

21 August 2018

Committee	Planning
Date	Thursday, 30 August 2018
Time of Meeting	10:00 am
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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.

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.



	Item	Page(s)
4.	MINUTES	1 - 21
	To approve the Minutes of the meeting held on 31 July 2018.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) Schedule	
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	
	(b) 18/00771/OUT - Land East Of Bredon Road, Mitton	22 - 33
	To approve the response to Wychavon District Council in respect of application 18/00771/OUT and to delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes prior to final submission.	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	34 - 38
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 25 SEPTEMBER 2018
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R E Allen, P W Awford, D M M Davies, R D East (Vice-Chair), J H Evetts (Chair), D T Foyle, M A Gore, J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, T A Spencer, P E Stokes, P D Surman, H A E Turbyfield, 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

In accordance with the Openness of Local Government Bodies Regulations 2014, 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 Chair 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, 31 July 2018
commencing at 10:00 am**

Present:

Vice Chair in the chair

Councillor R D East

and Councillors:

R E Allen, P W Awford, R A Bird (Substitute for R J E Vines), D M M Davies, J E Day
(Substitute for J R Mason), D T Foyle, M A Gore, J Greening, A Hollaway, E J MacTiernan,
A S Reece, P E Stokes, P D Surman, H A E Turbyfield and P N Workman

also present:

Councillors K J Berry and G J Bocking

PL.17 ANNOUNCEMENTS

- 17.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 17.2 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.
- 17.3 The Chair indicated that he had exercised his discretion to vary the order of the Agenda Item 5a – Planning Schedule to allow the invited representatives from Gloucestershire County Council to attend. On that basis, Items 3-5 of the Planning Schedule would be taken before Items 1-2.

PL.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 18.1 Apologies for absence were received from Councillors J H Evetts (Chair), R M Hatton, J R Mason, T A Spencer and R J E Vines. Councillors R A Bird and J E Day would be acting as substitutes for the meeting.

PL.19 DECLARATIONS OF INTEREST

- 19.1 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.

19.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	18/00449/FUL Land on the East Side of Broadway Road, Stanway.	Had spoken to the applicant on the telephone, receiving information on the application, but he had not expressed an opinion.	Would speak and vote.
P W Awford	17/00852/OUT Yew Tree Farm, Tewkesbury Road, Twigworth.	Is a Gloucestershire County Councillor for the area. Is a life member of the National Flood Forum. Is a Borough Council representative on the Lower Severn (2005) Internal Drainage Board. Is a representative on the Severn and Wye Regional Flood and Coastal Committee and on the Wessex Regional Flood and Coastal Committee.	Would speak and vote.
P E Stokes	16/00738/OUT Parcel 3745 Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P N Workman	18/00512/FUL 1 Abbey Court, Gloucester Road.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

19.3 No further declarations were made on this occasion.

PL.20 MINUTES

20.1 The Minutes of the meeting held on 3 July 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.21 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 21.1 The Technical Planning 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.
- 21.2 The Technical Planning Manager advised that the revised National Planning Policy Framework had been issued on 24 July 2018. He did not intend to go through all the changes but explained that the core principles referenced within Officer reports had been removed as the government considered that they were addressed sufficient elsewhere within the National Planning Policy Framework. There had also been clarification on several other issues and changes to paragraph numbers. It was the Officers' opinion that the changes did not alter any of the recommendations contained within the reports before Members.

18/00522/FUL – 43 Evesham Road, Bishop's Cleeve

- 21.3 This was an application for a first floor extension over the existing garage to provide additional living accommodation.
- 21.4 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 put to the vote, it was

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

18/00449/FUL – Land on the East Side of Broadway Road, Stanway

- 21.5 This application was for the erection of a four-bay steel-framed hay storage barn open on one side (revised scheme to 17/00758/FUL). The Committee had visited the application site on Friday 27 July 2018.
- 21.6 The Chair invited the applicant's agent to address the Committee. The applicant's agent clarified that the application was for an agricultural barn, designed for agricultural purposes and on agricultural land. The barn was of a typical portal construction and was the type of barn seen throughout the countryside in Tewkesbury Borough and across the whole country. As set out in the Officer report, this was a revised submission following a previous refusal for a barn on this land under delegated powers on the grounds of its size, scale and location allegedly being harmful to the Area of Outstanding Natural Beauty. In order to address this, the applicant had reduced the size of the barn by approximately 25% and he was pleased to see that the suggested refusal reason no longer referred to 'size and scale'. Notwithstanding this, he was concerned that the recommendation was now a 'principle' matter resting on the simple fact that the site was within the Area of Outstanding Natural Beauty. He stressed that around one third of Tewkesbury Borough was located within the Area of Outstanding Natural Beauty and there must be hundreds of farms covered by this designation, many of which would have had portal-framed barns built in recent years. He respectfully suggested that refusing a barn merely because it was within the Area of Outstanding Natural Beauty sent out quite a worrying message to the farming industry. Agriculture was the cornerstone of the rural economy and farmers

needed the support of the Council to facilitate growth. He pointed out that there were many examples of standalone barns permitted by Tewkesbury Borough Council over the years. The Officer report referred to views of the barn from along the Broadway Road; barns were synonymous with the countryside and the mere point that a barn may be seen did not make it harmful. Notwithstanding this, he hoped that Members attending the Committee Site Visit would have noted that the barn was not prominent from the locations alleged in the Officer report and the location had been carefully chosen at the most low-lying part of the field so it would be almost completely screened from views along the Broadway Road. He went on to indicate that there appeared to be a suggestion at the end of the report and within the Additional Representations Sheet, attached at Appendix 1, that the need for a barn had been met two miles away on other land owned by the applicant and the applicant's agent stressed that this was simply not the case. The need for a livestock barn for a different land parcel a couple of miles away had indeed been met at that site; however, there was a need for a hay barn at Broadway Road – a completely different site and a completely different need. Farmers needed to be able to farm their land efficiently and could not be expected to travel for miles between sites to move livestock, hay and other farming equipment. The applicant had gone out of his way to compromise and he hoped that Members would feel able to support the application.

- 21.7 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 as its impact on visual amenity and the landscape was acceptable. The proposer of the motion indicated that this was another example of the value of a Committee Site Visit as Members had been able to see that the barn would be located at the lowest point of the field and would be within the landscape rather than sticking out on the hill. He noted that the applicant had considerably reduced the size of the barn and pointed out that the site was already established for agricultural use. There was an existing agricultural access to the north of the proposed building so there was no objection from the County Highways Authority, subject to conditions. The Member expressed the view that the countryside was essentially a farmer's shop floor and this proposal was wholly consistent with what you might expect to see within the countryside in an agricultural complex so it should be supported. The seconder of the proposal echoed these sentiments, including that a lot of food was grown in the Area of Outstanding Natural Beauty and that farmers needed storage facilities. She agreed this application should be permitted. Another Member indicated that there was no evidence to suggest that an agricultural appraisal had been carried out to establish whether there was a true need for the barn and therefore she could not support the proposal. The Planning Officer confirmed that, should Members be minded to permit the application, conditions should be included in respect of time implementation; a list of drawings to ensure that work was carried out in accordance with the approved plans; samples of walling and roofing materials; details of a soft landscaping scheme; details of levels; and, vehicular access.

- 21.8 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as its impact on visual amenity and the landscape was acceptable, subject to conditions in respect of time implementation; a list of drawings to ensure that work was carried out in accordance with the approved plans; samples of walling and roofing materials; details of a soft landscaping scheme; details of levels; and vehicular access.

18/00512/FUL – 1 Abbey Court, Gloucester Road, Tewkesbury

- 21.9 This application was for the replacement of ground floor and one first floor timber window with aluminium windows; replacement of front door with new timber door; and installation of new service flue and extract vent.
- 21.10 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. The proposer of the motion had sympathy with the Town Council's comments but felt that the most pragmatic option was to permit the application.
- 21.11 A Member expressed her confusion over the numbering of the houses along Abbey Court as shown on the site location plan at Page No.184/A of the Officer report. She noted that the conservatory shown on the elevations for No. 1 Abbey Court, set out at Page No.184/B of the Officer report, appeared to be No. 6 on the site location plan. The Technical Planning Manager understood that the land registry had made a mistake with the numbering and confirmed that the property in question was the one marked as No. 6. on the site location plan, which is actually No. 1 Abbey Court – though the wrong number was on the site location plan, it showed the correct building.
- 21.12 Upon being put to the vote, it was
RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

16/00783/OUT – Parcel 3745, Cheltenham Road East, Churchdown

- 21.13 This was an outline application for residential development comprising 465 new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access. The Committee had visited the application site on Friday 9 February 2018. The application was deferred at Planning Committee on 13 February 2018 for Officers to secure more detailed information on education, highways and drainage matters and to invite statutory consultees to attend the Committee meeting.
- 21.14 The Head of Development Services indicated, since the application had been deferred by the Planning Committee in February, further discussions had taken place with the applicant, local education authority and the owner of the adjoining part of the allocation around a mechanism to deliver education provision which could be secured by a Section 106 Agreement. Whilst the present application alone would not produce sufficient pupil yield for a new school, the strategic allocation as a whole would generate need for a 1.5 form entry primary school. To meet the requirements of this proposal, the applicant, Gloucestershire County Council and the adjoining landowner had agreed in principle to provide adequate land for a 1.5 form entry school within the strategic allocation to be secured by Section 106 Agreement. Gloucestershire County Council would also secure an option to expand the school to a two form entry to meet future demand. The new primary school would not be required immediately, rather, it would come forward at the appropriate time to meet the needs from the development when they arose, and she provided assurance that the triggers could be secured by Section 106. Interim school places could be provided in bulge provision from a temporary facility on site, or at a host location.
- 21.15 In terms of highways, the County Highways Authority had confirmed that adequate visibility splays could be achieved and the site would be accessed via a ghost island junction. The proposal would provide separate pedestrian/cycle accesses and crossing points over Cheltenham Road East linking to the adjoining parcel of land and improvements to bus stop facilities to the south-west of the development site. The County Highways Authority had advised that the proposed development

would have an impact on the performance of the Cheltenham Road East approach arm to Elmbridge Court in the 2026 future year. Modelling with signalisation of Cheltenham Road East demonstrated a benefit in performance in 2026 and this mitigation could be secured through a Section 106 contribution. The 2031 sensitivity test determined there would be significant impact on primary and local networks as a result of the entire strategic allocation. Therefore, a pro rata contribution was being sought from the applicant to mitigate highway safety issues which would allow County Highways to monitor junction performance in order to design and implement a suitable mitigation scheme.

- 21.16 With regard to flood risk and drainage, the Lead Local Flood Authority had advised that the development, and the proposed drainage, would not impact the strategic allocation; each application was assessed independently to ensure that it met national requirements so as not to increase flood risk to the site, or elsewhere. The submitted details set out that a Sustainable Drainage System (SuDS) would be constructed to serve the site in advance of housing; however, the precise details would be secured by condition. The discharge rates for the development and how the run-off volume would be managed had not been specified yet, but as this was an outline application the Lead Local Flood Authority considered it appropriate to agree these at the detailed design stage. The development would not impact the wider area, the watercourse adjoining the site and the Horsebere Brook were not hydrologically connected and the development would not affect flood mitigation works at Barnwood. Members were reminded that the site comprised the north-west part of the wider strategic allocation A2 of the Joint Core Strategy. Officers were satisfied that the proposal would not prejudice the delivery of the wider allocation and that the impacts of development could be adequately mitigated through use of conditions and a Section 106 obligation. Therefore, it was recommended that authority be delegated to the Technical Planning Manager to permit the application, subject to the resolution of the outstanding open space and community facility contributions; additional/amended planning conditions; and the completion of a Section 106 Agreement.
- 21.17 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that significant progress had been made since the previous deferral and there had been no objections from statutory consultees with regard to education, highways and drainage. In respect of education, he had worked closely with Gloucestershire County Council and adjoining landowners to reach an agreement for the applicant to make a proportionate contribution towards the purchase and construction of a new primary school on land within the South Churchdown allocation. This mechanism had been agreed in principle with Gloucestershire County Council, Tewkesbury Borough Council and the adjoining landowner and would be detailed accordingly within the Section 106 Agreement for this proposal. A contribution of £1.76m would be made towards primary school spaces, along with additional contributions towards the purchase of suitable land for a new primary school. A further contribution of £1.63m would be made towards secondary school provision. Following ongoing discussions with Highways England and Gloucestershire County Highways, a position had been reached where both authorities were content that any impacts from the scheme could be suitably mitigated by improvements to the Cheltenham Road East arm of the Elmbridge Court roundabout, along with other local road improvements totalling approximately £770,000 and contributing toward the Joint Core Strategy transport strategy. In terms of flood risk and drainage, the Lead Local Flood Authority had confirmed that the drainage proposals for the site were acceptable and would not increase flood risk on the site or elsewhere in the locality. Details of SuDS for the site would be required by planning condition and submitted to the Council at the reserved matters stage along with details of landscaping. In summary, he explained that the site would deliver much needed new family and affordable housing in the area and would make contributions towards local infrastructure

improvements, not least the part-funding of a new primary school within the South Churchdown allocation. He hoped that the previous points raised by the Committee had been suitably addressed and that Members now felt able to support the Officer recommendation to ensure the timely delivery of this allocated site.

- 21.18 The Chair invited the local Ward Member to address the Committee. The Ward Member made clear that she did not wish to object to the building of homes on this site but to ask Members to consider whether the proposed development should go ahead without due consideration of a masterplan for the whole strategic site. The adoption of the Joint Core Strategy in December 2017 included South Churchdown as a strategic site for 1,100 dwellings and this application only covered 465 of the allocation. As she had stated at the meeting in February, as a Member of the Joint Core Strategy Steering Group she had previously asked Officers if developers would be able to cherry-pick parts of strategic sites for development and had been assured that all strategic sites would need to be masterplanned to ensure the best outcomes with regard to access and infrastructure in accordance with Policies SA1 and A2 of the Joint Core Strategy. She asked Members to consider very carefully whether this application should be allowed to go ahead without a masterplan and set a precedent for all future Joint Core Strategy applications. She remained concerned about the education provision for the site and referred Members to the Education Contribution Statement received by Officers on 2 October 2017 which clearly stated that there was no capacity in local schools – both primary and secondary – to admit any children from this development and that the full development of the strategic site would require a three form entry primary school; however, in the papers for the present meeting, the first paragraph of the primary education provision update, set out at Page No. 139 of the Officer report, stated that the applicant had acknowledged that the whole of the South Churchdown strategic allocation would generate the need for a 1.5 form entry primary school and she questioned where these figures had come from and why the size of the school had halved since October. She recognised that planning decisions were difficult, and that Members and Officers had to take into consideration the chances of success at appeal but planning laws should protect both existing communities and the residents of new developments. She asked Members to give serious consideration as to whether Officers had made a truly viable case for this application to be permitted, or whether it fell short and required a masterplan, and improvements to the educational provision and infrastructure, to ensure the best outcome for all.
- 21.19 The Chair indicated that he had exercised his discretion under the Constitution to allow the Ward Member for Innsworth with Down Hatherley to speak in respect of this item. The Ward Member for Innsworth with Down Hatherley recognised that the Joint Core Strategy had been adopted by the Council as its development plan; however, there was currently no masterplan to ensure that the necessary infrastructure was delivered to support the housing included within the allocations. In a letter from the Technical Planning Manager to the Secretary of State dated 27 November 2017, it was stated that the Joint Core Strategy Inspector's final report had recognised the need to take account of the infrastructure requirements of the wider development of the strategic allocation – Officers had been advocating masterplanning which was the one element missing from the proposal. He went on to point out that a single access road ran through a high-risk pluvial flooding area according to the Environment Agency map and little thought had been given to traffic issues. He indicated that secondary school traffic from several surrounding areas crossed through the site and, without the A38/A40 link road – which Officers had included within the Joint Core Strategy transport strategy – transport issues would become unacceptable as this site was developed. In terms of schools, there was not enough capacity currently and there were a number of other developments which would require additional school places – 2,000 plus

houses had already been granted planning permission on a site in the Innsworth and Twigworth Strategic Allocation and an application for a further 74 dwellings was due to be considered later in the meeting. In his opinion, this application was premature and a masterplan needed to be in place before planning permission was granted.

- 21.20 The Technical Planning Manager clarified that the appeal decisions in respect of Twigworth and Innsworth had set the bar in terms of masterplanning and what applications needed to do. The view from the specialist consultees was that there would be no undue harm arising from the developer bringing this site forward at this stage and he confirmed that they were fully aware of the Joint Core Strategy and the fact this site formed part of a larger strategic allocation so would have taken this into account in their advice. In response to a query, the Technical Planning Manager confirmed that the Council had fought strongly in favour of masterplanning at the Innsworth and Twigworth appeals but the Inspector and the Secretary of State had considered that the applicant had discharged the requirements of the Joint Core Strategy in respect of producing a masterplan through provision of an indicative plan similar to the one displayed. Masterplanning was not just the provision of a two-dimensional plan but included the provisions in relation to infrastructure. In this case, the consultees – who were the providers and regulators of infrastructure – were satisfied with the proposal. The Head of Development Services advised that one of the purposes of a masterplan was to ensure that applications submitted on a piecemeal basis did not prejudice the remainder of the site from coming forward or make it unviable in any way. From an Officer perspective, this application did not prejudice delivery of the wider strategic allocation. The Member went on to question whether there was a definition for masterplanning and the Head of Development Services indicated that there were general principles as to what was expected from an outline application and it was unrealistic to expect a very detailed masterplan for a scheme of this size at this stage. Masterplanning in the spirit of the Joint Core Strategy was for the purpose of ensuring that the strategic allocations were able to come forward and this was borne out by what the Inspector had said at the appeals. The Legal Adviser confirmed that the Joint Core Strategy included a policy on masterplanning requirements and an overall context within the design requirements policy at SD4, but there was no legal definition. The Technical Planning Manager advised that the Secretary of State had made the point that the Joint Core Strategy should be flexible in terms of masterplanning requirements and, in instances such as this, it would inevitably be a high-level conceptual document which did not provide the detail – it was not intended to give all of the answers, rather it set a framework for the whole strategic allocation and this had been discharged by the submission of the plan displayed at the meeting so the policy requirement within the Joint Core Strategy had been met in that respect.
- 21.21 A Member questioned what was meant by a ghost island and a representative from Gloucestershire County Highways advised that this was a common junction arrangement, found across the country, within which an area was marked on the carriageway between two lanes to allow vehicles to turn right into an access when safe to do so. The Member queried whether any signalisation was planned for the access road into the site and was informed that the access arrangements for 465 dwellings would not have signals; however, there was an indicative junction arrangement for a crossroads to allow access between Cheltenham Road East and the Golden Valley which did include signals but was not part of this application. Confirmation was provided that the ghost island arrangement was deemed suitable in accordance with national standards. Another Member raised concern that there was only one access road in and out of the development; whilst she appreciated it was part of a bigger strategic allocation, she feared for the safety of residents moving on and off site before the other parcels came on board. This may also be an issue for emergency vehicles accessing the site and she

questioned whether the first parcel of land on a strategic site should have at least two access roads, or whether it was a way of encouraging traffic to queue within the site instead of on the main road. She was informed that there was no limit to the number of roads that could stem from a single access and the proposed access was considered to be sufficient.

- 21.22 A Member drew attention to Page No. 132, Paragraphs 15.1 and 15.4 of the Officer report, in relation to playing pitch provision which indicated that an update would be provided at Committee. The Senior Planning Officer confirmed that a public open space programme had been received and included contributions for local sports facilities and improvements - playing pitches, changing facilities and improvements to the John Daniels field, Chosen Hill Rugby Club or another facility within the Churchdown area – as well as public open space and playing facilities within the site. There would be additional contributions toward community facilities and support for youth services.
- 21.23 In relation to flood risk, a Member asked whether the Lead Local Flood Authority had visited the application site or whether the assessment of the proposal had been based on a desktop exercise. He also noted that the Officer report stated the discharge rates for the development had not been specified yet and queried whether this was accurate. A representative from the Lead Local Flood Authority confirmed that he had visited the site and the detailed drainage proposals were not required at the outline stage. The proposal was anticipated to result in betterment of 40% from the existing conditions. He was content that there were no issues in terms of surface water flooding. A Member asked whether estates that had gained planning permission in the past, where there had been fear of flooding, had flooded. Another Member stated that he believed not, but they had had land raised before being built.
- 21.24 A Member sought clarification on the educational places required. A representative from Gloucestershire County Council confirmed that the application was for 465 dwellings and the required number of educational places had been calculated based on the County Council's yield ratio; this was kept up-to-date and modelled on the latest information which was benchmarked against others. The application was likely to yield 130 additional primary school places throughout the life of the development – with new dwellings this tended to be skewed toward the lower end i.e. reception year and clustered around, but it could be for any age between four and 11, so this needed to be taken into account when securing a contribution or new school. This was not enough to require an on-site primary school; as a general rule, a one form entry school on-site would be sought for a development of 700 dwellings and a one form entry school would provide approximately 210 places. Notwithstanding this, the whole South Churchdown strategic allocation for 1,100 dwellings would require 308 primary school places and therefore it would generate the need for a 1.5 form entry primary school. The land identified by the applicant and adjoining landowner would have capacity for a two form entry primary school – this would generally be required based on a need of 420 places which was beyond the scope of the anticipated 308 places; however, there was an option to secure the additional half form depending on how the remainder of the strategic allocation came forward. A Member questioned where the children would go to school if the dwellings were built-out over the next 12 months as he was concerned about capacity at primary and secondary schools in the wider catchment areas. A Gloucestershire County Council representative explained that there was always a lead-in period when opening a new school and there was limited capacity in the local schools within the area. Based on the trajectory, no development was expected within the first 12 months and 2019 would be the earliest that any dwellings on site would be occupied. A small number of children would be expected in the first year – approximately 14 – and they would need to be accommodated within existing schools. Given the capacity issues, it was possible that a bulge class would be needed which was very

common and was something the school placement planning team would work through. This did not necessarily mean that the new school would need to be up and running from 2020 as a temporary provision could either be hosted elsewhere on a separate school site – and that site would benefit from the legacy of the classroom – or on the new school site within temporary accommodation. A Member raised concern that Tewkesbury Borough Council had no control over the expansion of the school to a two form entry primary school, if required, and its delivery was reliant upon Gloucestershire County Council purchasing additional land and, having done that, submitting a planning application. The Technical Planning Manager confirmed that these were the discussions that had been taking place with the applicant, Gloucestershire County Council and the developer of the adjoining land. An agreement had been reached in principle and this would be secured via a Section 106 Agreement which would be in place before any planning permission was granted; the Section 106 obligation would include restrictions on when the development could come forward to ensure that particular actions were carried out. A Gloucestershire County Council representative provided assurance that this would all be included in the detailed Section 106 Agreement - this was a common approach when dealing with complex or multiple parcels of land which required infrastructure and would ensure that the school was delivered to an agreed standard at the appropriate time.

- 21.25 A Member noted that the Section 106 Agreement would include contributions in relation to education, affordable housing and sports facilities but there was nothing in respect of healthcare or medical facilities and he questioned whether the existing facilities would be able to cope. A local Member explained that the new medical practice in Churchdown was a large facility which covered a wide area and should be able to serve the needs of the wider strategic allocation.
- 21.26 A Member noted that, should this application be permitted, the applicant would have up to two years to submit a reserved matters application. In her experience, she found it highly unlikely that 50 houses would be delivered by 2019 and she asked for an explanation of the phasing. The Technical Planning Manager clarified that it was not legally possible to submit a reserved matters application until an outline application had been granted planning permission, although he was sure that the developer would have been making advance preparations in that regard. In terms of the trajectory, it may be ambitious, but it was possible. In response to a query regarding the affordable housing contribution, clarification was provided that the Joint Core Strategy required a minimum of 35% affordable housing on sites within identified strategic allocations.
- 21.27 A Member questioned why it was considered necessary to remove so much mature hedgerow including 270 metres along the eastern part of the site frontage. In response, the Senior Planning Officer clarified that landscaping was a reserved matter and would be addressed at that stage. Condition 13 of the Officer recommendation restricted the removal of trees and hedgerow in advance of development and he confirmed that the removal at the eastern part of the site was for highway visibility.
- 21.28 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to the resolution of the outstanding open space and community facility contributions; additional/amended planning conditions; and the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation.

21.29 During the brief debate that ensued, a Member raised concern about the potential traffic resulting from the proposal. She pointed out that tailbacks stretched from Elmbridge Court roundabout as far back as Gloucestershire Airport from Monday to Friday between 0700 and 2100 hours. She noted that access into the site would be restricted from Parkside Drive and Dancey Road to emergency vehicles and pedestrians and she questioned how people living in those streets would be affected. Nobody was willing to let other vehicles out and cars queued bumper to bumper. Traffic was big problem and she did not wish to see building in this area until that had been resolved. Another Member indicated that the Committee had had serious concerns when the application had initially been considered in February and it had been deferred with good reason. He was unhappy with disjointed, piecemeal development – as he was sure other Members would be – but he recognised the need to be realistic about what could be done. He believed that some positive action had been taken as a result of the concerns raised by Members and, although it was by no means the ideal solution, he was of the view that the remaining issues could be dealt with by condition or Section 106 Agreement, therefore he would be supporting the proposal for a delegated permission. A Member indicated that he had supported the deferral in February and it was apparent from the significant amount of additional information within the Officer report that this had been beneficial in terms of clarifying a number of issues. Expert advice had been provided by the Planning Officers, and other consultees, and the proposal for a delegated permission should be supported – in his view, it would be foolish to do anything else given the status of the Joint Core Strategy.

21.30 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the resolution of the outstanding open space and community facility contributions; additional/amended planning conditions; and the completion of a Section 106 Agreement.

17/00852/OUT – Yew Tree Farm, Tewkesbury Road, Twigworth

21.31 This was an outline application for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Tewkesbury Road; all matters reserved except for the means of access. The Committee had visited the application site on Friday 29 June 2018. The application had been deferred at the Planning Committee meeting on 3 July 2018 in order to seek further information and clarification in respect of flooding – including the impact on neighbouring properties if the proposed SuDS were to fail; highways; education; and, connectivity.

21.32 The Head of Development Services advised that, following the last Committee meeting, the applicant had provided a letter responding to Members' concerns; this was set out in full at Pages No. 175/C-175/E of the Officer report. In addition, the County Archaeologist had been asked to consider the potential loss of the ridge and furrow earthworks on the site and had advised that he had no concerns. Further to the Committee resolution, the County Highways Authority had stated that the Section 106 contribution required had been reduced from £161,625 to £97,606; this payment would be made towards the DS7 mitigation strategy which had been developed to address the cumulative impact of the Joint Core Strategy development. Additional objections had been received from residents which were summarised in the Additional Representations Sheet, attached at Appendix 1. She advised that the developer was willing to enter into a Section 106 Agreement for the provision of school places and the finer details in terms of the exact mechanism to ensure that they were delivered at the right time would form part of the Section 106 negotiations. On that basis, it was recommended that authority be

delegated to the Technical Planning Manager to permit the application, subject to additional/amended planning conditions and the completion of a Section 106 Agreement.

- 21.33 The Chair invited a representative speaking on behalf of Twigworth Parish Council to address the Committee. The representative indicated that Twigworth Parish Council was one of four Parish Councils that had objected to the application. The application had been deferred at the last meeting of the Planning Committee as many Members had raised concern about the proposal and this could not be ignored. Local residents would be greatly affected if the application was allowed to go ahead and he referred to the poorly planned flood mitigation that was untested in the terrain in which it would be used and the reliance on outdated traffic data. No thought had been given to how existing residents would be impacted and Members were reminded that they were unable to raise their houses to counteract the flood waters that would resonate from this development. The Neighbourhood Development Plan for the area – which was now just weeks from examination - should not be given limited weight as this had been compiled with the thoughts and opinions of the communities it was planned for. A series of questions had been raised and emailed to Officers by Twigworth Parish Council and detailed answers would be appreciated before any decision was made. Members should not allow this development to go ahead, with more housing than had previously been applied for in 2013, causing residents to be flooded out of their properties.
- 21.34 The Chair invited the applicant to address the Committee. The applicant indicated that it was difficult to summarise in three minutes an application that had taken six months to prepare and had been with the Council for 12 months. He understood that change raised concern and the objections needed to be debated; however, at the last meeting of the Committee, considerable time had been spent trying to find reasons to refuse the application which was on an allocated site with no technical objections. There had been no discussion about the positive aspects of the proposal or the need for housing in the borough. He made reference to the current cost of housing and pointed out that this proposal would deliver 26 affordable properties and would make further Section 106 contributions in respect of health, highways, public open space, education, libraries and so forth. The application sought to establish the principle of residential development on an allocated site and the strategy could be tested further in detail at the reserved matters stage. The application had been assessed by professionals who were experts in their fields and no reasons had been identified to restrict development from taking place.
- 21.35 The Chair indicated that he had exercised his discretion under the Constitution to allow the Ward Member for Innsworth with Down Hatherley to speak in respect of this item. The Ward Member for Innsworth with Down Hatherley fully appreciated the need for residential development in the borough but stressed the importance of this being done in the right way. In his opinion, permitting this application would set a precedent for building without infrastructure and would make a farce of masterplanning as well as subjecting the area to years of traffic problems and flooding. At the appeals for two adjoining sites in the area, the Secretary of State had come up with strict stipulations about masterplanning across the sites, particularly in respect of flooding. It had been stated that no development should commence until a detailed surface water drainage strategy for the entire site had been submitted to and approved in writing by the Council. It had also been stated that development should not commence until the detailed arrangements for Longford roundabout had been submitted and signed off. The applicant had failed to demonstrate that there would be an acceptable impact on the heritage asset, contrary to the National Planning Policy Framework, had made no provision for the delivery of primary and secondary education and concerns over Great Crested Newts had not been addressed.

- 21.36 The Technical Planning Manager confirmed that the questions raised by Twigworth Parish Council that had been referenced by the public speaker, were included in the Additional Representations Sheet, attached at Appendix 1. In respect of flood risk, he advised that it was very clear in the Innsworth and Twigworth appeal decisions that the masterplan related to the appeal site and not the wider strategic allocation. The Council had fought very strongly at appeal to secure a masterplan on flood risk as a whole and a number of conditions had been recommended to address this; however, the Secretary of State preferred to deal with flood risk and drainage on a site by site basis. He provided assurance that the Lead Local Flood Authority was fully aware of the adjoining site and the development proposed there and would have taken that into account when making its recommendations.
- 21.37 The Planning Officer explained that the applicant had submitted an ecological impact assessment which set out that Great Crested Newts had been identified within range of the site. Natural England had been consulted on the proposal and a protected species licence could be obtained if necessary. A Member questioned what tests had been carried out to ensure the Site of Special Scientific (SSSI) was not affected by excessive water from this development and the Innsworth and Twigworth developments that had been allowed at appeal. The representative from the Lead Local Flood Authority advised that the applicant must demonstrate that the site would not be affected by flooding as a result of this development; this evidence would be expected in the detailed design. A Member drew attention to Page No. 161, Paragraph 9.5 of the Officer report, which stated that the floor levels of dwellings would be set as high as possible above the flood level and she questioned how the Lead Local Flood Authority would ensure that existing properties surrounding the development site did not flood as a result – she gave an example of two new developments that had not flooded in 2007 but surrounding properties had been. The representative from the Lead Local Flood Authority reiterated that a proposal could not contribute to flood risk on the site or elsewhere. The flooding in 2007 had been significant and widespread and was an event that could not be engineered against. He advised that the expectation was to mitigate against a 1% probability event plus climate change which required an additional 40% capacity in the system over the next 80 years. The Member pointed out that it had already been shown that properties in this area flooded, not only in 2007 but in 2012 and 2013 as well, and she sought assurance that raising the level of the houses on this development would not affect existing properties. The representative from the Lead Local Flood Authority confirmed that the new houses would not contribute to any flooding on the existing site; the proposal would result in a betterment of 40% on the existing site and run-off from the proposed site would be discharged at the proper rate in the proper location. In response to a query regarding the SuDS, Members were advised that the pond would be sufficient to contain any additional run-off and discharge it at a rate of 2m per second. Severn Trent Water had agreed to let this into its surface water network.
- 21.38 A Member noted from the Additional Representations Sheet that Twigworth Parish Council had asked who had the ultimate decision to give little weight to the Neighbourhood Development Plan completed by Norton, Down Hatherley and Twigworth, given that it had been planned by the communities for the communities, and also why Twigworth would not benefit from any Section 106 money and he sought a response to these questions. In terms of the Neighbourhood Development Plan, the Technical Planning Manager advised that Officer advice was based on Planning Practice Guidance and the National Planning Policy Framework in terms of the weight to be given to plans at a particular stage of their development. In addition, it was very clear that a Neighbourhood Development Plan could not prevent development that was allocated in another plan. With regard to the Section 106 Agreement, Members were advised that Tewkesbury Borough Council's Community Development Officers consulted with the local community as to whether any projects could be identified that met the

requirements of the Community Infrastructure Levy Regulations test which must be taken into account. As far as Officers were aware, nothing had been identified at the moment; however, if the Parish Council wished to put forward any proposals or projects that could benefit from this development, they would be happy to consider them and discuss them with the developer. The Member indicated that he was aware that the church in Twigworth required some investment so that could be explored. He pointed out that Twigworth School had closed and he queried where any additional children would be educated if the development was built out. A representative from Gloucestershire County Council explained that it had been calculated there would be around 20 primary school aged children arising from the development. There were travel cost implications if schools were beyond two miles. Norton Church of England Primary School was located 1.1 miles away from the proposed development and, although it currently had insufficient capacity to deal with the increase in pupil numbers, a Section 106 contribution could be used to expand it. There were difficulties with this which the County Council was actively trying to overcome. There were other schools, the next closest being Longford Park Primary Academy which was growing to meet its own community needs, and, in the longer term, the strategic allocation would produce a one form entry primary school on-site which was being future-proofed so expansion of that could be an option depending on timing. He provided assurance that checks and balances would be built into the Section 106 Agreement to ensure the school places would be provided at the time they were needed.

21.39 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to additional/amended planning conditions and the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion felt that the application had been deferred at the last Committee for very valid reasons in order to address concerns that could not be allayed at the time. A lot of additional information had since been gathered, and the expert consultees had been asked to attend the current meeting to answer questions. Members were fully aware of the Council's responsibilities in terms of strategic planning and the provision of housing in the borough; however, it was essential this was done in the right and proper manner and the deferral had given the opportunity for the Committee to better understand the issues around this particular proposal. A Member indicated that the Parish Council had previously put forward its concerns about the inclusion of the Innsworth and Twigworth strategic allocation in the Joint Core Strategy during the development of the plan. Whilst he echoed the views expressed by the proposer of the motion in relation to the benefit of the previous deferral, he could not support the motion for a delegated permission. Should Members be minded to grant a delegated permit, another Member hoped that the applicant would build social housing rather than affordable rent or affordable housing for purchase as there was a desperate need for this within the area.

21.40 Upon being put to the vote, it was

RESOLVED That authority be delegated to the Technical Planning Manager to permit the application, subject to additional/amended planning conditions and the completion of a Section 106 Agreement.

PL.22 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

22.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 22-26. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

22.2 It was

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

The meeting closed at 12:00 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 31 July 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	
150	2	<p>17/00852/OUT</p> <p>Yew Tree Farm, Tewkesbury Road, Twigworth</p> <p>Further to the Update Provided in the Committee Schedule the COUNTY S106 OFFICER FOR ECONOMIC DEVELOPMENT AND STRATEGIC PLANNING advised that:</p> <p><i>The proposed scheme at Yew Tree Farm (17/00852/OUT) is likely to yield the following number of pupils who will require additional school places:</i></p> <ul style="list-style-type: none"> - Pre-school: 5.4 places £72,850 - Primary School: 19.8 places £268,860 - Secondary School: 10.3 places £213,814 <p><i>The School Planning Area for the development includes a number of schools which are already at or near capacity (Norton, Longford Park, Kingsholm, Longlevens, Elmbridge). The nearest schools have been identified through the planning application process, and contributions to expansion have been requested, which it is intended are secured through a Section 106 Legal Agreement.</i></p> <p><i>In the case of this application, the nearest school is Norton, which is incapable of expanding further on the existing site. When consulted on the application, Gloucestershire County Council responded that a financial contribution to the local school would be used to mitigate the increase in pupil numbers. Now that further work on Norton School has been undertaken, it is evident that it cannot resolve the added pressure through expansion, and this leads to uncertainty of delivery of additional school places. The site is reasonably remote - other schools in the Planning Area are quite far away, including some which are outside of the two mile distance where school travel would need to be paid for by Gloucestershire County Council if pupils are not offered one of their choices of schools at admission stage.</i></p> <p><i>New primary provision has been secured within the appeal schemes in the wider strategic allocation. These are due to provide a 1FE (expandable to 1.5FE) primary school and a 1.5FE (expandable to 2FE) primary school, as well as expansion of nearby secondary school(s). The increase in size is at cost to the County, whilst the land is safeguarded for future expansion, because the schools provided deal with the impact of the developments themselves. These will relieve some pressure locally, but there is no control over their delivery beyond the securing in the Section 106, aligned with the bringing forward those sites.</i></p>

The County Council has advised that it would be possible to allocate the contribution from your application to the expansion of one of these schools. Cumulatively, the expected yields from this scheme, the strategic allocations, and other developments could then ensure that infrastructure is provided. However, at present there is uncertainty over timing and sequencing.

If, as appears likely, your application would be progressed ahead of the additional capacity from the strategic allocation and there could be a lack of school places for the ~20 additional primary school aged children arising from your development. As such the County Council is now advising that it is necessary to restrict the phases of development, to align them with additional capacity and this should be included in the Section 106 agreement to ensure that necessary infrastructure is available to support growing communities.

In light of the above the County Section 106 Officer has asked whether the applicant is willing to enter a Section 106 agreement to control the timing of the development to align with the delivery of the school on the wider Strategic Allocation. At the time of writing, the applicant has not confirmed whether they would enter into a Section 106 agreement, although the Committee is advised that this request was only made on 30 July 2018.

COUNTY HIGHWAYS AUTHORITY

The County Highways Authority has confirmed that the Section 106 contribution required is £97,606 which would contribute towards the DS7 mitigation strategy which was developed to address the cumulative impact of JCS development.

TWIGWORTH PARISH COUNCIL

The following objection has been received from Twigworth Parish Council:

Further to the recent planning meeting where we had the opportunity for a 3 minute speech during the proceedings, regarding the above Outline Planning Application, Twigworth Parish Council would like to take the opportunity to add to the recent objection heard during this meeting.

With regards to the flooding issues already mentioned on numerous occasions, we reiterate that this field is under water for 10 months of the year every year and has been the cause of flooding suffered by properties that surround the boundary of the field. The most recent being 2007! This cannot be ignored.

Development on this satellite area separate from the JCS strategic development should be refused as no information has been submitted to the Local Planning Authority to show that this SUDs system with a proven track record and evidenced to show that it will in fact work effectively in a terrain such as this. This field is ridge and furrow and historically ridge and furrow fields were placed to drain surface water flooding. With this in mind, there will be significantly more surface water evident in the area if these houses were to be built.

Evidence already provided for this outline planning application, does not show how the proposed flows from the site will discharge at or below green field run off rates. Details of how the drainage scheme has incorporated SUDs techniques to manage water quality and maintain water quality in accordance with best practice guidance.

Details of the maintenance and long term management and also the renewal of the SUDs system have not been documented. This field lies very close to an area of Special Scientific Interest which should not be allowed to flood. By directing flood water from this field onto Brook Lane ditches and then eventually Hatherley Brook will cause further major issue with Hatherley Brook and may cause this SSI to flood. Bear this in mind

Conservation

The proposed site lies very close to an Area of Specific Scientific Interest which is a Conservation Area of Significance. This particular satellite development will affect the setting of the Conservation area itself and due to the nature of the proposed dwellings will push more flood water down towards this area of SSI. This particular development will be extremely close to two listed buildings, one of which is Yew Tree Farm itself.

The land is currently pastoral land which is bordered by existing housing. The harm that will be caused that this development will be exacerbated and will not only be from the urban access somewhere in the A38 but also from the paraphernalia such as tarmac, lighting, vehicles and parking and associated infrastructure which comes from a residential development of this nature, being detrimental to the character and appearance of the whole area.

Although screening and bunding is planned, it will not hide the fact that there is housing there and will affect the openness and pastoral appearance and add to the Urban Sprawl along the A38 corridor.

Archaeology

We refer back to the Archaeological report produced by Cotswold Archaeology in 2013, where trench work was carried out to signify any remains of Archaeological interest on the site. The finding of this report, (if you have read through), show that in the majority of trenches, Romano British pottery was found.

The site, historically formed part of the Gloucester Urban Parish of St Catherine.

The field itself shows significant areas of medieval and post medieval Ridge and Furrow cultivation.

"Archaeological features were encountered in all trenches except trench 4"

"It remains probable, if unproven, that the identified field boundaries are associated with the Roman Building and associated pits"

You only have to read back through www.planningresources.co.uk to see the following

"The construction of up to 105 dwellings in Warwickshire would destroy a field pattern probably dating back to the medieval period, an inspector held and this was sufficient to outweigh the need to provide residential land"

And

"Houses rejected on Ridge and Furrow Land, an outline plan for 93 houses with 30% affordable homes, in the countryside outside of a Bedfordshire Village was refused permission"

So in both cases the outcome decision showed that archaeology was deemed more important in these situations than the need for further housing in both areas.

This significant archaeological find cannot go ignored.

We would like to make it perfectly clear to the officers that are adamant that this development should go ahead. Members clearly know the area a lot better than officers do and to scare monger with affordability of an appeal is unfair. Decisions should not be made on this area due to the misled and misguided evidence given to the Secretary of State throughout the JCS process and the misled and misguided Inspector used during the JCS. She would not take on board any evidential information given to her by the Parish Council throughout the process and chose to ignore this evidence.

	<p><i>As we should all be aware, the JCS decisions and documentation should be a fluid document that is updated as there is a need. Since the JCS decisions were made, more land bank has now become available and this should be reflected in all planning applications that are proposed.</i></p> <p><i>We all know that the Local Lead Flood Teams evidence on pluvial flooding is NOT up to date and is suffering from lack of information and needs updating as a matter of urgency. With this in mind the Lead Local Flood Team have no right to put in any kind of decision relating to this decision until this is the case.</i></p> <p><i>In the documentation submitted it states that there will be a public footpath onto Brook Lane. This Lane is a private lane and there is no public right of way through this lane. Has anyone thought to contact the owners of this lane to ask for their permission or this just another assumption made by the developer? Obviously this shows a complete lack of understanding of the area by the developer. What else are they naïve about we ask ourselves?</i></p> <p><i>We are intrigued to read that the local NDP (although not adopted at present due to time wasting and not by ourselves) has been written by the Parishes for the communities taking into consideration their wants and needs. The communities have not been ignored during the NDP process and we are extremely happy with the outcome of this NDP, which has taken a great deal of man hours to put together. To say that limited weight should be given to this documentation is an insult!!</i></p> <p><i>Highways England has again use statistical information to tick boxes to say that this new road would suffice from the developmental area. We all know the JCS was hinged on a link road that Highways England stated that it would not be a problem to secure the funding for. As we are all aware this funding has been denied. Only last week a school bus was part of a serious accident on this stretch of the A38 during the afternoon of Friday 14th July. How do we know this? because my son was involved and suffered whip lash injuries!! This road and certainly this stretch of road is unsafe and a death waiting to happen!</i></p> <p><i>Total consideration should be taken into the objections raised by the 4 Parish Councils, Down Hatherley, Norton, Twigworth and Sandhurst as they represent the communities that are going to be affected by this utter chaos. Their objections that have been made are greatly significant and are based on actual information and not statistics. With all due respect we can all read from statistics and make things work in our own minds but it is the people that live in the community every day that know and are affected by the true reality.</i></p> <p><i>Be wise and object and don't be fooled by statistics, take note of real life. If you allow this to go through with more housing than the original plans in 2013 this would be a hypocritical decision and surely all other decisions made by the planning team from 2013 to present day should come under close scrutiny and decisions already determined should be changed! This will be a total abortion of a planning decision and no respect will be shown again, by any of the community of Twigworth. It will open up the flood gates to all and sundry to develop.</i></p> <p>TWIGWORTH PARISH COUNCIL have also asked the Planning Authority the following questions in an email received on 30th July</p> <ol style="list-style-type: none"> 1. <i>What measures are put in place to ensure that the Lead Flood Team are feeding back information to the EA to ensure that the pluvial flood mapping for the area of Twigworth is up to date? We know it isn't up to date and it needs to be, before any decision can be made.</i> 2. <i>Why are the Parishes flood documentation (attached) being ignored by Tewkesbury Borough Council regarding any development that is applied for in the Twigworth area?</i>
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3. *What tests have been carried out to ensure that the SSI is not affected by excessive water from the Yew Tree Farm development, the Twigworth Robert Hitchins development and the Innsworth Robert Hitchins development (when these 2 commence if they do)?*
4. *Why are the four Parishes of Twigworth, Down Hatherley, Sandhurst and Norton being ignored during this planning application? Why are their objections being brushed under the carpet and not being taken into consideration?*
5. *Who had the ultimate decision to give little weighting to the NDP completed by Norton, Down Hatherley and Twigworth, when this was planned by the communities for the communities with the communities opinions taken into consideration?*
6. *Has anyone contacted the owners of Brook Lane to find out if they are happy for their lane to be used as a public footpath from the development?*
7. *Has anyone completed a traffic study of the A38 during peak times and off peak times during rush hour at both ends of the day to find out how heavy the traffic flow actually is in relation to statistics?*
8. *What were the findings of the traffic study, we take, have been carried out and scrutinised on Sandhurst LANE, Down Hatherley LANE and Frogfurlong LANE?!!*
9. *If the JCS itself was agreed to, on the proviso that a link road from the A40 to the A38 was built, now this funding has been refused, how can this development go ahead to accommodate the additional traffic from Yew Tree Farm.*
10. *How can Tewkesbury Borough Council be seen to take a "U" turn on their previous decision with Yew Tree Farm, when the original development was for 55 houses and this new development is for 74? We know that this is now part of the JCS, BUT, the JCS documentation should be a fluid document that now takes into consideration, new brown field sites that have evolved since the decisions for the JCS was made?*

Could we please ask Why Twigworth will not benefit from any of the 106 money from the new housing. It seems to the Parish that funding will be available for virtual community facilities, virtual astro turf, virtual everything !! or facilities that will have a major effect to the road network, making more car journeys. Most of the funding is for:

A library we can only assume is to support the one in Churchdown

Astro turf - must be Plock Court.

Indoor bowls - Brockworth???

Community facilities - where??

Swimming pool -???. Must be Cascades Tewkesbury as this will be the easier one to access!

Two additional objections have been received from LOCAL RESIDENTS since the preparation of the Committee Report which generally repeat those already contained in the consultations and representations section in the Committee Report including highlighting concerns with potential conflicts with the emerging Neighbourhood Development Plan.

178	4	<p>18/00449/FUL</p> <p>Land On The East Side Of, Broadway Road, Stanway</p> <p>The applicant's agent has written to Officers with particular reference to Paragraph 5.5 of the Officer report to Committee. The agent wishes to explain the context of the earlier sequential report, in that they did not consider it necessary for one to be carried out but agreed to do so to speed up consideration of the application on a 'without prejudice' basis.</p> <p>Further, the agent explains that the comments in the sequential test for the Wellington Meadows application relate to the Council's assessment of the previously refused application at Broadway Road, rather than the agent's own professional opinion.</p> <p>For completeness, the whole paragraph referred to in italics in Paragraph 5.5 of the Officer report reads as follows:</p> <p><i>"Unfortunately, the Council's decision to refuse the 2017 application on the least visually sensitive part of this land, on grounds of 'harmful siting' presents a fundamental barrier to development. Reducing the size of the building will ultimately not overcome the harm caused by virtue of its 'siting', which was clearly the primary issue. Given how recent this decision was, it is clearly not possible to overcome this point."</i></p> <p>The applicant's agent points out that <i>"the applicant has made it abundantly clear that the need is for an agricultural barn at the Church Lane end of Toddington village, in order to allow the applicant to keep livestock on his land at Wellington Meadows. Providing an agricultural barn in any other location will simply not allow for this to be achieved."</i> The Agent stated that the Broadway Road site <i>"cannot be considered more sequentially preferable than the site at Wellington Meadows overall, as proven by its recent planning history."</i></p> <p>Whilst these comments are noted, it is not considered essential for each parcel of land within an agricultural holding to have a building, even where livestock is proposed to be kept on land.</p> <p>As set out in Paragraph 5.5 of the Officer report, no further justification has been submitted as to why the applicant requires additional storage over and above what has already been permitted. This is particularly important given the sensitivity of the site. As set out in the report, it is not considered that the current scheme overcomes the previous reason for refusal.</p>
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TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	30 August 2018
Subject:	18/00771/OUT - Land East Of Bredon Road, Mitton
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	2

Executive Summary:

A planning application (ref: 18/00771/OUT) has been received by Wychavon District Council for development of approximately 500 dwellings at land east of Bredon Road in Mitton. Although the site is within Wychavon District, it is directly adjacent to the boundary with Tewkesbury Borough and on the edge of Tewkesbury Town. The site has also been included as part of the housing supply for Tewkesbury Borough through the Joint Core Strategy. As such the Council has been consulted on the proposal. This report seeks approval for the response to the consultation, included at Appendix 1 to the report, to be submitted on behalf of Tewkesbury Borough Council.

Recommendation:

- 1. To APPROVE the response to Wychavon District Council in respect of application 18/00771/OUT, set out at Appendix 1, for submission on behalf of Tewkesbury Borough Council.**
- 2. To delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes prior to final submission.**

Reasons for Recommendation:

To ensure that the Council is able to make representations to a major planning application that is adjacent to its administrative boundary.

Resource Implications:

Officer time in considering the planning application and response.

Legal Implications:

The application relates to a site wholly within another Local Planning Authority's administrative area and so is not one for determination by Tewkesbury Borough Council; however, as the development is likely to affect land with the Council's area, the Council is a statutory consultee and is under a statutory duty to respond to the consultation.

The Council is also a party to a Planning Statement with Wychavon District Council which established an agreement to co-operate over the principle of development on the Mitton site contributing 500 homes towards the needs of Tewkesbury Borough.

Risk Management Implications:

The proposed development would form part of the housing supply for Tewkesbury Borough as set out in the Joint Core Strategy. Therefore, the implications for this application being approved or refused by Wychavon District Council would be on the ability for Tewkesbury to achieve a five year supply in the short term and meet its housing requirements overall. Although the site is in Wychavon there is likely to be infrastructure impact on the Borough with Tewkesbury Town being the nearest service centre, therefore there needs to be joint working on future infrastructure provision and mitigation.

Performance Management Follow-up:

None.

Environmental Implications:

The proposed development could have potential environmental implications, primarily with regard to flood risk. Therefore joint working is required to assess and determine suitable mitigation to ensure any development would be sustainable from a flooding perspective.

1.0 INTRODUCTION/BACKGROUND

1.1 An outline planning application (ref: 18/00771/OUT) for major residential development was received by Wychavon District Council in April 2018. The application is located at 'Land East Of Bredon Road, Off Tewkesbury Road, Bredon's Hardwick' and the description of the development is:

"Development of approximately 500 residential dwellings (C3 Use Class) including means of access (two vehicular access points from the B4080 and a pedestrian/cycle access from Derwent Drive) and associated infrastructure and landscaping including provision of formal and informal open space and drainage attenuation basins."

Although the site is located within Wychavon District, the site is directly adjacent to Tewkesbury Borough's administrative area and is on the edge of the Mitton area of Tewkesbury Town. The site's location plan is included at Appendix 2 to this report. As such, the Borough Council has been formally consulted on the application.

- 1.2 A site at Mitton (in Wychavon) is included within the Joint Core Strategy (JCS) with 500 dwellings from the site making a contribution towards the housing supply of Tewkesbury Borough as identified through Policy SP2 – Distribution of New Development. This position is supported by a Joint Planning Statement between Wychavon District and Tewkesbury Borough which establishes an agreement to co-operate over the principle of development on this site contributing 500 homes towards the needs of Tewkesbury Borough.
- 1.3 The inclusion of the site in the JCS followed discussions during the JCS examination where the Inspector stated, through the Interim Report (May 2016), that:
“Mitton clearly has the capacity and potential to contribute to meeting Tewkesbury’s needs” and that *“the JCS authorities engage in constructive discussions with Wychavon District Council with a view to seeking their agreement on the release of land at Mitton to contribute towards Tewkesbury’s housing needs”*.
- In the Inspector’s subsequent Final Report, it was recommended that main modifications be made to the JCS to include supply from Mitton towards Tewkesbury and stated that *“outside the JCS area Wychavon District Council has agreed to contribute 500 dwellings to Tewkesbury’s supply through a housing-led development at Mitton”*. The site was therefore included within the supply for Tewkesbury in the JCS that was adopted by the three Councils in December 2017.
- 1.4 The South Worcestershire Development Plan (SWDP) was adopted prior to the JCS in February 2016; however the potential cross-boundary development under the duty to cooperate was recognised through the SWDP examination, and a main modification was recommended by the SWDP Inspector to include wording into Policy SWDP2 which states that:
“due consideration will be given, including through a review of the SWDP where appropriate, to the housing needs of other local planning authorities in circumstances when it has been clearly established through the local plan process that those needs must be met through provision in the SWDP area”.
- The footnote supporting this policy specifically references the preparation of JCS and the site at Mitton.
- 1.5 The Bredon Parish Neighbourhood Plan (BPNP) was also ‘made’ prior to the JCS in July 2017. The BPNP acknowledges the JCS Inspector’s recommendation that the JCS authorities engage with Wychavon District to seek agreement on the Mitton site and also the wording of SWDP Policy 2 that recognises the need for cooperation in meeting unmet housing needs in the SWDP area.

2.0 CONSULTATION RESPONSE

- 2.1 A response to the planning application is included at Appendix 1 to this report and it is proposed that this is sent on behalf of the Council.
- 2.2 The response considers that the principle of development at this site is consistent with Policy SP2 of the JCS, the position set out within the agreed Joint Planning Statement, and it is concluded that a development at Mitton is expected, as set out through the JCS, to be a significant part of both Tewkesbury’s five year housing land supply in the short term and the overall housing requirements going forward. As such, if the site were not to deliver housing it would have a negative impact on the ability of the Borough to adequately address its housing requirements and could result in the need to find alternative provision in other parts of the Borough. The response also considers that the principle of development would be consistent with the SWDP and the BPNP.

2.3 A key issue in the potential development of the site is around infrastructure provision. The site is in Wychavon District and Wychavon District Council would be the collecting authority for any Community Infrastructure Levy / Section 106 contributions; however, the primary impact on infrastructure capacity is likely to be on Tewkesbury Town. The response therefore concludes that there must be joint working to ensure that the appropriate infrastructure improvements can be put in place to mitigate the impact of the development. Particularly this will relate to issues of transport impact, education provision, drainage and flood risk, and medical services (i.e. GP and dentist). This will include working with Gloucestershire County Council (which has also been consulted) in its capacity as the highways authority, education authority, and lead local flood authority.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 N/A

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Joint Core Strategy (2011 – 2031)

6.0 RELEVANT GOVERNMENT POLICIES

6.1 National Planning Policy Framework (2012)

National Planning Practice Guidance

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Officer time in considering the planning application and response.

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

8.1 The proposed development could have implications for the sustainable growth of the area.

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 None

Background Papers: None

Contact Officer: Planning Policy Manager
01684 272089 matthew.barker@tewkesbury.gov.uk

Appendices: Appendix 1 - Tewkesbury Borough Council response to application 18/00771/OUT
Appendix 2 - Site location plan for application 18/00771/OUT

Tewkesbury Borough Council Planning Application Consultation Response

Application No: 18/00771/OUT

Address: Land East Of Bredon Road Off Tewkesbury Road Bredons Hardwick (Wychavon District)

Proposal: Development of approximately 500 residential dwellings (C3 Use Class) including means of access (two vehicular access points from the B4080 and a pedestrian/cycle access from Derwent Drive) and associated infrastructure and landscaping including provision of formal and informal open space and drainage attenuation basins.

South Worcestershire Development Plan

The South Worcestershire Development Plan (SWDP) was adopted in February 2016. Policy SWDP 2 - Development Strategy and Settlement Hierarchy sets out the spatial strategy for meeting growth in the SWDP area. In addition, Point I of the policy sets out that:

“As required by the Duty to Cooperate, due consideration will be given, including through a review of the SWDP where appropriate, to the housing needs of other local planning authorities(6) in circumstances when it has been clearly established through the local plan process that those needs must be met through provision in the SWDP area.”

Footnote 6 which accompanies the policy then goes on to state that:

“Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils are preparing a Joint Core Strategy (JCS). Land at Mitton (Wychavon District) and the Mythe (Malvern Hills District) were not included as strategic allocations in the Submission Version of the JCS (November 2014). The South Worcestershire Councils will, however, continue to monitor progress on the examination of the JCS.”

This policy was prepared and adopted prior to the completion of the JCS examination and as such at the time of writing the site at Mitton to meet the needs in the JCS area (in particular Tewkesbury Borough) had not yet then been established by the JCS Inspector, through the Interim Report (May 2016), as having “the capacity and potential to contribute to meeting Tewkesbury’s needs”. The adoption of the SWDP was prior to the Main Modifications JCS which includes delivery from Mitton as part Tewkesbury’ supply and the preparation of the joint planning statement by Tewkesbury and Wychavon on this site (see below).

Nevertheless, the potential cross-boundary development under the duty to cooperate was recognised through the SWDP examination, and main modification was recommended by the SWDP Inspector to include the policy text at Policy SWDP 2 (point I) and at Footnote 6. In the Inspector’s Final Report on the SWDP it was noted that “this will ensure that the Plan reflects the current situation with the emerging Joint Core Strategy for the neighbouring authorities of Gloucester, Cheltenham and Tewkesbury”.

Bredon Parish Neighbourhood Plan

The Bredon Parish Neighbourhood Plan (BPNP) was adopted in July 2017. Policy NP1: Spatial Plan for Bredon Parish sets out the spatial strategy for development in the area. Paragraph 2 of this policy states that:

Development proposals on sites allocated under the strategic policies of an adopted local plan(20) will be supported. All other development proposals located outside the defined Development Boundary of any settlement will be strictly controlled and will be limited to proposals which are demonstrably suited to an open countryside location.

Footnote 20 which accompanies the policy includes that the strategic policies of the JCS are to be considered also as an adopted local plan.

The supporting text to the policy recognises the JCS Inspector's Interim Report of May 2016 (the latest report available at the time of preparing the BPNP) and the recommendation that the JCS authorities engage with Wychavon District Council to seek agreement for the release of housing land at Mitton to meet Tewkesbury's housing requirements. Furthermore, the supporting text recognises the wording of Policy SWDP 2 (Point I) which recognises the need for cooperation in meeting unmet housing needs of other local planning authorities in the SWDP area.

Joint Core Strategy

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) was adopted in December 2017. Through Policy SP2: Distribution of New Development the spatial strategy for meeting the needs of housing and employment land is set. Tewkesbury has a housing requirement over the plan period 2011 to 2031 of 9,899 dwellings, Policy SP2 (point 4) states that at least 7,445 will be met through:

- Existing commitments;
- Development at Tewkesbury town in line with its role as a market town;
- Smaller-scale development meeting local needs at rural service centres and service villages; and
- Sites covered by any Memoranda of Agreement.

The accompanying tables to Policy SP2, Table SP2a: Sources of housing supply in the JCS area and Table SP2b: Apportionment of Strategic Allocation sites and District Capacity, set out the sources of housing delivery that will contribute towards Tewkesbury's housing land supply. Both of these tables include a 500 dwelling contribution from a site at Mitton (in Wychavon District) towards Tewkesbury's supply. The tables recognise that this is a cross-boundary site and not a site allocation in the JCS, but highlights that the site will be subject to joint working between the two authorities.

This contribution from a site at Mitton is further recognised in the Delivery, Monitoring & Review chapter of the JCS. In this section it is again recognised that the JCS authorities are working with Wychavon on the possible release of land at Mitton to deal with 500 homes coming forward to meeting Tewkesbury's needs. Furthermore, the Site Allocations Trajectory table includes an anticipated trajectory for delivery of a site at Mitton. The trajectory provided in the JCS is detailed below:

Site Name	District	Net Site Capacity	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Mitton	Wychavon District	500		25	125	125	125	100

It should be noted that, even with a 500 dwelling contribution from a site at Mitton, the JCS identifies a shortfall of 2,450 dwellings against the housing requirements for Tewkesbury Borough. This highlights the important role of the Mitton site, in the face of this shortfall, in assisting Tewkesbury meeting its overall housing needs. Delivery from this site is also important in helping Tewkesbury maintain a five year supply of housing land in shorter term and delivery from the site is included in the five year supply calculation for the Borough presented in the JCS. As such, failure to achieve delivery on this site could have a negative impact on the ability to meeting its housing needs over the short and long term.

A site at Mitton was not included within the Pre-Submission JCS (June 2014). However, through the examination process and in the Inspector’s Interim Report (May 2016) the Inspector recommended that the JCS authorities engage in constructive discussions with Wychavon District Council with a view to seeking their agreement on the release of land at Mitton to contribute towards Tewkesbury’s housing needs. This discussion was progressed and a planning statement was jointly signed (see below) and the site referenced in the Main Modifications JCS and ultimately the adopted JCS as set out above. This approach was confirmed by the JCS Inspector through her final report who stated that “outside the JCS area Wychavon District Council has agreed to contribute 500 dwellings to Tewkesbury’s supply through a housing-led development at Mitton”.

It is therefore concluded that a development at Mitton is expected, as set out through the JCS, to be a significant part of Tewkesbury’s five year supply and overall housing land supply going forward and this has been clearly established through the local plan process.

Joint Planning Statement - Mitton

In September 2017, the Leader and Managing Director of Wychavon District Council and the Leader and Chief Executive of Tewkesbury Borough Council signed a planning statement regarding the site at Mitton. This was completed to support the Joint Core Strategy examination process following the Inspector’s request, in her Interim Report, that the Councils cooperate over the potential release of land at Mitton to meet some of the unmet housing requirements associated with Tewkesbury Borough.

This statement establishes an agreement to co-operate over the principle of development on this site contributing 500 homes towards the needs of Tewkesbury Borough and an in principle agreement to develop a more formal detailed Memorandum of Agreement if deemed necessary. The statement does not attempt to identify or agree all issues and details that may be a consideration in the detailed assessment of this site through the planning application process. The statement acknowledges that considerable further technical work was required as well as appropriate consultation on any future proposals. As such, the statement does not prejudice the discretion of either of the councils in decision making through their statutory powers and duties, including the determination of any planning applications.

Importantly the statement recognises that Wychavon District Council is the sole collecting authority for New Homes Bonus and Section 106/CIL monies resulting from any new development within their administrative boundary. However, the primary impact on infrastructure is likely to be within

Tewkesbury Borough. Therefore, future negotiations between Wychavon District Council and Tewkesbury Borough Council will be necessary to agree contributions to, and provision of, infrastructure in order that the development can be made acceptable in planning terms.

Conformity with the SWDP

Policy SWDP 2 (point 1) states that “consideration will be given, including through a review of the SWDP where appropriate, to the housing needs of other local planning authorities in circumstances when it has been clearly established through the local plan process that those needs must be met through provision in the SWDP area”. The site at Mitton is included within the adopted JCS as part of the housing supply for Tewkesbury subsequent to main modifications recommended by the JCS Inspector (supported by the signing of a joint planning statement on this issue). Therefore, it is considered that this part of the SWDP 2 policy has been satisfied and the need for the site at Mitton has been established through the local plan process (the JCS examination).

As such, in accordance with policy SWDP 2, this means that consideration will be given to meeting the needs of Tewkesbury through provision in the SWDP area. The policy text says that this consideration will be given “including through a review of the SWDP where appropriate”. However, this does not limit this as the only way that this can be considered, the other route being through the planning application process. Furthermore, the Joint Planning Statement on Mitton states that:

“the delivery mechanism for up to 500 dwellings is likely to be through the development management process. Wychavon District Council and Tewkesbury Borough Council will therefore work positively through the development management process to consider any planning application associated with meeting accepted unmet housing requirements of Tewkesbury Borough in this location”.

Taking these factors into account, it is considered that development at Mitton, being brought forward through the planning application process, would be in general conformity with Policy SWDP 2.

Conformity with Bredon NDP

Policy NP1 states that “development proposals on sites allocated under the strategic policies of an adopted local plan will be supported”, this includes both the SWDP and the JCS as provided by footnote 20.

The site at Mitton is not formally allocated in either of these plans. The SWDP was adopted 2 years in advance of the JCS and as such came forward at an earlier stage where the issues and determination about the site at Mitton meeting the needs of Tewkesbury had not been established. Nevertheless this future scenario was allowed for through Policy SWDP 2 Point 1. Whilst this need has subsequently been established through the JCS Policy SP2, the JCS is unable to allocate the site at Mitton as it falls outside of its plan area. Therefore, while the site cannot strictly said to be an allocation, it is supported by the strategic policies of the both the SWDP and JCS and is subject to a Joint Planning Statement, which should be a significant material consideration.

Policy NP1 goes on to state that: “All other development proposals located outside the defined Development Boundary of any settlement will be strictly controlled and will be limited to proposals which are demonstrably suited to an open countryside location”. No further explanatory text is included within the plan which provides further detail on this.

This policy therefore does not preclude development outside of a settlement boundary coming forward, but states that it must be strictly controlled and demonstrably suitable to an open countryside location. Therefore this is a consideration in the sustainability of this proposal at this location. The process of determining whether this site is in a suitable location has been explored through the JCS examination process where the Inspector, in the Interim Report (May 2016), determined that “Mitton clearly has the capacity and potential to contribute to meeting Tewkesbury’s needs”. The Inspector considered factors of location, landscape, flood risk, transport accessibility and access to services and facilities as part of this judgement.

Taking these factors into account, it is considered that the proposal can be considered to be in conformity with policy NP1 of the BPNP as the site is promoted through the both the strategic policies of the SWDP and JCS and has been determined to be in a suitable location, through the local plan process, to meet the housing needs of Tewkesbury Borough.

Conformity with the JCS

A site at Mitton has been included within the JCS, including the housing trajectories, to contribute towards the housing supply for Tewkesbury Borough. The site would be in general conformity with the spatial strategy set out at Policy SP2 in that it would be development at Tewkesbury town. Furthermore, an agreed Planning Statement has been signed between the two authorities which agrees the principle of housing numbers of up to 500 dwellings from the site contributing to Tewkesbury’s needs. As such, it is anticipated within the JCS that a site will come forward at Mitton.

Infrastructure Provision

It is noted that Wychavon District Council adopted a CIL Charging Schedule on 26 April 2017, which came into effect on 5 June 2017.

It is anticipated that the primary demands on infrastructure and services from the development would be from within Tewkesbury Borough and Tewkesbury town specifically, as the nearest service centre for this site. As Wychavon would be the collecting authority for any CIL/s106 contributions, the Borough Council will work positively and closely with Wychavon on ensuring that the appropriate infrastructure improvements are put in place to mitigate the impact of the development. This is as per the planning statement between the two authorities which agrees to joint working to decide necessary infrastructure contributions to achieve sustainable development. Particularly this will relate to issues of transport impact, education provision, drainage and flood risk, community facilities and medical services (i.e. GP and dentist).

In regards to education it should be acknowledged that the demand from the site could be to both Worcestershire and Gloucestershire catchment schools. For primary provision this will namely be at Bredon Hancock's Endowed First School (Wychavon) and/or Mitton Manor Primary (Tewkesbury). Therefore both Worcestershire and Gloucestershire Councils will need to work together to establish the capacity for further expansion to accommodate increased demand from this development or whether new education facilities would be required.

In regards to highways, is it likely that a proportion of the development traffic would travel south along the B4080 Bredon Road/Tewkesbury Road. This could therefore lead to increase vehicle movements the existing junction at Bredon Road/Mythe Road and then into Tewkesbury town itself. In addition, an increase in movements could be possible on Hardwicke Bank Road to the north of the site and into Northway. The response from both County highways authorities is therefore important in regard to the mitigation that would be required to accommodate this development

In regards to flooding, it should be noted that the Carrant Brook runs through the application site which then continues south into Tewkesbury town and feeds into the River Avon. Therefore impact on drainage from this site into the Carrant Brook, or any impacts on water flows of the brook itself, could have a direct impact on flood risk downstream within Tewkesbury. As such flood risk of this development needs to be carefully managed to ensure that there is no increase in risk either within the site or the surrounding areas and betterment is sought where possible. The comments from the Environment Agency and the Lead Local Flood Authorities at Worcestershire and Gloucestershire are important in this regard. Although the development is outside of Tewkesbury Borough, the council has an adopted Flood and Water Management SPD (Feb 2018) which should be taken into account.

The South Worcestershire Council's CIL Regulation 123 list provides that the types of infrastructure that may be funded, in whole or in part, by CIL include education facilities, transport, flood mitigation, community and cultural facilities, health facilities and other infrastructure. However, this excludes those items of infrastructure stated to be provided through Section 106 obligations. There is then a list accompanying that sets out when the delivery mechanism will be via CIL or Section 106, including provisions - for example whereby housing sites of sufficient number which in themselves generate a certain level of need or where there are to be site specific projects and off site directly related projects designed to mitigate for specific infrastructure and services required to make the development acceptable in planning terms - whereby the mechanism will be via s106 agreement rather than CIL. Tewkesbury Borough Council would welcome discussions with Wychavon to establish the appropriate delivery mechanism (either through s106 or CIL) for the various infrastructure requirements.

Affordable Housing

It is noted that policy SWDP15 of the South Worcestershire Development Plan provides that on sites of 15 or more on greenfield land, 40% of the units should be affordable and that secure arrangements will be put in place to ensure the affordable housing provided will remain affordable and for sites outside the city or towns, available to meet the needs of local people. Therefore, it is expected under this policy that this development should provide 200 units of affordable housing.

The Joint Planning Statement states that though any housing delivered up to 500 dwellings will be apportioned wholly to Tewkesbury Borough's housing supply, up to 10% of the affordable housing agreed on the site will be attributed to Wychavon District and that will be reflected in any affordable housing planning obligations.

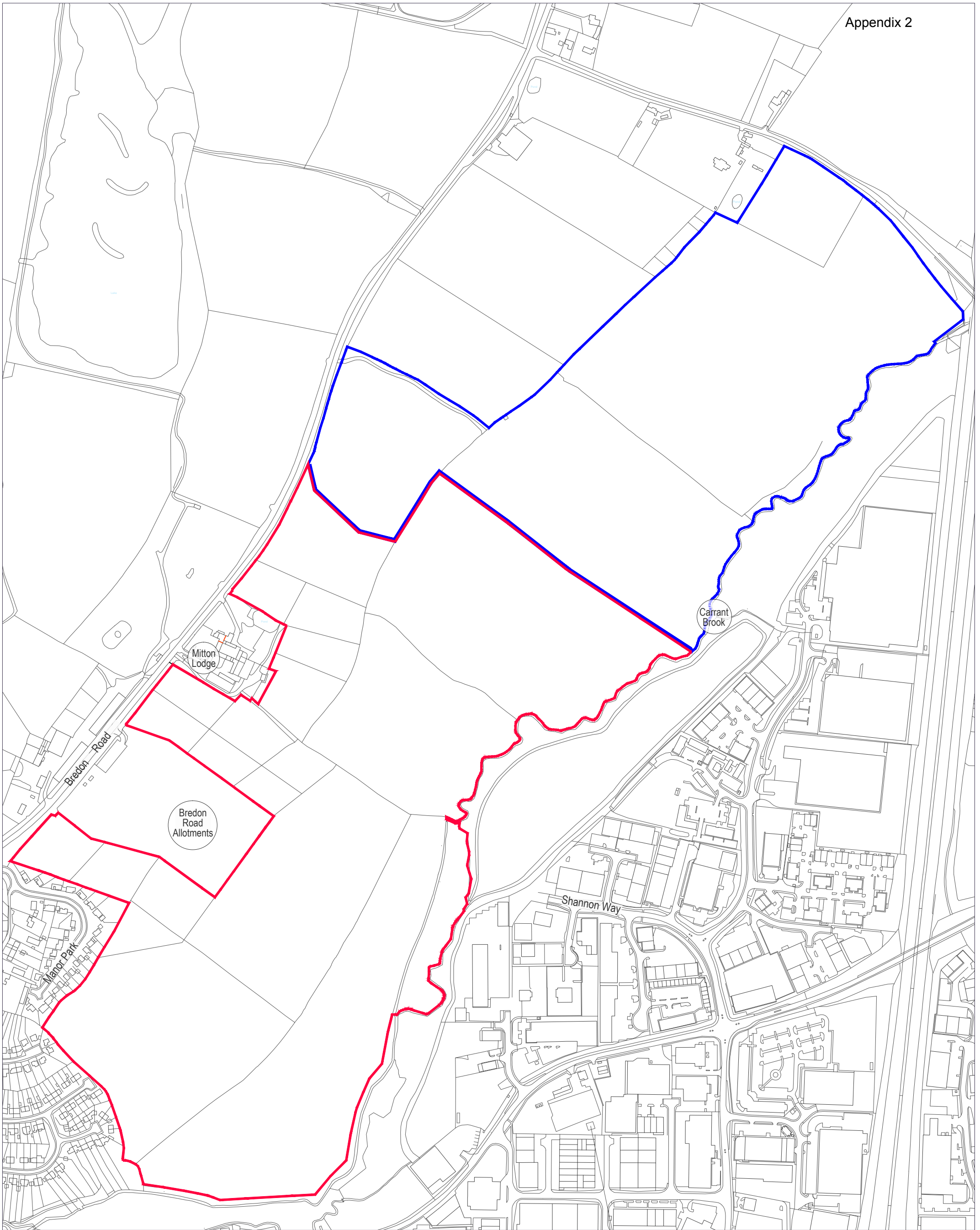
Conclusion

It is considered that the application would be in conformity with Policy 2 of the SWDP, Policy NP1 of the BPNP and Policy SP2 of the JCS. The site is also subject to a joint planning statement between Wychavon District and Tewkesbury Borough councils that establishes an agreement to co-operate over the principle of development on this site. Furthermore, this issue was tested through the JCS examination process in which the Inspector found the site to have the capacity and potential to contribute to meeting Tewkesbury's needs. Therefore, the principle of residential development in this location, to help meet the housing requirements of Tewkesbury Borough, would be acceptable and the delivery of housing would be advantageous in meeting the JCS strategy.

As set out through the JCS, housing delivery from a supply at Mitton is expected to come forward in the shorter term and make an important contribution to the five year supply of Tewkesbury Borough; the JCS trajectories expecting the site to be completed by 2022/23. This delivery is also in the context of Tewkesbury having a shortfall of 2,450 homes identified through the JCS against its

overall housing requirements. Delay to the delivery of this site would have a negative impact on the Borough's ability to demonstrate a sufficient supply of housing against its requirement and an adequate five year supply in the near future.

The provision of infrastructure across the administrative boundaries will be important and, particularly as Wychavon would be the collecting authority for any CIL/s106 contributions, the Borough Council will work positively and closely with Wychavon to ensure that the appropriate infrastructure is put in place to mitigate the impact of the development. Tewkesbury Borough Council would welcome further joint working on the delivery of any scheme for this site including in respect of affordable housing provision and also urge liaison with Gloucestershire County Council (as the education and highways authority and lead local flood authority).

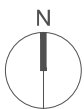


- Application Site = 45.30ha
- Other land under the control of one of the Applicants

proj: 16-027 drg: 202 date: 19/10/2017 rev: B

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Land at Mitton, Bredon Road, Tewkesbury

Site Location Plan

Barratt Developments | Mactaggart & Mickel
 Stewart Pearman and The Croome Estate Trustees

The North Tewkesbury Landowners Consortium

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Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey.

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W:\PLANNING\16-027 Mitton, Tewkesbury\Urban Design\3 Drawings & Images\2 Drawings in Progress\CAD\16-027_2025_Site Location Plan.dwg

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	30 August 2018
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary: To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) 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 Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	17/00693/FUL
Location	The Guildhouse Stanton Tewkesbury WR11 9SN
Development	Erection of two storey lodge building to provide either additional capacity for residential users of The Guildhouse or accommodation for staff of The Guildhouse, plus single storey element comprising an office
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The Inspector considered that the main issues were whether the proposal resulted in the creation of a new dwelling; the impact of the proposals on Stanton Guildhouse, a grade II listed building and the impact on the AONB.</p> <p>The Inspector concluded that the proposal was not a new dwelling on the basis that whilst it contained all the facilities necessary for its use as such, the Appellant had not proposed a new dwelling, but a use ancillary to the main use of the site, as guest/staff accommodation.</p> <p>In respect of the listed building the Inspector agreed with the Council that the development, due to its scale and siting would undermine and detract from the appreciation of Stanton Guildhouse and dilute the experience of its approach and surroundings. He concluded that this would therefore fail to preserve its setting and cause harm to its significance. The Inspector also recognised there would be harm to the AONB.</p> <p>Whilst the Inspector recognised that there would be some benefits arising from the proposal, for the above reasons, the appeal was dismissed.</p>
Date	11.07.2018

Application No	17/00478/FUL
Location	Vine Tree Farm The Wharf Coombe Hill Gloucester GL19 4AS
Development	Proposed erection of replacement three-storey dwelling with attached orangery, additional basement level and basement level garaging. Associated re-grading, land and hard and soft landscaping and new access/driveway - Revised scheme further to allowed appeal ref: 15/01007/FUL & withdrawn application ref: 16/00410/FUL.
Officer recommendation	Permit
Decision Type	Committee
DCLG Decision	Allow
Reason	<p>The Inspector clarified that the main issue was the impact of the revised scheme on the character and appearance of the area with regard to the Landscape Protection Zone (LPZ).</p> <p>The Inspector gave the extant permission substantial weight in determining the Appeal. The Inspector concluded that once the regrading works have been completed and the site landscaped, that the development would, having regard to the fallback position, not result in material harm to the character and appearance of the area with respect to the LPZ.</p> <p>The Inspector noted that the footings to the unauthorised part of the proposed development had already been carried out and that this constituted 'intentional unauthorised development' which, in light of a Written Ministerial Statement in 2015, weighed against the development.</p> <p>Nevertheless, the Inspector did not consider that this carried such significant weight that the appeal ought to be dismissed given the acceptability of the scheme in all other respects.</p>
Date	13.07.2018

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: Appeals Administrator
01684 272062 AppealsAdmin@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
17/01114/FUL	Margarets Cottage Sandhurst Lane Sandhurst Gloucester Gloucestershire GL2 9NP	Erection of a single dwelling and associated works.	03/08/2018	W	DEK	07/09/2018

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry