

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 15 September 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:

Councillors G J Bocking

PL.24 ANNOUNCEMENTS

- 24.1 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.
- 24.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 25.1 Apologies for absence were received from Councillor A Hollaway. There were no substitutions.

PL.26 DECLARATIONS OF INTEREST

- 26.1 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.

26.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
E J MacTiernan	Agenda Item 5c – 19/00998/FUL – Pamington Farm, Pamington Lane, Pamington. Agenda Item 5d – 18/00043/OUT Land at Fitzhamon Park, Ashchurch Road, Tewkesbury.	Applicant is known to her but had not been involved in any discussions in relation to these applications.	Would speak and vote.
P D Surman	Agenda Item 5e - 20/00623/FUL Land Adj Coach House, Shurdington Road, Shurdington.	Is a member of Shurdington Parish Council does not participate in planning matters and is also a personal friend of the applicant.	Would not speak or vote and would leave the meeting for consideration of this item.
R J E Vines	Agenda Item 5e – 20/00623/FUL Land Adj Coach House, Shurdington Road, Shurdington.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
P N Workman	Agenda Item 5c – 19/00998/FUL Pamington Farm, Pamington Lane, Pamington. Agenda Item 5d – 18/00043/OUT Land at Fitzhamon Park, Ashchurch Road, Tewkesbury	Is a relative of the applicant.	Would not speak or vote and would leave the meeting for consideration of this item.

26.3 There were no further declarations made on this occasion.

PL.27 MINUTES

27.1 The Minutes of the meeting held on 18 August 2020, copies of which had been circulated, were approved as a correct record, subject to Appendix 1 as referenced to in those Minutes as attached (additional representations sheet as at the meeting of 18 August 2020) being added as it had been omitted in error.

PL.28 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

28.1 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.

20/00504/FUL - 51 Cotswold Gardens, Tewkesbury

- 28.2 This application was for the erection of a two storey annexe and single storey storage building. The application had been deferred at the last meeting for a Planning Committee site visit in order to assess the impact on the neighbouring property and to receive more information in relation to the daylight/sunlight assessment. The Committee had visited the application site on 11 September 2020.
- 28.3 The Planning Officer advised that the application related to a three storey dwelling located in Tewkesbury and sought the erection of a two storey annexe which was proposed for ancillary accommodation, incidental to the enjoyment of the main house. The application was deferred at the last meeting of the Planning Committee in order that Members may conduct a site visit primarily to assess the impact on the neighbouring property. The section on "Effect on the Living Conditions of Neighbouring Dwellings" in the Officer's report stated that the two storey element of the building would comply with the 45 rule, which demonstrated that it would not result in an unacceptable reduction in daylight or sunlight to the neighbouring dwelling. An illustrative plan had been circulated at the site visit and was shown at the meeting. Further concerns relating to highways safety had been assessed by the Highway Authority who raised no objection and no objection had been raised by Environmental Health in relation to the size of the internal space. The proposed scheme complied with design and amenity policies; therefore the Officer recommendation was to permit.
- 28.4 The Chair invited a local resident speaking against the proposal to address the Committee. The local resident thanked the Committee for taking the time to visit the site and indicated that, whilst the applicant had advised the visit would make no difference, he hoped the Committee would be able to see why there was such a strong objection to the development and the impact it would have on the lives of him and his family. He indicated that he would not cover the issue of overshadowing as he had dealt with this in depth at the last meeting, nevertheless, overshadowing remained a major objection. He indicated that he would like to review the purpose of the proposal which the applicant had stated was for Airbnb purposes; the property had, for a number of years, been listed on their website and during August it had been leased out every weekend causing a great deal of distress and upset to the neighbours due to loud parties and noise pollution. The advert for the property offered free on street parking on a road which was already overpopulated by parked cars. The local resident also wished to address the claims made by the applicant at the last meeting that the scheme was required to tackle a privacy matter between Nos. 51 and 53 Cotswold Gardens. The raised decked area beside the kitchen of 53 Cotswold Gardens had always been there and was the only means to access the property from the garden area; the applicant had been fully aware of this when he had purchased the property. Had the applicant previously expressed any concerns about privacy then perhaps the matter could have been resolved without the need for the erection of a two storey annex. The final issue that the local resident wished to raise were significant concerns regarding flood risk of the road both pluvial and fluvial. As previously stated, the road had flooded in July 2020 with water entering properties in the street; the road had again flooded in August 2020. In support the local resident referred to the Environment Agency Flood Map website showing a red warning of flood risk to Nos. 49, 51 and 53 Cotswold Gardens and a letter dated 19

August 2020 to Gloucestershire County Council and subsequent response complaining of flooding to the road. He maintained that drainage was a significant problem in the street and having an additional system would only compound the problems already being experienced by several residents. In conclusion he asked the Committee to consider why a single man, living alone with no dependants in a large 3-bedroom property, currently on the market, would need to erect a two storey annex for storage and social care needs. The objections that had been received in relation to the scheme were from residents who had children or grandchildren who intended to get as much enjoyment from their homes and gardens as possible with no commercial intent. Should planning consent be granted the residents would have to endure the consequences of overloaded drains, overpopulated parking, noise pollution and increased flood risk whilst the applicant would have sold up and moved away.

- 28.5 A Planning Officer read a statement to the Committee that had been received from the applicant which indicated that the main reason for submitting the statement was to highlight inaccurate elements from the objections received. He referred to the fact that the report of the Planning Officer was very thorough and addressed all the areas in which objections had been received. Particular attention had been drawn to the privacy issues from which his property suffered, and he referred to the fact that the property already benefitted from an approved planning permission to build on exactly the same area. The statement set out the key issues which the building proposals were intended to achieve; to future proof family requirements for the property, particularly social care worries linked to an elderly mother (annex could be used as limited use granny flat); to support privacy from the property at No. 53, which was built higher than the existing properties resulting in a huge impact on No. 51, and to address the limited suitable storage in the current property's configuration, giving suitable bike and outside storage space. The applicant then went on to address the objections and issues raised that did not apply: Tewkesbury Town Council had objected on the following grounds; parking – as set out in the Planning Officer's report and consultees response (Gloucestershire Highways) there was suitable parking on the property for up to four vehicles (there was no intention to increase the number of vehicles that used the property); storage in two storey element – this would only be used as accommodation to support the main property and not as stand-alone property therefore internal storage of the property was more than adequate; Overdevelopment – as per previous point, supporting the main property's accommodation and neighbours' concerns; drainage – the problems highlighted in the objection were not connected with any issues relating to the domestic foul water drainage at No.51. The design of the system used in the building of No.53 to achieve foul water discharge was the problem. An inadequate pumping system was used to reach the main foul water drains in Cotswold Gardens; proximity/light – suitable distances would be maintained and building regulation requirements of the 45 degree rule of thumb had been completed and the assessment passed for this small development. In summary, the applicant's statement maintained that the development proposals were to support the main property's daily use and were in keeping with the area. The condition in the Planning Officer's report about the development not being used as a separate dwelling was welcomed.
- 28.6 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A proposal was made in line with the Officer recommendation but, prior to the proposal being seconded, a Member asked a question about Airbnb, as she was receiving a number of complaints about them from residents in Laverton and it was a matter that was being raised more and more frequently. She questioned what the position was on usage for Airbnb purposes, whether any additional permissions were required and what avenues there were for residents to make complaints such as about noise. The Planning Officer advised that the use of a C3 dwelling, as was the case in this instance, for Airbnb purposes,

was not actually a change of use as it was still classed as part of the same use. It was really about the degree of which a property was used for Airbnb and whether it was an incidental and ancillary use or whether it took away from the primary use. Likewise, any noise issues, whilst not related to planning, could be assessed by Environmental Health in relation to the existence of a statutory noise nuisance. The Planning Officer indicated that she had noticed noise had been raised by an objector and, should this become a problem, Environmental Health could be asked to undertake an assessment. In response to further questions the Legal Adviser stated that, if it was a permanent all year round use for Airbnb, it was very likely that this would be a change of use but otherwise each case would need to be considered on its own merits taking account of the degree of Airbnb usage; it would be a matter of fact and degree. A Member stated that it seemed the degree of usage as an Airbnb could affect which category a property fell within and whether a change of use was required. He referred to the evidence presented by the objector about the level of use of this property for Airbnb purposes yet this did not seem to have been addressed in the Officer report in terms of whether a change of use should be considered; it seemed that the property was being used for a different purpose other than a straightforward simple dwelling. Secondly, the Member commented on the reference to noise pollution and the activities of Environmental Health and maintained that they had very limited powers to limit Airbnb activities which placed a significant onus on the planning determination and the decision of the Planning Committee. The Member therefore questioned at what stage was a residential dwelling categorised as something else as clearly in this case there was evidence of quite significant use of the property for Airbnb purposes. The Planning Team Leader (North Area) clarified that, in terms of this property specifically, the application that had been submitted to the Authority, and before the Committee today, was for the erection of a two storey annex as ancillary accommodation and this was what had been considered by the Planning Officer in their report to Members. In terms of Airbnb properties, the intensification of that use over and above what could be reasonably described as such residential use, would need to be assessed on an individual basis and, as had been indicated previously, it would be a matter of fact and degree. She indicated that if a complaint was received regarding an Airbnb then an enforcement investigation would need to be undertaken to understand how the property was being used and whether or not a potential material change of use had taken place. In the latter circumstances it would then be necessary to determine whether that was a suitable use for that property in that location. Each individual application of this type would need to be looked at on its own merits as each individual use of a property as an Airbnb could differ quite significantly. Therefore, it was something that would need to be looked at separately in relation to this or any other dwelling where a complaint was received about its use as an Airbnb. The Member indicated that he was grateful for the clarification and stated that, if this was a straightforward application in relation to a residential property, he could see no planning reason to refuse it but he was still troubled by the Airbnb usage. He questioned whether, if a complaint was received concerning the use of the property being inappropriate to its designated use, this would in effect become an enforcement matter. The Planning Team Leader (North Area) indicated that potentially yes, if a complaint was received that the primary use of the accommodation had changed to Airbnb holiday type accommodation, decisions would need to be made on how to deal with that usage. However, this was not what was before the Committee today and if Members decided to permit this application there was a proposed condition which would tie the annex as ancillary to the main residential use of the residential property.

- 28.7 In seconding the proposal, a Member referred to the Site Visit that had taken place on which he had noticed that the property opposite had made provision for extra off road parking and, with the higher level of the property at No.53, any impact on light would be minimal in his view and therefore he was in support of the application. Whilst another Member, who had also been on the Site Visit, disagreed and felt that the light impact of the proposed extension on No 53 would be unacceptable. Upon being put to the vote it was

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

20/00410/FUL - 5 Doughmeadow Cottages, Laverton

- 28.8 This application was for the variation of condition 2 (approved plan) of planning application 17/00599/FUL to allow for the retention of changes to design and size of the extension. The application had been deferred at the last meeting of Planning Committee in August for a Site Visit to fully understand and assess the proposals. The Committee had visited the application site on 11 September 2020.
- 28.9 The Planning Officer advised that the property was a mid-terraced dwelling located within the village of Laverton and the variation of condition related to an application granted in 2017 for a single storey rear extension; the aim of which was to regularise alterations made to the external design and size of the extension. The application had been considered at the meeting of the Committee in August when there had been some confusion about what the proposal was seeking to regularise. Whilst a minor amendment was submitted which sought alterations to the roof design and parapet wall, the development was neither constructed in accordance with that amendment nor the original application. Likewise, notwithstanding the opinion of the agent, no alterations had been regularised under any of the three respective condition discharges. In view of this, the current application sought to regularise all deviations to the original permission. These included: increase in height of parapet wall – the parapet was originally permitted at 3 metres in height, the minor permitted it at 3.2 metres in height and the current application, as built, sought it at 3.5 metres in height, a total increase of half a metre; change in roof material – the proposal was originally described to comprise a “sedum green roof”, the minor permitted polyfibre glass and the application sought as built an EPDM roof; changes to the fenestration – for example the windows and doors on the western and southern elevations; changes to the form and footprint – the original permitted length was 7.7 metres, the minor permitted it at 8 metres with changes to footprint and as built it measured 8.6 metres a total increase of 0.9 metres – the length was amongst other alterations to the footprint layout and height including an overhang and the final changes were to the roof light arrangement – the originally approved roof lights were comprised of two in alignment, the minor granted one large roof light and one small roof light and the current application, as built, sought three roof lights. In concluding her presentation, which visually demonstrated the changes from the original application, the minor and as built, the Planning Officer stated that, whilst the letters of objection received from the Parish Council and local resident had been duly considered, they were not felt to present sufficient cause to warrant a refusal and the Officer recommendation was to permit the application.

28.10 The Chair indicated that there were no public speakers for this item. A Member maintained that it had been good to go on the Site Visit to see what had been permitted and what had actually been built. She referred to the photographs and plans which demonstrated that the changes were quite considerable and expressed her frustration at this situation. She had asked that a Member briefing be held on enforcement in order to provide some clarity for Members on what could and could not be done in this respect. Clearly there had been an impact on the neighbour as the actual build including the canopy was totally different from that granted permission and she could understand why the Parish Council was also objecting to approval of the changes. She indicated that there were other parts of the development that had not been built in accordance with the original permission and had been subject to separate subsequent applications, such as the upstairs rooms, but it appeared that there was little that could be done about this and there were no planning grounds for refusal. She thanked the Planning Officer for the detailed presentation which highlighted the extent of the changes and stated that, in the circumstances, and with a very heavy heart, she would propose that the application be permitted. This proposal was seconded, and a debate ensued with a number of Members expressing concerns about the extent of the changes that had been made in variance to the original application. Members felt that it would be very useful to have a seminar on enforcement particularly since it was felt very strongly that this type of issue was on the increase. The Chair advised that Members needed to think about whether they would have permitted an application for the development as built rather than focussing on the fact that it had been built outside the approved plans; although he acknowledged that the situation was enormously frustrating particularly for the Planning Committee. A Member stated that, on that basis, he was of the view that the Committee would not have permitted the development as built since it was totally out of character with the area, its size and construction were out of keeping and the neighbour impact was unacceptable. The Chair indicated that, if Members were of the view that this application could be refused, and were able to give planning reasons, then a refusal could be considered. A Member sought advice from the Legal Adviser who indicated that, if there were reasons for refusal that could be substantiated at appeal, then that was a matter for the Committee to judge but the decision could not be made based solely on the fact that it was a retrospective application it had to be based on whether what was now before the Committee was unacceptable on planning grounds. The Planning Team Leader (North Area) further clarified that, if the Committee was minded to refuse this application, it would be necessary to consider the issue of an enforcement notice which the applicant had the right to appeal against. In that scenario it was likely that the appeal would be on the basis that planning consent should have been granted and upon the case being heard by an Independent Planning Inspector, if the Inspector found against the Council, there was a risk that costs could be incurred if the Inspector found that the Council had been unreasonable and this needed to be borne in mind in determining the way forward with this application. The Chair indicated that, whilst he accepted this should be in the minds of Members, it should not be the overriding reason for determining this application and if Members felt that the harm was so great to warrant a refusal that was a decision for the Committee to make. Further debate took place on whether the proposal as built was so adverse as to warrant a refusal or whether it was acceptable. Upon being put to the vote, it was

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

19/00998/FUL - Pamington Farm, Pamington

- 28.11 This application was for the erection of a new agricultural building to be used as cubicle housing for a dairy herd. The Committee had visited the application site on 11 September 2020.
- 28.12 The Planning Officer explained that Pamington Farm was a dairy farm extending to just under 200 acres with a range of modern and traditional farm buildings. The applicants also farmed another agricultural unit in the locality, taking the total farmed area to approximately 350 acres. The dairy herd consisted of approximately 100 pedigree dairy cows which were milked twice a day. The cows were calved on an all year-round system with all dairy herd replacements being reared on the farm. The proposal sought to re-house the existing dairy herd into a purpose-built building in order to promote better animal welfare. The building would be located east of the existing farm complex, situated in the corner of an agricultural field. There were a range of residential properties located to the south of the application site, the nearest of which was situated approximately 37 metres away. Several letters of objection had been submitted relating to the proximity of the building in relation to these residential properties. The new building would be of steel portal framed construction with concrete panels and space boarding above to eaves height. It would measure approximately 30.48 metres by 36.57 metres with a total overall height of 7.9 metres. An additional concrete track would lead to the existing field track which, in turn, would lead out onto an existing access to the B4079. The building could also be accessed from the farm so this would not be the only access. The Planning Officer drew attention to the fact that, as summarised in his report, the proposal would introduce the built form into a currently undeveloped area of pastureland. He judged that, given the size and scale of the building, some landscape impact would occur when viewed from public vantage points. However, the amenity impacts upon the neighbouring properties were deemed acceptable and national and local policy sought to support rural enterprises. Bearing this in mind it was considered that the benefits of the proposed scheme would outweigh the landscape harm and therefore the application was recommended for permit.
- 28.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member who had attended the Site Visit indicated how useful the visit had been. It was a working farm with the usual smells and muck associated with it; there was no intention to increase the herd and she did not feel that the erection of this building would result in any additional impact on what was already in existence. The conditions included additional landscaping and, on that basis, she was more than happy to propose that the application be permitted. The Member seconding the proposal concurred with the proposer and explained how important these buildings were for modern farming. A Member asked why the building could not be sited to the north which, as he understood it, would overcome the majority of the objections received. The Planning Officer advised that this had been explored with the applicant but the applicant had stated that, in terms of cattle welfare and cattle movement through the yards, such a siting would not be the best positioning for the building. Whilst no expert on farming the Planning Officer indicated that the applicant had advised there would be an issue with flow of the cattle through the building and the application site represented the most appropriate location for the building in terms of supporting the farming enterprise. After a further brief debate, a vote was taken, and it was

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

18/00043/OUT - Land at Fitzhamon Park, Ashchurch Road

- 28.14 This was an outline application for the erection of up to 90 houses, a care home, community land and associated works.
- 28.15 The Planning Officer reminded Members that, at the meeting of the Planning Committee on 16 July 2019, it was resolved to delegate permission of this application to the Technical Planning Manager, subject to a number of matters which included the completion of a Section 106 Agreement, the drafting of which was well advanced. Since the Committee resolution, which also included associated contributions, the County Council's Section 106 Officer had provided further evidence to justify the requested education and library contributions and thus the required tests set out in Paragraph 5.1 of the report had been met. In respect of education, the Council had been informed that the proposed development would give rise to a pre-school pupil yield of 27, a primary yield of 36.9 and a secondary yield of 27.9. Similarly, the development would generate a need for extra library resources and therefore the update report set out the associated Section 106 contributions towards the provision of these extra facilities. Other updates in relation to the application included the Council's Environmental Health Officer confirming that there was no need for further restrictions to construction hours beyond those set out in Condition 23 of the Committee report, but that an extra condition be added to provide for mitigation measures from the nearby shooting range if necessary. The Lead Flood Authority had raised no objections to the proposed development and relevant conditions were awaited and the Local Highway Authority had agreed with the request from Members for the provision of electric vehicle charging points which would be secured by condition. There had been no material changes in circumstances since the previous resolution and therefore the application was recommended for a delegated permit.
- 28.16 The Chair indicated that there were no public speakers for this item. In proposing the Officer recommendation, a Member sought confirmation that the pupil yield had been provided by the Local Education Authority as he was aware that there had previously been problems with the provision of sufficient finance to provide the required education facilities. The Planning Officer confirmed that this was the case. The proposal was seconded and the seconder indicated how great it was to see that additional electric charging points would be provided, there were conditions in connection with noise levels and construction hours and that the Section 106 covered serviced land for community use which should provide a guarantee that the land would be passed to the community. Another Member wished to flag up some concerns about recycling and waste bins and the cost of £73 per household included in the Section 106 Agreement. He felt that a more strategic view of this matter was required, as more and more houses were built there would become a need for new rounds with additional vehicles and additional staff and this needed to be taken into consideration going forward. The Planning Team Leader (North Area) indicated that the £73 was intended to cover start-up costs and going forward these properties would be paying Council Tax which would then contribute to any additional services required for those new developments. The Chair asked the Lead Member for Built Environment if, when the seminar on retrospective planning consent was arranged, it could include an update on how services such as education, refuse etc. would be paid for arising from all the new developments that were taking place. The Lead Member confirmed that she would arrange for this subject to be added to the Agenda for the seminar.

- 28.17 Upon the proposal being put to the vote, it was
RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application subject to the resolution of outstanding matters relating to surface water drainage; imposition of/amendments to appropriate planning conditions including a condition requiring electric charging points to be provided throughout the development; a condition in respect of noise levels/mitigation and construction hours and completion of a Section 106 Agreement to secure affordable housing, on site Public Open Space including a local equipped area for play (LEAP), off site playing pitch contribution, serviced land for community use, recycling and waste bins, pre-school contribution, primary education contribution, secondary education contribution and library contribution as set out in the Planning Officer's update report.
- 28.18 The meeting adjourned at 11.15am for a comfort break.
- 28.19 The meeting reconvened at 11.30am with the same Membership present.

20/00623/FUL - Land Adj Coach House, Shurdington Road

- 28.20 This application was for engineering operations to upgrade an historic access track.
- 28.21 The Planning Officer advised that the site was a paddock to the north of Lowther House which had an access off the Shurdington Road with boundary hedges to the north and west and trees and hedgerow to the east and south. The site was in the Green Belt. The proposal was for the retention of engineering operations to form a new access track from Shurdington Lane to serve the Coach House which had been converted and extended to form a dwelling. The track crossed across the paddock from the existing gated field access in the north east corner to the south west corner. The materials were type 1 aggregate. The Planning Officer explained that the Coach House had been permitted for conversion to a dwelling with the access via a drive running along the northern side of Lowther House. To facilitate construction, a temporary access to serve the Coach House was created under permitted development for temporary uses. The proposal would create a permanent residential access, by upgrading the temporary access, to serve The Coach House extending the residential curtilage into agricultural land. It was the Planning Officer's view that the proposal would be contrary to saved Local Plan Policy HOU10 which considered that the change of use of agricultural land to residential curtilage would not be permitted if there was a visual impact on the form or character of the settlement and if there is significant encroachment into the surrounding countryside. Within the Green Belt such proposals would not normally be permitted due to the objectives of its designation. In terms of Policy SD6, landscape character, it was considered that the track as a residential driveway would differ from an agricultural track. Improvements to the existing access were proposed setting the gates back by 5 metres with a bell mouth. There was a requirement from County Highways for the surface to be a bound material and the proposal would result in the removal of some existing trees and hedgerow. The formalised and engineered access would have an urban appearance at odds with the existing rural character and appearance of the immediate area. Engineering operations were not considered inappropriate development provided they preserved the openness of the Green Belt and did not conflict with the purposes of land within it. The assessment of openness was a planning judgement based on the circumstances of the case. The Planning Officer's report set out the assessment of openness in which it was considered that the regular vehicular movements along the track, the visual impact of the track itself and

the formalised engineered access would impact on the openness of the Green Belt in this location. The Highway Authority had no objection to the proposed alterations to the existing access, subject to conditions regarding the gates opening inwards and 5 metres of bound material from the public highway. There had been an update received from the Tree Officer with regard to the proposed alteration to the existing access in that there was no objection to the removal of the Ash Tree and some of the existing sparse hedgerow in that area, subject to mitigation for its loss, therefore conditions for a landscape and planting of native species would be recommended if the Committee was minded to permit the application. However, the proposal was considered detrimental in terms of openness to the Green Belt and landscape character and therefore the Planning Officer's recommendation was that the application be refused. A virtual site visit had been requested by a Member and the Committee was shown several videos highlighting the existing access arrangements and the proposed access arrangements from a number of different angles, views and directions.

- 28.22 The Chair indicated that there were no public speakers for this item and that the Officer recommendation was to refuse the application. A Member proposed that the application should be permitted and this was seconded. The proposer of the motion indicated that he would like to draw Members attention to the background in relation to this site. As had been stated, The Coach House had received permission to be turned into a residential dwelling and the applicant was now seeking to provide a safer access onto the A46 Shurdington Road than the preferred option of the Planning Officer of using the existing access for Lowther House which ran along the northern side of that property. He indicated that this access, as could be seen from the photographs and videos shown to the Committee, provided no visibility to the left or right as opposed to the proposed access which would provide a much safer route out onto the A46. He referred to the Planning Officer's report and, specifically, the final line of the last Paragraph on Page No. 92 which mentioned access onto the A38 and he indicated that this was the incorrect road and should read the A46. He also referred to Paragraph 7.2 on that page and, specifically, reference to the fact that, in accordance with policies RES11 and HOU10, planning permission would only be granted for the change of use of agricultural land to domestic garden provided there was no adverse environmental or visual impact on the form, character or setting of the settlement. He maintained that there would be no adverse effect on the settlement as the only thing that was there currently was a roadway, an ancient historic track, a gate which abutted the A46 and a dropped curb. He was of the view that there was general consensus that there was an access there already as why else would there be a dropped curb. As far as he could see there would be no bricks laid just the engineering work at ground level and the gate being moved back 5 metres therefore he did not think that point 1 of Policy HOU10 bore any weight at all to this proposal. He went onto refer to point 2 of Policy HOU10 which stated that there should be no significant encroachment into the surrounding countryside and, whilst he acknowledged that it was a Green Belt location, he could not see any merit in suggesting there would be a significant encroachment as less than two miles down the road planning consent had been granted for 1,500 houses to be built. Finally, turning to point 3 of Policy HOU10, which stated that the form should not be incongruous with the surrounding characteristic pattern, as very little would change, as he had detailed previously, he could not see how this would be applicable. There was no objection from the Highways Authority which may have given some weight to a refusal but in actual fact that Authority agreed that the gate should be set back 5 metres as it would give better visual access when manoeuvring onto the A46. He was of the view that the application should be supported as it not only upgraded an ancient track but it also improved safety. Other Members spoke in support of the application referring to the safety concerns associated with the Lowther House access and the improvements that the proposed access would achieve. Members felt that it would be perverse not to improve the access arrangements as set out in the application. A Member stated that, whilst he

understood the Officer recommendation as the site was in the Green Belt, the main concern related to openness and this was, as had been pointed out, a matter of judgement. Looking at the video he could not see that the proposals would harm the openness of the area and therefore the overriding factor should be safe access and improvement. The Planning Team Leader (South Area) indicated that if Members were minded to permit this application, they would need to clarify the reasons for doing so. By way of examples, he suggested that Members might be of the opinion that the proposal would have a very modest impact on the openness of the Green Belt and a very limited encroachment into the countryside. Furthermore, that the improved access and visibility splay would have an acceptable landscape impact and would result highway safety improvements. These examples could be seen as justifying the development. The Borough Solicitor added that Members also needed to clarify whether they considered such examples constituted very special circumstances to outweigh a conflict with Green Belt policy, or whether they considered openness of the Green Belt was preserved and the proposed development was not inappropriate development. The Committee agreed with this assessment as to the reasons for this application to be permitted, and the proposer emphasised that it was his judgement that the impact on openness was insignificant in this instance and the proposal was not inappropriate development. The Planning Team Leader (South Area) advised the Committee that, should Members be minded to permit the application, then conditions should be applied and the Planning Officer advised on conditions in relation to time period, the development being carried out in accordance with the approved plans and documents, approval of a landscaping scheme and vehicular access requirements. The proposer and seconder indicated that they were happy with the conditions and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to the conditions outlined above, as in the judgement of the Committee, the proposal would have an insignificant impact on the openness of the Green Belt, was not inappropriate development and would have a very limited encroachment into the surrounding countryside. Furthermore, the access and visibility splay would have an acceptable landscape impact and a highway safety improvement would be achieved.

28.23 The meeting was adjourned at 12 noon for a short break.

28.24 The meeting reconvened at 12.05pm with the same Membership present.

19/00953/APP - Yew Tree Farm, Twigworth

28.25 This application was for the approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission reference 17/00852/OUT for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS).

28.26 The Planning Officer referred to the Committee report and stated that it was apparent that the submitted plans did not accurately show the location of a number of residential park homes that had been positioned close to the boundary of the site, specifically there were park homes located to the south west corner of the site. The plans currently detailed a large dwelling proposed in this location which was shown as plot 53. This plot would be in close proximity to the park homes and the current relationship shown on the submitted plans was considered to be unacceptable. Whilst the applicant had sought to address this matter it had not yet been fully resolved to the satisfaction of the Planning Officer. Further to the email from the applicant, set out in the additional representations, revised plans had been submitted late the previous day and early this morning showing the removal of plot 53 and it was envisaged that this matter would be dealt with at a later stage under a separate application. Whilst the removal of plot 53 addressed the immediate issue

in terms of the potential impact on the park homes close to the south west corner of the site, the submitted plans were not yet formally in the public domain. Importantly those plans had not yet been subject to consultation and had not been seen by either the Parish Council or the affected park home residents. In the light of these matters the Officer recommendation was to defer the application to allow for further consultation with interested parties.

- 28.27 The Committee agreed with the Officer recommendation and it was proposed and seconded and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow for further consultation on the revised plans with interested parties.

- 28.28 The Chair questioned whether the application would come back to next month's Planning Committee and the Planning Team Leader (South Area) indicated that this would be the aim subject to all the necessary information being available and there being sufficient time to complete the required consultations.

20/00524/APP - Land at Twigworth

- 28.29 This application was for the approval of reserved matters (access, appearance, landscaping, layout and scale) comprising Phase 1b of outline permission 15/01149/OUT for the erection of 154 dwellings and associated public open space, engineering operations, drainage infrastructure and landscaping.
- 28.30 The Planning Officer advised that the proposal was the third reserved matters application for housing at the Twigworth strategic allocation. It related to phase 1b of the wider development. The principle of this development had already been established through the outline permission and therefore this application related solely to the approval of the access, layout, appearance, scale and landscaping. Whilst an indicative masterplan document was submitted with the original outline application, a condition required a Site Wide Masterplan Document to be submitted to the Council which had since been approved. The condition required all Reserved Matters applications to be in accordance with the approved document and a two-dimensional layout drawing was shown to the Committee which had been approved as part of the Site Wide Masterplan Document. The application now before Members had been primarily assessed in accordance with that document. The application also had regard to the outline consent, the Section 106 Agreement and the details approved under other conditions attached to the outline consent. Turning specifically to the layout, the Planning Officer considered that the road layout, block sizes and location of the Public Open Space were generally in accordance with the Masterplan. The Planning Officer also considered that the layout, scale and appearance accorded with the Character Areas described in the Masterplan and, to demonstrate this, sample street scenes were shown. The proposal was also acceptable in terms of residential amenity. With regard to landscaping, the strategy for the wider development was for a network of open spaces and green corridors. The proposed planting was consistent with what was approved on Phase 1a and was in accordance with the Site Wide Masterplan Document. The application also included a village green with a local equipped area for play. As indicated on the additional representations document that had been circulated, the submitted details were now considered to be acceptable and in accordance with the Section 106 Agreement. In regard to access, again, as indicated on the additional representations document, further details had been submitted in respect of the proposed shared surfaces and the Highways Officer had advised that the proposed design revisions now provided a visually contrasting surface to assist persons with a visual impairment as well as providing a comfort space from vehicles. The revisions also created a visual narrowing of the carriageway space which would assist in maintaining a slow speed environment and the proposal was now considered to be acceptable in this regard. In summary, the proposal was considered to accord with

the outline consent and the Site Wide Masterplan Document approved under that consent. In the light of the revisions put forward, the Planning Officer stated that the scheme was now recommended for approval as opposed to the delegated approval set out in the report attached to the Agenda.

- 28.31 The Chair invited a representative of the applicant's agent to address the Committee. The representative indicated that this reserved matters submission for 154 houses had been made by Vistry Cotswolds and related to Part B of the first residential phase of Land at Twigworth. It included the proposed village green and children's play area as well as associated infrastructure. The site had outline planning permission, approved by the Secretary of State in December 2017, and was allocated within the Joint Core Strategy for housing. The principle of residential development on this site had therefore been established and the site formed an important element of the Council's short-term and medium-term housing supply. Reserved matters approval for Part A of the first residential phase, comprising 79 homes, was approved by the Planning Committee in December 2019 and construction of Phase 1A had commenced on site. In accordance with the outline permission, a Site Wide Masterplan Document and a detailed Drainage Strategy were submitted by Robert Hitchins Land pursuant to conditions 5 and 21 of the outline permission. These documents were approved by Tewkesbury Borough Council in 2019 and set the design parameters for all reserved matters submissions. The applicant's representative stated that the application now before the Committee provided full details of all reserved matters and had been submitted in accordance with the approved outline planning permission, associated planning conditions and obligations, the parameters plans, the approved Site Wide Masterplan Document and the approved detailed Drainage Strategy. A summary of the proposals and key layout documents were provided directly to Twigworth Parish Council and local Ward Members when the application was submitted. In addition, prior to submission of this reserved matters application, Vistry Cotswolds had engaged in extensive pre-application discussions with Tewkesbury Borough Council and Gloucestershire County Council. Prior to the proposals being submitted amendments to the layout were made in response to consultee comments specifically in relation to urban design and highways. Following submission, further amendments had been made to the street design to ensure that satisfactory design speeds could be accommodated within the development. The street design and layout had subsequently been agreed with the Highways Authority. All issues raised by consultees had therefore been fully addressed via the revised plans. In summary, the applicants representative stated: phase 1B would deliver 123 market and 31 affordable homes, the drainage design which included sustainable drainage systems (SuDS) was in accordance with the approved detailed Drainage Strategy submitted pursuant to condition 21 and the Lead Local Flood Authority had confirmed no objection, the proposed village green would deliver a children's play area with a range of equipment that would be suitable for all users, the streets had been designed to appropriate design speeds and had been agreed with the Highways Authority, a comprehensive landscaping scheme was proposed and pedestrian linkages throughout the layout provided linkages to onsite facilities and public open space. In conclusion, the applicant's representative stated that the reserved matters submission accorded with all the parameters, principles and details approved as part of the outline planning permission and she asked the Committee to endorse the Planning Officer's recommendation to approve the application in order to enable much needed new affordable and market homes to be delivered on the site.

- 28.32 The Chair invited one of the local Ward Councillor's for the area to address the Committee. The Ward Councillor stated that the key issue with this application was to make sure conditions were in place to address the concerns raised by the community. He maintained that there was a question in relation to the five year land supply as the site counted towards Gloucester City's numbers and that Authority could demonstrate a five year land supply. He was of the opinion that this created an interesting technicality where the Council may be able to set a precedent at appeal, should it ever come to that, especially with the potential future abolishment of the duty to co-operate in the new Government White Paper. He went on to advise that the Parish Council had raised several concerns about the development and the fact that construction vehicles had been parked in surface water ponds on several occasions recently hardly instilled confidence locally. The main concern which needed to be addressed with the application before Members today, was parking which, even now, was presenting issues with parking taking place in the layby off the A38 as well as outside the church and the pub car park. With regard to parking, the Highways Officer had raised concerns that the level of parking for the four bedroom properties was not in line with the guidance contained in the recently adopted Manual for Gloucestershire Streets (MfGS). The MfGS advised that four bedroom homes should be afforded at least three parking spaces excluding garages. The revised plans submitted showed that not all dwellings were in line with the adopted Manual for Gloucestershire Streets and, given the potential risks of parking on the A38 and its impact on traffic flow combined with the cumulative traffic impacts from three simultaneous major development projects within several hundred yards of each other, he believed that a condition should be placed on the development to, as an absolute minimum, comply with the MfGS; this should not be difficult with a blank canvass site as this was and failure to do so, in his opinion, would also have a significant impact on the visual appearance of Twigworth. The local Ward Member also raised other concerns including the long-term upkeep and maintenance of the Surface Water Drainage Strategy in line with condition 21 of the outline permission section f) and safeguarding of trees and wildlife which he felt could be covered by meaningful conditions supported by proactive enforcement. In concluding, the Ward Member asked the Committee to impose an extra condition that, as an absolute minimum, the development be fully compliant with the Manual for Gloucestershire Streets with regard to parking spaces.
- 28.33 A Member of the Committee, who was also a local Ward Member for the area, asked questions in relation to the awareness of any Light Detection and Ranging (LIDAR) data pre-development, the topography changes that would occur from raising land levels by 750mm which was 450mm above the industry standard, what the current flow rates were into the site especially after the major development below the Brockworth escarpment and the culverting that occurred on that site to speed up the water flow and the checks and balances that would be put in place to ensure building was in accord with the conditions, in particular the highway requirements and the restrictions on numbers of properties being built and in occupation until specific highway works had been completed. The Member indicated that he also supported the comments that had been made by the last speaker in relation to the parking requirements and, dependant on the answers, he received to his questions it was likely that he was going to ask for a deferral on the grounds that further work needed to be undertaken on the water flows on and off site bearing in mind the culverting that had already taken place downstream which flowed into this site. The Planning Officer indicated that he could not answer the question in relation to the LIDAR data but indicated that it was probably tied up with drainage of the site and, in that regard, it was a condition of the outline planning consent that a Drainage Strategy be submitted for the whole of the site; that Strategy was submitted and was approved. The conditions then attached to the outline application just required the reserved matters to be in accordance with the Strategy. He went

onto explain what that meant in relation to the proposals now being considered; which was literally just the two parcels of housing and how they connected into the previously approved Drainage Scheme and a scheme that had also been previously approved involving a Sustainable Drainage System (SuDS) which then go down to a balancing pond. The representative from the Lead Local Flood Authority spoke about the flow rates and how other developments in the area fed into the scheme and were controlled elsewhere. He indicated that the Drainage Scheme had been thoroughly modelled and all the necessary information was contained in the environmental statements including flow rates. The Member expressed very strongly his concerns about the piecemeal approach to SuDs and his concerns about flooding to existing properties and how he was of the opinion that rise and fall lakes would be a better solution for the strategic A1 site. The representative from the Lead Local Flood Authority confirmed that the modelling had been undertaken on flood risk assessments in relation to both existing and new properties. The local Ward Member maintained that the data used to undertake the pre-planning of this development was out of date in the light of other large developments in the surrounding area and in particular Brockworth. The representative from the Lead Local Flood Authority explained how carefully each of the individual developments were assessed to ensure that any run off from them were matched to go to the same catchment area as previously so that it would not have any impact. He explained why, in his view, a series of attenuation basins were better than one big structure and were easier to manage and he was not in agreement with the local Ward Member that this was causing any increased problems. In terms of the highway matters raised, the Planning Officer indicated that the condition in relation to the roundabout had been discharged and works had commenced, but it was correct that there was a limitation on occupation until the works had been finalised; however, since no dwellings on site had actually been completed, and were some way off occupation, he did not feel that this was going to create any problems. Nevertheless, the condition on occupation of no more than 150 houses until the roundabout works had been completed was in place and could be enforced should it be necessary.

- 28.34 A discussion then ensued in relation to parking and the concerns raised that the parking provision was insufficient. A Member asked a question in relation to electric charging points and it was confirmed that these were included in the development. Another Member sought clarification as to whether parking was included in the application being considered and, if so, whether a condition could be added to comply with the MfGS. The Planning Officer advised that the Highways Authority had raised some concerns in relation to car parking mainly in relation to the 4 bed units. He clarified that the MfGS had been adopted part way through the progression of this application, so the parking situation across the site had been examined to see what adjustments could be made to come in line with the Manual for Gloucestershire Streets. The complication was that this scheme already had outline consent and previous phases had been permitted and there had been a transitional period in between the guidance being adopted and its application to new developments. Nevertheless, efforts had been made to come up with the best possible solutions taking a pragmatic approach and using a mathematical calculation to address the parking on site. With the aid of a diagram he advised the Committee that the concerns of the Highways Authority were in relation to the main spine road running through the development and whether four bed houses with two spaces would result in displaced parking that would cause highway safety issues on the spine road. Accordingly, where it was possible, increased parking had been provided for those plots with the creation of triple parking and a garage to the rear. There were some properties where there were still only two spaces but, in these instances, efforts had been made to provide a carport, rather than a garage that may be used for domestic storage as opposed to additional parking provision. All four bed properties on the spine road had three parking spaces whether that was three spaces or two spaces and a carport. There were four bed properties on the

periphery of the site that did not have three spaces but any displacement would likely be onto the smaller cul-de-sacs as opposed to the main spine road. Additional visitor parking spaces had also been provided which resulted, in respect of the four bed properties, in there being 2.3 spaces per household rounded up to three spaces. Should the MfGS be strictly adhered to and included as a condition, three spaces per four bed property would be required and this would result in the loss of a number of units and have implications for housing delivery across the whole site; this would fundamentally change the layout of the site which could not be dealt with by condition. The Planning Officer hoped that his explanation had given Members some background on the parking issue. The representative from the Highways Authority confirmed that the MfGS had been adopted part way through the processing of this application and therefore the Authority had worked closely with District colleagues and the applicant to ensure the most sensitive areas were dealt with and appropriately addressed. It was his view that the properties on the periphery were low risk in terms of displacement onto the main highway and the very high bar of severe impact on public safety was not crossed. In this instance as a transitional site the proposals were acceptable to the Highways Authority, but it had been made very clear that future housing schemes would be expected to comply. It was clarified that this would include future schemes on this development and across the County as a whole. The Planning Officer also stated that it had been the intention that the approval recommendation would include a condition, which he therefore added to his recommendation, that no internal or external alterations shall take place to the garages and carports which preclude their use for housing motor vehicles without coming back to the Authority for a specific consent so, in effect, permitted development rights would be removed in respect of the garages and carports. This mirrored a condition that had been placed on Phase 1a of the development. In response to a question about the overall provision for off road parking and what the average was per property, the Planning Officer stated that all of the other units had been afforded two plots each and this was in accordance with the MfGS. A question was asked about solar panels and the Planning Officer indicated that there was no requirement for any of the units to include solar panels. The Planning Team Leader (South Area) indicated that it was important to focus on the fact that this was a reserved matters application pursuant to the outline application that had been allowed by the Secretary of State in 2017. He stated that a requirement for things like solar panels would need to have been a condition of that application; as far as he was aware it had not been a condition of that application.

28.35 Following a further debate in relation to flooding, and the concerns Members had in this respect, it was proposed and seconded and, upon being put to the vote, it was

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

PL.29 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

29.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 171-176. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

29.2 It was

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

The meeting closed at 1:10 pm

Planning Committee

ADDITIONAL REPRESENTATIONS SHEET

Date: 15 September 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	
	5a	<p>20/00504/FUL</p> <p>Neighbour comment - see attached</p>
	5c	<p>19/00998/FUL</p> <p>Pamington Farm, Pamington Lane, Pamington, Tewkesbury, Gloucestershire, GL20 8LX</p> <p>One additional letter of objection has been received from a local resident in response to the Officer's committee report. This letter of representation seeks to raise points that the objector believes were not addressed in the Officer's report. These points are as follows (summarised):</p> <ul style="list-style-type: none"> - The Officer's report references the cow herd as 1100 (which is believed to be a typo). - Notwithstanding this the herd size has been referred to throughout the application as 'approximately 100'. - Only 86 cows have been sighted in the fields, significantly less than the 100 mentioned. - The new building would allow for up to 110 cattle and therefore there would be an increase in the herd numbers. - It is wrong to assume that the herd numbers will therefore stay the same and the increase in numbers will cause noise, odor and pest issues. - Noise emitting from a modern building of lightweight construction with good ventilation is going to be significantly more intrusive than from the present brick-built sheds. - A building designed to modern standards to suit the actual size of herd would be significantly smaller than that proposed. - If the larger size is essential, then a location further away from the housing should be considered. - I suspect that the particular site has been chosen with a view to increasing the farm size for betterment of the business.

	<ul style="list-style-type: none"> - The application has been designed specifically to allow expansion into the adjacent field and that, if this permission were granted, there will be pressure to increase the development in this area. - If the committee is minded to approve the scheme please can conditions be imposed to ensure this doesn't give precedence for further development. - This application, with any subsequent potential development, would severely compromise this landscape value and impact the proposed Garden Town. <p>One letter of support for the proposal has also been received.</p> <p>Officer Comments</p> <p>It is acknowledged that there has been a misprint in the Officer report regarding the herd size. Paragraph 7.34 of the Officer report should read '110 cows' not '1100 cows'.</p> <p>The applicant has confirmed that they currently have 100 cows on site, the building can hold a maximum of 110. The impact of the building upon neighbouring residents has been assessed and outlined in the report, the maximum number of animals that could be housed has been considered.</p> <p>Notwithstanding the above the recommendation remains as set out in the report.</p>
5e	<p>20/00623/FUL</p> <p>Land Adj Coach House, Shurdington Road, Shurdington, Cheltenham, Gloucestershire, GL51 4XF</p> <p>Additional comments have been received from the Tree Officer and County Highway Officer regarding the proposed alterations to the existing access from the paddock onto Shurdington Road.</p> <p>Tree Officer- additional comments received 10th September 2020</p> <p>The tree is an Ash tree that is suggested for removal and not a great specimen at that, hedgerow looked quite sparse in that area too. I would have no objection and from a Tree Officer opinion this would be my preferred entrance rather than any possibility of works being needed to be carried out to the TPO trees and other mature trees to ensure clear access etc.</p> <p>To mitigate for the loss of hedgerow and trees it would look quite nice if there were trees planted either side of the proposed driveway to give a tree lined entrance all the way to the property. Trees that are native and will not only give attractiveness with colour but encourage wildlife, especially pollinators. The trees would not necessarily all have to be the same type as sometimes it can be better to have different species just in case of pests and diseases in the future.</p> <p>Gloucestershire County Highways - additional comments received 11 September 2020</p>

		<p>GCC have no in principle concerns with the proposed upgrade to existing track. The access required is the one which is proposed and has been conditioned in my response dated 29th July 2020. No visibility condition is required.</p> <p>The plan demonstrates gates set back 5m with radii within the applicants land from highway planning perspective I have no issue with this. The sign in my opinion will not impact on visibility, obstructions to visibility splays are accepted in this instance as stated within MfS.</p>
5f	<p>19/00953/APP</p> <p>Yew Tree Farm, Tewkesbury Road, Twigworth, Gloucester, Gloucestershire, GL2 9PP</p>	<p>As set out in the Committee report, Twigworth Parish Council have pointed out that the submitted plans do not accurately show the location of a number of residential park homes that have been sited close to the boundary of the site. Of particular concern are the park homes sited close to the south west corner of the site. The plans currently detail a large dwelling proposed in this location (plot 53), which would be in close proximity to the park homes close to the site boundary. It is considered that this relationship is currently unacceptable.</p> <p>Whilst the applicant has sought to address this matter, it has not yet been fully resolved to the satisfaction of officers. In any event, no revised plans have been formally submitted to address this matter.</p> <p>Further to this, a letter of objection has been received from a resident of one of the affected park homes. The objection reiterates the concerns of Twigworth Parish Council and points out that the submitted plans do not accurately show the location of the park homes close to the site boundary. Concerns are also raised in respect of the proximity of plot 53 and the potential impact of any landscaping on the boundary, which could result in a loss of light. A copy of the objection letter is attached in full.</p> <p>Further email correspondence has also been received from the applicant's agent on this matter. It is suggested that the applicant is willing to remove plot 53 from the current scheme. It is envisaged that this would be dealt with at a later stage under a separate application.</p> <p>Whilst this would address the immediate concerns in respect of the potential impact of plot 53 on surrounding property, revised plans have not been submitted at the time of writing. In any event, even if revised plans are submitted prior to Committee, they would not have been subject to any further consultation; especially with local residents. In light of this, it is recommended that Member defer the application to allow further negotiation with the applicant in respect of plot 53 and to allow for any necessary consultation with interested parties.</p>
5g	<p>20/00524/APP</p> <p>Land At Twigworth, Gloucester, Gloucestershire,</p> <p><u>LEAP</u></p>	<p>At the time of preparing the Committee report, the acceptability of the proposed LEAP had not been confirmed. Following consultation with the Council's Project Officer in the Asset Management Team, it is advised that that the proposed LEAP is acceptable but commented that a least one piece of equipment should be</p>

	<p>designed to enable inclusive play for someone who may be disabled. In response to this, the applicant has now included two pieces of play equipment suitable for disabled users. Following these revisions, the proposed LEAP is considered to be acceptable and meets the terms of the Section 106 Agreement.</p> <p><u>Access</u></p> <p>As set out in the Committee report, the Highways Officer requested further details to demonstrate that the design of the shared surfaces is acceptable from a highway safety perspective. Further details have since been submitted and have been reviewed by the Highway Officer. It is advised that the proposed design revisions now provide a visually contrasting surface so assist persons with a visual impairment and provide a comfort space from vehicles. This also makes a visual narrowing of the carriageway space which would assist in maintaining a slow speed environment. It is the view of the Highway Authority that that design now considers the needs of all users and the slow speed environment encourages active travel. The proposal is therefore now considered to be acceptable in this regard.</p> <p>In light of the latest revisions to the scheme, the application is now considered to be acceptable and the recommendation has been changed from delegated approval to Approve.</p>
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Item 5a – 20/00504/FUL – 51 Cotswold Gardens

13 September 2020

Emily Pugh
Case Officer
Tewkesbury Council Planning Department

Dear Mrs Pugh

20/00504/FUL
Erection of two storey annexe and single storey storage building
51 Cotswold Gardens, Tewkesbury, Gloucestershire, GL20 5DW

Thank you for taking the time to come and inspect the properties. Mr [REDACTED] has advised us that your visit will not make a difference to the outcome of the application. However, we hope that you will see why we object so strongly to the development and, can see the impact that the annexe would have on our life. We will not reference the overshadowing in this letter as this was covered in depth previously. However, overshadowing remains one of the major reasons for our objection.

Firstly, we would like to review the purpose of the proposal. From the onset, Mr [REDACTED] has advised us that his intention was to use the proposal for Air BnB purposes. 51 Cotswold Gardens has, for a number of years, been listed on their website and [REDACTED] as generated a regular income and become a 'Superhost.' During the application process, the property was subsequently removed from Air BnB. However, during August 2020 the property was again leased out every weekend and caused a great deal of distress and upset to the neighbours due to loud parties and noise pollution causing long standing relationships with Mr [REDACTED] to break down. Further, Mr [REDACTED] advert offers free on street parking on a road which is already overpopulated by parked cars and also states 'No parties.' We have attached copies of screenshots to support our claim. 51 Cotswold Gardens is currently on the market for sale.

Secondly, we would like to address Mr [REDACTED] claim during the hearing that the proposal was required to tackle the privacy matter between 51 and 53 Cotswold Gardens. The raised decked area beside the kitchen of 53 Cotswold Gardens has always been there. It is the only means to access the property from the garden area. [REDACTED] rented number 51 prior to purchasing the property and was fully aware of the raised decked area. There was no privacy to regain as 51 Cotswold Gardens has always been overlooked by 53 since Mr [REDACTED] purchase. Had we been made aware of the concerns regarding privacy perhaps we could have worked together to resolve the matter rather than resorting to the erection a two-storey annexe.

Thirdly, we feel that the concerns regarding flood risk of the road; pluvial and fluvial, are significant. We previously advised that in July 2020 the road flooded, and water entered properties in the street. The road flooded again in August 2020. This seems to be a trend. We draw your attention to the following in support:

1 – Screenshot; February 2020, Environment Agency Flood Map website. The red warning indicates a risk to the last few properties (49, 51 and 53) in Cotswold Gardens

2 – letter to Gloucester County Council complaining of flooding to the road dated 19 August 2020 and subsequent response

Drainage is a significant problem in the street and having an additional system would only compound the problems already experienced by several residents.

To conclude, we would like to ask you to consider why a single man, living alone with no dependants in a large 3-bedroom property, currently on the market, would need to erect a two storey annexe for storage and social care needs.

The objections that have been received in relation to this proposal are from residents who have children or grandchildren who intend to get as much enjoyment from their homes and gardens as possible. There is no commercial intent. If planning is granted, the residents will have to endure the consequences of overloaded drains, overpopulated parking, noise pollution and increased flood risk whilst Mr [REDACTED] has sold up and moved away.

Thank you for your time.

[REDACTED]

Dear Sir/Madam,

On the evening of Wednesday 12 August, following a storm, two drains in the middle of Cotswold Gardens, Tewkesbury were blocked. This caused water to flow into a number of garages including the garage of my parents, who are living at my property at number [REDACTED]

I think neighbours in the street have reported it already, but the "report it" mechanism on your website doesn't really allow enough detail to be provided hence this email.

A neighbour worked heroically to unblock the drains on the evening in question which prevented more serious damage occurring. However, for peace of mind I would like to know, firstly, are the drains in the street now all clear and working properly? Secondly, is anything planned to improve drainage in the road in the medium / longer term. I fear that with current weather *(no gap in original letter)* patterns the substandard nature of drainage in the street is a ticking time-bomb. I'd guess the street's drainage dates back to late Victorian times - as such, is the main drainage pipe down the middle of the road large enough to prevent foreseeable incidents like this from happening in the future?

I look forward to hearing from you.

Thank you

21:42

VoLTE LTE 85%

Flood information...
nformation.service.gov.uk

Could this information be better? [Tell us how to improve it.](#)



[Hide other warnings and alerts](#)

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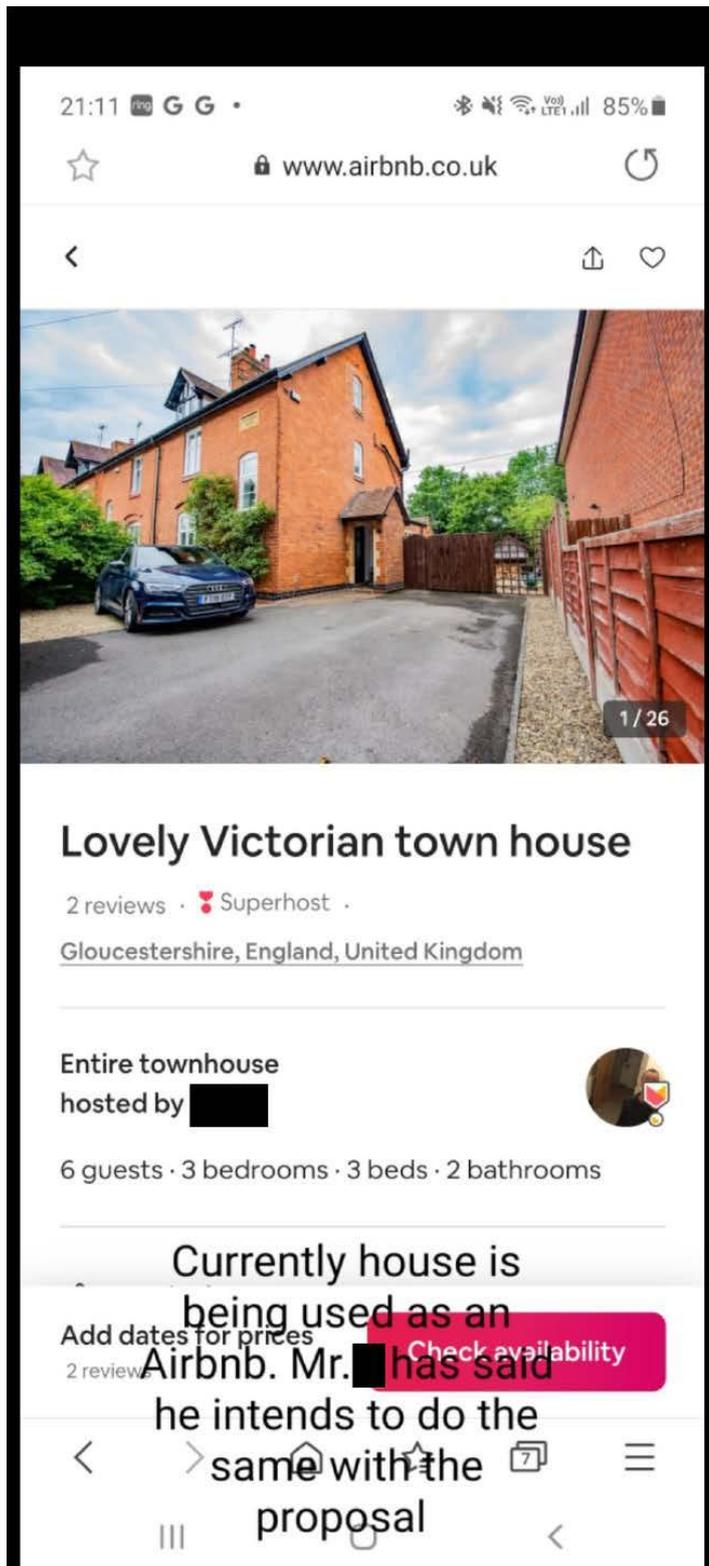
What to do before, after and during a flood:

- [How to plan ahead for flooding](#)
- [What to do in a flood](#)
- [How to recover after a flood](#)

You can also:

- [Check river and sea levels in this area](#)





22:15  

   VoD LTE+  32% 



Heating

Central heating or a heater in the listing

Hot water

Facilities

Free parking on premises

Free on-street parking

Dining

Kitchen

Space where guests can cook their own meals

Breakfast

Breakfast is provided

Dishwasher

Refrigerator



Dear Mr [REDACTED]

I did check the gullies throughout Cotswold Gardens and could see the outlet pipes in them apart from the two outside numbers so I have raised a work order to have these cleaned and jetted asap. Most of the gullies throughout the highway network work fine under light to moderate rain conditions although in very heavy persistent rain the drainage will have a problem to cope. The drainage in the Tewkesbury area will empty into either the River Avon or Severn and when there is extra water in the rivers it will restrict the outlets which causes the drainage system to back up. I am not aware of any drainage improvements planned for Cotswold Gardens but if you would like to contact the Local Highway Manager for the Tewkesbury area when he returns from leave mid part of next week to discuss the issues he may be able to take this forward for any future improvements.

Regards

[REDACTED]
[REDACTED]
Area Highways Representative

Area Highways -Northern

(08000 514514

:Highways@gloucestershire.gov.uk

* Gloucestershire County Council, Bamfurlong Highways Depot,

Did you know that you can report issues and track their progress online at <https://www.gloucestershire.gov.uk/highways/roads/report-it/>

Go to www.gloucestershire.gov.uk to find information on any County Council



Item 5f – 19/00953/APP - Yew Tree Farm, Tewkesbury Road

Dear [REDACTED]

Thank you for your visit yesterday regarding the proposed planning application.

I wish to file an objection to the proposed planning application due to the following reasons:

1. Application process. Whilst I understand the planning for this area has been reviewed by the council over several years, the latest plans as amended have not been communicated to neighbouring residents to inform of a late amendments. Any planning application should therefore be re-communicated so enable full visibility. I have been a resident of Orchard Park since 14 Aug 2020. However the plot I have purchased adjacent to the proposed land has been available for letters to be sent. This is also the case for other residents. I understand that notices were place around the surrounding area, but suggest these notices relate to previous planning information and not the current. However, consider a person who is disabled and cannot see the notice, or not have internet access would not be aware of the changes. No notices for the latest changes have been placed within Orchard Park and this has been confirmed by the Park Manager.
2. Having reviewed the plans as attached the following observations are made
 - a. The totally of the plans are out of date with the surrounding and do not provide the correct residential areas details associated with Orchard Park namely:
 - i. Lawn Cottage does not exist
 - ii. Properties adjacent to Jasmine Cottage are missing
 - iii. The Dwellings adjacent to El Sub Sta are incorrect.
 - b. Page 2 shows a smaller dwelling for the proposed dwelling on plot 53 that is shown on page 3.
 - c. The accommodation table on page 3 cannot be read as the font is too small- therefore the type of property proposed for Plot 53 cannot be identified.
 - d. The dwellings to the east of the SuDs area seem to be more densely populated on page 3 compared to that proposed on page 2. This raises concerns over the flood risks and water run off and flood risk to Orchard Park.
3. The Location of Plot 53 is too close to the Orchard park boundary. The properties that have been built in this area are residential park homes. The view from the properties in Orchard Park to Plot 53 is considered breach of privacy. The solution if high fencing/trees were planted would block sunlight to the these adjacent homes.
4. Orchard Park is a residential site where residents have spent significant funds to retire to a peacefully and tranquil area. The provision of this development would impact noise from family activities.
5. I spoke to John Hinett as well yesterday. I am deeply offended as on 3 separate occasion he defined Orchard Park as a quote "caravan park". This then implicates/assumes/ paints a picture of the adjoining area. I must stress that Orchard Park is residential with new high quality properties built at very significant investment to owners, who pay council tax. It is recommended that the committee visit the area to view the surrounding area to get their own impression of the

Residential Park and not be presented in terminology/discussions that the park is a Caravan site!

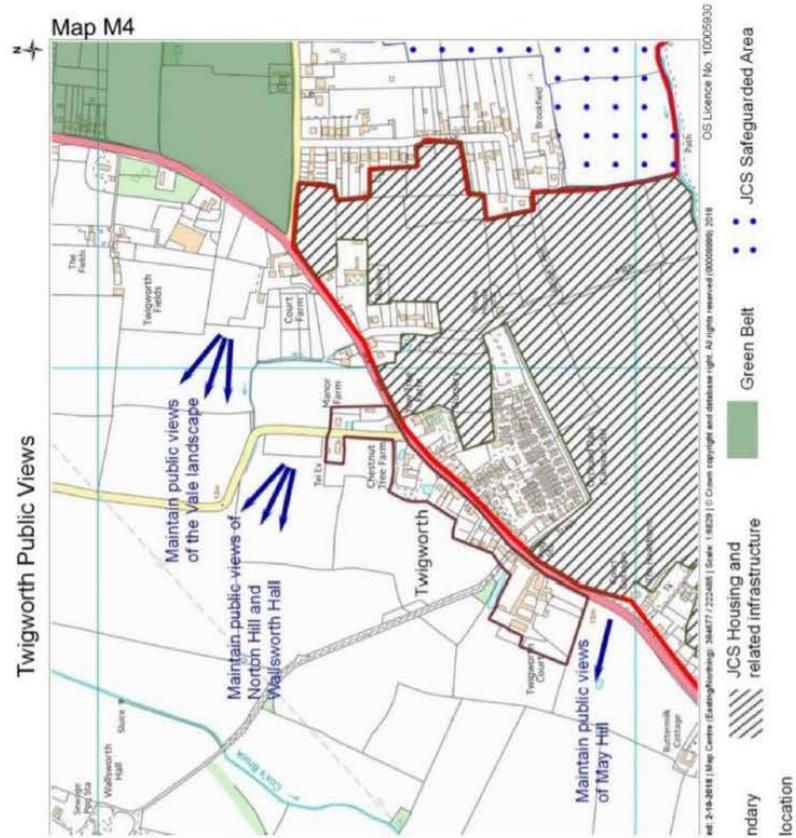
6. The NDP for the area <https://www.tewkesbury.gov.uk/neighbourhood-development-plans/down-hatherley-norton-and-twigworth-neighbourhood-plan> now forms part of the statutory Development Plan for the Borough of Tewkesbury. In light of this there are elements in the NDP that need to be consider as part of the application.

- a. This development is in breach of the following as we are already under a large scale development and it is stated in the NDP - the following -

" A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a single large site delivered in a short space of time. This NDP proposes an organic, piece by piece, approach to sustainable growth in Twigworth in line with the available infrastructure"

As the Bovis Homes on the Opposite side of Orchard Park are now under development (c750 dwellings), the allowance of this planning approval would add to the stresses and strains of the neighbouring infrastructure plus disruption to road traffic that is already subject to road works in the area.

- b. Issues with views as specified in the NDP and existing residents views will be lost .



Please note that this objection is also in representation of [redacted] who reside at [redacted]

Other notes for consideration.

Should the development go ahead, there will be financial impact on adjoining properties due to airborne dust/dirt being deposited on Property and Car surfaces. The development must have a clause enforced to ensure adjoining property and cars are cleaned as required at the developers expense when dirt/deposits materialise due to construction work.

I would also like time to speak at the meeting on Tuesday to communicate the objection. Please can you provide details how this can be organised.

Kind Regards



CAUTION: EXTERNAL EMAIL

Dear Adam

I wanted to write and confirm our earlier discussion in terms of what is now being proposed.

You have advised that given the changes being discussed to plot 53 (i.e. the introduction of a landscape corridor) and the park home neighbouring it now being shown on the plans that officers and the Council's legal advisor are now recommending that the application be deferred based on a lack of public consultation of any updated plans to be submitted.

In order to address that issue the applicant is willing to withdraw plot 53 from the current reserved matters application. This then does away with any lack of consultation of plans to be submitted in relation to plot 53. As discussed the rest of the layout and design has already been consulted upon at length and on more than one occasion over the past 12 months. There can be no suggestion therefore from any party that they haven't had the opportunity to consider the proposals. Indeed, any suggestion from the neighbouring owner of the park home that they have been prejudiced by the layout plans not showing the mobile home in its position have no grounds for the following reasons:

1. The application has been widely advertised, and for what it's worth over a considerable period of time.
2. Irrespective of the lawfulness of the mobile home now being erected it is reasonable to at least expect someone developing on neighbouring land to check the planning status of land adjacent to their site and therefore any applications before the Council. A failure to do so by that individual cannot then be reasonably used to punish the applicant in this case.
3. The park home in question has only been erected we believe for approximately 2 months. It is simply not reasonable to expect an applicant to be constantly reviewing surrounding land uses to identify whether there have been any material changes during the determination of their application, particularly in the context that no planning applications have been made.

For these reasons we strongly refute any suggestion that the neighbouring owner of the park home has been prejudiced in being able to comment on the rest of the proposal. The application has been widely advertised and I suggest that the onus is on them to check the planning status of the land which borders their site. The fact that they have not done so and have gone ahead and erected a park home in such close proximity to the site boundary should not in any way mean the applicant in this case be penalised in terms of wanting their own very longstanding application determined as quickly as possible, particularly where they are even willing to remove a unit from their current RM application to remove any claim made about lack of consultation.

In the event that officers consider that they are unable to still make a recommendation to permit or refuse and therefore the application be deferred we would respectfully request that members determine the application based on the amended plans to follow showing the removal of plot 53. For the reasons given above, and given the delays in determination of the application my client is very keen to be able to proceed (subject of course to permission being granted and discharge of the necessary conditions).

If that position is not supported, as an alternative we would ask that members consider that they can support the scheme before them (without plot 53) then they approve the scheme subject to a consultation period being carried out and consideration of any responses received. It would then be left for officers to make a final decision based on any responses received.

In both these scenarios I would ask that we be allowed to address the committee on the reasons why permission should be approved.

I look forward to hearing from you in relation to the above.

Kind regards



[Redacted]

Partner
For Ridge and Partners LLP

[Redacted]



From: Adam White <Adam.White@teWKesbury.gov.uk>

Sent: 11 September 2020 10:54

[Redacted]

Subject: Twigworth

Hi [Redacted]

I'm seeing legal at 2pm so will report back after that.

Thanks

Adam White MRTPI
Development Services
Tel: 01684 272061
adam.white@teWKesbury.gov.uk

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