

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Thursday, 18 April 2019 commencing  
at 10:00 am**

## **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

## **and Councillors:**

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

## **also present:**

Councillors G J Bocking, R Furolo and M G Sztymiak

## **PL.74 ANNOUNCEMENTS**

- 74.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 74.2 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.

## **PL.75 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 75.1 Apologies for absence were received from Councillors A Hollaway, P E Stokes and R J E Vines. Councillor G F Blackwell would be acting as a substitute for the meeting.

## **PL.76 DECLARATIONS OF INTEREST**

- 76.1 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.

76.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Awford	17/01337/OUT Land Off A38, Part Parcel 0120, Tewkesbury Road, Coombe Hill.  18/01285/APP Land North of Innsworth Lane, Innsworth.	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 W Awford	19/00006/FUL 1 Down Hatherley Lane, Down Hatherley.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
R M Hatton	18/01239/FUL Land Adjacent to Hucclecote Road and Golf Club Lane, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
H A E Turbyfield	18/01239/FUL Land Adjacent to Hucclecote Road and Golf Club Lane, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
P N Workman	19/00128/FUL Oldbury Car Park, Oldbury Road, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.

76.3 There were no further declarations made on this occasion.

**PL.77 MINUTES**

- 77.1 The Minutes of the meeting held on 19 March 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair, subject to an amendment to Minute No. PL.72.37 as follows: 'The Member indicated that, at peak flow, the water which ran off the escarpment and surrounding highway network into the Horsbere Brook would be very ~~fast~~ **fast** moving...'

**PL.78 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL****Schedule**

- 78.1 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.

**17/01337/OUT – Land Off A38, Part Parcel 0120, Tewkesbury Road**

- 78.2 This was an outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from the A38; all matters – access, appearance, landscaping, layout and scale – reserved for future consideration.
- 78.3 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to resolving the outstanding open space/play contributions; ecological mitigation measures; any additional/amended planning conditions; and the completion of a Section 106 Legal Agreement. A Member was surprised that there was no representative from the Parish Council at the meeting, given the strength of feeling about the application. The site had been considered by the Tewkesbury Borough Plan Working Group and, at that time, he had expressed the view that this was the worst site in the local plan consultation mainly due to its flood history – the site had been flooded twice in 2007 along with others in the surrounding area. He raised concern that there was no comment from the Council's Flood Risk Management Engineer or the Lead Local Flood Authority and he could not see a sustainable drainage solution which would convince him to support the application. On that basis he proposed that the application be deferred in order to obtain relevant flooding information and details of an appropriate sustainable drainage system. The Planning Officer explained that the site was in Flood Zone 1 and the outline application had been accompanied by a Flood Risk Assessment and drainage strategy which had been reviewed by the Lead Local Flood Authority. The scheme had sufficient capacity for a 1/100 year flood event, plus a 40% allowance for climate change, it would result in a betterment of the existing greenfield run-off and any discharge from the pond would be at a controlled rate.
- 78.4 The proposer of the motion indicated that, whilst he was not a hydrologist, he did know the drainage and ditches on the site and was aware that the open ditch network did not flow. He argued that much more needed to be done in terms of drainage in order to ensure that the pond would discharge at a reasonable rate, once climate change had been taken into consideration. He reiterated that the Tewkesbury Borough Plan Working Group was yet to make a recommendation on the site so he did not feel there would be a problem with a deferral. The Technical Planning Manager understood the point about the Tewkesbury Borough Local Plan; however, Members were being asked to consider a detailed proposal, which had

been submitted with a drainage scheme. From the perspective of both the Lead Local Flood Authority and the Council's Flood Risk Management Engineer there was no further work to be done, and no reason to delay the application on that basis, given that there was a solution which could be secured by condition and would result in a betterment in terms of greenfield run-off.

78.5 A Member pointed out that one part of the site was quite high whilst the other part was at a lower level and he sought clarification as to where the houses would be distributed. The Technical Planning Manager confirmed the location of the houses on the layout plan displayed on the screen and advised that the housing to the right would be at a lower level than those which fronted onto the A38. He reiterated that all of the housing would be in Flood Zone 1 so, although there would be areas outside the site locality which had flooded in the past, there was no risk of flooding to the site itself and no additional problems would be created. A Member noted that the site was part of a proposed allocation in the Preferred Options Tewkesbury Borough Plan for 50 dwellings and she shared the Parish Council's concern that 40 houses were being squeezed into a relatively small area of this. The Tewkesbury Borough Plan Working Group had visited the site and the Planning Committee may not appreciate the drop in the level of land down to the pond without going to take a look, as such, she proposed that the application be deferred for a Committee Site Visit which would also give an opportunity to consider the Flood Risk Assessment for the site. The proposer of the motion to defer the application indicated that he would be happy to withdraw his proposal and to second this proposal.

78.6 A Member drew attention to Page No. 713, Paragraph 5.20 of the Officer report which referred to the foul drainage being comprised of a gravity-fed private network which would connect to an on-site sewage treatment facility adjacent to the pond that would be maintained by a management company paid for by the future owners. She questioned why the new houses could not connect to the main sewer network, rather than having a private facility, and expressed her reservations about relying on a management company to maintain it. The Technical Planning Manager explained that there was no mains sewerage connection in the immediate area, therefore, the only way to deal with that was to treat the foul sewerage in a treatment plant and discharge it into the wider network. The Member indicated that all other houses around the site on Coombe Hill had septic tanks and she queried why Severn Trent Water had not been asked to provide a mains sewer system as this was not the only site coming forward. The proposer and seconder of the motion indicated that they would be happy to amend the proposal to defer the application in order to ask these questions and, upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** for a Committee Site Visit in order to assess the site layout, in particular the topography and location of the proposed flood alleviation pond; to consider the Flood Risk Assessment and sustainable drainage system proposals; and to consult Severn Trent Water regarding the arrangements for foul drainage and the potential for providing a mains sewer system.

**19/00128/FUL – Oldbury Car Park, Oldbury Road, Tewkesbury**

78.7 This application was for change of use for weekly open-air retail market (Wednesday and Saturday). The Committee had visited the application site on Tuesday 16 April. It was noted that the noise management plan had been circulated to the Committee at the meeting alongside the Additional Representations Sheet. The Planning Officer explained that the description of the application had changed to reflect the car parking element at other times and now read "change of use to mixed use as a public car park for a weekly open air retail market (Wednesday and Saturday)".

- 78.8 The Chair invited the representative from Tewkesbury Town Council to address the Committee. The Town Council representative indicated that, whilst the Town Council was not against the proposal in principle, it was concerned about the approach taken by the Borough Council. He explained that the Town Council had first become aware of the proposal through an email to the Town Clerk on 12 February from Tewkesbury Borough Council's Property Services Team which had duly been forwarded to Councillors the following day. The item had been placed on the Agenda for the next scheduled Planning Committee meeting on 27 February and the Town Council response had been a request for additional information in respect of vehicular access; pedestrian and wheelchair access; and noise levels in such close proximity to Gravel Walk. The Town Council had never been made aware of any response to its questions and was therefore alarmed by the recommendation for a delegated permit. After seeing the Officer recommendation the Town Council noted that, despite several letters of representation, the additional information supplied on the planning public access system did not answer in full the concerns that were being expressed and, consequently, the Town Council had posted an objection on 9 April. The Town Council representative pointed out that consultee comments had appeared since that date but, crucially, after the recommendation had been made. The Town Council considered that this was procedurally undesirable because it could erode trust, particularly because, in this case, the applicant and local planning authority were the same organisation. The Town Council's concerns over vehicular access related to the manoeuvring of larger vehicles into Station Street and into the car park entrance, due to the corner radii of the kerb at both junctions which were smaller than those encountered in accessing the existing site. Planning Committee Members would be aware that the turning characteristics of vehicles varied and were more challenging for larger, longer vehicles. The Town Council felt that this should have been assessed – even if only for four lorry trips – as part of a technical note to demonstrate that this proposal did not pose an unreasonable detriment to highway safety in line with the requirements of Section 9 of National Planning Policy Framework. It was noted that the Officer's report made reference to a formal Transport Statement to be provided, although it was not proposed to be conditioned as part of this application, if permitted. It was also noted that the Borough Council referred to the existing crossing facilities in the area for pedestrian and wheelchair access but it was not clear whether those facilities would be most appropriate for diverted trips by non-motorised users. Finally, with respect to noise, the Town Council welcomed the indication that the noise management plan was to be produced and that there was a willingness to amend the operational hours of the market, although that was not included as a condition in the Officer report.
- 78.9 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that the Property Services Team had sought early engagement with interested parties, including the Town Council, prior to the application being made, and throughout the application process, and he was taking this opportunity to further answer the concerns. He clarified that Tewkesbury Borough Council had made the application as the landowner of Spring Gardens and Oldbury Road; Cotswold Markets had an annual licence to operate on the site and, during the recent negotiations for its renewal, had requested that the Property Team consider the relocation of the market to the Oldbury Road site. Cotswold Markets' experience at other markets showed that restricting the size ensured a better quality offering with weekly attendance from stall holders in order to retain their slot meaning that the market would be fully occupied. It was difficult to restrict the size of the market on the current site as the layout of the parking bays would mean that cars were parked against the market rather than the stalls adjacent to a road way which was considered unsafe. Cotswold Markets were investing in providing three metre by three metre gazebo-style stalls which were used at other markets and

tended to offer a better quality and experience for customers. It had access to over 300 traders across the markets they currently managed and there had been a great deal of interest about the new location and new style. The proposed layout was for the fruit and vegetables stalls to be on the corner of Station Street and Oldbury Road with the two vehicles with generators located along the wall of Station Street. It was assumed that pedestrian movement across the sites would not be too dissimilar to current movement with there being no net change. Pedestrians would move across the site as before with parking and the market itself being at the different locations across the site. In response to comments received, a noise management plan had been developed as a working document to be managed by Cotswold Markets via an on-site supervisor. The applicant's representative stressed that the gazebo stalls were quieter to install than the traditional stalls, set-up would not start until 0630 hours; there would be no amplified sound on-site; and the noise management plan required the noise to be kept to a minimum during the set-up. He confirmed that, as responsible landlords, Tewkesbury Borough Council would work with Cotswold Markets to ensure that any noise nuisance was managed. The plan also required vehicles with generators to be located furthest from the residential properties and, if they were considered to be a nuisance, there would be an option to consider having an electrical connection installed.

- 78.10 The Chair invited a local Ward Councillor for the area to address the Committee. The local Ward Councillor advised that he had two issues with the application – noise and pedestrian safety. He was especially concerned with the generators as they made noise which was even more noticeable early in the morning when there were no other background noises to dull the sound. Given that those vehicles which used generators were to be located next to Station Street, it seemed perfectly sensible to install electric points along the wall where the payment meters were situated instead of retailers using noisy generators to power their equipment; not only would the noise be substantially reduced but it would demonstrate that the local planning authority and applicant were taking positive action to reduce dependency on fossil fuels. He felt that climate change must underpin the planning decision and the reduction of carbon levels must be paramount in the Council's work, furthermore, it should also be possible for the applicant to charge the operators for the electricity which was likely to be cheaper than the fossil fuel. He went on to indicate that pedestrian safety was a major concern and he took issue with the view that it was safe. There had been no footfall information supplied with the application and the County Highways response had completely ignored the issue. The market was used by people in wheelchairs, people with prams and pushchairs, young children and elderly and its new location meant that they would have to cross Station Street, which had no road crossing, and/or Oldbury Road which had a crossing but would no longer be directly in front of the market. Both crossing points needed to be addressed and a route for pedestrian access included in the application. Road safety and disruption to traffic also needed to be considered otherwise there would be increased risk of accidents involving cars and pedestrians which must be avoided at all costs.
- 78.11 The Chair indicated that the Officer recommendation was for authority to be delegated to the Technical Planning Manager to permit the application, subject to the satisfactory resolution of conditions to address the noise management plan and any highway/parking issues, and he sought a motion from the floor. A Member indicated that, although she was supportive of the principles behind moving the market, she shared the local Member's concerns with regard to the pedestrian access as the Oldbury Road and Station Street junction was particularly busy. The single pedestrian crossing behind Halfords was adequate whilst the market was located at Spring Gardens; however, she was amazed that it was considered by Gloucestershire County Highways to be safe should the market move to Oldbury Road car park. There had been many near misses and accidents at the junction and moving the market would mean that pedestrians from Bishop's Walk and people

parking in Spring Gardens would all have to cross at least one road in order to reach the new site; as there was no disabled access or pedestrian crossing she felt that the amount of accidents was only likely to increase. She considered that more information was required before the application was determined – the site was on Tewkesbury Borough Council-owned land and the Council was responsible for the safety of its residents. She indicated that County Highways had stated that it was not possible to have a second crossing across Station Street between the two car parks as it would be too close to the pedestrian access and, whilst relocating the existing crossing would mean it would be closer to the roundabout, people would be likely to cross the road at that point regardless so she would like to have some further information as to whether a different type of crossing would be less expensive. The Technical Planning Manager clarified that, whilst Tewkesbury Borough Council was the applicant, the proposal was being assessed from a local planning authority perspective and, should Members be minded to delegate authority to permit the application subject to appropriate conditions to address the highway concerns, Planning Officers would discuss the condition in respect of highways with the Property Services Team and, if it did not agree, it would be brought back to the Committee. It was subsequently proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application, subject to conditions to secure the relocation of the pedestrian crossing at the rear of Halfords to the end of Bishop's Walk and the Oldbury Road car park and a second crossing at Station Street between the Oldbury Road and Spring Gardens car parks; and the satisfactory resolution of conditions to address the noise management plan. The seconder of the motion indicated that his main concern was pedestrian access and, unless that could be resolved he could not see how the application could be permitted; however, he also felt that the issue of the generators must also be considered in order to protect the residents of Gravel Walk, who would be able to hear them from their gardens, and to reduce pollution in the town. The proposer of the motion confirmed that she was happy to amend her original proposal to include the provision of electrical points to prevent the need for generators on the site and this was also agreed by the seconder. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to conditions to secure the relocation of the pedestrian crossing at the rear of Halfords to the end of Bishop's Walk and the Oldbury Road car park and a second crossing at Station Street between the Oldbury Road and Spring Gardens car parks; the provision of electrical points to prevent the need for generators on the site; and the satisfactory resolution of conditions to address the noise management plan.

#### **18/01225/FUL – 85 Pirton Lane, Churchdown**

78.12 This application was for the erection of a two storey side and rear and a single storey rear extension.

78.13 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.

**19/00005/FUL 5 Winston Road , Churchdown**

- 78.14 This application was for the erection of a single storey rear extension.
- 78.15 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.

**19/00029/FUL – Cuckoo Farm, Southam Lane, Southam**

- 78.16 This application was for the retention of a storage barn. The application had been deferred at the Planning Committee meeting on 19 March 2019 for a Committee Site Visit to assess the impact of the siting of the building. The Committee had visited the application site on Tuesday 16 April 2019.
- 78.17 The Chair indicated that there were no public speakers for this item. A Member sought confirmation as to the measurements of the barn and she also noted that the Officer report referred to it being located 'in close proximity' to other agricultural buildings and asked for clarification as to exactly what that meant. She went on to draw attention to Page No. 736, Paragraph 10.2 of the Officer report which set out that the building used soakaways and she questioned whether the installation had been completed to the satisfaction of building regulations. In response, the Planning Officer advised that she had visited the site with the Planning Enforcement Officer and taken measurements with a measuring stick. She confirmed there were only minor discrepancies between the barn as built and the plans that had been submitted - the height was 9m compared to 8.95m on the plan; the eave height was 6.5m in accordance with the plan; the width was 18.38m compared to 18.3m on the plan; and the length was 24.5m compared with 24.4m on the plan. This was all within error margins of the measuring stick. She advised that the closest neighbouring property was the applicants and clarified that there were no other residential properties to the side or rear of the agricultural building. The distance between the barn building and Cuckoo Farm had been reduced slightly as the barn had been brought forward 30m from the original layout. She indicated that no information had been provided by Building Control as to whether the drainage had been provided as per the specification. A Member questioned why action had not been taken to move the barn back to its original position when it had come to light that it was being constructed 30m too far forward and the Technical Planning Manager explained that the application was for the retention of the barn – the barn had already been constructed before the application had been received. Whilst the Council had enforcement powers, they were very limited in terms of being able to insist that works were ceased unless, for example, it was work to a listed building or a significant highway hazard. Another Member queried why the applicant had not applied as the 30m off the plot and instead built as then could put in retrospectively, and the Technical Planning Manager clarified that the building could have been constructed under permitted development rights had it been built where the applicant had originally indicated that it would go; however, as the building had been erected in a location further to the south than permitted by the agricultural determination, it was therefore unauthorised and required planning permission. The Committee needed to make a judgement as to whether the current location of the building was so much more harmful in planning terms than the original location where planning permission was not required. He understood it was extremely frustrating when buildings were constructed without planning permission but the application must be assessed on its planning merits and Officers considered that it would be difficult to demonstrate that the building would cause significantly more harm than it would had it been located 30m further back given that it was not extending further into the open countryside. A Member expressed the view that the

building was particularly prominent from Southam Lane and he questioned whether the impact would be lessened had the barn been constructed 30m further back. The Technical Planning Manager indicated that, in his view, the impact would be the same with very limited differences on this between them.

- 78.18 The Chair indicated that the Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion felt that the building which was permitted was completely different to where it was currently situated and the building next door had been purposely set lower so it did not impact the landscape. As the site was in the Green Belt, the Committee's hands were tied in terms of the National Planning Policy and Joint Core Strategy in relation to agricultural buildings and, should Members refuse the application, any subsequent appeal would be lost, as such, she felt there was no option but to permit the application and she was making that proposal with a heavy heart. Upon being taken to the vote, it was

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

**18/01239/FUL – Land Adjacent to Hucclecote Road and Golf Club Lane**

- 78.19 This application was for the erection of 166 new homes, including 40% affordable housing provision, 163 square metres of flexible commercial/community uses (A1, A2, A3, A4, A5, B1 and D1) public open space and associated infrastructure.
- 78.20 The Planning Officer advised that an objection had been received that morning from the solicitor of a manufacturer which was located opposite Golf Club Lane setting out concerns in relation to the additional noise report which had been referenced as a 'joint' noise survey report in the Additional Representations Sheet, attached at Appendix 1, which was misleading as this had not been approved by the manufacturer. A request had been made to defer the application in order to resolve these issues. In light of the Officer recommendation for a delegated permission as set out in the Additional Representations Sheet, the Planning Officer advised that there would be an opportunity for the local planning authority to liaise with the applicant and the manufacturer to ensure there was agreement on the noise levels, to establish whether mitigation was required and re-consult the Environmental Health Officer; therefore, the recommendation remained unchanged aside from an amendment to include continued consultation with the Environmental Health Officer regarding potential noise.
- 78.21 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the application provided a valuable opportunity to finally complete the last piece of the jigsaw at the Brockworth District Centre and would see a longstanding vacant parcel of unsightly brownfield land comprehensively developed to provide a contemporary high-quality scheme of 166 new homes in a highly sustainable location at the heart of Brockworth. The development would also provide 67 much-needed affordable homes and 163 square metres of flexible commercial or community uses that would complement the District Centre. The scheme incorporated landscaped avenues and key open spaces as well as the retention of the existing pedestrian access that ran through the site. At the gateway to the site was a large area of public open space that would incorporate outdoor fitness equipment as well as a children's play area. The open space within the development would also benefit from natural surveillance along with CCTV and would enjoy the benefit of wi-fi hotspots. Electric charging points would also be provided within the development. The scheme before Members represented the culmination of months of collaborative working with both the Borough Council and the County Council, and engagement with Brockworth and Hucclecote Parish Councils, and the applicant's agent thanked Officers for their time and involvement to date. In terms of the principle of this development, the site benefited from a long-

standing allocation and was therefore firmly supported by the development plan, as set out in the Committee report. The principle of this development had also been established through previous permissions on the site over the years. As referenced in the Officer report, the mix of homes proposed was acceptable, as was the affordable housing provision. In terms of noise, the applicant's agent confirmed that he had seen the late representation from the manufacturer and indicated that an appropriate assessment had been submitted and considered by the Environmental Health Officer who felt that noise was acceptable. In summary, there were considerable social, economic and environmental benefits that would arise from this development and no overriding harms had been identified. Therefore, Members were asked to determine the application in line with the Officer recommendation.

78.22 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to the addition of/amendments to planning conditions/obligations; continuing consultation with the Environmental Health Officer in relation to noise mitigation; re-consultation with Natural England and securing any necessary mitigation measures; and the completion of planning obligations to secure the Heads of Terms in relation to 40% affordable housing, securing an on-site Local Equipped Area for Play (LEAP) in line with Fields In Trust specifications and negotiating and securing Section 106 payments in response to requests from the Highway Authority where necessary and appropriate, 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 was pleased to note there was no objection from the Parish Council and felt this was in no small part due to close working between the applicant and Officers which was great to see. A Member welcomed the development in principle but was appalled with the design, as set out on the elevation plan at Page No. 762/B of the Officer report, which he felt was very dated and out of keeping with the area and more akin to accommodation found within city centres, therefore, he could not support the proposal. The Technical Planning Manager explained that the site was located opposite the rear of the Tesco store which already contained three/four storey blocks of flats, as such, this development would fit in with this particular site and had been designed well to reflect existing properties.

78.23 Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the addition of/amendments to planning conditions/obligations; continuing consultation with the Environmental Health Officer in relation to noise mitigation; re-consultation with Natural England and securing any necessary mitigation measures; and the completion of planning obligations to secure the Heads of Terms in relation to 40% affordable housing, securing an on-site LEAP in line with Fields In Trust specifications and negotiating and securing Section 106 payments in response to requests from the Highway Authority where necessary and appropriate.

**19/00006/FUL – 1 Down Hatherley Lane, Down Hatherley**

78.24 This application was for erection of a detached dwelling and associated works.

78.25 The Planning Officer advised that, since the publication of the Committee papers, one further objection had been received in relation to the application from a local resident reiterating concerns they had raised previously which had been addressed in the Officer report. Also, Page No. 768, Paragraph 5.26 of the Officer report, stated that Natural England considered the development could have a potential significant impact on the Cotswold Beechwoods Special Area of Conservation and had requested that the Council carry out an appropriate assessment of the proposed

scheme and associated safeguarding measures. Members were advised that an appropriate assessment had been carried out and sent to Natural England for its comments and no objection had been raised, subject to appropriate mitigation. It was recommended that a residents' information pack, highlighting the sensitivity of the Cotswold Beechwoods Special Area of Conservation, be made available to future occupants. As such, the Officer recommendation had been amended to delegate authority to the Technical Planning Manager to permit the application, subject to the planning conditions as set out at Pages No. 768 and 769 of the Officer report and an additional condition to secure mitigation measures requested by Natural England.

- 78.26 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Technical Planning Manager to permit the application, subject to the planning conditions as set out at Pages No. 768 and 769 of the Officer report and an additional condition to secure mitigation measures requested by Natural England, 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 and, 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 planning conditions as set out at Pages No. 768 and 769 of the Officer report and an additional condition to secure mitigation measures requested by Natural England.

**18/01285/APP – Land North of Innsworth Lane, Innsworth**

- 78.27 This was an approval of reserved matters application (access, appearance, landscaping, layout and scale) comprising Phase 1 of outline planning permission ref: 15/00749/OUT for the erection of 253 dwellings with associated infrastructure.
- 78.28 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that a number of consultation responses had been received following the submission of revised plans. She confirmed that the revised plans had satisfactorily addressed the previous concerns of the Urban Design Officer, subject to the addition of a materials schedule condition, and the Landscape Consultant, subject to the submission of an appropriate planting schedule; the latter had duly been submitted for consideration and was currently being assessed by the Landscape Consultant. No objection responses had been received by the Flood Risk Management Engineer or Natural England. The County Highways Officer was currently considering the revised layout and accompanying engineering drawings but had provided email confirmation in the interim that the revisions and additional information provided by the applicant was likely to have satisfactorily addressed their previous concerns. Additional representations had also been received from Innsworth Parish Council, as set out within the Additional Representations Sheet, requesting that the application be deferred on the grounds that highways and drainage infrastructure had not been finalised. She drew attention to Page No. 783, Paragraph 10.1 of the Officer report which stated that a drainage strategy for the entire site had been approved pursuant to Condition 21 of the outline permission. This had been assessed by the Lead Local Flood Authority and no objection had been raised allowing the condition to be discharged. The drainage details submitted pursuant to the current phase one application were considered by the Council's Flood Risk Management Engineer to align with the site-wide drainage strategy and no objection was raised. Whilst the County Highways Officer was still giving consideration to the revised plans, he had provided an initial view that the revisions were likely to satisfactorily address the concerns and Officers considered that the outstanding highways matters could be addressed through appropriate planning conditions. The Parish Council had also raised concerns regarding the current status of the site-wide masterplan document submitted in

relation to Condition 8 of the outline planning permission. Following detailed discussions with Officers, that document had been formally approved and, as set out within Pages No. 775-776, Paragraphs 4.2 and 4.3 of the Officer report, established a template of principles and design parameters which the subsequent phases of development must follow. In addition, following a meeting between Planning Officers, the Innsworth and Churchdown Parish Steering Group and their appointed planning consultant, various policies of the emerging Neighbourhood Development Plan had been highlighted for discussion by the Steering Group. As a direct result of those discussions, requested elements such as additional fruit and orchard tree planting had been incorporated into the wording of the site-wide masterplan document which would subsequently shape development of the entire site. Officers considered that such requirements could be further secured via appropriate planning conditions. As such, the Officer recommendation remained as a delegated approve, as set out within the Additional Representation Sheet.

- 78.29 The Chair invited the representative from Innsworth Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council wished to request that the application be deferred. The Lead Local Flood Authority letter dated 31 January 2019 made it very clear that the application should not go ahead without a phase by phase sustainable drainage system and stated that the Lead Local Flood Authority required, as a minimum, a detailed drainage strategy and design, incorporating assessment of the hydrological and geological context of the site and evidence that a sustainable drainage system hierarchy had been considered. The Parish Council acknowledged that highway and drainage infrastructure arrangements were in place for the whole site, not phase by phase. Furthermore, the Gloucestershire County Council archaeological survey report had not been included for consideration within the Committee papers and the Parish Council had also been unable to find information on pollution control which was also the responsibility of the County Council. Sustainable drainage systems were the responsibility of the local planning authority and the Parish Council wished to refer the Committee to Policy INF2 of the Joint Core Strategy, which was also not included in the papers. The Planning Inspector's decision, and subsequent approval by the Secretary of State, stated that the masterplan showed that the allocated sites, which consisted of the appeal site and the Twigworth appeal site, would be integrated but without the A38 link to the A40 this would not be the case. The Parish Council referred to Tewkesbury Borough Council's legal submission to the Inspector which set out that there would be a knock-on effect if flows of water were re-directed out of their natural courses and this issue had already been raised at Executive Committee and Council meetings without satisfactory response. Approval of reserved matters would be dealt with in phases and the chance of losing overall co-ordination was great. Application 16/00853/FUL in relation to Land North of Longford Lane, which had been agreed by the Planning Committee on 11 April 2017, was in fact part of Innsworth Parish yet there had been no consultation with Innsworth Parish Council and it appeared that all Section 106 and Community Infrastructure Levy allocation had gone to Longford Parish Council – more importantly, this part of the parish was in isolation from the existing, and soon to be expanded, parish of Innsworth. The final comment the Parish Council wished to make was in relation to density; the density of the aforementioned phase had been increased by 25 – if this was allowed to happen on all seven phases, this would equate to more than 380 additional houses. For all of these reasons, Innsworth Parish Council wished to request that the application be deferred until the Planning Committee was able to make a fully informed decision.
- 78.30 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that the developer had purchased the entire residential element of the Innsworth development in late 2018 and was aiming to deliver all 1,300 dwellings directly. The application before the Committee was for the first 253 residential dwellings with associated access arrangements and it did not

contain any of the associated public open space or community facilities as set out in the Section 106 Agreement; if this application was successful, additional applications would be submitted in the coming weeks to address the public open space and wider community uses. He acknowledged the requests to consider additional community elements which, unfortunately, had already been agreed, but indicated that the developer would look to engage further on the landscaping applications which would follow. He went on to explain that, of the 253 dwellings proposed, 91 – approximately 36% - would be affordable housing in accordance with the Section 106 Agreement and those units were evenly distributed across the application area. The proposals had been developed in accordance with the recently approved site-wide masterplan document which had been produced in consultation with Officers in order to deliver a very strong design solution. The design principles which had been agreed would create a distinctive community that would benefit from strong connectivity to the existing settlement. Regular discussions were held with Gloucestershire County Highways and he was pleased to confirm that all outstanding concerns had now been addressed. Standard roads were now 5.5m wide, which would allow for plenty of on-street visitor parking, whilst consideration had been given to future access for the on-site school. The amount of parking had been a key consideration in the evolution of the scheme and he confirmed that the development would deliver over 600 parking spaces for 253 dwellings; all four bed dwellings would benefit from a minimum of three spaces, three bed dwellings would have a minimum of two spaces and so on, resulting in an average of 2.4 spaces per dwelling across the entire development. He advised that a second reserved matters application was addressing site-wide infrastructure, including the site-wide drainage. This application was connected to these proposals and would be determined by the local planning authority over the coming weeks and months. With regard to Condition 26, the detailed surface water drainage strategy had been discharged the previous week and proposals had been prepared in accordance with the approved documents. He explained that a public consultation event had been held prior to the submission of this planning application to inform local residents of the emerging proposals and aspirations. He provided assurance that, once this application had been determined, the developer would continue to engage with residents by way of regular resident forums to provide further updates on progress. He pointed out that this scheme would host the developer's northern training academy which worked with Cheltenham and Gloucester College of Higher Education to train up to 20 trade apprentices per year who would then be given the opportunity to advance into full-time employment with the developer.

- 78.31 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that the Additional Representations Sheet, attached at Appendix 1, demonstrated that the application was not ready and, in his view, the proposal was premature and should be deferred. The development was too important to delegate potential revised plans to satisfactorily address any outstanding matters. His main concern related to condition 12 which the Secretary of State had set at appeal and stated that no development should take place within any phase pursuant to condition 7 until a written scheme of investigation had been submitted to, and approved in writing by, the local planning authority and that the scheme should include an assessment of significance. In the report, the Secretary of State stated that he was satisfied that the conditions recommended by the Inspector complied with the policy test set out at Paragraph 206 of the National Planning Policy Framework and that the conditions set out in Annex B should form part of his decision. The Inspector's report stated that the site contained a number of interesting archaeological features which should be taken into account. The local planning authority was not able to sign-off condition 12 in relation to archaeology until a report on the results of the work had been compiled and therefore it had not been fully discharged at this stage. With that in mind, he pointed out that the Officer report set out there had been no observations from the County Archaeologist; however, the local Ward Member had received emails from the County

Archaeologist that highlighted the significance of the find so far and gave a hint at potential national significance. He made reference to a statement dated 10 January which said that the archaeological programme being undertaken by Oxford was in progress and was revealing extensive and widespread archaeological remains dating to the prehistoric and roman periods. On 11 January, regarding the procedure for post excavation work, he had stated that the archive of records and finds would be assessed to gain an understanding of the appropriate level of further analysis; proposals for the further analysis would then be agreed and implemented and a detailed report on the results would be compiled and published. In summary, he asked the Committee to defer the application until Condition 12, set by the Secretary of State, was fully discharged as it was not possible to understand the full significance of the finds without it; this would ensure that something with potential national historic significance was not buried and would prevent the site layout having to be re-done in order to accommodate such a find.

- 78.32 With regard to the Parish Council's comments about density and the potential increase in housing numbers, the Technical Planning Manager clarified that the housing numbers were dictated by the outline planning permission and, whilst there was a higher density on this particular part of the site which was closest to the existing houses, density was likely to be less towards the edge of the site and it would not increase the total number of houses on the site. He reminded Members that archaeology was covered by Condition 12 of the outline planning permission; it was not one of the reserved matters and did not prevent this application from being approved.
- 78.33 A Member expressed the view that it would be beneficial for developers to meet with the steering group which had been established by Churchdown and Innsworth Parish Councils and she asked if that could be considered. She noted that the Parish Council representative had made reference to this being the second phase of the development and she sought clarification as to which phase this application related to. The Technical Planning Manager confirmed that Officers had spoken to the applicant regarding the steering group and the applicant's representative had referenced a residents' forum in his speech. Whilst it could not be a condition of the planning approval, Officers would be more than happy to discuss with the applicant the possibility of setting up something more formal specifically with the steering group should that be considered necessary. The Planning Officer clarified that this was phase one of the development for 253 dwellings and she was unsure where the reference to phase two had come from.
- 78.34 The Chair indicated that the Officer recommendation was to delegate approval to the Technical Planning Manager, subject to the conditions as set out in the Additional Representation Sheet, and subject to a satisfactory response from the County Highways Officer; revised plans which satisfactorily addressed any outstanding matters concerning highways/detailed design/layout; and any other additional/revised conditions which may be required, and he sought a motion from the floor. It was proposed and seconded that the application be deferred. The proposer of the motion indicated that she did not feel there was adequate information in the Committee papers for Members to make a fully informed decision, in particular there were no elevation or streetscene plans. In her view, the application was premature and should not be rushed through. The seconder of the proposal shared the concerns about the lack of information in the Officer report. He referred to the letter from the Lead Local Flood Authority dated 31 January which stated that sustainable drainage systems should be considered phase by phase and reiterated the comments made by the local Member in relation to the archaeological report.
- 78.35 The Technical Planning Manager advised that it was always a matter of judgement as to how much information was included in the Committee papers; however, all of the information pertaining to the application was available on the Tewkesbury

Borough Council website. If Members felt they did not have enough information there was an opportunity to speak to Officers prior to the Committee meeting and they would ensure it was provided. Officers had worked closely with the applicant at the pre-application stage, and throughout the application process, and they considered that it was ready for Committee determination. Should Members be minded to defer the application, he would be happy to discuss specific issues with them; however, he stressed that a number of issues raised were simply not reserved matters considerations and it would be unreasonable to defer the application on that basis. He clarified that part of the archaeological condition in the outline application had been approved and this set the process for what would happen going forward; there was a procedure should a significant historical discovery be made on the site but there was no suggestion at this stage that there would be an internationally important find so this was not an appropriate reason for deferral.

- 78.36 The proposer of the motion to defer the application continued to be of the view that applications should come to the Committee with all of the information required for Members to make an informed decision and she did not feel this was the case in this instance. In terms of setting up a residents' forum, she raised concern that it would be for the new residents who purchased the dwellings and not for the existing community which was what had been requested. The Head of Development Services reiterated that the Committee received the papers for the meeting in advance and any additional relevant information received following the publication was included on the Additional Representations Sheet or displayed on the screens at the meeting. It was clearly not possible to include every plan for every application but further information could be provided should Members feel it necessary. She reiterated that this was a strategic allocation site which had been granted outline planning permission through the appeal process and stressed that archaeological considerations were not relevant to the reserved matters application – there was a remedy in the event of a significant discovery and it should not prevent this application from being determined. With regard to community engagement, she provided assurance that this was across the board – for existing residents and businesses as well as new people – and she reminded Members that there had been significant consultation in respect of all strategic allocation sites within the Joint Core Strategy.
- 78.37 During the debate which ensued, a Member drew attention to Condition 2 and indicated that there had been no discussion about the potentially harmful impact on air quality. Another Member raised concern about delaying the determination of the application without a clear indication of the matters that Members felt required further information. The proposer of the motion clarified that she wished to defer the application in order to receive a site layout plan, drainage details, elevations and streetscene plans and details of parking and access (including for refuse collection vehicles). She reiterated her concern that the application was being rushed through and questioned whether it would be unreasonable not to determine the application by this point. In response, the Technical Planning Manager advised that there had been no suggestion of an appeal and he clarified that the references to the Inspector made by various speakers were in respect of the outline planning permission; whilst a non-determination appeal was a risk, he felt it would be unlikely in this context. He went on to explain that Officers were trying to deliver the planning permissions that had been granted and this application was at a stage where it was felt that could be done; Members may, of course, take a different view. Whilst there had been no change in practice or procedure in terms of the information that was made available to Members, if the Committee felt it did not have enough detail to determine the application then it was within its gift to defer. The seconder of the motion pointed out that access onto Frogfurlong Lane had been ruled out at appeal but now seemed to be acceptable. He indicated that the Committee had not had an opportunity to visit the application site and, given that this was the first of seven phases, he felt that the Committee should exercise its right to take a look as part of

the deferral. A brief debate ensued around the fact that there were Borough Council elections taking place on 2 May 2019 and therefore the Committee membership would have changed before the next scheduled Planning Committee Site Visit and the Legal Adviser clarified that this was not relevant to the decision - Members needed to consider whether they had enough information to determine the application or if it was necessary to have a site visit to make a determination. The proposer and seconder of the motion indicated that they would like to make an amendment to the proposal to defer the application to include a Committee Site Visit and, upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** for a Committee Site Visit and in order to receive further information in respect of the application, specifically, a site layout plan, drainage details, elevations and streetscene plans and details of parking and access (including for refuse collection vehicles).

#### **19/00179/CLE – 1 New Kayte Cottages, Southam Lane, Southam**

78.38 This was a certificate of lawful use application for continued residential use of the dwelling in breach of agricultural occupancy condition (Condition G of planning permission T.6113/A/AP).

78.39 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant the certificate and he sought a motion from the floor. It was proposed and seconded that the certificate be granted in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** To **GRANT CERTIFICATE** in accordance with the Officer recommendation.

#### **PL.79 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

79.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 23-27. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

79.2 It was

**RESOLVED** That the Current Appeals and Appeal Decisions Update be **NOTED**.

The meeting closed at 12:05 pm

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 18 April 2019

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	
723	2	<p><b>19/00128/FUL</b></p> <p><b>Oldbury Car Park, Oldbury Road, Tewkesbury,</b></p> <p>The applicant has submitted a 'Noise Management Plan' (<b>attached</b>) and has also confirmed that the Market will not run on the Spring Gardens car park concurrently with Oldbury Car park.</p> <p><b>The following additional comments have been received:</b></p> <p><b>Environmental Health officer</b> - No objections, the Noise Management Plan is acceptable. Recommends condition to ensure the recommendations within the Noise Management Plan are followed.</p> <p><b>Highways Officer</b> - The applicant, Tewkesbury Borough Council, has confirmed that the proposed open-air retail market will operate on the same days as the existing (Wednesday &amp; Saturday), the current set up time is 4.30am but this will change slightly to 6.00am for the new site. Operating times will remain the same 8am until 4pm. The applicant has also confirmed that any future markets / events will not be held in the Spring Gardens Car Park and the Oldbury Road Car Park on the same days or at the same times. No Highway objection.</p> <p><b>Tewkesbury Town Council</b> - The Town Council is dismayed that it was not alerted to the existence of any response to its request for information regarding this application. As a result, it has not had the opportunity to make constructive comments.</p> <p>The Town Council is further dismayed to read the recommendation of officers, in favour of a delegated permit, when it is not clear that the legitimate concerns expressed in several letters of representation have been fully addressed.</p>

738	6	<p><b>18/01239/FUL</b></p> <p><b>Land Adjacent To Hucclecote Road And Golf Club Lane, Brockworth</b></p> <p><b>Residential Amenity and Noise</b></p> <p>A Joint Noise Survey Report prepared by Clarke Saunders Acoustics (acting on behalf of Edenstone Homes), in collaboration with Graham Rock (Invista Noise Consultant) has been received.</p> <p>A joint noise survey was undertaken overnight from 21st - 22nd March to specifically study only noise emissions from the Invista site. In addition Clarke Saunders Acoustics was given an accompanied tour of the western areas of the Invista site to gain a more in depth understanding of various noise sources that could affect new development. Expected future developments currently being planned by Invista, including the introduction of new plant, were also discussed.</p> <p>The report advises that the known noise sources that potentially affect the proposed development site include a large plant room with associated fans located high up in the factory building. At a lower level, noise sources include air handling plant, a power generator with associated cooling fans and materials storage silos generating mechanical noise.</p> <p>The survey report accepts that there is a degree of uncertainty but estimates that the cumulative noise level from Invista noise sources at the nearest new proposed dwelling would be in the order of 48Db(A). Night-time noise levels (when Invista noise sources are likely to be most recognisable since other sources such as road traffic are at their lowest) measured during the initial noise survey indicated a noise level of around 49dB(A) at the nearest dwelling. This suggests that whilst noise from the Invista site is audible at times, it cannot be said to dominate the overall noise levels and is one of a number of contributory elements.</p> <p>The report advises that the findings are consistent with a low probability of complaints from residents of new dwellings near the eastern boundary of the development site due to noise emissions from the Invista plant, when considered in the context of the general noise climate in the area.</p> <p>The report also advises that the introduction of new residential receptors could have the effect of introducing an additional constraint on noise generating activities at the western end of the Invista site, and it is appropriate to consider the potential for this constraint in relation to the factories anticipated development. Invista has recently installed a combined heat and power (CHP) unit, the noise output from which has been tested and confirmed to be acceptable. A second, unit is understood to be proposed, likely to be smaller in duty than the first, and not to require the heat recovery function. Both Clarke Saunders Acoustics and Graham Rock have reviewed this proposal, and the site likely to be adopted (where some of the polymer silos currently stand) and confirmed that the noise control requirements for this plant will be similar, in relation to both existing and the proposed noise sensitive receptors, and not unduly onerous.</p> <p>Environmental Health has subsequently been re-consulted on the application and have considered the report and advise that:</p> <p><i>The additional noise statement / assessment submitted by Graham Rock and Ed Clarke concludes that although noise from the Invista factory storage silos would be audible at some of the proposed dwellings the likelihood of complaints, given the general noise climate in the area and their non-continuous operation, would be low. Therefore I have no objection to the application in terms of noise adversely impacting future residents.</i></p>
-----	---	---

*The noise mitigation measures recommended in the noise assessment (dated 16 January 2019) relating to acoustic garden boundary fencing, glazing and ventilation should be implemented.*

#### **Highways Authority**

Discussions have been ongoing in respect to the proposed conditions requested by the Highways Authority. However, since the preparation of the Committee Report, the Highways Authority has also indicated that a S106 obligation may be required for Gloucestershire County Council to undertake private works, contribution for Guard Railing amendments and towards a Local Walking and Cycling assessment report. The recommendation to Committee has been amended to reflect these potential requests.

#### **Wales and West Utilities**

A consultation response has been received from Wales and West Utilities advising that Wales & West Utilities have pipes in the area and that the applicant must not build over any plant or enclose apparatus.

#### **Habitats Regulation Assessment**

The preparation of the Habitat Regulation Appropriate Assessment and Screening is ongoing.

#### **Additional Submissions by Applicant**

The applicant has provided additional information on the materials of the proposed apartment block indicating that the external materials of the block would comprise of brick, cladding and render. Officers consider the materials acceptable and it is recommended that condition 6 is revised to reflect the submission

Additional information in respect to levels and waste management has also been received and the submissions and will be considered and re-consulted upon where necessary.

#### **Recommendation**

In light of the above and the potential S106 request from the Highways Authority, the recommendation has been altered to:-

**It is recommended that permission is delegated to the Technical Planning Manager subject to the addition of/amendments to planning conditions/obligations; re-consultation with Natural England and securing any necessary mitigation measures; and the completion of planning obligations to secure the following heads of terms:**

- 40% affordable housing
- Securing an on-site LEAP in line with Fields In Trust specifications
- Negotiating and securing S106 payments in response to requests from the Highways Authority where necessary and appropriate.

771	8	<p><b>18/01285/APP</b></p> <p><b>Land North of Innsworth Lane, Innsworth</b></p> <p><b>Further Representations</b></p> <p>The following additional representations have been received in respect of the Reserved Matters application:</p> <p><b>Flood Risk Officer</b> - No objection and no further observations or comments to make.</p> <p><b>Natural England</b> - No objection - Considers that the proposed development would not have significant adverse impacts on the designated sites. Natural England has provided advice in the form of an 'informative' in order to ensure that any approval takes account of delivering a suitable design for the site's sustainable drainage systems (SuDS).</p> <p><b>Landscape Consultant</b> - The Landscape Consultant has advised that there should be no access gates proposed, leading from the private driveways of the new housing, onto the adjoining public open space as this would allow/encourage the public to exit the public open space onto someone's private drive. The gates indicated should therefore be removed from the plan. A revised layout plan has been submitted on 16.04.2019 in order to address this issue. The revised layout shows the previously proposed gateways removed and the accompanying email from the developer indicates that alternative appropriate access points to the public open space would be provided. The revised layout is considered acceptable by the Landscape Consultant.</p> <p>The Landscape Consultant also requested a planting schedule to accompany the scheme. This has duly been submitted on 16.04.2019 and is currently being reviewed by the Landscape Consultant. Officers consider that the planting schedule can be appropriately secured by the imposition of a planning condition;</p> <p><b>Urban Design Officer</b> - The Urban Design Officer has reviewed the revised layout and materials specification plans, together with the house-type elevations and floor plans received on 10.04.2019 and has raised no objection. However, the Urban Design Officer considers that some of the walling and roofing materials proposed for the scheme are not acceptable and has suggested suitable alternatives. Officers consider that the imposition of a 'materials schedule' condition, would allow appropriate materials to be secured, in line with the Urban Design Officer's recommendations.</p> <p><b>County Highways Officer</b> - The County Highways Officer has advised the following in respect of the revised layout plans received by the local planning authority on 10.04.2019;</p> <p>In principle, the revisions are supported and the layouts for the links and cul-de sacs are acceptable. The shared space proposed is acceptable and the raised kerbs can be changed so as to be flush and have the footway at grade. Gateway paving is considered important by the County Highways Officer to ensure partially sighted users can identify where the shared space terminates. In-curtilage spaces should be rounded up to the next whole number and visitor spaces should be provided at a rate of 1 space per 5 dwellings.</p> <p>Officers consider that the required gateway paving and parking spaces, as mentioned above, can be secured via suitable planning condition, in addition to any further highways conditions requested by the County Highways Officer, following their detailed considerations/assessment of the revised layouts.</p>

**Innsworth Parish Council** - Further representations have been received on 12.04.2019 from Innsworth Parish Council:

- The Council considers that it would be premature to approve the application at this time and requests a deferral for the following reasons;
- Drainage infrastructure matters have not yet been finalised;
- The Site Wide Masterplan has not yet been approved;
- The Churchdown and Innsworth Neighbourhood Plan has recently been submitted to the Borough for Reg 16 consultation. The Council asks that the policies within the Neighbourhood Plan be taken into account, even though the planning application is at an advanced stage. Changes could be made for example, to provision for wildlife or choice of materials for construction. A deferral of say, one month, would allow the Case Officer to report back on how it has been taken into account.

### **Suggested Conditions**

The following conditions are recommended in respect of the application, in addition to any further conditions which may be required/recommended, including those by the County Highways Officer once they have had the opportunity to conclude their detailed assessment of the revised plans;

1. Development hereby approved shall be implemented in accordance with the plans, documents and details set out on the approved Planning Application Documents list, in order to clarify the terms of the approval.
2. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until a materials schedule of all external walling, roofing and hard landscaping materials proposed to be used have first been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the schedule so approved.
3. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until the design and details of the doors and windows (external joinery - including finished colour) have first been submitted to and approved in writing by the Local Planning Authority. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding details at full size. The works and fitted joinery shall be carried out in accordance with the approved details.
4. Notwithstanding the submitted plans, no works above the floor plate level of any dwelling shall be commenced until the details of the location, elevations and materials of all boundary treatments are first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.
5. Development hereby approved shall be implemented in accordance with a detailed Planting Schedule, which shall be submitted and approved in writing by the LPA, prior to occupation of the first dwelling. All planting, seeding or turfing in the approved details of landscaping and associated planting schedule shall be carried out in the first planting and seeding seasons following the occupation of the buildings(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

		<p>the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><b>Revised Recommendation</b></p> <p>Following the receipt of the formal response of the Flood Risk Officer, in which no objection to the scheme has been raised, and the submission of a revised layout plan which satisfactorily addresses the Landscape Consultant's concerns regarding proposed means of access to the adjoining public open space, the officer recommendation has been revised as follows:</p> <p>It is recommended that authority be <b>delegated to the Technical Planning Manager to Approve the application subject to the above conditions and subject to a satisfactory response from the County Highways Officer; revised plans which satisfactorily address any outstanding matters concerning highways/detailed design/layout; and any other additional/revisions to conditions which may be required.</b></p>
--	--	--

Item 2 - 19/00128/FUL Oldbury Car Park, Oldbury Road, Tewkesbury

## Tewkesbury Open Air Retail Market

### Noise Management Plan

April 2019

#### 1 INTRODUCTION

- 1.1.1 This Noise Management Plan outlines the methods by which Cotswold Markets will systematically assess, and minimise the potential impacts of noise generated at the Oldbury Road car park site when operating the outside retail market.
- 1.1.2 The Noise Management Plan is a working document with the specific aim of ensuring that:
- Noise is primarily controlled at source by good operational practices, including physical and management control measures.
  - Noise generated by the market is not a nuisance to nearby residential properties or patrons of the market.
- 1.1.3 This plan considers the impact of noise from normal market activities, setting out the mitigation measures that will be implemented in order to control and minimise noise from the market. Onsite monitoring procedures will be put in place to identify elevated noise levels, investigate complaints, and ensure that mitigation measures are in place. The complaints management procedure including the management responsibilities are also addressed within this plan.

#### 2 Sources, releases and impacts

- 2.1.1 Sources of noise generated on the site are limited to the following activities
- Setting up of the market stalls
  - General operation of the market
  - Removal of the market
- 2.1.2 As not all of the sources of noise mentioned above are continuous, the source of noise may vary throughout the day.
- Noise from the set up will be between 0630hrs to 0900hrs on a Wednesday and Saturday morning. *Noise will be intermittent and generated by vehicles moving onto the site and the setup of the market stalls.*
  - General operation of the market operating between 0830hrs to 1600hrs on a Wednesday and Saturday. *Noise will be low level and continues through this period*
  - Removal of the market at the end of the day's operation between 1530hrs and 1730hrs on a Wednesday and Saturday. *Noise will be intermittent and generated by vehicles moving off the site and the removal of the stalls*

#### 3 NOISE CONTROL MEASURES

##### 3.1 General

- 3.1.1 The broad range of mitigation measures and controls are set out below.

### **3.2 SITE MANAGEMENT RESPONSIBILITY**

- 3.2.1 The Cotswold Market supervisor or designated responsible person will have responsibility for ensuring that noise resulting from normal market activities is kept to a minimum and does not cause a nuisance to nearby residential properties or patrons. The supervisor or responsible person shall keep the plan under review and be responsible for current and new mitigation measures being communicated with the operators stall holders.

### **3.3 PHYSICAL CONTROLS**

- 3.3.1 A minimum range of physical control measures will be used on site and must include:
- Any generators on site shall only be used once they have received approval from the Market Supervisor or Responsible Person. Approval shall be based on both noise output and location.
  - Any generators used on site shall be designed or adapted to be considered "low noise" generators.
  - All stalls that use generators must be located adjacent to Station Street furthest from the residential properties
  - Vehicles used during the set up must have white noise reversing alarms
  - During the set up operatives must only communicate at normal levels
  - 3m x 3m pop up market stalls are to be used and not the traditional steel framework system to reduce noise during set up

### **3.4 MANAGEMENT CONTROL MEASURES**

- 3.4.1 A minimum range of management control measures will be implemented on site and must include:
- All generators to be regularly maintained to ensure no excessive noise.
  - Where a generator develops a fault resulting in increased noise levels then this generator will be replaced with another approved generator at the earliest possible opportunity
  - Site set up staff will be made aware that they are working in the immediate vicinity of residential properties and should avoid all unnecessary noise due to the misuse of tools and equipment and must avoid shouting
  - During the set up and take down period vehicles must not be left running unnecessarily
  - No amplified sound should be used at any time and this includes the use of vehicle radios.

## **4 NOISE CONTINGENCY MEASURES**

### **4.1 Introduction**

- 4.1.1 Elevated levels of noise may be identified either by receipt of a noise complaint from a third party suggesting there is excessive noise or the supervisor detects noise as a result of the routine monitoring

## **4.2 Noise Complaint Investigation**

4.2.1 A site diary of complaints will be maintained by the market operator

4.2.2 A customer care and complaints procedure will be implemented and will deal with all complaints, feedback and requests made by third parties regarding the operation of the market

4.2.3 Cotswold Markets will ensure that:

- The complaint is investigated to identify the cause, if necessary this may involve direct communication with the complainant
- In the event of 'abnormal' site activity is detected the relevant action must be taken to prevent a reoccurrence. This action must be documented
- The complainant will be contacted and given information on the investigation conducted and the actions taken as appropriate