continues.
 - 3 minute slot was long enough to be able to get his points across.
-
- Has served on Planning Committee for a total of 12 years in two different authorities both of which had public participation.
 - Found the involvement of Parish Councils invaluable.
 - Only Stratford-Upon-Avon allowed Members to ask questions of speakers. Slots were 3 minutes and were allocated to the Parish Council, an opponent and a supporter. Ward Members who were not Members of the Committee could also speak.
 - Ability to ask questions of speakers was extremely useful in terms of gaining clarification on points.
 - Members need to be warned not to ask leading questions and the Chair may need to intervene to stop this – believes that the benefit far outweighs the risk.
 - Public participation should lead to decisions on the best information available. May not be in line with the central government's wish for quick decisions but the interests of the residents and their communities demand the best information and the best decisions for the long term that can be achieved.

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Borough Solicitor</p>	<ul style="list-style-type: none"> • Scheme appears to be working well – speakers keep to their time, keep to planning issues and don't try to become part of the debate. • Visual timing aid has enabled efficient time-keeping. • Appears to have been generally welcomed by Parish Councils and most have registered in advance as required. • Transparent forum for Parish Council to make verbal representations to the Committee. • Instances where problems occurred: <ul style="list-style-type: none"> - Parish Councillor not allowed to speak when they had failed to register as required – need to remind Parish/Town Councillors of the requirements? - Parish Councillor attended with the intention of presenting their own views, rather than those of the Parish Council. Registration had taken place as required but the Parish Councillor had assumed that the designated slot was an opportunity for any Parish/Town Councillor to give their views on an application within their Parish. In the circumstances, the Parish Councillor was not heard by the Committee. • Possible areas of clarification: <ul style="list-style-type: none"> - Public speaking scheme/leaflet has been interpreted that any Ward Councillors (that are not Planning Committee Members) wishing to speak have to register in the same way as any other speakers. So far this has not been challenged but they could possibly draw on Rule 48 in Section 1 Part I of Part 4 of the Constitution. - Deadline for registration is 10.00am on the day before the 	<p>Members felt that Ward Councillors that were not Planning Committee Members should be required to register to speak in the same way as other speakers. It was noted that the Constitution set out that a Councillor who was not a Member of the Committee may speak at a meeting of the Committee during the consideration of any item or Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14; with the agreement of the Chair of the meeting; or during the consideration of any matter specifically affecting that Councillor's Ward. Whilst this right could not be withdrawn completely, it could be reworded to make the Constitution more compatible with the scheme.</p> <p>It was considered that the issue in relation to the Parish Councillor not being allowed to speak could be avoided in future by ensuring that the scheme was more widely publicised.</p> <p>It was agreed that the scheme itself should be amended to refer to the deadline for registration being 10.00am on the "working day" before the meeting.</p> <p>It was noted that a number of people had commented on how well managed the Committee meetings had been and Members felt that this was largely due to the relevant information being available in advance so that a detailed briefing note could be produced for the Chair and Vice-Chair. This would not be possible if Tewkesbury Borough Council adopted the same procedure as Malvern District Council whereby the Parish Council did not have to register in advance.</p> <p>The Working Group felt that it would be considerably</p>

Consultee	Key Points Raised	Working Group Comments (if any)
	<p>meeting – the scheme refers to “the day” before the meeting whereas the information leaflet refers to “working day” – the latter should be inserted into the scheme also.</p> <ul style="list-style-type: none"> • Differences in known schemes operating in the area: <ul style="list-style-type: none"> - Malvern District Council – does not require any registration by Parish Councils. - Cheltenham Borough Council – does not require speakers to await the publication of the relevant Agenda before they can register their wish to speak on a particular application. They do have a dedicated Planning Committee Co-ordinator. Potentially too administratively burdensome for TBC to operate within its current Member Services resource. To date there have been no issues regarding this element of the procedure at TBC, apart from one instance when a prospective speaker had wished to register in advance due to being on holiday. - Locum Planning Solicitor experience elsewhere is that some authorities have a limit of 5 minutes speaking. This would potentially lengthen the process significantly without any obvious benefit to the decision making process or experience of the participants. • If more than one speaker wishes to register in a slot, we try to avoid encouraging sharing the slot, i.e. 1.5 minutes each, but if they cannot come to an agreement about one person taking on the views we would have difficulty refusing. If the situation arose we would manage it by having the speakers sat side by side with one immediately carrying on from the other once 1.5 minutes had passed. 	<p>more onerous for Member Services if registration could take place at any time, as was the case at Cheltenham Borough Council, and additional resources would be required if an amendment was made along those lines. It was noted that the onus was currently on the individual themselves to ensure that they registered to speak at the appropriate time and that was not something which Members wished to change.</p> <p>The issue of sharing slots had not arisen to date but sharing slots was not something which would be encouraged and no reference was made to it within the current scheme.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
Development Manager	<ul style="list-style-type: none"> • Officers had originally been wary of the introduction of public speaking from an operational perspective but it had actually worked very well in practice. • A strong Chair is essential for the scheme to work properly. • Does raise a question about Parish/Town Council attendance on the Committee Site Visits but that would be considered under a separate review. • 3 minute slots are long enough. • Public speaking had not noticeably slowed the Planning Committee process. • Adds to the sense of openness and transparency. • Being able to engage in the planning process is particularly important to Parish/Town Councils. • Has led to a noticeable reduction in the amount of late paperwork received. • General feedback is that people are happy with the process and grateful for the opportunity. • No adverse comments from Planning Officers. 	<p>A separate review of the Protocol for Councillors and Officers Involved in the Planning Process, which included the Committee Site Visit procedure, would be undertaken in due course.</p>

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Support Services Team Leader</p>	<ul style="list-style-type: none"> • Involved in the process from a customer point of view – advising that public speaking is available for use, explaining the process and pointing them in the direction of Democratic Services to register. • Scheme is promoted at the point of receipt of an application – applicants/agents are informed that if the application goes to Committee they will have a chance to register to speak. When the Schedule is published online, a letter is sent to the applicant/agent advising that it will be going to Committee and pointing them to the information leaflet on the website. • If someone sends in a letter of support or objection they would be advised that there was an opportunity to register to speak if the application went to Committee. • Very positive reaction - had previously been an expectation that TBC should have a scheme in place. • Good idea to advertise the scheme more widely e.g. in the Borough News. • Planning had recently gone through a systems review and part of that had involved changes to the acknowledgement letters for applicants/agents. Bullet points were being introduced to show the next steps of the application process and the scheme was something which could be included within that. • Some confusion over deadlines – deadline for registering to speak is 10.00am on the day before the meeting whereas the deadline for written representations is 5.00pm on the day before the meeting. 	<p>With regard to the confusion over the different deadlines for registering to speak and the submission of additional representations, it was noted that, as a matter of law, anything which was received before the start Planning Committee meeting needed to be put to Members; any representations received after 5.00pm on the day before the meeting were reported verbally at the meeting. Consideration was given as to whether the deadline for additional representations should be aligned with the deadline for registering to speak, however, there was currently some benefit in being able to advise people who had missed the deadline for registering to speak that there was still an opportunity to submit written representations. Extending the deadline for registering to speak beyond 10.00am would have an impact on the ability of Member Services to produce an up-to-date briefing note for the Chair in time for the meeting. Members understood the points which had been raised and felt that the deadlines should remain the same but that the distinction between the two needed to be made clearer.</p>

Appendix 5 – Officer comments and Working Group response

170

Consultee	Key Points Raised	Working Group Comments (if any)
Senior Planning Officer	<ul style="list-style-type: none"> • Public speaking does lengthen Committee meetings but not significantly. • Most people are well-prepared. • It had not resulted in unfair criticism of Officers which was a concern before the scheme was introduced. • 3 minutes is long enough for each speaker to get their points across, does not need to be longer, • Useful for speakers to raise any salient points arising from the Committee reports and not worry about them being lost amongst the late papers. • The fact that there are usually a number of speakers at each Committee suggests that the scheme is of value but it was not something which he was often asked about by applicants/agents. • There were sometimes situations where there were 2/3 applications for the same site and he did not see the value in speakers repeating the same points for each application. • Training for Officers would be useful. Not everyone understood the scheme in place or how it was administered. 	<p>Members felt that some training for Planning Officers would be beneficial. The key point was for Officers to recognise that the only way to register was by telephoning Democratic Services.</p> <p>In terms of having separate speaking slots for applications on the same site, it was recognised that there might be a legal issue if speakers were allowed for one site but not the other. It was possible that there could be a scenario where the applications had different recommendations or where there the salient points for each application were different.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
Member Services Officer	<ul style="list-style-type: none"> • A few teething problems but now working well. • Speakers arrive in advance of the meeting and are ticked in and shown where to sit etc. If people are late and the meeting has commenced this can be a problem, particularly when the schedule is large as some people are unwilling to sit through the whole meeting if their item is towards the end. • Registration only starts once the Agenda for the meeting has been published and is by telephone call to Democratic Services only – we considered email but that could be a problem if it is not picked up e.g. if someone is on holiday or an email is received over the weekend etc. • Only one slot for Parish/Town Councils, one for objectors and one for supporters. If a second person calls to register in a slot which is already taken we would look to put them in touch with the registered speaker to see if they would incorporate the points the second person wished to make into their speech. This has not happened to date – tend to find that local residents have already spoken about it and nominated a speaker. • Have to obtain consent to pass on telephone numbers and that speakers are happy to be recorded at meetings. A few people have expressed concern about this but it is not something which we can control. • Once the deadline for registration has passed a briefing note is prepared for the Chair setting out the speakers for each application. 	<p>There was discussion as to whether it would be appropriate for Ward Councillors who were not Members of Planning Committee to be timed by the electronic clock. Rule of Procedure 16.7 states that, other than the mover of a motion or amendment, all other speeches may not exceed three minutes. However, the Rules of Procedure also allow the Chair a discretion to allow the speaker to continue for a specified time. Therefore, whilst it would not be inappropriate to sue the electronic clock as an aid to the Members, there would be an opportunity for a Member to be allowed to continue beyond this time.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
	<ul style="list-style-type: none"> • The administration of the scheme has created additional work (approximately 1hr extra from point of publication of the Agenda and the meeting and an additional 30mins on the day of the meeting). In addition, full Minutes are now written for every application. • It would be significantly more work if we allowed people to register on any application as soon as it was valid, rather than waiting for the Agenda to be published. • It is helpful to know in advance if any Ward Councillors who are not Members of the Planning Committee would like to speak so they can be included on the Chair’s briefing note. • Concern that Planning Officers do not know the process for registration. 	

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	10 May 2016
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Paul Skelton, Development Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr D M M Davies, Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary: To inform Members of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions issued</p>
<p>Recommendation: To CONSIDER the report</p>
<p>Reasons for Recommendation: To inform Members of recent appeal decisions</p>

<p>Resource Implications: None</p>
<p>Legal Implications: None</p>
<p>Risk Management Implications: None</p>
<p>Performance Management Follow-up: None</p>
<p>Environmental Implications: None</p>

1.0 INTRODUCTION/BACKGROUND

- 1.1 At each Planning Committee meeting, Members are informed of current Planning and Enforcement Appeals and of Communities and Local Government (CLG) Appeal Decisions that have recently been issued.

2.0 APPEAL DECISIONS

- 2.1 The following decisions have been issued by the First Secretary of State of CLG:

Application No	15/00670/OUT
Location	32 Ermin Street, Brockworth, Gloucester
Appellant	Mr I Stoddart
Development	Outline Planning Permission for the demolish existing house and garage and replace with 3 townhouses (All matters reserved)
Officer recommendation	Refuse
Decision Type	Delegated Decision
DCLG Decision	Withdrawn
Reason (if allowed)	
Date	18.04.16

3.0 ENFORCEMENT APPEAL DECISIONS

- 3.1 None

4.0 OTHER OPTIONS CONSIDERED

- 4.1 None

5.0 CONSULTATION

- 5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: Marie Yates, Appeals Administrator
01684 272221 Marie.Yates@teWKesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
15/00801/FUL	Land Off Cursey Lane Elmstone Hardwicke Cheltenham Gloucestershire GL51 9TF	Proposed solar photovoltaic farm with associated landscaping, ground based racking systems, static mounted solar panels, associated infrastructure, site security fencing and security system.	30/03/2016	W	MAT	04/05/2016
15/00939/FUL	Shurdington Court Farm Little Shurdington GL51 4TX	Indoor Arena 40m x 20m	06/04/2016	W	CIP	11/05/2016
15/00954/FUL	4 Walls Court High Street Tewkesbury Glos GL20 5JU	Replace existing softwood framed doors and windows with white UPVC framed windows and white UPVC and white aluminium doors	20/04/2016	W	EMB	
16/00119/FUL	Church Cottage Main Street Dumbleton Evesham Gloucestershire WR11 7TH	Proposed two storey rear extension	21/04/2016	HH	EMB	
15/01203/FUL	4 The Green Churchdown GL3 2LF	Ground lower ground floor extension to provide garden room and basement games room/study.	25/04/2016	HH	HMS	

Process Type

- “HH” Indicates Householder Appeal
- “W” Indicates Written Reps
- “H” Indicates Informal Hearing
- “ I ” Indicates Public Inquiry

Agenda Item 8

Advanced Site Visits Briefing

The following applications have been identified as ones which may be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they will be considered:

Reference No.	Site	Description of Development
15/00749/OUT	Land Adjacent Ivy Cottage, Innsworth Lane, Innsworth	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, A6, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.
16/00241/FUL	Land Parcels 7946 & 9067 300087 Walton Cardiff Road To Newtown Farm Ashchurch	Erection of biomass-based anaerobic digestion facility and associated works.