

TEWKESBURY BOROUGH COUNCIL

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

Present:

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

and Councillors:

R A Bird, G F Blackwell, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines,
M J Williams and P N Workman

also present:

Councillors G J Bocking, C M Cody, M Dean, P D McLain, C Softley and S A T Stevens

PL.3 ANNOUNCEMENTS

- 3.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 3.2 The Chair gave a brief outline of the scheme and procedure for Planning Committee meetings including public speaking.

PL.4 DECLARATIONS OF INTEREST

- 5.1 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.
- 5.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R D East	19/00192/FUL Land on the East Side of Broadway Road, Stanway.	The applicant's brother is known to him.	Would not speak or vote and would leave the Chamber for consideration of this item.

M A Gore	18/01272/FUL Lower Langley Farm, Langley Road, Winchcombe.	Has a business association with a close family member of the applicant.	Would not speak or vote and would leave the room for consideration of this item.
M A Gore	18/01256/FUL Land to the East of Aldebaran Road, Alstone.	Had discussed the application at length with various interested parties, including the Parish Council.	Would not speak or vote and would leave the room for consideration of this item.
M L Jordan	18/01284/APP Land North of Innsworth Lane, Innsworth. 18/01285/APP Land North of Innsworth Lane, Innsworth.	Is a Member of Churchdown Parish Council and was present at the time the applications had been discussed.	Would not speak or vote and would leave the room for consideration of this item.
J R Mason	18/01272/FUL Lower Langley Farm, Langley Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P W Ockelton	18/01284/APP Land North of Innsworth Lane, Innsworth. 18/01285/APP Land North of Innsworth Lane, Innsworth.	Had been involved in discussions in relation to the applications but had not expressed an opinion.	Would speak and vote.
P W Ockelton	General declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
R J G Smith	18/01284/APP Land North of Innsworth Lane, Innsworth. 18/01285/APP Land North of Innsworth Lane, Innsworth.	Is a Member of Churchdown Parish Council and was present at the time the applications had been discussed.	Would not speak or vote and would leave the Chamber for consideration of this item.

R J E Vines	19/00444/FUL Wenallt, Badgeworth Lane, Badgeworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
M J Williams	18/00173/FUL Land Adjacent to The Swan, Tewkesbury Road, Coombe Hill.	The applicant is known to him.	Would not speak or vote and would leave the room for consideration of this item.

5.3 There were no further declarations made on this occasion.

PL.5 MINUTES

6.1 The Minutes of the meeting held on 18 April 2019 were approved as a correct record and signed by the Chair, subject to an amendment to Minute No. PL.78.7 in relation to 19/00128/FUL – Oldbury Road Car Park, Oldbury Road, Tewkesbury to the description: “change of use to a mixed use as a **public** car park and ~~use~~ for a weekly open air retail ~~market~~ **market** (Wednesday and Saturday)”.

6.2 The Minutes of the meeting held on 28 May 2019 were approved as a correct record and signed by the Chair.

PL.6 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

6.1 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.

18/01272/FUL – Lower Langley Farm, Langley Road, Winchcombe

6.2 This application was for change of use of land from agricultural to residential for the siting of a static home to provide carer’s accommodation in association with Lower Langley Farmhouse and associated garden area and provision of fencing (retrospective application). The Committee had visited the application site on Friday 14 June 2019.

6.3 The Planning Officer advised that the application related to a parcel of land on the southern side of Langley Road, Winchcombe which was located within the Cotswolds Area of Outstanding Natural Beauty and had been called-in to Committee by a Member in order to assess the impact on the landscape and possible special circumstances. The static home was located some 11 metres to the east of agricultural buildings associated with Langley Farm and some 93 metres to the east of Lower Langley Farmhouse. The site photographs showed the static home and the fencing surrounding its residential garden area in the context of the existing adjacent agricultural building. The static home accommodated the applicant and their partner who provided care and support for a family member living at Lower

Langley Farmhouse; whilst these personal circumstances had been put forward in support of the application, they did not constitute public benefits that could be taken into consideration in the overall balancing exercise in weighing the benefits of the development against the disadvantages. As set out within the Officer report, as a result of the location of the static home – well distanced from the existing dwelling at Lower Langley Farmhouse and its associated garden area, and the rooms which the static homes comprised – this was not considered to be ancillary to the existing dwelling and was therefore considered as a new independent residential dwelling. Given the Council's current position regarding its five year housing land supply, and the fact that the Council's policies for the supply of housing were currently considered to be out of date, the presumption should be that planning permission be granted unless there were adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole, or where the application of policies in the National Planning Policy Framework that protected areas of assets of particular importance provided a clear reason for refusing the development proposed - the National Planning Policy Framework identified Areas of Outstanding Natural Beauty as areas of particular importance. Whilst the Council could not currently demonstrate a five year supply of deliverable housing sites, the development as carried out conflicted with both the Joint Core Strategy and the Winchcombe and Sudeley Neighbourhood Development Plan. The development also did not accord with the environmental dimension of sustainability as set out in the National Planning Policy Framework which sought to manage patterns of growth to make the fullest possible use of sustainable modes of travel and local services, and to resist homes in the countryside unless there were special circumstances – the development did not involve any such circumstances as defined under Paragraph 79 of the National Planning Policy Framework. Given the location of the site, remote from the nearest amenities and facilities and on a road which was not attractive to walkers or cyclists, the development would place a high reliance on use of the car for travel which would not accord with the environmental dimension of sustainability. Furthermore, it was considered that the development had a negative impact on its rural setting and failed to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework. In conclusion, it was considered that these identified harms significantly and demonstrably outweighed the limited benefits to the scheme, as set out in the Officer report, and the application was therefore recommended for refusal.

- 6.4 The Chair invited the applicant's agent to address the Committee. The applicant's agent referred to the applicant's personal circumstances which explained the need for the static caravan. He noted that the application was recommended for refusal on the basis that it would be contrary to policy in terms of the principle of new housing in this location; would cause a presumed increase in car use; and would have a negative cumulative impact on the Area of Outstanding Natural Beauty. He explained that permanent use of the caravan may be contrary to planning policy and, whilst it was not possible due to the personal circumstances of the applicant, if the caravan was located on the other side of the yard in the curtilage of the existing dwelling it could be deemed as lawful ancillary accommodation and therefore acceptable. In terms of car use, allowing the applicant to live in the caravan would actually halve traffic movements by cutting out morning and evening travelling to the site. He pointed out that harm to the Area of Outstanding Natural Beauty over and above that caused by the existing range of buildings would be minimal as the proposed site was discreet and screened from the public realm through its location among an existing functional range of modern farm buildings and new planting. The Planning Officer's report set out that the government's planning policy guidance stated that a condition used to grant planning permission solely on the grounds of an individual's personal circumstances would scarcely ever be justified in the case of a permanent building but might, for example, result from enforcement action which

would otherwise cause individual hardship. He urged Members to consider the application pragmatically and use the powers at their disposal to assist the family in this instance.

- 6.5 A Member queried whether it was possible to grant a temporary planning permission for the static home. In response, the Technical Planning Manager advised that this would be unusual; however, should Members be minded to permit the application, it could be conditioned to limit the use to ensure it was occupied only by named individuals for the purposes put forward. Another Member indicated that a three year temporary planning permission had been granted on appeal for a mobile home in Southam and clarification was provided that this had related specifically to a gypsy and traveller site and therefore was an entirely different set of circumstances. Whilst it was within Members' gift to take personal circumstances into account, Officers' advice was that this would scarcely be justified. Although a temporary planning permission was not considered to be appropriate in this case, there were alternative ways to condition the application to prevent it from becoming an open market property. 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, subject to the inclusion of a condition to limit the use to named individuals for the specific purpose set out. The seconder of the motion expressed the view that, although there would be less impact if the caravan was sited in another location, there was a very valid reason for the location proposed and he felt that the personal circumstances should be taken into account in this instance. A Member raised concern at the distance of the caravan from the farmhouse, given the personal circumstances put forward; however, another Member pointed out that this was not a planning issue. A Member indicated that she would be keen to prevent the land from being sold in the future to someone who was not specifically named in the planning permission. The Technical Planning Manager confirmed that a condition could prevent occupation by anyone other than the applicant in order to provide care for the persons living in Lower Langley Farmhouse; this would mean that a further application would need to be submitted if the static home was to be occupied by anyone else and that would be dealt with at the time based on its planning merits. The Planning Officer advised that the applicant's agent had offered to paint the fencing green and to put planting around it in order to soften the impact and, should Members be minded to permit the application, she would also recommend conditions listing plans and to require details of the paint colour and the landscaping scheme to be submitted to the local planning authority. Upon being taken to the vote it was,

RESOLVED That the application be **PERMITTED** subject to conditions to prevent occupation by anyone other than the applicant in order to provide care for the persons living in Lower Langley Farmhouse, listing plans and to require details of the paint colour and landscaping scheme to be submitted to the local planning authority.

19/00192/FUL – Land on the East Side of Broadway Road, Stanway

- 6.6 This application was for retention of an agricultural barn and associated works (revised scheme 18/00449/FUL). The Committee had visited the application site on Friday 14 June 2019.
- 6.7 The Planning Officer advised that the application site comprised a parcel of land towards the north-west corner of a larger cultivated, open agricultural field, located on the eastern side of Broadway Road. A Member had requested that the application be brought to Committee in order to assess its impact on the Area of Outstanding Natural Beauty. Members were informed that planning permission had

been refused in September 2017 for an agricultural barn in this location which was proposed to be similar in size to the building that had been constructed on site. That application had been refused on the basis that it would have a harmful impact on the visual amenity of the locality and would fail to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty by reason of its size, scale and prominent location. Planning permission had subsequently been granted in August 2018 for the erection of a four-bay steel-framed hay storage barn on this parcel of land. The main amendment to this scheme when compared with the previous refusal was a reduction in the width of the barn and the proposed planting of a new additional hedgerow. The barns proposed under both the 2017 and 2018 applications were shown as being open on one side. She explained that a building and associated works had been constructed on the site; however, this had not been carried out in accordance with the plans approved under the 2018 application. The current application sought retrospective planning permission for the 'as built' development. As set out within the Officer report, the differences between the 2018 permitted scheme and the building now 'in situ' were an increase in the size of the building; a change in the design of the barn to include the addition of three steel roller shutter doors in place of the approved open-fronted elevation and a change of materials; the addition of external lighting on the building; the repositioning of the building within the site to move this further into the field; changes in land levels and the erection of a retaining wall; and an increase in the extent of the hardstanding. The application also related to palisade fencing and gates that had been constructed around the full perimeter of the site; however, as detailed within the Additional Representations Sheet, attached at Appendix 1, revised plans had been received late the previous day showing the fencing removed. The Planning Officer advised that the development failed to overcome the reasons for refusal given in the 2017 application as it had an adverse impact on the landscape and the visual attractiveness and scenic beauty of the Area of Outstanding Natural Beauty and this harm was not clearly outweighed by the benefits of the development, therefore, the application was recommended for refusal.

- 6.8 The Chair invited the applicant's agent to address the Committee. The applicant's agent reiterated that revised plans had been submitted removing the fencing that surrounded the application site, therefore only the agricultural building should now be considered. It was important to note there was an existing permission for a similar sized barn within this location and one of his biggest concerns was that the application appeared to have been assessed in isolation from that permission. He advised that the barn had been built at the same height as that previously approved, with the front elevation now set approximately six metres further back into the field to avoid a water mains pipe that ran through the site. The Officer's report suggested that there had been considerable change in land levels across the site following construction of the barn and he clarified that the sloping nature of the site had meant the barn needed to be cut into the site to provide a level apron. The level change on site should have been expected by Officers when approving the previous barn and would similarly have happened if the approved barn was erected. The Officer's report raised concern regarding the retaining wall and concrete apron to the front of the barn; however, without the retaining wall, there would be no practical access to the building and there would have been a similar retaining wall if the approved barn had been erected. The Officer report also commented that the lighting of the barn was unacceptable; however, it failed to acknowledge that lighting could have been installed without the requirement for planning permission and it was entirely reasonable for lighting to be attached to an agricultural building. The report alleged that the location and modest increase in size of the barn had resulted in a more harmful impact on the rural setting but he explained that the barn's location had been very carefully chosen on the most low-lying and secluded part of the field. Members who attended the Committee Site Visit would have noted that the barn was almost completely screened from views along the Broadway Road; moreover, given that the height of the building had not changed, these views would not be

materially different to what was approved previously. Nevertheless, he confirmed that the applicant was happy to provide additional landscaping to add further screening. In terms of the materials used, it was not unusual for agricultural buildings to be constructed using steel frames, concrete panels and profile metal sheeting. Whilst the building was slightly longer than previously permitted, its form had not materially changed and the incorporation of roller shutter doors was not uncommon. The Committee would recall the approval of the retention of a similar barn at Cuckoo Farm in April – the building approved was for a large agricultural building, constructed of similar materials and including a roller shutter door. He reiterated that the fencing had now been omitted and he asked Members to consider the application in light of these revised details.

- 6.9 The Chair hoped that Members would recognise the removal of the fencing and the lack of being able to see inside the building on the Committee Site Visit as an attempt to deflect from the fact that this not an agricultural barn but rather an industrial building equipped with lavatories, Wi-Fi, water, electricity and everything else required for office use, concealed behind the roller shutters. He advised that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion indicated that it was patently obvious from the Committee Site Visit that this was in no way an agricultural barn. In her view it would be a travesty to allow the application to go ahead given its location in the Area of Outstanding Natural Beauty and the amount of work that had already been done without planning permission and against the Council's policy.
- 6.10 A Member questioned how the applicant had been able to get so far with the development and whether Officers had been checking on progress. In response, the Technical Planning Manager advised that Officers had commenced an enforcement investigation as soon as they had been made aware of it and had suggested that works should cease; he was not sure what stage the development had been at but further work had occurred since. Although the building would not necessarily be subject to building regulations, Officers had taken action which had resulted in the submission of the retrospective application. Another Member indicated that he had been on the Committee Site Visit and he had a contrary view as he did consider it to be an agricultural barn and pointed out that there was agricultural machinery in the vicinity. It was not unusual for a barn to have roller shutters as security was a concern in rural areas, and he felt that the installation of Wi-Fi, water and electricity etc. was reasonable and did not necessarily mean that it was not being used for agricultural purposes. A Member queried what would happen if the application was refused and was advised that, notwithstanding a potential appeal, enforcement action would be taken as soon as possible. In response to a query as to whether the Officer recommendation was finely balanced and if there were any very special circumstances which might mean that the application could be considered to be acceptable, the Technical Planning Manager advised that this was a straightforward application – the policies in respect of the application and the protection of the Area of Outstanding Natural Beauty were not out of date and, from an Officer perspective, the development was unacceptable in the Area of Outstanding Natural Beauty, although this was a judgement for Members to make. A Member indicated that the building did not contain any ventilation for livestock and was not tall enough to be a grain store; as a farmer himself, and given that those were the two types of farming carried out in the area, he felt it must be for something else. Upon being taken to the vote, it was

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

18/00173/FUL – Land Adjacent to The Swan, Tewkesbury Road, Coombe Hill

- 6.11 This application was for residential development comprising 25 dwellings with new vehicular/pedestrian access onto A38, relocation of bus stop, sustainable drainage and foul treatment works and associated landscaping, access and parking. The Committee had visited the application site on Friday 14 June 2019.
- 6.12 The Planning Officer advised that the site was located on the western side of the A38 and to the north of The Swan at Coombe Hill and was within the new Severn Vale North Ward. The proposal would provide a mix of dwellings which would include 10 affordable units. He explained that the site was a proposed allocation for housing in the preferred options Borough Plan; however, that could be afforded no weight due to the early stage of the preparation of the plan. Whilst the proposal conflicted with Policy SD10 of the Joint Core Strategy, the Council was presently unable to demonstrate a five year housing land supply and its policies for the delivery of housing were considered out-of-date. Paragraph 11 of the National Planning Policy Framework set out that planning permission should be granted unless the adverse impact of the development would significantly and demonstrably outweigh the benefits. He advised that the application had been considered in terms of highway safety, flood risk, residential amenity, design and environment and was considered acceptable in those regards. The proposed new access would be subject to the cutting back of a hedgerow and relocation of the existing bus stop to provide sufficient visibility splays commensurate with the 40mph speed limit of the road. Drainage would be dealt with via a Sustainable Drainage System (SuDS) and an on-site treatment plant with controls on the discharge rates to ensure that the development would not exacerbate the risk of flooding elsewhere. The dwellings were set a sufficient distance away and the orientation meant that there would be no demonstrable harm in planning terms to the living conditions of the occupiers of the properties at Chapelmead. Discussions were ongoing to ensure that the development enhanced biodiversity and the nearby Coombe Hill Site of Special Scientific Interest. It was noted that the start of the Officer report incorrectly stated that the Officer recommendation was 'permit' rather than a delegated permit, subject to the resolution of outstanding matters in respect of ecological mitigation measures, any additional/amended planning conditions and the completion of a Section 106 Agreement, as set out in the Additional Representations attached at Appendix 1.
- 6.13 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident explained that the residents understood that Coombe Hill needed to take on some of the houses that were required within the borough and, if there was to be development in the area, the vineyard was the location favoured by many local people, yet none had a good word to say about this particular development. The proposal provided in excess of the number of houses Coombe Hill was expected to contribute, or indeed what any reasonable person would expect. An initial submission some 18 months earlier which, although poor, was considered more acceptable than this attempt - the current application had more houses crammed in and they had been rotated which had a detrimental impact on the privacy of existing properties and exacerbated the problems with drainage. The local resident went on to explain that the drawings did not represent a true scenario as far as his own property was concerned as there would be numerous windows overlooking his garden and virtually every main room in the house. There were many issues with the development but he wanted to focus on drainage as it was essential this was correct if Coombe Hill was to double or treble in size. Local residents knew that properties at the bottom of the village would flood and he could not understand why this had not been apparent some 18 months ago when the design was being drawn up; no sensible solutions had been offered other than the assurance that it would be addressed at a later date. He felt that an excellent suggestion had been made at the last Planning Committee meeting in terms of

getting Coombe Hill onto the main sewerage system and he felt it was important to know the result of the discussions with the water company in that regard. He had no doubt that it would cost a lot of money and, if nobody was prepared to fund it, the solution was not to ignore the problem and pump water into already overflowing ditches, but to build in an area where someone was prepared to invest in the necessary drainage infrastructure. It was a difficult time for the village with a desperately poor development across the road also being considered; residents had been told these developments would be 'place-making', implying that Coombe Hill did not already have character of its own, and he raised concern that the 'place' that would be made would be one of drab and uninspiring developments on either side of an increasingly dangerous road.

- 6.14 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 outstanding matters in respect of ecological mitigation measures, any 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. During the debate which ensued, a Member indicated that his understanding of the proposal was that there would be no safe access for pedestrians across the A38 and he felt that a professional safety audit needed to be carried out. Another Member noted that the local resident had referred to an application for the site across the road which was due to be considered later in the meeting and he expressed the view that it had an impact on this proposal, particularly in terms of the need for a speed restriction of 30mph at that point on the A38. A Member indicated that concerns had been raised in relation to the access onto the A38, particularly in terms of its proximity to the traffic lights and the garage opposite, and he questioned whether it could be relocated closer to the Tewkesbury end. A Member advised that he had been on the Committee Site Visit and endorsed the comments made by the previous speakers. He felt that road was already extremely dangerous, with a blind dip and often an accumulation of queuing cars, which would only be exacerbated by development on both sides. The County Highways Officer explained that, should Members be minded to permit the application, the applicant would be required to enter into a Section 278 Agreement with the County Council to secure the necessary alterations to the public highway. He recognised that the existing vegetation was overgrown and indicated that it had been necessary for him to step off the footway and into the bus stop when he had been assessing the site; he would expect a two metre footway for the entire site and the existing vegetation to be cut back. It should be borne in mind that the applicant would be required to enter into a legally binding agreement, including an appropriate bond, which meant that County Highways would have the means to draw down the money as a highway authority to ensure the highway works were completed, should that be necessary. The combined impact of the two separate developments was something which was kept in mind throughout the evaluation process. He recognised that the installation of a new junction was inherently less safe than the thoroughfare; however, the design of the access was acceptable for the highway junction. He confirmed that the speed limit of the road was 40mph at the signalised junction itself changing to the national speed limit as it travelled north. He accepted the concern that vehicles may speed up if they saw a green light as they approached the junction but advised that forward visibility was sufficient for drivers to make correct decisions when driving within the speed limit. The assessment was based on the 85th percentile rather than the average speed so there was a safety factor built in when considering visibility. The County Council had no policy to restrict access onto a classified road but he accepted the concerns and therefore the assessment was based on the full Design Manual for Roads and Bridges to ensure it was appropriately designed.

- 6.15 A Member went on to raise concern that there was no provision for a pedestrian crossing or refuge in either of the schemes, particularly given that there was a shop within the garage which would be well-used by residents. The County Highways Officer explained that a stage one road safety audit had been carried out on the access and internal layout and the proposal was compliant in terms of feasibility. He took on board the comments in relation to pedestrians walking to the garage, which would certainly be a go-to stop for children and adults in the locality, and confirmed that County Highways would ensure that this point, and any other elements, were picked up in the stage two road safety audit at the detailed design stage. The Section 278 Agreement had not yet been entered into, as such, there were no approved drawings so these comments could be taken on board. The Technical Planning Manager confirmed this would be picked up in any event by County Highways in the discussions relating to the Section 278 Agreement which was required before any work could take place on the highway – this combined with the proposed conditions meant Officers were comfortable to recommend the application favourably. A Member understood that Section 278 Agreements were no longer a Cabinet decision at the County Council and confirmation was provided that the Constitution had been amended to delegate these to Officers.
- 6.16 A Member indicated that her main concern was the access which was too close to the traffic lights; the worst visibility was from this site and there was a blind spot for pedestrians. She felt that the accesses for this proposal and the one across the road needed to be changed around in order to improve visibility and to allow pedestrians to see up and down the road. Another Member was of the view that visibility would be even worse for traffic pulling out of the site and turning right if a bus was stopped in the bus stop which was proposed to be moved further up – at peak times traffic was at a standstill so it would be a problem for cars exiting the site in any direction. A Member accepted the issue around exit points and suggested that a roundabout would solve a lot of problems, if that was something the two developers would be willing to discuss, and another Member questioned whether stopping distances for Heavy Goods Vehicles (HGVs) were taken into account. The County Highways Officer advised that the detailed design may well draw out elements of the access which required additional design measures to make the proposals feasible; at this stage, County Highways was satisfied that the visibility and vehicle speed measurements were correct. Deceleration values were different for cars and HGVs and, should the latter be applied, it would result in a longer visibility splay; it would be the upper end of visibility assuming that the traffic count had demonstrated a high percentage of HGVs. He stressed that County Highways would not accept a sub-standard junction as it would be responsible for its safety and monitoring. He noted Members' comments and had sympathy with their concerns which were taken very seriously; he could only apologise that the level of detail provided only ticked the boxes with regard to feasibility and meant that more work needed to be done to make the junction acceptable. A Member questioned what would happen should Members be minded to delegate permission and the stage two road safety audit not come up to standard. In response, the County Highways Officer explained that this was a full planning application and the access was being agreed in principle today based on the stage one level of design which was wholly appropriate for this form of access; however, as this was a classified road, a level of detail was missing which would need to be rectified following determination, as such, the applicant would be required to enter into a Section 278 Agreement with County Highways; this would be drawn up and approved by the legal team at the County Council. It was necessary to have technically approved drawings at the detailed design level to fully satisfy the condition and it must be costed with a bonded sum agreed so the access could come forward in any event. None of this was uncommon, although he took the point that Members were making a decision based on the lowest level of detail and they needed to be satisfied that

the County Council was fully committed to the stage two safety audit. The Technical Planning Manager advised that, in order to give extra confidence to Members, it was possible to require that details be submitted and agreed prior to work commencing. If the details submitted did not meet the necessary standards, it was possible to refuse to approve the details submitted as part of the conditions.

- 6.17 A Member sought clarification as to where the children from the new developments would be expected to go to school and the Technical Planning Manager advised that a request had been made for contributions toward education but this would mainly be provided through Community Infrastructure Levy which had been introduced in January, rather than from Section 106 contributions from individual planning applications. The nearest schools would probably be Norton, Deerhurst and potentially John Moore in Tewkesbury but it was the responsibility of the County Council to make sure there were adequate places.
- 6.18 A Member indicated that he could not support the application as he felt there was insufficient information in respect of highways and drainage and he was not happy with the housing density which he felt was far too much for the area, furthermore, there were no sustainable houses or 'homes for life'. The proposer of the motion for a delegated permission indicated that the site was allocated for 26 houses in the emerging Tewkesbury Borough Plan and this proposal was for 25. The density had been kept low due to the rural location and 40% of properties would be affordable housing – eight social housing and two shared ownership. She was fully supportive of the County Council doing what the County Highways Officer had committed to do to ensure the safety of residents and pedestrians in the area. The seconder of the proposal indicated that he was in complete agreement 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 resolution of outstanding matters in respect of ecological mitigation measures, any additional/amended planning conditions and the completion of a Section 106 Agreement.

18/01162/FUL – Land East of the A417, Main Road, Overton, Maisemore

- 6.19 This application was for erection of two agricultural buildings for poultry rearing with associated infrastructure and new highway access. The Committee had visited the application site on Friday 14 June 2019.
- 6.20 The Planning Officer advised that the application site comprised a 5.5 hectare site located to the east of the A417, approximately 700 metres north-west of the residential development boundary of Maisemore. The application proposed the erection of two broiler chicken rearing units; each unit would extend to approximately 110 metres by 20 metres with a ridge height of 5.7 metres. The proposal also included a number of ancillary buildings and structures, an access road and attenuation pond, the details of which were set out within the Officer report. Once operational, the proposed buildings would house approximately 50,000 broilers each, giving a total on-site capacity for approximately 100,000 broiler chickens. Chicks would be brought to the site as day olds and reared within the buildings for 38 days, following which they would be manually caught and transported live to the processors. An Environmental Permit for the proposal had been issued by the Environment Agency in November 2017; key environmental issues covered by the permit included emissions to water, air and land, including odour, noise, bio-aerosols and dust and related to emissions generated from within the installation boundary. An Environmental Impact Assessment had been submitted as part of the application and this had also been reviewed by the Environmental Health Officer and a noise and odour consultant who had concluded that, overall, there would be no unacceptable harm to the residential amenity enjoyed by nearby residents, the wellbeing of the community or users of the public right of way network. During the

determination process, Officers had liaised with the applicant to seek to mitigate the visual impacts of the proposal and a landscaping scheme had been secured which established a new field boundary immediately to the south and west of the built development to provide additional screening and clearly demarcate the built area from the land to be retained for agricultural use. As set out in the Officer report, the proposed development was generally supported in principle by the National Planning Policy Framework and local plan policies; the National Planning Policy Framework was supportive of development which promoted a strong rural economy and encouraged sustainable growth, and expansion of all types of business and enterprise in rural areas, and the proposal would undoubtedly provide economic benefits to the area and the UK economy. Whilst there would be some negative impact, it was considered that the economic benefits of the proposal outweighed the harm in this case, therefore the proposal was recommended for permission.

- 6.21 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that chicken consumption in the UK was increasing year on year as it was a source of healthy and affordable meat. Currently, 15% of all chickens were imported from abroad where the welfare standard was inferior. This proposal was for a relatively small unit by modern standards and this site had been selected due to its separation from residential properties and the access road directly onto the A417. The Environment Agency was the lead authority on issues of noise, odour and drainage and he reiterated that a permit had been granted for the operation of the site. The application had been accompanied by full assessments, including a Landscape and Visual Impact Assessment and Environmental Impact Assessment, and they had been robustly reviewed by statutory consultees with no objections received. The application was recommended for permission and he respectfully requested that the Committee grant planning permission.
- 6.22 The Chair invited one of the local Ward Members to address the Committee. The local Ward Member indicated that he had been asked by a number of local residents to present a case for refusal of the application. He indicated that he had significant concerns regarding the impact on the landscape which was recognised in the Officer report as being very pleasant, undulating, rural landscape and the development site would be clearly visible from the A417 as set out at Page No. 43, Paragraph 6.17 of the Officer report. This needed to be weighed against Policy AGR5 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the National Planning Policy Framework. Whilst the majority of buildings would be 5.5 metres high, some would be over 7.5 metres and completely out of keeping with the surrounding area. The National Planning Policy Framework underlined the fact that planning decisions should recognise the intrinsic value and beauty of the countryside, whether or not it was specifically designated. As the Parish Council pointed out, the application was atypical as there were no farm buildings near the site at present. The Officer report also referenced the loss of amenity and recognised the development from certain parts of the circular footpath as being particularly conspicuous. A further major concern related to odour and risk of pollution – both airborne and, when the sheds were cleaned out, waterborne. He was mindful of the flooding risk, not only *from* the river but also *into* the river, as the gradient of Maisemore had formed a number of small watercourses in the landscape. The Officer report identified drainage ditches and described the site as low-lying which, to him, suggested a risk of pooling and accumulation leading to further run-off. He did not believe there were sufficient grounds to permit the application and asked Members to consider a refusal.
- 6.23 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be refused on the grounds of consistency, as the granting of an Environmental Permit did not guarantee automatic approval and a similar application at Woodside Farm had been refused, and due to flood risk and highways concerns. There was no seconder for this proposal.

- 6.24 A Member drew attention to Page No. 35 of the Officer report in relation to the Environmental Permit and indicated that it was unclear from the last three paragraphs what variation the applicant was seeking. The Parish Council and local residents had also raised concern regarding light pollution and she sought clarification as to how that was being addressed. Page No. 36 of the Officer report set out that the Council had commissioned an independent noise assessment as the original noise assessment had potentially underestimated noise from the extractor fans by up to five decibels; given that 10 decibels was the point at which workers on the site would need hearing defenders, she questioned how far noise would travel in relation to residential properties as it seemed to her there would be a constant humming. In response, the Planning Officer explained that the layout had altered slightly since the applicant had applied for the Environmental Permit with the ancillary buildings now being located outside of the boundary, therefore, a variation was required; this was a matter for the Environment Agency but his understanding was that it was minor. A condition was recommended to restrict light pollution, as set out at Page No. 54 of the report, in order to protect the amenity of surrounding properties and for ecology reasons. He confirmed that the noise assessment had been reviewed by an independent noise consultant who had raised concern about the methodology but had ultimately concluded that the scheme was acceptable. It was important to note that, as part of the Environmental Permit process, there was a requirement to submit a noise management plan which would ensure ongoing monitoring should any issues occur, for instance, if the fans on the poultry units flowed in tandem they could create a hum and would need to be readjusted. Whilst ongoing monitoring would be carried out by the Environment Agency, the Council's Environmental Health Team could also be made aware of the development. The Member sought a comment in relation to flooding and was advised that the site was located within Flood Zone 1 which had the lowest probability of flooding. The applicant had submitted a drainage strategy which included an attenuation pond to the south of the poultry sheds which meant that no water would be displaced from the site at a higher rate than if there was no development. A lot of concern had been expressed in relation to the potential for pollution if the units were to flood and, although flooding of any agricultural use could cause pollution, these were modern units which were well-sealed from vermin therefore they had natural resistance. Members were advised that there was a concrete apron at the front of the units which meant that, when they were cleared, all waste went into tanks underneath and was shipped away – this was an Environment Agency requirement to ensure there were no residual pollutants and gave automatic protection if they were to flood.
- 6.25 A Member indicated that the application reminded him of a poultry farm in Pamington which the Committee had permitted previously. When determining that proposal, the Committee had visited a similar facility in Hereford to gain more knowledge of how they operated, particularly in terms of cleaning etc. In this case, it was obvious from the Committee Site Visit that the application site was located some distance from any houses and, given that the proposal was only for two units, he proposed, and it was seconded, that the application be permitted in accordance with the Officer recommendation. A Member raised concern about the potential smell from cleaning out the units and the proposer of the motion explained that his understanding was that a special machine was used for cleaning which went over the top into the buildings and sealed the waste to take it off-site so this should not be a problem.
- 6.26 Upon being taken to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

18/01256/FUL – Land to the East of Aldebaran Road, Alstone

- 6.27 This application was for the erection of a permanent pig sty and associated facilities.
- 6.28 The Planning Officer advised that the application related to a parcel of agricultural land located on the outskirts of the rural settlement of Alstone. The main issue to be considered was whether the proposal would result in an unacceptable impact to the neighbouring amenity and the application had been brought to Committee due to an objection from the Parish Council. County Highways, Building Control, the Environment Agency and the Council's Flood Risk Management Engineer and Environmental Health team had been consulted and concerns had been discussed with the applicant and agent which had resulted in the submission of various amendments and revisions including a Surface Water Drainage Plan and an Operational Waste Management Plan. The statutory consultees had been re-consulted and no further objections raised, as such, the Officer recommendation was to permit the application.
- 6.29 The Chair invited the Parish Council representative to address the Committee. The Parish Council representative indicated that, as no Committee Site Visit had been conducted, the Parish Council wanted to paint an alternate picture to that given by the applicant or the Planning Officer. She confirmed that the site was within Alstone village between the playing field and the applicant's own home; the playing field was the only amenity in the small village which was surrounded by countryside, therefore, the impact of the proposed pig house would be huge. At 20 metres by 7.2 metres, it would be highly visible from the adjacent playing field and neighbouring gardens and would adversely affect the visual attractiveness of the locality which was a Special Landscape Area and only 20 metres from an Area of Outstanding Natural Beauty. Furthermore, it was likely to have an impact on wildlife and would certainly prevent quiet enjoyment of the countryside. She indicated that Alstone may include a number of working farms but Aldebaran was not a farm, it was a private house with an orchard, the same as its neighbours. The proposed building was excessively large and allowed for a larger area per pig than most guidelines recommended. The applicant had stated that the welfare of the pigs was paramount but had shown little regard for the welfare of the neighbours which should be of equal, if not greater, importance. Specifically, the manure heap was situated alongside the neighbour's boundary fence with no plans for an alternative, more considerate, location and the noise and odour from the pigs would impact on the neighbours' wellbeing and prevent quiet enjoyment of their gardens. The Parish Council recognised that the Odour and Vermin Management Plan attempted to address some of the issues; however, vermin control was primarily based on the use of poison which would inevitably lead to dead rats in the surrounding area which was a particular concern given that the site was located immediately adjacent to the playing field. The Waste Management Plan may also alleviate some issues but it would not eliminate them as the removal of waste under the scheme would involve vehicles entering the site at a narrow and dangerous bend in the road and the Parish Council was surprised there had been no objection from County Highways on that basis. This application confirmed escalation of pig rearing from one or two pigs, that had been tolerated by the community, to a business enterprise with considerably more pigs and associated nuisance, therefore, the Parish Council urged Members to reject the proposal.
- 6.30 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that pigs were already on the site and, whilst planning permission was not required to keep them, this application was required in order to put a building on the site to assist with their rearing. The building would improve the appearance of the site, the welfare of the pigs and the welfare of those working on the site which was particularly wet and muddy in winter. He pointed out that it was agricultural land and farming pigs was an agricultural activity. He noted

that nine objections had been received - although only from four households - and he explained that the concerns raised would actually be improved by the proposal, for instance, vermin control measures were already in place but these would be covered by condition should planning permission be granted, similarly, there would be a condition to improve the storage of manure in order to minimise odour and nuisance, not that there had been complaints about either of these matters previously. The applicant had complied with every request made by the Council and had been happy to do so which explained why the proposal had evolved since it was submitted seven months earlier. This was a truly local, unique product which was environmentally sound and the carbon dioxide emissions were almost negative because the food eaten by the pigs and the markets the meat went to were all local. The company supplied Michelin star restaurants with the highest quality pork from rare English breeds of pig and produced Cotswold prosciutto, a unique product with a unique flavour; if anything, this proposal would contribute to the enhancement and reputation of the area. Finally, he indicated that the application was in keeping with the Tewkesbury Borough Plan, would help to create a vibrant rural economy, was in keeping with the rural environment and was hugely beneficial to the community and he hoped Members would feel able to support it.

- 6.31 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member sought clarification as to the number of pigs that would be housed within the pig sty and also drew attention to Page No 59, Paragraph 5.21 of the Officer report, which stated that the proposal sought a 'lightweight open-sided structure to cover the manure heap' and he questioned how that would work as he was concerned about surface water run-off. In response, the Planning Officer confirmed that the application was for 19 pigs; however, it was an agricultural field and there was nothing to restrict the land from being used for agricultural purposes. Advice had been taken from the Environment Agency in relation to the manure heap and it had been suggested that it should be covered, with land drainage leading to a cess pit, so this was in accordance with that suggestion. In response to a Member query as to whether planning permission would be required if the structure was moveable, the Technical Planning Manager explained that it depended on the individual circumstances and the nature of the building; whilst a structure may be temporary in the sense that it could be moved, if it was intended to be there permanently it may well need planning permission. Members needed to consider the proposal before them bearing in mind that it was agricultural land and it was not possible to control how many pigs were kept on that land.

- 6.32 A Member respected the fact that a representative from the Parish Council had attended the meeting to express the views of the Parish Council and proposed that the application be deferred for a Committee Site Visit. This proposal was duly seconded. A Member expressed the view that little would be gained from visiting the site as, in his view, it was a straightforward decision. Upon being put to the vote, the motion to defer the application for a Committee Site Visit was lost. A vote was subsequently taken on the motion to permit the application and it was

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

19/00174/FUL – The Old Post House, High Street, Stanton

- 6.33 This application was for the siting of a shepherd's hut to the rear of the property to be used as a study.
- 6.34 The Planning Officer advised that the application sought to station a shepherd's hut within the residential curtilage of The Old Post House to be used for ancillary purposes. The site was located within the Stanton Conservation Area, in the Cotswold Area of Outstanding Natural Beauty, in close proximity to several listed

buildings and was a Grade II Listed Building itself. The Parish Council had expressed concern over the appropriateness of the building within the setting of the listed buildings and the Conservation Officer had initially raised concern with regard to the design but this had now been addressed and no further objections had been received, therefore, it was recommended for permission.

6.35 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that she was disappointed there was no plan showing the format of the shepherd's hut and questioned whether any drawings had been provided. In response, the Planning Officer advised that the elevations were provided at the top of the block plan on Page No. 66/B of the Officer report; a manufacturer's photograph had been submitted as part of the application but this had not been included in the papers.

6.36 Upon being taken to the vote, it was

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

19/00244/FUL – Casablen, The Green, Ashleworth

6.37 This application was for the conversion of an existing barn to one self-build dwelling and associated alterations, alterations to existing vehicular access and associated works and provision of landscaping; retention of existing Dutch Barn for ancillary use as car port and storage (revised scheme to ref: 18/00184/FUL).

6.38 The Planning Officer advised that the application related to two existing agricultural buildings set within a parcel of land immediately to the south-west of the residential amenity area associated with the dwelling known as Casablen. The site was located to the south of the village of Ashleworth and was within the Landscape Protection Zone with a public right of way running to the south. The application sought planning permission for the change of use of the existing agricultural building to residential use and associated works necessary for conversion into a dwelling. The adjacent Dutch Barn was to be retained for ancillary use to provide car parking and storage. The application had been brought to the Committee at the request of a former Member to assess the impact of the development on the streetscene and surrounding area. The Planning Officer went on to explain that, as detailed within the Officer report, a similar application had been refused in August 2018 on the grounds that the building was not capable of conversion without substantial alteration and because the site lay in a location where new housing was strictly controlled. The proposal had subsequently been amended to include the retention of the existing roof covering with lightweight insulation fitted internally; the retention of existing block walls at the lower level, to be clad over with timber weatherboarding with vertical timber applied above to the upper elevations; and an overall reduction in the number of windows and doors. Whilst the application was considered to be contrary to Policies SP2 and SD10 of the Joint Core Strategy, given the Council's current position regarding its five year housing land supply, and the fact that the Council's policies for the supply of housing were currently considered to be out of date, the presumption should be that planning permission be granted unless there were adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework. In this case, whilst the existing agricultural building was not considered capable of conversion to residential use without substantial alterations to the structure, the adverse impact would not significantly or demonstrably outweigh the benefits of the proposed development when assessed against the policies of the National Planning Policy Framework as a whole. This was finely balanced but, for the reasons set out within the Officer report, it was recommended that planning permission be granted.

- 6.39 The Chair invited the applicant's agent to address the Committee. The applicant's agent confirmed that the proposal was for the sustainable adaptive re-use of a redundant barn and was a self-build project to provide a family dwelling. The site was located within the village of Ashleworth, with its many services and facilities, and the applicant wished to contribute to the community. Whilst he disagreed with some of the Officers' analysis, there was considerable common ground and he agreed that the balanced conclusions had resulted in the correct recommendation. He pointed out that there were no objections from statutory consultees or from neighbours and the development would not result in any harm – on the contrary, its contribution would be a positive one. In conclusion, he felt that the application was an example of good design and use of a built resource located in a sustainable location within a village and would provide a much-needed bespoke family home which met with the applicant's needs.
- 6.40 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 indicated that she had no hesitation in supporting this self-build project which would result in re-use of a redundant barn. Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.
- 17/01337/OUT – Land Off A38, Part Parcel 0120, Tewkesbury Road, Coombe Hill**
- 6.41 This was an outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping, with vehicular and pedestrian access from A38 with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. The application had been deferred at the Planning Committee meeting on 18 April 2019 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. The Committee had visited the application site on Friday 14 June 2019.
- 6.42 The Planning Officer advised that the application site was located on the eastern side of the A38 and to the north-east of the petrol station at Coombe Hill which was within the Severn Vale North Ward. The application sought outline planning permission for 40 dwellings with a new vehicular access from the A38 which would be offset and to the north of the proposed access to The Swan site. The proposal would provide a mix of dwellings which would include 14 affordable units. The site was a proposed allocation for housing in the preferred options Tewkesbury Borough Plan; however, this could be afforded no weight due to the early stage of preparation of the plan. Whilst the proposal conflicted with Policy SD10 of the Joint Core Strategy, the Council was presently unable to demonstrate a five year housing land supply and the Council's policies for the delivery of housing were considered out of date. Paragraph 11 of the National Planning Policy Framework advised that planning permission should be granted unless the adverse impact of the development would significantly and demonstrably outweigh the benefits. The application had been considered in terms of highway safety, flood risk, residential amenity, design and environment and was considered to be acceptable. It was noted that the proposed new access would provide sufficient visibility splays of 120 metres in each direction commensurate with the 40mph speed limit of the road. Drainage would be dealt with by a Sustainable Drainage System (SuDS) and onsite treatment plant with controls on the discharge rates to ensure that the development

would not exacerbate the risk of flooding; it was noted that the precise details were subject to conditions. The development would be set a significant distance away from existing properties and there would be no harm in planning terms to the living conditions of the occupiers of the properties. Discussions were ongoing to ensure that the development enhanced biodiversity and the nearby Site of Special Scientific Interest. As such, the application was recommended for a delegated permission subject to the resolution of the outstanding open space/play contributions, ecological mitigation measures and any additional/amended planning conditions, and the completion of a Section 106 Agreement.

- 6.43 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, although the current proposal was for a development of 40 houses to the north-west corner of the site, it was intended to develop the whole field so his property would ultimately be surrounded by houses. He raised concern that the proposal was being considered in isolation and not in connection with the application for 25 dwellings on the western side of the A38 to the north of The Swan which had been granted delegated permission by the Committee earlier in the meeting. The two applications combined would result in a 300% increase in dwellings in Coombe Hill, which was more than any other service village, and it was proposed to extend the Knightsbridge Business Centre right up to the boundary of his land. His property had a history of flooding and replacing open farmland with concrete and tarmac would further increase the level of flood risk. He pointed out that there was a drop in the level of land from the A38 to his property and the outfalls on the A4019 were higher than his ditches which were currently full on both sides; the statement of intent in relation to maintenance of the pond was all well and good but, in reality, he believed he would be left responsible. If Members were minded to permit the application, he asked the Committee to consider conditions to protect his property from flooding and loss of visual amenity and privacy.
- 6.44 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the site was accessed from the A38 which ran along the ridgeline; the application site rose towards this ridgeline but concluded some two metres below. As had been mentioned, this was an outline application with all matters reserved so approval of the layout was not being sought at this stage; however, layout principles and proposals had been discussed with the Council's Urban Design Officer and presented in the form of a concept plan which showed development blocks, building frontages, routes and green infrastructure and no objections had been raised to this. The attenuation pond had been located at the lowest point of the site (17.5 metres AOD) to enable a gravity drainage system. Due to site topography, it would not be possible to locate the pond elsewhere within the site, moreover, this location would not be prejudicial to the possibility of further development in the longer term as envisaged in the emerging Tewkesbury Borough Local Plan. The drainage strategy was designed to attenuate flows on site for storm events up to and including the 1/100 year event, with a 40% allowance for climate change, and would release water at a controlled rate. Modelling showed that, during such an event, run-off from the land would reduce at 12.1 litres per second to 3.9 litres per second, therefore, less water would enter the adjacent watercourse during peak rainfall events – the table at Page No. 42 of the submitted Flood Risk Assessment and Drainage Strategy showed a reduction in run-off during all storm events post-development. He pointed out there had been no objections from any statutory consultee relating to the proposed pond and associated surface water drainage strategy. Insofar as foul drainage was concerned, this was a completely separate system and, for the avoidance of doubt, did not drain into the attenuation pond. This would be treated on-site and pumped off-site to a location agreed with the Environment Agency as part of the Environmental Permit process for the treatment works. He advised that no objections had been received from any statutory consultee in relation to the proposed foul drainage strategy. Finally, he

noted that, since the last Committee meeting and as identified in the Officer report, the Council could no longer demonstrate a five year supply of land for housing and, using the approach deployed by the Inspector and Secretary of State in the Highnam appeal, the Council's housing supply would amount to just 2.77 years. In summary, he considered the only conclusion that could be reached was that there were no grounds to refuse the application and he urged the Committee to grant planning permission in line with the Officer recommendation.

6.45

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/play contributions, ecological mitigation measures and any 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 the application be refused on grounds of consistency, potential overdevelopment of the site and the potential adverse impact on highways and flooding. The proposer of the motion expressed the view that the concerns raised at the last meeting had not been satisfactorily addressed and he questioned whether discussions had taken place in relation to the rest of the site. With regard to flooding, the Flood Risk Management Engineer explained that this was an outline application and the Flood Risk Assessment submitted by the applicant included a drainage solution which went over and above the national technical standards and would very significantly reduce run-off from 12.1 litres per second to 3.9 litres per second. Whilst water was currently able to fall onto the land and flow away freely, the development would capture the water, convey it and store it in a managed environment in a way to ensure there was no adverse off-site impact. A Member drew attention to Page No. 88 of the Officer report which stated that discussions relating to the provision of a mains sewerage connection to the area were ongoing and an update would be provided at the Committee. The Planning Officer advised that a response had been received from Severn Trent Water to confirm it was satisfied with the drainage arrangements proposed by the applicant and that it had no intention to provide a mains sewer, although future residents could make an application, should they wish, and it would be considered at that point in time. A Member drew attention to Page No. 84, Paragraph 5.20 of the Officer report which set out that the on-site sewage treatment facility adjacent to the pond would be maintained by a management company and she expressed the view that, in her experience, this arrangement just did not work. She was concerned that the sewage treatment facility would fail and she could not understand why Severn Trent Water did not want to extend the mains sewer system – should this application be granted planning permission there would be 65 new properties which required sewage to be removed in a safe way. She questioned whether it was possible to make this a condition of the planning permission or whether pressure could be put on Severn Trent Water to take action. The Flood Risk Management Engineer advised that the scale of the package treatment plant proposed meant it would fall under the Environmental Permit regime, therefore, it would be subject to regular testing by the Environment Agency. The Member expressed the view that this was a very antiquated method of sewage disposal and, with the Council trying to plan for development to 2031 and beyond, there was a need to ensure that the appropriate infrastructure was in place to support that. In response, the Flood Risk Management Engineer agreed that mains sewerage would be preferable but the local authority had no statutory authority to insist on that and the solution that had been put forward by the developer was arguably the best one for the site based on the fact that Severn Trent Water was unwilling to install mains sewerage. With regard to maintenance of the SuDS pond, a Member indicated that she was aware of two developments in Cleeve Hill that had failed to be maintained by the developers or a management company despite residents paying for that and she questioned whether anything could be done to make it happen. The Technical Planning Manager advised that the recommended condition in respect of drainage required a SuDS management and maintenance plan for the lifetime of the development which must include the

arrangements for adoption, or other arrangements to secure the operation of the scheme throughout its lifetime, and the local authority had enforcement powers should that not be the case; ultimately, management companies were an accepted part of housing development and the responsibility was on the homeowners, who essentially formed part of that management company, to exert pressure to ensure it worked as it was supposed to. In terms of the point raised by the proposer of the motion in respect of the potential overdevelopment of the site, he reiterated that the site was a local plan allocation for more houses than were currently proposed. Whilst a request had been made for an Environmental Impact Assessment for the entire site, nothing concrete had come forward and he reminded Members that they must determine the application before them.

- 6.46 A Member sought further clarification in relation to Page No. 83, Paragraph 5.13 of the Officer report which stated that, whilst access was a reserved matter, the submitted details showed how the site could be served by a new estate road from the A38 as well as the provision of a new pedestrian crossing to link to the western side of the A38. The Gloucestershire County Highways Officer explained that he had seen a plan which showed that localised narrowing of the carriageway from 3.6 metres to 3 metres would accommodate a pedestrian refuge. The applicant had submitted a stage one/two road safety audit; however, the level of detail was insufficient for stage two and concern had been flagged in respect of the narrowing of the carriageway as cars could not adequately gauge whether they could safely pass one another at that width and this could have a negative impact on cycling along that section of road. Whilst the applicant had provided less detail than the previous application for the development on the opposite side of the road, should Members be minded to permit the application, this would be included in the subsequent reserved matters application. That application would also be considered by County Highways which could require a Section 278 Agreement in order to make the access arrangements work and could still be refused should the detailed design be unsatisfactory.
- 6.47 Another Member drew attention to Page No. 93 and recommended Condition 24 which stated that no street lighting shall be installed on any part of the development and she raised concern that this could be detrimental to residents' safety. The Planning Officer explained that village residents often preferred not to have streetlighting in order to preserve the rural character of the area and to protect the night-time environment which was the reason for the condition. The Technical Planning Manager confirmed this was not unusual; however, Officers would be happy to discuss this with Gloucestershire County Highways, should Members so wish.
- 6.48 The Technical Planning Manager explained that Members needed to consider whether the proposal would result in significant and demonstrable harm and must give clear and precise reasons for refusal to avoid costs being awarded against the Council at any subsequent appeal. Given the expert advice from the consultees in relation to highways and flooding, he would be very concerned about refusing the application on either of those grounds. It was subsequently proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation. At the request of the Chair, the proposer and seconder of the motion to refuse the application indicated that they would be willing to withdraw their proposal in order to take the proposal for a delegated permission first 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 resolution of the outstanding open space/play contributions, ecological mitigation measures and any additional/amended planning conditions, and the completion of a Section 106 Agreement.

19/00444/FUL – Wenallt, Badgeworth Lane, Badgeworth

- 6.49 This application was for proposed front, side and rear extensions. The Committee had visited the application site on Friday 14 June 2019.
- 6.50 The Planning Officer advised that the application related to an existing detached bungalow located within the Green Belt in Badgeworth Lane; the application had been called to Committee by a Member to assess the suitability of the proposal given its Green Belt location. As set out in the Officer report, the proposal was considered to be acceptable in terms of its design, appearance and impact on the neighbours' amenity. The main issue related to Green Belt policy and whether Officers considered the proposed extensions to constitute a proportionate addition to the original dwelling as required by the National Planning Policy Framework. He explained that the proposed extension would represent a 67% increase to the original dwelling - which had been taken to include the existing detached garage - and Officers felt this would be a disproportionate addition. Therefore, in accordance with the guidance, the proposal would be inappropriate development within the Green Belt and very special circumstances were required in support of the application to clearly outweigh the harm it would cause. Officers had considered the possibility of what extensions the applicant could build under permitted development rights as a potential fall-back position; however, there must be a reasonable prospect that these permitted development extensions would actually be built and, because these extensions would result in a very elongated form which would not function well as a dwelling, it was considered unlikely that they would be constructed. There were not considered to be any other very special circumstances in this case, therefore, the proposal was contrary to Green Belt policy and was recommended for refusal.
- 6.51 The Chair invited the applicant to address the Committee. The applicant explained that his family home was a lovely but small 1930's two bedroom bungalow which had never been extended. The existing 'T' shape layout did not work well for his family's needs, in particular the kitchen and bathroom spaces. He had employed an architect to design the extension and they had both followed the local planning authority rules and guidelines and had taken pre-application advice as to what was achievable and allowed. He was confused by the Planning Officer's suggestion that the proposed extension would represent a 67% increase as he was unaware of the application of the five metre rule and could find no reference to this on the Planning Portal. He had designed an extension to meet his family's basic needs and the brief was to have a low impact on his neighbours and to maintain the visual appearance of the bungalow from the public highway. He went on to refer to his personal circumstances and how this had impacted on the proposed design.
- 6.52 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 on the basis that it was acceptable in terms of design and impact on residential amenity and did not represent a disproportionate addition. The proposer of the motion expressed the view that the 50% rule of thumb applied by Officers was not always acceptable, for instance, if a very small building was increased by 50% the impact was likely to be different than if a very large building was increased by the same amount. The bungalow was built in the 1930s and it was now 2019 so he believed living standards should reflect that. In his view there would be no adverse impact on the Green Belt whatsoever and he referred to three large properties across the road which had no significant impact. He also reiterated that no objections had been received from neighbouring residents or the Parish Council. In response, the Technical Planning Manager stressed that Officers used their knowledge and technical expertise to make recommendations on applications in the context of the planning policies which had been approved by Members. Consistency was very important in terms of decision-making and, whether it was right or wrong, the Council had always applied the 50% rule in terms of determining

whether extensions to buildings in the Green Belt constituted inappropriate development. There was an opportunity, through the Tewkesbury Borough Plan process, for Members to change the Green Belt policy if they did not think this was appropriate but, as it stood, that was the policy and it was important to apply it consistently. The Planning Officer indicated that Members may well have a different view to Officers and, whilst they did not have any issues with the impact on neighbouring properties, it was inappropriate development in the Green Belt, therefore, very special circumstances must be demonstrated should Members wish to permit the application. Officers had taken a view on what the applicant could do under permitted development rights and this was not considered to be a realistic fall-back; however, Members may not think that was the case. He explained that there were existing outbuildings in the rear garden which the applicant had offered to remove to compensate for the impact on the openness of the Green Belt and, should Members be minded to permit the application, a condition would need to be included to remove permitted development rights to prevent outbuildings being erected in future. The seconder of the motion indicated that the Planning Committee had recently granted planning permission for an extension/rebuild in a different part of the Green Belt where the outbuildings had been removed to mitigate some of the impact so he felt that the imposition of a condition to remove permitted development rights would also be appropriate here in the interests of consistency.

6.53 A Member sought clarification on the five metre rule and was informed that this related to whether or not outbuildings could be classed as part of the existing dwelling; in this instance the closest outbuilding to the rear of the property was within five metres of the dwelling and therefore classed as an extension and taken into consideration in the calculation of the floorspace; if the outbuilding was not taken into account, the proposed increase would be more than 80% over and above the existing dwelling. The Chair indicated that Members who had been on the Committee Site Visit had been very sympathetic with the proposal but, as it stood, it was completely against Green Belt policy. The proposer of the motion noted that the applicant was willing to remove one of the outbuildings and he questioned whether it was really necessary to remove permitted development rights; however, in the spirit of co-operation, he was willing to amend his motion to include a condition to remove them as this was something which the applicant could apply to review in the future, should he so wish. Another Member noted that the applicant had referred to personal circumstances which had contributed to his need to extend the property and she questioned whether this constituted very special circumstances. In response, the Planning Officer indicated that he had great sympathy with the applicant but the guidance was clear, particularly with permanent buildings, because planning permission was granted to the property and not the applicant so personal circumstances rarely constituted very special circumstances. The seconder of the motion sought clarification as to whether all of the outbuildings would be removed and was advised it would apply to the two buildings at the back.

6.54 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** subject to conditions on the removal of the outbuildings indicated and to remove permitted development rights.

18/00882/FUL – 2 Berwick Road, Bishop's Cleeve

6.55 This application was for the erection of single storey side and rear extensions and installation of a dormer window to rear for loft conversion.

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

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

18/01085/FUL – Part Parcel 1228, Main Road, Minsterworth

- 6.57 This was a Section 73 application to remove Condition 14 (no gates to be erected on site access) of planning permission 17/00855/FUL for the erection of eight dwellings with associated new vehicular access.
- 6.58 The Planning Officer explained that the application had been made under Section 73 of the Town and Country Planning Act and sought a minor material amendment to the approved planning permission in order to include a gate on the site access road. County Highways had been consulted on the application and considered it to be acceptable and the proposal would be consistent with other development along the A48, therefore, it was recommended that planning permission be granted.
- 6.59 A Member questioned whether the gates would operate electronically and was advised that this detail had not been provided as part of the application. 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.

18/01129/FUL – 6 Persh Way, Maisemore

- 6.60 This application was for the erection of a playhouse in the rear garden (retrospective).
- 6.61 The Planning Officer advised that the application proposed the retention of a large children's playhouse in the rear garden. The original siting of the playhouse, which had a high raised platform, would have resulted in overlooking and the neighbouring resident had strongly objected. Officers had attempted to negotiate amendments to the scheme to address the neighbours' concerns including moving the structure to the rear end of the garden and away from their fence, slightly reducing the height of the structure and agreeing to provide privacy screening to the side of the raised platform. The applicant had agreed to these amendments and the playhouse had been moved; however, the revised plans had been received at a late stage and Officers had not had the opportunity to send them to the neighbours for comment. Therefore, it was recommended that the application be deferred until the next Committee meeting to give the neighbours the opportunity to assess the revised plans and make comment as they felt necessary.
- 6.62 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that this was a retrospective planning application which had been submitted on 16 November 2018 on the basis that the children's climbing frame – a five foot structure comprising a tall frame and a standard decking area – could not be erected under permitted development rights. Within a couple of weeks, the applicant had been advised that the policies which needed to be adhered to were Policy SD4 and SD14 of the Joint Core Strategy and Policy HOU8 of the Tewkesbury Borough Local Plan 2006-2011. From December to the end of January, it was assumed Officers were assessing the application; however, an email received on 28 January 2019 stated this was no longer statutory policy and recommended that, if the structure was moved to the rear corner of the garden, the Officer would be minded to permit the application. Between January and the present time, 118 emails had been exchanged with the Council and yet no policies or guidelines had been mentioned to explain what the climbing frame needed to adhere to. Officers had asked for compromise to alleviate concerns

raised by neighbours, who had made strenuous complaints, and the climbing frame had been moved accordingly. They had since asked for additional revisions, including screening of the fence behind the platform, and he explained that the reason these plans had been submitted so late was that the applicant had been asked for plans for three different changes over three different days during the course of a week – this had been at considerable cost to the applicant, both in terms of money and time, and he questioned why they could not have been requested at the same time. The application had been in for six months and the applicant had spent over £1,700 on plans to date, all to retain a children’s climbing frame for their six and 10 year old year old children who had been accused of looking through their neighbour’s bedroom windows - he felt it was unreasonable to delay things further given that everything had been done as Officers had asked and he assured Members that the climbing frame did not overlook anything.

- 6.63 The Chair indicated that the Officer recommendation had been changed to ‘defer’ to allow sufficient time for appropriate consultation on the revised plans and he sought a motion from the floor. A Member noted that the applicant was clearly aggrieved at how the application had been dealt with and she wondered why the application required a Committee determination given that there was no objection from the Parish Council. She questioned whether it was possible to delegate authority to the Technical Planning Manager to permit the application. In response, the Chair confirmed this was within Members’ gift; however, there was every likelihood that there would be an objection to the revised plans locally which would cause the application to come back to the Committee. The Member indicated she would be happy to propose a delegated permit and the Legal Adviser sought clarification as to whether the Member wished for the application to come back to Committee if any objection was raised to the revised plans, or for Officers to make their own judgement as to whether any objections were valid. The Technical Planning Manager indicated that he would recommend that the application come back to Committee should any objections be received, but if Members wanted to delegate authority to Officers to make the judgement that they were happy the consultation process had been completed, this was permissible, albeit not necessarily the most appropriate way to deal with it in his view. The Member proposed that authority be delegated to the Technical Planning Manager to permit the application, subject to the satisfactory completion of the consultation process in respect of the revised plans. This motion was seconded 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 satisfactory completion of the consultation process in respect of the revised plans.

19/00281/FUL – 7 Kingswood Close, Bishop’s Cleeve

- 6.64 This application was for a single storey rear/side extension.

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

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

18/01094/APP – Land at Hayfield Way, Bishop’s Cleeve

- 6.66 This was an approval of reserved matters application further to planning permission reference 17/00955/OUT (erection of five dwellings including infrastructure, ancillary facilities, open space and landscaping).

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

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

19/00345/FUL – Parcel 0020 Between Melville and Enderley, Main Road, Minsterworth

- 6.68 This was an application to vary Condition 2 (approved drawing numbers); the design included alteration to the layout at first floor and the addition of two bedrooms and bathroom in the roof space with rooflights to front and rear elevations.

- 6.69 The Planning Officer advised that the application had been approved by the Committee in December 2018 and the applicant was now seeking an amendment to create additional bedrooms in the roof space; the design remained similar to the original scheme aside from the proposed rooflights to the front and rear elevations.

- 6.70 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application, as opposed to approve as incorrectly stated in the Officer report, 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.

18/01284/APP – Land North of Innsworth Lane, Innsworth

- 6.71 This was an approval of reserved matters application pursuant to outline planning permission reference 15/00749/OUT for the provision of site infrastructure including primary road carriageway and attenuation ponds along with associated engineering works. The Committee had visited the application site on Friday 14 June 2019.

- 6.72 The Planning Officer explained that the Officer report stated that this application was within Innsworth with Down Hatherley Ward; however, following the recent Borough Ward boundary changes, she clarified that the correct Ward was now Innsworth. The reserved matters application had been submitted following the granting of outline planning permission by the Secretary of State for a mixed use development comprising up to 1,300 dwellings; 8.31 hectares of employment land including a neighbourhood centre, office and business park; primary school; open space; supporting infrastructure; and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane. The outline planning permission related to land located immediately to the north and west of Innsworth with an area of approximately 105.6 hectares. Hatherley Brook defined the majority of the northern boundary with Innsworth Lane bounding the site to the south and the Ministry of Defence Imjin Barracks to the east, separated by Frogfurlong Lane. The site contained the Innsworth Meadows Site of Special Scientific Interest and was subject to Policy A1 of the Joint Core Strategy which was the site-specific policy for the Innsworth and Twigworth strategic allocation. The current reserved matters application related to provision of site-wide infrastructure to serve the development and included the primary spine road together with three secondary roads, one providing access directly onto Innsworth Lane, another connecting the centre of the site and the third giving access onto Frogfurlong Lane. Members had queried whether any further accesses were proposed onto Frogfurlong Lane as part of this application, or within later phases, and she advised that the outline permission secured a single vehicular access onto the lane, as denoted within the secured parameter plans and site-wide masterplan approved under Condition 8, and the applicant had confirmed that no further vehicular accesses onto Frogfurlong Lane over and above the single secured access would

be sought to serve the development. The application also included details for the construction of the proposed surface water attenuation ponds and associated drainage infrastructure which would comprise the site-wide Sustainable Drainage System (SuDS) to serve the development. She went on to explain that Condition 26 of the outline permission required the submission of a site-wide surface water drainage strategy and this had been duly approved by the Lead Local Flood Authority and the Council's Flood Risk Management Engineer. The reserved matters application provided the technical details including the size and depth of the ponds and their volumes, outfall ditches and overflow pipes in order to deliver the approved drainage strategy. The majority of the infrastructure was proposed within phase 1 of the overall delivery of the site as defined by the accompanying phasing plan; however, the south-west section of the spine road which would link with the A40 would be delivered within phase three. She advised that although final comments were still awaited following submission of revised plans and information, County Highways would be minded to accept the application if the additional information satisfactorily addressed its previous concerns.

- 6.73 The Chair invited a local Ward Member for the area to address the Committee. The local Member indicated that, personally, he had severe concerns about the application and there was concern locally regarding safety of the Frogfurlong access which was just outside of the bend. When looking at the Environment Agency flood zone maps, the majority of the attenuation ponds lay within zones two and three and, at the time of the appeal, the Secretary of State had stated that zone two had to be taken as zone three to compensate for climate change. A large percentage of the pluvial surface water storage would be taken up by fluvial water and there would be a cumulative effect from all four sites. Foul water drainage was also an issue, particularly in terms of reliance upon a management company. Page No. 128, Paragraph 3.2 of the Officer report set out the key issues in relation to the application, one of which was ecology and wildlife, and he noted that the Badgeworth Trust had visited the site to conduct an environmental study - the previous report had covered the period 2004-2015 therefore a lot of detail was clearly out of date, especially as some of the fields had been left fallow over the years which could lead to change of species etc. As such, no further works should be carried out in relation to the drainage until that report was available. Natural England had stated that issues should be assessed through a Landscape and Ecological Management Plan and Condition 13 of the outline planning permission stated that no development should take place until a Landscape and Ecological Management Plan had been submitted to, and approved in writing by, the local planning authority; this was still outstanding. Furthermore, the Environment Agency had also recommended that additional wildlife and ecological benefits be incorporated into the SuDS scheme, in consultation with Natural England.
- 6.74 The Chair indicated that the Officer recommendation had been amended - as set out in the Additional Representations Sheet, attached at Appendix 1 - to delegate authority to the Technical Planning Manager to approve the application, subject to resolution of outstanding minor matters concerning highways; the receipt of revised plans that satisfactorily incorporated the additional tree planting/landscaping/tree protection measures outlined by the Landscape Consultant and Tree Officer, additional ecological and wildlife benefits being incorporated within the SuDS/attenuation ponds; and any other revisions or addition to conditions that may be required, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation.
- 6.75 A Member thanked the Head of Development Services for taking time outside of the meeting to discuss a number of concerns he had with the proposal, many of which were included in the Additional Representations Sheet. He indicated that phase one of the site included 44 dwellings per hectare and, if that was to continue across the whole site, the overall number of dwellings would be well in excess of the 1,300 that

had been granted outline planning permission. He felt that the exit onto Frogfurlong Lane was inherently dangerous and would like to know how Officers planned to address this, furthermore, he wished to seek assurance that any landscaping works would take place outside of bird nesting season. In response, the Planning Officer confirmed that tree and hedgerow removal would be monitored and overseen by the developer's own ecologist and must be undertaken outside of bird nesting season; should that not be the case, this would be a wildlife crime and there was an appropriate route for action to be taken. She explained that the access onto Frogfurlong Lane had been agreed at the outline planning stage and was considered appropriate by the Secretary of State; this was essentially fixed and it was not possible to revisit access at the reserved matters stage. Similarly, the Technical Planning Manager confirmed that the density and overall housing numbers were also fixed by the outline planning permission. The Member sought clarification as to the overall figures for the site as set out in the masterplan and was advised that the outline planning permission had been granted for up to 1,300 dwellings and that figure would not be exceeded, although density would vary across the site. The site-wide masterplan set out the strategy for the way housing would be delivered and it was noted that phase 1 included a high proportion of houses along the spine road but density would be lower towards the rural edge.

6.76 Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to resolution of outstanding minor matters concerning highways; the receipt of revised plans that satisfactorily incorporated the additional tree planting/landscaping/tree protection measures outlined by the Landscape Consultant and Tree Officer, additional ecological and wildlife benefits being incorporated within the SuDS/attenuation ponds; and any other revisions or additions to conditions that may be required.

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

6.77 This was an approval of reserved matters application (access, appearance, landscaping, layout and scale) comprising phase 1 of outline planning permission reference 15/00749/OUT for the erection of 253 dwellings with associated infrastructure. The application had been deferred at the Planning Committee on 18 April 2019 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). The Committee had visited the application site on Friday 14 June 2019.

6.78 The Planning Officer advised that this application concerned the first phase of residential development within the Innsworth outline permission site. Phase 1 comprised a 5.77 hectare portion of the site and occupied a relatively central position in relation to the proposed later phases. Phase 1 would deliver 253 dwellings, with an average density of 37 units per hectare, comprised of 160 open market and 93 affordable dwellings of social rented and shared ownership tenure. The site included a section of the proposed spine road, together with connection onto Innsworth Lane to serve the proposed new secondary street. The proposed layout incorporated a network of primary roads, secondary or community streets and tertiary roads which included shared surface lanes and private drives, arranged in perimeter block formation in order to provide active frontages and secure rear gardens. The architectural approach adhered to the principles embedded within the site-wide masterplan approved under Condition 8 of the outline planning permission with a clearly defined street hierarchy and highest density development located along the primary street. The spine character area comprised a range of three storey apartment blocks and two, two and a half and three storey townhouses,

arranged in a strong continuous frontage. The remainder of the application site fell within the core neighbourhood character area with a more informal, lower density and more traditional architectural style. Soft landscaping and strategic planting were proposed as part of the scheme and green infrastructure would be incorporated, including new and existing hedgerows and new street tree planting utilising sustainable urban tree planting systems. The entire application was proposed for delivery within phase 1 of the overall delivery of the outline site, as defined within the submitted phasing plan. She confirmed that the additional information required in respect of affordable housing provision had now been submitted to the satisfaction of the Council's Strategic Housing and Enabling Officer. Furthermore, formal comments had now been received from the County Highways Officer in respect of the revised plans and documents which confirmed that the majority of County Highways' concerns had been addressed; however, more information was still required in relation to visitor parking spaces, vehicle tracking in respect of the bus lay-by and confirmation of carriageway length. In light of this, the Officer recommendation had been amended further from the revised recommendation set out in the Additional Representations Sheet, attached at Appendix 1, to delegate authority to the Technical Planning Manager to approve the application, subject to a satisfactory response from the County Highways Officer and revised plans which satisfactorily addressed outstanding minor matters concerning detailed design/boundary treatments/materials being resolved, and any other additions/revisions to conditions which may be required.

- 6.79 The Chair invited the applicant to address the Committee. The applicant confirmed that the application before Members was for the first 253 residential dwellings with associated access arrangements and was first heard by the Committee in April. It did not contain any of the associated public open space or community facilities as set out in the agreed Section 106 Agreements. Issues had been raised at the previous Committee meeting with regard to archaeology and drainage and he was pleased to confirm that the phase 1 archaeological works had now been completed and signed-off by the County Archaeologist. In addition, the site-wide surface water drainage strategy had been approved and the proposals before Members were supported by all relevant drainage consultees as being compliant with the approved strategy. He advised that a flood modelling exercise had been undertaken on Hatherley Brook based on accurate land survey data, rather than the less accurate lidar methods often used. The one in 100 year plus 20% climate change flood levels had been projected on the survey and incorporated into the current design. This had been approved by the Environment Agency along with the drainage strategy dated August 2018, the Flood Risk Assessment dated June 2015 and approval of Conditions 26, 27 and 28 from the outline planning permission. The Section 106 Agreement had been signed in advance of the developer purchasing the site and it would be delivered in accordance with the parameters which had been set. Of the 253 dwellings proposed, 91 – or 36% - were affordable houses in accordance with the Section 106 Agreement and these units were distributed evenly across the application area. The proposals had been developed in accordance with the approved site-wide masterplan document which had been produced in consultation with Officers to deliver a strong design solution. In addition, regular discussions had been held with County Highways and he confirmed there was agreement on all highway matters. Standard roads were now 5.5 metres 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 there would be just over 600 spaces for the 253 dwellings. All four bedroom houses would benefit from a minimum of three spaces, three bedroom houses would have a minimum of two spaces, and so on, with an average of 2.4 spaces per dwelling being achieved. In advance of the submission, public consultation had been held to inform local residents of the emerging proposals and aspirations. Once a decision had been made on the current application, the developer would continue to engage with

residents by way of regular forums to provide further updates on progress as the scheme progressed.

- 6.80 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that this application did not count towards the Council's five year housing land supply or Tewkesbury Borough's housing figures. He continued to have concerns in relation to flooding, particularly as the Secretary of State had stated that the allowance for climate change should be 70% as opposed to 40%, and also in relation to the lack of integration with the Twigworth site. Condition 13 of the outline planning permission stated that no development should take place until a Landscape and Ecological Management Plan had been submitted to, and approved in writing by, the local planning authority but that had not yet been done. In addition, discussions were yet to take place with Natural England, as had been recommended by the Environment Agency. The Technical Planning Manager had emailed him the previous day in relation to Condition 13 to advise that, if any issues transpired in terms of the ecology that meant the details needed to be tweaked, the developer would have to come back with a separate application. This was quite likely given that the ecology survey was effectively out of date and the land use had changed to fallow, therefore, he considered this application to be premature. His personal view was that the application should be deferred pending the approval of the Landscape and Ecological Management Plan.
- 6.81 The Technical Planning Manager indicated that Members should be mindful that this was a reserved matters application for the specific matters set out - i.e. access, appearance, landscaping, layout and scale - and a lot of the issues that had been referenced by the local Ward Member, particularly in terms of ecology, were covered by separate planning conditions. As he had advised the local Member, it may be that certain changes came out of the ecology work which would require a further application to be submitted by the developer; however, in terms of the application before Members, it would be unreasonable to withhold approval of the reserved matters for something that was covered by separate planning conditions attached to the outline planning permission. A Member noted that the Officer report referred to a public right of way across the site and asked whether this was being taken into account. The Planning Officer advised that the Public Rights of Way Officer had been consulted as part of the application, and the wider infrastructure application as well, and they were happy with the proposal. The existing public right of way was being retained and the main route from Innsworth Lane through the site was being strengthened as a green infrastructure route; this had been looked at carefully and was embedded in the site-wide masterplan to ensure an attractive route through the site.
- 6.82 The Chair indicated that the Officer recommendation was to delegate authority to the Technical Planning Manager to approve the application, subject to a satisfactory response from the County Highways Officer and revised plans which satisfactorily addressed outstanding minor matters concerning detailed design/boundary treatments/materials being resolved, and any other additions/revisions to conditions which may be required, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation.
- 6.83 A Member made reference to the National Planning Policy Framework requirements, in particular that a development should not increase flood risk elsewhere. He understood that the majority of water would feed into the existing network but there was a blocked outfall at the Village Hall where the ditch had not been maintained for a number of years and this would have an impact on the existing community; until this was rectified, the existing system would not be able to take any additional water – Members had witnessed the flooded junction and full gullies for themselves on the Committee Site Visit when it had been raining heavily. He sought reassurance as to how the Landscape and Ecological Management Plan would be monitored and

questioned how Members would know if there were any significant changes. He referred to the removal of the hedgerow during bird-nesting season in respect of the Twigworth site and the fact that no action had been taken which gave him little faith that information would be passed on to Members. The Planning Officer confirmed that a meeting was due to be held with Natural England, the ecological consultant and the developers later that week – Officers would look to Natural England as the expert and to advise of any additional requirements. In terms of Twigworth, additional information had come to light via the Parish Council and Officers would be talking to the developers and seeking advice from Natural England on a way forward. She provided assurance that the Landscape and Ecological Management Plan would not be approved until Natural England was completely satisfied. With regard to flooding, Severn Trent Water had confirmed that phase 1 could be incorporated into the existing infrastructure; any further phases would be considered in conjunction with Severn Trent. The Flood Risk Management Engineer advised that the current discharge rate for a one in one year event was 175 litres per second for the total site and that would be reduced to less than 173 litres per second for a one in one year event plus a 30% allowance for climate change – less water would be going into the system because it was being retained.

6.84 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to a satisfactory response from the County Highways Officer and revised plans which satisfactorily addressed outstanding minor matters concerning detailed design/boundary treatments/materials being resolved, and any other additions/revisions to conditions which may be required.

PL.7 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

7.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 27-30. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

7.2 It was

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

The meeting closed at 2:24 pm

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 18 June 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	
10	2	<p>19/00192/FUL</p> <p>Land On The East Side Of, Broadway Road, Stanway</p> <p>The applicant's agent has provided additional comments which are attached in full.</p> <p>Further, on the afternoon of Monday 17 June, the applicant submitted amended plans relating to the removal of the metal fencing that surrounds the site. These plans were forwarded by the applicant's agent to all Members of the Committee.</p> <p>Notwithstanding the additional information supplied, the recommendation remains unchanged.</p>
18	3	<p>18/00173/FUL</p> <p>Land Adjacent To The Swan, Tewkesbury Road, Coombe Hill</p> <p>Additional Representation</p> <p>A further representation in support of the application has been submitted by the applicant. The letter is attached below.</p> <p>The Council's Flood Risk Management Engineer has reviewed the drainage proposals and is satisfied with the arrangements, subject to a further condition requiring the repair and improvement works being completed prior to the first occupation of the site.</p> <p>Revised Recommendation</p> <p>It is recommended that authority is DELEGATED to the Technical Planning Manager to PERMIT the application subject to the resolution of outstanding matters relating to ecological mitigation measures, any additional/amended planning conditions and the completion of a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> - Affordable Housing - 40% - Recycling & waste bins - £73 per dwelling - Management arrangements for the discharge of clean water from the site

78	8	<p>17/01337/OUT</p> <p>Land Off A38, Part Parcel 0120, Tewkesbury Road, Coombe Hill</p> <p>Additional Representation</p> <p>A further representation has been received and is set out below:</p> <p>Sent: 29 May 2019</p> <p>Thank you for coming back to me and confirming the information I requested. Can you elaborate on the factors that will be taken into consideration on the site visit and the specific reasons why the Planning Committee are taking the time to visit site. In addition can I ask the Planning Committee to take the following considerations (in no particular order) into account which are my main concerns of the proposal:-</p> <p>1. The topology of the ground from the A38 down towards my property taking into account the 10m drop in levels. Obviously this means the natural flow of surface water is towards my ditches and my worry that the further erosion of natural drainage being replaced by hardstanding (roads/houses) will further increase the risk of flooding to my property which as you are aware has a history of flooding. Please also note the relation of the proposal with regard the boundary of my property/land and the fact it runs 75% alongside the proposed development/field and the impact this will have on my visual amenity and enjoyment of views, open space and privacy I currently enjoy from my house and land. Let's not beat around the bush here we are both aware that this proposal is only Phase 1 of what the Developer's intentions are. If we are not clear on this then please see attached Plan from Robert Hitchin's showing the full extent of their proposals. As you can see and undoubtedly already aware the overall proposal is to develop the whole site/field. This is just the first step to get their foot in the door and thereafter they will continue knocking at the door until their full plans are developed? Please consider the complete intrusion on my property/ land, loss of open space and outlook I currently enjoy and the subsequent loss of value to by property caused by this development. Who will compensate me for the loss in value?</p> <p>2. The positioning of the settlement pond in relation to my property. You will note when you attend site the pond is proposed to be adjacent to my property and in particular my patio area which I use regularly, certainly in the Summer, for entertaining and recreational purposes. My concerns being that although the Developer states in their Flood Risk Assessment that the pond is there to serve as a design of the development, is not intended for recreational use and will be fenced off accordingly. This is fine as a statement of intent but the reality is when the houses have been built, the pond installed and the Developer has disappeared I will be left with the legacy. That being regardless of it being fenced off people/children are naturally drawn towards water whether that be for wildlife or other recreational aspects and my biggest concern being the loss of privacy and enjoyment I currently enjoy from my property and outside space. Other concerns regarding the pond are the proposal of the sewerage treatment plant currently proposed next to the pond and the obvious potential for air pollution certainly during periods of high temperatures - an increasing feature of our climate. I currently experience issues during summer months with midges from my ditches. The pond will only undoubtedly add and compound this situation. My ditches currently run wet, due to topology of land (the Outfalls on A4019 are higher than my ditches), for 8/9 months of the year. Therefore I only have a limited period each year to maintain them. With the proposed discharge rates from settlement pond the ditches will run permanently wet - how I'm I supposed to maintain them?</p> <p>3. I feel there is a certain element of neglect towards my property and me and</p>
----	---	--

neither have been fairly considered in the Proposal. In particular the Design/Access Statement and Heritage Statement reports have a complete lack of disregard for my property and the impact the Development will have on it. In the first instance the Overall Proposed Development (please again refer to attached) shows the current access into the field from A4019 as being utilised as an access road into the site. Please consider the impact that this will have on my property and further intrusion into my privacy. Increased noise and Car lights shining into my property. I am also concerned that an accident will occur. I regular witness cars and motorbikes speeding down the hill from the Traffic Lights. In general the traffic volume at Peak Periods is not manageable and again this will be undoubtedly compounded by the proposed development as well as the thousands of new homes being proposed at Uckington and Twigworth.

The Built Heritage Statement is even more alarming. It notes six properties of interest, mainly along the A38 and my neighbours property 'Coombe End' directly opposite the field on A4019. Towards the back of the document there are several Ordnance Surveys maps showing the growth of Coombe Hill over the last 200 years. Most of the Properties of concern do not start appearing until early 1900's. Looking through my Deeds my property dates back to 1807 and is one of the oldest properties in the village. This is borne out by the fact it is shown on every Ordnance Survey Map in the Statement - the first of which dates back to 1828 - the only other property shown is the Swan Inn obviously an old coaching inn. With this in mind how come my property is not even worthy of a mention in the report and further not considered against the Overall Development? I first raised this in my objections in February 2018. I would be interested to hear the Developers observations on this? I am naturally assuming you have approached them concerning this omission?

4. It has been brought to my attention the Councils Preferred Options Consultation 2011 - 2031 and the proposal to extend the Knightsbridge Business Centre to my boundary on the other side of my property and land to the above proposed Residential Development. This will completely box my property and land in and I am flabbergasted that this is even being considered. Again I would point to the complete loss of visual amenity and privacy that I currently enjoy and detrimental effect this would have on the value of my property should this proposal ever be allowed. Again if you are in any doubt of the effect this will have, for ease I attach a link to the above document which as you will see has my property and land completely hemmed in by the proposed Developments.

I am extremely concerned of Tewkesbury Borough Councils approach to my property and land, the wilful neglect and obvious disregard to the effect firstly the Residential and Secondly the Commercial Development will have and would be interested to hear your views? Please rest assured I will vehemently contest either of these proposals and do everything in my powers to ensure that neither of these go ahead.

Recommendation

The recommendation to Committee remains unchanged.

95	9	<p>19/00444/FUL</p> <p>Wenallt, Badgeworth Lane, Badgeworth</p> <p>The applicant has made the following comments in response to the Officer's report:</p> <p>Paragraph 5.14</p> <p>Please note that we approached the planning dept for pre-application advice regarding the rules used to calculate the percentage increase for the footprint. Their advice was that all outbuildings appearing on or before the 1948 survey maps can be used to calculate the existing footprint.</p> <p>Our plans were submitted based and to comply with these rules and the Officer confirmed the uplift at 41%.</p> <p>At a late stage we were told of the 5m rule, being case law regarding a property in Maidstone, Kent where this rule is documented within their local plan.</p> <p>Please note that this rule is not documented within the Tewkesbury Borough local plan.</p> <p>Paragraph 5.15</p> <p>Please note the existing building is a T shape and not as stated. The permitted development rights would amount to 94m; very close to the 97m requested. It would, however, result in an awkward design.</p> <p>Officer response:</p> <p>Paragraph 5.14</p> <p>Case law has an important role in making planning decisions. A widely practiced rule such as the 5m rule does not have to be in a development plan to carry weight or be relevant. This rule is practiced nationwide and has been accepted by planning inspectors.</p> <p>Paragraph 5.15</p> <p>For the reasons set out at this paragraph of the Officer's report, it is not considered the extensions that could be constructed under permitted development comprise a realistic fall-back position sufficient to amount to very special circumstances.</p>
108	12	<p>18/01129/FUL</p> <p>6 Persh Way, Maisemore</p> <p>Recommendation changed to Deferred</p> <p>Although revised plans and elevations have now been provided, they have been received at a very late stage and the neighbours have raised objections that there has been insufficient time for them to properly assess and comment upon the revised plans.</p> <p>It is therefore recommended that the application be Deferred to the next Planning Committee to allow sufficient time for appropriate consultation on the revised plans.</p> <p>Further objection:</p> <p>The adjacent neighbour and objector to the scheme makes the following objection</p>

		<p>/ comments (based on receipt of the revised block plan only):</p> <p>Five days before the proposed Planning Committee date of Tuesday 18 June, we were passed a new block plan drawing which is completely inadequate and does not address concerns. It is not an accurate proposal drawing as it gives a poor indication of the properties and grounds and gives no details of sizes or dimensions of the grounds and the structure itself.</p> <p>The structure will still give a direct view overlooking our garden but, more importantly, we will have no privacy in our kitchen diner or lounge. More importantly, it will still have a direct view into our daughter's bedroom.</p> <p>Finally, we would need to know if the Committee grant the application, who would be responsible for ensuring that the compromises will be carried out and adhered to.</p> <p>The privacy and overlooking was why the original retrospective planning application was not acceptable, and it will remain an issue with us.</p>
111	13	<p>19/00281/FUL</p> <p>7 Kingswood Close, Bishops Cleeve</p> <p>One letter of support has been received from an immediate neighbour - they are happy with the proposal</p>
124	16	<p>18/01284/APP</p> <p>Land North Of Innsworth Lane, Innsworth</p> <p>The following additional consultation responses have been received in respect of the application:</p> <p>Landscape Consultant (LC) - The LC required further clarification in respect of 'Ditch 1', which runs parallel with a section of the proposed Spine Road. Similarly, the position of 'Ditch 5' has been queried by the LC, together with its potential impact upon existing trees and artificial 'straight' design. The LC considers that opportunities to re-design Ditch 5 in a more naturalistic, less engineered way, should be explored as part of the scheme. 'Ditch 1' adjacent the Spine road is an existing ditch that is required to be retained as part of the overall site wide drainage strategy and has been subsequently embedded within the approved Site Wide Masterplan Document (SWMD).</p> <p>The LC has further advised that engineering features of the SuDS ponds, channels and swales should be as unobtrusive as possible, in line with CIRIA SuDS Manual guidance. Headwalls at inlets and outfalls should be as minimal as possible, ideally built with locally appropriate materials, to blend with the landscape.</p> <p>The LC notes that a good number of existing trees are proposed for retention where they are not impacted by the site infrastructure works. Furthermore, the proposed Standard and Extra Heavy Standard tree planting to the primary road and bus turning area is considered acceptable.</p> <p>However, there appears to be no tree or other planting (except meadow) indicated around the attenuation basins and SuDS ditches, even where existing trees are being removed to enable construction. The main basins appear to be indicated as 'wet', and the LC would also expect to see marginal/aquatic planting to the wet areas and ideally some shrub/scrub planting for wildlife benefit (and to screen any engineering headwalls or similar). The LC therefore requests further clarification in respect of the proposed planting in and around the SuDS features, in order to ensure that a quality wildlife habitat is provided alongside the engineering function.</p> <p>In addition, the LC has advised that the impact of the construction phase should</p>

be minimised in respect of existing landscape features (trees, meadows, hedgerows, ditches, pond) and the SSSI. It is important that construction vehicles are not permitted to indiscriminately drive through or across these areas, which are largely to be retained as green spaces.

Tree Officer (TO) - The Tree Officer has commented that as long as there is a suitable compensatory and new tree and hedgerow planting, the proposed loss of trees required by development would be mitigated for, and there should be an overall net gain of trees on site.

The tree protection plans are considered generally acceptable - however, clarification is required as to the proposed methods of protected fencing and any other tree protection measures proposed.

Re-profiling works are proposed along existing ditches and the Hatherley Brook in close proximity to trees to be retained. Therefore, further clarification is sought through an arboricultural method statement as to how potential damage to trees would be prevented.

The submitted tree pit specifications are acceptable. However, girth sizes in respect of the proposed new tree planting needs to be clarified - a minimum of 18-20cm girth would be preferred by the Tree Officer in order to make an immediate impact as these roads are going to be the main route through the development.

A relatively small palette of tree species is currently proposed - whilst the TO considers that it is important to plant a small range of trees to help create a sense of character and identity to this new estate, it is felt that some more species should be included, including some more unusual species at appropriate locations which could become landmark trees.

New tree planting seems to be predominately restricted to one side of most of the new roads - the TO would like to see more trees planted on the other side of the road to have an avenue feature. The 'Primary Street' is shown as having trees on either side of the road which is considered positive.

In the vicinity of the new attenuation ponds and SUDS ditches no new tree planting is proposed. The TO would like to see some new native tree planting in these potentially wet areas, for example willow, *Salix alba*, which could in the future be managed to create pollards.

The agent for this application has submitted additional clarification to seek to address the concerns/queries raised by the Environment Agency, Natural England, Landscape Consultant and Tree Officer. This information is summarised as follows:

Environment Agency queries: The comments relating to the left bank of Innsworth Drain and Hatherley Brook relate to parts of the site within Robert Hltchins Ltd's retained ownership. These can be considered and addressed solely as part of the Innsworth Landscape & Ecology Management Plan (LEMP) (which is subject to a separate discharge of condition application and we understand is to be subject to a further meeting with Natural England). The LEMP can provide the appropriate means to ensure that such works can be carried out if deemed appropriate. Accordingly, we consider that these matters do not need to be given further consideration through this application.

Natural England: The revised General Planning Layout Plan shows the chain of 3 linked sustainable drainage ponds immediately south of the SSSI. We understand that measures relating to monitoring and management of water quality for these features is being addressed through the LEMP - subject to a separate discharge of condition application.

Landscape Consultant: The ditches referred to by the Landscape Consultant are dictated by the approved Site Wide Masterplan Document and/or Site Wide

		<p>Surface Water Drainage Strategy.</p> <p>The comments under 'landscaping' can be addressed through the imposition of a condition requiring proposed planting details around the attenuation basins and SuDS ditches.</p> <p>Minimising construction impacts can be addressed under the outline permission 15/00749 Condition 22 - requiring submission of a Construction Method Statement. Re-grading works are proposed to an existing ditch connecting to Innsworth Drain which needs to be lowered by circa 250mm and regrading works to the upper section of the ditch near attenuation pond 3. Hand digging could be specified in where trees are present.</p> <p>The excavated soil from the attenuation ponds will be used on site for raising site levels. The areas of ground levels to be raised are shown on drawing no. 272-010 "SuDS Strategy" which was submitted to discharge condition 26 of the outline planning permission (attached). Raising of ground levels are required to achieve a gravity system of drainage and also ensure FFL are set above the Flood Level.</p> <p>Revised Recommendation</p> <p>In light of the above, additional consultation responses from the Landscape Consultant and Tree Officer, the officer recommendation has been revised as follows:</p> <p>It is recommended that authority be delegated to the Technical Planning Manager to approve the application subject to resolving any outstanding minor matters concerning highways, the receipt of revised plans that satisfactorily incorporate the additional tree planting/landscaping/tree protection measures outlined by the Landscape Consultant and Tree Officer, subject to additional ecological and wildlife benefits being incorporated within the SuDS/attenuation ponds and any other revisions or additions to conditions that may be required.</p>
137	17	<p>18/01285/APP</p> <p>Land North Of Innsworth Lane, Innsworth</p> <p>Further Representations</p> <p>The following additional representation has been received in respect of the Reserved Matters application:</p> <p>Lead Local Flood Authority - LLFA - A further response was received from the LLFA on 05.06.2019. The LLFA has confirmed that they have no objection and is satisfied that any reserved matters, access, appearance, landscaping, layout and scale, with respect to flood risk are met with the information provided with this application.</p> <p>In light of the above, favourable response from the LLFA, the officer recommendation has been revised as follows:</p> <p>It is recommended that authority be delegated to the Technical Planning Manager to approve the application subject to a satisfactory response from the County Highways Officer, the submission of a detailed breakdown of the proposed affordable rent and affordable intermediate units for the affordable housing provision and revised plans which satisfactorily address outstanding minor matters concerning detailed design/boundary treatments/materials being resolved and any other additional/revisions to conditions which may be required.</p>



119 Promenade t 01242 895 008
Cheltenham w www.mplanning.co.uk
GL50 1NW

MP Ref: AP/0389
Email: andy.powick@mplanning.co.uk
Tel: 01242 896104

13 June 19

Planning Committee
Tewkesbury Borough Council
Public Services Centre
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT
VIA EMAIL ONLY

Dear Councillor

June 2019 Planning Committee (Item 2) – Retention of an agricultural barn and associated works at land on the east side of Broadway Road (18/00449/FUL)

I am writing on behalf of the applicant in respect of the officer's report for the above-mentioned planning application, which is due to be determined at the June Planning Committee (Item 2). We are concerned that the report contains a number of inaccuracies and misleading assertions. We are also seriously concerned that the report fails to adequately address the extant permission for an agricultural building on the site, particularly in respect of the alleged impact on the AONB. I set out our concerns as follows.

The 'Relevant Planning History' section of the report makes reference to a number of planning permissions, which are wholly unrelated to this current application. At paragraph 2.2, reference is made to permission for the erection of 6 dwellings on land off Broadway Road. That permission was for a completely different development to what is proposed here and on an entirely different site. It is of no relevance to this current proposal. Equally, at paragraph 2.3, reference is made to a permission at Wellington Meadows for the erection of an agricultural building. This site is approximately 1.5 miles away from the application site and whilst the applicant may be the same, it is of no relevance to this case.

At paragraph 2.4, it is stated that an application to discharge the planning conditions attached to the previous permission for the barn was withdrawn by the applicant. Moreover, there are numerous comments within the report making reference to that fact that conditions were never discharged. To clarify, the application to discharge the planning conditions was withdrawn at the express request of the case officer.

Section 3.0 describes the current application and lists what the officer considers to be the differences between the permitted scheme and the current scheme. In terms of the design, reference is made to concrete wall panels and trapezoidal metal sheet cladding. Whilst this is correct, it should be noted that the previously approved scheme also detailed concrete wall panels. Moreover, whilst the previous application referenced Tanalised treated Yorkshire boarding vertical cladding, it was not approved as stated as a condition was attached, which required samples of the walling and roofing materials proposed to be used to be submitted to the Council for approval. However, in any event, the materials that have been utilised are entirely consistent with other agricultural buildings permitted within the Borough.



Item 2 – June 2019 Planning Committee
Land on the east side of Broadway Road (18/00449)
13 June 2019

Of particular concern is the suggestion that there have been substantial changes in land levels across the site by up to 2.5 metres. This is simply not the case. The site forms part of a larger parcel of land measuring approximately 9 hectares. The land slopes gently to the lowest point in the north-western portion of the field, which is where the barn is located. The sloping natural of the application site means that there is a levels difference of around 3 metres from the western edge of the site to the eastern edge of the site. Given the sloping nature of the land, it was inevitable that in order to build the barn, the land would have to be either cut or filled. This should have been immediately evident when the officer conducted their site visit. In this case, the barn has been cut into the site so that it sits at its lowest possible position thus limiting any visual impact on the landscape.

The alternative would have been to raise the land levels to the west of the application site by around 2.5 metres. This would be wholly impractical and would have resulted in a building sitting some 2.5 metres higher in the landscape. Whilst the condition relating to levels was not discharged, it is unfathomable that the Council would not have approved the levels as per the current situation. Consequently, contrary to the officer's assertion at paragraph 5.7 that the land level works that have been undertaken exceed works that can reasonably be regarded as incidental to the provision of the agricultural building, the land levels on site should have been entirely expected. It does not constitute an engineering operation, which would require planning permission in its own right.

On a related matter, the change in levels across the site has necessitated the retaining wall adjacent to the concrete apron to the front of the barn. Without this retaining wall, there would be no practical access to the building. This would also have been the case even with the original permission. The height of the retaining wall is also not 3 metres tall as suggested. A comment is also made at paragraph 5.6 that the change in levels potentially impacts on the water mains easement. This is a completely unsubstantiated comment and is also incorrect.

Within the analysis section of the report, reference is made to Policy CE12 (Development Priorities and Evidence of Need) of the Cotswold AONB Management Plan. The report suggests at paragraph 5.2 that this policy requires that justification be provided for the use of the building and the deviations from the original consent. This is erroneous for a number of reasons. Firstly, Policy CE12 is not part of the adopted development plan. Secondly, Policy CE12 has been taken out of context since it is concerned with the delivery of housing. This is clear from the supporting text to this policy. It should therefore not be construed in the manner in which it is set out in the report. Thirdly, the relevant policies in the adopted development plan and the Framework do not expressly require this. In any event, the principle of a building on this site for agricultural purposes has already been accepted by the Council. It is also of note that the report at paragraph 6.1 accepts that the application supports the needs of an agricultural enterprise, which *'weights in favour of the proposal'*.

At paragraph 5.3 the report alleges that *'the increase in the size of the building and its relocation further into the field makes it more prominent in the landscape and increases its visibility and its visual impact within this sensitive rural setting'*. However, the report fails to substantiate this. Furthermore, whilst the report acknowledges that there is an extant permission for an agricultural building on the site, it fails to demonstrate how the existing building results in harm over and above what has already been granted permission. The report seems to consider the impact of the building in isolation.

Further to the assertion that the building is now more prominent in the landscape when viewed from public vantage points, this is not the case. As can be seen below, the building is not visible from the B4632 due to the screening from the crops. However, even in the winter months, only the top of the end gable would be visible from this location given the



Item 2 - June 2019 Planning Committee
Land on the east side of Broadway Road (18/00449)
13 June 2019

contours of the land. Moreover, given that the height of the building has not changed, this view would not be materially different to what was previously granted.



In terms of the view from the road immediately outside the site, the existing screening on the boundary effectively limits views into the site. This is evident from the photographs below. Whilst the building would be more prominent in the winter months at this location, this would equally be the case for the previously approved building. It is therefore difficult to see how the additional length of the building over and above what was previously permitted increases its prominence to such a degree as to be deemed harmful.



Item 2 - June 2019 Planning Committee
Land on the east side of Broadway Road (18/00449)
13 June 2019



In terms of the materials of the building, it is commonplace for agricultural buildings to be constructed using steel frames, concrete panels and profile metal sheeting. Moreover, whilst the building is slightly longer than what was previously permitted, its form has not materially changed. The incorporation of roller shutter doors is also not uncommon and are not visible from any public vantage point in any event. Further to the matter of the



Item 2 – June 2019 Planning Committee
Land on the east side of Broadway Road (18/00449)
13 June 2019

appearance of the building, some Members will be aware of the application for the retention of a barn at Cuckoo Farm in Southam, which was permitted at the March Planning Committee (19/00029/FUL). Contrary to the officer's assertion at paragraph 5.18, this is considered relevant to this case since it demonstrates the acceptability of a large agricultural building of a similar form, which is clad in similar profile metal sheeting and incorporating a roller shutter. This case is also material since the building in this instance was also built in a different location, albeit 30 metres away rather than 6 metres as in this case. Here, 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. Members were advised that 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.

Turning to the fencing, whilst the report states that it is '*a wholly insensitive and inappropriate choice*', the report fails to properly consider the fall-back position of what can be erected under permitted development. As set out in the supporting planning statement, fencing can be erected up to 2 metres in height. There is no control over its materials or appearance. The impact of the fence therefore needs to be assessed in the context of the additional height of between 5cm and 10cm. Given the fall-back position, the additional height of the fencing over and above 2 metres (between 5cm and 10 cm in this case) has a negligible impact on the AONB. Furthermore, as can be seen from the photographs, the fencing is not overly prominent from public vantage points.

At paragraph 5.5 the report comments on the lighting on the barn, which is described as 'industrial style lighting'. It is suggested that this would result in an adverse impact from artificial light on an intrinsically dark landscape. However, this fails to acknowledge that there was no lighting condition attached to the original permission and lighting could have been installed without the requirement for planning permission. It is also entirely reasonable for lighting to be attached to an agricultural building.

Turning to landscaping, paragraph 5.11 states that to rely on landscape treatments to mitigate the landscape impact of the development is likely to come across as a tokenistic effort. However, this ignores the fact that a landscape condition was attached to the original permission, which required details of additional landscaping to the site boundary facing the road. Additional landscaping, as proposed here, would provide screening around most of the perimeter of the site, which goes over and above what was previously approved. This can be secured through an appropriately worded planning condition, which can also secure details of the planting mix. The comment that the planting could be removed after 5 years is also unhelpful since this would be the case almost everywhere else. There would also be no practical reason for the applicant to remove the landscaping at a later date.

In summary, we are of the view that the building, as constructed, has an acceptable impact on the landscape, when considering the extant permission for a similar building on the same site and the fall-back position of exercising permitted development rights. We would be grateful if you would carefully consider the contents of this letter in the determination of this application.

Yours sincerely

Andy Powick
Planner



CENTAUR HOMES

14 June 2019

BY EMAIL ONLY

Member of Planning Committee
Tewkesbury Borough Council

Dear Councillor

Re: Land adjacent to the Swan PH, Coombe Hill Ref: 18/00173/FUL

We write in support of our planning application at the above address for 25 houses being heard at Committee, Tuesday 18th June 2019.

Background

We have been addressing the planning and technical constraints of this site over the past 2 years, and the submitted application of February 2018 reflected those technical solutions.

We consulted with the Parish Council who, at that time, were in support of the application as it met the broad numbers proposed in the JCS Service Village allocations of circa 20 houses. Subsequently they have become concerned about overall numbers proposed on both this and Robert Hitchin's site opposite, but we stand by our original consultation proposals for a small, bespoke, high quality scheme that has been submitted as a detailed application to ensure absolute certainty about what would be delivered.



01242 677150 | enquiries@centaurhomes.co.uk | www.centaurhomes.co.uk

Centaur Homes Ltd Registered In England and Wales | Company number 05709567
Registered office address: Willow End, Stoke Orchard Road, Bishops Cleeve, Cheltenham, Gloucestershire, England, GL52 7DG

*Quality
By Design*

CENTAUR HOMES

Drainage

Due to there being no adopted foul or storm sewers in the vicinity, we have worked hard on a solution which is in fact quite simple.

All storm water from the estate road, drives and roofs will drain directly into the onsite SUDs pond. The capacity of this pond is designed to take peak flows for the 1:100 year storm event plus 40% climate change as required by the LLFA.

The outfall from this pond discharges into a hydrobrake chamber which slows any flows off site to match the existing 'greenfield run off rate' that would be experienced presently. These flows then need to drain to a suitable watercourse down stream.



With a view to avoid digging up the A38 and laying new pipes that get us to this watercourse, we approached Gloucestershire Highways to gain permission to use their highways drain. This has been agreed subject to us making improvements to cracks and failures of their current pipes.

01242 677150 | enquiries@centaurhomes.co.uk | www.centaurhomes.co.uk

Centaur Homes Ltd Registered In England and Wales | Company number 05709567
Registered office address: Willow End, Stoke Orchard Road, Bishops Cleeve, Cheltenham, Gloucestershire, England, GL52 7DG

*Quality
By Design*

CENTAUR HOMES

In addition to clearing the existing debris and upgrading the size of the pipes we can ensure that there is localized storage that can again deal with any type of flash rainfall events.

The hydrology of this design is sound and approved by the LLFA.

The foul drainage is proposed to make use of a site wide foul treatment plant that sits underground adjacent to the SUDs pond. All 25 houses drain their foul waste by gravity into this location.

The treatment plant separates all the nasty elements of the foul waste and any clean waters from the process discharge into the SUDs pond and would then lead to the watercourse. This process is subject to and Environment Agency (EA) permit that would be applied for after planning permission, and would ensure the good working order of the process to prevent any pollutants.

If the EA permit was **not** forthcoming, we have a fall back solution of a site wide septic tank which would see all waste removed from site. This is a more regular process and would cost residents more on a monthly basis, but it is a perfectly implementable solution if there are any future foul treatment issues raised.

In summary we are able to demonstrate that there are sound and appropriate drainage solutions that more than cater for the proposed 25 homes.

We hope that Members appreciate the scheme design and technical solutions and we hope for your support of this application.

Yours Faithfully

Mark Snape