

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on  
Tuesday, 16 June 2020 commencing at 10:00 am**

**Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

**and Councillors:**

R A Bird, G F Blackwell, L A Gerrard, M A Gore, D J Harwood, 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:**

Councillor J K Smith

**PL.6 ANNOUNCEMENTS**

- 6.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.
- 6.2 The Chair outlined the procedure for the meeting, including public speaking.

**PL.7 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 7.1 Apologies for absence were received from Councillor A Hollaway. There were no substitutions for the meeting.

**PL.8 DECLARATIONS OF INTEREST**

- 8.1 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.

8.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R D East	Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington.	Had received telephone calls in relation to the application but had not expressed an opinion.	Would speak and vote.
M A Gore	Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington.	Had attended a remote meeting with Parish Council members in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	General Declaration.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P W Ockleton	Agenda Item 5c – 19/00985/FUL – Tesco Supermarket, Church Road, Bishop's Cleeve.	Was a former Tesco employee in receipt of a company pension.	Would not speak or vote and would leave the meeting for consideration of this item.
P W Ockelton	Agenda Item 5e – 19/00465/FUL – Charlton, Main Road, Minsterworth.	Had received a number of emails in relation to the application but had not expressed an opinion.	Would speak and vote.
R J E Vines	Agenda Item 5g – 20/00172/FUL – The Uplands, Dog Lane, Witcombe.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

8.3 The Chair noted that all Members of the Committee had received correspondence in relation to Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington and the Technical Planning Manager confirmed that Officers had seen copies of that correspondence.

8.4 There were no further declarations made on this occasion.

**PL.9 MINUTES**

- 9.1 The Minutes of the meeting held on 19 May 2020, copies of which had been circulated, were approved as a correct record.

**PL.10 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

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.

**20/00318/FUL - 1 Starling Walk, Walton Cardiff**

- 10.1 This application was for a change of use from landscaped area/public open space to residential garden area including erection of a new boundary fence.
- 10.2 The Planning Officer advised that the application related to a residential dwelling located on the Wheatpieces estate in Tewkesbury. The dwelling was bordered to the south by a strip of grassland which was the subject of the application. It was proposed to remove the existing southern boundary fencing and re-erect it two metres further south, encapsulating a strip of the grassland totalling 21 square metres. Whilst the land was currently within the ownership of Tewkesbury Borough Council, it had been indicated by the Property Services team that it would be amenable to sell if planning permission was granted. Although an objection had been received from the Parish Council, it was the Officer opinion that the concerns raised were insufficient to warrant a refusal, as such, the Officer recommendation was to permit the application.
- 10.3 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 noted that the land was owned by Tewkesbury Borough Council and questioned whether it was maintained by a management company. In response, the Planning Officer clarified that the land was currently maintained by the Council's Property Services team. Upon being put to the vote, it was

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

**19/01071/OUT - Land off Ashmead Drive, Cobblers Close, Gotherington**

- 10.4 This was an outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval) for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.
- 10.5 The Planning Officer advised that the application related to an agricultural field located adjacent to the southern edge of Gotherington; it had a gentle slope and was contained by mature hedgerow and tree planting along its boundaries. The site was located within a Special Landscape Area with the land to the north and east of Gotherington forming part of the Cotswold Area of Outstanding Natural Beauty. The site was outside of, but adjacent to, the settlement boundary as defined in the Gotherington Neighbourhood Development Plan. The application was in outline and

proposed up to 50 dwellings with all matters reserved for future consideration with the exception of the means of access off Ashmead Drive. Whilst the application was in outline form, it was supported with an illustrative site layout plan which showed how the site could be developed. Some Members may recall a previous application on the site which was refused by the Council in 2017 on the basis that it was outside of any defined settlement boundary and would have a harmful impact on the landscape, as well as on the grounds of social cohesion and a number of technical matters relating to the lack of a signed Section 106 Agreement. The application was subsequently dismissed at appeal, although the Inspector did not find any overriding harm in terms of impact on the landscape. The findings of the Inspector were material to the current application which was essentially the same as that which was dismissed on appeal. Notwithstanding this, there had been a material change in circumstances since the appeal decision in 2018; at the time of the appeal, the Council had been able to demonstrate a five year supply of deliverable housing sites, as such, the housing policies contained within the Joint Core Strategy and Neighbourhood Development Plan attracted full weight in decision-taking. In contrast, the Council could not currently demonstrate a five year supply of deliverable housing sites, therefore, the housing policies in the Joint Core Strategy were deemed to be out of date; unfortunately, this also applied to policies contained within the Neighbourhood Development Plan. Furthermore, given the time that had elapsed since the Neighbourhood Development Plan was made in September 2017, it no longer benefitted from the protection afforded by Paragraph 14 of the National Planning Policy Framework which stated that, in situations where the presumption applied to applications involving the provision of housing, the adverse impact of allowing development that conflicted with the Neighbourhood Development Plan was likely to significantly and demonstrably outweigh the benefits. This was subject to certain criteria, one of which specified that the Neighbourhood Development Plan must have become part of the development plan two years or less before the date on which the decision was made. As the Neighbourhood Development Plan was now older than two years, Paragraph 14 of the National Planning Policy Framework no longer applied; however, the Planning Officer stressed that did not mean that the Neighbourhood Development Plan should be disregarded. Similar to the position at the 2018 appeal, Officers were of the view that there were no technical matters that would represent a reason for refusal in this instance. Members would be aware of the recent response from the Cotswolds Conservation Board objecting to the scheme; however, in light of the findings of the appeal Inspector and the Council's landscape consultant, Officers did not concur with the findings of the Board and were of the view that the only harm that had been identified was the impact on social cohesion and social wellbeing as a result of the scale of growth in a relatively short period of time. This harm weighed against the proposals but, in the absence of any other reasons for refusal, and given the application of the tilted balance, that harm was no longer considered to significantly and demonstrably outweigh the benefits of the scheme. It was therefore recommended that authority be delegated to the Technical Planning Manager to permit the application, subject to finalising a Section 106 Agreement. It was noted that, as set out on the Additional Representations Sheet attached at Appendix 1, a further response had been received from the County Highways Officer recommending that the condition requiring highway safety improvements to the Gotherington Cross junction be removed on the basis that those works had already been secured. The Planning Officer proceeded to show a video of the application site serving as a virtual site visit for the Committee.

- 10.6 The Chair invited the representative from Gotherington Parish Council to address the Committee. The Parish Council representative confirmed that the Parish Council wished to object to the proposal. The current application was substantially the same as a previous application which was unanimously refused by the Planning Committee in February 2017 and subsequently on appeal in April 2018. This proposal sought to build the same housing estate, with the same number of houses,

on the same field, accessed via the same cul-de-sac, and had all the same problems as the previous application. He went on to indicate that the site was located between Gotherington and Bishop's Cleeve, within a Special Landscape Area and close to the boundary of the Cotswold Area of Outstanding Natural Beauty. The proposed site was not one of the three selected for development within the Neighbourhood Development Plan or the Tewkesbury Borough Plan and sat outside of the settlement boundary. Development of this site would therefore breach Neighbourhood Development Plan guidelines 4, 5 and 6 which were concerned with the sensitivity of the landscape and protection of Gotherington and its coalescence with Bishop's Cleeve. The development would not meet Tewkesbury Borough Plan Policy LAN1 in relation to Special Landscape Areas nor Joint Core Strategy Policy SD6 in relation to landscape, Policy SD7 regarding the Cotswold Area of Outstanding Natural Beauty or Policy SD14 with regard to health and environmental quality which stated that developments should protect and seek to improve environmental quality and not cause unacceptable harm to local amenity, including that of neighbouring occupants. Paragraph 78 of the National Planning Policy Framework was particularly relevant as it stated that housing should be located where it would enhance or maintain the vitality of rural communities - the Parish Council did not believe this application would enhance or maintain the vitality of Gotherington. Paragraph 94 of the National Planning Policy Framework recognised the importance of a sufficient choice of school places; however, the local school and schools in Bishop's Cleeve were either full, or very nearly full. The Parish Council representative went on to indicate that Paragraph 97 of the National Planning Policy Framework stated that existing open space, sports and recreational buildings and land, including playing fields, should not be built upon and Paragraph 172 set out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty; this site was within the context and setting of the Cotswold Area of Outstanding Natural Beauty. In conclusion, the application failed to meet policy and guidance set out in the Neighbourhood Development Plan, the Tewkesbury Borough Plan, the Joint Core Strategy and the National Planning Policy Framework. Furthermore, development on this site would have a negative and destabilising impact on residents and local services at a time when the village had already seen huge growth. Therefore, Gotherington Parish Council objected to the application.

- 10.7 The Chair invited a local resident speaking against the application to address the Committee. The local resident reiterated that, despite the applicant's claim, the application was fundamentally unchanged from the one rejected by the Council and at appeal in 2018, other than the inclusion of a Multi-Use Games Area; what had changed was the wider planning framework, most notably that the Council was unable to demonstrate a five year housing supply. Gotherington had embraced the concept of localism and made a robust Neighbourhood Development Plan with allocated sites which were being delivered; however, being just over two years old, the Plan was deemed to hold little weight under the National Planning Policy Framework. Therefore the overriding principal was in favour of sustainable development which, in her view, this was not - the primary school was oversubscribed, the bus service limited, there were no safe cycling routes out of the village and limited employment which would result in residents travelling by car. She pointed out that access to the site was via a quiet cul-de-sac and exiting the village onto the A435 was via a dangerous junction. The National Planning Policy Framework and draft Tewkesbury Borough Plan aimed to protect environments and valued landscapes but this development was criss-crossed by several footpaths which were extensively used by residents, views from local viewpoints would be negatively affected, as would those from Area of Outstanding Natural Beauty spots such as Nottingham Hill and Woolston Hill. This visual amenity would be destroyed if footpaths were hemmed in by houses and would result in creeping coalescence with Bishop's Cleeve, creating an urban sprawl and loss of village identity and character. The local resident went on to point out that the site was not included in

either the Gotherington Neighbourhood Development Plan or the draft Tewkesbury Borough Plan and did not meet the development criteria for either. There was no urgent need for more housing in the village, as demonstrated by the recent Housing Needs Survey, and the strength of feeling against the development could be judged by the large number of objections. There were also significant concerns over social cohesion as the cumulative effect of the 95 dwellings approved since 2011 and these additional 50 houses would represent a 32% increase in the size of the village. New residents were unlikely to fully integrate into village life if their children were educated elsewhere and working residents would not be able to access the shop as its pre-COVID-19 opening hours were 0915 to 1630. Community buildings were already too small to comfortably hold village meetings, numbers for clubs were restricted due to capacity and the amount of football pitches was inadequate with several village teams having to play elsewhere – as noted by the appeal Inspector, there was no scope for these facilities to be expanded. The development risked being an isolated enclave, having an adverse impact on the social cohesion and community spirit much valued by residents. The local resident explained there had been no community consultation prior to the application being submitted and there was no guarantee that the play facilities would be delivered in a final scheme. There were no perceivable benefits from this speculative development which sought to take advantage of the loopholes in the planning system and undermine the principles of localism and it should be refused on those grounds. The local resident also expressed the view that the virtual site visit failed to demonstrate the closeness of Bishop's Cleeve to the site.

- 10.8 The Chair invited the applicant's agent to address the Committee. The applicant's agent confirmed this was a re-submission of a scheme for residential development that was previously refused planning permission in 2018; however, a number of amendments had been made to the proposal in response to that decision and there were further material planning considerations that fully justified approval of the application before Members. He explained that the northern section of the site would be provided as a significant area of public open space which would exceed local standards. Within this area, the scheme would now deliver a Multi-Use Games Area, Locally Equipped Area of Play and multi-purpose community area on site bringing a currently privately-owned area of agricultural land into public use and providing additional community facilities within the village for all to use. The development would therefore provide further facilities and space for residents to socially come together and help integrate the development with the existing community. The applicant's agent pointed out that the Council had now adopted its Community Infrastructure Levy (CIL) Charging Schedule, therefore the Parish Council would receive 25% of the CIL receipts from this development, currently estimated to be £131,000. Further financial contributions would also be secured via Section 106 Agreement towards matters such as education provision. On that basis, with regard to social cohesion and social wellbeing in Gotherington, the applicant's agent considered that the scheme would deliver a number of on-site improvements and facilities, together with financial contributions and CIL receipts for the Parish Council. This would directly mitigate its impact on the existing community of Gotherington, as well as supporting and enhancing residents' health and social wellbeing. The scheme's impact on the landscape and nearby Area of Outstanding Natural Beauty was extensively assessed as part of the previous application and appeal. As part of that, the Inspector had categorically stated that development in this location would not harm the character or appearance of the surrounding area, including the gap between Gotherington and Bishop's Cleeve. This view followed the Council's own evidence base which identified the site as having the joint lowest landscape and visual impact of any parcel of land adjoining Gotherington; Officers did not consider this proposal, or the previous scheme, to cause visual harm to the Area of Outstanding Natural Beauty. Lastly, there was a further material difference to when the previous application and appeal had been determined as the Council now had a five year housing land supply shortfall. The

Officer's report advised this to be at 4.33 years but the applicant's agent considered it to be much lower given the findings of the recent appeal decision at Highnam and it was likely to worsen. As such, this proposal would provide much needed market and affordable housing that would contribute towards meeting the shortfall. As confirmed within the Officer report, the tilted balance was engaged therefore, where the benefits outweighed the harm, planning permission should be granted. Accordingly, the significant benefits of the scheme, which included the delivery of market and affordable housing, the considerable amount of public open space and the provision of a Multi-Use Games Area, Locally Equipped Area of Play and multipurpose community area would outweigh the limited identified harm. The applicant's agent considered the social cohesion concerns raised by the Inspector had been addressed through the amendments to the proposal, as well as the financial contributions that would arise. He therefore respectfully requested that outline planning permission be granted, subject to the suggested conditions and financial contributions.

- 10.9 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to 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 the basis that the development would represent a significant encroachment into the surrounding rural landscape which would have an urbanising effect and result in the erosion of the rural landscape, contributing further to the coalescence of Gotherington and Bishop's Cleeve; it would have a harmful impact on the character and appearance of the landscape within the Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty; and it would have a disproportionate effect on the village in terms of the cumulative impact of development and on the social wellbeing of the community; therefore, the totality of the harm was not clearly outweighed by the benefits of the development including the supply of new housing, both market and affordable and, in the context of the National Planning Policy Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweighed the benefits of the scheme and the proposal did not represent sustainable development for which a presumption in favour should apply. The proposer of the motion indicated that, as Members had heard, the Planning Committee had unanimously refused an almost identical application on this site in 2017. At that time the Council was able to demonstrate a five year housing land supply, therefore Policy SD10 was applicable; however, there were a number of other reasons for refusal, namely that the proposed development represented a significant encroachment into the surrounding rural landscaping which would have an urbanising effect and result in the erosion of the rural landscape contributing further to the coalescence of Gotherington and Bishop's Cleeve; and it would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty. The proposer of the motion saw no change to those particular reasons for refusal. She went on to point out that a comprehensive objection had been made by the Cotswolds Conservation Board, details of which were set out in the Additional Representations Sheet, attached at Appendix 1. In response to that objection, Officers had stated that they did not believe that the development would have an unacceptable impact on the Area of Outstanding Natural Beauty; however, she disagreed and believed that the Cotswolds Conservation Board's conclusions within its objection were correct; therefore, despite the fact that the Council could not currently demonstrate a five year housing land supply, the objection in respect of the Area of Outstanding Natural Beauty meant that, under Paragraph 11 of the National Planning Policy Framework, the tilted balance was not engaged for this particular application. She noted that Page No. 30, Paragraph 7.18 of the Officer report referenced the Tewkesbury Borough Plan Strategic Gap Policy LAN3 which was designed specifically to prevent coalescence - this included Bishop's Cleeve

and Gotherington and this particular land was detailed within that policy. As the Plan had recently been submitted to the Inspector, she believed that weight could be afforded to it at this stage of the plan-making process. The Officer conclusion in this regard stated there would be no harm in relation to the erosion of the gap but she disagreed and believed that the development would harm the intrinsic character and beauty of the countryside and considered that the threat of erosion to the gap was a significant issue – something which was echoed by the many representations received from the community who feared coalescence and loss of community identity within Gotherington. Permitting this particular application would decrease the already eroded gap between Bishop's Cleeve and Gotherington, contrary to the National Planning Policy Framework and the Council's own policies. The Member went on to indicate that the original application had also been refused based on the cumulative effect of development within the village which would be of a scale disproportionate to the existing settlement and, again, she saw no change to this reason for refusal. Gotherington had 463 homes at the start of the Joint Core Strategy process and, based on the service village designation, was allocated 86 new homes; since that time, 91 houses had been approved so, should these additional 50 homes be approved today, the total amount of new homes to be built in Gotherington would be 141, an increase of 31% which represented substantial expansion of the village. In her view, this would have a significant detrimental effect on the social wellbeing of the local community, risking the erosion of community cohesion, therefore, the application failed to represent sustainable development within the context of Paragraph 8 of the National Planning Policy Framework. Page No. 29, Paragraph 7.13 of the Officer report made reference to an appeal decision for Alderton which was dismissed by the Inspector based on a cumulative increase of considerably less than 31% again in a period where the Council could not demonstrate a five year housing land supply. In summing up, she believed that the tilted balance was not triggered based on the fact that a sound objection had been received from the Cotswolds Conservation Board in respect of the Area of Outstanding Natural Beauty. Whilst the application did have the benefit of delivering market and affordable housing – although the recent Housing Needs Survey for Gotherington had found that no further affordable housing was required based on the current level of affordable homes already approved – significant and demonstrable harms would arise from the development as she had set out in her motion.

- 10.10 During the debate which ensued, a Member agreed that nothing had changed since the previous application on the site had been refused and he believed that the two fields separating Bishop's Cleeve and Gotherington should be retained as a strategic gap to prevent coalescence. In his view, the Council's inability to demonstrate a five year housing land supply should not be at the expense of the residents of Bishop's Cleeve and Gotherington when there were other sites for housing identified within the draft Tewkesbury Borough Plan and he would be supporting the motion to refuse the application. Another Member was in agreement with the case put forward by the proposer of the motion and was surprised that such little weight had been given to the objection from the Cotswolds Conservation Board considering that the creep between Gotherington and Bishop's Cleeve was very apparent when the area was viewed from Cleeve Hill. The Joint Core Strategy and Tewkesbury Borough Plan were based on a great deal of evidence about how much new development could be accommodated in various parts of the borough in order to be sustainable and he fully supported the motion to refuse this application. A Member shared the view that the proposal would result in significant harm - this was recognised at Page No. 41, Paragraph 8.4 of the Officer report which stated that the cumulative growth in Gotherington in a relatively short period of time would have a negative impact on social cohesion and wellbeing and he believed that significant weight should be attached to that.



- 10.11 A Member sought clarification as to whether the site was within a service village and the Area of Outstanding Natural Beauty and if it could be described as an exception site. The proposer of the motion had alluded to the numerous objections to the proposal but he pointed out that there had been significantly more in relation to another proposal in Twigworth which had been allowed. In his opinion, any development would have an impact on its surroundings. He was very disappointed to find out that, after all the time, effort and money put in by Parish Councils and communities, Neighbourhood Development Plans were effectively defunct after two years meaning it would be necessary for reviews to commence immediately after adoption. He did not feel that the proposer of the motion had put forward a policy justification for refusing the application and raised concern that the Council was likely to lose any subsequent appeal based on its inability to demonstrate a five year housing supply. He went on to question whether the Council had a specific policy regarding density or whether it was intended to introduce one. In response, the Technical Planning Manager confirmed that Gotherington was a service village within the Joint Core Strategy. Whilst the site was not located within the Area of Outstanding Natural Beauty, the National Planning Policy Framework and case law confirmed that the views out of an Area of Outstanding Natural Beauty were material and could be taken into account when deciding whether great weight should be afforded to the harm that would be caused. The Cotswolds Conservation Board had also referred to the views into the Area of Outstanding Natural Beauty but case law indicated that should not be afforded great weight on the basis that the Cotswold Area of Outstanding Natural Beauty could be viewed from virtually anywhere in the borough. He also clarified that the site could not be considered as an exception site on the basis of the application that had been submitted. In terms of the Neighbourhood Development Plan, reference had been made to Paragraph 14 of the National Planning Policy Framework which contained a number of tests including the fact that a Plan should be recently made i.e. within the last two years; once that time had elapsed, the protection afforded by Paragraph 14 disappeared. The Technical Planning Manager felt that the proposer of the motion had set out very clearly the policy reasons to justify a refusal, particularly with regard to the Area of Outstanding Natural Beauty with reference to Policy SD7 of the Joint Core Strategy and Policy SD6 in relation to the wider landscape; the emerging Tewkesbury Borough Plan also contained a policy in respect of Special Landscape Areas. He was comfortable if Members wished to take a different view to Officers and give more weight to the comments of the Cotswolds Conservation Board. In terms of the point about social cohesion, the proposer of the motion had referred to the National Planning Policy Framework and, with regard to the five year housing supply position had mentioned Paragraph 11 in relation to the fact that, if Members took the view that the impact on the Area of Outstanding Natural Beauty was material and sufficient to refuse the application, the tilted balance no longer applied. He explained that a recent High Court judgement had clarified the application of Paragraph 11 which stated that, where policies were out of date and a five year housing supply could not be demonstrated, subject to the tilted balance planning permission should be granted unless the application of policies in the National Planning Policy Framework that protect areas of particular importance provided clear reasons for refusal. Footnote 6 indicated that the Area of Outstanding Natural Beauty was one of those policies, therefore, if it was decided that the view was that there would be such an unacceptable impact, the tilted balance did not apply.
- 10.12 The seconder of the motion felt that the proposer had provided an extremely comprehensive set of policy reasons for refusing this application. There had been changes on both sides since the previous application on the site had been refused; however, there were other examples where the Committee had refused an application, in the context of not being able to demonstrate a five year housing land supply, which had subsequently been dismissed at appeal with the Committee's

decision being upheld for very good reason. He pointed out that housing supply fluctuated, therefore it was feasible the Council may be in a different position should this application be refused and subsequently taken to appeal. He considered the reasons for refusing the previous application in relation to landscape harm and social cohesion remained relevant in this instance.

- 10.13 The Technical Planning Manager advised that, should Members be minded to refuse the application, it would be appropriate to include a reason for refusal based on housing policy which remained relevant despite the lack of a five year housing land supply. The development conflicted with Policies SD10 and SP2 of the Joint Core Strategy and Policies 03 and 11 of the Gotherington Neighbourhood Development Plan – if Members were minded to also give weight to the policies within the emerging Tewkesbury Borough Plan, it would also be relevant to reference Policy RES3. Furthermore, there should be one or more refusal reasons based on the fact that, whilst the applicant had indicated they would be happy to enter into a Section 106 Agreement, there was currently no signed Section 106 Agreement in place. A Member questioned whether Policy LAN3 within the emerging Tewkesbury Borough Plan should also be referenced for completeness and the Technical Planning Manager confirmed that this policy fitted neatly with concerns that had been raised, as did Policy LAN1 of the emerging Tewkesbury Borough Plan as well as saved Policy LND2 of the existing local plan which referenced Special Landscape Areas. Policies 09 and 10 of the Gotherington Neighbourhood Development Plan were also relevant in that regard. In terms of policies within the National Planning Policy Framework, Paragraph 172 related to Area of Outstanding Natural Beauty and Paragraph 170 talked about the landscape position in general. Issues in relation to social cohesion would largely be based on policies within the National Planning Policy Framework which had already been referenced by the proposer of the motions, namely Paragraphs 8 and 11. There would also be technical reasons for refusal such as the absence of infrastructure which was covered by Policies INF4, INF6 and INF7 of the Joint Core Strategy. The Technical Planning Manager hoped this provided Members with a more comprehensive picture of the policies they may wish to refer to should the motion to refuse the application be agreed. The proposer and seconder of the motion felt it was important to be as robust as possible and they would be happy to include these additional refusal reasons. A Member thanked the Technical Planning Manager for his detailed presentation of the policies and indicated that he now felt able to support the motion for refusal. On a separate matter, he asked that Members be informed of the housing trajectory for the next two years as soon as possible and this request was noted by the Technical Planning Manager.

10.14 Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the development would represent a significant encroachment into the surrounding rural landscape which would have an urbanising effect and result in the erosion of the rural landscape, contributing further to the coalescence of Gotherington and Bishop's Cleeve; it would have a harmful impact on the character and appearance of the landscape within the Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty; and it would have a disproportionate effect on the village in terms of the cumulative impact of development and on the social wellbeing of the community; therefore, the totality of the harm was not clearly outweighed by the benefits of the development including the supply of new housing, both market and affordable and, in the context of the National Planning Policy Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweighed the benefits of the scheme and the proposal did not represent sustainable development for which a presumption in favour should apply.

#### **19/00985/FUL - Tesco Supermarket, Church Road, Bishop's Cleeve**

10.15 This application was to allow for extended hours of delivery from 0500-2300 hours on Monday to Saturday and 0800-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures. It was noted that the description of development had been amended from that within the Officer report as there was no proposal to change the hours of delivery on Sundays which would remain as 0800-2200.

10.16 The Planning Officer explained that the proposal was for an extension to the delivery hours for the Tesco supermarket in Bishop's Cleeve to enable fresh goods to be delivered and processed in the warehouse with shelves stocked before the store opened. The hours were to be brought forward by one hour from the previous consent from 0500-2300 Monday to Friday; she confirmed there was no change to the delivery hours on Sunday which were 0800-2200 hours. Members were informed that a noise assessment had been submitted with the application. The primary consideration was whether the extended operational hours would have a detrimental impact upon the amenities of nearby residents. The Council's Environmental Health Officer had considered the report and recommended additional noise mitigation measures including erection of an acoustic fence between the King's Head Public House and the access road as well as the control of reversing warning beeps from vehicles; the applicant had agreed to these measures. Whilst no public representations had been received, the Parish Council had objected to the proposal and asked for a temporary permission for a 12 month period. From the assessment of the technical evidence provided, and the mitigation measures proposed, Officers had concluded that the proposed hours of delivery would be acceptable, therefore the recommendation was to permit the application, subject to the recommended conditions.

10.17 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 refused. The proposer of the motion indicated that he lived some distance from the Tesco supermarket but could still hear the beepers of lorries on some mornings so the impact on the residents living in the flats above Mill Lane would be significantly worse, as such he did not feel it was acceptable to extend the hours and allow deliveries to begin an hour earlier at 0500 hours. He recognised that the store had experienced difficulties in recent months due to COVID-19 but the situation seemed to be improving and the supermarket did not seem as busy as it had been. The seconder of the motion felt that, as well as disturbance from reversing vehicles, there was already an issue with lorries travelling to and from the supermarket and numerous complaints had been made by residents living along the route into the village so introducing an earlier delivery time may only serve to exacerbate that issue. The Technical Planning Manager indicated that the concerns raised by the proposer and seconder of the motion had not specifically been considered by the Environmental Health Officer and he suggested that it may be appropriate to seek a view from the Environmental Health Officer on the specific issues raised in relation to the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going. The Chair queried whether the Environmental Health Officer could join the present meeting to give this view and the Technical Planning Manager explained that, even if the Environmental Health Officer was available, they would not be afforded the time to give a considered view, as such, a deferral would be the most pragmatic way forward to ensure Members were fully apprised of the expert consultee comments before making a decision. In response to a query, confirmation was provided that, should Members be minded to defer on that basis, the application would be brought back to the next Planning Committee meeting. The proposer and seconder of the motion to refuse the application indicated they would be happy to withdraw that motion and subsequently proposed and seconded that the application be deferred in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going. Upon being taken to the vote, it was

**RESOLVED** That the application be **DEFERRED** in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going.

10.18 The meeting was adjourned at 11:25am for a comfort break.

10.19 The meeting reconvened at 11:35am with the same Membership present except for Councillor E J MacTiernan.

### **20/00016/FUL - 35 Church Road, Bishops Cleeve**

10.20 This application was for the erection of a first floor extension to 35 Church Road to provide three residential apartments.

10.21 The Planning Officer advised that the building was the former bank in Church Road, Bishop's Cleeve located on the corner of Church Road and Church Approach which led to Grade I listed St Michael and All Angels Church. The site was located opposite the Grade II listed Royal Oak Public House and adjacent to the Conservation Area within the designated retail area of Bishop's Cleeve. Planning permission had been granted under application 19/00688/FUL for external alterations to the ground floor to enable retail use. The principle of the sensitive, adaptive use of vacant or redundant buildings was supported by Policy SD10 of the Joint Core Strategy and saved local plan Policy RET3 supported retail uses at ground floor with residential use at upper floor levels. The principle of the

proposed mixed use was supported, subject to other policy considerations such as design and layout, heritage assets, housing mix, residential amenity, access and highway safety. Members were advised that the building was situated in a retail area where buildings varied in age, type and design. The proposed design had incorporated the recommendations of the Council's Conservation Adviser in terms of retaining a focal corner with the set back of the first floor, pitched roof and use of render with cladding and a lower flat roof toward the side. This approach complemented the design and materials of the existing building and the proposal was considered appropriate to the character of the area with the materials controlled by condition. The Conservation Adviser considered that the proposal would generate a less than substantial harm to heritage assets and their setting and the public benefit of increased provision of commercial premises, low cost residential accommodation and securing the future of a vacant building outweighed any harm. It was noted that there was an identified need for one and two bedroom accommodation and this proposal would provide low cost accommodation that met required space standards in a sustainable location. Objections had been received from residents and the Parish Council regarding impact on the amenity of the properties on Church Approach; however, confirmation was provided that, whilst their front amenity space would be overlooked, that space was already overlooked by the first floor of adjacent properties and, as there was no direct overlooking of windows, the impact was not considered to be substantially harmful. The Planning Officer went on to explain that the proposed development had an existing access onto Church Approach and no on-site parking had been provided as part of the proposal; however, the site was in a sustainable location served by public transport, parking was available within walking distance and on-site cycle storage would also be provided. Therefore, it was considered that the proposal could be accommodated without compromising highway safety and the Officer recommendation was to permit the application, subject to conditions.

- 10.22 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, as set out in the Officer report, the proposal was simply for a first floor extension above the existing retail unit to provide three one-bedroom apartments. The existing ground floor unit would remain both in terms of use and appearance and there were many examples of upper floor residential apartments above retail units along Church Road so this would be no different. The site was in a highly sustainable location with immediate access to a full range of public services, facilities and amenities and was within the defined service centre of Bishop's Cleeve which had a big role to play in delivering housing over the plan period. The opportunity to maximise the use of this location was nothing but positive, as was the provision of low cost one bedroom accommodation for which there was a significant identified need within the Council's housing market needs assessment. The applicant had worked closely with the Council's Planning and Conservation Officers through the process and had listened to the feedback from the Parish Council; as a result, the scheme had been reduced from four to three apartments and, in doing so, ensured that it met with the nationally prescribed space standards for such development. The Conservation Officer's requirements had also been met by incorporating a more traditional pitched roof design and by setting the first floor in from the ground floor to retain the architectural integrity of the original ground floor building. Both the Planning Officer and Conservation Officer had now confirmed they were satisfied with the revised proposals and that the development complied fully with the design, amenity and space standard aspirations of the development plan. Given the accessible location of the site, and the one bedroom nature of the accommodation, the applicant's agent explained that there was every likelihood that future occupiers would not be reliant on the private car to undertake their primary movements – there were two supermarkets, a retail parade, major employers, community centres, a library, a Church, two Public Houses and public transport within 100 metres of the site so he could not think of a genuinely more sustainable location. In the event that occupiers did

have cars, there were places to park them within a convenient walking distance; double yellow lines were in place along Church Road and surrounding streets which adequately policed indiscriminate parking. By working with Officers throughout the process, the applicant's agent felt that a scheme had been secured which addressed all points raised as well as the comments made by the Parish Council. The opportunity to meet housing need across the borough with low-cost accommodation, in such a highly sustainable location, was something that should weigh heavily in favour of permission and he hoped Members would be able to support the application.

- 10.23 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 refused due to the absence of on-site parking which would result in displacement that would have an adverse impact on the surrounding residential areas in terms of the amount of people parking on those streets, and on the basis that the benefits of the proposal as a whole would not outweigh the harm to the Grade I listed building. The proposer of the motion indicated that he was particularly concerned with regard to the lack of on-site parking, especially as planning permission had already been granted for three commercial units beneath these apartments, and proximity to the Grade I listed Church. The seconder of the motion felt it was unrealistic to expect that people who occupied these apartments would not have cars and he pointed out the lack of on-street and overnight parking in the surrounding area. The Technical Planning Manager advised that, given the location of the site in the service centre of Bishop's Cleeve, with its range of facilities and good transport links, it would be difficult to justify a refusal based on the lack of on-site parking – a number of alternative modes of transport could be used by future occupiers. The County Highways representative confirmed that this was a location which could support car free development. The main question to consider was, if no parking was provided on-site and cars were displaced, where would they go – in this instance there were appropriate parking restrictions in the area to protect existing residents and sufficient capacity in accordance with the National Planning Policy Framework.
- 10.24 A Member shared the concerns regarding parking and pointed out that three apartments could potentially result in six additional vehicles. Furthermore, only one of the three apartments had a balcony meaning that two had no access to any private open space; if the Council was looking to provide quality places to live she felt it was important to consider the health and wellbeing of residents, particularly given the current situation with COVID-19 and the restrictions in place. She was not happy with the proposal and would be supporting the motion to refuse the application. Another Member indicated that, whilst he liked the design of the proposal, he had concerns about the size of the apartments and felt it was difficult to make a proper assessment without any dimensions. He noted that the proposal included cycle storage and queried whether this would be specifically for residents, or whether it could potentially be used by people working in the area, and questioned how secure that storage would be. In response, the Planning Officer reiterated that reducing the number of apartments from four to three meant that the proposal complied with national space standards. The Technical Planning Manager provided assurance that this had been carefully considered as a policy was included within the emerging Tewkesbury Borough Plan to ensure that all developments met the national standards and the design of the apartments had been amended accordingly, as such, it would be difficult to substantiate a refusal reason on the basis of size. In terms of the comments made by the previous Members regarding access to outdoor space, whilst he understood the point being made, it was not possible to introduce a moratorium on flats and there was open space in the area that residents could take advantage of.
- 10.25 A Member sought clarification regarding the Council's current policies in relation to parking as he shared the views that had already been expressed and felt that, if no

on-site provision was made, the occupants of the apartments would be taking up parking spaces for the post office and other local shops. Another Member indicated there was quite a disparity between theory and reality, the theory being that it was acceptable to provide flats with no parking when the location was sustainable and public transport was available, but the reality was that people decided for themselves whether they wished to own, or use, a private motor vehicle and therefore needed a parking space. Parking was already difficult in the central area of Bishop's Cleeve and there was a problem with displacement; reference had been made to parking being available within walking distance of the site, and there was certainly some on-street parking on residential roads but this was already used by others. As far as he could see, permitting this application in its current form would only add to the burden and cause harm to Bishop's Cleeve. In his view, the authority should be providing accommodation which had the facilities that people needed so that no harm was caused to others and he would be supporting the motion to refuse the application. Another Member completely agreed with the points made about parking and pointed out that Bishop's Cleeve was still without main cycle routes so the bicycle storage included within the proposal was little consolation. The seconder of the motion indicated that there were flats above shops on Mill Parade but they all had car parking spaces at the rear. The Technical Planning Manager explained that the Council had no adopted policies specifically requiring a certain amount of car parking; however, Policy TRAC9 within the emerging Tewkesbury Borough Plan set out that proposals for new development generating a demand for parking provision should be accompanied by appropriate evidence in terms of car parking provision and whether that was sufficient. The issues that should be considered when assessing the appropriate level were: accessibility of the development; type, mix and use of development; availability of, and opportunity for, public transport; local car ownership levels; the overall need to reduce high emission vehicles; and a comparison of the forecasted trip generation and resultant accumulation within the proposed parking provision. Officers had tried to be consistent with this policy context in their assessment of this application and, whilst he understood the comments that had been made by Members in terms of taking a pragmatic, common-sense approach, he also felt that households with two vehicles were unlikely to be attracted to the type of property being proposed. The County Highways representative reiterated that there were no local parking standards to support a refusal and current evidence based on the level of parking in the area was that there would be no adverse impact in terms of safety or capacity. A Member questioned whether moderate weight could be given to Policy TRAC9, given that it was included in the emerging Tewkesbury Borough Plan, and the Technical Planning Manager confirmed that Members could give it weight but he was not convinced that policy would direct them to a refusal in this instance on the basis of the matters that should be taken into account. Notwithstanding this, it was a matter of judgement and Members may feel there was local evidence which suggested that the proposal would be harmful and unacceptable; however, he would exercise caution given the policy context and the expert advice that had been received.

- 10.26 The proposer of the motion to refuse the application noted that one of the issues that should be considered when assessing the appropriate level of parking as part of Policy TRAC9 was the need to reduce high emission vehicles and he pointed out that even electric vehicles still needed places to park. He felt that the main issue was one of displacement and the impact on the surrounding area and neighbours as opposed to one of safety, as referenced by the County Highways representative. In response, the Technical Planning Manager advised that the issues around displacement and the impact on surrounding areas in the local community had been discussed by Officers. Another Member expressed the view that the applicant should be asked to think about how parking could be provided to meet the needs of the occupiers of the proposed development and pointed out that

the seconder of the motion had referenced similar developments in Bishop's Cleeve where parking provision had been secured and was effective. A Member noted that the Officer report mentioned Policy RES13 of the emerging Tewkesbury Borough Plan but Policy TRAC9 was not discussed. The Tewkesbury Borough Plan Working Group had had many discussions about the issue of parking provision and Policy TRAC9 set out what should be considered when applications such as this were submitted so she would be uncomfortable permitting an application without adequate parking provision. She indicated that the centre of Bishop's Cleeve was already extremely busy, mentioning the school, post office and supermarket specifically, so any further on-street parking would only add to the problems experienced.

10.27 With respect to the earlier comments made by the proposer of the motion regarding the impact on the historical Church, the Technical Planning Manager stated that the Council's Conservation Adviser - who had been involved in the design of the scheme before Members - was of the view that the impact would be acceptable as although there would be harm it would be less than substantial and outweighed by the benefits. It was a matter for Members as to whether the benefits of the proposal outweighed the harm to the listed building. The proposer of the motion explained that it was difficult to see from the photographs how close the development was to the entrance of the churchyard. Although there were houses on the other side, they were set back from the driveway whereas this development would look directly over the driveway and into the churchyard which he did not think was appropriate.

10.28 Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** due to the absence of on-site parking which would result in displacement that would have an adverse impact on the surrounding residential areas in terms of the amount of people parking on those streets, and on the basis that the benefits of the proposal as a whole would not outweigh the harm to the Grade I listed building.

### **19/00465/FUL - Charlton, Main Road, Minsterworth**

10.29 This application was for the change of use of a dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (children's care home); erection of a replacement single storey rear extension and erection of front and rear dormer extensions; front and rear dormer windows.

10.30 The Planning Officer advised that the site was situated in the service village of Minsterworth at the end of a linear form of development with an existing access onto the A48. The proposal was for the change of use of the property known as Charlton, a semi-detached dwelling, and the adjacent new detached dwelling to a care home for children. Extension and alterations to Charlton were proposed in the form of a single storey rear extension, a small front dormer and a larger rear dormer extension to accommodate a loft conversion. The development would provide accommodation for children under the age of 16 to be run by an established organisation which provided supported accommodation for young people. The people in the properties would not be living together as a single household as the children would be looked after by staff on a rota basis; there would be a maximum of two children and two members of staff per dwelling with a changeover of staff between 1430 hours and 1530 hours; and children would attend schools and clubs in a similar way to a household. The application had been called-in for a Committee decision by the local Ward Councillor and objections had been received from the Parish Council and neighbouring residents in terms of design, the proposal not being in keeping with the surrounding area, noise, nuisance, fire risk, anti-social behaviour, impact on neighbouring amenity, parking, access onto the A48 and



drainage. Given the extensions and alterations that could be made to a residential dwelling under permitted development rights, the Planning Officer explained that the proposed extensions and alterations to Charlton were not considered to be disproportionate additions. There was no uniformity in the character of the streetscene and the front dormer was small in scale and was not considered to harm the visual qualities of the area. In terms of fire risk, it was noted that the proposal would be required to conform with building regulations and would be assessed as part of that process. Due to the separation distance between properties, there was no impact in terms of overlooking from the front dormer of the extension, there was already overlooking of the adjacent properties from the first floor windows of Charlton and views from the box dormer would be directed toward the rear of the site. Therefore, it was considered there would be less than substantial harm in terms of overlooking. With regard to children, they would be supervised by staff on a one-to-one ratio. The level of accommodation was not dissimilar to residential use and the Council's Environmental Health Officer had no objection in terms of noise. Whilst there would be peaks in movements in the early afternoon due to the changeover in staff shifts and occasional visits from social workers, this would be no more harmful to neighbouring residents than that of normal C3 use. Members were informed that the proposal used the existing access to the A48 and there was sufficient parking, turning and manoeuvring on site. County Highways had no objection to the application but recommended conditions regarding access, parking and the submission of construction management plans. Further details were required in terms of foul drainage arrangements – a private treatment plant had been installed for the new dwelling as part of the original application, not a septic tank, and details of the capacity of this system and the secondary treatment were now required. The system was subject to building regulation approval; however, as Building Control Officers had been unable to visit the site in the current circumstances, a condition was recommended for details of the foul drainage arrangements to be submitted and agreed prior to commencement of the proposed use.

- 10.31 The Chair invited the representative from Minsterworth Parish Council to address the Committee. The Parish Council representative explained that he intended to focus specifically on drainage, although the Parish Council supported the comments that had been made by others in relation to the inadequate parking and the unsuitability of a semi-detached house as a care home. Soakaway systems had long been a problem for the heavy clay soils of Minsterworth and, because of the specific drainage history of the houses adjacent to the Charlton site, the Parish Council was very concerned about the efficacy of the current proposed drainage system and had objected on that basis, contrary to the Officer report. The Parish Council representative went on to explain that Charlton and its semi-detached house, Horaldene, had originally been built in the 1930s with a septic tank half in Horaldene and half in Charlton and the soakaway for dispersal in Horaldene; Charlton had never had its own soakaway and consequently it was not known how well it would work. In the early 1990s it was clear that the soakaway systems for Horaldene and many other houses along the road were not functioning adequately, leading to areas of boggy and unfarmable land in the adjacent fields. As a consequence, a new piped system was installed that would take any excess effluent from all homes across the field and discharge to a hedgerow on adjacent farmland – this was paid for by the individual houses. The Parish Council representative indicated that he had seen the discharge from the pipe and it was definitely not clean water and was certainly not running into a continuously flowing stream. The building of the new house had started around 2016 but it was not until 10 months ago in August 2019 that its drainage was connected to the soakaway of Charlton, at which point the connection to Horaldene was disconnected. Hence the current effluent from Charlton and the new house was to be discharged by a soakaway – which did not work in Minsterworth – and any excess would not be connected to the pipework, an important fact that had been omitted from Paragraph 7.23 of the

Officer report. Furthermore, the Parish Council understood from Building Control that the new drainage system was yet to be checked and signed-off. The Parish Council very strongly recommended that, as with all other new developments in Minsterworth, there should be a revised drainage report for the premises, carried out by an independent company, and that should be completed before planning permission was granted.

- 10.32 The Chair invited a local resident speaking against the application to address the Committee. The local resident wished to highlight a few key areas of concern regarding the application, starting with highways and road safety given that the A48 was a fast-moving road with an accident record that sadly included several fatalities and serious injury collisions. He noted that County Highways had raised no objection to the proposal; however, there was an issue that had potentially not been considered that had been highlighted by the Parish Council around parking constraints on the site given that staff, visiting social workers, health professionals, service user visitors and delivery vehicles would all have to use the very small parking facilities or the roadside verge. He asked Members to consider the gated access to the agricultural field adjacent the site which was crucial at times of flooding – quite frequent in Minsterworth. This land needed to be available for animal safety at those times and any obstruction would mean pulling up a vehicle and animal trailer in order to attract the owners of any obstructing vehicle on a very busy A road with limited street lighting. A tractor and trailer would take up half the width of the highway meaning passing vehicles would be in conflict with oncoming traffic on the opposite side; in his view, this was unacceptable on the A48 or any A road. Turning to drainage and the issues the change of use would cause in terms of capacity, he noted that the Council's Flood Risk Management Engineer had not commented on the application which was surprising based on the recent changes to legislation and the fact there was no mains sewerage network in Minsterworth. The whole area was subject to the use of septic tanks and he believed the issues of the previous application remained unresolved despite still being in the reserved matters. With many past applications in Minsterworth, those applying for planning permission had to go to considerable lengths and expense in order to comply to stringent treatment of effluent and risks of discharge into local watercourses and ditches. He had considerable concerns regarding the application and respectfully requested that Members refuse the application until they had been fully addressed.
- 10.33 The Chair invited the local Ward Member to address the Committee. The local Ward Member explained that she was speaking in opposition to the application in her capacity as a Ward Councillor and someone with good working knowledge of Minsterworth. Minsterworth was a small village but was not opposed to residential homes of which there were already several for people with learning disabilities, challenging behaviours and mental health issues – she was not opposed to a children's home but not on this site. The two properties were very close together and shared a small parking area just off the main A48. This was a very fast, dangerous road with a history of multiple accidents and was not a suitable forecourt for children with unpredictable behaviour. The area was not adequate to take the amount of staff cars and service vehicles that would be required to run the homes – 23 cars and other vehicles had been recorded locally as having visited the properties in a five week period from the end of April to the end of May which was a significant increase on what would be expected for a residential property, particularly during lockdown. The proposal would turn the semi-detached house, Charlton, into a five bedroom property yet it was suggested only two children should live there so she questioned why it needed to be that size. The property next door had four bedrooms so there would be a total of nine bedrooms which would inevitably put more pressure on the limited parking area. A major concern was noise as loud voices, music and door slamming would all be heard by the neighbouring resident. In her opinion, a semi-detached house did not make an ideal children's home. Traffic turning in and out, parking on the grass verges and

blocking the farm track had already been an issue and it was dangerous for an animal transporter to have to stop on the road, whilst getting a staff member to move their car, before being able to safely drive up the farm track which had happened already. County Highways had recommended that conditions be placed on the access splay and parking but, to her knowledge, they had not yet been completed and needed to be prior to permission being granted. There was local evidence to suggest Christie House was already being used to look after children although this had been denied by the owner when questioned by the Planning Officer. It was believed that Christie House had already been earmarked for a children's home when the original planning permission for a residential property had been submitted, to add to the existing portfolio of 15 houses owned by the applicant. In her opinion, the location was unsuitable for two children's homes and the danger of the A48 would increase the risk of an accident.

- 10.34 The Chair indicated that the Officer recommendation was to permit the application, subject to conditions, and he sought a motion from the floor. A Member indicated that he would like the application to be deferred for a virtual Planning Committee site visit in order to assess the Parish Council concerns regarding drainage and outfalls. The Technical Planning Manager indicated that he was unsure what a virtual site visit would show Members that they could not already see from the photographs that had been submitted and presented. He recognised there were concerns in respect of drainage and suggested that Members may wish to consider a deferral for further information and advice in respect of drainage, including seeking a view from the Council's Flood Risk Management Engineer. The Member explained that he was particularly interested in the pipework across the field which emptied against the hedgerow and he would be satisfied if photographs could be provided in relation to that. He also felt there was insufficient information on traffic movements which he would like to see provided as part of the deferral. The Chair noted that the local Ward Member had made reference to the fact that there were only intended to be two residents but there would be five bedrooms which raised the question of who the additional rooms were for. It was subsequently proposed and seconded that the application be deferred in order to receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer and further information in respect of traffic movements as well as clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan.
- 10.35 A Member indicated that he would be supporting the motion for a deferral and explained that, as a farmer, he was not permitted to discharge drainage water into a ditch and yet that was what was being proposed here. Furthermore, there had been 25 collisions on the A48 within the past three years with the figures increasing every year so vehicle movements and safety needed to be carefully considered. The seconder of the motion indicated that she would like to see a plan demonstrating the position of the property as it was located at the start of quite a sharp bend. She also pointed out that two sites directly opposite had been the subject of permission in principle applications so it was important to consider the wider context. The proposer of the motion confirmed he was happy for the provision of a larger scale site plan to be included in the reasons for deferral and, upon being put to the vote, it was

**RESOLVED**

That the application be **DEFERRED** in order to receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer; further information in respect of traffic movements; clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan; and a larger scale site plan.

**20/00239/FUL - 1 Juniper Close, Innsworth**

- 10.36 This application was for the erection of a single storey side and rear extension – revised scheme.
- 10.37 The Planning Officer advised that the proposal was for a single storey side and rear extension at 1 Juniper Close, Innsworth. This was a revised application to the 2019 permission with the difference being that the rear extension would now have a lean-to roof as opposed to a flat roof. A Committee determination was required as the Parish Council had objected on the grounds that the extension would be overdevelopment. Whilst these concerns had been noted, it was not considered that the proposal would result in overdevelopment given that the dwelling had not been previously extended and there would be a sufficient amount of garden space left. The Planning Officer confirmed that the floor area of the proposal would be the same as the 2019 permission. Overall, it was considered to be of an acceptable size and design and would be in-keeping with the character of the area, as such, the Officer recommendation was to permit the application.
- 10.38 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 refused on the basis that the proposal would have a harmful impact on the surrounding area and an unacceptable loss of residential amenity to the neighbouring dwellings. The Technical Planning Manager understood the concerns raised but drew attention to the plans at Pages No. 91 and 92 of the Officer report which enabled Members to make a comparison of what had been permitted and what was being proposed. The only difference was the pitched roof along the rear elevation and Members were asked to consider whether that would have a significant harmful impact over and above what had already been permitted. The Chair expressed the view that replacing the flat roof would result in uncomfortable junctions between the apex of the roof and the three windows on the rear elevation and he queried whether Officers were satisfied this would comply with any design principles in the area. In response, the Technical Planning Manager confirmed that, whilst it was slightly awkward, it was not considered to be so unacceptable as to warrant a refusal. A Member raised concern that Members were making a decision based on the design plans alone and he was of the opinion that it would be beneficial to have a virtual Planning Committee site visit to properly assess the impact of the proposal on the surrounding area. He felt it was important to see the site and appreciate the physical context and he welcomed views from others in this regard. The Chair felt that the plans provided within the Officer report were sufficient to understand what was being proposed and the arguments being made by the Technical Planning Manager. Members needed to be able to make a judgement as to whether the proposal was sufficiently different from that which had been permitted to warrant a refusal and, from his point of view, he was unsure that a virtual site visit would assist with that. The proposer and seconder of the motion to refuse indicated the withdrawal of that motion and subsequently proposed and seconded that the application be deferred for a virtual Planning Committee site visit so that Members could see the site in context. Upon being put to the vote, the motion to defer the application was lost. It was subsequently 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.

**20/00172/FUL - The Uplands, Dog Lane, Witcombe**

10.39 This application was for the erection of a conservatory, decking area and installation of solar panels.

10.40 The Planning Officer advised that a Committee determination was required as the Parish Council had objected on grounds of the harm that would be caused to the Green Belt and surrounding Area of Outstanding Natural Beauty. Whilst these concerns had been noted, it was not considered that the proposal would result in any harm to the openness of the Green Belt as the conservatory would be a proportionate addition and of a suitable size and design. Overall, the proposal was considered to be in keeping with the character of the surrounding Area of Outstanding Natural Beauty and Green Belt and there would be no adverse impact on the residential amenity of neighbouring dwellings. As such, the Officer recommendation was to permit the application.

10.41 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.

**PL.11 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

11.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 108-119. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

11.2 A Member indicated that, when refusing applications, there was often much concern and debate among the Committee regarding the risk of costs being awarded against the Council; as such, he was pleased to note there were examples in this report which showed that was not always the case with costs being dismissed even when appeals were allowed.

11.3 It was

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

The meeting closed at 1:17 pm

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 16 June 2020

The following is a list of the additional representations received since the Planning Committee Agenda was published 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	
15-21	5a	<p><b>20/00318/FUL</b></p> <p><b>1 Starling Walk, Walton Cardiff, Tewkesbury</b></p> <p>It is set out within the Officer report that Wheatpieces Parish Council object to the proposal however this is NOT the case. Those comments of objection were actually submitted by a local resident, not the Parish Council.</p> <p>Therefore, the sole reason for the application being put before the Committee is because the land is owned by Tewkesbury Borough Council.</p>
22-52	5b	<p><b>19/01071/OUT</b></p> <p><b>Land Off Ashmead Drive, Cobblers Close, Gotherington</b></p> <p><b>Further representations –</b></p> <p><b>Two further letters of objection have been received</b> one of which has also been sent direct to the Planning Committee. <b>The letters are attached in full.</b></p> <p><b>Cotswold Conservation Board –</b></p> <p><b>A letter of objection has been received from the Cotswold Conservation Board.</b> A copy of the <b>letter is attached in full.</b></p> <p>The Board considers that the proposal would have a significant adverse visual effect on receptors on the footpath of the upper, western slopes of Nottingham Hill. The Board states that this would constitute a significant adverse impact on the natural beauty of the Cotswold Area of Outstanding Natural Beauty (AONB), in particular, its scenic beauty. The Board considers that there would be a significant adverse visual effect because the mass of development - which is primarily to the south of the proposed open space and to the south of the linear, east-west form of the settlement of Gotherington - would create a very strong impression that the gap between Gotherington and Bishop's Cleeve has been reduced. The development would also significantly erode the linear character and form of the settlement and disproportionately increase its overall mass and size, making it more visually prominent in views from the AONB. The Board also considers that the visual effects for receptors on Cleeve Common would potentially be moderately adverse for the same reasons, albeit with a smaller scale of change due to the greater distance involved.</p> <p>The Board is also concerned that the visual effects on receptors on the footpaths within and around the boundary of the development site have been underestimated. It states that views to the escarpment (including views from outside the AONB) are one of the special qualities of the AONB. The degradation of such views is identified as an issue in the Cotswolds AONB Landscape Strategy</p>

and Guidelines.

**Officer comments:** In terms of potential impacts on the AONB, as set out in the Committee report, this matter was considered at the previous appeal. Whilst the Inspector went on to dismiss the appeal, he concluded that the proposal would inevitably have a visual impact on the local environment but this would not amount to harm to the character and appearance of the area and would not represent environmental harm.

Whilst the Board's comments are noted, in light of the previous appeal decision and the conclusions of the Council's Landscape Consultant, it is not considered that the impacts on the landscape would unacceptably impact upon the Cotswolds AONB and the officer recommendation is unchanged in this respect.

#### Highways

As set out in the Committee report, a planning condition was recommended to secure details of a highway safety improvement scheme on the Gotherington Cross junction. The requirement for this condition was queried by the applicant as a number of safety improvement works to this junction were secured as part of the Malleson Road scheme (Ref: 16/00965/OUT).

Condition 19 of 16/00965/OUT required details of a highway safety improvement scheme on the Gotherington Cross junction to be submitted to and approved in writing by the Local Planning Authority. The condition stipulates that no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan. Details were subsequently submitted to the Council and the condition was discharged; however, the works have yet to be undertaken.

**Following further consultation with the Highways Officer**, given that highway safety works to the Gotherington Cross junction have already been secured, it is advised that the recommended condition is not required.

#### Education and Libraries

Following further consultation with the County Council, it is confirmed that no objections are raised, subject to securing the requested contributions towards education and library provision. Further evidence has also been provided to justify the contributions sought in the context of the CIL Regulations (Regulation 122). Officers are satisfied that the requested contributions are justified and the applicant has indicated that they are willing to pay the requested contributions, which would be secured through a Section 106 Agreement.

#### Recycling

In respect of Section 106 obligations, it is further recommended that a contribution of £73 per dwelling is secured by way of planning obligation to ensure the appropriate level of social infrastructure is provided for in accordance with policies INF6 and INF7 of the JCS.

71-82	5e	<p><b>19/00465/FUL</b></p> <p><b>Charlton, Main Road, Minsterworth</b></p> <p><b>Further information was submitted on 9 June 2020</b> in response to Highway comments requiring a car park management plan. The Highway Authority has been consulted and no additional comments have been received to date on this matter.</p> <p><b>Additional plans were submitted on 11 June 2020</b> to show the on-site drainage arrangements, and a floor and elevations plan of the new dwelling.</p> <p><b>Condition 2 to be amended</b> to include the floor and elevation plan of new dwelling at Charlton, received on 11 June 2020.</p>
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**Agenda Item 5b – 19/01071/OUT - Land Off Ashmead Drive, Cobblers Close, Gotherington****19/01071/OUT – ERECTION OF 50 DWELLINGS - LAND OFF ASHMEAD DRIVE,  
COBBLERS CLOSE, GOTHERINGTON, CHELTENHAM, GLOUCESTERSHIRE****COTSWOLDS CONSERVATION BOARD COMMENTS, 12 JUNE 2020**

The interest of the Cotswolds Conservation Board ('the Board') in planning application 19/01701/OUT primarily relates to the potential visual impact of the proposed development on views from and to the Cotswolds Area of Outstanding Natural Beauty (AONB), the boundary of which lies approximately 360m to the north and 740m to the east.

**Summary**

The Board considers that the proposed development would have a significant adverse visual effect on receptors on the footpath on the upper, western slopes of Nottingham Hill (Viewpoint 8 in the applicant's landscape and visual impact). This would constitute a significant adverse impact on the natural beauty of the Cotswolds AONB, in particular, its scenic beauty. On this basis, the Board objects to the proposed development.

The Board considers that there would be a significant adverse visual effect because the mass of development - which is primarily to the south of the proposed open space and to the south of the linear, east-west form of the settlement of Gotherington - would create a very strong impression that the gap between Gotherington and Bishops Cleeve has been reduced. The development would also significantly erode the linear character and form of the settlement and disproportionately increase its overall mass and size, making it more visually prominent in views from the AONB.

This loss of character and form, as seen from the AONB, would be contrary to the Cotswolds AONB Landscape Strategy and Guidelines. As such, it would also be contrary to the Cotswolds AONB Management Plan 2018-2023 and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

These effects are even more significant when the cumulative impact of the proposed development and the recent Malleson Road development are taken into consideration.

The Board considers that the visual effects for receptors on Cleeve Common would potentially be moderate adverse, for similar reasons to those given in relation to Viewpoint 8, albeit with a smaller scale of change due to the greater distance involved.

The Board is also concerned that the visual effects on receptors on the footpaths with within – and around the boundary – of the development site have been underestimated. Views to the escarpment (including views from outside the AONB) are one of the special qualities of the AONB. The degradation of such views is identified as an issue in the Cotswolds AONB Landscape Strategy and Guidelines. The Board recommends that these visual effects should be re-assessed in this context.

With regards to the presumption in favour of sustainable development, the Board considers that the 'tilted balance' should not be applied (i.e. there should not be a presumption in favour of granting planning permission). This is because, based on relevant case law, we consider that paragraph 11d(i) and footnote 6 of the National Planning Policy Framework (NPPF) apply, which provides an exception to the tilted balance.

**AONB context**

The statutory purpose of AONB designation is to conserve and enhance the natural beauty of AONBs. Local planning authorities have a statutory duty to have regard to this purpose when making planning decisions that could affect the AONB. Under paragraph 172 of the NPPF, LPAs are also required to give great weight to conserving and enhancing the landscape and scenic beauty of AONBs, which have the highest status of protection in this regard.

The views from and to the Cotswold escarpment (including escarpment outliers) are one of the 'special qualities' of the AONB. In other words, these views:

- one of the aspects of the AONB's natural beauty which make the area distinctive and which are valuable at a national level;
- one of the key attributes on which the priorities for the AONB's conservation, enhancement and management should be based.

The dramatic panoramic views over the Severn Vale from the escarpment are also one of the key features of the Escarpment and Escarpment Outlier landscape character.<sup>1</sup>

As stated in National Planning Practice Guidance, '*land within the setting of [AONBs] often makes an important contribution to maintaining their natural beauty*'.<sup>2</sup> For example, in this instance, the views, both out of and into the AONB, are a key component of the scenic beauty of the Cotswolds AONB. As outlined above, this scenic beauty must be given great weight in planning decisions.

The Cotswolds AONB Landscape Strategy and Guidelines (LSG) identifies a number of potential landscape implications relating to new development on (and in the setting of) the escarpment, or scarp.<sup>3</sup> These include:

- Erosion of the setting of the AONB.
- Degradation of the view from the scarp / outliers across the adjoining vale and from the vale looking at the scarp / outliers.
- Erosion of distinctive form, scale and character of smaller settlements along the base of the Scarp.
- Erosion of organic growth and linear patterns of settlements bordering roads fringing the lower slopes of individual outliers including their relationship to the landscape.
- Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded.
- Loss of characteristic small scale settlements due to settlement growth and coalescence.
- Proliferation of housing estate layout.

The guidelines for addressing these implications include:

- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated.

<sup>1</sup> [https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/3\\_TheCotswoldsLandscape\\_1.pdf](https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/3_TheCotswoldsLandscape_1.pdf). Landscape Character Type (LCT) 1 (Escarpment Outlier) and LCT 2 (Escarpment).

<sup>2</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

<sup>3</sup> <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf> (Section 2.1 - New Development – Potential Landscape Implications) and <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-1-escarpment-outliers-2016.pdf> (Section 1.1 – New Development – Potential Landscape Implications)

- Ensure new development is proportionate and does not overwhelm the existing settlement.
- Conserve linear pattern of settlements fringing the lower slopes of the hills and the rural road network linking them.
- Conserve the distinctive orientation of linear villages along the base of the outliers.
- Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement.

Permitting development that exacerbated the 'potential landscape implications' and that was contrary to the LSG guidelines would also be contrary to the policies of the Cotswolds AONB Management Plan 2018-2023 (particularly policies CE1 and CE10).<sup>4</sup> Permitting development that is not consistent with the policies of the Cotswolds AONB Management Plan would be contrary to the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy (Policy SD7).

### **Visual impact (AONB)**

The applicant's Landscape and Visual Impact Assessment (LVIA) identifies four viewpoints within the Cotswolds AONB (viewpoints 5, 7, 8 and 10) and one on the AONB boundary (viewpoint 6). The Board's Planning & Landscape Officer has visited four of these viewpoints (viewpoints 5, 6, 8 and 10).

Although the Board's Planning and Landscape Officer hasn't visited the site itself, we consider the views from the footpaths on the site to be an important consideration, given that the views to the escarpment are one of the special qualities of the AONB and that degradation of views from the vale towards the escarpment is identified as an issue in the Cotswolds AONB Landscape Strategy and Guidelines. The large number of footpaths that cross the site make this issue particularly significant. Great weight should therefore be given to these on-site views.

Given the proposed layout of the development the views from the footpath that runs from the western edge of the site to the north-eastern of the corner of the site merit particular attention, as this is where views towards the escarpment are most likely to be adversely affected. Similarly the views towards Crane Hill and Oxenton Hill from the footpath running along the southern boundary of the site are also an important consideration. Unfortunately these footpaths were not selected as a viewpoint in the LVIA.

#### Viewpoints 5 and 6

Based on the Board's site visits, the Board agrees that the 'magnitude of change' for receptors at viewpoints 5 and 6 would be low or very low. We also agree that the nature of the visual effect would be neutral.

#### Viewpoint 8 (Nottingham Hill)

The LVIA identifies the overall visual effect for receptors at this viewpoint to be moderate adverse. This is the only LVIA viewpoint where the LVIA identifies the overall visual effect as being adverse.

The Board disagrees with this conclusion. It is the Board's opinion that the visual effects on this viewpoint would, in fact, be major adverse.

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<sup>4</sup> <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

Our main point of disagreement with the LVIA is the LVIA's assertion that the magnitude of change would be low. The LVIA asserts that the magnitude of change would be low because the development would not extend the edge of Gotherington southwards but would, instead, fill the indent in the southern settlement edge. This reflects the opinions expressed by the Borough Council's landscape consultant (Toby Jones), who also concludes that the development would not appear as a conspicuous intrusion into the gap between Gotherington and Bishops Cleeve, but as an in-filling of an embayment in the existing settlement

The Board acknowledges that the proposed development would not physically extend Gotherington beyond its current southern limits. We also acknowledge that the open space that would be provided in the development would help to break up the overall mass of development in Gotherington. However, the development would introduce a significant mass of housing between the current 'fingers' of development on the western and eastern boundaries, to the south of the open space.

On a related point, the development would result in the number of dwellings in Gotherington would increase by a significant 10%<sup>5</sup>, with all of this increase being to the south of the main east-west, linear form of the village. This increase is disproportionate to the existing settlement, especially when one considers the prominence of Gotherington in views from the Cotswolds AONB.

This scale of growth would further add to the perception of Gotherington extending south and the gap between Gotherington and Bishops Cleeve being reduced. It would also adversely affect views from the Cotswold escarpment by significantly altering the settlement's linear character and form and by significantly increasing the overall scale and mass of the built environment of Gotherington, making it more prominent in views from the escarpment.

This increase in scale and mass is even more significant when one considers the cumulative impacts of the proposed development together with the recent Malleson Road development.

The development would also significantly erode the distinctive, linear pattern of settlement at Gotherington, as seen from the AONB, which is an important consideration in the Cotswolds AONB Landscape Strategy and Guidelines.

From this elevated viewpoint, any proposed mitigation is unlikely to reduce the visual effects, over time, to any significant degree

Based on the points outlined above, the Board considers that the magnitude of change (to use the LVIA's terminology) would be at least moderate. When this moderate magnitude of change is combined with the very high sensitivity of the visual receptors at this viewpoint, the overall visual effect would be significant. This would mean that the development would also have a significant adverse effect on the Cotswolds AONB, in particular, its scenic beauty / quality.

Given that the development would have significant adverse effects on the AONB, the Board objects to the proposed development.

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<sup>5</sup> According to the information on [www.nomisweb.co.uk](http://www.nomisweb.co.uk) there were 448 dwellings in the 'built environment' of Gotherington at the time of the 2011 census. The Malleson Road development has increased this by 50 dwellings, bringing the total to approximately 500 dwellings. Therefore, a development of a further 50 dwellings would represent a 10% increase in the number of dwellings.

### Viewpoint 10 (Cleeve Common)

The Board acknowledges that the scale of visual change is likely to be less significant for visual receptors on Cleeve Common than for visual receptors on Nottingham Hill, particularly given the distance separating the development site and Cleeve Common.

However, many of the points made in relation to Viewpoint 8 are still valid for Viewpoint 10, albeit at a smaller scale. For example, the development would still create the impression that the gap between Gotherington and Bishops Cleeve has been reduced and Gotherington itself would be more prominent in views from the escarpment.

In addition, one of the factors that contributes to the size of scale of visual effects is '*the nature of the view of the proposed development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpses*'. On Cleeve Common there are multiple footpaths, including the Cotswold Way National Trail and Winchcombe Way, on which the proposed development site can be seen for long periods of time by walkers using the footpaths. The whole of Cleeve Common is access land, where a wide range of recreational users can also see the proposed development site for long periods of time.

With these points in mind, the Board considers that the visual 'magnitude' would be more than 'very low' (as proposed in the LVIA) and the overall visual effect would at least be adverse rather than neutral. A low adverse magnitude combined with a very high 'sensitivity', would result in an overall moderate adverse visual effect.

### **Presumption in Favour of Sustainable Development**

The applicant's Planning Statement asserts that the Borough Council cannot demonstrate a five year supply of housing and that there should therefore be a presumption in favour of granting planning permission (known as the 'tilted balance'), in line with footnote 7 of the National Planning Policy Framework (NPPF).

However, as outlined in paragraph 11d(i) and footnote 6 of the, this presumption does not apply if '*the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*', including the policies relating to AONBs.

There has been some debate in planning case law as to whether the exception outlined in paragraph 11d(i) and footnote 6 just relates to major development in AONBs (i.e. the second part of paragraph 172 of the NPPF) or whether it applies to all parts of paragraph 172.

Monkhill Ltd v Secretary of State for Housing, Communities And Local Government [2019] EWHC 1993 (Admin) (24 July 2019),<sup>6</sup> clarifies that the exception outlined in paragraph 11d(i) and footnote 6 of the NPPF applies to all parts of paragraph 172 of the NPPF, not just to the second part relating to major development. For example, paragraph 60 of this case law states that:

- '*As a matter of law, none of them [i.e. the first parts of paragraphs 172 and 173 and paragraph 196 of the NPPF] lacks any element necessary to found a freestanding reason for refusal of permission, or to engage paragraph 11(d)(i) of the NPPF.*'

Paragraph 172 of the NPPF applies in relation to the proposed development at Gotherington (i.e. great weight has to be given to conserving and enhancing the natural beauty of the

<sup>6</sup> <https://www.bailii.org/ew/cases/EWHC/Admin/2019/1993.html>

AONB, which has the highest status of protection in this regard). As such, the Board would argue that paragraph 11d(i) and footnote 6 of the NPPF also apply and that the presumption in favour of granting planning permission (i.e. the tilted balance) should not apply.

The fact that the proposed development at Gotherington has been identified, in the LVIA, as having an adverse visual effect on receptors in the Cotswolds AONB (Viewpoint 8) – and that the Board considers this adverse effect to be significant – adds further weight to this argument.

1. VIEW OF GOTHERINGTON FROM FOOTPATH ON NOTTINGHAM HILL IN THE COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY (@ GR: S097852872) @ 1.7KM EAST-SOUTH-EAST OF THE PROPOSED DEVELOPMENT (50MM FOCAL LENGTH, SINGLE PHOTOGRAPH) – DEVELOPMENT BOUNDARY SHOWN AS A RED LINE



2. VIEW FROM THE HIGHEST POINT ON CLEEVE HILL / COMMON ON THE COTSWOLD WAY NATIONAL TRAIL (@ GR: S098562639) @ 3.7KM SOUTH EAST OF THE PROPOSED DEVELOPMENT (50MM FOCAL LENGTH, SINGLE PHOTOGRAPH) – DEVELOPMENT BOUNDARY SHOWN AS A RED LINE



11 June 2020

Dear Sirs

**Planning Application 19/01071/OUT: Parcel 1441 Cobblers Close Gotherington****Representations based on the review of the case officer's report for the planning committee meeting 16 June 20**

The village is disappointed to find itself in this situation, contesting again an almost identical application on this parcel of land, (known locally as "The Meadow" that was rejected by both TBC and the appeal inspector in 2018 (16/00901/OUT)).

The village has worked hard in delivering an adopted Neighbourhood Development Plan (GNDP) which allocated sites, a number of which have already been delivered. It embraced the concept of Localism, which promised to give such villages the power to control future developments and determine the most appropriate sites based on consultation with the residents, within the guidelines of the wider planning framework.

There is a sense of being let down by fundamental flaws in the planning system; which deems that our GNDP holds little weight, as it is now just over 2 years old; that developers can take advantage of TBC's perceived lack of a 5-year housing supply; that it has taken such a prolonged time for the JCS and TBC Local Plan to be produced.

We will potentially be penalised due to TBC's failure to deliver on their plan. Even if the 5-year housing supply is falling short, consideration should be given to the wider context, given the recent uncertainty surrounding Brexit, COVID 19 and the economy in general. Developers do not appear to be bringing forward sites allocated in the Local Plan and delays at Ashchurch have had a detrimental effect on the ability to deliver supply and it is allowing speculative applications such as this one.

Under the JCS and Tewkesbury Borough Local Plan (draft), Gotherington is identified as a Service Village and as such is expected to accommodate a proportion of the dwellings allocated to the Service Villages.

While Gotherington has not been allocated an exact number of new dwellings that it is expected to accommodate over the 20 years of the current Local Plan, since 2011 there has already been 26 new dwellings built, 50 currently under construction, at The Grange, and a further 19 approved with an application for 2 dwellings under consideration (taking into account those already built and those with current planning permission and allocated sites in the GNDP). This is an increase of 97, which represents a 23% increase in the size of the village, from 2011.

The 13 service villages were initially allocated 880 houses in the JCS, as of April 2019 793 dwellings had already been granted permission. On reviewing the JCS the inspector stated that any shortfall in houses should not be absorbed by the service villages.

Since being designated as a service village, there have been a number of changes in circumstances:



- The village shop (prior to COVID 19) had limited its opening hours to 9.15 to 4.30, was offering a more limited range of products and no longer delivers newspapers. Any residents working office hours, would not be able to access the shop.
- The village does not have a Church, as mentioned by the planning officer in his report.
- The Village pub has had a very chequered history with historic prolonged periods of closure.
- The petrol station is difficult to access, as there is no footpath to the A435.
- The Village school is at full capacity and unable to expand.
- Changes to the public bus service has resulted in a limited service.

There have been no significant changes in Gotherington housing needs. The December 2019 Housing Needs (HN) survey conducted by GRCC, identified the need for 6 affordable houses in Gotherington, this will be met by the 10 affordable housing units on The Grange. TBC previously recognised that Gotherington is not the most suitable location for affordable housing, as Charles Church “bought out” their obligation on The Grange, resulting in only 10 affordable houses on a development of 50 dwellings. The HN survey identified the need for properties to allow elderly residents to downsize, as the village has an elderly demographic.

Prior to this application Barton Willmore did not consult with the village and have not recognised the requirement for Bungalows, which would allow residents to downsize but remain in the village.

#### ***Comments on the Planning Officer’s report to the Planning Committee***

***In points 7.1 to 7.3***, he acknowledges this site is not an allocated site in either Tewkesbury Borough’s Local Plan or the GNDP. Para 11 of the NPPF is cited as the overriding principle that permission should be granted, as TBC cannot demonstrate a 5-year housing supply. Gotherington is not covered by Para 14 of the framework, as its NDP is more than 2 years old, despite our GNDP clearly allocating sites and having delivered on these. Disregarding the GNDP goes against TBC’s message of engaging Parish Councils and residents and will not encourage other villages to engage in the lengthy, costly and time consuming NDP process.

***Point 11 ii***, is reason alone to reject the application as the “adverse impacts of the development would significantly and demonstrably outweigh the benefits”, especially in the context of Sustainable Development.

The appeal inspector noted that the cumulative effect of permitted dwellings, together with another 50 in this application would increase the size of the village by 31% (now actually 35%) and this level of development would be hard to assimilate and the current facilities would not cope and are not capable of expansion. Hence this application would “harm the vitality and social well-being of Gotherington”

We still concur with this statement.

**The applicant states in Point 0.4 of their planning submission that they have made significant changes since the last application.**

**Point 0.4 i, states these include:** “A MUGA, children’s play space and a multi-purpose community area. Delivery of these facilities will help facilitate cohesion between the proposed development and the existing community”

**Points in 0.4 ii – v** of their planning application refer to changes in:

- Housing Land supply shortfall
- Weight to be attributed to the GNDP
- Timing of other developments in the village
- The CIL

These last 4 points do not represent changes to the application, only to the wider framework.

As an outline application, made by a land agent, it is probable that the additional facilities mentioned would not be delivered in the final scheme. The location of the MUGA has been questioned by the Council's Environmental Health consultant on the grounds of noise pollution.

**Therefore, there are no fundamental changes in the scheme or guaranteed additional benefits to the community since the previous application was refused.**

**Point 7.11** – The case officer acknowledges that the delivery of this site would “represent a considerable amount of growth in the village & this would inevitably have implications for the character of the settlement”.

Para 3.21 of TBC Local plan says the “levels of housing identified for each settlement should be balanced alongside the size, function and accessibility of the settlement, whilst avoiding adverse environmental and social impacts”.

Para 3.29 of TBC Local plan states “careful consideration should be given to the cumulative effects of development over the plan period to avoid levels of development that are disproportionate to the scale and function and accessibility of the settlement”.

Given the existing 97 permissions granted in Gotherington, a further 50 houses would breach these sections of the TBC's Local Plan.

**Point 7.12** – the case officer notes the high number of objections, 159. Many of these refer to the fact the GNDP would be overridden with this development (**Point 7.14**)

#### **Gotherington Neighbourhood Development Plan (GNDP)**

Gotherington has an adopted and robust Neighbourhood Development Plan (GNDP), made in 2017. It identifies three sites in addition to those already built since the start of the plan period. Since the last planning application on “The Meadow” construction has commenced on GNDP 02/02 for the construction of 50 dwellings, planning for 10 dwellings has been approved for site GNDP 02/03 and an application has been approved for 9 houses on site GNDP 02/01 (only 6 properties allocated in the GNDP). There have also been several applications for infill developments.

The “The Meadow” is not an allocated site in the GNDP and was identified by the villager's as important in terms of recreation and access to the countryside, as it is widely used for walking.

It is felt the scale and pace of development in the village is not in line with the GNDP, as all the sites identified and required to provide sufficient housing to 2031 have already been granted permission.

Should Gotherington be required to provide additional housing prior to the end of the plan in 2031, the **GNDP made provision for this under GNDP 02**. This application fails to meet these criteria:

- It does not maintain the villages East – West linear form
- Does not maintain the separation between Gotherington and Bishops Cleeve, as it significantly reduces the green space and visual impact between the settlements.

It also contradicts several points under Para 3.13 “Preservation of the Environment” in GNDP:

- The proposed development does not preserve the aspect of rural character by maintaining the open spaces in Gotherington
- Views out of the village to the surroundings hills and the views to the escarpment are not being protected.
- It does not continue to show the close relationship between the village and the open countryside
- It does not preserve and maintain all the footpaths within the village.

**Under GNDP 3** – Housing outside the defined development boundary is only permitted in exceptional circumstances and none of these criteria are met by this application.

**7.15 -7.26 of the Planning Officers Report - Landscape impact** –The visual impact from the village development boundary towards the south would be significantly impacted if this development were permitted. Crucially it would lead towards coalescence with Bishops Cleeve, especially as the development of Homelands Farm is not yet complete. It would detract from the village feel, there are houses in the Village nearer Bishops Cleeve, but these are along the roads and do not encroach on this view and sense of separation.



*View of Crane Hill from the site*

**Point 7.27 Design and layout** –the indicative design and layout does not respect the character of the site, nor enhances the local environment. While the site does have good connectivity to the rest of the village, it is essentially a housing estate in a rural environment. The planning officer notes in **point 7.30** that the development would provide a substantial new Green infrastructure. We would argue that there would be loss of amenity, as this is currently an open green space, that connects the village to the countryside. If development were permitted the remaining green space would be hemmed in and would lose the rural connectivity.

**On the basis that the application on the Meadow contradicts the criteria for future development within the GNDP, it should be refused.**

### ***Sustainable Development***

**In Point 7.14 the planning officer** states that the planning balance should be considered in favour of the presumption of sustainable development. The development does not meet the criteria of sustainable development on social or environmental grounds, as required in the (NPPF) and Tewkesbury Borough Local Plan (draft):

The proposal will result in an urban style estate that will not integrate with the village, the style of properties would not be consistent with the existing houses in the village. The site of the development will represent a significant departure from the primarily linear structure, along the arterial roads of the village, with cul-de-sacs off the main roads.

The development does not respect the existing form and character of the adjacent area and street scene. It would present a significant increase in density and extends into a Special Landscape Area. It would extend the built area of the village and encroach on the open green space that separates Bishops Cleeve and Gotherington.

The site is currently prime agricultural land and has several public rights of way that are extensively used by village residents and ramblers wishing to enjoy local views. It gives access to this open green space which is the essence of residing in a village and is appreciated by residents. The Meadow should be protected from development as it would deprive a substantial number of residents the access to, and views across, open green space and to the surrounding hills.



*Views to Nottingham Hill from the site*

Views from The Meadow have already been eroded by the encroaching development at Homelands Farm, the houses from this development can already be clearly seen from the site. As the development on Homeland Farm progresses these views will be further compromised.



*Views to Bishops Cleeve from the Southern Boundary of the site*

If building were to be permitted on The Meadow, there would only be one field without a planning application between Gotherington and Bishops Cleeve. This field is also under the same ownership as the Meadow. The village feel of Gotherington would be lost on this Southern Boundary.

NPPF states “the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”. This development would have a serious impact on the residential amenity to residents and would not enhance or protect the natural environment.

Contrary to para 98 of the NPPF, public rights of way are not being protected or enhanced. Those that are maintained would lose their character as they would be within an urban setting, losing the rural attraction that makes these rights of way so well used.

**Transport:** NPPF para 103 states “decisions should ensure that significant developments are located where the need to travel will be minimised”

**The applicants Travel Plan prepared by Jubb is inaccurate and misleading.**

We have a limited bus service, the frequency of which continues to decline, making it difficult to use public transport for daily commutes. While their Travel Plan encourages cycling and walking, the lack of a cycle or footpath out of the village makes leaving the village dangerous other than by car. This is highlighted by the fact that village children are entitled to free bus passes if they attend Bishops Cleeve Secondary School, despite the village being within the boundary for not receiving free school transport, as it is acknowledged there is no safe way for these children to reach the school, via bicycle or on foot.



*Gotherington Lane illustrating the lack of footpaths and narrowness of the road.*

Access to the development is via Ashmead Drive, which is a quiet residential cul-de-sac, joining Malleson Road near to a bend in the road, resulting in poor visibility.



*Ashmead Drive*

**As noted by the planning officer in Point 7.58**, access from the village onto the A435 is via a dangerous crossroads, where there have been several fatal accidents in recent years. Exiting the village at rush hour is increasingly difficult. Safety at this junction will be further compromised in the future when Ashchurch is developed, increasing the volume of traffic on the A435.

Despite a funding contribution to this junction being a condition of The Grange development, a viable scheme has yet to be implemented, as many hundreds of thousands of pounds are required to provide a roundabout or traffic lights, which are the only long-term sustainable solution for the junction, for which no funding is available.

We would dispute the estimated impact on peak-hour movements cited by the Planning Officer in **Point 7.58**, given the inadequate public transport and lack of local employment.

#### **Schooling**

Families relocating to the village experience long waits for their children to enter Gotherington Primary School, which is at full capacity. This development of an additional 50 houses, over and above the 50 being built at the Grange would doubtless result in an influx of families, whose children would not be able to attend Gotherington Primary School and would be forced to commute to access education services.

**Point 7.67 of the planning officers report** - GCC has objected to this application based on lack of primary education availability, as Gotherington PS is on a small site and could not accommodate further children. This further reduces the sustainability of this development.

#### **Infrastructure**

The infrastructure in Gotherington and Bishops Cleeve is already struggling to cope with the current population.

There are inadequate formal playing fields within the village, several village football teams cannot use Freemans Field as their pitch, as there is not enough capacity. The village hall and the Old Chapel community buildings are not of an adequate size to host large events or hold a village meeting. These issues would be accentuated by further residents.

As a village we are struggling to solve these problems, as there is no suitable land within the village to locate additional football pitches or a new village hall with adequate parking.

Accessing higher level services at Bishops Cleeve is already difficult, whether its problems booking doctors' appointments, or to find a parking space when shopping at Tesco's or Lidl's. Further major development in Gotherington will make accessing these services even more difficult and will force Gotherington residents to travel further afield, which is not sustainable.

There is no certainty that the play and recreational facilities outlined in this application would be delivered as part of a final detailed planning application.

### **Flooding**

Gotherington has an ongoing problem with surface water drainage, the drainage system was not designed for a settlement of this size. When there is prolonged heavy rain the drains are not able to cope and frequently along Malleson and Gretton Roads, the water flows out of the drains along the street, flooding them and making the use of the pavements dangerous. Gotherington Lane, just beyond the village boundary, flooded earlier this year. Further development in the village will again only accentuate these problems.

### **Social Cohesion**

There would be significant problems of absorbing another large development into the village community. While there is good connectivity from the site to the rest of the village, there would be a number of problems of integrating these residents into the community.

Firstly primary school children would not be able to attend the village school, secondly there is already pressure on the groups that run in the village in terms of being able to accommodate new members, such as Brownies, Scouts and Football clubs, due to the limited size of the facilities.

Adults would have to commute by car to work. As an enclosed area, there would be the risk that residents may not socialise outside the estate and not integrate into the village.

### **Residential amenity**

**Point 7.33 of the Planning Officers Report** – his report offers little insight as to whether the development protects and seeks to improve environmental quality or whether it causes unacceptable harm to local amenity including the amenity of neighbouring occupants.

**In Conclusion:** The proposed development seeks to undermine the GNDP and contradicts the principals of "Localism". The scale of the proposed development is not in keeping with the character of the village and would result in an urban landscape within a rural environment. With the existing sites that have already had permission granted, the cumulative effect of an additional 50 dwellings in this application would be disproportionate to the size of the village. It would compromise the existing



infrastructure and be difficult for new residents to integrate into village life, effecting social cohesion. Most importantly it is not a sustainable development, as residents would need to seek primary education outside the village, travel for employment and inadequate transport links mean these journeys will have to be made by car.

**Subject: Planning Application to be heard on 16th June - 19/01071/OUT - Land Off Ashmead Drive Cobblers Close Gotherington**

**CAUTION: EXTERNAL EMAIL**

Dear Councillor's,

I am writing to you in your capacity as members of Tewkesbury Borough Council, Planning Committee.

My specific concern is with the application set out in '19/01071/OUT - Land Off Ashmead Drive Cobblers Close Gotherington Cheltenham' which is due to be heard next week.

**Object**

I appreciate you might need a bit more than my objection to reject an application; so here are a few reasons of common sense and planning law.

**Firstly let's start with, what will be lost ?**

The attached photo taken within the last couple of weeks shows the field where the proposed housing estate would be sited. It also shows you the vista of the surrounding hills of the Cotswold escarpment which will be lost.

**History**

This application may be new to some of you, for others this is Deja vu. This application was first brought before the Planning Committee on 14<sup>th</sup> February 2017 under reference '16/00901/OUT Outline planning application with means of access from Ashmead Drive' having been submitted on 2<sup>nd</sup> August 2016. The application was refused unanimously by the committee and this was confirmed by notice dated 21<sup>st</sup> February 2017. This decision was then appealed against 'Appeal Ref: APP/G1630/W/17/3175559', and after a hearing and site visit a decision to 'Reject' was made on 27<sup>th</sup> April 2018 by the planning inspectorate.

**Local Planning Reasons to Object**

The application is to develop land located to the South of Gotherington, known locally as 'The Meadow'. The site remains unchanged since initial application and remains unsuitable for development.

Here set out are some of the reasons why this site remains unsuitable for development.

- The location is not included within the Gotherington Neighbourhood Development Plan (NDP).
- The location is not included within the Tewkesbury Borough Local Plan.
- The location is outside the settlement boundary.
- The application would breach '*NDP Objective 6 - To protect the identity of Gotherington and prevent its coalescence with Bishop's Cleeve and Gotherington and with Woolstone.*'
- Gotherington's housing allocation for 2011-2031 has already been allocated and development is underway on sites included within the NDP.

**Impact on Local Services**

- The loss of a nature local green space.
- Based upon Gloucestershire Highways figures, there would be a rise in traffic along Ashmead Drive and at the junction of Ashmead Drive and Malleson road in excess of 300%.
- The local school is heavily oversubscribed as are the schools in neighbouring Bishops Cleeve. This would mean more car journeys to schools further afield leading to additional traffic and pollution.
- The impact of additional traffic at a time when Tewkesbury Borough Council has committed itself to supporting a carbon neutral county.

- The disproportionate and destabilizing effect on the local community of so many houses being built when developments in Shutter Lane and Malleson Road are ongoing.

#### The Elephant in the Room

So why have the applicants reapplied if they know the site is not suitable, having been rejected by both Tewkesbury and The Planning Inspectorate? The thorny issue of the 5 year land supply. The applicant whilst knowing the site is unsuitable is hoping to get this application through on a technicality.

So if it's all down to the NPPF let's examine that document ...

The NPPF has the presumption of 'Sustainable Development' and this is characterized in terms of Economic, Social and Environmental impact.

In terms of Social Impact, this application would see the knocking through of a quiet Cul de Sac to create an access road to a housing estate. This comes at a time when the residents of Gotherington have already taken in excess of their service village quota. At a time when 59 houses are underway or about to start being built; in a village of 500 houses this is a huge impact in a single hit. Allowing this application would do nothing to improve the social wellbeing and would have a negative impact on existing residents.

In terms of Environmental Impact, there is the loss of farm land in a rural setting. The loss of views both from the site outward towards the surrounding hills of the Cotswold escarpment and the inward views from the nearby ANOB. Then there are the additional car journeys to consider with all the attendant pollution, fumes, noise and light.

Even if this application were to be judged solely against the NPPF, it would fail to meet the description of 'Sustainable Development'. The impact on this rural village would be huge.

In closing I shall leave you with some of the words of the planning inspector from his appeal ruling.

#### Development plan locational policies

*"15. In conclusion, the site is outside the settlement boundary and none of the exceptional circumstance in the JCS or GNDP apply or are argued. For that reason the appeal scheme would conflict with the locational policies in the development plan and is not suitable for development at this time. This weighs heavily against the proposal."*

Beyond the points made which show the site is not within any development plans at any level, there is the impact on the surrounding environment to consider. Development on the site would fail to meet JCS policy SD6: Landscape

*"1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being;"*

The site is very close to the edge of the Cotswolds Area of Outstanding Natural Beauty (AONB) and can be viewed from a number of nearby hills within the ANOB. ANOB's are not just about the area itself, but often (as is the case here) about the views and vistas seen from the ANOB's. This point is highlighted in JCS Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB).

*"All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."*

Whilst the site is just outside the ANOB, it is clearly *within the setting* of the ANOB given the views from hills within the ANOB.

#### The vitality and social cohesion of Gotherington

*"37. Overall, the Framework policy is that development should meet the roles of sustainability, including the social role. This is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In this case, for the reasons set out above the proposal would conflict with this policy and would harm the vitality and social well-being of Gotherington."*

This application fails to meet development guidance, on a local level, on a Borough level or indeed on a national level when measured against the NPPF. It fails to meet the environmental objectives of Tewkesbury Borough Council and fails to meet the social well-being of local residents.

This is a speculative application, the site remains unsuitable for any development as previously found by the Tewkesbury Borough Council and the Planning Inspectorate.

I urge to you object to this application and refuse permission. If you have any doubts in your mind as to what to do, please don't rule until you have visited the site and seen for yourself what will be destroyed.

