TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Planning Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 16 January 2018 commencing at 9:00 am

Present:

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

and Councillors:

R E Allen (Substitute for J R Mason), G F Blackwell, D M M Davies, M Dean, D T Foyle, M A Gore, J Greening, R M Hatton, A Hollaway, E J MacTiernan, A S Reece, T A Spencer, P E Stokes, P D Surman, H A E Turbyfield (Substitute for R Furolo), D J Waters (Substitute for P W Awford) and P N Workman

also present:

Councillor R A Bird

PL.53 ANNOUNCEMENTS

53.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

53.2 The Chair advised the Committee that the meeting would be filmed by a member of the public. Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

54.1 Apologies for absence were received from Councillors P W Awford, R Furolo and J R Mason. Councillors R E Allen, H A E Turbyfield and D J Waters would be acting as substitutes for the meeting.

PL.55 DECLARATIONS OF INTEREST

55.1 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.

55.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	17/01160/FUL Gransmoor Lodge, Sussex Gardens, Hucclecote.	Had spoken to the applicant in relation to the application but had not expressed an opinion. Is a Member of Hucclecote Parish Council but does not participate in planning manners. Is a Borough Councillor for the area.	Would speak and vote.
R D East	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
P D Surman	17/00924/OUT Land South of Up Hatherley Way, Chargrove Lane, Up Hatherley. 17/01097/FUL – Land at the Former Allards Hotel, Shurdington Road, Shurdington.	Is a Borough Councillor for the area. Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.

55.3 There were no further declarations made on this occasion.

PL.56 MINUTES

56.1 The Minutes of the meeting held on 19 December 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.57 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

57.1 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 Members prior to decisions being made on those applications.

17/01140/FUL – Cherry Tree House, Gretton Fields, Gretton

57.2 This application was for a two storey side extension and single storey rear extension; French doors at rear first floor level with 'Juliet' balcony; existing single storey rear extension and conservatory to be integrated into the house. The Committee had visited the application site on Friday 12 January 2018.

57.3 The Chair invited the applicant's agent to address the Committee. He advised that Cherry Tree House was a modest detached dwelling which was set in just under an acre of land, with an additional two acres of grazing land to the rear. The property was set back from the highway and benefited from high levels of natural screening from the surrounding area. The dwelling had been extended in the past, with the construction of a large uPVC conservatory and concrete-panel garage which was used as a utility, store and tack room. He explained that the brief for the project was to replace the existing garage with a structure more in keeping with the existing dwelling and to provide additional first floor accommodation, which was currently surprisingly small in comparison to the overall size of the house. It was also requested that the rear conservatory be incorporated into the house whilst maintaining natural light levels. One aspect of the buildings that had played a large part in the design process was the differing pitch slopes. When viewed from the principal elevation, the roof slopes seemed steep; however, when viewed from the side elevations, the roof slopes were much shallower. These differing slopes had proved to be very restraining when splicing in the extension and had governed the size and location of the proposed works. An initial scheme had been submitted in January 2017 for a two storey extension to the side of the house; however, after objections from the Planning Officer and Parish Council, this application had been withdrawn in March 2017. Numerous design schemes had subsequently been investigated and prepared. These had included a survey of the loft space - which was found to be insufficient for conversion - and an extension to the rear of the property - which had proved to be too detrimental to natural light levels and may have led to objection from the neighbouring property to the north. The revised and reduced scheme before Members was the result of many design meetings and it was considered that this provided a sympathetic solution for the property and the surrounding area. Furthermore, it would also replace previous extensions that were detrimental to the property. It was important to note that the proposed extension would increase the existing footprint by only 11 square metres, or 7%, but would provide much improved accommodation.

57.4 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/01147/FUL – Stables to the Rear of Laburnum, Gretton Fields, Gretton

57.5 This application was for the conversion of a stable block to provide three holiday let units with associated parking and access. The Committee had visited the application site on 12 January 2018.

57.6 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 and, upon being taken to the vote, it was

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

17/00922/APP – 59 Gretton Road, Gotherington

57.7 This application was for the approval of reserved matters (layout only) pursuant to outline planning permission 16/00336/OUT for the erection of up to 10 dwellings.

57.8 The Chair invited the applicant's representative to address the Committee. He felt that this should have been a straightforward application as the three acre site was a draft allocation within the Neighbourhood Development Plan for less than 25 dwellings. After agreeing a layout with the Parish Council in 2015, an outline application had been submitted in February 2016; however, the Council's Urban Design Officer had not been happy with the proposal and had suggested the reduction in the number of dwellings proposed to 10. Planning permission had been granted in November 2016 but with an informative stating that the Council did not endorse either the Design and Access Statement or the illustrative layout. He pointed out that the Parish Council had objected to the reduction in numbers at the time. A reserved matters application had subsequently been submitted purely for siting and the Urban Design Officer had indicated that she was happy with the proposal. The reserved matters application had been submitted in August 2017 and should have been straightforward; however, the Parish Council had objected on overdevelopment grounds – this was completely inconsistent with its previous position on the outline application and had necessitated a Committee determination. He noted that the Parish Council had now withdrawn its objection. He went on to explain that the County Highways objection had only come to light when the Planning Agenda had been published. As there had been no time to resolve this issue, he had suggested a Grampian style condition whereby no development could take place before the relevant information was submitted. The Case Officer had indicated that conditions would not be appropriate because it deviated from the outline planning permission and access was an integral part of the scheme. The County Highways Officer currently disagreed that it would deviate from the outline permission as this information would be needed even for a small scheme of 10 dwellings and two private driveways. In other words, he was behaving as though a condition was in place already. If he was correct, then a condition could not deviate from the outline permission and, if he was not, then arguably no condition was necessary anyway and the approval application could be granted, particularly as a further reserved matters application would need to be submitted to deal with the access. He also took issue with the point that access was integral to the scheme; in his view, this was a matter of professional judgement. If the scheme was for 12 or 15 dwellings per acre, arguably it could be classed as integral as no one could be sure that satisfactory access could be achieved on site; however, this scheme was for three dwellings per acre and the siting of the dwellings in no way precluded a satisfactory highway layout. He urged the Committee to approve the application – with or without conditions – rather than delegating approval to Officers, so that he could move on to the detailed design for the scheme.

57.9 The Development Manager agreed that this had been an unnecessarily difficult application. Unfortunately, the Planning Officer had changed during the course of the application and, when the current Case Officer had picked it up, it had become

evident that the location of the access was very clearly set out on the layout plan so it was considered that it should be determined as part of the reserved matters application. He confirmed that it would be appropriate to include conditions as suggested by the applicant and he encouraged Members to delegate the application to Officers in order to deal with that. He provided assurance that this could be done very quickly which would be in the interests of all parties. A Member indicated that the Parish Council was very keen to ascertain whether there would be a footpath adjoining the development to the village. She also drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out the Parish Council's disappointment that its request for a bench on the site had not been accommodated and questioned whether this would form part of a further reserved matters application. In response, the Planning Officer advised that the footpath would extend from the village and pointed to the faint white line to the southern side of the boundary hedge which would be retained as part of the development. This would extend up to the end of the second access into the site which would link the development to the village. With regard to the bench, he confirmed that was something which Officers could pick up with the applicant as part of the reserved matters for the landscaping of the site.

57.10 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to the resolution of the highway matters and any other associated revisions or conditions, and he invited a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the resolution of the highway matters and any other associated revisions or conditions.

17/00924/OUT – Land South of Up Hatherley Way, Chargrove Lane, Up Hatherley

57.11 This was an outline application for up to 500 dwellings; a commercial/local centre of 1,250sqm for a mix of uses including B1a, A1, A2, A3, A4 and A5 and new informal and formal recreation space and means of access (appearance, landscaping, layout and scale reserved for future consideration).

57.12 The Development Manager drew attention to the Additional Representations Sheet, attached at Appendix 1, with particular reference to the section on highways. He clarified that the comments at Pages No. 532-533, Paragraphs 8.3 and 8.4 of the Officer report, should refer to the Environmental Statement rather than the Transport Assessment. In addition, the reference to the impact in the second sentence of Paragraph 8.4 specifically related to the Chargrove Lane site access rather than the highway network as a whole. Notwithstanding this, there was a clear lack of information which had been requested by the Highways England and County Highways Authority.

57.13 The Development Manager advised that, as Members were aware, development of this nature was considered to be inappropriate development in the Green Belt; this was, by definition, harmful to the Green Belt. The National Planning Policy Framework stated that, when considering any planning application, local planning authorities should ensure that substantial weight was given to any harm to the Green Belt. Very special circumstances were required to justify inappropriate development in the Green Belt and they would not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations. This development would cause significant harm to the Green Belt as a result of introducing development onto land which was currently free from development – this would also cause harm to the purpose of

including land as Green Belt. He reminded Members that Green Belt boundaries should only be changed through the plan-making process and that had recently happened through the Joint Core Strategy. Further opportunities would be available through the Tewkesbury and Cheltenham Local Plan processes; however, the site had not been identified to meet local needs through the higher level plan.

57.14 Whilst it was recognised there would be clear benefits arising from the proposal, such as the social benefit of providing housing – including affordable housing – those benefits must be limited by virtue of the fact that the Council could demonstrate a five year supply of deliverable housing sites and the strategic needs of the area were dealt with through the Joint Core Strategy. Considerable weight should be given to the economic benefits arising, both during and post-construction, and to the other benefits set out in the Officer report which the applicant considered constituted the very special circumstances required to justify inappropriate development in the Green Belt. Notwithstanding this, those benefits must be weighed against the harms, including the harm to the Green Belt and other harms set out within the Officer report. The Development Manager had already referred to the concerns over the lack of information on highway matters and the value of the landscape was clearly set out in more than 800 objections from the local community and the consultation response from the Landscape Officer. There would also be an impact on archaeology, which had not been adequately assessed, and the harm to heritage assets which, whilst less than substantial, would not be outweighed by the public benefits of the proposal in this instance. Furthermore, the impacts on infrastructure, including green infrastructure, had not been addressed and there was no acceptable proposal in respect of affordable housing. Whilst some of the impacts may be capable of resolution through the submission of additional information or acceptable Section 106 obligations, there were serious shortcomings with the application as submitted. Overall it was considered that the benefits of the proposal did not constitute very special circumstances which clearly outweighed the harms identified, therefore, the application was recommended for refusal.

57.15 The Chair invited the petition organiser to address the Committee. He felt that the Officer report was very comprehensive and the evidence supporting a refusal was significant and substantial. He pointed out that the proposal was not in line with the Joint Core Strategy which had made this location an omission site; it was not a valid strategic site and 500 houses were simply not needed given that 11,000 were planned to be built in Cheltenham. It would be inappropriate development in the Green Belt, particularly as both Tewkesbury and Cheltenham Borough Councils were able to demonstrate five year supplies of deliverable housing. He also made reference to the severe traffic impact that would result from the proposal and indicated that the Council's Landscape Officer had concluded that the site was a valued landscape due to its noted orchards, trees, hedgerows and multiple footpaths which contributed greatly to the amenity; the proposal would harm this valued landscape which the National Planning Policy Framework sought to protect. There would also be a negative impact on heritage assets. He noted that strong objections had been received from Shurdington Parish Council and the two adjoining Parish Councils, Cheltenham Borough Council and the local MPs for Tewkesbury and Cheltenham. In addition, there were 843 signatures on the petition which had been circulated to all Wards surrounding the site – many of whom used the numerous public rights of way for walking, cycling, running, dog walking or wildlife watching. As well as the petition, there were 772 objections on the Council's website – a significant public protest against the application. In the National Planning Policy Framework planning balance assessment, the list of environmental and social harms was extremely weighty but the benefits were unremarkable - limited to economic and social benefits only - meaning that very special circumstances did not exist for the development to proceed within the Green Belt. As the Joint Core Strategy had only been approved in December 2017, this was the first test of a plan that was supposed to last for 15 years. He wished to send a clear message to speculative

developers that they must respect the Joint Core Strategy and make applications that were plan-led, otherwise many other areas of Tewkesbury Borough would again be threatened by unsustainable development. In conclusion, he urged Members to endorse the Officer's strong and clear recommendation and refuse this speculative application for all of the reasons listed.

57.16 The Chair invited the applicant's agent to address the Committee. He indicated that the applicant was an award winning, independent house building company which built high-quality and distinctive homes throughout the south-west. Members would note that the application site was part of a site previously allocated in the preferred options version of the Joint Core Strategy for some 700 homes. That site had been removed following an unjustified reduction in housing numbers and in response to local objections. In her report, the Joint Core Strategy Inspector did not pass comment on the suitability of the site for development and merely noted the removal of references to that formal allocation. Given this, and the fact that Officers confirmed to the Inspector that there were no site specific technical reasons for removing the allocation, it was clear that the technical reasons for refusal could be addressed through appropriate conditions or submission of amendments. Similarly, the refusal reasons seeking financial and affordable housing contributions could be addressed through the provision of a Section 106 planning obligation. This left the 'in principle' refusal reasons derived from the adoption of the Joint Core Strategy and the location of the site in the Green Belt. The applicant noted the adoption of the Joint Core Strategy, and that its challenge period ran until 23 January 2018, and that it did not identify the site for removal from the Green Belt; therefore, the proposal needed to demonstrate very special circumstances. The applicant had been somewhat dismayed that the views of Cheltenham Borough Council's Housing Officer had not been sought to test the affordable housing contribution to Cheltenham in an area where there was little provision; the applicant considered this to be a very special circumstance. Similarly, the Joint Core Strategy did not allocate enough business use land to meet the identified requirements and, therefore, the provision of employment space and new shops was also a very special circumstance. This would be provided in a high quality landscape setting with increased public access that would protect any views from the Green Belt and beyond. Taking all of this into account, the applicant believed that very special circumstances existed and that they should be given considerable weight in the determination of this application. Furthermore, the applicant did not agree that a demonstrable five year housing supply could be shown and noted that other plans had been found not to have a five year supply shortly after adoption, for example, in Swindon, which also relied on large scale urban extensions to deliver its land supply. On that basis, he respectfully asked that Members grant planning permission.

57.17 The Chair indicated that the Officer recommendation was to refuse the application and he invited a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/01097/FUL – Land at the Former Allards Hotel, Shurdington Road, Shurdington

57.18 This application was for the erection of four dwellings with associated landscaping and access.

57.19 The Chair invited the applicant to address the Committee. The applicant indicated that, to refuse this application on the basis of the Officer report and recommendation would be wholly wrong. Members could debate the rights and wrongs of Green Belt policy, interpretation and relevant case law; however, for the report to suggest that the planning history of the site was not related to the site, and that it was not previously developed land, and then to contradict those statements by recommending refusal on the basis of affordable housing provision, struck him as a clear and deliberate attempt to prevent a fair hearing of the facts and merits of the application. He raised concern that Officer reports and recommendations were re-written after comments had been published on the Planning Portal within the Council's website and that alterations were made with no meaningful discussion as to why. He made reference to the inconsistent decisions made by the Planning Committee, which often went against the Officer recommendation, and pointed out that applicants and planning consultants complained of not having their applications judged on their merits, or within a fair time period. He indicated that he had taken a judicial review to the High Court on the basis of Officer bias. At this point, the Chair reminded the applicant that this was his opportunity to put forward the merits of his case and he questioned the relevance of the point he was making. The applicant expressed the view that his history with the Council, and the planning applications he had previously submitted, were relevant to the current application, particularly in terms of the Planning Portal being altered. The Chair urged the applicant to keep to the merits of the planning application before the Committee. The applicant went on to state that a similar application for the erection of an infill dwelling on land at Gwinnett Court, Main Road, Shurdington, had recently been granted planning permission; this site was similar to his application both in terms of the principle of development outside of the residential development boundary and in respect of physical layout and appearance. The current site was both a brownfield site and an infill site and he urged Members to permit the application.

57.20 The Development Manager noted the correspondence that had been circulated to Members the previous day, some of which was in relation to what they had just heard during the applicant's speech. He explained that the information circulated to Members, particularly in respect of the High Court case and the Deputy Chief Executive's letter, were not material to the determination of this planning application. As Members were aware, all applications must be determined on their planning merits, in accordance with the development plan and any other material planning considerations. He had set out the Green Belt policy context in introducing the previous application and, whilst the scale of this development was different from the previous application, the policy context was the same and inappropriate development must be refused unless there were very special circumstances in existence which clearly outweighed the harm to the Green Belt. Officers agreed with the applicant that just because a site was outside of the defined residential development boundary did not mean that it was automatically outside of the village and that was supported by case law which was referenced in correspondence and in the Officer report. Whilst comments regarding street signage, addresses on bills and availability of bus services were noted, those factors were not determinative as to whether the site was in a village or not. In this case, the application site was located over 800m to the north-east of the defined development boundary of Shurdington; whilst there was other development between the site and Shurdington, there were also large gaps formed by agricultural fields. Officers were of the view that the site was not within the village, furthermore, in this case the proposal did not constitute limited infilling. As set out in the Officer report, infilling was normally restricted to development within built up frontages. The exception in Paragraph 89 of the National Planning Policy Framework, which the applicant sought to rely upon, related to 'limited' infilling; clearly that was not the case here as the proposal was

essentially for backland development and could not be described as limited infilling in any event. He understood that there was more recent case law on this.

57.21 The applicant had also made reference to the purported similarities between this site and a site at Gwinnett Court, further along the road in Shurdington, and the Development Manager referred to a plan displayed within the Council Chamber showing the location of that site. The plan clearly showed that site was located within the village of Shurdington and, in the Officers' opinion, there was no comparison between that and the current site. The issue of previously developed land had been mentioned by the applicant in his speech and was addressed within the Officer report; even if the site was previously developed land it would not meet the exception in Paragraph 89 of the National Planning Policy Framework as the proposal to introduce four dwellings into a currently vacant site would have a greater impact on the openness of the Green Belt, and the purpose of including land as Green Belt. Overall in terms of Green Belt, as set out in the Officer report, the proposal constituted inappropriate development in the Green Belt, would harm the openness of the Green Belt and would compromise some of the purposes of including land as Green Belt. He indicated that there was strong local objection from the Parish Council and local residents and, whilst some limited social and economic benefits would arise as a result of the proposal, very special circumstances did not exist in this case which would outweigh the harm to the Green Belt and the other harms identified in the Officer report, including the conflict with Joint Core Strategy Policy SD10, landscape harm and encroachment into the countryside – for those reasons the application was recommended for refusal.

57.22 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/01160/FUL – Gransmoor Lodge, Sussex Gardens, Hucclecote

57.23 This application was for the conversion and extension of the existing detached garage to provide one additional detached dwelling, including associated landscaping and access. The Committee had visited the application site on Friday 12 January 2018.

57.24 The Chair invited the applicant to address the Committee. She indicated that planning permission was being sought for a modest additional dwelling in the garden as an extension to the existing detached garage building with the aim of downsizing from the current property whilst continuing to live in the area. Following a previous application, a number of alterations had been made which had significantly reduced the scale of the proposed dwelling. In turn, this had increased amenity areas around the building and altered the habitable rooms so that they faced away from the trees. Rather than being an issue, she believed that the trees would be an asset to future environmentalists. She drew attention to Page No. 552, Paragraph 5.13 of the Officer report, where the Landscape Officer's comments suggested there would be excavation within the root protection areas of the Tree Preservation Order (TPO) trees to provide a parking area. As the Committee would have observed from the site visit, the parking area was already in existence and there was no intention to increase the hardstanding within the TPO root protection areas. Furthermore, the Landscape Officer had raised concerns over the construction of the extension to the garage. She explained that the garage had only been built seven years ago, without any impact on the TPO trees, and she provided assurance that the extension would be built in a similarly careful manner; the trees themselves gave the site its character and she had no intention of harming them in any way. Given the orientation, she wished to point out that the trees only blocked out some sunlight in the afternoon

and, even then, there was still sunlight in the rear of the garden. She argued that the site provided a more than adequate level of amenity for what would be a modest home and she respectfully asked Members to support the application.

57.25 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion felt there was adequate space for the proposal and that no additional problems would be incurred to the roots of the protected trees. The Planning Officer suggested that, if Members were minded to permit the application, it would be important to require an Arboricultural Implications Assessment and a Tree Protection Method Statement in accordance with the submitted tree survey; this would include details of issues such as working in close proximity to the trees and their protection areas. In terms of the access under the trees, it may also be appropriate to require installation of a no-dig proprietary cellular confinement system which would prevent severance and spread the load laterally – a condition would give Officers the opportunity to explore that in more detail. She also recommended removing permitted development rights in relation to further extensions and outbuildings on the site as well as the inclusion of standard conditions around levels, materials and the submission of a Construction Method Statement. She indicated that County Highways had not given any specific advice in relation to the access but suggested that vehicular access, parking and turning should also be addressed within the conditions. The proposer and seconder of the motion confirmed they would be happy to include these conditions and, upon being taken to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to the inclusion of conditions to ensure the protection of the protected trees, including foundation design; levels; materials; vehicular access, turning and parking; and removal of permitted development rights.

17/00133/FUL – Lidl UK GMBH, Evesham Road, Bishop's Cleeve

57.26 This application was for the demolition of the existing Lidl store and erection of a replacement Lidl store (Class A1) and associated works.

57.27 The Chair invited the applicant's representative to address the Committee. He explained that the existing Lidl food store in Bishop's Cleeve had opened in February 2000 and had since become a popular and busy store. It provided an important local shopping facility for the residents of Bishop's Cleeve and beyond; however, with the bulk of the current shopping unit being first occupied by Budgens since its opening in 1993, the building was almost 25 years old. The store was old, tired, inefficient and extremely restrictive – put simply, there were serious shortcomings associated with the existing store hence the need for a modern replacement store of sufficient size to allow Lidl to provide its customers with a pleasant shopping environment, whilst also providing sufficient back of house storage and ancillary accommodation. It was currently unable to operate efficiently in line with the Lidl trading format, or offer customers a modern shopping environment. As a result, Lidl wished to replace the store to bring the current offering into line with modern standards, to improve its operational efficiency, to create an improved shopping experience and ensure that the store was able to meet customer expectations for many years to come. He wished to highlight the evolution of the store's design and aesthetic appearance, which had been redesigned to the Council's satisfaction, in order to present an attractive built frontage and one which would complement the visual character of the surrounding area. The plans before the Committee showed a substantially reduced footprint and, significantly, the removal of the proposed first floor. This reduction in height meant that the proposed store was now of appropriate scale and massing and would relate well to its surrounding context. The public realm-facing elevations now consisted of four different and contrasting materials – part Cotswold stone feature wall, part white

rendered wall, curtain wall glazing and high quality insulated metal panelling. There was now substantial tree planting and landscaping within the scheme and along the boundaries. Combined with the proposed planting palette of extra heavy standard trees and shrubs, opportunities had been taken to provide additional landscaped areas and tree planting that would help to screen the store from all aspects, and to further soften its bulk and mass. Both the design of the store and the landscaping were now considered acceptable to the Council's relevant experts. The rationale behind the proposal was to modernise the store and provide an enhanced shopping environment in line with customer expectations. This qualitative improvement would ensure that Lidl could meet the current and future needs of its customers, thereby ensuring that the store continued to provide an important local shopping facility. He hoped Members would agree that the scheme represented an exciting opportunity within Bishop's Cleeve and that they would permit the application in line with the Officer recommendation.

57.28 A Member questioned how many car parking spaces had been lost through increasing the size of the store. He also sought clarification as to where the noise attenuation fence would be located and expressed the view that it should be hard landscaped. The Development Manager explained that Officers took hard landscaping to mean using physical permanent features, e.g. concrete, and the Member clarified that what he was asking for was a significant amount of landscaping using trees, shrubs, laurels etc. Further questions were raised regarding the ownership and status of the land adjoining the site and the Development Manager advised that the applicant was not in control of the land referenced by the Member so it would not be possible to achieve anything in terms of landscaping on that area. With regard to car parking, the Planning Officer explained that there were currently 122 car parking spaces and that would be reduced to 115. County Highways had stated that the required provision for a store of the size proposed was 94. As set out at Page No. 557, Paragraph 5.24 of the Officer report, the car parking assessment submitted with the application showed that the car park had a usage of 80% currently; it was not at capacity and therefore County Highways had not objected to the car parking spaced being reduced by seven. A Member expressed the view that 80% usage should be considered maximum capacity as it was necessary to allow for movement around the car park and for peak times e.g. during the Christmas period.

57.29 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member sought clarification as to whether the attenuation scheme would have lots of planting along the boundary fence on the opposite side to the Lidl store, as he had requested. In response, the Planning Officer reiterated that the applicant was not in control of that land; if another application was submitted from the owners of that site, it would be for them to provide screening as they saw fit. A Member noted that there was a swathe of land between the boundary fence and the back of the store and he questioned whether that land, which the applicant was in control of, should be used for screening. The Development Manager advised that, should Members be minded to permit the application, authority could be delegated to allow Officers to explore the possibility of providing landscaping to the south-west boundary to screen the proposed acoustic fence. The Member pointed out that an application for residential dwellings had previously been submitted on the land in question; although that application had now been withdrawn, he noted that the applicant had been asked by Officers to provide screening for the back of the Lidl store to protect the amenity of the proposed dwellings. He raised concern that screening should be the responsibility of the store owners, rather than the developer building the houses. The Chair reiterated that the difficulty was the closeness of the boundary and the limited space which was owned by Lidl; however, if Members were minded to delegate authority, Officers would attempt to negotiate a better scheme. The

proposer and seconder of the motion indicated that they would be happy to amend the proposal to a delegated permit on that basis. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to exploring the possibility of providing landscaping to the south-west boundary to screen the proposed acoustic fence.

17/00449/OUT – Local Centre Plots 7 and 8, Cleevelands, Bishop's Cleeve

57.30 This application was for the erection of up to 30 dwellings (Class C3).

57.31 The Chair invited Councillor Bird, a Ward Member for the area, to address the Committee. He indicated that, in November 2010, the applicant had submitted an outline application stating a commitment to up to 550 dwellings as well as a High Street, comprising various elements, and 16 live-work units which, in his view, were key to the application site. On 12 July 2012, the Secretary of State had permitted the application with the same description i.e. the Secretary of State had endorsed that commitment to include 16 live-work units as stated in the accompanying Inspector's report. That permission had not expired and was currently being built out; the application before Members was effectively for a change of use. He understood that a Secretary of State permission was a legal commitment; the Secretary of State did not permit applications in piecemeal but considered the whole detailed concept in the round, balancing all the benefits provided against demonstrable harm to come to an overall decision. Presumably, when designing their proposal in 2010, the applicant had thought that 16 live-work units were a good idea - something needed by the community that added real value and would help to sell the overall development, something that would be part of the list of positive outcomes that would help to tip the balance against any harm. He felt that the provision of 16 live-work units was a clear benefit to the community of Bishop's Cleeve which was in dire need of a variety of business use options to balance and support the huge residential development taking place. Local authorities were continually, and correctly, urged to plan mixed use developments to create sustainable communities and that was desperately needed in Bishop's Cleeve. This application would undermine that community-based plan approach. Delivering a mere 14 additional residential units above what had already been given planning permission i.e. the 30 proposed less 16, was the only benefit of this application in a community where over 1,600 dwellings were currently being built. Against that must be balanced the demonstrable harm of losing very important business use. It was also important to consider the policy context; Council policies were material planning considerations in planning applications and, in the hierarchy of policy context, the Council Plan had to be given significant weight. One of the key objectives of the Council Plan was economic growth, supported in detail by the Economic Development and Tourism Strategy, and this application acted against Council policy by removing the 16 live-work units that would facilitate economic prosperity in Bishop's Cleeve. The balance of harm against benefits was clearly against this application and he was of the opinion that the applicants should honour their original commitment and legal obligation to provide 16 live-work units.

57.32 The Chair asked the Planning Officer to address Page No. 562, Paragraph 5.3 of the Officer report, which seemed to be at odds with the statement made by the local Ward Member. The Planning Officer confirmed that the local Ward Member was correct that the parcel had originally been for 16 live-work units. Her understanding from the original Case Officer for the Cleevelands site was that there had been discussion during the appeal around whether use of the units should be restricted to being live-work units; however, ultimately this was not the case. The Council would have had difficulty restricting those units to being live-work units in the absence of a condition requiring that, should the development have been carried out in accordance with the planning permission. The Chair indicated that he had a huge amount of sympathy for the case that had been made by the local Member;

however, he was concerned that the Council would be putting itself at considerable risk if the application was refused on the basis of the loss of the live-work units given that there was no written requirement for them to be provided. The local Member took the point about the absence of a condition, nonetheless, it was his understanding that permissions granted by the Secretary of State were legally binding and 16 live-work units were clearly stated in the wording of the outline planning application description which had been endorsed by the Secretary of State. Furthermore, the harm in terms of losing the live-work units - which was contrary to the Council Plan and the Council's Economic Development and Tourism Strategy - was not outweighed by the minor benefit of an additional 14 residential units in a community such as Bishop's Cleeve where the best part of 2,000 were being built. Residents of Bishop's Cleeve had struggled with the Secretary of State decisions on Homelands and Cleevelands and had been unable to get any variation with regard to the things that were really important, such as the traffic problems on Gotherington Road, being rebuffed on the basis that it was a Secretary of State decision and nothing could be done about it. He struggled to accept why the same should not also apply to the provision of live-work units which was clearly in the description of the outline planning permission.

57.33 The Legal Adviser explained that live-work units included in the outline planning permission were not a C3 use, they were a use made up primarily of business use with a subsidiary dwelling use; however, this was a separate planning application as opposed to a reserved matters application and there was no requirement to provide the units as set out in the original outline permission. Members needed to determine whether it would be appropriate to grant dwellings in this location – as proposed by the application before them – taking into consideration all material planning considerations.

57.34 A Member indicated that she could not see anything in the report to provide evidence that the developer had marketed the live-work units, how long they had marketed them for and what they had found in relation to the lack of interest in those units. Without that information, it was a very difficult decision to make. Another Member agreed that live-work units would be helpful in places such as Bishop's Cleeve, which was already inundated with housing, and whilst she accepted this was a separate application, she would want to see evidence from the developers to show they could not sell live-work units. In addition, she noted that an update was due to be provided on the ongoing discussions on contributions. The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that a response had now been received from County Highways which had made no objection, subject to conditions, on the basis that the application had been amended to reserve the access. In addition the Community and Economic Development Manager had agreed that the contributions requested in terms of open space etc. would be better directed to the village hall where there was currently a shortfall. As such, the Officer recommendation had been amended to delegate authority to the Development Manager to permit the application, subject to the completion of Section 106 Agreements to secure 40% affordable housing and contributions towards the village hall (£40,497.90), libraries (£5,880) and education (£224,881).

57.35 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of Section

106 Agreements to secure 40% affordable housing and contributions towards the village hall (£40,497.90), libraries (£5,880) and education (£224,881) and he sought a motion from the floor. It was proposed and seconded that the application be deferred. The proposer of the motion indicated that he would not feel comfortable permitting the application today and felt that more information was needed in respect of the live-work units. Having been put to the vote, the motion was lost.

57.36 In terms of the evidence in respect of marketing, the Planning Officer advised that a paragraph had been included in the covering letter, which had accompanied the application when it was submitted last year, stating that the live-work units had been marketed without success; there had been no interest from developers due to the uncertainty about land and difficulties in obtaining mortgages. No further details had been provided; however, the applicant was not required to submit this type of information for an outline application for residential development such as this. She clarified that the original outline application for the site had expired - in that the time limit for applying for reserved matters had expired - so any applications for this parcel of land would be completely separate applications. A Member proposed that the application be refused on the grounds of the harm that would be caused to the area and the loss of employment land which would far outweigh the benefits of additional residential development, bearing in mind that there were already 550 houses currently being built in the area. This proposal was duly seconded. The Development Manager noted the suggested reason for refusal but pointed out that there was currently no employment land to be lost. The previous outline planning permission which included the live-work units had expired so the land was essentially vacant, reverting to the agricultural use of the land as had been the case prior to permission being granted for the wider Cleevelands development. This wider site was within a large scale urban extension to Bishop's Cleeve and Members must consider the harm of delivering the proposed number of houses on the site in policy terms. The Head of Development Services drew attention to Page No. 561, Paragraph 1.2 of the Officer report, which stated that the application parcel had outline planning permission for 16 live-work units but this had now expired. A Member indicated that she was struggling with this statement because the site was being built out at the moment. The Development Manager explained that all outline planning permissions had time restrictions which meant that reserved matters applications had to be submitted within a certain period – that time period had now expired so no further reserved matters applications could be submitted to develop that part of the site. A Member indicated that she still needed some clarification as she could not understand why planning permission for this one particular parcel had expired if the whole site had been granted outline planning permission and there had not been a separate application for live-work units. The Development Manager confirmed that the whole site did have outline planning permission which was conditional on submitting reserved matters applications for the detailed design within a certain timeframe. That time period had now elapsed so this particular site did not currently have planning permission for anything. Therefore, the Council needed to consider whether housing development on the site was acceptable or otherwise, notwithstanding that it may previously have had permission for live-work units, i.e. would putting 30 houses on this site be acceptable in policy terms. In his view, this would be very hard to resist, certainly in terms of the proposed reason for refusal given that there was no employment land to be lost - Members may like to see employment use on the site but that was not the proposal that had been put forward. There must be robust reasons to refuse a planning application and he feared that, if this reason for refusal went forward, the Council would be at severe risk of costs being awarded against it should there be an appeal.

57.37 A Member went on to question whether the site was, as stated at Page No. 562,

Paragraph 5.2 of the Officer report, outside of the identified housing development boundary or whether it was part of the Cleevelands development. The Development Manager advised that the whole of the site had outline permission and some of that was being built out to the north of those parcels. Essentially the land was surrounded by development either as constructed, under construction or to be constructed, having been granted reserved matters approval within the appropriate time period. This particular parcel of land did not have reserved matters approval and therefore there was no planning permission on the land as it stood. He reiterated that Members needed to determine the application in the context of whether housing development on the site was acceptable and why planning permission should not be granted on this land. He did not disagree with what Members had said in terms of employment use being preferable for the balance of the community in Bishop's Cleeve but he could not see any planning reason for refusal on that basis. The Member indicated that Bishop's Cleeve was a rural service centre and the Council had a duty to its residents to provide services within that centre. Bishop's Cleeve was currently at breaking point and desperately needed more facilities so it was vital, in her view, that this land was retained for employment use. She could not support an application for more housing in Bishop's Cleeve rather than commercial use.

57.38 A Member queried whether the fact that the Council was now able to demonstrate a five year supply of deliverable housing supply would be a valid reason for refusing the application and was informed that the five year supply was not a ceiling and there would need to be other robust reasons as to why planning permission should not be granted on the site. A Member questioned what would happen if permission was granted and someone occupying one of the houses wanted to apply for business use. The Development Manager reminded Members that each application must be considered on its own merits and Officers would look at whether the property was suitable for an element of employment use in terms of noise, impact on neighbours etc.

57.39 A Member proposed, and it was seconded, that the application be deferred in order to investigate the marketing of the site for live-work units, to provide further advice generally on the site's status and for Officers to have further discussions with the developer. The Chair indicated that there had already been a proposal for a deferral which had fallen; however, that was prior to the considerable discussion and debate that had taken place in relation to the issues on the site. If this motion was lost, he would take the proposal for a refusal which had been seconded. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to investigate the marketing of the site for live-work units, to provide further advice generally on the site's status and for Officers to have further discussions with the developer.

PL.58 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

58.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 11-17. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

58.2 It was

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

The meeting closed at 10:40 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 16 January 2018

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	
514	2	**17/01147/FUL** **Stables to the rear of Laburnum, Gretton Fields, Gretton** Updates Following discussions with officers the curtilage associated with the proposed holiday lets has been reduced. It is considered that the area as revised is commensurate with the proposed use and would provide an ample area for sitting out or preparing BBQs. Accordingly it is recommended that Condition 2 is to be revised to: Revised condition 2 The development hereby permitted shall be carried out in accordance with the following approved details and any other conditions attached to this permission: • DRL17.01 20 Rev.A - Location Plan (amended), • DRL17.01 21 - Existing Site Layout, • DRL17.01 22 Rev.A - Proposed Site Layout (amended), • DRL17.01 25 - Proposed floor plan & Elevations.
518	3	**17/00922/APP** **59 Gretton Road, Gotherington, GL52 9QU** Consultations and Representations A further representation has been received from the Parish council. The comments raised are summarised below: • Disappointed that the parish request for a bench has not been included • This would have brought benefits for the development and village as a whole • Facilities can not be provided off site by S.106 • Lack is space for further facilities • Off site facilities will not be provided • Seek early engagement to ensure facilities are achievable • In the interests of progressing this application the parish raises no objections

		The recommendation remains as set out in paragraph 6.2 of the committee report.
522	4	**17/00924/OUT** **Land South of Up Hatherley Way, Chargrove Lane, Up Hatherley** <u>Consultations and Representations</u> **Community and Economic Development Manager:** Requests the following contributions based on the needs arising from the proposed development: • Off-site playing pitches and pitch provision - £868,871 • Contribution for sports hall - £186,154 • Contribution for swimming pool - £204,847 • Contribution towards astroturf - £29,218 • Contribution towards indoor bowls - £32,768 • Contribution towards community buildings to serve the new population - £227,354. • Contribution to support youth provision in the local area to serve the new population - £84,000 Furthermore, the specification/standard for play areas and teenage facilities on-site would need to be agreed. Should the land be offered for adoption by the Council, a schedule of maintenance rates would also need to be agreed. **County Section 106 Obligations Officer:** Requests the following contributions on the basis that there is no additional forecast capacity at local schools to cater for the needs arising from the proposed development: • Pre-school/nursery contribution: £551,214 • Primary Contribution: ££1,899,756 • Secondary Contribution: £1,755,881 Furthermore the proposal would give rise to additional library resources. As such a library contribution of £98,000 is sought. <u>Section 8 - Accessibility and Highway Safety</u> It should be noted that the references to the Transport Assessment (TA) should in fact be references to the Environmental Statement (ES). Furthermore in paragraph 8.4 of the officer report, the reference to major adverse impact in the second sentence is specifically with reference to the Chargrove Lane site access. <u>Section 9 – Flood Risk and Drainage</u> The Applicant has submitted further information in respect of flood risk following the LLFAs objection to the application. In respect of surface water, the LLFA notes the additional information however considers this to be insufficient to enable proper consideration of a development of this scale. The further information explains that there would be a reduction in flow rates however the LLFA consider that, due to culvert restrictions, storage volume also needs to be considered. In respect of groundwater levels, the LLFA accepts that the additional material, based on geological survey information indicates that groundwater, if it is present, is likely to lie at a depth greater than 10m below ground level. On this basis it is considered unlikely that groundwater levels could increase enough to cause surface water flooding or impact upon the operation of SuDS features on the site. The LLFA also remain concerned about overland flow

		volumes and how they would be dealt with. The LLFA also consider that an additional culvert could be required, given the size of the existing culvert. In light of the above the LLFA maintain their objection as set out in the report.
542	5	**17/01097/FUL** **Land at the Former Allards Hotel, Shurdington Road, Shurdington** <u>Updates</u> Following the drafting of the report, the Housing Enabling Officer has provided an additional response on the basis of the site forming part of a larger site with the existing dwellings. **This response is attached in full below.** As discussed in the report, the cumulative floor space of the dwellings would over 1000 square metres and contributions of 40% are required in line with Policy SD12. The required affordable contribution is 3 properties.
561	8	**17/00449/OUT** **Local Centre Plots 7 & 8, Cleevelands, Bishops Cleeve** <u>Updates</u> Following the drafting of the report, the County Highway Authority has responded to the application, raising no objection, following access becoming a reserved matter, subject to additional conditions. **The response is attached in full below.** The applicant's agent queried the contributions towards the open space, on the basis that these matters are addressed within the wide Cleevelands scheme. **Letter attached in full below**. Following discussions with the Council's Community and Economic Development Manager, it has been agreed that the contributions would be better directed towards the delivery of the village hall. The required contribution is £1,365.83 per dwelling. It is therefore recommended that the application be **DELEGATE TO PERMIT**, subject to the completion of s106 Agreements to secure 40% Affordable Housing, and contributions towards the village hall (£40,497.90), libraries (£5,880) and education (£224,881). <u>Additional conditions</u> 10 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. 11 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development. Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians 12 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access roads, including the junction with the existing public road and associated visibility splays, has been 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. Note 3 The proposed development will be expected to involve works to be carried out on a 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.

Item 5 – 17/01097/FUL (Housing Enabling Officer response):

To: Suzanne D'Arcy, Senior Planning Officer, Tewkesbury Borough Council
From: Strategic Housing and Enabling Officer, Tewkesbury Borough Council
Date: 4th January 2018

Reference: 17/01097/FUL
Location: Land At The Former Allards Hotel Shurdington Road Shurdington Cheltenham Gloucestershire GL51 4XA
Description: Erection of no.4 dwellings with associated landscaping and access.

The total combined floor space of the 4 new properties is below 1000sqm as per table 1 below. However as the development is considered to be an extension to the existing site permitted under application 14/00681/FUL the total site will be over 1000sqm. Table 2 shows the size of existing properties as per the revised plot drawings on application 14/00681/FUL. A contribution to affordable housing would be sought in relation to this development in line with Policy SD12 of the Joint Core Strategy detailed below in bold. In this case the on-site contribution would be 3 properties out of the total 8.

Table 1 – Size of proposed properties

House type	House size (inc garage) sqm
4 bed	197
4 bed	197
5 bed	301.5
5 bed	301.5
Total	997

Table 2 – Size of existing properties

House type	House size (inc garage) sqm
4 bed	190
4 bed	190
5 bed	290
5 bed	263
Total	933

Policy SD12: Affordable Housing

1. The JCS authorities will seek, through negotiation, for new development to deliver new affordable housing on a sliding scale approach as set out below:

i. Within the Strategic Allocation sites a minimum of 35% affordable housing will be sought.

ii. ***Outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000sqm;*** *a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area and* ***a minimum of 40% will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas.***

iii. On sites of 10 dwellings or less, which have a maximum combined floorspace of no more than 1,000sqm, no contribution towards affordable housing will be sought.

iv. Notwithstanding the above, affordable housing policy for sites of 10 dwellings or less may be applied under policies set out within district plans.

Item 8 – 17/00449/OUT (County Highways response, page 1 of 3):

Gloucestershire COUNTY COUNCIL

Highways Development Management

Shire Hall
Gloucester
GL1 2TH

Suzanne D'Arcy
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

email: mark.sweet@gloucestershire.gov.uk

Please ask for: Mark Sweet

Our Ref: T/2017/039688 Your Ref: 17/00449/OUT Date: 4 January 2018

Dear Suzanne D'Arcy,

TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATION

LOCATION: Local Centre Plots 7 And 8 Cleevelands Bishops Cleeve
PROPOSED: The erection of up-to 30 dwellings (Class C3)

The proposed 30 dwellings are on the site are according to the transport statement for 16 live work units approved on the outline 10/01216/OUT permission for the wider site which has now lapsed.

The increase in vehicle trips between the proposed 30 dwellings and permitted 16 live-work units under the outline permission would not result in an increase in trips on the network to warrant principle refusal.

The application which was previously outline with all matters reserved except for access has now been submitted with all matters reserved including access following the letter dated 3rd January 2018.

Therefore I recommend no objection subject to suitable details regarding layout and access being provided at reserved matters stage.

Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling 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

Item 8 – 17/00449/OUT (County Highways response, page 2 of 3):

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 paragraph 35 and Local Plan policy TPT1.

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 and Local Plan policy TPT1.

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 details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason:- 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 paragraph 35 and Local Plan policy TPT1.

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access roads, including the junction with the existing public road and associated visibility splays, has been 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

Item 8 – 17/00449/OUT (County Highways response, page 3 of 3):

the National Planning Policy Framework paragraph 35 and Local Plan policy TPT1.

Note: The proposed development will be expected to involve works to be carried out on a 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 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,

Mark Sweet

Senior Technician

Item 8 – 17/00449/OUT (Agent letter re S106 obligations, page 1 of 2):

Your Ref: 17/0449/OUT
Our Ref: DJB/0152

3 January 2018

Ms S D'Arcy
Senior Planning Officer
Tewkesbury Borough Council
Council Offices
Gloucester Road
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GL20 5TT

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Dear Ms D'Arcy

Ref: Cleevelands - Local Centre Plots 7 and 8

Further to our discussions/exchanges and those I have had with officers of both Tewkesbury Borough and Gloucestershire County Councils, I believe we now have an agree position concerning the requests, including financial contributions, to be secured by a Planning Obligation for the development of Local Centre Parcels 7 and 8 for housing purposes (Ref 17/0449/OUT).

Basis of Calculating the Obligations

By reason of the number of dwellings being expressed as a maximum, any financial contributions of the quantum of affordable housing would need to be secured on a pro rata basis. This is the approach adopted in this letter.

Affordable Housing

40% of the proposed housing would be for affordable housing purposes based upon a tenure split of 70% affordable rent and 30% intermediate with the accommodation being a mix of 1 and 2-bedroom flats. The logical provision for 30 dwellings would be for the development to include:

	Affordable Rent (70% - 8 units)	Intermediate (30% - 4 units)
1-bedroom flat	5	1
2-bedroom flat	3	3

If the number of dwellings is less than 30 then the mix would change on a pro rata basis.

Education

Based on the subsequent information provided by the County Council concerning need and despite the lack of sophistication regarding the calculation of payments based upon dwelling size and tenure, the following education contributions would be paid adopting the information contained in the Local Developer Guide:

Item 8 – 17/00449/OUT (Agent letter re S106 obligations, page 2 of 2):