

TEWKESBURY BOROUGH COUNCIL

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

PL.42 ANNOUNCEMENTS

- 42.1 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.
- 42.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 43.1 An apology for absence was received from Councillor L A Gerrard. There were no substitutions for the meeting.
- 43.2 The Chair took the opportunity to remember Anna Hollaway who had been a Member of the Planning Committee but had sadly passed away. He indicated that she and her family were very much in the thoughts of the Committee.

PL.44 DECLARATIONS OF INTEREST

- 44.1 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.
- 44.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5 (b) Tree Preservation Order 404 Land	Is a Member of Churchdown Parish Council but has	Would speak and vote

	adjacent 25 Paynes Pitch	taken no part in this matter	
M L Jordan	Agenda Item 5(b) Tree Preservation Order 404 Land adjacent 25 Paynes Pitch	Is a Member of Churchdown Parish Council but has taken no part in this matter	Would speak and vote
R J G Smith	Agenda Item 5(b) Tree Preservation Order 404 – Land adjacent 25 Paynes Pitch	Is a Member of Churchdown Parish Council but has taken no part in this matter	Would speak and vote

44.3 Councillor M J Williams noted that Agenda Item 5e – 1 Down Hatherley Lane, Down Hatherley was in his Ward (Severn Vale South). There were no further declarations made on this occasion.

PL.45 MINUTES

45.1 The Minutes of the meeting held on 17 November 2020, copies of which had been circulated, were approved as a correct record.

PL.46 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

46.1 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.

20/00028/FUL - Part Parcel 0706, Old Pamington Road, Pamington

46.2 This application was for the formation of a biofertiliser lagoon with fenced enclosure and formation of access road with turning area.

46.3 The Planning Officer explained that the application, which was submitted in full, sought the installation of a lined and covered biofertiliser storage lagoon, bunds, fencing, associated means of access and landscaping including the removal of existing hedgerows on approximately a 0.8 hectare parcel of agricultural land to the east of the B4079. The lagoon would be used for the storage of biofertiliser produced by anaerobic digestion, including from the applicant's anaerobic digestion plant in Toddington. The application advised that the lagoon would be used by local agricultural enterprises to meet growing crops needs and during the open spreading season the fertiliser would be transferred to the adjoining land via an umbilical spreading system. The National Planning Policy Framework stated that planning policies and decisions should help create the conditions in which businesses could invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In respect of the rural economy, the National Planning Policy Framework also stated that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses and this lent weight in favour of the economic dimensions of sustainability as defined in the Framework. There would be some harm to the landscape arising from the proposal which was explained in the Committee report and that was a factor that weighed against the proposal in the overall planning balance, but the landscape impact was tempered by the site context, design

approach, landscape mitigation and by virtue that the application site was not identified as a 'valued' landscape in the development plan. Further to consultation with consultees, and subject to the imposition of suitable conditions, Officers considered there would be an acceptable impact relating to residential amenity, highway safety, flood risk and drainage, ecology and loss of hedgerows/vegetation. It was therefore concluded that the proposed development was generally supported in principle by the National Planning Policy Framework. Whilst there would be some impacts on the area, as identified, it was considered that the benefits of the proposal outweighed the harm and the application was therefore recommended for permission.

- 46.4 The Chair invited a representative of the applicant to address the Committee. He indicated that it was his role, as a senior manager in the business, to assist with the management of the company's waste treatment sites and national biofertilizer management operations, the latter of which was particularly relevant to the application before the Committee today. The representative thanked all of the relevant departments, regulators and the local community who had both commented and taken an interest in the proposal and expressed his gratitude to everyone including his company who demonstrated an ongoing commitment to local and national sustainability projects like the one before the Committee today. Whilst he acknowledged that the process to date had been a bit drawn out, he stressed that his company was completely sympathetic to peoples thoughts and concerns, however, it was felt strongly that this site was perfect for the development given the rural location and the direct access to the land where the biofertiliser would be applied. In addition, with only several campaigns operating each year, only minimal disruption would be created. The operation also worked within a closed environment with all mechanised parts and pumps situated on the lorries and not permanently aligned with the site. Over the last year, issues had been noted with fly tipping at the entrance to the site so the applicant offered complete commitment to the safety and security of the site, ensuring that any illegal activity in that regard was quashed. There would be complete commitment to high standards and landscaping and environmental and ecological improvement and diversity was at the core of what the business was all about. The applicant indicated that he could confidently and proudly reiterate that the company shared a common goal of focussing business efforts towards enhancing the environment, strengthening the economy and social wellbeing as a community. The planning application had been collated and submitted to develop a storage facility for liquid biofertiliser produced and certified by a local award-winning anaerobic digestion facility operator. As a company it currently managed approximately 600,000 tonnes of biofertiliser in both liquid and solid form with operations including the transportation, storage and spreading of biofertilisers. The other storage lagoons it had developed and operated mirrored the format and high standard of the one relating to the current application. Biofertilisers had been used in farming for over a hundred years and modern applications offered benefits of enhanced treatment, high levels of readily available nitrogen, trace elements and importantly organic matter. Soil health globally and locally was entering a state of emergency with desertification being a very real problem with over 50% of global topsoil's being depleted over the last 150 years. Restoring soil lost by erosion was an extremely moderate process and it could take 500 years for 2.5cm of soil to shape which, again, reiterated the need for biofertiliser application on our soils.

46.5 One of the local Member's for the application site noted that there had been quite a lot of objections from the local community particularly relating to odour, highway and environmental issues. She indicated that she wished to go through a few points detailed in the Committee report and check that sufficient conditions would be applied to the application should it be permitted. In particular, she wished to be assured of the ongoing commitment to maintaining this site in accordance with the Environment Agency requirements. She indicated that there were major concerns about contamination and runoff which could affect the habitat of the Great Crested Newts which were in the locality and were a protected species; it was feared that any water runoff would go into the local surrounding landscape. She referred to Page No. 33 of the Committee report which detailed the comments of the Environment Agency and particularly highlighted Paragraph 4.12 in relation to the containment lagoons and the development complying fully with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013; Paragraph 4.13 which recommended that a comprehensive Construction Quality Assurance Plan (CQA) be submitted to the authority based on the design considerations presented by a Structural Engineer; Paragraph 4.14 which recommended that the lagoons containing biologically degradable material would require an under drainage layer and sump and Paragraph 4.15 which recommended that consideration be given to provision of effective escape routes in the event a person fell into the lagoon. She questioned whether all these matters had been covered in the application together with the necessary maintenance going forward. In Paragraph 4.16, the Environment Agency was asking for prior notification of any new, reconstructed or enlarged slurry store, silage clamp or fuel stores and the Council's own Landscape Officer had concerns about the visual impact of the bund with a 2.4m fence on top and was suggesting that this should be controlled by planning condition. The Member noted that the application was being recommended for permit, as opposed to a delegated permit, and questioned whether sufficient conditions had been applied to ensure it would have minimal visual impact. She referred to previous instances where fencing had been put up after the event and it had not always looked good, therefore she required assurances that this would be adequately covered in the conditions applied to this application. She sought assurance that properties would not be affected by odour, she could see from the report that Teddington and Oxenton Villages had been considered but there were other isolated settlements along the A435 which included the travelling showmen's site and she wished to check that this development had been included in the assessment as to whether it could potentially be affected by odour from this application site. The Planning Officer indicated that, in terms of the Environment Agency comments, the proposal would be managed and had to be developed in accordance with the SSAFO Regulations 2010 and 2013 therefore the applicant had to comply with those standards. In terms of Paragraph 4.13, this related to earth banked lagoons where the banks were raised above ground level and the embankment slope was steeper than 1 in 2.5 but as the embankment structure in respect of this application would not exceed the 1 in 2.5 depth slope there was no requirement for a CQA; it was the case that the geo membrane light liners proposed were fairly robust and would be regularly inspected by the applicant and the application included, in the design and access statement, a leak detection system that would be put in place. However, ultimately should a leak occur, it would be a matter for the Environment Agency and Environmental Health to deal with and the Environment Agency would oversee the management under the SSAFO Regulations. In terms of odour impact on neighbouring properties, Environmental Health had been consulted on the application and was satisfied that there would not be any unacceptable impact on residents; that was not to say that there would not be some odour particularly when spreading was taking place but as this was an agricultural activity in any event it was not considered that the application would result in an adverse impact on receptors. In terms of the point on

fencing, it was recommended that a condition be imposed to control the details of the fencing. The Development Manager referred to the local Member's reference to a travelling showmen's site and clarified that the development to which she referred was in fact a gypsy site that had recently been granted planning permission and, although not shown on the plans, it was no nearer to the application site than other developments that had been assessed and found to be acceptable in terms of impact from this application. Further assurance was sought that the lagoon would only be used for bio mass waste and the Planning Officer stated that the application was for a biofertilizer lagoon for treated waste and that was the basis on which the application had been considered and would be determined.

46.6

It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. In seconding the motion the Member compared the application to how food waste was dealt with as he understood that there was a lagoon at Wingmoor Farm where the bi-product of the gas creation was stored before it was shipped out to various farms. In debating the motion one of the local Member's referred to the lagoon at Wingmoor Farm and the problems with odour, not only for those living in the local area but also for miles around. It was her view that the application site was not the right place for this lagoon as it would impact on local villages and there was also a potential impact on the Garden Town which would be coming forward in the future. She was not convinced that ongoing maintenance would ensure there would not be any contamination from runoff into the surrounding landscape and on that basis she could not support the application. Another Member referred to a similar lagoon in his village and explained that before the content was pumped onto the land, a tractor was used like a whisk to stir it up, this process went on for about 18 hours and created a smell in the village albeit something that the village was used to this would not be the case in the areas affected by this proposal and potential growth areas such as the Garden Town. Another Member referred to gas leakage from the lagoon and queried whether it would be covered to combat odours. The Planning Officer confirmed that there would be a floating cover coloured black to minimise the impact on the landscape. In terms of gas leakage another Member referred to Paragraph 4.14 of the Officer report which contained a comment from the Environment Agency as follows: "All geomembrane liners are susceptible to leakage which may allow biologically degradable material under the lagoon liner. Anaerobic conditions evolve gas which inflates the liner and allows more liquid to leak, generating more gas and further inflation of the liner until failure occurs. Therefore we recommend that lagoons containing biologically degradable material will require an under drainage layer and sump to allow collection of any leaked liquid and a system to vent any small quantities of gas evolved." On this basis she asked whether there was a condition attached that covered this recommendation from the Environment Agency. The Planning Officer indicated that currently there was not a condition specifically requesting those details, although the applicant had indicated that protection systems would be put in place so it would be possible to add a condition asking for the exact details but this would also be part of the role of the Environment Agency. The Chair enquired as to why such a condition had not been included and the Planning Officer indicated that, as the proposal would have to be developed in accordance with the Environment Agency guidelines, it was almost a double regulation but it was a condition that could be imposed to give the authority more certainty. One of the local Member's reiterated that this was her concern with this application as she did not feel that the conditions were robust enough to cover all of the issues that had been raised in the report in particular in relation to ongoing maintenance, and on that basis she could not support the application which she believed would have a fundamental affect on the area which abutted the Area of Outstanding Natural Beauty (AONB). She maintained that the conditions should cover all of the points raised by the Environment Agency on Page No. 33 of the report and also that of the Council's Landscape Officer to ensure that there were sufficient conditions that covered any eventuality of rainwater runoff that could

contaminate the local area and surrounding landscape. The Development Manager indicated that in terms of the issues raised by the Environment Agency set in Paragraphs 4.12 to 4.16 with the absence of the gradient of the bund and also the surface water runoff it was possible to look at the conditions to make sure that the planning permission would address the issues raised. He indicated that the view had been taken that those matters should be addressed through the legislation but he understood Members desire for greater certainty. He indicated that it would be an option for the Committee to delegate authority to him to make sure all those points were addressed by conditions and if he felt that this could not be achieved then the application would be brought back to Committee. The proposer and seconder of the motion to permit indicated that they were prepared to amend their motion to a delegated permit in order to encapsulate the conditions discussed. Further concern was expressed about the risk of pollution and damage to the environment due to inadequate monitoring and the Development Manager indicated that he was sure the local community and Members would be monitoring the situation and any concerns would be raised with the proper authorities to ensure the site was operated in the right way. Upon being put to the vote, it was

RESOLVED That permission be **DELEGATED** to the Development Manager subject to conditions being added to ensure the requirements of the Environment Agency are met as set out in Paragraphs 4.12 to 4.16 of the Officer report with the exception of conditions in relation to the gradient as the embankment slope was proposed to be less than the 1 in 2.5 gradient requiring a CQA Plan and surface water runoff.

20/00270/FUL - Overton Farm, Maisemore

- 46.7 This was a retrospective application for the erection of a cement storage silo at Overton Farm in Maisemore.
- 46.8 The Planning Officer advised that the application was for the retention of a silo. The silo was a cream coloured vertical steel tank 10.6 metres in height and was located in the utilities depot. The supporting statement had set out that the silo was essential to the applicant's trenching works to allow storage of cement at the site and to run a volumetric concrete lorry to supply concrete for the trenching works. A Committee decision was required as the Parish Council had objected on the grounds that there was an unacceptable visual intrusion into the landscape. Due to those concerns, a landscape assessment had been requested and submitted on 13 August. The landscape assessment stated that, although sited on a hill, the silo was located within an active established utilities depot and close to large scale agricultural buildings, where agricultural silos of similar scale and appearance were an accepted part of the farming landscape. The Council's Landscape Officer had been consulted and had concluded that, whilst there were clearly some views of the silo from points in the surrounding countryside, the impact on landscape character was minimal and the visual effect was restricted to glimpsed, filtered or longer distance views and did not significantly detract from the largely rural setting of the site. In terms of residential amenity, the nearest property was Woodcroft Cottage but due to the topography of the site and screening it was not considered that this property would be unduly affected by the application. Environmental Health had been consulted and following a request for further information was satisfied that there would be no undue impact. Overall, it was considered that the benefits the silo would bring to the efficient operation of the utilities depot would outweigh the harm to the landscape in this case and the recommendation was to permit.

46.9 The Chair invited the applicant's agent to address the Committee. She advised that the application was for a small but important item of plant to assist with the operation of the utilities depot at Overton Farm. The applicant had been based at Overton for over a decade and in that time had grown considerably now being a significant employer with over 400 staff members. The company was very conscious, not just of its role as a significant local employer, but also being a good neighbour in the local community and was active in sponsoring and providing assistance to local groups. The applicant took pride in ensuring his site operated to the highest standards and had undertaken extensive landscaping and improved site drainage works around the site. The company continued to grow and develop the business remaining conscious of the need for resilience in what was an essential industry, hence the need for the cement silo. The silo would allow the company greater flexibility in undertaking its streetworks and meant it would be able to use its own volumetric trucks avoiding using third party concrete plants which regularly did not work timewise in terms of getting concrete delivered when it was needed – this would mean the company would be able to undertake quicker and more efficient works thus minimising the duration of any roadworks. The silo was a simple structure comparable to agricultural silos and, although it was 10 metres high, it was a very slim structure with a diameter of only three metres. It sat in the middle of an extensive yard with various buildings and activities all around and was not something you would notice as you drove past the site on a day to day basis. In addition, there were a number of mature trees which were the features in the landscape that drew your eye, and there was a considerable amount of maturing landscape which screened the depot and the silo and this would only grow and hide the depot further.

46.10 It was proposed and seconded and, upon being put to the vote, it was

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

20/00182/FUL - 12 Sandown Road, Bishops Cleeve

46.11 This application was for the erection of a single storey rear extension and retention of front porch.

46.12 The Planning Officer explained that a Committee determination was required as the Parish Council had objected on the grounds that the porch was out of keeping with the dwelling itself and with neighbouring properties. The Parish Council's concerns had been noted; however, there were other similar porches along the road and on the housing estate, and a slightly smaller porch would also fall within permitted development. In addition, the applicant could have rendered the dwelling without permission so, overall, the proposal was considered to be of an acceptable size and design with no harm to the existing street scene.

46.13 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application. In proposing the Officer recommendation one of the local Member's indicated that, whilst the Parish Council had objected, a similar porch had been constructed three doors down from this application site and also, around the corner in Hardy Road, alterations involving the windows being changed and a porch added had been undertaken under permitted development rights. The other local Member for the area seconded the motion and it was

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

19/00594/FUL - 1 Down Hatherley Lane, Down Hatherley

- 46.14 This application was for a variation of condition 2 (approved plan schedule) of application 19/00006/FUL for alterations to elevations and floor plans to allow for provision of a first floor and alterations to fenestration.
- 46.15 The Planning Officer explained that the application related to No. 1 Down Hatherley Lane which was located along the southern side of the lane in Down Hatherley. The site comprised a semi-detached two storey dwelling with a pitched roof and was bound by residential properties to the north, east and south. Currently to the west of the site lay agricultural land; however, this formed part of the strategic allocation A1 Innsworth and Twigworth in the Joint Core Strategy and was shown to be housing and related infrastructure in the Joint Core Strategy indicative site layout proposal map. Planning permission at the site had been granted at the Planning Committee in April 2019 for the erection of a detached dwelling and associated works – planning reference 19/00006/FUL – and whilst that permission had not been implemented it was still extant. The application proposed changes to the design and scale of the dwelling as approved and had been submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of the original permission so as to amend the list of approved drawing numbers. The principal change from the approved scheme was the introduction of first floor accommodation to provide two bedrooms and a bathroom and, to facilitate the first floor accommodation, the ridge height of the eastern gable would increase by 0.9 metres with the depth increasing by 0.5 metres. In addition, two pitched dormer windows were proposed in replacement of two roof lights on the west facing roof slope. The overall length and eaves height of the dwelling would remain as approved. In terms of siting, the dwelling would not be located any closer to the boundaries. An assessment of the material considerations could be found at Pages No. 80-82 of the Officer's report and, as set out in the report, the principle of the erection of a single dwelling at the site had already been established through the grant of full planning permission. Officers considered the changes to the design and scale of the dwelling as approved were acceptable, and accordingly it was recommended that the planning permission should be granted subject to the suggested conditions set out at Pages No. 83-85 of the Officer's report.
- 46.16 The Chair invited an objector to address the Committee. The objector indicated that he was the owner of the neighbouring property most affected by the application. The Parish Council had also objected and the property was on land outside of the Council's planning strategy; despite all of that the concerns appeared to be overridden in favour of the developer. The objector was of the view that this should be a full application rather than an amendment and it should not have been processed under Section 73 of the Town and Country Planning Act as it must not be used where there was a material change to the application and material included impact on neighbouring property. A change from one to two storeys and removal of the privacy of a neighbouring property were, by definition, material. He explained that he was objecting to the amendment to two storeys because a two storey house alongside his bungalow would remove the privacy in his rear garden and overbear his property by its size and presence. In her submission supporting the original approval, the Planning Officer had used the fact that the property was single storey as a supporting factor in making the impact on the surrounding property acceptable. That reasoning now seemed to have changed with the only consideration being light rather than overlooking. The length of the proposed property was 13 metres but, as the plot on Google Earth was approximately 17.9 metres, there would be a gap to each boundary of around two metres; this would have a massive impact on The Haven as, from the upper storey, the whole of The Haven's garden would be fully visible and the property would have imposed on it a building site a mere two metres away. The objector was of the view that the diagrammatic representation was fanciful as it was a congested

plot with three massive conifers on the east boundary line with trunks in the neighbouring property. It was not apparent whether this was a self-build and this was important as it should be reflected in the planning conditions. By definition, self-builds happened in the evening and weekends which would spoil the leisure of the neighbouring property and could result in an indefinite build period. The objector asked that the application be rejected because of the unacceptable impact on his property, the loss of privacy and the right to enjoy that property.

46.17

A Member explained why he could not support this application which were for the same reasons he had been unable to support the original application and had been well documented at that time. It had been his view, and he remained of that opinion, that this was piecemeal development of what was a bigger A1 strategic site which should be considered as a whole. Another Member referred to the concerns raised by the objector in relation to construction times and questioned whether it was possible to add a condition restricting the times during the day and weekends that construction could take place. The Planning Officer indicated that this was something that could be done although it was not general practice in circumstances such as these in terms of a single plot; someone could build a garage in their back garden under permitted development rights with no restriction on construction times and any resulting noise nuisance would be dealt with under different legislation. Equally, given the close proximity of this development to the neighbouring property it was possible to add a condition restricting construction hours. She suggested, and the Member agreed, that the hours 8am – 6pm Monday to Friday and 8am to 1pm on Saturday were in line with the norm and could be added to the conditions should the development be permitted. Another Member referred to the plans for the development and particularly the dormer windows which appeared to him to look out over open fields. He indicated that the objector had been very concerned about overlooking and he queried whether this would be the case. He maintained that if the objector lived at the Haven he could not see from the plans how this property would be overlooked although he acknowledged that the development would have an impact on the Haven. The Planning Officer confirmed the Member's understanding and drew attention to the site layout plan which showed where the windows would be in relation to the neighbouring properties. She confirmed that the objector lived at the Haven and with the aid of the plan she demonstrated that the dormer windows of the development would look out to the west overlooking the garden of the proposed development whilst the Haven was situated to the south of the development. There were two roof lights proposed on the rear elevation to the east and to prevent any overlooking of the property known as Applegarth, a condition was proposed to secure obscure glazing with limited opening. There were no windows on the south elevation that would overlook the Haven although potentially the dormer windows could look over the rear garden of that property but that type of linear positioning was not uncommon for residential development. The Member reminded the Committee that a permission for development on this site already existed and he proposed that the application be permitted in accordance with the Officer recommendation. The proposal was seconded. A discussion took place on the need to ensure that no further openings would be permitted under permitted development rights on the east elevation roof of the development in order to protect the amenity of Applegarth and the Planning Officer confirmed an additional condition to be added which would restrict such permitted development rights beyond the proposed two roof lights on the east elevation only.

46.18 During the discussion which ensued, a Member stated that whilst, she appreciated that a permission had already been granted for development on this plot, she was of the view that the changes to the original plans which were approved were substantial and she had a great deal of sympathy with the objector and the occupants of the surrounding houses. These houses were not at this point in time part of a linear development and neither did they want them to be; the addition of another floor to this development would greatly impact upon their lives and for these reasons she could not support this development. A Member referred to the debate that had taken place earlier concerning the addition of a condition restricting the hours of construction and sought clarification as to whether this was feasible bearing in mind the relaxation of construction hours put in place by the government in response to COVID-19 as he was aware that this had happened in respect of the development taking place at Innsworth. The Development Manager confirmed that there was now an application process in place which developers could go through which allowed for the loosening of construction times imposed by planning conditions. Nevertheless, if the Committee felt that it was necessary to put a condition on this development restricting construction times for the reasons explained earlier he felt that any loosening of such a condition would be resisted. However, he was mindful of the fact that a planning permission already existed on this plot without such a condition and therefore he questioned whether it would be reasonable to impose such a restriction for these revised proposals. In his view it was a moot point as to whether the changes were substantial in their entirety but, in terms of the construction phase, it was probably not substantially different in terms of the amount of time it would take to construct the dwelling so whilst it was possible to add a condition restricting construction times he questioned whether it would be reasonable in the absence of a restriction on the existing planning permission. The Member who had suggested the construction hours restriction indicated that she had been going to check whether the motion that had been proposed and seconded included the restriction on construction; she was of the view that as the original approved proposal was single storey and the application now in front of the Committee was two storey there would be considerable additional construction works resulting from the addition of a first floor and a condition to cover this should be added if at all possible. Another Member referred to the debate on removing permitted development rights for any further openings on the east elevation of the development to protect the amenity rights of Applegarth and queried whether permitted development rights should be removed for any openings on the south side of the development to protect the amenity rights of the Haven. The Development Manager stated that this was a matter for Members judgement should they wish to see a restriction in permitted development rights for the east and south elevations in respect of openings this was certainly something which could be included if Members considered this to be reasonable. The proposer and seconder indicated that they were happy to include within their motion the addition of conditions on restricted construction hours and the removal of permitted development rights for any openings on the south elevation of the dwelling and no further openings on the east elevation.

46.19 Upon being put to the vote, it was

RESOLVED

That, subject to the addition of a condition restricting construction times to 8am to 6pm Monday to Friday and 8am to 1pm on Saturday and the removal of permitted development rights for any openings on the south elevation and any additional openings on the east elevation, the application be **PERMITTED** in accordance with the Officer recommendation.

20/00598/FUL - Land Adjacent Springbank, Old Road, Southam

- 46.20 This application was for the proposed erection of a single dwelling, associated parking and landscaping.
- 46.21 The Planning Officer explained that the application related to a parcel of land adjacent to the property known as Springbank which was located along the eastern side of Old Road in Southam. The site comprised of an area of sloping lawn which currently formed the side garden of the host dwelling. The site was bound by residential properties to the north and south and by Cleeve Hill Road to the east beyond the existing fence and hedge. The site was located within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The application had been submitted in full and sought permission for the construction of a detached dwelling and associated parking and landscaping. The proposed dwelling would be located centrally on the plot in alignment with the host dwelling. The dwelling would appear two storey in height from the front elevation, though, due to the sloped nature of the site, the accommodation would be arranged over three floors. Planning permission had been granted in April 2020 for the erection of a single storey front extension and the construction of new dormer windows and roof lights to the host dwelling, Springbank. Those works had not yet commenced but the applicant intended to construct the new dwelling and carry out the approved extensions/alterations to Springbank at the same time therefore the new dwelling had been designed so as to reflect and compliment the scale, appearance and character of the host dwelling through the extensions and alterations. An assessment of the material considerations could be found on Pages 94 - 101 of the Officer's report. As set out in the report, Officers had identified no adverse impact of granting planning permission, therefore, in accordance with Paragraph 11 of the National Planning Policy Framework, the presumption in favour of sustainable development indicated that planning permission be granted. As detailed in the additional representations sheet, since writing the Committee report County Highways had reviewed the revised site layout plan which demonstrated the proposed visibility splays and had confirmed that they had no objections subject to conditions. On this basis the recommendation for delegated permit had been changed to permit with three additional conditions and informative notes as recommended by County Highways. The additional conditions and notes were listed in the additional representations sheet.
- 46.22 The Chair invited an objector to address the Committee. He advised that the photographs in the presentation which accompanied the Officer's report clearly showed the windows of Oaklands overlooking the site and demonstrated the loss of light that his family home would suffer from the proposed new dwelling. The proposal was to cram a new home into one end of the Springbank site, 10 metres from the windows serving Oaklands' primary living spaces – which was only 5-6 metres from the boundary. The section plan which accompanied the application, showed a flat level section but this was in fact not the case. As per the objector's letter of 7 October, the section drawing did not accurately represent the relationship between the dwellings, in particular the 25 degree line, and the impact on the living conditions and amenity afforded by Oaklands. This was due to the sloping nature of the site and the non-uniform ground floor levels of Oaklands. Nor did the plan reflect that site levels on the Oaklands/Dipping Well boundary differed by nearly four metres across the east-west axis which could be clearly seen in the Planning Officer's presentation. The plans for the proposed dwelling therefore did not reflect the overbearing awareness of the proposed building – as viewed from the garden and primary living spaces of Oaklands – which would result in the enjoyment of his home and garden being unacceptably impaired. As could be seen clearly from the plans, the first floor windows of Oaklands would overlook the garden in the proposed dwelling, and the proposed solution of subdividing the garden to provide a 'private amenity space' both acknowledged the issue and was a nonsense as it

would be unreasonable not to expect future occupiers to seek to remove. Again, the distance to the proposed dwelling was only 10 metres and this seemed contrary to the Council's own policy (SWDP21) which required that new developments should provide an adequate level of privacy. In addition, the rear windows of the proposed dwelling would overlook the south-east corner of Oaklands' private garden leading to a loss of privacy in the family's main outdoor space. The proposed development was within designated Green Belt and its right-angle orientation to Oaklands and Dipping Well, and proximity to Oaklands, as well as its cramped relationship to the existing dwellings meant that it was clearly not well-related to its neighbours and nor was it consistent with the spacious appearance of the surrounding area. The Parish Council objection used the term 'overdevelopment' and the objector felt this was an appropriate term in this case. The objector noted that Southam seemed to lack the basic facilities which would meet the definition of a village or service village as per the Joint Core Strategy and therefore it did not seem justifiable that the proposal should be viewed as 'infilling in villages' and the objector requested that the Committee did not grant permission to the proposal.

- 46.23 The Chair invited the applicant's agent to address the Committee. He explained that the Officer's report clearly set out that the principle of development in the location was considered acceptable in planning policy terms as the proposal represented infilling within a village as set out in Policy SD10 of the Joint Core Strategy. There was no doubt that the application was proposed on an underdeveloped plot which was well related to the existing built development. The application site was bound by residential development to the north, south and west and, although it was within the Green Belt, Paragraph 145 of the National Planning Policy Framework supported limited infilling in villages. Southam was definitely a village which even had its own village hall that benefited the community. Neighbouring concerns had been raised in relation to the potential impact on privacy of garden space of the new dwelling with potential overlooking from the Oaklands property so minor revisions had been made to include a fence and gate to the rear garden of the new house to reduce any perceived impact on privacy and to ensure there were no direct views into the private space by the rear patio doors. The objectors had raised further concerns that the occupants of the new house could choose to remove the fence but it was felt that someone wanting to impact on their own privacy in that way was nonsensical. The section drawing disproved the concerns regarding the perceived overbearing impact on Oaklands and demonstrated that the gable wall would only appear the same as that of a single storey dwelling when viewed from Oaklands. Furthermore, the gable wall was some 12 metres away from the rear windows of Oaklands which was very common place in housing developments. Although it was accepted that there would be some minor overshadowing of the extremities of the neighbours gardens at particular times of the day, that harm would not unduly affect the occupiers of the neighbouring properties. Overall, the supporter believed that the scheme proposals were in accordance with both the National Planning Policy Framework and local planning policy and it constituted a sustainable form of development and should therefore be supported and the Officer's recommendation for approval endorsed.
- 46.24 A Member indicated that looking at the plans for the lower ground floor it appeared to show that the only windows were to the lounge and bedroom and she wished to check that this was correct as it meant that there was a plant store utility room, bathroom and main hallway without any natural light coming through. The Planning Officer confirmed that the Member's interpretation of the plans was correct and explained that it was to do with the ground levels and in particular the lower ground level to the rear being dug into the ground so that there was no natural light. The Member then referred to the fact that on the previous application for development on this site permitted development rights had been removed for additional windows and whilst she appreciated this was not relevant to the lower ground level it was relevant to the upper ground floor and first floor particularly as the objector was

concerned about the loss of privacy. She questioned whether it was possible to remove permitted development rights for windows on the north elevation. The Planning Officer stated that although no openings were shown on the revised plans for the north elevation it would be possible to include the removal of permitted development rights for openings on the north elevation should permission for the development be granted. It was proposed that the application be permitted with the addition of the conditions suggested by County Highways and the removal of permitted development rights for openings on the north elevation and, upon being put to the vote, it was

RESOLVED That, subject to the addition of the conditions suggested by County Highways and the removal of permitted development rights for openings on the north elevation, the application be **PERMITTED** in accordance with the Officer report.

Tree Preservation Order 404 - Land Adjacent 25 Paynes Pitch

- 46.25 The Committee was asked to confirm Tree Preservation Order 404 without modification.
- 46.26 The Tree Officer explained that the proposal related to an emergency Tree Preservation Order that was served to protect a row of trees between 25 Paynes Pitch and Dunstan Glen. The emergency Tree Preservation Order was served due to the felling of nearly all the mature trees within 25 Paynes Pitch and subsequent concerns that the row of trees in question may also be under threat of being removed. The trees were clearly visible to the public and had high amenity value that contributed to the street scene. A planning application had since been received which showed a proposed entrance going through the row of protected trees and confirmation of the Order would ensure that the trees were a material consideration throughout the planning application process. For these reasons it was recommended that the Tree Preservation Order 404 be confirmed without modification.
- 46.27 The Chair invited an objector to address the Committee. The objector, who was a Chartered Arboriculturist and a Professional Member of the Arboricultural Association, felt that the decision of whether to confirm the Tree Preservation Order was completely separate from any planning application issues relating to the adjacent land and the key issue at stake was whether each of the trees was really worthy of a Tree Preservation Order. He believed that the trees, in most cases, were not good enough and provided examples that there was an ash tree that had been severely lopped and topped in the past so that it was now misshapen and, in addition, it had been inspected earlier in the year and had shown symptoms of ash-dieback disease which was likely to prove fatal; there was a large leyland cypress tree which was quite clearly outgrowing its available space and was going to get a lot bigger relatively quickly; and there were young self-set sycamore and ash trees which had grown up close to one another and were relatively tall and thin which only had short-term viability. In his professional opinion, there was only one tree that just might merit a Tree Preservation Order and that was a medium sized sycamore that had previously been topped and whose three main limbs were stitched together by an old and taut system of supporting cables. The objector asked that Members be mindful of several considerations: whether a Tree Preservation Order was necessary at all, especially given that the trees were all outside of the curtilage of 25 Paynes Pitch so were not under any immediate threat, and, even though there was a planning application pending determination, the Council could achieve effective tree retention through the normal planning processes either via collaboration or conditions; also, whether it would be reasonable to refuse a future Tree Preservation Order application to fell some of those low quality trees and whether such a decision could be justified to the Planning Inspectorate. He asked Members

to either not confirm the Tree Preservation Order or to give serious consideration to ensuring that it was confirmed with modifications so that it only applied to the trees that were of good enough quality.

- 46.28 The Chair invited a supporter to address the meeting. The supporter began by endorsing the report of the Tree Officer which represented the thoughts of residents in a clear and concise manner. He went on to advise that he was addressing the Committee as a spokesperson for the residents of Dunstan Glen, Churchdown, the wider village community and the two Tree Wardens who all wished to see the retention of the Tree Preservation Order. The area of the Tree Preservation Order formed the boundary of the adjacent property of 25 Paynes Pitch known as Dunstan Lodge. In early July, developers had moved onto the Dunstan Lodge curtilage and felled all the trees which were not in a Conservation Area and were without Tree Preservation Order status. Contact was made with Tewkesbury Borough Council and within a week Tree Preservation Order 404 was placed upon the trees and hedgerow area – it was established because of the perceived risk of the trees being felled and the hedgerow being ‘grubbed out’ by developers. Within another week an objection was placed on the Order by the developers of Dunstan Lodge. In early November, the developers applied for full residential planning permission for Dunstan Lodge. In documents contained within the planning submission, the developers stated that the southern boundary fence between Dunstan Lodge and Dunstan Glen would be totally removed and that the land containing Tree Preservation Order 404 be incorporated within their development plans. In their submissions, the perceived risk had now become reality and it stated that the cypress and ash trees would be felled and 70% of the hedgerow grubbed out. The area of land serving Tree Preservation Order 404 had been managed by the residents of Dunstan Glen since 1985. The objector referred to the Secretary of State’s document ‘Tree Preservation Order Applications’ which stated that “in the Secretary of State’s view, Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they served to screen an eyesore or future development. Other factors, such as importance as a wildlife habitat, may be taken into account”. His view was that Tree Preservation Order 404 met all of those criteria and as such the existing Order should be retained until a proper planning application could be debated, voted upon and approved to ensure the long term survival of the vast majority of the existing trees and that the site was ultimately developed responsibly.
- 46.29 In proposing the Officer recommendation, a local Member indicated that, whilst the trees may not look particularly attractive to the outside world, they were very important to the residents of Churchdown, they had been there for a number of years and represented a landscape which the community wished to keep before it was taken away by developers. The Development Manager indicated that it had just been brought to his attention that a minor modification to the Order would be required. He indicated that it was a technical matter required by the legislation in that the Order needed to specify the number of trees of each species when it was a group Tree Preservation Order as was the case in this instance. He therefore suggested a slight change to the recommendation to confirm Tree Preservation Order 404 with modification to allow the Order to be updated to take account of this legislative requirement, but this would not change the overall effect of the recommendation. The proposer of the motion indicated that she was happy to accommodate this change within her proposal and this was seconded. The seconder of the motion went on to refer to instances within his own ward where he believed that hedgerow and trees subject to Tree Preservation Orders had been damaged deliberately by developers so that they could be removed; he questioned

how confident Officers were that this would not happen in this instance. The Development Manager stated that he was as confident as he ever could be in these situations; a Tree Preservation Order was a serious matter and it was an offence to wilfully undertake works to destroy trees that were subject to an Order and he hoped that a developer would do nothing to upset this. In this particular instance the land was not within the control of the developer who had submitted the neighbouring planning application so, again, he hoped that this would provide some assurance to Members. Another Member questioned what the objector had said in relation to one of the trees subject to the Tree Preservation Order being a leylandii tree as he understood that such species could not be the subject of a Tree Preservation Order and if it was he could not understand why the Council would wish to preserve one of these trees. The Tree Officer explained that the emergency Tree Preservation Order had been placed on the whole group of trees because of the visual amenity provided by the group of trees as a whole. Another Member indicated in a similar vein that the objector had referred to the group of trees including Ash Trees and had suggested that they were showing symptoms of Ash-Dieback disease; he had had such trees on his land bordering the A46 and had been asked to remove them for safety reasons. On this basis he was concerned that the Committee was being asked to preserve a group of trees, that included diseased trees amongst them, which were not worthy of retention. The Development Manager indicated that, in terms of the point made about the leylandii, it was his view that as an individual tree and species it would not normally be protected but where it formed part of a group that had value as a group then it would be appropriate to do so. In terms of trees showing symptoms of Ash-Dieback the Development Manager was not aware of any particular trees being at risk at this particular time but should any trees reach the position that they presented a danger the Tree Preservation legislation allowed for works to be carried out to make them safe and should it be necessary to take them down to achieve this then again this was covered by the legislation without prejudice to the owner of the trees. Another Member expressed concern about preserving a group of trees that included leylandii as they were known to grow extremely quickly and to a great height. On this basis it was proposed that this item be deferred to allow the Committee to have a good look at what trees were included in the group as the Committee papers simply referred to a group of trees. The Committee had been told by an expert, who had detailed his qualification, that many of the trees in this group were not worth preserving and he wondered whether the Tree Preservation Order system was being used inappropriately to place barriers in the path of the property developer and manoeuvre the process in an unacceptable manner. The proposal to defer this application was seconded. At the invitation of the Development Manager the Tree Officer explained the implications of deferring the confirmation of the Order in that a Tree Preservation Order once made had to be confirmed within six months and if the Order was not confirmed at today's meeting then it ran out on 17 January 2021 and after that date the trees would no longer be protected. The proposer of the deferral motion expressed concerns about this matter not having been brought before the Committee earlier rather than being left until the eleventh hour and putting pressure on the Committee to make a decision. The Development Manager stressed that it was not the intention to put pressure on the Committee to make a decision but just to set out the facts and advise Members of what the implications of a deferral might be; the Committee was at liberty to make whatever decision it so wished but it needed to do so being aware of all of the facts and implications. The Chair sought to clarify the position in relation to his understanding that the confirmation was merely pending an application when the applicant could apply to remove some of the trees as part of the application and this was simply a mechanism to ensure that the whole group of trees were protected pending consideration of a planning application which he felt was a sensible thing to do. The Tree Officer clarified that a Tree Preservation Order did not prevent planning permission being granted but the local planning authority considered the risk to protected trees when deciding upon planning applications. Once detailed

planning consent was granted felling which was directly required to enable the development to go ahead may then be carried out. The emergency Tree Preservation Order was put in place because some felling had already taken place, confirmation of the Tree Preservation Order would mean that the trees would be a material consideration when the planning application was considered and in the meantime would afford the trees some protection. The proposer of the motion to defer indicated that he was more concerned about abuse of the Tree Preservation Order system by trying to protect trees, which an arboriculturist expert had stated were not worthy of protection, in order to achieve gains in some other direction. The Legal Advisor addressed the point about abuse of the system quoting from government guidance in relation to group trees protection which explicitly provided that “the group category should be used to protect groups of trees where the individual category would not be appropriate and the group’s overall impact and quality merits the protection”. Therefore the fact that there were particular trees that in themselves would not merit an individual Tree Preservation Order meant that this group way of protecting the trees was the legitimate way to deal with this matter. Should the trees be removed because they do not have any protection then they would not be a material consideration in the planning process as they would simply no longer be there. During the debate on the motion for deferral, one of the local Churchdown Member’s felt that it would be useful to give the Committee some insight into the setting of Dunstan Lodge which was a period property that was being demolished; all of the greenery on the site was well established albeit that it incorporated some less worthy trees they were part of the visual amenity as a whole. She stressed that the impact that these trees had on the area was absolutely priceless; Churchdown was a rural environment that was rapidly losing its rural nature and every effort should be made to preserve as much greenery and trees as possible especially in the light of the climate emergency situation. Whilst some people may consider the trees to be worthless to the residents of Churchdown they were a massive asset which should be protected. The proposer of the Motion to defer the confirmation of the Tree Preservation Order indicated that, in light of the advice of the Legal Adviser that this was a legitimate process to protect a group of trees regardless of what they are, he wished to withdraw his motion.

46.30 Accordingly, it was

RESOLVED That Tree Preservation Order 404 be **CONFIRMED** with modification to deal with the technical matters that had been raised by the Development Manager.

PL.47 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

47.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.109-119. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

47.2 A Member reminded the Committee that he had previously asked to be notified of any appeals taking place online and to be provided with a link in order to observe the proceedings. To date this had not happened and he sought assurance that it would happen in the future. The Development Manager apologised that the request to notify Members of when appeals were taking place had not happened in respect of the recent Gotherington appeal. He assured Members that a process would be in place for the Coombe Hill Appeal due to take place on the 19 January 2021. In response to a further question the Development Manager stated that all of the documentation on the Gotherington appeal was available on the planning public access system.

47.3 After consideration of the appeals report, it was
RESOLVED That the current appeals and appeal decisions update be
NOTED.

The meeting closed at 12:15 pm

**Agenda 5A
Planning Committee**

ADDITIONAL REPRESENTATIONS SHEET

Date: 15th December 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>TPO 404</p> <p>25 Paynes Pitch, Churchdown</p> <p>Late representation has been submitted by the objector. An addendum to the previously submitted TPO objection which I have responded to each point made as below:</p> <p>1.Many of the representations in support of the TPO that are listed in the Officer Report are not specifically relevant to the key issue being put before the Committee. This is whether or not all the trees in question are good enough in terms of quality and remaining life expectancy to merit protection in the interests of public visual amenity - as a 'group'.</p> <p>Officer response – The majority of the representations received mention the visual amenity the trees have on the area. The council have received nearly 50 representations in support of the TPO which would indicate that the trees have a public amenity value. The trees do not have to be of the highest quality and have scored fair within the Tree Evaluation Method. Their health is satisfactory and there is no reason why they cannot be retained. Being defined as 'fair' does not preclude a Tree Preservation Order being made on a tree(s).</p> <p>2. The Officer Report only responds to some aspects of the Objection Report (attached for further information). It does not fully explain the other aspects of the objection to the Committee. For example, the alternative option of confirming the TPO in a modified form to omit poor quality and unsustainable trees is simply not acknowledged as a possibility.</p> <p>Officer response – A response of the key objection reasons was summarised in the Officers report to committee under Section 3.0 Analysis.</p> <p>The key reasons that were stated in 6.2 Conclusion of the Objectors report (extract copied below) were:</p> <p>6.2.1 In my opinion it is not expedient in the interests of public visual amenity for the TPO to have been served. This is for the following key reasons:</p> <ul style="list-style-type: none"> • The larger, more prominent trees are generally of impaired structural form and appearance • The larger trees can only be retained in the longer term by means of repeated and disproportionately expensive management. • One larger ash tree will progressively decline due to effects of ash dieback disease. • All the trees are located outside 25 Paynes Patch and are therefore not under threat. As such, the TPO is not expedient. <p>With regards to the latter in point 2, to confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted.</p>

	<p>3. The Officer Report states that the trees have “high visual amenity”. However, it then contradicts itself somewhat by stating that a TEMPO (Tree Evaluation Method for Preservation Orders) assessment only indicates that the TPO might only be ‘defensible’. This clearly indicates that the trees only have ‘low/moderate’ visual amenity value at best.</p> <p>Officer response: Tree Evaluation Method for Preservation Orders (TEMPO) is a recognised method for evaluating trees for a TPO. The assessment resulted in a decision that the TPO was defensible this does not mean that the trees are of low visual amenity value. Particularly as the group of trees consists of large, medium and small trees clearly visible to the public. Therefore, it was expedient to make the TPO.</p> <p>4. Overall, it is not a reasonably proportionate response to protect the trees as a ‘group’ TPO. This is because many of the trees are low quality with short useful life expectancies. On this basis, Members may wish to consider whether any future TPO application to fell individual trees within the group could be reasonably refused by the Council? Could any such decision be robustly and credibly defended as an appeal to the Planning Inspectorate?</p> <p>Officer response: Future applications to fell trees subject to this TPO will be considered on their own merits and reasoning and this has no relevance to the confirming of the TPO.</p> <p>Recommendations to the Committee</p> <p>5. It is respectfully requested that the TPO is not confirmed for the reasons given in the original Objection Report. OR</p> <p>6. If Members are minded to confirm the TPO, please can they ensure that only suitable individual trees are protected? Such trees would have good individual public visual amenity value and a realistic useful life expectancy of at least 20 years (this equates to ‘moderate quality’ in terms of British Standards) are protected? This would mean that the TPO would still be confirmed but subject to modifications.</p> <p>Officer response: To confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted</p> <p>One further letter of support for the TPO has also been received. The letter mentions that the trees are a natural division and provides a natural wildlife area for birds and hedgehogs and for these environmental reasons the trees should not be removed</p>
<p>5f</p>	<p>20/00598/FUL</p> <p>Land Adjacent Springbank, Old Road, Southam, Cheltenham, Gloucestershire, GL52 3NN</p> <p>Officer Update</p> <p>Access and Highway Safety</p> <p>Since writing the committee report County Highways have reviewed the revised site layout plan, drawing no.101 Rev B, which demonstrates the proposed visibility splays. They have raised no objections to the proposal subject to recommended conditions.</p> <p>In terms of the visibility, to ensure suitable visibility between exiting vehicles from the widened site access, the existing boundary hedge which runs to the north of the site access to the northern boundary with the adjoining property, The Dipping Well, needs to be removed and replanted behind the site boundary, as defined by the red line on the submitted location plan. These works can be secured via condition.</p>

Revised Recommendation

Following receipt of the comments from County Highways as no highway objection has been raised the recommendation for the application is now **PERMIT**.

Ecology

Further to the information set out in paragraphs 7.39 to 7.41 of the committee report (found on page 100 of the agenda), following further discussion with an officer from NatureSpace, whilst noting the application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps, given the site consists of an existing garden, is entirely surrounded by existing houses, gardens and roads and the nearest suitable ponds are more than 250 metres away, officers consider the risk of GCN's being present on the site is low and therefore no further information is required from the applicant in this case. In light of this, the second informative note recommended on page 103 of the agenda, has been revised to reflect this change:

Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; or deliberately obstruct access to a resting or sheltering place without a licence. Planning consent for a development does not provide a defence against prosecution under these acts. Tewkesbury Borough Council operates a District Licence (DL) scheme for great crested newts (GCN). The DL remains an option should you wish to insure against the risk of finding GCN on site. The application site is located in a 'Red Zone' for GCN as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat - the most important areas for GCN. In this case the risk of encountering GCN on site is considered to be low because of the existing habitats and surrounding development. However, if a GCN is found on site, works would have to stop whilst a licence is sought (either by opting into the Council's District Licence or by seeking a standard site-based licence).

Condition Update

Additional conditions

County Highways have recommended the following conditions and informative note:

1. Notwithstanding the visibility splay details as shown on drawing no. 101 Rev B the development shall not begin until the boundary hedge north of the site access has been removed and replanted behind the site boundary, as defined by the red line on the location plan, between the site access and northern site boundary. Nothing shall thereafter be planted, erected and/or allowed to grow/stand 0.6m above the adjacent carriageway level on land 2.4m inside the site access centreline from the nearside carriageway edge north to the nearside carriageway edge adjacent to the northern boundary of the site.

Reason: In the interests of providing and maintaining visibility for highway safety.

2. The dwelling hereby permitted shall not be first occupied until the electric vehicle charging point, cycle parking, car parking and turning space have been provided as shown on drawing no. 101 Rev B. The cycle parking, car parking and turning space shall be maintained for those purposes for the duration of the development thereafter. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To ensure the provision and availability of adequate cycle and car parking and suitable electric vehicle charging.

3. Prior to the occupation of the dwelling hereby permitted, the widened vehicular access shall include drainage measures to prevent surface water run-off onto the highway.

Reason: In the interest of highway safety and minimising damage or disruption to the highway and road users.

Informative Note

The Local Highway Authority has no objection to the development subject to the applicant obtaining a section 184 licence. The construction of a altered access appears to require the extension of a verge crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant would therefore be required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

The above conditions and informative note are recommended in addition to the conditions/notes detailed on pages 101-103 of the agenda.