

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 17 November 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, G J Bocking (Substitute for A Hollaway), 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 M G Sztymiak

PL.36 ANNOUNCEMENTS

- 36.1 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.
- 36.2 The Chair outlined the procedure for the meeting, including public speaking.
- 36.3 The Chair advised Members that Item 5i – 19/01084/OUT Land to the North Fleet Lane, Twyning had been withdrawn from the Agenda.

PL.37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 37.1 Apologies for absence had been received from Councillors L A Gerrard and A Hollaway. Councillor G J Bocking was substituting for Councillor A Hollaway.

PL.38 DECLARATIONS OF INTEREST

- 38.1 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.

38.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D J Harwood	Agenda Item 5(f) 20/00620/FUL –34A Astor Close, Brockworth	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5(d) 19/00404/FUL – Land Rear of Grove View, Market Lane, Greet	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Agenda item 5(f) 20/00620/FUL – 34A Astor Close, Brockworth	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

38.3 There were no further declarations made on this occasion.

PL.39 MINUTES

39.1 The Minutes of the meeting held on 20 October 2020, copies of which had been circulated were approved as a correct record.

PL.40 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

40.1 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.

20/00088/CONDIS - Yew Tree Farm, Tewkesbury Road, Twigworth

40.2 This application was for the approval of details subject to conditions 29 (surface water drainage) and 31 (foul drainage) of planning permission reference 17/00852/OUT. The Chair indicated that a representative from the Lead Local Flood Authority (LLFA) was present to answer any technical questions in respect of drainage and flood risk.

40.3 In presenting this application the Planning Officer stated that in approving the reserved matters application for 74 dwellings on this site at the October Planning Committee Members had requested that the drainage details, which are reserved by condition, attached to the outline permission, come before the Committee for determination. Accordingly, approval was sought for conditions 29 (surface water drainage) and 31 (foul drainage) attached to the outline permission. Following consultation with the LLFA it was advised that the submitted information showed a

suitable modelled surface water drainage scheme and included a report on the state of the culvert in the A38 that would be the receiving water body for the discharge of the surface water from the site. Additionally, the maintenance plan showed that critical infrastructure was to be adopted by Severn Trent to ensure maintenance would be carried out for the lifetime of the development. The LLFA was therefore satisfied that the submitted details were acceptable and had recommended that conditions 29 and 31 could be discharged.

40.4 The agent for the application addressed the Committee informing Members that the accepted Drainage Strategy Plan under the Flood Risk Assessment, which accompanied the outline planning permission for the Yew Tree Farm development, presented a surface water connection to the existing adopted foul water drainage. He indicated that this approach had been accepted by the Local Planning Authority and Severn Trent Water under the outline approval. Following the submission of the reserved matters application, the applicant had been asked by the LLFA and Severn Trent Water to investigate alternative discharge points due to capacity matters within the existing foul water network. The Agent indicated that, in consideration of local concerns, his client, who despite acquiring the site based on an approved outline drainage strategy, agreed to explore other points of discharge. A pumped discharge to Brook Lane to the east of the site was considered, however following conversations with Severn Trent Water this approach was discarded due to issues with third party land and legal difficulties with the coordination of a sewer requisition agreement. Nevertheless, a connection to Brook Lane would increase the risk of flooding downstream and would exacerbate any issues related to blockages of the existing ditch; this site naturally fell to the north-west and surface water runoff from the greenfield catchment terminated in the A38 via existing road gullies. Therefore, for these reasons, this option was deemed unviable. Following a request from the LLFA a connection to the existing culvert under the A38 was then investigated. The Agent stressed that, at considerable cost to his client, CCTV survey works were undertaken to establish the condition of this culvert and it was proven that this was in fact a culverted watercourse which was subject to the 1991 Land Drainage Act. The LLFA's recommendation was to then mimic the behaviour of the existing greenfield catchment and establish a connection to the existing culverted watercourse under the A38 at greenfield runoff rates. Additional volumes from the development would be attenuated and controlled within the development via the proposed attenuation basin. The proposed drainage design mimics the behaviour of the existing catchment and would not increase flood risk elsewhere. The on-site drainage system had been designed in accordance with the latest legislation and guidance where ample on-site storage had been provided. In conclusion the agent stated that his client and their engineers had worked vigorously with the LLFA throughout this process and at an additional cost to them had presented a robust and acceptable scheme.

40.5 The Development Management Team Leader (North) read to Members an objector's speech which thanked the Committee for allowing him to yet again make a representation on this reserved matter issue. He indicated that he did so in the light of ongoing concerns around drainage and flood risk to the site and the surrounding area into which these proposals would drain and particularly conditions 29 and 31. He informed the Committee that he had studied the drainage survey in detail and could not see how Members could have confidence that the issues raised previously were now mitigated. The study was full of comments and photographic evidence of a drainage system not fit for purpose for a development of this scale, indeed words such as obstacles, broken pipes, defective connections, joints displaced and fractures appeared throughout the survey report. The whole network was in disrepair and the issues could be seen even before the development was built out. The LLFA had originally objected to the drainage plans for this development and rightly so; he could not see how the LLFA could now accept the plans given the drainage report that had belatedly been carried out. A report that

demonstrated a crumbling network with limited capacity to deal with surface water even despite the sop of an attenuation basin as part of the SUDS design. The Members who represented the area knew its problems with dealing with ever increasing flood risk given both pluvial and fluvial events. He indicated that Members were aware of the history of this area not just in connection with 2007 and 2014 but even as recently as this year. This, and the surrounding area, were frequently subjected to flooding, the very watercourses this development was to drain into were frequently under water due to rising levels and water from elsewhere across the catchment where it could hang for days sometimes weeks on end. The objector could not see that things had changed here if anything it further demonstrated the need for a rethink and some major investment on and offsite to provide any confidence to the local community that flood risk had been mitigated and their lives would not be further blighted. In conclusion he indicated that Members were aware of the errors of the past but, in this case, there was an opportunity to mitigate the risks and insist on a far greater amount of work on the network prior to any build out; if the developer wanted this then there was a duty to ensure that their development did not increase the risk elsewhere. The objector could see nothing in the proposals before the Committee that convinced him, or those residents that had to live with the risks, that this was the case.

- 40.6 A Member referred to paragraphs 5.2, 5.4 and 5.5 of the Officer's report which stated "A pumped system consisting of an adoptable pumping station and rising main would be required. This would be offered for adoption to Severn Trent Water". The reference to adoption being offered to Severn Trent Water appeared in all three of the paragraphs referenced and, on that basis, she wished to ask if the network was crumbling, as maintained by the objector, who would be responsible for getting it upgraded and making it acceptable for Severn Trent to take it over and adopt it; in fact she wondered whether they would actually adopt it. She also referred to the proposed pumping station and rising main in relation to the issues this had caused with another development in Tewkesbury when it had flooded heavily in 2007. Additionally, there had been problems with other pumping stations in particular the one at Deerhurst when the Council had been responsible. She also referred to the drainage management strategy which included a maintenance schedule which would be undertaken by a private management company for the length and lifetime of the development. She questioned what would happen if the private company went bust; would Severn Trent Water also take over that maintenance responsibility. The representative from the LLFA indicated that Severn Trent Water would adopt the surface water management on the site which would be as far as the outflow to the A38 culvert. He indicated that whilst the wording did say it would be offered for adoption there had been extensive discussions with Severn Trent Water which had been made more difficult with changes in legislation and directions as to what would be accepted in terms of SUDs, but in June there had been a new direction which meant that Severn Trent Water would now be able to adopt the attenuation basin and pumping station. As Members were aware this was a difficult site to drain as the path to Twigworth was fairly flat and the pumping station was necessary to take surface water from the underground drainage from the properties up into the attenuation basin and then onto the discharge point out to the A38. This was a realistic proposition and with the adoption of the pumping station there was no reason to believe that it should be unacceptable or in any way dangerous. There was an exceedance routing plan which would slow the surface water if it did not get pumped and the balancing pond was exceeded; it would flow along the road paths down to the A38 and get into the same culvert through the road gullies. There were a lot of legislative problems and in particular there was an issue over whether the Government was prepared to accept the recommendations of the Pitt Report and the 2010 Flood and Water Management Act as was the case in Wales but with the current legislation in place the proposition for private management of the public spaces with Severn Trent Water adopting the drainage was what the LLFA would be expected to accept. The Member indicated that she still had concerns and

questioned whether there had been any legal agreement drawn up for Severn Trent Water to adopt the drainage system. The LLFA representative stated that there was not currently a signed legal agreement but there would be; the developer was designing the system in line with the requirements of Severn Trent Water and working closely with them as was the LLFA. He indicated that his main problem previously had been the suggestion that the discharge should go to the watercourse in Brook Lane and if that could not happen then it would go into the foul sewer which was the worst possible solution as that would require pumping as well. Every solution to get the surface water from this site would require pumping and this solution with Severn Trent Water adopting the pumps was the best solution. It was now up to the developer to work with Severn Trent Water during the build out to ensure that the way they built was satisfactory to Severn Trent Water. Whilst he understood the concerns and would have welcomed a solution where there were SUDs adoption bodies under the 2010 Flood and Water Management Act, which would allow these issues to be sorted in advance, sadly the Government had not implemented schedule 3 of the Act which therefore resulted in the current situation. A Member raised queries on the maintenance plan and, in particular, he referred to the monthly inspection of inlets, outlets and overflows for blockages to be cleared as required and the inspection of inlets and facility surface for silt accumulation which was scheduled for monthly in the first year and annually thereafter or as required; he wondered whether this was sufficient bearing in mind that shopping trolleys frequently ended up in inlets causing a silt build up and then flooding as was the case in areas of Bishops Cleeve. The representative from the LLFA indicated that the major silt build ups occurred immediately after the build out whilst there was still material from the development process which was loosened and moveable resulting in the requirement for reduced scheduling of silt checking is appropriate later in the lifetime of the development. As far as shopping trolleys were concerned, he agreed they were a nuisance but hoped that residents would notify the authority of such obstacles so that action could be taken for them to be cleared under the 2010 Flood and Water Management Act. A Member stated that his questions related more to do with what happened when the water left the site and in particular the culvert as Severn Trent Water was going to look after everything on the site. He indicated that when you looked through the culvert there were multiple external pipes coming from other areas of Twigworth but he was unable to see anywhere calculations from these to show that they had been included in the capacity of the culvert. In addition the culvert emptied into Hatherley Brook along with other areas and he queried whether the cumulative impact of all these areas emptying into the Brook had been assessed and whether there would be any implications on these areas. Finally, he asked about the state of repair of the culvert as there were sections of it that were not fit for purpose as indicated by the objector. He highlighted just a few of the problems on a 10 metre stretch which included multiple fractures, blockages, broken pipes, visible soil and settled deposits. This highlighted that there was serious work which needed to be done on the culvert. The Member referred to condition 29 which stated that no development shall commence on site until a detailed design, maintenance and management strategy for a sustainable surface water drainage system had been submitted to, and approved by, the Local Planning Authority. The reason for this was to ensure the development was provided with a satisfactory means of drainage thereby preventing the risk of flooding. It was important that these details were agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality. On this basis, he maintained that the repair and bringing up to standard of the culvert was part of the detailed design strategy to be able to drain the site yet he could not find anywhere or in any documents how this was to be done. He maintained that this needed to be in place prior to development commencing as realistically it was not possible to sign off condition 29 without this work on the culvert being fully documented in the plan. In order to fulfil the condition to the level required to satisfactorily sign off its objectives, work to bring the culvert up to

standard needed to be included. The LLFA representative indicated in response that the A38 culvert and the state of it was not a matter for the developer, he maintained that the Member's interpretation of the state of the culvert was somewhat different to his; a lot of the blocked pipes were not affecting the flow of the culvert itself many of them were feeding pipes which affected the feed into the culvert and in terms of fractures this was a common problem with culverts which resulted in the necessity for an assessment to be made on the state of them. The LLFA representative stated that having made that assessment he was of the view that the culvert was fit for purpose and whilst some maintenance would be necessary this would be the responsibility of the riparian owners. Negotiations were currently taking place with Gloucestershire Highways in order to get their agreement that they were the riparian owner. In addition, one of the reasons that the culvert was not known previously was that it had not been causing any problems. There was no reason to believe that the culvert did not have capacity to take water from the Yew Tree Farm site, which it was probably taking already from the highway gullies because that was the natural flow of the land. The LLFA representative stressed that he did not agree with the interpretation that the culvert was not fit for purpose and he was of the view that, provided the discharge from this site to the culvert was managed through a properly engineered solution, it would probably provide betterment for the area rather than make things worse. Another Member in thanking the LLFA representative for his comprehensive answers indicated that he had major concerns with regard to water flows. He referred to the fact that the LLFA representative had indicated that Twigworth was fairly flat and maintained that this was before the strategic A1 site had been built at 750mil above the original ground level. He referred to the problems with water being retained on the A1 site during the build out resulting in the need for it to be pumped on a regular basis into the Hatherley Brook and he questioned whether this additional water flow had been taken into account as part of this development. In addition the road gullies for the Yew Tree Farm site were on the right hand side and there were no gullies on the left hand side yet the land was higher on the right so the water was flowing into Sandhurst Lane and subsequently flowing into ditches and drains that were already blocked. He referred to Page No. 48 of the Officer's Report and in particular paragraph 5.5 and indicated he was unsure as to which report Members had seen but on Page No. 8 of the drainage survey report there was a picture of a brick culvert which was in a state of collapse with one brick sitting on the ground as opposed to the roof of the culvert and the report also showed that the pipes were between 5% and 40% blocked which was ridiculous and he had no confidence that the existing system would be able to handle the amount of water that this particular area suffered from. He also asked for answers in relation to the additional flow rates being added by the pumping of the A1 site into the existing water course. The LLFA representative indicated that the natural flow from the Yew Tree Farm site was towards the A38 and from the A38 it drained into the A38 culvert so, if the scheme controlled the surface water flow from the Yew Tree Farm site to the greenfield runoff rate or lower, it would reduce the flow to the A38 culvert. Currently the flow from the site was not managed it was just flowing off the land onto the highway full of mud and silt that was getting into the culvert. The flow was not being increased it was being managed in a better way than through the natural process. The Member indicated that he had been told this in respect of the A1 site yet it was having to be pumped out on a regular basis and therefore he was not convinced by the response given and had very big misgivings about the impact of this scheme and the information being given. He referred to the Innsworth phase 1 site and indicated that Members had been told that water would be retained on that site yet when there was heavy rain, Innsworth Lane flowed like a stream which had never happened before. In terms of water being retained on the site, the LLFA representative stated that this would not be forever as the water would need to be discharged to the watercourse at some point; whilst the infrastructure was completed that would be via pumping but it was still a managed outflow whether it was pumped or managed as it would eventually be through hydro

brakes and the attenuation basins.

40.7 The Development Manager stressed that the key question to answer in respect of this application to discharge the conditions was whether there was a drainage system which would prevent this development having a greater impact on flood risk. This was about managing the water on the site and the water leaving the site. The drainage experts were satisfied that there was a mechanism in place through the drainage strategy to make sure that was the case. He understood the concerns locally about the existing infrastructure and that was something that the infrastructure providers would need to look at going forward; he was prepared to write to those organisations responsible for the management of the system outside of the site. However, the fact remained that the information provided in respect of this site showed that the amount of water leaving the site would be no greater than the greenfield position as it stood and that was what needed to be demonstrated to satisfy this condition. A Member indicated that he had been given assurances that the flow rates from the strategic A1 site would be the same as existing before the build started but this was not the case. In addition, contaminated water was being pumped into the Brook which, when reported to the Planning Department, complainants were told that this was the responsibility of the Environment Agency. However the Member could not accept this as it was a condition imposed by this authority that the flow rates would remain the same and this was not the case. The Development Manager indicated that there appeared to be some confusion between a drainage scheme that would be in place once a development had been completed and that of a building site; he was aware of discussions across the County as to whether there were ways which authorities could better control sites once they were under construction but, as it stood currently, the advice provided that it was an Environment Agency matter if there is evidence that a watercourse was being polluted was correct. He acknowledged that it was a difficult position whilst development was ongoing but if someone was suffering increased flood risk and suffering damage as a result that was a matter between them and the landowner, this was the advice consistently given. It was for the Committee to decide whether there was a drainage scheme which, once development was completed, would not increase flood risk elsewhere and there was evidence that this had been provided and was agreed and supported by the Council's technical experts. A Member indicated that it was inevitable that this matter would cause great concern to Members in view of the area. However, he wished to clarify his understanding of the position; things had moved on from the original position of the LLFA in objecting to the proposals which had been based on an inadequate drainage plan to a system that was now approved and involved surface water being held in an attenuation pond and then pumped out into the culvert on the A38 and then onwards the Hatherley Brook in a regulated manner in a way which meant that there would be no excess flooding beyond the A38 culvert. The LLFA representative confirmed that this was the case; it mimicked the greenfield runoff rate and it was going to the same place as it was at the moment but in a more controlled manner by pumping from the attenuation basin. Further questions were asked about the flow off the site following a rainstorm and concern that the water would not go into the pond but straight onto the road system; completion of the survey from where it had ended to the Hatherley Brook, the drainage outlet at the back of the Schoolhouse and the impact on that property as it was about 8ft from the backdoor of that property and the problems with the use of electricity to pump water when there was a power cut. The LLFA representative indicated that, having seen the section of the culvert which had been surveyed, he felt that it was a reasonable indicator of the state of the rest of the culvert which did show signs of wear because of its age but he did not believe that it showed a state of failure which was why he was happy to not have the whole of the culvert surveyed in order to make a judgement that the culvert was in a reasonable state. He stated that he would definitely like to see the culvert surveyed properly at some stage and would be doing more work on ensuring he was aware of who was maintaining it and that it was being maintained. It was quite interesting

how little was known about this culvert at the start of the process which gave some reassurance as if there had been failures, he was sure he would have known more about it. He believed its success was the reason why little had been known about this culvert in the past. He stressed that the discharge rate from the site would be managed through the balancing pond so all the surface water from the roofs of the houses, and a lot from the highways, would go via the attenuation where it would be controlled at a steady rate before going into the A38 culvert and thus it would go in at the equivalent greenfield runoff rate. Further questions were asked about what had been included in the calculations, the cumulative impact on Hatherley Brook taking account of other developments in the area, the impact of extra water being pumped into the culvert even though vast parts of it were not in a good condition, whether when the balancing ponds were full they would be pumping any additional water into the Hatherley Brook, as was the case in Longford, which would then be heading downstream and the calculations in respect of when the water had been taken offsite which was relevant as offsite was mentioned in the condition. A Member felt that more information was required on the offsite effects of the water and what had been included in the calculations for this scheme generally. The representative from the LLFA stated that because the flow was being restricted to the same level as the greenfield run off rate, the offsite impact would be unnoticeable. There was no extra water being discharged from the site, it would be mimicking what was happening currently so there would be no increase in the discharge into the A38 sewer it was just being managed in a better way. He maintained that there was no need to do any further work on calculations as what was going into the sewer at the moment would be unchanged. A Member indicated that the current discharge was leading to flooding but the LLFA representative responded that this was due to surcharges of the foul sewer and was a huge problem but, if the surface water could reach the Hatherley Brook without going through the foul sewer, then something very useful would be achieved. Another Member spoke about the flooding events of 2007 and 2014 in this area and indicated that they had been caused by the River Severn being too high and the brooks, culverts, streams etc. being unable to empty into the river thus causing the water to back up which then caused this site in particular to be under water. He sought a cast iron guarantee that there would no adverse impact on existing or new homes should there be a repeat of the flooding events of 2007 and 2014. The LLFA representative stated that as the greenfield runoff was being mimicked there would be no increased risk to properties but if there was another one in two hundred event as occurred in 2007 then houses would flood in the area and those risks needed to be managed accordingly but the requirement was to ensure that developments were built to the one in one hundred storm event because that was considered to be reasonable. The one in two hundred events happened much less frequently and, in terms of other management beyond the one in one hundred event, then the exceedance routes were listed to ensure the water would continue to flow to the A38 and enter the culvert via the road gullies. In terms of water back up due to tidal locking, this was a well-known phenomenon and was something that was difficult to manage and, although it was managed, it would continue as long as the tides kept happening; this was taken into account when calculating whether a weather event was a one in one hundred event or a one in two hundred event. Further questions took place on drainage and flooding issues with the LLFA representative explaining in detail the design aspects of a drainage system, the modelling of flows expected in different rainfall events defined under the one hundred and two hundred events and the rain storm patterns in terms of intensity. This was how it was known whether a balancing pond was of adequate size to deal with a one in one hundred event and there would be an exceedance route which would normally follow the path down the road to the A38 and into the gullies. There would already be a certain amount of attenuation in the pond and any overtopping would follow the exceedance route which would also be the case should the pump fail. He indicated that it was this design that resulted in no increased flood risk downstream.

40.8 A proposal was put forward that a decision on condition 29 be deferred at this time for more comprehensive detailed information to be provided to give Members confidence that the drainage system for this development was not going to adversely impact on existing or new homes. The Development Manager indicated that a clear indication of the information required would be needed as the responses from the LLFA representative set out what the conditions sought to achieve and what was required to discharge them. Much of the Committee's discussion and issues raised appeared to relate to existing problems that would remain problems once the development had been completed. A developer could not be required to deal with pre-existing problems; the information submitted demonstrated that the development "washed its own face" and the system to be put in place would essentially keep the status quo if not make things a little better. He maintained that if a deferral was necessary and for it to be seen to be reasonable then it was essential that Officers fully understood what additional information it was that Members required. He reiterated the point made by the LLFA representative that the developer of this site could not be expected to resolve existing problems with the drainage infrastructure. The proposer stated that it would be in respect of Members uncertainties about the drainage proposals, the flooding impact on existing properties, unknown information about the management company, whether Severn Trent Water would adopt the pumping station, the work to be done on upgrading the culvert and the condition of the culvert in its entirety. One Member felt that the Committee was in danger of mixing up two different issues; one in relation to existing problems in the area and the other relating specifically to this development and its impact. The proposer clarified that the deferral was being requested for further details to be provided in respect of the management and maintenance of the drainage proposals beyond that of what had already been provided and also for a survey of the entire length of the culvert under the A38 to be completed. The motion was seconded and sufficient support was received for the vote on the motion to be recorded. Debate on the need for the deferral and the sufficiency of the information already received ensued. The Development Manager stated that planning permission and reserved matters for this site had already been granted and this application was for approval on drainage and water management. The scheme presented had been designed in consultation with the LLFA and Severn Trent Water and was a strategy that was acceptable to those technical experts. He fully understood the concerns of the local community and the wider infrastructure issues which were significant, and required all relevant agencies to be involved in addressing, but the Committee was being asked to look at this specific site and the drainage proposals that related to it. The developer had done what had been asked and demonstrated what was required to the satisfaction of the experts. He indicated that, from an Officer perspective, it would be unreasonable to defer the application for further information as he did not think anything further could be provided that could add to the debate.

40.9 Upon the motion being put to the vote, it was recorded as follows:

For	Against	Abstain
G J Bocking	R A Bird	E J MacTiernan
D J Harwood	G F Blackwell	J R Mason
M L Jordan	R D East	
P W Ockelton	J H Evetts	
P E Smith	M A Gore	
M J Williams	A S Reece	

P N Workman R J G Smith
 P D Surman
 R J E Vines

- 40.10 The motion was declared to be lost.
- 40.11 A motion was proposed to accept the Officer recommendation which was seconded and, upon being put to the vote, it was
- RESOLVED** That conditions 29 (surface water drainage details) and 31 (foul drainage details) be discharged in accordance with the Officer recommendation.
- 40.12 The meeting adjourned at 11.30am for a short break.
- 40.13 The meeting reconvened at 11.40am with the same membership present.

20/00140/OUT - Land off A38, Coombe Hill, Gloucester

- 40.14 This was an outline application for up to 150 dwellings, associated infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular and pedestrian access from the A38 and pedestrian access from the A38 and pedestrian access to the A4019.
- 40.15 The Development Manager reminded Members that outline planning permission had been granted for up to 40 dwellings on this site at the Planning Committee in June 2019. That application remained undetermined as the S106 Agreement had not been concluded. This was an alternative scheme which was now the subject of a non-determination appeal upon which the Council needed to advise the Planning Inspectorate of its views in order to inform the Council's approach to the appeal. The current proposal saw a significant increase in numbers but the site was the subject of a draft allocation in the emerging Borough Plan with an indicative capacity of 50 dwellings. On that basis, and on the basis that Members had previously resolved to grant permission for housing on this site, the principle of housing led development remained acceptable. The benefits of the provision of 150 dwellings, 40% of which would be affordable, would be substantial and should not be underestimated. There would also be economic benefits arising from the scheme both during and post-construction with contributions made to the local economy. On the other hand the application had a number of shortcomings; firstly there was an unresolved objection from Natural England in respect of the potential ecological impacts of the proposal particularly on the Severn Estuary Special Protection Area which had functional links to the Coombe Hill Canal SSSI and Coombe Hill nature reserve which were close to the application site. Whilst mitigation was proposed, the mitigation resulted from discussions relating to the numbers set out in the allocation, rather than the 150 dwellings now proposed. Although the Council could not currently demonstrate a five year land supply of deliverable housing sites, Special Protection Areas and SSSIs were among those habitat sites referred to in footnote 6 of the NPPF which meant that, given the potential impacts on these sites provided a clear reason for refusing the development proposed, the tilted balance was not engaged in this case. There were also serious concerns with the quantum of development proposed; the draft local plan was arrived at following a robust assessment of the site having regard not only to its sustainable location with good public transport links to Cheltenham, Tewkesbury and Gloucester but also to the rural nature and scale of the existing settlement. Notwithstanding the conflict with the emerging policy, which must of course be afforded reduced weight, Officers were far from convinced that the site

could accommodate 150 dwellings in an environmentally satisfactory manner. The emerging policy sought a landscape led approach to the development of the site which was not apparent in these proposals. The numbers proposed in this application meant there would be less scope to provide appropriate levels of landscaping to help assimilate the development into the wider landscape and the indicative material submitted with the application showed a scheme that would result in a highly urbanised form of development which would be alien to the otherwise spacious and organic character of Coombe Hill. It was the Development Manager's view that the proposal would not deliver the high-quality design aspired to in government guidance and local planning policies. In respect of drainage and flood risk there were also outstanding concerns regarding the modelling that had been carried out and the way that surface water run-off would be attenuated which may result in the potential increased risk of flooding to the A4019 and to the adjacent property, The Bellows. Given these shortcomings it had not been adequately demonstrated that the development proposed would not increase the risk of flooding to the site and elsewhere contrary to national and local planning policies. There were also technical objections to the proposal due to the lack of planning obligations relating to affordable housing, community and education facilities including library, waste and recycling facilities as well as open space and outdoor recreation and sports facilities. It was possible that these matters could be agreed in advance of the public inquiry although in the appeal submissions, the Appellant had indicated non agreement to the requested education and library contributions whilst Officers considered that these contributions were justified and no viability evidence had been put forward by the Appellant. There were no objections from Highways England or County Highways on highway grounds. Similarly, there would be an acceptable impact on heritage grounds and any impacts on the amenity of existing and future residents could be adequately controlled by way of planning conditions or at reserved matters stage. Overall, whilst there would be substantial benefits arising from the development, for the reasons set out in the report those benefits were outweighed by the identified harms and consequent conflicts with the Development Plan. As highlighted earlier and in the Officer report, the tilted balance was not in play but even if this were the case the conflicts with the Development Plan arising from the proposal would represent significant and demonstrable harms which outweighed the benefits when reading the NPPF as a whole. In conclusion it was the Officer recommendation that the Planning Inspectorate be advised that the Council would have refused the application for the reasons set out in the report.

- 40.16 The Chair invited the objector to address the Planning Committee who reminded Members that he had come before them in June 2019 when a proposal for forty houses had been considered. At that time he had held up a plan showing the full intent of the developer which was not for forty houses but for development of the whole site. He was therefore dismayed and frustrated that some 18 months later a proposal was now being considered for 150 houses. He indicated that from his perspective he would respectfully suggest that the Committee had been at best mis-lead and completely played by the developer and developer's full intentions for the field adjoining his property and land. There had been a total lack of regard and empathy shown by the developer to the residents and community of Coombe Hill as a whole. He indicated that the same issues that he had raised back in June 2019 had not been resolved or addressed and drew attention to his previous objections that had been submitted on the planning portal at the end of March this year. He proposed to concentrate on two main issues the first of which related to the increased risk of surface water flooding from the proposed development to his property. Replacing an open agricultural field with brick and tarmac would greatly increase the existing risk of flooding to his property which already had a history of flooding. He noted the existing deficiencies in the drainage network in particular the culvert across the A4019 outside of his property and the fact that everything on the Tewkesbury side of the A38 runs off and collects at this point. The culvert was not

man enough to manage the upstream flows which put his property at risk of surface water flooding every time there was heavy or a prolonged period of rainfall. He was pleased to see that this point had finally been acknowledged by the Highways Authority and maintained that allowing this development to go ahead would only exacerbate the real issue of flooding to his property that already existed. He highlighted recent guidance issued by the RDFC's which urged local planning committees to be mindful at the planning stage when considering new developments which would create or increase surface water flooding issues. The guidance stated that the Committee had a duty of care and, if there was a perceived risk of flooding to the existing landscape, the proposed development should be refused. In fact, it was made clear that advice on the vital importance of achieving sustainable drainage in all new development should be prominent, clear and unequivocal. Local Planning Authorities should ensure that appropriate professional expertise was brought to bear in decision-making on all applications where there were surface water drainage implications; the submission of drainage plans being ensured at an early stage in the planning approval process with the whole development being carried out in accordance with the approved plans. The objector's second point related to the loss of amenity, intrusion of privacy and loss of value to his property should the development go ahead. As his land ran along the boundary for the majority of the development he would suffer increased noise, air pollution from proposed sewage treatment works and general disturbance to his mental health and personal wellbeing all of which had been completely overlooked by the developer; he had been treated with utter contempt by the developer. Finally, he drew attention to the submission from the Parish Council which eloquently addressed the issues and summed up the general feeling of the local community. After the last meeting in June 2019, the developer had suggested that the failings lay with Tewkesbury Borough Council as it had not met the quota for regional housing numbers in the area. He maintained that this should not be a justification for the application to be approved and certainly Coombe Hill as an area should not suffer the consequence of this should this be the case. A development of this size and magnitude had no place in the rural setting of Coombe Hill and he urged the Committee to vehemently refuse the proposal.

- 40.17 A Member noted that photographs of the site made it look level, but it was not and on a Member's question it was confirmed that the non-determination appeal was in respect of this application and not the up to 40 dwellings application. It was moved and seconded that the Officer recommendation of 'minded to refuse' be supported. Upon being put to the vote, it was

RESOLVED That the Planning Inspectorate be advised that the Committee is **MINDED TO REFUSE** the application.

20/00636/OUT - Parcel 4967 Opposite Cherry Orchard Lane, Twyning

- 40.18 This was an outline application, including access, with all other matters reserved for up to 36 (maximum) residential dwellings for over 55's.
- 40.19 The Planning Officer advised that outline application for up to 50 dwellings on the site had been refused at the December 2019 Planning Committee for a number of reasons including its location, landscape impact, design and layout, impact on the road network and ecology as well as a number of technical reasons relating to the lack of a signed Section 106 Agreement. The current application was a resubmission of the previously refused scheme with a couple of notable differences; firstly, the number of units had been reduced to 36 and, secondly, the scheme was now proposed as an over 55's development. The agent had advised that the open market units would be age restricted, although spouses or dependents who were not over 55 years old could still live in the properties – it was also noted that the proposed affordable housing would not be age restricted. It was evident that there

was a need for accommodation for older people within the Borough and the Joint Core Strategy (JCS) set out that, in 2011, older people accounted for 13% of the population of the JCS area which could increase by 20% by 2031. However, other than a general need, nothing had been provided by the applicant to demonstrate that the proposal would meet a specific housing need in Twyning. Whilst the proposal was for specialist accommodation, it was still subject to the Council's housing policies. As acknowledged in the Committee report, the Council could not currently demonstrate a five year supply of deliverable housing sites and therefore its policies for the supply of housing were out of date which meant the weight that could be afforded to the policies was reduced and the presumption in favour of granting permission was triggered as per paragraph 11 of the framework. There would be considerable benefits arising from the development, including the delivery of specialist housing for older members of the population, affordable housing delivery and economic benefits. However, there would also be harm to the landscape and the gap between Church End and Twyning and the scheme would not represent good design. Also, insufficient information had been provided to demonstrate that the proposed development would not have an adverse impact on Great Crested Newts which were a protected species. Officers were therefore of the view that the harms identified clearly and demonstrably outweighed the benefits and the application was recommended for refusal.

- 40.20 The Chair invited the representative from Twyning Parish Council to address the Committee. The representative advised that the Parish Council fundamentally objected to the planning application. He explained that the application site was agricultural land outside the Twyning Parish development boundary and was regularly used for rural activities. He also reminded Members that outline planning permission for 50 dwellings on the site had been refused by the Planning Committee less than 12 months ago. The only changes made in the current application to mitigate the strong reasons for refusal were a tailored reduction in the scale of the development and a re-focus on specialist housing for over 55s. He felt this was an attempt to circumnavigate policy and practical issues on this site. The proposal had not removed the locational flaws, the detrimental landscape impact, the incongruous design and layout or the inappropriate impact on the road network and local ecology and biodiversity. Importantly, the application sought to challenge the robustness of the 'made' Twyning Neighbourhood Development Plan and the Parish Council was delighted the Officer's report concluded that the Twyning Neighbourhood Development Plan remained an integral part of the adopted development plans and decision-makers should continue to have full regard to it in determining planning applications. The Parish Council was of the view that any decision not to integrate the Twyning Neighbourhood Development Plan policies in determining the application would seriously undermine the integrity of that and the six other Neighbourhood Development Plans in the Borough. He advised that this was an outline speculative application which, even with the application of the 'tilted balance', failed to address the erosion of the open character of the countryside and would damage the distinct settlement patterns and sense of place in Twyning and Church End. Twyning Parish Council welcomed the recognition by Officers that the site was an integral part of the strategic gap between Twyning and Church End and any development would be contrary to policies ENV2 of the Twyning Neighbourhood Development Plan and LAN3 of the emerging Tewkesbury Borough Plan. The Parish Council fully supported the Urban Design Officer's comments and did not consider this an appropriate location for further expansion of the village as it did not respond to the urban structure of the village or character of the surroundings, and it encroached into open countryside so it would not enhance local distinctiveness or address the urban structure and grain of the Twyning locality. The poor quality and inaccuracy of applications for the site indicated the continued disregard for local context with the generic and poorly argued case for sustainable development quickly shifting to propose over 55s housing without any evidence to support demand or any proposals for additional facilities for those residents.

Twyning Parish Council completely agreed with the Planning Officer's conclusion that the adverse impacts of the development significantly and demonstrably outweighed any benefits and endorsed the recommendation to refuse the application.

- 40.21 The Chair advised that the objector's submission to the Committee would be read by the Development Management Team Leader (North). On 18 December last year, the Committee agreed with the recommendation of Officers to refuse application 19/00531 - the reasons for the refusal were sound and at least the first five objections on that application remained valid for this one. Central to the decision-making process was the perceived integrity of the Neighbourhood Plan, a plan four years in the making put together in partnership with the Borough Planners, endorsed by an independent Inspector, and fully approved and bought into by Tewkesbury Borough Council. The relevant policies in the National Planning Policy Framework (NPPF), the Joint Core Strategy, the emerging Local Plan and the Neighbourhood Plan remained extant and underlined the very good reasons why this application should be refused – those policies had been fully identified by Planning Officers and the previous speaker. It was recognised that the Neighbourhood Development Plan was over two years old and, as such, no longer benefited from the protection that would have been afforded by Paragraph 14 of the NPPF but attention was drawn to the concluding sentence in Paragraph 7.11 of the Officer's submission. The Planning Committee's decision last time was policy based and it was felt there was no substantial difference this time so it was hoped that the Committee would honour its undertaking to Twyning Parish in regards to the validity and integrity of the Neighbourhood Development Plan and the policies contained therein. To do anything different would set a damaging precedent, invalidate this and all other Neighbourhood Development Plans with development boundaries, and encourage a raft of further applications so the objector wholeheartedly agreed with the examination of the application by Officers and fully endorsed their recommendation to refuse.
- 40.22 The Chair invited one of the local Ward Councillor's for the area to address the Committee. The Ward Councillor asked that the Committee refuse the application. He explained that just under 12 months ago it had refused an application for 50 houses on this site and, whilst this application was for a slightly reduced number, he felt it was dressed up in the guise of specialist accommodation for older people – although as the report made clear, it was not age that restricted all occupants of the dwellings nor would it apply to 40% of dwellings that would be affordable. It was a speculative development that tried to circumnavigate the reasons for the previous refusal but failed to overcome the main obstacles of harm to the environment and countryside. It was an isolated development, outside the residential development boundary, and not well linked to the main part of Twyning. Its position would expose the risk of coalescing Twyning with the hamlet of Church End which the Local Neighbourhood Plan was expressly against and, in terms of landscape impact, it would stand out like a 'sore thumb'. In addition, for an elderly population there was hardly any public transport serving the area and care and medical facilities would be miles away. He felt the application was against JCS policy SD10 and policy GD1 of the Twyning Neighbourhood Development Plan which, despite the tilted balance, still carried significant weight and, when added to the harm caused by the proposal, made this an inappropriate development which he hoped the Committee would refuse.
- 40.23 In the absence of the applicant's agent who had registered to speak, the Chair invited the Development Management Team Leader (North) to read the submission. The application would deliver 14 unrestricted affordable dwellings and 22 homes for over 55s, a specialist form of accommodation which the Council's own evidence pointed towards there being a need for. There was clearly an identified need for specialist accommodation within the Borough, and indeed the Country, for which this type of housing would meet the needs of the local community. The

accompanying supporting detailed assessments demonstrated that the impacts of the proposals were minimal and that: there were no significant impacts on the highway network; the landscaping provided for a soft transition to the surrounding area; and ecological and archaeological impacts were mitigated. Appropriate ecological reports accompanied the outline planning application, in line with Natural England's guidance, and it was felt that the Council's ecologist was unreasonable in their request to provide up to date Great Crested Newt surveys, as any appropriate mitigation could be suitably controlled through appropriate conditions, which was common practice. The technical reports confirmed that the submitted proposals constituted sustainable development in accordance with the NPPF and Local Planning Policy. In terms of housing land supply, the Council's Officers acknowledged that it was not in a position to demonstrate a five-year housing land supply and accepted, as evidenced in recent appeal decisions, that the shortfall was substantial. Twyning Neighbourhood Development Plan allowed for housing in the open countryside if a future local plan identified a need for additional housing development and the draft Tewkesbury Borough Local Plan (submitted in May 2020) responded to an additional need for housing land supply. The applicant respectfully suggested therefore that the onus was on Tewkesbury Borough Council to approve applications for sustainable development in order to significantly boost the supply of its housing in locations such as Twyning. In terms of the benefits of the application, the accompanying documents set out the significant social, environmental and economic benefits of the scheme summarised as: delivery of 36 high quality homes in an accessible location, including specialist accommodation for persons over 55 in age; 14 affordable dwellings and a part contribution towards off site affordable housing provision to be secured by a S106 agreement, promoting sustainable and balanced communities contributing towards the affordable housing and need; the generation of 111 jobs; resident expenditure benefits generated by new housing development including increased spending power to Twyning estimated at £948,211; delivery of biodiversity and landscape gains; access to local services and public transport improvement contributions which would reduce the need to travel by car; and provision of recreational open space for use by the existing and future residents. The country as a whole had a significant housing shortfall, especially in affordable housing, and the main benefit of this application would be the delivery of much-needed affordable homes and specialist accommodation for the over 55's in Twyning. The delivery of affordable housing carried substantial weight - Inspectors had confirmed that this was the weightiest factor in the overall planning balance. In conclusion, the Committee was asked for its support for the approval of the application for sustainable development in order to significantly boost the supply of housing in Twyning.

40.24 It was proposed and seconded that the application be refused in accordance with the Officer recommendation. Questions were asked about the weight that could be attributed to the Neighbourhood Development Plan, as it was more than two years old, and also the likelihood of success in defending a refusal on appeal. The Planning Officer explained that the Neighbourhood Development Plan would still have considerable weight as it was still part of the development plan and in terms of success on appeal he felt that there were strong reasons for refusal including landscape, poor design and the gap between Church End and Twyning. A Member commented how good it was to see that the emerging Borough Plan was gaining weight and reliance could be placed on the Strategic Gap Policy which Members and Officers had worked hard on.

40.25 Upon being put to the vote, it was

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

19/00404/FUL - Land Rear of Grove View, Market Lane, Greet

- 40.26 This application was for the conversion of existing builders storage building to one bed dwelling and change of use of land to residential. The Chair indicated that in presenting the application, the Planning Officer would explain why the recommendation had changed from permit to delegated permit.
- 40.27 The Planning Officer advised that the application related to a parcel of land situated to the rear of Grove View off Market Lane in Greet. The application had been deferred at the August meeting of the Committee in order to allow Officers time to investigate additional engineering works on land immediately adjacent to the site and building. This was now taking place and, as a result, additional contaminated land testing had occurred and the additional land to the rear of the building had now been included within the application before the Committee today. Due to the change in the site area a re-consultation had been undertaken issued on 29 October 2020 by way of revised site notices and neighbour notifications. The Council's website indicated that the response date would be 3 December 2020 and, on that basis, the application was now recommended for delegated permit subject to there being no new substantive issues being raised before the end of the re-consultation period. During the re-consultation period an objector had written to all Members copying in Officers. The Planning Officer indicated that due regard had been given to this additional representation and it was considered that the points raised had been addressed within the Officer report. The site was located within a sylvan setting which was largely surrounded by maturing trees. Historically, the site formed part of a brickworks and landfill site however, this use had long ceased, and the land had since been assimilated into its natural surroundings. Notwithstanding this, the site had been identified as potentially contaminated land by the Council's Environmental Health Department. The site was accessed by a track off Market Lane which currently served land and buildings used as a builders store which was obtained through a Certificate of Lawful Use. The site was also located in a Special Landscape Area (SLA). This application sought planning permission for the conversion of an existing building into a one bed dwelling and change of use of the surrounding land for residential purposes. If the permission were to be granted, the existing builders storage yard would cease. The existing building was single story with a shallow pitch roof and clad in waney edge timber boarding. There are three openings on the front elevation each secured with double doors. In terms of the principle of this development, it was judged that the proposal complied with the Council's residential conversion policies. As outlined in the Officer's report, the Council could not currently demonstrate a five-year supply of deliverable housing sites, and in this situation, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As set out in the report, it was considered that the proposal would not result in any additional adverse impact to the landscape and the applicant had demonstrated that the existing trees on site could be protected and any contaminated land issues could be mitigated satisfactorily. The application would not cause any adverse impacts upon neighbouring amenity and there would not be any ecological issues relating to the change of use and conversion of the building. Therefore, the Officer recommendation was a delegated permit subject to there being no new substantive issues being raised before the end of the re-consultation process.
- 40.28 As the speaker in objection to the application was having some difficulties accessing the meeting, the Chair invited the applicant's agent to make her submission. She explained that the application was the culmination of 20 months' work and she thanked the Planning Officer for his hard work and comprehensive report. She explained that the applicant had engaged in pre-application discussions in early 2019 and had subsequently submitted the application. The majority of the site had a certificate of lawfulness for use of land as a builders storage yard which was

unrestricted in terms of hours or days. The proposal sought to convert the existing builder's storage yard building into a one bed dwelling for the applicant and his wife to live in. The builders storage yard use would cease as a result of the development. With regards the principle of development, the Committee report set out that the proposal complied with JCS policy SD10, Local Plan policies AGR6 and 7 and emerging policies RES3 and RES7. In her view, the Neighbourhood Development Plan was silent on the matter of conversions and the lack of a five-year supply directed that permission should be granted unless significant or demonstrable harm would arise to outweigh the benefits. The building already existed, and therefore the pattern of development of the area would not be adversely affected as no new buildings were proposed. The building was capable of conversion and retaining its existing character and the removal of the builders storage items and replacement with a domestic use, plus planting of new trees, would be a visual enhancement as at paragraph 7.42 of the report, and an ecological enhancement. The cessation of the builders storage use would bring about benefits including noise reduction and less traffic including building machinery, as agreed by many of the third party letters of support summarised at paragraph 5.2 of the Committee report. During the application process, the applicant had carried out extensive contamination assessments and the Council's Environmental Health Officer was satisfied subject to conditions. No objections had been raised by Highways, Natural England, the Council's Tree Officer, Ecology Advisor, Flood Risk Management Officer or Environmental Health Officers. She indicated that, for clarity, the historical appeal related to a completely different part of the site which was woodland, was for a new build, was not brownfield and not at all comparable. This was an opportunity to create a small one-bed dwelling for the applicant to live in, which would count towards the Council's self-build properties and also the five-year housing supply. It was also development of a brownfield site and could support facilities in nearby settlements. Paragraphs 8.1-8.3 of the report clearly set out that there was no adverse impact that would significantly outweigh the benefits and therefore it was in the absence of a five-year housing supply, permission should be granted and the Officer recommendation supported.

- 40.29 As the registered objector had been unable to access the meeting in accordance with the Council's public participation scheme, the Chair invited the Development Management Team Leader (North) to read the submission. I am an adjacent neighbour of the application site in Greet. I oppose the proposed building conversion and am grateful for the opportunity to explain why. Firstly, let me say I am conscious I have already hit Councillor Members with a lengthy written submission, so this morning I promise to be brief. Members may wish to refer to that written submission, and its Appendices, to aid later discussion. Everything I say here is fully supported by the detailed analysis and evidence in those papers. Secondly, I acknowledge this application is a complex and difficult matter which is testified by the fact that it has taken a year and a half to reach Committee and the Case Officer recommends 17 Planning Conditions, should it be approved. Whilst the objector believed the application should not receive approval should the Committee determine otherwise he had suggested two additional conditions. The objector also acknowledged that because of the complexity of the application the Committee's deliberations may not be clear-cut and members may decide that more time was needed or further consideration outside of today's meeting. He indicated that his submission and speech were intended to make the issues clearer for the Committee not to hinder. This was not about individuals, nor about personalities and it was not about NIMBY-ism either; he was not the only objector; there were others in Greet, and further afield too - this is about hard facts. It is about planning policy only, and why in his opinion policy did not allow this proposal to proceed. The problem was in a nutshell that the particular policy (namely JCS policy SD10, part 5), that needed to operate as an allowable exception for this conversion to be permitted, did not fit the circumstances. This was because SD10 part 5 also required there be no conflicts with other "Relevant Policies" in the Local Plan when

in fact there were several. He maintained that his submission showed unambiguous difficulties arose in Saved Policies HOU 4 and AGR 6 together with emerging policies RES 4 and RES 7 as set out in the written submission. He highlighted the main stumbling block for the proposal which was AGR 6 (the precursor of RES 4, and thus of RES 7 too). He maintained that AGR 6 alone was infringed in multiple ways as set out in Appendix 2, Page 4 of his written submission. There were other difficulties: the proposal did not meet the NPPF sustainable development definition and it failed the tilted balance test. In all essential respects it was the same as the 2016 case rejected on Appeal. There were ongoing enforcement cases and land contamination issues continued and would not be resolved simply by approving this application. In conclusion he thanked the Committee for listening and urged Members to refuse the application.

40.30

One of the local Member's indicated that he would like to congratulate the Planning Officer on a very thorough report which he had carefully considered along with the detailed submission of the objector. He indicated that this had been a very complex matter which had been ongoing for some time but he was in agreement with the Officer recommendation of delegated permit and proposed accordingly and this was seconded. A Member referred to the two sheds that had been shown in the video, together with the builders materials on site, and questioned whether these would be removed; she also wished to know whether permitted development rights would be removed if permission was granted for this application. The Planning Officer confirmed that there was a condition for permitted development rights to be removed so that any extensions to the building, a porch, rooflights and any works outside to that effect would need specific planning consent. In terms of the site where the building materials were stored including the sheds, there was a condition as part of the landscaping plan that required the applicant to plant trees on this area of land and this was being used to secure the removal of the building materials and sheds. Obviously if Members felt that a different condition was needed to achieve this then it was within their power to do what was reasonably necessary. The Member sought clarification that the sheds would be demolished and the Planning Officer confirmed that this was the case as they were cited on the land where the landscaping plan required the planting of trees. He indicated that there was not a prescriptive condition which stated that the sheds had to be demolished within a certain period of time but in order for the applicant to implement the permission to live in the building, the planting of the trees had to have taken place and for this to happen the sheds had to be demolished. A Member referred to the caravan shown on the video and asked whether this was being used for residential purposes, she also sought an update in relation to the statement in the report that some development of the site had already commenced which was the subject of an investigation. The Planning Officer reported that there were two open enforcement cases on this site, the first one related to the stationing of the caravan which was actually outside the permitted Certificate of Lawfulness Use (CLU) site and was in the woodland area. The Council's Enforcement Officer had visited the site and had asked the applicant to move the caravan to within the CLU site which had been done; in terms of usage the applicant had advised it was used as an occasional office in terms of the business and that he lived off site somewhere else so it was not used for residential purposes. The new location of the caravan was within that area where the trees would be planted so would need to be removed for the planting to take place. The second enforcement case which was currently open was for the land to the rear of the site that had been highlighted on the plans shown to the Committee and now formed part of the application site. The applicant had done some engineering operations to level that land out and put sleepers in; this had been done without the benefit of planning permission but after discussions with the applicant it had been included in the current application and, provided Members were in support of the Officer recommendation for a delegated permit, this enforcement case would be closed.

40.31 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager subject to no new substantive issues being raised before the end of the consultation period.

20/00381/FUL - Part Parcel 3359, Bushcombe Lane, Woodmancote

40.32 The application was for the erection of a single detached dwelling (revised design).

40.33 The Planning Officer advised that the site related to a parcel of land at Yew Tree Farm which was located along Bushcombe Lane, Woodmancote. There were dwellings to the east of the site and Yew Tree Farm was to the south west. The site was a paddock but it now had the appearance of mowed grass with substantial planting around it. In addition, the site lay within the Area of Outstanding Natural Beauty (AONB) and within 50 metres of listed buildings; Yew Tree Barn and Stable and Brook Cottage. Sites along Bushcombe Lane had been considered by Planning Inspectors to be within the built up area of the village and, given there was existing and permitted development around it, the site was considered as infilling within the built up area of the village. The National Planning Policy Framework (NPPF) clarified that planning policies for housing would be judged out of date where the local planning authority could not demonstrate a five-year supply of housing and NPPF Paragraph 11 stated that, where policies were out of date, permission should be granted unless policies within the framework that protected assets of particular importance provided a clear reason for refusing the development and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As the site lay within the Cotswold AONB a judgement must be made as to whether the proposal would protect the AONB and whether any impacts provided a clear justification for refusing permission. The site was screened from development on three sides and there were public footpaths to the north and east. Whilst the site would be visible in part from those public rights of way and Butts Lane the proposal would be viewed against the background of existing development. Members were shown a site visit video which showed views from those vantage points. The views to the Cotswold escarpment to the north were no longer visible from Bushcombe Lane due to substantial planting and an unauthorised high boundary fence. The view from Butts Lane was of open fields to the north and a ribbon form of development along Bushcombe Lane. The properties in Bushcombe Lane were set in mature gardens with occasional glimpses of the open countryside beyond. The visual impact of the development from distant views would not be considered prominent or substantial due to its relationship with existing and approved development. The existing boundary treatment on Bushcombe Lane was not considered appropriate to the character of the area and a landscaping condition was recommended for appropriate landscaping and boundary treatment to be agreed. The design of the dwelling was considered acceptable in terms of size, scale, design and character of the area. The Conservation Officer considered the amended design was more in keeping with the Cotswold vernacular and had no objection in terms of design subject to conditions for details of windows and doors and samples of materials. The proposal was not considered to have undue impacts in terms of neighbour amenity. It was considered the development would not have a negative impact on the setting of the listed buildings but there was evidence of Mesolithic, Roman and Medieval activity in close proximity to the site. Therefore, the applicant had agreed to a pre-commencement condition of a programme of archaeological works. The site was in flood zone 1 and a drainage statement had been submitted showing that surface water would be disposed of via a sustainable drainage system and foul drainage to the main sewer. The site had an existing access onto Bushcombe Lane and there was no objection from the Highways Authority in terms of highway safety. Conditions were recommended for access

visibility splays, sitting of gates, cycle storage and electric charging points. The amended site plan indicated within the visibility splay the boundary treatment would be reduced below 0.6 metres and canopies of existing trees would be maintained at a minimum height of 2 metres. The consideration of the material planning issues on the application were finely balanced however, it was considered there would be limited harm to the AONB that would not, in this instance, provide a clear reason for refusal, therefore, the tilted balance was engaged. The benefits were a single market dwelling in a sustainable location with a modest contribution to the economy. Harm to the Cotswold AONB would be limited due to the setting of the nearby development and the design of the proposed development responded to the site's constraints and the context. Given the Council's current land supply shortfall, and in light of the above, it was considered that there would not be any adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme. The proposal was considered to represent sustainable development and the application was therefore recommended for permit.

- 40.34 The Chair invited the representative from Woodmancote Parish Council to address the Committee. The representative explained that he felt this was a finely balanced and marginal recommendation from the Planning Officer that was influenced by the fact that neither the Local Plan nor the Neighbourhood Development Plan had been adopted and Tewkesbury Borough Council did not currently have a five-year housing supply; fortunately those constraints did not apply to the Planning Committee and he had three points to make in support of the application being refused. The first, and most important, point was that the site was outside the residential boundary of Woodmancote Village as per RES2 in the emerging Tewkesbury Borough Plan; the Council had won three appeals in Woodmancote relating to virgin AONB land in 2020 alone; one of which related to the field on the other side of Yew Tree Farm, adjacent to Woodmancote Village but not in it. Another appeal related to land at Cleeve Hill, when that Inspector had ruled that Cleeve Hill Village was located between Post Office Lane and Stockwell Lane and "infill" did not apply to agricultural gaps in sporadic ribbon development along roads near that village. This proposal was no different and therefore conflicted with the adopted Joint Core Strategy (JCS). Secondly, the applicant had a long history of applications, appeals and enforcement notices. The last application for a single dwelling on the site went to appeal in 2000 and the Inspector had described very accurately the harm to the AONB which was attached in full to the speaker's speech. In essence, the Inspector had recognised that a house on this plot would continue the pattern of development but it would severely erode an important agricultural "gap" that separated the village from the countryside and that delineation would be lost. The leylandii, illegal fence and close mowed paddock were attempts to present a more residential curtilage which should have also required planning permission. The JCS and Paragraph 172 of the NPPF required application and great weight to be given to the strategic guidelines set out by the Cotswold AONB Management Plan. There were two key points which the speaker wished to bring to the attention of the Committee; it was essential to maintain the open, dramatic and sparsely settled character of the escarpment; and it was necessary to avoid development that would intrude negatively into the landscape and could not be successfully mitigated, for example, extensions to settlements onto the escarpment. The speaker indicated that his final point was of a technical nature; Paragraph 11d of the NPPF which the Planning Officer referred to as there being a presumption in favour of development, did not apply in respect of AONB land provided harm could be demonstrated as the Inspector had found in 2000. Finally, if after all due consideration, Members really thought the AONB gap should be sacrificed, then the speaker urged the Committee not to grant permission for this design as it made the minimum effort to satisfy the Cotswold Vernacular, it did not conserve and enhance the Cotswolds AONB and it did not reduce flood risk or increase biodiversity. In short, he felt the application was weak on every front.

- 40.35 The Chair invited the applicant's agent to make his submission. He explained that the site fell on the edge of the village of Woodmancote, which was one of 12 designated 'Service Villages' in the JCS. The Service Villages formed the focal point for meeting the housing needs of the Borough over the plan period. Service Villages were those that benefited from a number of primary and secondary facilities, as was the case with Woodmancote, which had access to schools, shops and a range of other community facilities in close proximity. All of those villages would be required to do their bit in meeting the housing needs of the Borough. The Officer report correctly explained that the site fell within a linear swathe of housing along Bushcombe Lane and could reasonably be considered to fall within the village. New housing had been permitted directly opposite and further up Bushcombe Lane, where Appeal Inspectors had confirmed that the location was within the village. The JCS supported infilling within the confines of villages and there could be no doubt that this site met that definition. The applicant had worked with Officers to provide a design that was appropriate to its AONB setting and, as Members would be aware, the AONB did not pose a fundamental barrier to small-scale development like this. On the advice of the Conservation Officer a scheme of traditional Cotswold Vernacular design had been designed which would fit in seamlessly with its surroundings. The Conservation Officer was completely satisfied that the character of the area would be respected. It was noted that there were no objections from technical consultees, including the County Highways and the Council's Urban Design and Environmental Health Officers. The access arrangement ensured that highway visibility splay standards were met and it was also felt material to note that the Council had a shortfall in its five-year housing supply requirement, which triggered the 'tilted balance' in favour of development. It was the tilted balance that had seen significant developments of 40+ dwellings in non-service villages such as Ashleworth which had been granted permission recently. Without an adopted Tewkesbury Borough Plan, and with any aspiration of a Neighbourhood Development Plan for Woodmancote very much at any early stage, a single infill dwelling here must surely be supportable in this context. Members would be aware that Woodmancote Parish Council had objected to the application, as they consistently had with all housing applications in the area, and it was clear that the Parish was opposed to new housing in principle, and its fundamental concern here was of setting a precedent. Whilst the Parish's position was noted, the Committee could not get away from the fact that Woodmancote was a designated Service Village and it must therefore do its bit to share the burden of meeting the housing supply requirement of the Borough. It could not be that this burden continuously fell on the other Service Villages. Woodmancote was the only Service Village still to make a meaningful contribution to the JCS housing requirement. Surely, if the local prerogative was to retain some control and limit housing in this village, the most credible way of doing that was to allow some small-scale developments such as this, which had Officer support and which fitted in so Woodmancote could be seen to be playing its part. In conclusion the speaker hoped that the Committee would feel able to support this proposal.
- 40.36 In proposing that this application be permitted, a Member indicated that he would not be in support of the application if it was not for the fact that the Council had lost an appeal in Stockwell Lane on land that was directly opposite this site; Hillview Stables. There had been a site visit in respect of that site and the view had been that it was in the open countryside and therefore the Committee had refused the application, but it had been won on appeal. The proposal was seconded but before being put to the vote, a Member questioned whether a condition could be applied to take down the leylandii to be replaced by natural British trees. The Planning Officer indicated that there was a landscaping condition proposed in relation to hard and soft landscaping, whilst it did not include the taking down of the leylandii she indicated that the condition could be reworded for it to be taken down and replaced by appropriate landscaping. Accordingly, the proposer and seconder of the motion agreed to amend it to include the amendment of the landscaping condition seeking

the removal of the leylandii and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation subject to the landscaping condition being amended to require the removal of the leylandii and suitable replacement provided.

20/00620/FUL - 34A Astor Close, Brockworth

40.37 The application was for a proposed detached bungalow with ancillary works.

40.38 The Planning Officer explained that the application was for a new single storey bungalow on a parcel of land along Astor Close in Brockworth. The site sat between a terraced row of dormer style bungalows to the north and a two-storey maisonette block to the south. The overall principle of a new dwelling in this location was acceptable, however, a Committee decision was required as the Parish Council had objected on the grounds of it being out of character with the street scene, overdevelopment and overlooking to the neighbours. The Parish Council's concerns were noted; however, the surrounding area contained a variety of dwellings of different sizes and architectural styles and there was no predominant vernacular. The proposed bungalow would have a simple, low key, design with a pitched roof and simple fenestration. It was not considered the impact on the street scene would be detrimental given that the bungalow would be set well into the plot and would not be on a prominent corner. With regards to the overlooking to the neighbours to the north, there would only be windows at ground floor level in this single storey bungalow, so there would not be any harmful overlooking. Overall, the proposal was considered to be of an appropriate size and design that would respond to the local characteristics and would protect the amenity of existing and future occupants. The proposal was therefore in line for permission.

40.39 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application. The Officer recommendation was proposed and seconded. However, one of the local Members indicated that she could not support this application as the parking in this area was absolutely appalling and she could not understand how the Highways Authority were not objecting to this application. The situation was so bad that it was necessary to reverse out of the road as there was simply nowhere to turn around. The Chair indicated that he had some sympathy with this view, but a view had to be taken in light of the Highways Authority having raised no highway objections. Upon being put to the vote, it was

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

20/00847/FUL - 1 Wood Stanway Drive, Bishops Cleeve

40.40 The application was for the erection of single storey rear and side extensions.

40.41 The Planning Officer advised that this was a householder application for 1 Wood Stanway Drive. It was a detached property located on an estate in Bishops Cleeve. The proposal was to add a single storey rear extension and single storey potting shed structure on the side of the property, to connect the house and garage. A Committee determination was required as Bishops Cleeve Parish Council had objected to the proposal on the grounds of the choice of materials being out of keeping with the area. The Parish Council's concerns had been considered, however it was the view of Officers that, whilst the materials proposed would be unusual in the context of the property on an estate road, the harm this would cause would be outweighed by the fact that the extensions would lie in the rear garden and

would therefore not have an impact on the appearance or character of the street. It was considered that the proposal would not be harmful to the existing dwelling and would not result in an unacceptable impact upon the residential amenity of neighbouring dwellings or the character of the area, due to its size and position. It was therefore recommended that the application be permitted. Members would note, from the additional representations sheet, that the recommendation had changed from 'permit' to a 'delegated permit'. This was because it was felt necessary to put up another site notice on the road to the rear of the application site. As the site notice was put up at a relatively late stage, the date for responses did not expire until 26 November 2020 which was after the date of Planning Committee. The recommendation for a delegated permit allowed for that additional time.

- 40.42 The Chair indicated that there were no public speakers for this item and that the Officer recommendation was for a delegated permit. A Member sought clarification in respect of the delegated permit recommendation that had arisen from the need to display a Notice in Green Meadow Bank which was to the rear of the property; he questioned what would happen if the residents put in an objection resulting in the need for a Committee decision how could the recommendation then change. The Development Manager indicated that in the situation that an additional representation was made which fundamentally affected the Member decision and was a substantive planning issue that required further consideration, it would be brought back to the next available Committee. The delegation would only be exercised where there were no additional substantive planning reasons for an objection and that would be for the Development Manager to make a judgement on and, if necessary, the application would be brought back to Committee. The Officer recommendation of delegated permit was proposed and seconded. A Member questioned whether it was black wood that was being used on this extension and expressed the view that if it was she was in support of the views of Bishops Cleeve Parish Council that the materials were out of keeping with the area. The Planning Officer confirmed that it was black wood. Another Member questioned whether this was premature whilst comments on the application were still subject to consultation and asked whether there was any reason why the application could not be considered at the next Planning Committee when Members could be advised of the outcome of the consultation after it had closed. The Development Manager stated that, if Members were uncomfortable with the delegated permit, the option was open to defer the application but in terms of making the best time of Committee business and expediting the decision, particularly if no further objections were received, was it reasonable to delay the application further. In his view it would be unreasonable but indicated that it was a matter for the Committee to decide upon. The proposer of the motion indicated that he was perfectly satisfied with the advice from the Development Manager that the matter would come back to the Planning Committee if substantive planning objections were raised and therefore he could see no reason to delay the application.

- 40.43 Accordingly, the motion was put to the vote and it was

RESOLVED That permission be **DELEGATED** to the Development Manager in accordance with the Officer recommendation.

20/00375/FUL - 4 Bushcombe Close, Woodmancote

- 40.44 The application was for erection of a two-storey side extension, front / rear dormers and a garage.
- 40.45 The Planning Officer advised that the proposal was for a two-storey side extension, front and rear dormers and a garage at 4 Bushcombe Close, Woodmancote. The Planning Officer clarified that the latest plans for this application were those shown on Page 180 of the schedule and superseded the original plans shown on Page 179. A Committee decision was required as the Parish Council had objected on the grounds of the size of the extension being too large for the plot and out of keeping with the street scene. The Parish Council's concerns had been considered, however, there were several other properties in the close that had been extended. For example, a similar proposal was permitted at no 11 Bushcombe Close in 2016. There were a variety of different styles of dwelling in the close many of which had gables at the front. The proposal would result in a four-bedroom dormer style bungalow and there were several bungalows in the close that now had 4 bedrooms. The proposal was not therefore considered to be overdevelopment. Overall, the proposal was considered to be of a suitable size and design and would be in-keeping with this area. There would also not be a detrimental impact on the residential amenity of neighbours.
- 40.46 The Chair indicated that there were no public speakers for this item and that the Officer recommendation was to permit the application. A proposal in support of the Officer recommendation was made and this was seconded. The proposer noted that there were dormer windows on other properties further along the road and did not feel the proposal would make any difference to the street scene. A Member referred to the condition in relation to the first floor rear window serving the master bedroom which stated that it should be glazed in obscure glass and fixed permanently shut; she questioned whether this was actually practical and how it would be enforced. The Planning Officer indicated that the master bedroom would actually have an additional window at the front which would be clear glass and allow sufficient lighting and ventilation for the room which made this a practical proposition. In terms of enforcement, the Development Manager indicated that he was sure residents in the locality would undertake the policing role and the enforcement team would be notified of any non-compliance issues. The motion was put to the vote and it was

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

19/01084/OUT - Land To The North Fleet Lane, Twynning

- 40.47 A Member sought information as to why this application had been withdrawn from the agenda and the Development Manager indicated that the inclusion on the Agenda was probably a little ambitious in terms of the timing of putting the Agenda together which had changed to accommodate the way the Committee took place currently. In addition, the applicant had requested more time to submit further information and in the circumstances it was considered fair and reasonable to accept that request. The Development Manager anticipated that the application would now come before the December Committee.

PL.41 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

41.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 181-183. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

41.2 It was

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

41.3 A Member asked to be notified of any appeals taking place on line and to receive a link to observe the proceedings.

The meeting closed at 1:50 pm

ADDITIONAL REPRESENTATIONS SHEET

Date: 17th November 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.

Item No	
5b	<p>20/00140/OUT</p> <p>Land Off A38, Coombe Hill, Gloucester, Gloucestershire</p> <p>A further letter has been received from a County Councillor which is attached in full.</p>
5c	<p>20/00636/OUT</p> <p>Parcel 4967 Opposite, Cherry Orchard Lane, Twynning, Tewkesbury, Gloucestershire</p> <p>8 additional letters of representation have been received. However, no additional matters have been raised that have not already been addressed in the Committee report.</p> <p>Members have been sent a letter by the applicant's agent, which suggests that the Great Crested Newt (GCN) surveys undertaken to date are sufficient for the purposes of determining the application. It is therefore proposed to wait until full planning permission is in place to update the mitigation strategy for a mitigation licence application.</p> <p>Following further consultation with the Council's ecology consultant, it is advised that this approach is not acceptable as it would not be possible to condition any additional surveys following the grant of planning permission. Updated GCN survey information would therefore be needed prior to the determination of the application, which would be used to update the GCN mitigation recommendations. Without this updated information, it is not possible to determine whether the proposed development would have an acceptable impact on Great Crested Newts.</p>
5d	<p>19/00404/FUL</p> <p>Land rear of Grove View, Market Lane, Greet, Cheltenham, Gloucestershire, GL54 5BL</p> <p>Change in officer recommendation to DELEGATED PERMIT</p> <p>Due to the change in site area a public re-consultation was issued on the 29.10.2020 by way of revised site notices and neighbour notifications. The Council's website indicated that the response date would be 03.12.2020. It is therefore recommended that permission is delegated to the Development Manager subject to no new substantive issues being raised before the end of the consultation period.</p> <p>Land contamination - land to the rear of the building</p> <p>The Council's land contamination consultant has advised that the recent testing to the land to the rear of the building (and associated spoil) does not indicate any significant potential contamination risks to human health or the wider area. Given this the land contamination consultant has recommended that no remedial treatment is required of these soils in this area.</p>

	<p>Further representations</p> <p>Late representations have been submitted by the applicant in support of their application, this document was also sent directly to members via email but have also been attached in full.</p> <p>Three letters of support have also been received, both reconfirming their support for the application as outline in their previous comments.</p> <p>Additionally, a further two letters of objection have been submitted, the first raises concerns regarding the policies used to assess the proposal; the second contains additional comments made by a local resident repeating previous objections to the scheme and the change in the site boundary.</p> <p>Notwithstanding the additional letters of support and objection, it is considered that the points raised have been covered in the Officers report and the recommendation is to delegate permission to the Development Manager as set out above, subject to the conditions set out in the officer report.</p>
5e	<p>20/00381/FUL</p> <p>Part Parcel 3359 , Bushcombe Lane, Woodmancote, Cheltenham, Gloucestershire,</p> <p>One letter of representation was received on 5th November 2020 with regard to the amended plans. The amendments do not cover the objector's previous concerns and their objection to the proposal remains.</p> <p>Additional comments were received from the Parish Council on the 11th November 2020 and uploaded to the website on the 13th November 2020. The comments in summary are as follows:</p> <p>The Parish Council consider that there are inaccuracies in para 7.3 and 7.4 of the Officer's report resulting in the conclusion 7.6.</p> <p>The Parish Council do not consider the site to be within the built-up area of the village and refer to previous appeals elsewhere in the vicinity.</p> <p>Nevertheless, officers had considered the appeal decisions referred to in making the recommendation. These two appeal sites differ significantly in their context to the site of the current application and in the Inspector's interpretation of infill development within the village.</p> <p>The Preferred Option Tewkesbury Borough Local Plan (PTBLP) under policy RES 2 defines settlement boundaries. This is addressed in a para 7.5 and 7.6 of the Officer's report and that the PTBLP can only be afforded moderate weight.</p> <p>The Officer acknowledges that the Parish Council is working on their neighbourhood development plan however, the plan is not yet "made" as such does not form part of the adopted development plan.</p>
5g	<p>20/00847/FUL</p> <p>1 Wood Stanway Drive, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8TL</p> <p>In order to give all neighbouring properties the opportunity to comment on the proposal, an additional site notice has been put up at the end of Green Meadow Bank which adjoins the rear boundary of the application site. The date on this site notice does not expire until 26/11/20 - after the date of planning committee.</p> <p>The recommendation has therefore been changed from Permit to 'Delegated Permit' to allow for sufficient time for appropriate consultation.</p>

Item 5b 20/00140/OUT - Land Off A38, Coombe Hill, Gloucester, Gloucestershire

*Late Representation for 20/00140/OUT
Planning Committee 17th November*

*Whilst I am aware of the recommendation to refuse this application and the lodged Appeal there are things here that need recording from the Committee determination
Firstly, this was originally to be a small site for just 40 dwellings, even then it was the worst site in those selected to be in the TBC Local Plan.*

Development on this site even at the lesser numbers than the 150 now proposed is ludicrous given both the historical flooding issues and the proposed access

It must be for the developer to mitigate the flood risk from this site to the surrounding area given we know through past work including surveys undertaken by both highways and your own drainage engineer that the local watercourses have no flow or capacity

This leads to a full network that is slow to drain given the low lying topography and its lack of suitable culverting to allow surface water to be safely removed from those properties and businesses at risk of flooding.

The risks here to the lower lying surrounding area and properties is considerable and unsustainable without considerable investment both onsite and offsite to mitigate for the generated runoff and must be included in a considerable CIL contribution

There is already a history of the area below the proposed development providing a basin for the existing greenfield runoff together with highway surface water from the A38 and the A4019

The current consultation into the Junction 10 project has revealed the limited improvements at the A38 traffic lights, in fact, despite the proposed changes Officers can confirm no more than holding the status quo following the proposed reconfiguration of the junction !!

This was made very clear in a presentation to the Parish Council only last week by Gloucestershire Highways

How can this proposal which could mean 200 plus vehicles attempting to join standing traffic on the A38 make sense particularly at those peak times which sees traffic standing past the proposed site access

This has to be the most ill conceived site for such a major development and it is difficult to see how it is merited or is even in the Local Plan

Whilst the problems the Borough Council has in relation to its lack of a 5 year Housing Land Supply are widely recognised and exploited this site should not provide a soft target for the developer !!

When this proposal comes to its appeal the Planning Authority must ensure that CIL levels are set at a level for drainage infrastructure beyond the site perimeters to compensate for the generated runoff and ensure the safety of the nearest properties and indeed the business park that is at risk of flooding in the future

Members will know of the expectations and Planning Law around not increasing flood risk elsewhere, again enhanced in the current White Paper that is being consulted on with an expectation of improved understanding and mitigation around flooding from all sources.

Whilst this application is recommended for refusal which is of course welcomed, these issues need to be given considerable weight and the need for a major CIL contribution by the developer to meet the enhanced drainage provision is a must

. County Councillor

Item 5d – 19/00404/FUL - Land rear of Grove View, Market Lane, Greet, Cheltenham, Gloucestershire

PLANNING LETTER REF 19/00404/FUL

Dear Sir/Madam,

Prior to the planning meeting on 18th August 2020 an intense 17 page document was submitted to the planning officer the day prior to the meeting. This resulted in the application being deferred to enable its contents to be reviewed. I have since addressed everything raised in the document to the planning officers satisfaction.

I would like to make the following comments about the objection document and would appreciate it if you could take them into consideration.

1. a) A neutral comment made requesting connection to the main drainage and sewerage should planning be permitted : **this has been clarified and confirmed as acceptable by Severn Trent Water Authority.**
b.) Other objections raised have all been addressed and satisfactory outcomes, that have been acceptable to the planning officer , have been achieved.
c.) The 'contaminated' land issues have resulted with sections in the surrounding area being retested, advice then taken from the experts in this field , **the report states no harm to human health found.**

2. a.) The majority of the objection document contained details related to a previous application, in an entirely different area and for an entirely different new build development (not conversion), and as such , has no comparison or relation to this existing application. I therefore feel it should not be discussed or referred to at all.

b.) Contrary to the objectors beliefs the building and majority of the area to which this application applies **DOES** benefit from a lawful development certificate for use as a builders yard, 7 days per week, 24 hours per day. It certainly **IS** accessed daily, and this I choose carefully, at present, as I am well aware of the noise and disturbance moving plant machinery and trailers can cause. I do not want to cause unnecessary disturbance to the immediate neighbours on either side of the access site, the objector **NOT** being one of them.

3. This development is to create a small one bed dwelling for my wife and I to live in. It has been in the planning process since December 2018 when we first carried out pre-application advice. It is a conversion, not a new build. Policy allows for this. The development would result in the cessation of the lawful builders storage yard use which would bring about the benefits as the supporters recognise at para 5.2 of the committee report.

The committee report is comprehensive and I sincerely hope that, after listening to the explanations and discussions of why this application should be granted in the committee report and committee on 17th November, it will enable you to follow your planning officers advice and vote to approve it.

Thankyou