

7 December 2020

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 15 December 2020
<b>Time of Meeting</b>	10:00 am
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the <a href="#">Agenda publication</a> page immediately prior to the commencement of the meeting.</p>	

## Agenda

### 1. ANNOUNCEMENTS

### 2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

### 3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

### 4. MINUTES

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To approve the Minutes of the meeting held on 17 November 2020.



	Item	Page(s)
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) 20/00028/FUL - Part Parcel 0706, Old Pamington Road, Pamington</b>	30 - 49
	<b>PROPOSAL:</b> Formation of Biofertiliser Lagoon with fenced enclosure and formation of access road with turning area.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(b) Tree Preservation Order 404 - Land Adjacent 25 Paynes Pitch</b>	50 - 59
	<b>OFFICER RECOMMENDATION:</b> To confirm the Tree Preservation Order without modification.	
	<b>(c) 20/00270/FUL - Overton Farm, Maisemore</b>	60 - 70
	<b>PROPOSAL:</b> Retrospective application for the erection of a cement storage silo.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(d) 20/00182/FUL - 12 Sandown Road, Bishops Cleeve</b>	71 - 76
	<b>PROPOSAL:</b> Erection of a single storey rear extension and retention of front porch.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(e) 19/00594/FUL - 1 Down Hatherley Lane, Down Hatherley</b>	77 - 90
	<b>PROPOSAL:</b> 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.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(f) 20/00598/FUL - Land Adjacent Springbank, Old Road, Southam</b>	91 - 108
	<b>PROPOSAL:</b> Proposed erection of a single dwelling, associated parking and landscaping.	
	<b>OFFICER RECOMMENDATION:</b> Delegated permit.	
6.	<b>CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>	109 - 119
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

**DATE OF NEXT MEETING**  
**TUESDAY, 19 JANUARY 2021**

**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), L A Gerrard, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

**Substitution Arrangements**

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

**Recording of Meetings**

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded.

## 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:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
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:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
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.

Twynning 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 Twynning 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 Twynning. Its position would expose the risk of coalescing Twynning 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 Twynning 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. Twynning 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 Twynning. 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 Twynning 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 Twynning. 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 Twynning.

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 Twynning. 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, siting 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><b>20/00140/OUT</b></p> <p><b>Land Off A38, Coombe Hill, Gloucester, Gloucestershire</b></p> <p>A further letter has been received from a County Councillor which is <b>attached in full</b>.</p>
5c	<p><b>20/00636/OUT</b></p> <p><b>Parcel 4967 Opposite, Cherry Orchard Lane, Twynning, Tewkesbury, Gloucestershire</b></p> <p><b>8 additional letters of representation have been received.</b> However, no additional matters have been raised that have not already been addressed in the Committee report.</p> <p><b>Members have been sent a letter by the applicant's agent</b>, 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><b>Following further consultation with the Council's ecology consultant</b>, 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><b>19/00404/FUL</b></p> <p><b>Land rear of Grove View, Market Lane, Greet, Cheltenham, Gloucestershire, GL54 5BL</b></p> <p><b>Change in officer recommendation to DELEGATED PERMIT</b></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 <b>permission is delegated to the Development Manager subject to no new substantive issues being raised before the end of the consultation period.</b></p> <p><b>Land contamination - land to the rear of the building</b></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><b>Further representations</b></p> <p><b>Late representations have been submitted by the applicant in support of their application</b>, this document was also sent directly to members via email but have also been <b>attached in full</b>.</p> <p><b>Three letters of support have also been received</b>, both reconfirming their support for the application as outline in their previous comments.</p> <p><b>Additionally, a further two letters of objection have been submitted</b>, 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><b>20/00381/FUL</b></p> <p><b>Part Parcel 3359 , Bushcombe Lane, Woodmancote, Cheltenham, Gloucestershire,</b></p> <p><b>One letter of representation was received on 5th November 2020 with regard to the amended plans.</b> The amendments do not cover the objector's previous concerns and their objection to the proposal remains.</p> <p><b>Additional comments were received from the Parish Council</b> 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><b>20/00847/FUL</b></p> <p><b>1 Wood Stanway Drive, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8TL</b></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><b>The recommendation has therefore been changed from Permit to 'Delegated Permit'</b> 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  
Planing Committee 17<sup>th</sup> 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 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 18<sup>th</sup> 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 17<sup>th</sup> November, it will enable you to follow your planning officers advice and vote to approve it.

Thankyou

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	Part Parcel 0706 Old Pamington Road Pamington Tewkesbury Gloucestershire
<b>Application No:</b>	20/00028/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Oxenton
<b>Proposal:</b>	Formation of Biofertiliser Lagoon with fenced enclosure and formation of access road with turning area.
<b>Report by:</b>	Paul Instone
<b>Appendices:</b>	Site Location Plan LMM/032/03 Rev A Site Plan Proposed Lagoon and Access Road LMM/032/02 Proposed Landscape Layout LMM/032/04 Rev A
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is a circa 0.8 hectare parcel of agricultural land comprising of the western part of field which is used for arable crops. The site also includes an existing access to the south of the field onto the B4079, which also serve a highways depot. The site is relatively flat and includes existing hedgerow on the western edge of the site which adjoins the B4079.
- 1.2. The west of the site is bounded by the B4079, the north and east of the site is bounded by the remainder of the field beyond which are hedgerows and further agricultural land, and to the south of the site is a highways depot which is laid to hardstanding and access to this facility is currently closed off.
- 1.3. The site is in Flood Zone 1 and is not subject to any landscape designations in the development plan; however the Special Landscape Area as designated in the Local Plan Proposal Map lies approximately 100 metres to the east of the site beyond the A435 and the Cotswolds Area of Outstanding Natural Beauty (AONB) is approximately 320 metres to the east. There are no Public Rights of Way on the application site or within the adjoining field and the nearest public footpath is to the south of the existing access to the site off the B4079.
- 1.4. The application is submitted in full and seeks the installation of a lined and covered biofertiliser storage lagoon, bunds, fencing, associated means of access and landscaping including the removal of existing hedgerows.

- 1.5. 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 lagoon would enable biofertiliser to be stored during the closed period (typically October to January inclusive) for spreading nitrate organic manures under Nitrate Vulnerable Zones rules. The application advises that the lagoon will be used by local agricultural enterprises to meet growing crops needs and during the open spreading season the fertiliser will be transferred to the adjoining land via an umbilical spreading system.
- 1.6. A letter has been submitted with the application from an agricultural enterprise who farm 700 acres between Teddington Hands and Oxenton and over 2,000 acres in the surrounding area. The applicant has agreed to supply the agricultural enterprise with 4,000 tonnes of digestate per annum for the next 10 years which it is advised would bring financial savings and reduce the carbon footprint of the agricultural enterprises farming programme.
- 1.7. The layout of the design of the lagoon must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Any design must also be compliant with any Health & Safety requirements including appropriate perimeter security.
- 1.8. The lagoon would be formed by excavating 4000m<sup>3</sup> of ground material and using this to form earth banks. However, taking into account contouring to blend with the natural gradient of the land, approximately 4,500m<sup>3</sup> of spoil material would be needed to construct the lagoon and an additional 500m<sup>3</sup> of spoil required for construction would be delivered to the site.
- 1.9. Taken from the top of the perimeter banks the lagoon would extend to circa 50 metres by 37 metres and would be circa 4 metres deep relative to existing ground levels. The lagoon would be lined with an impermeable liner and a floating black coloured cover would lie above the biofertiliser. The cover prevents rainwater ingress to maximise storage capacity as well as minimising ammonia emissions and potential odour.
- 1.10. The perimeter bank surrounding the lagoon would be approximately 1.2 metres high and the outward facing gradient would range between 1:3 and 1:5. Beyond the embankment the application proposes the installation of a 2.4 metre high perimeter fence/gate which would enclose the site.
- 1.11. The application also proposes the construction of an access and turning area via a new 'spur' off the existing access which serves the highway depot from the B4079. The application necessitates the removal of hedgerow and vegetation in proximity to the junction of the B4079 on order to achieve the required visibility splay and construct the spur. The application also proposes new planting to the west of the lagoon/access road as well as in the southern section of the site.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 None

## **3.0 RELEVANT POLICY**

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- 3.3. Policies: SD6, SD7, SD9, SD14, INF1, INF2

**Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

- 3.4. Policies: LND2

**Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

- 3.5. Policies: LAN1, NAT1, NAT2, ENV3

- 3.6. **Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)**

- 3.7. **The First Protocol, Article 1 (Protection of Property)**

**4.0 CONSULTATIONS**

- 4.1. **Oxenton Parish Council** objection for the following reasons:

- 4.2. The site is far too close to one of the most dangerous road junctions in the locality. As a result of the latter, the proposed access could not be worse, especially given the possibility of considerable HGV movements. If HGVs are approaching the site from the South A435 junction they would be required turn right on to the site and cross the carriage way on one of the most dangerous bends on that road. Also, if turning right from the A435 into Seven bends from Teddington Hands direction that is also a very unsafe junction. If approaching from the North that puts more pressure on an already congested A46 and adds to heavy traffic past the quiet village of Pamington.
- 4.3. The odour problem is a distinct possibility and should be considered alongside the existing chicken farms in the vicinity. The impact of odours during charging and discharging should be considered alongside when the biofertiliser is contained.
- 4.4. No odour environmental management or environmental impact assessment has been submitted as part of the application.
- 4.5. Further information is required on the nature of the cover, and its proven effectiveness in other locations.
- 4.6. Tirlbrook is located approximately 100 metres from the site and surface water ground water seepage could contaminate water courses.
- 4.7. Great Crested Newts, which are protected species, are in this vicinity and the application could affect their habitat if it was contaminated.
- 4.8. Concerns are raised about the ownership of the site (officer note- a revised site location plan has subsequently been submitted confirming the applicant owns the field).
- 4.9. When the contents of the lagoon are spread at some stage, if this is near the village it would lead to more odours for Oxenton.
- 4.10. **Teddington and Alstone Parish Council** - As a neighbouring parish, are concerned about the possibility of unpleasant odours emanating from this site and therefore wish to fully support the objections from Oxenton Parish Council.

- 4.11. **Environment Agency** - The site of the proposed lagoon is located on the Charmouth Mudstone Formation which is considered to be 'unproductive'. We can provide the following advice to assist:
- 4.12. 1. The design of containment lagoons is a matter for the applicant's design engineer. The design should be based on the geology, hydrogeology and geotechnical aspects of the individual site. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013.
- 4.13. 2. The appropriate best practice guidance for lagoon structures is CIRIA report 759. This guidance states for earth banked lagoons where the banks are raised above ground level, where an embankment slope that is steeper than 1 in 2.5 is being considered then a Structural Engineer must be consulted regarding the design. Confirmation of the stability of the proposed structure design by the Structural Engineer at an early stage will inform the process. We would recommend that a comprehensive Construction Quality Assurance Plan (CQA) including supervision procedures and verification of slope gradient and compaction of material, is submitted for agreement by the Local Authority based on the design considerations presented by the Structural Engineer. Ultimately a CQA validation report with as-built drawings will be required to demonstrate that the biofertiliser storage lagoon has been properly constructed.
- 4.14. 3. 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.
- 4.15. 4. Any design must also be compliant with any Health & Safety requirements (e.g. perimeter security); and, we would recommend that consideration is given to provision of effective escape routes in the event a person falls into the lagoon.
- 4.16. Additionally, the developer must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores. The developer should send a completed WQE3 notification form to the Environment Agency before using the facility.
- 4.17. **Environmental Health** – No objection. The proposed method of transferring digestate into the proposed lagoon is in line with best practice. This, together with the proposed lagoon covering membrane should ensure that any odours from the lagoon will be minimised. This is not to say that there will be no odour emissions from the lagoon but given the distances to the nearest sensitive receptors and the nearest receptors in the path of the prevailing wind at Teddington I am of the opinion that any odour emissions should not adversely impact these receptors. In terms of potential odour from the periodic spreading activity, this is an established agricultural activity and not something that WRS would normally comment on. However, the applicants proposed umbilical trailing hose system again demonstrates best practice.
- 4.18. **County Highways Authority** – Further to the submission of additional information, no objection subject to conditions
- 4.19. **Local Lead Flood Authority** – No objection



- 4.20. **Landscape Advisor** – The extent of planting removal and proposed replacement on balance is probably acceptable. However, there is not sufficient information to approve a landscaping scheme at this point so we would need to have further detail for approval prior to construction including a full planting plan and planting schedule submitted with a careful selection of suitable native species. Concerns regarding the visual impact of the bund with a 2.4m fence on top, particularly the views from the west and the details of the fencing should be controlled by planning condition (Officer Note: The fencing would not be located on top of the bund). The Landscape Officer has also raised concerns about rainwater run off, whether permanent pumps would need to be located at site, and whether there is any chance of cross contamination from the digestate into the rainwater runoff, which could potentially impact on the surrounding landscape.
- 4.21. **Tree Officer** – No objection providing there is a condition that improves the retained hedgerows and replanting new ones as necessary
- 4.22. **Ecology Advisors** - No objection. The hedgerow to be removed is species poor and the mitigation is sufficient. The Ecology Advisors recommend the removal of hedgerow would need to adhere to the timings of nesting birds and recommend that any ongoing management is done outside of bird nesting season and if this is not practical then an ecologist must be consulted to carry out a check for nesting birds or supervise the works if the check cannot be completed thoroughly. Where possible recommend the improvement of the retaining hedgerows to enhance the area for foraging wildlife
- 4.23. **County Minerals and Waste** – No comments to make.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 28 days. 12 letters of objection have been received in response. The comments are summarised below
- The odour will impact on the residential amenity of residents particularly due to the direction of the prevailing wind towards Oxenton, Woolstone and Teddington.
  - The proposal would impact on future residents of Ashchurch Garden Town.
  - No evidence is presented how the proposed cover would mitigate against odour impact and how odours would be managed.
  - The proposal would release toxic odour gases.
  - The proposal would impact on the air quality of the area and may increase flies.
  - The proposal would release ammonia, hydrogen sulphide, carbon dioxide and methane which would cause health impacts, ecological damage and increase greenhouse gases.
  - The increased traffic and HGV's vehicles at the site entrance and on the surrounding road network would increase accidents on this dangerous stretch of road.
  - The cumulative impact of traffic, odour and health associated with the chicken farm at Starveall should be considered.
  - A similar vehicle routing plan should be implemented at the proposal as the chicken farm at Starveall.

- The slurry lagoon may contaminate Tirlbrook watercourse.
- The proposal may damage wildlife.
- The proposal may impact on health.
- The slurry lagoon is a safety hazard.
- The land should be reserved for a possible future relief road.
- The proposal will impact on house prices.
- Surrounding Parishes should have been directly informed of the proposal and the application more widely publicised.
- The site could flood.

## **6.0 POLICY CONTEXT**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

- 7.1. The proposal is not Schedule 1 development requiring mandatory EIA.
- 7.2. The proposal is to store PAS 110 fertiliser which is not classified as waste (it having been treated to standard that it is a useable product) however it could arguably still be described as 'sludge' in terms of interpreting Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.3. Column 1 (11(d)) Schedule 2 of the EIA Regulations states that when the area of deposit or storage of sludge exceeds the applicable threshold of 0.5 hectares or a deposit is to be made within 100 metres of any controlled waters the development is classified as a 'Schedule 2 Development'.

- 7.4. The area of storage extends to approximately 1,850 sq m and Tirl Brook is located approximately 250 metres to the east and therefore the proposal is not Schedule 2 development.
- 7.5. Thus it is considered that the development proposals do not require an Environmental Statement.

#### **Principle of Development**

- 7.6. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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 to the rural economy paragraph 83 of the NPPF states that planning decisions should, inter alia, enable the development and diversification of agricultural and other land-based rural businesses.
- 7.7. The broad principle of the proposals is therefore considered to be acceptable subject to the overall planning balance taking into account the material planning considerations.

#### **Landscape Impact and Loss of Hedgerows**

- 7.8. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
- 7.9. - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.10. The application site is not identified as a 'valued' landscape in the development plan.
- 7.11. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.12. In terms of the existing landscape, the application site is located within a flat arable landscape, with hedgerows and thickets of trees. However, the site itself, is viewed in the context of the highway depot and its associated access to the south, which diminishes the rural character of the site particularly when viewed from the B4079.
- 7.13. Valued landscapes including both the AONB and the designated Special Landscape Area lie approximately 100 metres and 320 metres to the east of the site respectively on rising ground. However more distant views of the site are screened and filtered by hedgerows and vegetation.
- 7.14. The application proposes the excavation of the lagoon, the creation of circa 1.2 metre high bunds, security fencing and the associated access. The cover on the lagoon would be black and it is recommended that a planning condition is imposed retaining the colour of the cover as black in perpetuity. The application does not propose any other external plant and all the pumps to suck up the materials are on the vehicles (lorry or tractor).

- 7.15. In order to facilitate the access road visibility splays it would be necessary to remove approximately 97sqm of hedgerow and cut back some of the existing hedgerows in perpetuity to maintain visibility splays. Notably, some of this hedgerow management should already be in place in association with the use of the highway's depot. The application proposes the planting of 434 sqm of new vegetation to the west and east of the new access road between the lagoon and the B4079 as well as planting within existing gaps within the retained hedgerow adjacent to the B4079. It is recommended that a planning condition is imposed on the planning permission to control the species, density and location of the proposed landscaping plan.
- 7.16. Officers have carefully considered the landscape impact of the proposed development and consider that whilst the access road, fencing and bunds would encroach into the open countryside and cause some harm to the rural character of the area, the proposed development would be viewed in the context of the existing highways depot which would mitigate the harm. In addition the application proposes sufficient additional planting which would screen the proposed development from public vantage points particularly from the B4079 which would further mitigate the impact of the proposed development on the character of the landscape. The impact of the lagoon cover from more distant viewpoints within valued landscape areas would also be mitigated by the dark colour of the cover which would reduce the prominence.
- 7.17. In regard to the loss of the hedgerow, the Tree Officer has confirmed that the hedgerow which is proposed to be removed is classed as having low conservation value and that there is no objection providing there is a condition that improves the retained hedgerows and replanting new ones as necessary.
- 7.18. Overall, it is concluded that there would be some harm to the landscape arising from the proposal through development of the access road, fencing and bunds. However, it is considered that the proposed planting would provide effective mitigation given the low-lying nature of the site and the site context.
- 7.19. The harm to the landscape is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the landscaping scheme mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

### **Pollution Control, Residential Amenity and Local Amenity Considerations**

- 7.20. The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 8 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 91 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this, the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.
- 7.21. The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development.

- 7.22. It also makes clear at paragraph 183 that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 7.23. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring residents and result in no unacceptable levels of air, noise, water, light or soil pollution or odour either alone, or cumulatively, with respect to relevant national and EU limit values.
- 7.24. Article 8 of the Human Rights Act gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the Country in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 7.25. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Additionally, the developer must inform the Environment Agency before starting any construction work.
- 7.26. The Environment Agency has been consulted on the application and raise no objection and Environmental Health advise that the proposed method of transferring digestate into the proposed lagoon is in line with best practice. This, together with the proposed lagoon covering membrane should ensure that any odours from the lagoon will be minimised. This is not to say that there will be no odour emissions from the lagoon but given the distances to the nearest sensitive receptors and the nearest receptors in the path of the prevailing wind at Teddington, the Environmental Health Officer is of the opinion that any odour emissions should not adversely impact these receptors. In terms of potential odour from the periodic spreading activity, the Environmental Health Officer advises that this is an established agricultural activity and not something that would normally be commented on. However, the applicant's proposed umbilical trailing hose system again demonstrates best practice
- 7.27. There have been a number of objections to the proposal on the grounds of potential smell, odour and gas emissions. The application site is located in a relatively remote rural location with the nearest dwellings being located in Oxenton located approximately 650 metres to the south east, whilst the nearest dwellings in Pamington are located 1.2 km to the north west and the nearest dwellings in Teddington are circa 1.4 km to north east. There is also one isolated dwelling to the east of the of the B4079 located approximately 750 metres to the north west.
- 7.28. Having regard to the consultation responses from Environmental Health and the Environment Agency, and taking into account the separation distance between the application site and residential receptors, it is considered that the proposed development would not give rise to an unacceptable impact on residential amenity by reason of odour and other emissions. In addition, due to the separation distance, it is not considered that sources of noise arising from vehicle movements and other operations would give rise to an unacceptable impact on residential amenity.
- 7.29. Any complaints arising from the spreading of the bio-fertiliser would be dealt with under the provisions of the Environmental Protection Act 1990, Statutory Nuisance.

- 7.30. In conclusion taking into account the relative remoteness of the application site, it is considered that the impact on amenity would be acceptable and the proposed development does not conflict with the NPPF and policy SD14 of the JCS.

### **Access and Highways**

- 7.31. Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.
- 7.32. Access to the lagoon is proposed via the B4079 and a new 'spur' off the adjacent highway depot access road. A turning circle is proposed to allow HGVs to manoeuvre and turn and exit the site in forward gear.
- 7.33. Once construction is completed, the applicant will begin filling the lagoon. Typical deliveries will be made using HGV artic tankers with 50m<sup>3</sup> holding capacity. To fill the lagoon to working capacity will take approximately 80 HGV loads. Over a six-month period, this will equate to approximately 3 deliveries of digestate per week. Given the nature of the operations, it is estimated that one delivery will be made once every two days; Monday – Saturday. The applicant advises that there will be no HGV movements to and from the site between 1st March and 1st October.
- 7.34. The County Highways Authority has been consulted on the application and advise that a robust assessment of the planning application has been undertaken. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, subject to the imposition of conditions on the planning permission.
- 7.35. In regard to the visibility splays, the Highways Authority advise that the planning application illustrates emerging visibility splays onto the B4079 are commensurate with vehicle speeds. However, there is observed existing boundary hedgerow planting within the visibility splays which is required to be cut back between the splays and the B4079 and maintained by the land owner.
- 7.36. In respect to junction design it is advised that the proposed site access give-way line is set back north of the existing kerb edge of Old Pamington Road between the B4079 and the highway yard. This will require construction details of alterations to Old Pamington Road connecting the site access junction with the B4079, such as including widened road surfacing and changes to kerb lines. These details would need to be set out on plans submitted and agreed by the planning authority in consultation with the County Highways Authority.
- 7.37. In conclusion, whilst the concerns of objectors are noted, it is considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and subject to conditions would accord with the NPPF and policy INF1 of the JCS.

### **Flood Risk and Drainage**

- 7.38. The site boundary comprises an area of approximately 0.8 hectares and is located within Environment Agency Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as being land having a low probability of flooding of less than 1 in 1,000 annual probability of river or sea flooding.
- 7.39. The NPPF states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 and when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. A site site-specific flood risk assessment is therefore not required for the proposed development.

- 7.40. Policy INF3 of the JCS requires new development to, where possible, contribute to a reduction in existing flood risk and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.41. Upon completion of the earthworks a 2.0mm impermeable liner would be installed. The application proposes to use water harvested on the surface of the lagoon, which would be pumped off and used for irrigation of surrounding fields. The LLFA advise that capacity between the cover of the lagoon and the bank full level will be adequate to attenuate rainfall volumes for any foreseeable storm event.
- 7.42. The LLFA have been consulted on the application and in light of the above, there is no objection to the application on flood risk/drainage grounds and it is considered that the proposal would accord with the NPPF and Policy INF2 of the Joint Core Strategy.

### **Ecology**

- 7.43. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); report
  - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
- 7.44. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.45. As part of the application an Ecological Assessment was submitted. The Assessment advises that the majority of habitats to be affected on the site are comprised of arable habitats which due to their temporary nature cannot be classed as a priority habitat and are of low conservation value due to the lack of permanent cover for wildlife they provide.
- 7.46. The most important habitats on site are the overgrown native species rich hedgerows to the north and south of the field which are proposed to be retained as part of the development with only a short section being removed at the corner of the site.
- 7.47. The Council's Ecological Advisors have been consulted on the application and advise that the hedgerow to be removed is species poor and the mitigation is sufficient, although removal works would need to adhere to the timings of nesting birds.
- 7.48. It is also a relevant consideration, that although the application proposed the loss of 96.9 sq metres of hedgerows/vegetation plus 151.3 sqm of trimming along the B4079 to achieve visibility splays, the application proposes 424 sqm of new vegetation to the west and east of the new access road, and between the lagoon and the B4079, as well as planting within existing gaps within the retained hedgerow adjacent to the B4079.

- 7.49. The concerns of objectors are noted regarding the possibly of contamination from the lagoon into surrounding watercourses, however the development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. The local planning authority should assume that this regulatory regime operates effectively. The Environment Agency has also not raised any objection in relation to groundwater protection.
- 7.50. Overall, taking account of all of the above it is considered that the proposal accords with the NPPF and Policy SD9 of the Joint Core Strategy.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

### **Benefits**

- 8.2. The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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 to the rural economy paragraph 83 of the NPPF states that planning decisions should, inter alia, enable the development and diversification of agricultural and other land-based rural businesses. This lends weight in favour of the economic dimensions of sustainability as defined in the NPPF.

### **Harms**

- 8.3. There would be some harm to the landscape arising from the proposal and this is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the site context, design approach, landscape mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

### **Neutral**

- 8.4. Subject to imposition of suitable conditions there would be an acceptable impact relating to residential amenity, highway safety, flood risk and drainage, ecology and loss of hedgerows/vegetation.

### **Conclusion**

- 8.5. It is concluded that the proposed development is generally supported in principle by the NPPF. Whilst there would be some impacts on the area as identified above, it is considered that the benefits of the proposal outweigh the harm in this case and the proposal is recommended for permission.

## **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- LMM/032/02 Site Plan Proposed Lagoon and Access Road
- LMM/032/04 Rev A Proposed Landscape Layout
- SK02 Rev B Site Access Visibility Assessment
- SK01 Rev B B4079 Junction Visibility Assessment
- Design and Access Statement prepared Land and Mineral Management dated 6<sup>th</sup> January 2020

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No works shall commence on site on the development hereby permitted until details of the permanent alterations works required to Old Pamington Road carriageway width, surfacing and alignment connecting the site access junction with it and onto the B4079 have been submitted in writing to the Local Planning Authority and no operational use of the site shall commence until the access has been provided in accordance with the approved details.

Reason: In the interest of highway safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before operational use.

4. The use hereby permitted shall not be commenced until the vehicular parking and turning and access road have been provided in accordance with the submitted plan LMM/032/02 and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety.

5. Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

6. Prior to the erection of the fencing hereby permitted, details of the fencing including the positions, design, materials, height, and type of fencing to be erected on site, including gates and warning signs, shall be submitted to and approved in writing by the local planning authority. All details shall be fully implemented and thereafter maintained as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason: In the interests of visual amenity

7. Prior to commencement of excavation of the lagoon hereby permitted a detailed landscaping and planting plan, in accordance with approved Proposed Landscape Layout LMM/032/04 Rev A, shall be submitted to and approved in writing by the local planning authority. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the locations, species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery for trees and hedgerows which are to be removed, and how those to be retained are to be protected during the course of development.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity and biodiversity.

8. All planting, seeding or turfing in the approved detailed landscaping and planting plan as approved by condition 7, shall be carried out in the first planting and seeding season following the completion of the access road and bunds, or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity and biodiversity

9. A permanent cover, as specified in the application supporting documentation, shall remain over the lagoon at all times, except for the purposes of allowing access for routine and emergency maintenance.

Reason: To protect local amenity

10. The permanent cover shall be coloured black unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity

11. No materials, goods, plant and machinery shall be stored on the application site at any time for the lifetime of the development

Reason: In the interests of visual amenity

12. No lighting shall be installed on the site unless the details have first been approved in writing by the Local Planning Authority

Reason: In the interests of visual amenity

13. Except where modified by any other conditions attached to this permission including conditions 7 and 8, the development shall be carried out in accordance with the Conclusion, Mitigation and Enhancements contained in Ecological Assessment Reference 6G/Eco AST.doc prepared by Wilder Ecology dated 6<sup>th</sup> August 2019

Reason: In the interests of biodiversity

#### **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

3. Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

#### 4. Construction Environmental Management Plan (CEMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

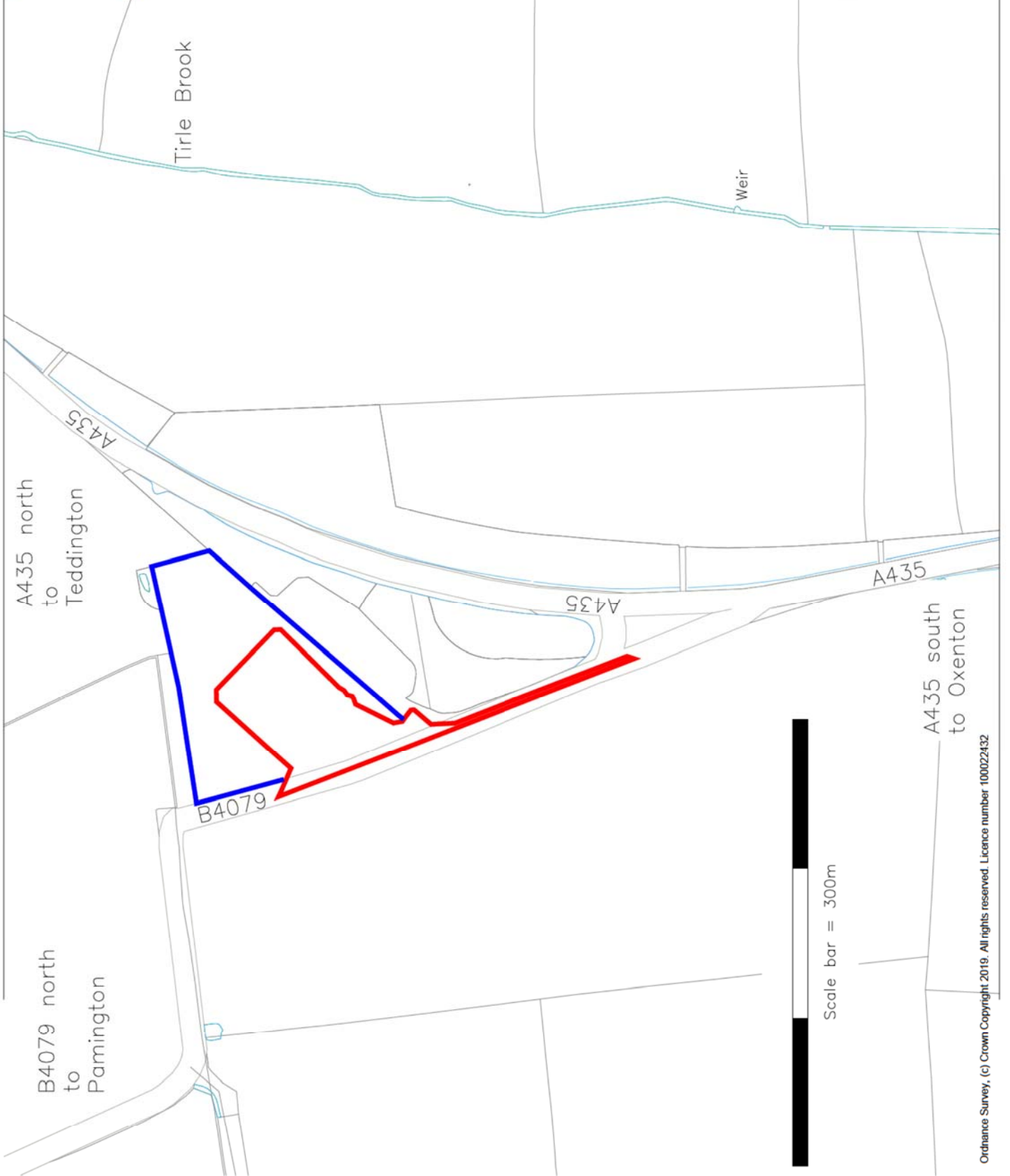
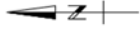
CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
  - Deliveries, waste, cranes, equipment, plant, works, visitors;
  - Size of construction vehicles;
  - The use of a consolidation operation or scheme for the delivery of materials and goods;
  - Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
  - Programming;
  - Waste management;
  - Construction methodology;
  - Shared deliveries;
  - Car sharing;
  - Travel planning;
  - Local workforce;
  - Parking facilities for staff and visitors;
  - On-site facilities;
  - A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;

- Any necessary temporary traffic management measures;
  - Measures to protect vulnerable road users (cyclists and pedestrians);
  - Arrangements for temporary facilities for any bus stops or routes;
  - Highway Condition survey;
  - Method of preventing mud being carried onto the highway; and Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
5. The developer must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed, the developer should send a completed WQE3 notification form to the Environment Agency before using the facility.

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 Notes:  
 1. This drawing should only be used for its original intended purpose.  
 2. Dimensions in metres unless otherwise stated.

Application boundary  
 Other land in applicant's control



Revision: A  
 Comment: Blue line added  
 Date: 24 Nov 20

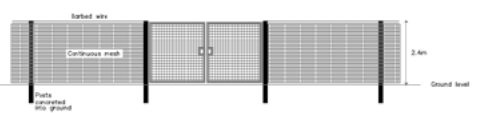
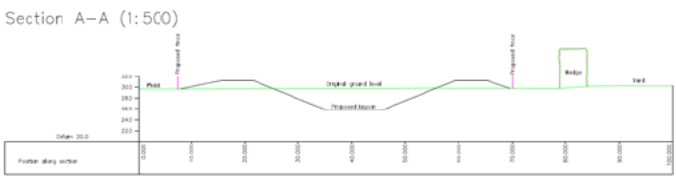
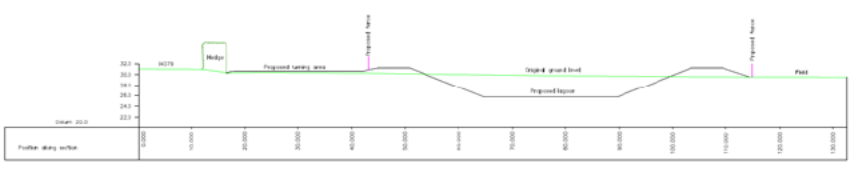
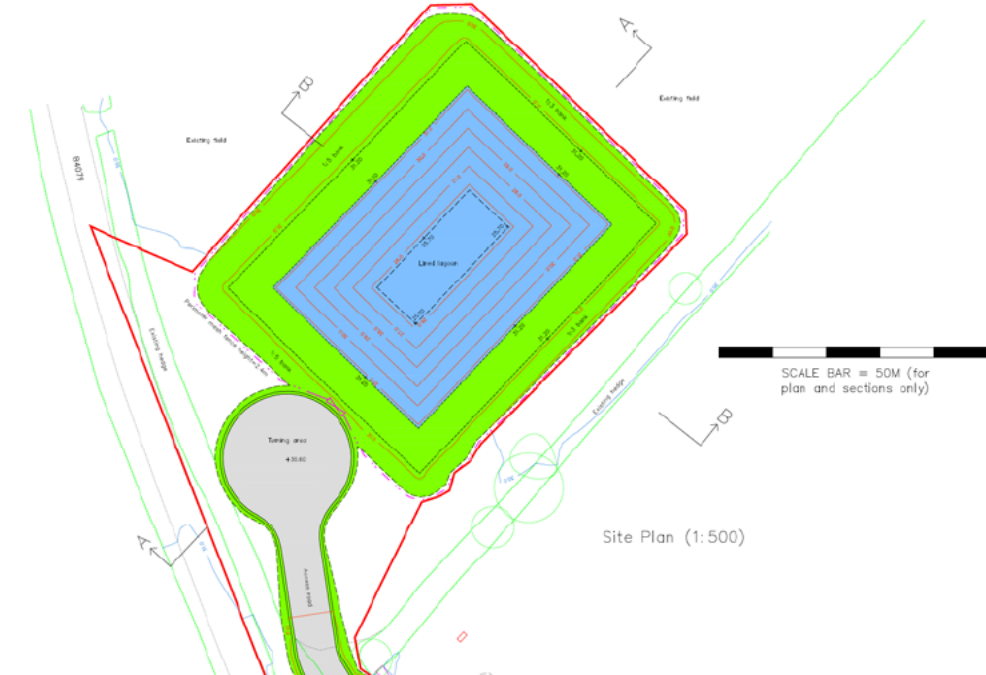
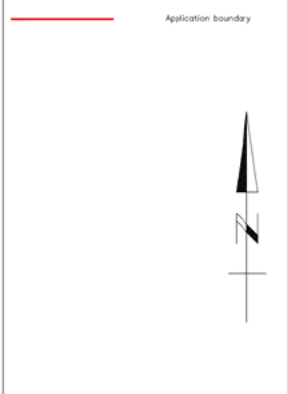
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Project: BIOFERTILISER LAGOON  
 Client: OXENTON

Drawing Title: LOCATION PLAN

Drawn Date	02/10/19	Surveyed Date	-
Scale	1:2500	Rev	(AT A3)
Drawing Number	LMM/032/03	Rev	A

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 Notes:  
 1. This drawing should only be used for its original intended purpose.  
 2. Critical dimensions, levels and clearances should be checked.  
 3. The client is reminded of their responsibilities under the CDM 2015 regulations.  
 4. Dimensions in metres unless otherwise stated.  
 5. This drawing was prepared for a planning application. It is not a construction phase drawing.

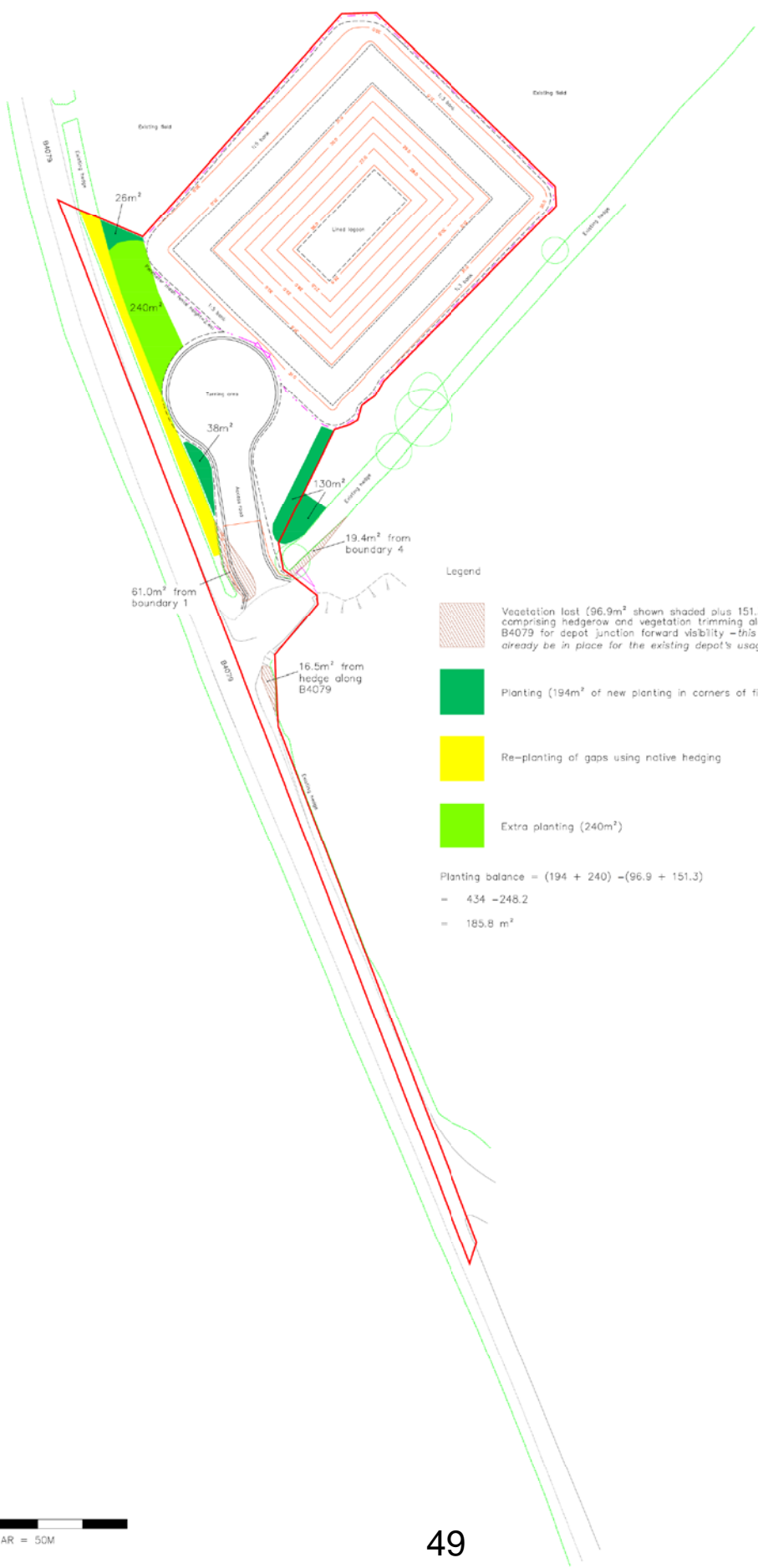


Typical fence elevation (1:100)  
 SCALE BAR = 10M (Fence details only)

Additional notes:  
 1. 10192 and datum relate to National Grid and OS datum heights (OSN15 and OSM15) established using network RTK GPS (Leica Smartree). The scale factor has been retained.  
 2. See topographical survey drawing for further information.  
 3. Checks should be made with the relevant bodies to ascertain if underground services cross the field area near the proposed works.

Revision	Comment	Date
<b>ALAN WADE            SITE ENGINEERING            LIMITED</b> <small>LAND SURVEYS AND VOLUMETRIC CALCULATIONS FOR EARTHMOVING OPERATIONS</small> 32 HIGH STREET CLAVESHAM WOXTON BS49 4NE TEL: 01934 835903 <small>REGISTERED IN ENGLAND AND WALES (COMPANY NO. 02051468) (VAT NO. 953419) (LIMITED LIABILITY PARTNERSHIP)</small>		
Project BIOFERTILISER LAGOON OXENTON		
Client [REDACTED]		
Drawing Title SITE PLAN PROPOSED LAGOON AND ACCESS ROAD		
Drawn Date	Surveyed Date	
01/10/19		
Scale	(AT A1)	
1:500 (unless noted otherwise)		
Drawing Number	Rev	
LMM/032/02	-	

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 Notes:  
 1. This drawing should only be used for its original intended purpose.  
 2. Critical dimensions, levels and clearances should be checked on site before construction work commences.  
 3. The client is reminded of their responsibilities under the CDM 2015 regulations.  
 4. Dimensions in metres unless otherwise stated.  
 5. This drawing was prepared for a planning application. It is not a construction phase drawing.  
 6. The landscape report and specification was supplied by LMM.



**Legend**

- Vegetation lost (96.9m<sup>2</sup> shown shaded plus 151.3m<sup>2</sup> comprising hedgerow and vegetation trimming along the B4079 for depot junction forward visibility – this should already be in place for the existing depot's usage).
- Planting (194m<sup>2</sup> of new planting in corners of field)
- Re-planting of gaps using native hedging
- Extra planting (240m<sup>2</sup>)

Planting balance = (194 + 240) – (96.9 + 151.3)  
 = 434 – 248.2  
 = 185.8 m<sup>2</sup>



A	Planting schedule removed	24 Nov 20
Revision	Comment	Date
<b>ALAN WADE SITE ENGINEERING LIMITED</b>		
<small>LAND SURVEYS AND VOLUMETRIC CALCULATIONS FOR EARTHWORK OPERATIONS surveys@awsel.co.uk REGISTERED IN ENGLAND AND WALES COMPANY NO. 12161188 (INCORPORATED IN GREAT BRITAIN) REGISTERED OFFICE: 10, WOODS ROAD, SOUTH OXFORD, OXFORD OX4 8JF, UK</small>		
Project BIOFERTILISER LAGOON OXENTON		
Client [REDACTED]		
Drawing Title PROPOSED LANDSCAPE LAYOUT		
Drawn Date 17/11/20	Surveyed Date	
Scale 1:500	(At A1)	
Drawing Number LMM/032/04	Rev A	



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	Land Adjacent 25 Paynes Pitch
<b>Application No:</b>	Tree Preservation Order 404
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Churchdown
<b>Report by:</b>	Mrs Gaynor Baldwin
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Land Registry Plan</li><li>2. Photographs</li><li>3. Copy of TPO 404</li></ol>
<b>Recommendation:</b>	To confirm the TPO without modification

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1 This Tree Preservation Order relates to a group of trees situated between Dunstan Glen and 25 Paynes Pitch, adjacent to the highway **which are marked as G1 on the attached TPO plan**.
- 1.2 This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 404, provides details of the objections to, and representations in support of, the making confirmation of the TPO, and explains why officers consider that the TPO should be confirmed.
- 1.3 The residential garden area of 25 Paynes Pitch was cleared of nearly all its mature trees in July 2020. No application was required as there were no Tree Preservation Orders on the trees, and they are not in a conservation area. There were concerns raised by the local community at the time with regards to the row of trees that run adjacent to 25 Paynes Pitch and Dunstan Glen as at the time it was speculated that there were plans for possible development of the area, although no planning application had been received.
- 1.4 Since the TPO was made, a planning application for the demolition of 25 Paynes Pitch and the erection of 6 no. dwellings and associated access has been submitted and is as yet undetermined (application reference 20/ 00956/FUL).
- 1.5 The row of trees in question are of a mixed species consisting of native and non-native trees. The trees are clearly visible to the public and have high amenity value contributing to the street scene.
- 1.6 In light of the above, a TPO was made to protect and safeguard a group of trees as it was considered that the trees were under threat of being felled due to the trees within 25 Paynes Pitch being cleared as it was unknown at the time what the intention was.

- 1.7 It is understood that the land on which the trees are located is not within 25 Paynes Pitch ownership; it is now believed this strip of land is unregistered as it falls just outside the boundary of 25 Paynes Pitch.
- 1.8 The Government's Planning Practice Guidance sets out that local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 1.9 Once made, a TPO provides protection for a period of six months, during which time the local planning authority is required to confirm the TPO to ensure it continues to have effect and protect the trees subject to it.

## **2.0 PUBLICITY AND REPRESENTATIONS**

- 2.1 The Tree Preservation Order was served on the land by being displayed, giving the required twenty eight days to make any representations. 43 emails of support from residents, Parish Council support and 2 emails of support from Churchdown Tree Wardens were received which are summarised below:

**Parish Council:** Refer to Churchdown and Innsworth Neighbourhood Development Plan which explicit provides in its 4 of its policies for the retention, protection and enhancement of green spaces and biodiversity habitats within the designated area. Refers to Policies CHIN2, CHIN3, CHIN9, CHIN10

### **Local Residents:**

- Objection report reflects negativity and not a great amount of positive constructive comments and is not unbiased in its assessments made.
- TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public.
- Replacement trees should the TPO trees be felled will take many years to offer a similar screen.
- There is established wildlife within the protected trees.
- Prudent to retain the TPO until such time that more information is available on the proposed development scheme to make informed decisions.
- Land has been managed by a local resident on behalf of the residents of Dunstan Glen and the wider community in Churchdown with no burden to the Council.
- Compatible with the aims and objects within Section 3.4 of the Churchdown and Innsworth Neighbourhood Plan 2018-2031.
- Felling trees have a negative impact on Climate Change.
- If planning is approved using the proposed access to the development trees will be felled. Having the TPO in place will minimise the tree loss.
- Area is loved by the residents especially the fruit trees and hedgehog paths.
- There is maximum visibility from both the road and the footpath which links Dunstan Glen to Paynes Pitch.
- Enhances the character of the area.
- Damson tree is unusual to find in suburban areas therefore relatively rare.
- There is maximum vulnerability/threat.
- There is high biodiversity, the trees support a variety of wildlife.
- Policies 3 and 10 of the Neighbourhood Plan refers to the retention of boundary trees, hedgerows, green corridors and orchard trees.
- Any development at 25 Paynes Pitch could use the existing gateway and driveway rather than felling the TPO 404 trees.
- Developers have already decimated most of the healthy trees at 25 Paynes Pitch there would be public outcry if these trees were felled.

- The trees provide screening and avoid the whole area becoming a green-less housing estate.
- The trees provide a wonderful impact on the environment and wellbeing and is greatly enjoyed by the residents.
- Beautiful landscape feature seen by many who use the public footpath.
- Do not want any further destruction to the environment in the proposed development area.
- The trees and surrounding hedgerows consistently provide a beacon of tranquillity in the built environment. It is not a patch of scrubland but a well-established area that provides a haven for wildlife.
- Importance of nature to our overall wellbeing.

2.2 One representation was submitted **objecting** to the TPO which is summarised as follows:

- 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 Pitch and are therefore not under threat. As such the TPO is not expedient.

### 3.0 ANALYSIS

- 3.1 The trees collectively appear to be in good health visually with no significant defects that would create cause for concern and have a healthy leaf foliage and covering. The trees have high amenity value as they are situated opposite the residential properties of Dunstan Glen and line the verge that leads to a public footpath that many residents use to cut through to Paynes Pitch. The trees have become even more important to the amenity of the area due to the felling of the mature trees within the residential curtilage of 25 Paynes Pitch **(photographs will be displayed at Committee).**
- 3.2 A group TPO has been used as the individual category would not be appropriate and the group's overall impact and quality merits protection. A Tree Evaluation Method for Preservation Orders (TEMPO) analysis has been carried out on the trees, giving a total score of 13 which states the decision as 'TPO defensible'.
- 3.3 The Order protects both visual amenity and valuable habitat. Any future grant of planning permission to develop the site could result in their part or complete removal. If the TPO is confirmed consideration will then have to be given to the trees contribution to the surrounding area through the assessment of any planning application but would not necessarily stop potential development.
- 3.4 The objector to the TPO has argued that the larger more prominent trees are generally of impaired structural form and appearance. Whilst this is acknowledged, it is not unusual for trees within an urban location to require management to allow for their retention. The trees are considered to have good vitality with good foliage which provide high amenity value and attractiveness within the street scene. The objector is also concerned that future maintenance costs would be disproportionately high, however this is not a matter for consideration when assessing the suitability of a TPO.
- 3.5 It is acknowledged that one of trees, an ash, may decline over time due to ash dieback disease, however if this is the case, and an application is required for its removal, a replacement tree can be secured which would retain the amenity value of the TPO as a whole.

- 3.6 Finally, it is understood that the trees fall outside the ownership of 25 Paynes Pitch and therefore outside the site of the planning application for 6 houses on the land. Nevertheless, there is a potential threat to the trees as a consequence of the proposed access.

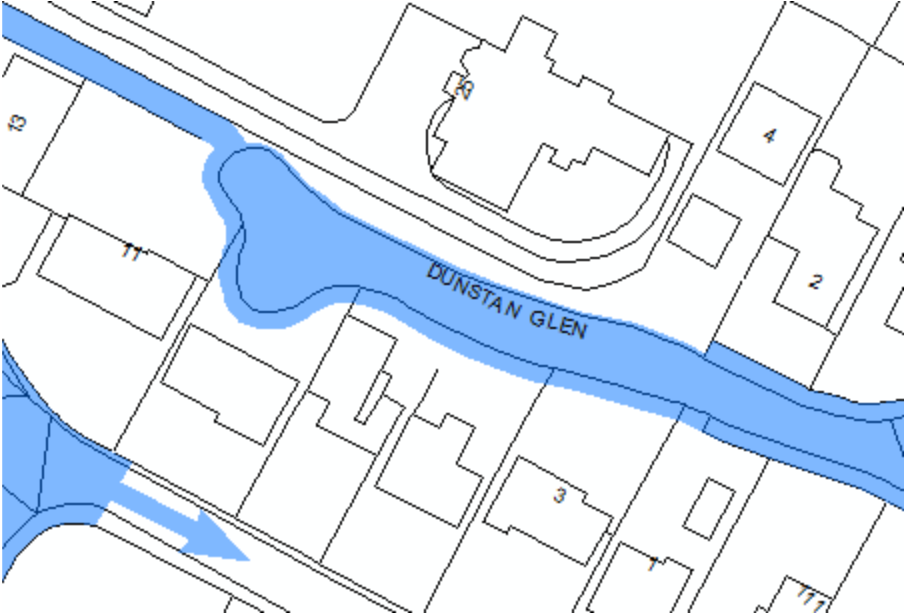
#### 4.0 CONCLUSION AND RECOMMENDATION

- 4.1 The removal of the trees would have a detrimental impact on the surrounding area and loss of an important habitat and confirming the TPO will offer some protection in retaining this important amenity. It is therefore recommended that TPO404 is **CONFIRMED**.

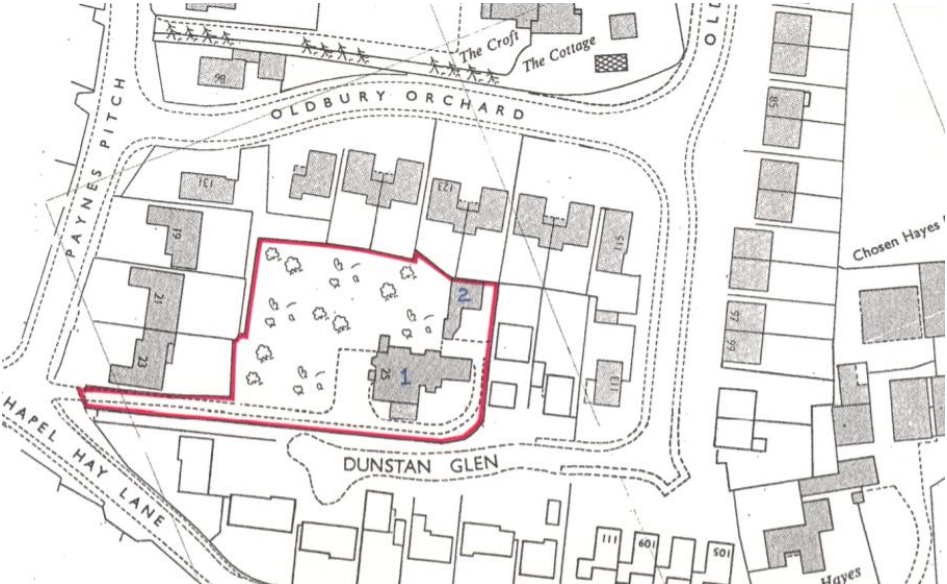
**Appendix A**

**Highways plan**

According to our records, and in the absence of rebutting evidence, the extent of the publicly maintainable highway in your area of interest is as shown coloured blue on the attached plan; so we only adopted a narrow strip on that frontage.



**Land registry plan 25 Paynes Pitch**



Appendix B

Google maps



Tree felling at 25 Paynes Pitch which instigated the emergency TPO 404





Dunstan Glen - Street Scene showing G1



## Appendix C – Tree Preservation Order 404

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TEWKESBURY BOROUGH COUNCIL (NO. 404)**  
**(25 PAYNES PITCH, CHURCHDOWN)**  
**TREE PRESERVATION ORDER 2020**

The Council for the Borough of Tewkesbury, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

### Citation

1. — This Order may be cited as **TEWKESBURY BOROUGH COUNCIL (NO. 404)**  
**(25 PAYNES PITCH, CHURCHDOWN), TREE PRESERVATION ORDER 2020**

### Interpretation

2. — (1) In this Order “the authority” means the Tewkesbury Borough Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

### Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

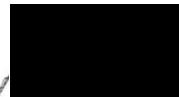
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

### Application to trees to be planted pursuant to a condition

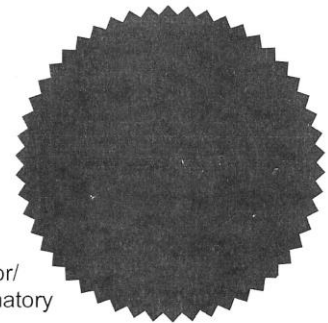
4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 17th day of July 2020

THE COMMON SEAL of the COUNCIL )  
FOR THE BOROUGH OF TEWKESBURY )  
was hereunto affixed in the presence of— )



Borough Solicitor/  
Authorised Signatory



11713



**SCHEDULE**  
**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Mixed species group	Refer to plan

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Tree Preservation Order 404  
25 Paynes Pitch  
Churchdown

N



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## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	Overton Farm Maisemore Gloucester Gloucestershire GL2 8HR
<b>Application No:</b>	20/00270/FUL
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Maisemore
<b>Proposal:</b>	Retrospective application for the erection of a cement storage silo.
<b>Report by:</b>	Mrs Sarah Barnes
<b>Appendices:</b>	Site Location Plan Site Plan Landscape Assessment Plan Landscape Context Plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to 'Overton Farm' located approximately 1.5km north of the village of Maisemore. The site covers approximately 2.4 hectares and is irregular in shape (see site location plan).
- 1.2. The current application is for the retention of a cement storage silo. The cement storage silo is located at the utilities depot which is situated in the middle of the site. The utilities depot is an open yard with various buildings, processing plants, areas for the storage of materials and equipment as well as parking areas for vehicles.
- 1.3. Access is gained from the A417. The site is not subject to any landscape, heritage or ecological designations and is located in Flood Zone 1. The utilities depot is generally well screened from public view, other than glimpsed views from the main public highway (A417). There is a public footpath (EMA6/2) along the north-eastern boundary of the site.
- 1.4. A committee decision is required as the Parish Council have objected on the grounds that there is an unacceptable visual intrusion into the landscape. The continued uncontrolled growth at Overton Farm must be resisted.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
89/91504/FUL	Extraction of clay and restoration to agriculture by the tipping of imported inert naturally occurring materials.	PER	01.03.1990
01/00815/FUL	Erection of three agricultural buildings	PER	19.03.2002
03/00684/FUL	Variation of condition 8 of planning permission 02/11001/0691/FUL to enable the amalgamation of office units 3 and 4	PER	09.07.2003
07/00131/FUL	Erection of entrance gates, improvement to road access and surfacing to field track (Retention of works).	PER	24.04.2007
13/00738/PDD	Conversion of offices into 6 dwellings.	CEGPD	03.09.2013
18/00766/FUL	Change of use to utilities depot, including ancillary recycling operations, retention of existing office/storage buildings as built, erection of new maintenance building, landscaping and drainage (part retrospective)	PER	26.03.2019

## 3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policy SD1 (Employment)

3.4. Policy SD4 (Design Requirements)

3.5. Policy SD6 (Landscape)

3.6. Policy SD14 (Health and Environmental Quality)

3.7. Policy INF1 (Transport)

### Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

### Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)

3.8. Article 8 (Right to Respect for Private and Family Life)

3.9. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

### **4.1. Parish Council – Object.**

The Parish Council have submitted a lengthy objection to the proposal which includes a series of photographs taken from 16 different locations along the A417 and Over Old Road. In summary the Parish consider there is an unacceptable visual intrusion into the landscape and this application must be refused. Furthermore, that the continued uncontrolled growth at Overton Farm must be resisted.

### **4.2. Environmental Health – No objections.**

### **4.3. Landscape Officer – Overall no objections.**

### **4.4. Gloucestershire Highways Officer – No objections.**

## **5.0 PUBLICITY AND REPRESENTATIONS**

### **5.1. The application has been publicised through the posting of a site notice for a period of 21 days.**

### **5.2. Two letters of objection have been received from local residents. The reasons for objection are as follows:**

- The silo has been erected without planning permission as appears to be the accepted way in which additional structures are built on this site.
- No attempt has been made to site the structure so that it has no impact on the surrounding landscape, why has it not been located at a lower level? The silo can be plainly seen from virtually 360 degrees in the surrounding areas and is a blot on the landscape.
- This development is part of an ongoing growth of a business. It will start to become an industrial area with inappropriate growth such as this. The development of Overton Farm is becoming less of a farm and more industrial.

## **6.0 POLICY CONTEXT**

### **6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.**

### **6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.**

- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **PROPOSAL / THE NEED FOR THE SILO**

- 7.1. JCS Policy SD1 supports employment related development in certain circumstances. This includes proposals which allow for the growth or expansion of existing business, especially in the key growth sectors, and where it would encourage and support the development of small to medium size enterprises, subject to all other policies of the plan.
- 7.2. The application is for the retention of a cement storage silo. The silo is a cream coloured vertical steel tank, 10.6 metres high to the top of the tank. The supporting statement sets out that the silo is essential to the applicant's trenching works to allow him to store cement at the site and run his own volumetric concrete lorry to supply concrete for his trenching works. The applicant uses relatively small amounts of concrete to backfill trenches dug during utilities work.
- 7.3. Prior to the silo's installation, the applicant had to source concrete from third party concrete batching plant sites, but often there have been delays. Any delays in getting concrete causes the applicant operational problems and creates inefficiencies in managing the workforce. This can for example, lead to trenches being left open longer than necessary and this can result in traffic disruption. By having a supply on site the applicant would avoid such problems. The Council's Environmental Health Officer has been consulted and has raised no objections.
- 7.4. The applicant is happy for a condition to be attached to the decision requiring the removal of the silo once it's no longer required at the site. An appropriate condition would be attached to the decision.

### **Landscape Impact**

- 7.5. Policy SD6 advises that development should seek to protect landscape character for its own intrinsic beauty and development proposals should protect or enhance landscape character and avoid detrimental effects on the type pattern and features which make a significant contribution to an area.
- 7.6. The application site lies in open countryside on the crest of a small hill, approximately 70 AOD, to the north of Maisemore. The site is not subject to any landscape designations but is considered to occupy a prominent location in views from the south, including Lassington and Roadway Hill.
- 7.7. The Parish Council and local residents have objected on the grounds that there is an unacceptable visual intrusion into the landscape. The Parish Council's and local residents concerns were taken into consideration and a landscape appraisal (LVIA) was requested.

- 7.8. A Landscape and Visual Appraisal (LVIA) prepared by Bridges Design Associates was subsequently submitted on the 13<sup>th</sup> August 2020. The LVIA states that ‘although sited on a hill, the silo is located within an active established utilities depot and close to large-scale agricultural buildings, where agricultural silos of similar scale and appearance are an accepted part of the farming landscape. The presence of the silo has no significant effect on the existing landscape features or character of this existing mixed-use site and does not significantly extend any existing effects of the utilities depot further into the surrounding rural landscape character.’
- 7.9. The visual appraisal demonstrates the limited nature of the largely fleeting, glimpsed views of the site from local and middle-distance views around the site. Where visible, the silo generally integrates into the skyline of mature trees, with the exception of views from the south-east where the light colour of the silo reduces its visibility when seen against the sky and it is also seen in the context of other farm buildings.
- 7.10. The LVIA considers that the silo is barely perceptible to the naked eye in long-distance views and that the silo integrates well with the existing local land uses and does not have any significant detrimental effect on local landscape character. The visual effect of the silo is generally very limited as in the largely glimpsed views it generally integrates within the tree canopies which form the skyline or recedes visually against the background of the light-coloured sky.
- 7.11. The LVIA concludes that the proposal integrates satisfactorily within the landscape and visual character of the area.
- 7.12. The Council's Landscape Officer was consulted and has advised the following:
- 7.13. *“Whilst it is unfortunate that the concrete silo has already been installed without the benefit of planning consent, its existence does enable it to be studied in the context of visual impact on the surrounding landscape, and in particular in views from public land such as rights of way, highways or other public realm spaces, as recommended by GLVIA3. Although there may be closer or clearer views of the site from private residential properties, these have not been considered as part of the LVIA. Other than the views from the PROW EMA/6/2 that runs directly through the storage depot, the majority of views are glimpsed, filtered or fleeting when seen in the context of a person walking, riding or driving in the vicinity of the site.”*
- 7.14. The Landscape Officer has concluded that ‘Whilst there are clearly some views of the silo from points in the surrounding countryside, the impact on landscape character is minimal and the visual effect is restricted to glimpsed, filtered or longer distance views and does not significantly detract from the largely rural setting of the site.’

#### **Effect on the Living Conditions of Neighbouring Dwellings**

- 7.15. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 7.16. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.17. There are no nearby residential dwellings that would be adversely affected by the proposal.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. It is considered that the benefits the silo would bring to the efficient operation of the utilities depot and would outweigh the harm to the landscape in this case. A condition would be attached to the decision requiring its removal in the future once it is no longer required at the site. Therefore, the application accords with the relevant planning policies and is recommended for permission.

### **CONDITIONS:**

1. The silo hereby permitted shall be removed from the site once it is no longer required.

Reason: In the interests of visual amenity.

### **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.



©Alan Wade Site Engineering Ltd.  
 Notes: - drawing should only be used for its original intended purpose.  
 1.The drawing should only be used for its original intended purpose.  
 2.Dimensions in metres unless otherwise stated.  
 3.Grid lines drawn at 100m intervals.

Application boundary

Other land in applicant's control



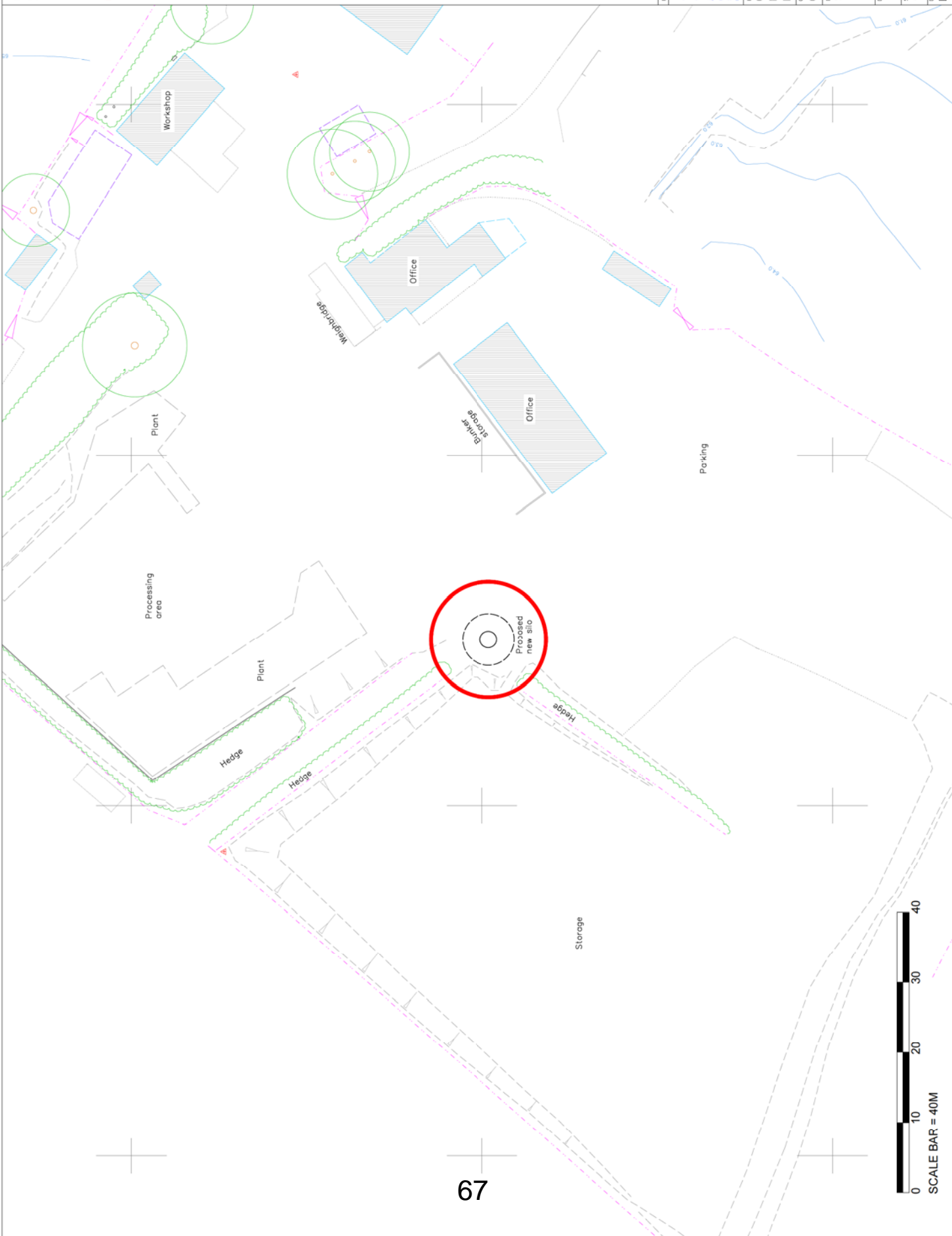
Revision	Comment	Date
<b>ALAN WADE</b> <b>SITE ENGINEERING</b> <b>LIMITED</b> <small>LAND SURVEYS AND VOLUMETRIC CALCULATIONS FOR EXISTING OPERATING SURVEYS@AWSEL.CO.UK</small> <small>WEBSITE: WWW.AWSEL.CO.UK</small>		
Project OVERTON FARM MAISEMORE NEW SILO		
Client COMPLETE UTILITIES		
Drawing Title LOCATION PLAN		
Drawn Date	12/03/20	Sampled Date
Scale	1:2500	(AT A3)
Drawing Number	LMM/036/02	Rev
		---



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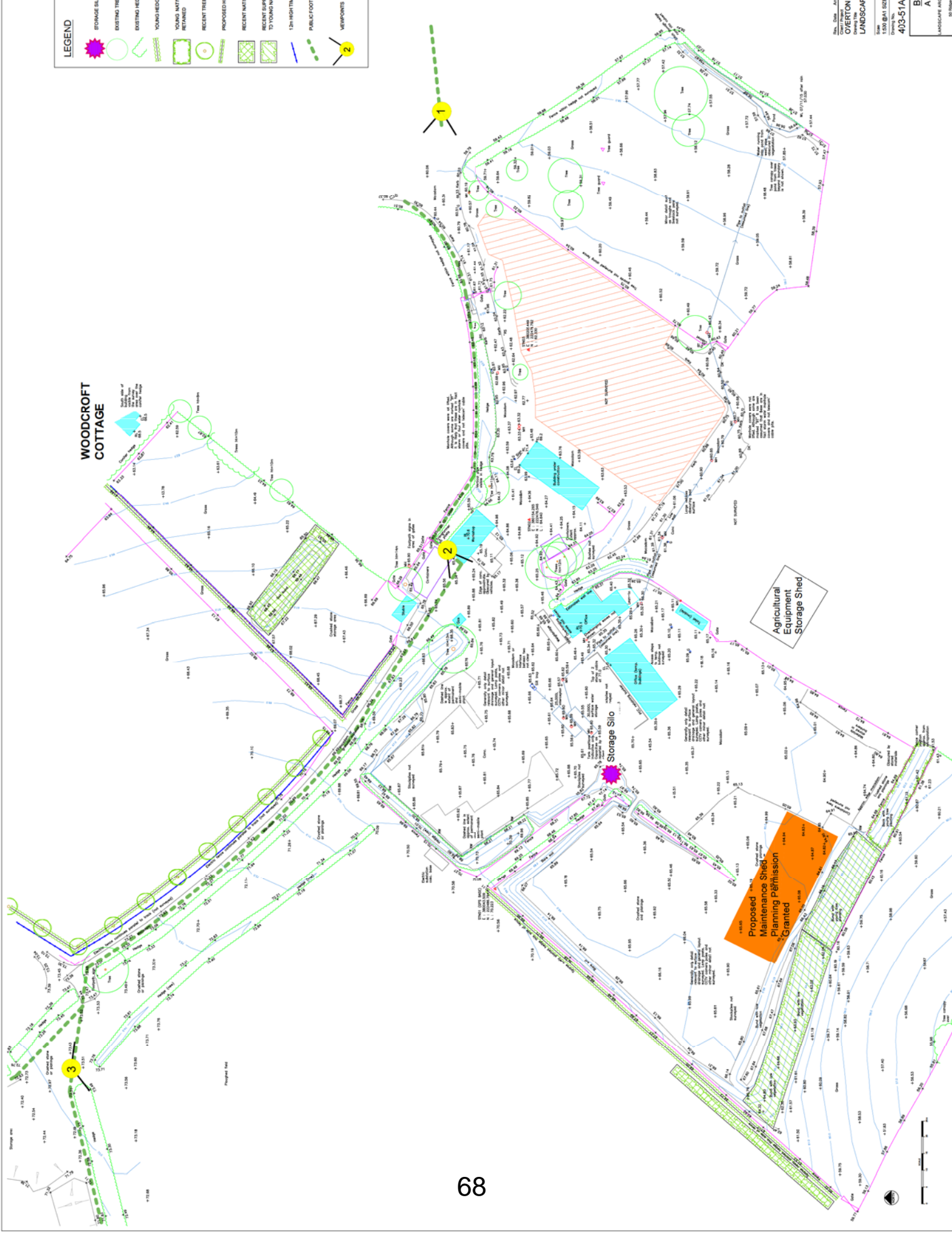
Key

Application boundary



Revision	Comment	Date
<b>ALAN WADE SITE ENGINEERING LIMITED</b>		
LAND SURVEY AND VOLUMETRIC CALCULATIONS FOR PLANNING SUBMISSIONS SURVEYS@AWADE.CO.UK WWW.AWADE.CO.UK		
Project	OVERTON FARM MAISEMORE NEW SILO	
Client	COMPLETE UTILITIES	
Drawing Title	SITE PLAN	
Drawn Date	11/03/20	Surveyed Date
Scale	1:250	
Drawing Number	LMM/036/01	Rev

LEGEND	
	STORAGE SILO
	EXISTING TREES RETAINED
	EXISTING HEDGE RETAINED
	YOUNG HEDGROW PLANTING RETAINED
	YOUNG NATIVE COPSE PLANTING RETAINED
	RECENT TREE PLANTING
	PROPOSED HEDGE
	RECENT NATIVE COPSE MIX PLANTING
	RECENT SUPPLEMENTARY PLANTING TO YOUNG NATIVE COPSE MIX
	12m HIGHTIMBER POST & WIRE FENCE
	PUBLIC FOOTPATH
	VIEWPOINTS



**WOODCROFT COTTAGE**

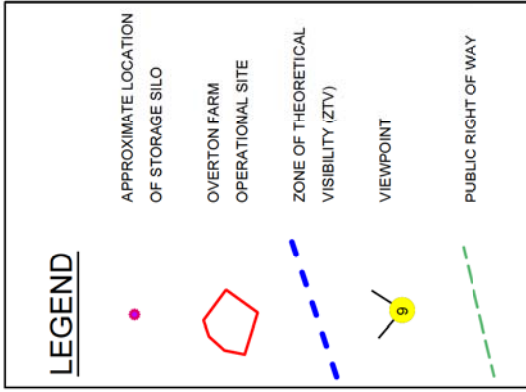
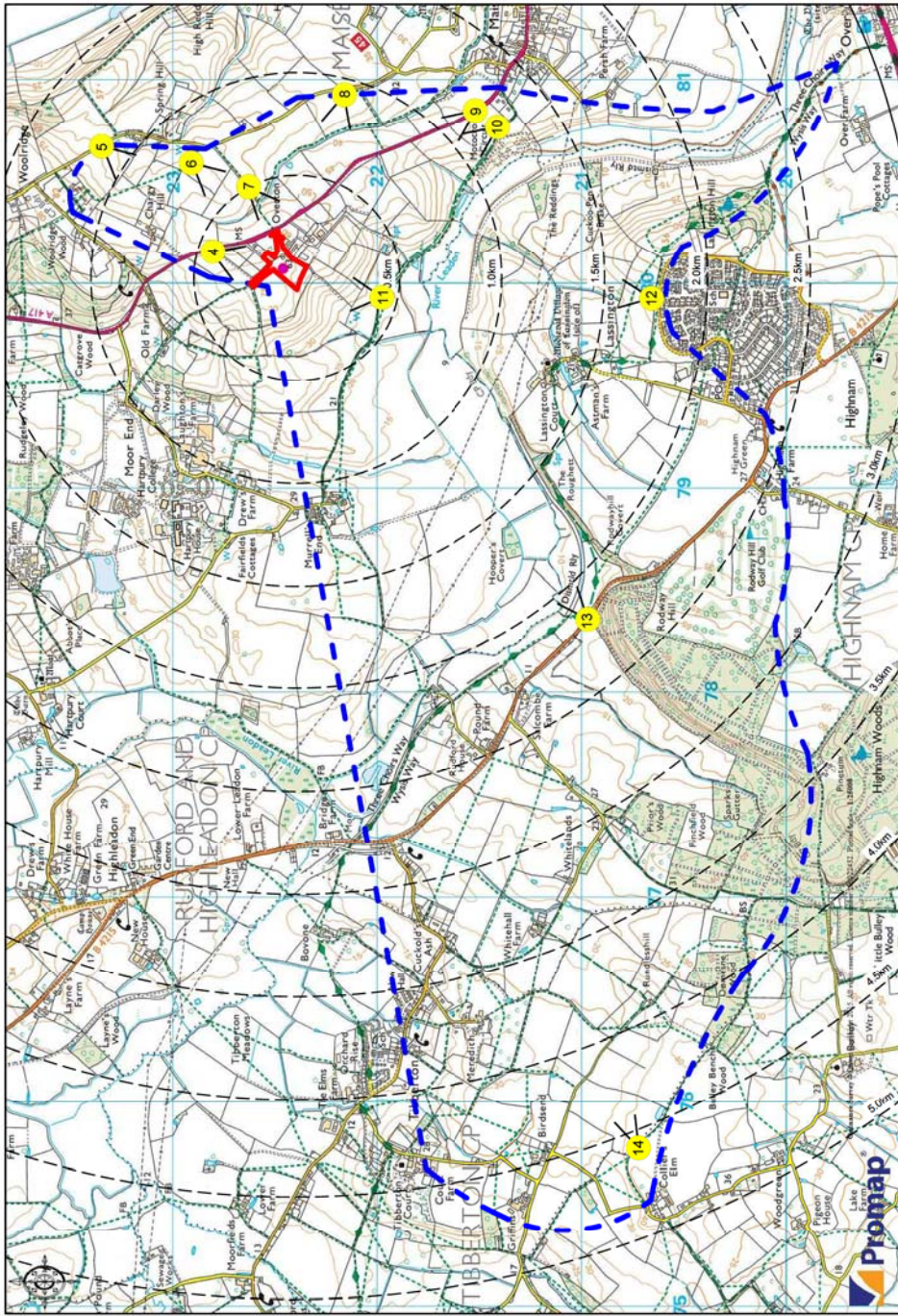
**Agricultural Equipment Storage Shed**

**Storage Silo**

**Proposed Maintenance Shed  
Planning Permission Granted**

Site Name: Overton Farm - Storage Silo  
 Client: Overton Farm  
 Project: Landscape Assessment Plan  
 Scale: 1:500 (B1) SIZE  
 Date: 16/07/20  
 Drawn: JB  
 Checked: JB  
 403-51A  
**BRIDGES DESIGN ASSOCIATES**  
 LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING  
 50 Regent Road, Lime Grove, Bristol BS4 5BS  
 Tel: 01175 35505 Fax: 01175 34178 Email: info@bridgesdesign.co.uk

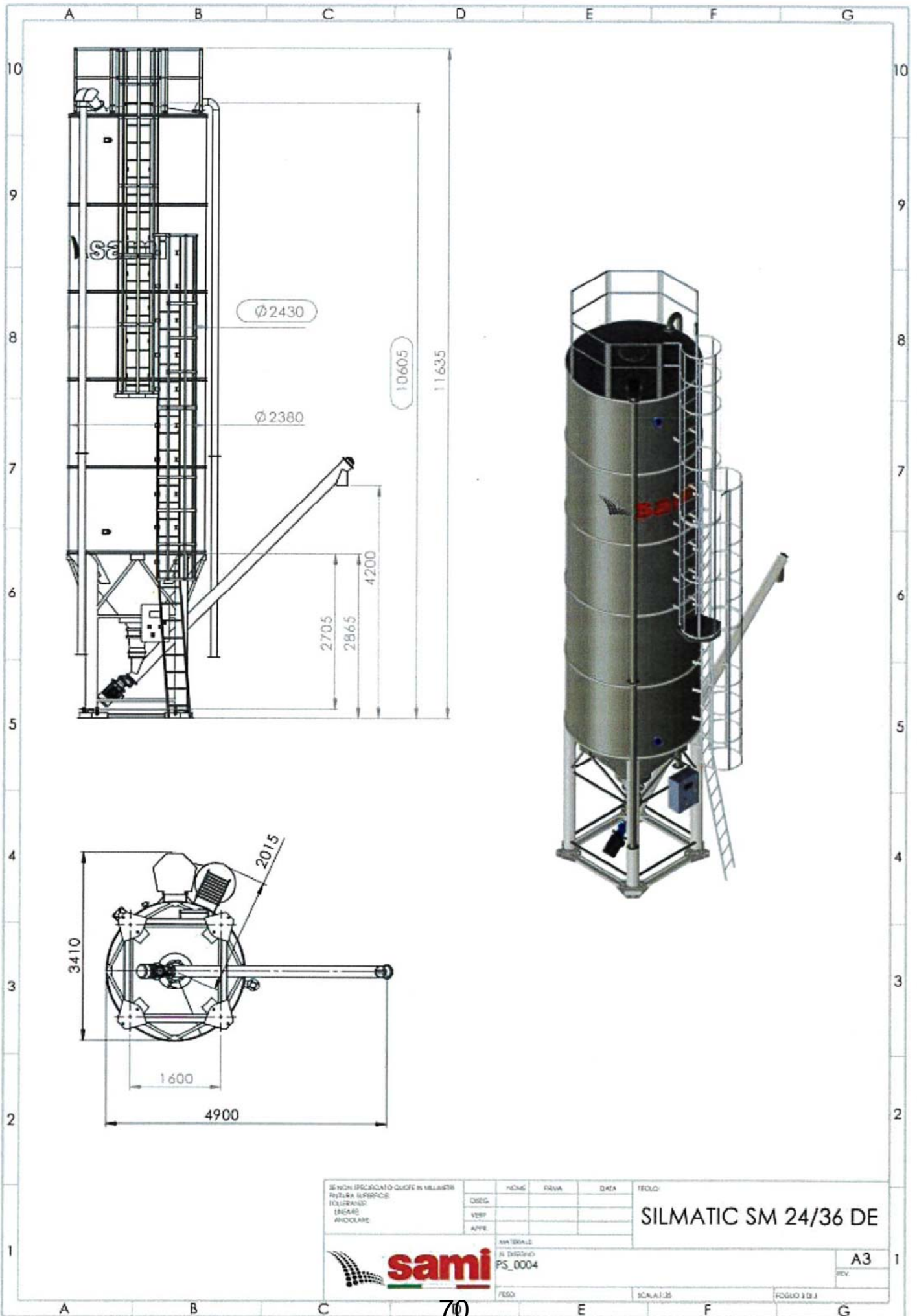




Rev. Date Amendment Drawn Checked  
 Over Project  
**OVERTON FARM - STORAGE SILO**  
 Drawing Title  
**LANDSCAPE CONTEXT PLAN**  
 Scale 1:25,000@A3 Date 06-07-20 Drawn Checked  
 Drawing No. 403-50A JB JB

**BRIDGES DESIGN ASSOCIATES**  
 LANDSCAPE ARCHITECTURE • ENVIRONMENTAL PLANNING  
 50 Ridgeway Road, Long Ashton, Bristol BS41 8ES  
 Tel: 01275 394650 Fax: 01275 394776 Email: mail@bridgesdesign.co.uk

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## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	12 Sandown Road Bishops Cleeve Cheltenham Gloucestershire GL52 8BZ
<b>Application No:</b>	20/00182/FUL
<b>Ward:</b>	Cleeve St Michaels
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	Erection of a single storey rear extension and retention of front porch.
<b>Report by:</b>	Mrs Sarah Barnes
<b>Appendices:</b>	Site Location Plan Site Layout Plan Elevations Floor Plans
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to 12 Sandown Road, a semi-detached bungalow located on a housing estate in Bishops Cleeve (site plan attached).
- 1.2. The proposal is for a single storey rear extension and the retention of a front porch. Revised plans were submitted on the 21<sup>st</sup> July (plans attached).
- 1.3. A Committee determination is required as the Parish Council are objecting to the proposal on the grounds of the porch being out of keeping with the dwelling itself and neighbouring properties. They also consider that the rendered finish, width and design of the windows on the front elevation are out-of-keeping with neighbouring properties. The design creates a break in harmony and is not in balance with the adjoining semi-detached property. The porch was also completed without planning permission.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1. There is no recent / relevant planning history.

### **3.0 RELEVANT POLICY**

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

#### **National guidance**

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- 3.3. Policy SD4 (Design Requirements)  
3.4. Policy SD14 (Health and Environmental Quality)

#### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

- 3.5. Policy HOU8 (Domestic Extensions)

#### **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)**

- 3.6. Policy RES10 (Alteration and Extension of Existing Dwellings)  
3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
3.8. The First Protocol, Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

- 4.1. Parish Council – Object on the grounds of the porch being out of keeping with the dwelling itself and neighbouring properties. The rendered finish, width and design of the windows on the front elevation are out-of-keeping with neighbouring properties. The design creates a break in harmony and is not in balance with the adjoining semi-detached property. The porch was also completed without planning permission.

### **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.  
5.2. No letters have been received from local residents.

### **6.0 POLICY CONTEXT**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.  
6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Design and Visual Amenity**

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The Parish Council have objected on the grounds that the porch by reason of its size, design and materials is out of keeping with the street scene. The Parish Council's concerns have been noted, however, there are other similar sized porches along this road and on this housing estate. A slightly smaller porch would also fall within 'Permitted Development.' The applicants could also have rendered the dwelling without planning permission as part of the property was already rendered. Finally, the changes to the windows on the front elevation would also fall within permitted development.
- 7.3. It is considered that the proposed single storey rear extension would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

### **Effect on the Living Conditions of Neighbouring Dwellings**

- 7.4. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.5. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.6. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. Overall, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with relevant policies as outlined above and is recommended for permission.



**CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

Revised plans B2 dated 21st July 2020 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The proposed rear extension shall be rendered in a colour to match the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is in keeping with the existing dwelling.

**INFORMATIVES:**

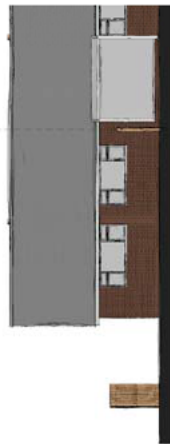
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.



No 14  
Facing bricks  
Fence  
Render & colour  
**South West Elevation.**  
1 : 100

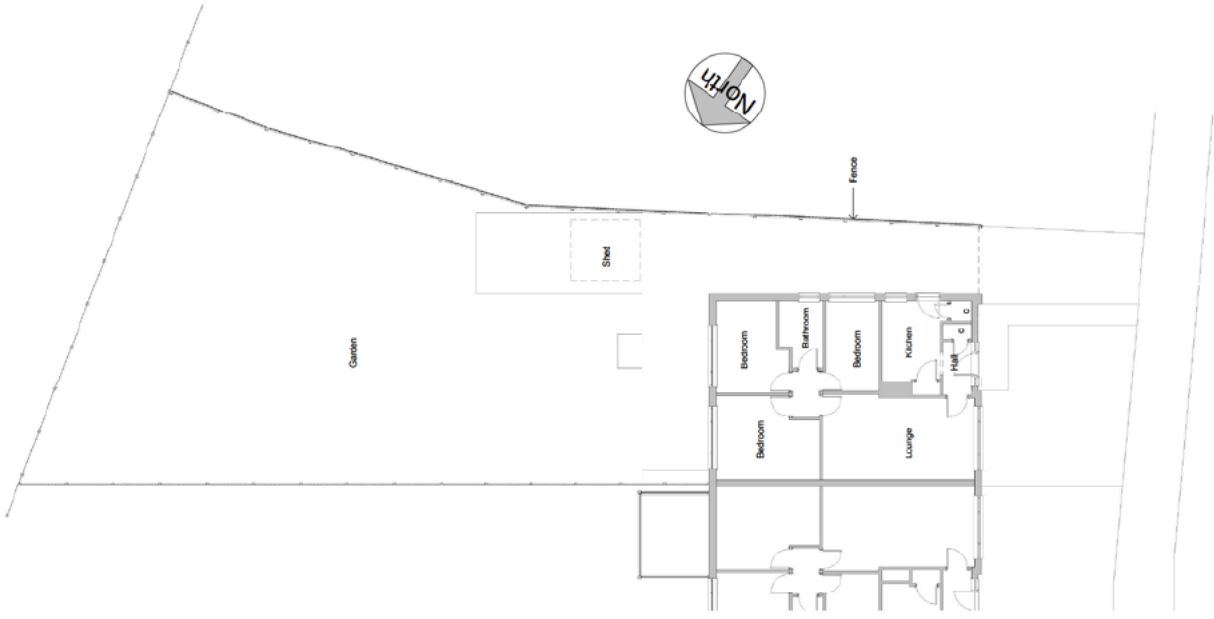


Facing bricks  
UPVC windows & doors (white)  
Concealment to No 14  
Fence  
**South East Elevation.**  
1 : 100



No 14  
**North East Elevation.**  
1 : 100

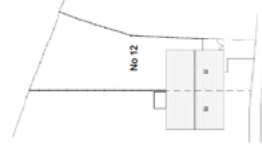
75



**Ground Floor Plan.**  
1 : 100



**Location Plan.**  
1 : 1250



**Site Plan.**  
1 : 500

**Issue Status: Planning**

**MR JAMES**  
MCBAT

Chapel House  
Church Walk  
Winey Hill  
Lydney  
Glos  
GL10 1JY

Tel: 01594 510328 Mobile: 07768750589  
Email: [chrisk.james@mrjames.com](mailto:chrisk.james@mrjames.com)

No 12 Sanddown Road, Bibbys, Clevedon,  
S66 6LX 0897

**Existing Details.**

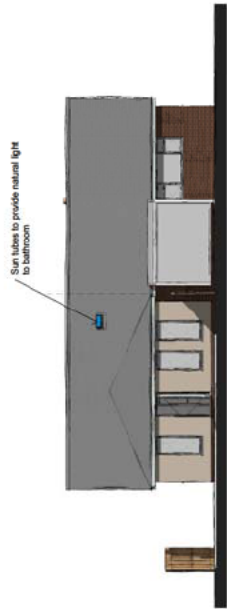
**A**

Project number	40 - 2133
Date	February 2020
Drawn by	C.E. James
Scale	As indicated



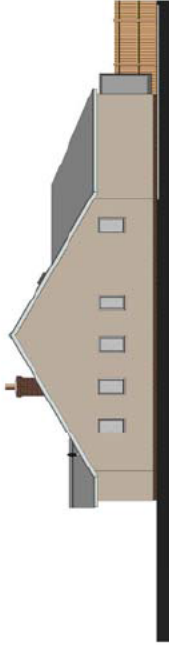
**South West Elevation.**

1 : 100



**North East Elevation.**

1 : 100



**South East Elevation.**

1 : 100



**North West Elevation.**

1 : 100

76

**Revisions:**

- 1- Porch changed to facing brick. 1/6/2020
- 2- Changed to render and colour, revised south west elevation, removal of chimney to south west elevation. 17/7/2020.

**Issue Status: Construction.**

**MR JAMES**  
MCAT

Chapel House  
Church Walk  
Winey Hill  
Lydney  
Glos  
GL10 3JY

Tel: 01594 510328. Mobile: 07768750589

Email: [charles.james@mrjames.com](mailto:charles.james@mrjames.com)

No.12 Sanddown Road, Bibbys Cleeve,  
Glos GL53 6BZ

**Proposed Details.**

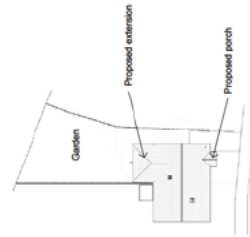
**B - 2**

Project number **40 - 2133**

Date **MAY 2020**

Drawn by **C.E. James**

Scale **As indicated**



**Site Plan.**

1 : 300

**Ground Floor Plan.**

1 : 100

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	1 Down Hatherley Lane Down Hatherley Gloucester Gloucestershire GL2 9PT
<b>Application No:</b>	19/00594/FUL
<b>Ward:</b>	Innsworth With Down Hatherley
<b>Parish:</b>	Down Hatherley
<b>Proposal:</b>	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.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Proposed Block Plan Proposed Elevations & Floor Plans Approved Block Plan – 19/00006/FUL Approved Elevations & Floor Plan – 19/00006/FUL
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to No.1 Down Hatherley Lane which is located along the southern side of the lane in Down Hatherley (**see attached location plan**).
- 1.2. The application site is rectangular in shape and measures approximately 0.09 hectares.
- 1.3. The site comprises a semi-detached two storey dwelling with a pitched roof. There is also a detached single storey outbuilding to the rear of the main dwelling. The site is bound by residential properties to the north, east and south. Currently, to the west of the site lies an open field however this land forms part of the Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is shown to be 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map.
- 1.4. The site is located within an area of land safeguarded for future growth.
- 1.5. Planning permission was granted at Planning Committee in April 2019 for the erection of a detached dwelling and associated works, planning reference 19/00006/FUL. This permission has not been implemented but is still extant.

- 1.6. This current application proposes changes to the design and scale of the approved dwelling and has been submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of the permission so as to amend the list of approved drawing numbers.
- 1.7. The principal change is the introduction of first floor accommodation to provide two bedrooms and a bathroom. To facilitate the first floor accommodation the ridge height of the eastern gable would increase by 0.9 metres and the depth of the gable would increase by 0.5 metres. In addition two pitched dormer windows are proposed in replace of two roof lights on the west facing roof slope.
- 1.8. 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.
- 1.9. Like the approved scheme, the proposed dwelling would be 'L-shaped' with both gables having a pitched roof and would be constructed out of red brick and slate composite roof tiles to match the neighbouring properties. The application site would be accessed utilising the existing vehicular access from Down Hatherley Lane.
- 1.10. Since the application was first submitted, the proposal has been subject to revisions which primarily sought to improve the design approach in response to officer concerns. A new notification and consultation period has been carried out.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00006/FUL	Erection of a detached dwelling and associated works.	PERMIT	18.04.2019

## 3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

- 3.2. National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and National Design Guide (NDG)

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies SP2, SD4, SD5, SD10, SD14, INF1, INF2

### Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

- 3.4. Policies RES3, RES5, DES1, ENV2, TRAC9

### Down Hatherley, Norton and Twigworth Neighbourhood Plan 2011-2031

- 3.5. Policies E3
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.7. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

### **4.1. Down Hatherley Parish Council – Object for the following reasons:**

- Maintain the position that it is inappropriate to address housing targets by eroding the greenspaces and gardens of the Parish;
- The plot has not been allocated for housing in the JCS;
- The ‘safeguarded land’ has not to date been triggered by a development plan change;
- Consider the plan is so substantively changed from the permission that it should be treated as a new distinct application;
- The height, mass and scale of the proposed development would amount to considerable cramming of the site and would be unsuitable for the plot;
- The height, scale and mass of the dwelling would have a severe impact on the amenities and privacy of immediate neighbouring properties;
- The height, scale and mass of the development impacts on the wider character of Down Hatherley.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1. The application has been publicised through the posting of a site notice for a period of 21 days.

5.2. Four separate responses objecting to the application have been received from one local resident. The comments are summarised as follows:

- Application should be a new application as it is different situation for the immediate environment and neighbouring properties;
- Property would be out of character with its surrounds;
- Application site is outside the Neighbourhood Plan – no point in the Plan if the Council ignores it;
- The two storey building would cause adverse harm to neighbouring residential amenity – it would be overbearing, would overlook the entirety of The Haven, close all views to the north windows, take away all privacy and substantially reduce the natural light into kitchen;
- Front of the property would be alongside the rear of The Haven;
- Plans are inaccurate and bear no relationship to the actual property footprint;
- Impact upon public drainage and sewage pipe which runs across the application site;
- Development would cause a nuisance (noise and dust) to residents during construction – would expect mitigation measures to be secured via condition such as restricting hours of construction and the installation of acoustic screening.

## **6.0 POLICY CONTEXT**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan's policies can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. It is noted that concerns have been raised by the Parish Council and local residents regarding the principle of development. Nevertheless, the principle of one dwelling at the site, which includes the impact upon the safeguarded land, has already been established through the grant of full planning permission, planning reference 19/00006/FUL. This application seeks permission for an amendment to the design and scale of the approved dwelling therefore the main material considerations are the impact of the changes in relation to the design, visual impact and residential amenity.

### **Design and layout**

- 7.2. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 7.3. This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

- 7.4. Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.5. The simple shape and form of the proposed building and the design features such as the incorporation of a pitched roof and the use of matching materials and finish to the neighbouring properties would be similar to the approved scheme. The eaves height of the proposed dwelling would remain the same however the ridge height would be increased by 0.9 metres. It is considered that the change in the ridge height of the dwelling would result in a well-proportioned dwelling which would be enhanced by the introduction of the two pitched dormer windows.
- 7.6. In terms of layout, the proposed dwelling, access drive, parking provision and amenity space would be in the same position as the approved scheme.
- 7.7. In light of the above, it is considered that the proposed changes to the appearance of the dwelling would be acceptable and, as like the approved scheme, the development would be appropriate to the site and its setting.

#### **Residential amenity**

- 7.8. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.9. The proposed dwelling would be sandwiched between residential properties on three boundaries. As detailed previously the main difference between the revised scheme and the approved scheme relates to the increase in the ridge height of the proposed dwelling to accommodate the provision of first floor accommodation.
- 7.10. It should be noted that the proposed dwelling would not be sited any closer to any of the boundaries of the site. The dwelling would be located a sufficient distance from the properties to the north (No.1 and No.2 Down Hatherley Lane) and to the east (Applegarth). Further, the eaves height would remain as approved, 3.5 metres in height, with the roof sloping away from the boundary with the neighbouring property, Applegarth. The proposal does include the addition of two roof lights on the east facing roof slope, one to serve the bathroom, the other the landing. Whilst these aren't habitable rooms, given the close proximity of the proposed dwelling to the rear garden of the property to the east, Applegarth, to prevent any overlooking issues a condition is recommended to secure obscure glazing in the roof lights with limited opening unless the roof light would be above 1.7 metres from the floor in which the roof light would be installed. Given this it is considered that there should be no appreciable impact upon the amenity of the occupiers of the properties to the north and east.
- 7.11. The neighbouring property to the south (The Haven) is a bungalow and has two windows on the north facing elevation which serve a kitchen, one of which is obscure glazed. The kitchen also benefits from double doors on the west facing rear elevation and two roof lanterns. The south facing gable end of the proposed dwelling would sit beside the north facing side elevation of The Haven. The submitted plans demonstrate the new dwelling would not extend beyond the rear elevation of The Haven. The proposed dwelling would not be sited any closer to the boundary than the approved dwelling and whilst the increase in height of the



proposed dwelling would result in the new dwelling having a greater presence, it is considered the changes to the height would not cause any undue harm to the amenities of the neighbouring property. This is because the kitchen has a number of openings which allow light into the room, the proposed dwelling would be sited alongside the side elevation of The Haven, plus the proposed dwelling would be located to the north of The Haven, thus this favourable orientation would ensure the proposed dwelling would not cause any overshadowing to the neighbouring property or the rear garden.

- 7.12. In terms of the amenity of the future occupiers of the proposed dwelling, a sufficient distance would be maintained from the surrounding two storey properties (No.1 & 2 Down Hatherley Lane) and all other buildings close to the site boundaries are single storey. This coupled with adequate boundary treatment would ensure there should not be an unacceptable overlooking or overbearing impact upon the occupiers of the proposed dwelling. Further, the orientation of the dwelling is favourable which would ensure the main garden area would not be overshadowed.
- 7.13. The concerns raised in respect to the impact upon neighbouring amenity are noted however in light of the above assessment it is considered that the amendments to the proposed dwelling could be accommodated on site without compromising the amenity of the neighbouring properties.

#### **Impact upon visual amenity**

- 7.14. The amended proposal proposes no changes to the siting of the proposed dwelling, which would be set back approximately 50 metres from the roadside and therefore would not be seen readily from Down Hatherley Lane as you approach the site from the east. Given the land to the west is currently undeveloped the site is visible from the west and there are glimpses of the site from the A38. However, the building would be viewed in the context of the surrounding built form and once the adjacent land has been developed it is unlikely the site would be visible from the public domain. As such, the revised proposal should not cause an unduly detrimental impact upon the visual amenity of the locality, particularly when taking into account the previously approved scheme.

#### **Other Matters**

- 7.15. The Parish Council and local resident have raised concerns over the level of changes proposed and the application type submitted. The National Planning Practice Guidance (PPG) sets out that any modifications that are fundamental or substantial would require a new planning application however where less substantial changes are proposed, an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with the planning permission. In this instance the changes to the design and scale of the dwelling are not fundamental or substantial, nor would it result in a change to the description of the development therefore this application can properly be determined under Section 73 of the Town and Country Planning Act 1990.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. The principle of the erection of a single dwelling at the site has already been established through the grant of full planning permission, reference 19/00006/FUL. The proposed changes to the design and scale of the proposed dwelling, in terms of the design, visual impact and impact upon residential amenity are considered acceptable. In view of this, it is therefore recommended that planning permission is **PERMITTED** subject to the conditions set out below:

## CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the 18th April 2019, the date of permission 19/00006/FUL.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

Location Plan

002 – Proposed Block Plan (Received 21.11.20)

002 – Proposed Elevation, Floor Plan & Roof Plan (Received 23.11.20)

001 – Visibility Plan

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls and roofing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design.

4. Prior to the first occupation of the dwelling hereby permitted the roof lights on the east facing roof slope shall be fitted with obscure glass (at a minimum of Pilkington Level 4 or equivalent) and fitted with 'DGS Egree Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm unless the part of the roof light which opens would be above 1.7 metres from the floor of the room in which the roof light is installed. The roof lights shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason – To protect the amenities of adjoining/nearby properties from unacceptable overlooking.

5. The dwelling hereby permitted shall not be occupied until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

6. The development hereby permitted shall not be occupied until the car parking associated with the proposed dwelling and the host dwelling has been provided in accordance with the submitted plans and shall be maintained available for that purpose thereafter.

Reason: To ensure that sufficient off-road parking provision is provided for the occupiers of the new dwelling and the host dwelling.

7. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
  - i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for the parking of cycles only.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

9. Before the first occupation of the dwelling hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected (or to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.

Reason: To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

10. The construction work on the building hereby approved shall not be commenced until details of existing and proposed ground levels across the site and relative to the adjoining land, together with the finished floor levels of the dwelling relative to Ordnance Datum Newlyn has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

11. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

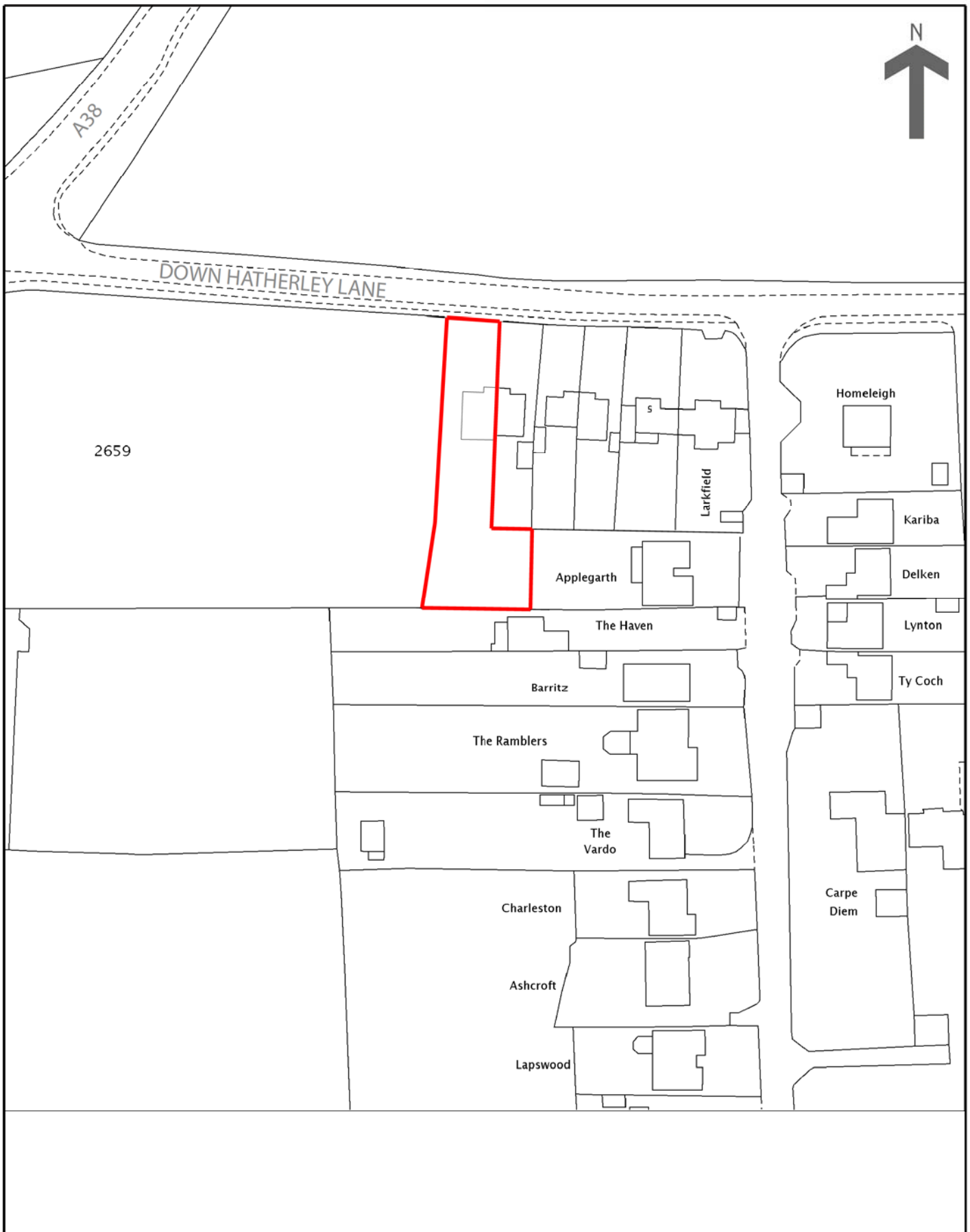
Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the prior written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work.

**INFORMATIVES:**

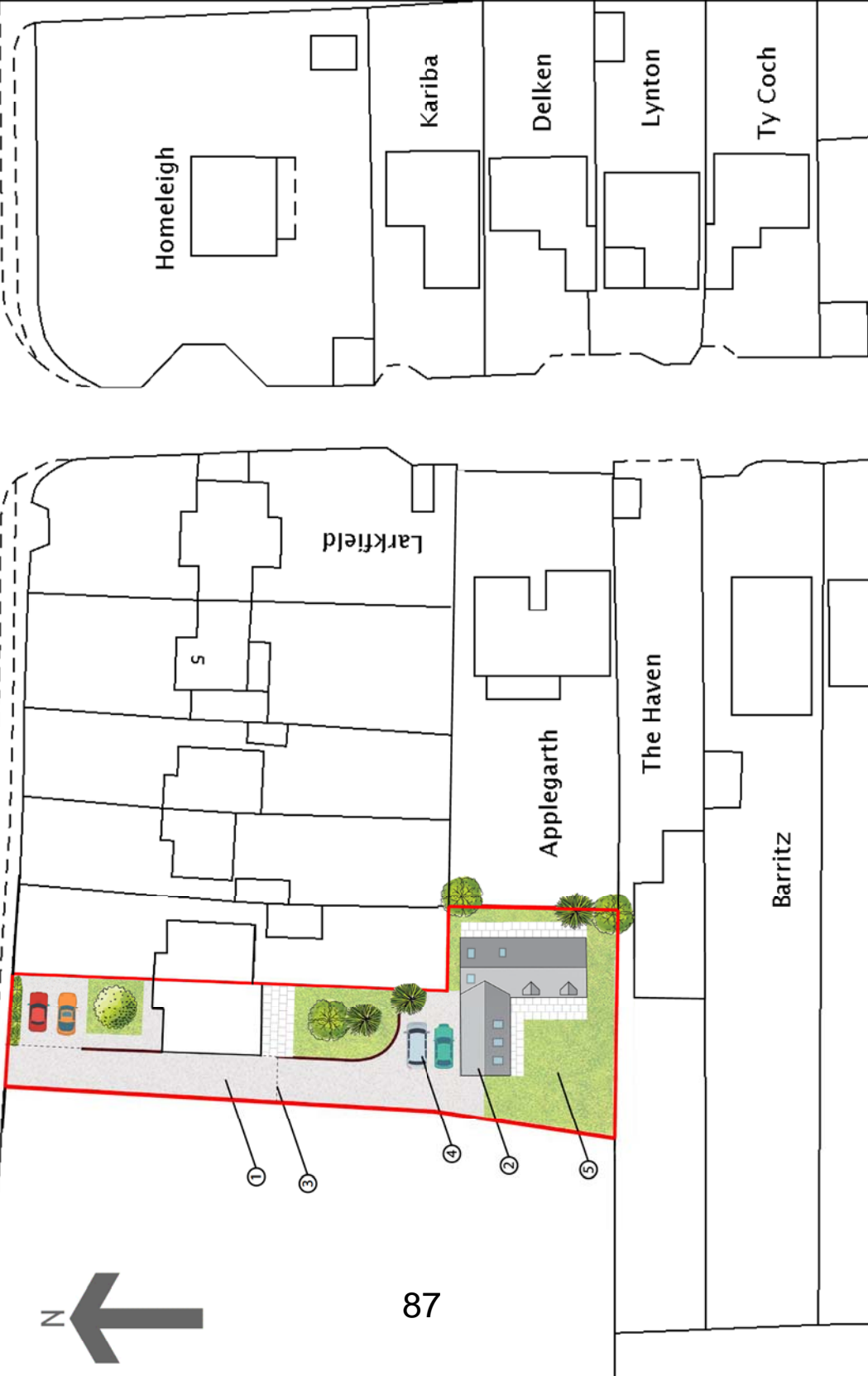
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. There may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the proposed dwelling.



Client						
Project		1 Down Hatherley lane plot				
Drawing Title		Location Plan				
Date	Scale	Drawn	86 Status	Job	Drg No.	Rev.
Jan 2019	1250:1 @ A4	RHB	PA			

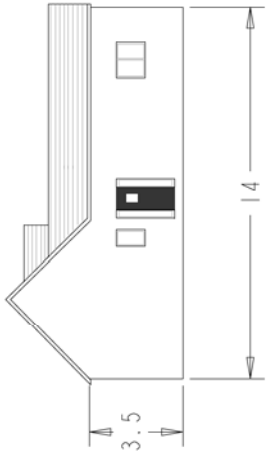
Key	
1	Shared access
2	New dwelling
3	Access for new dwelling
4	New parking area
5	Turfed/leveled grass area
6	
7	
8	
9	

— Site outline

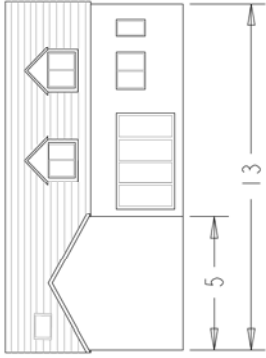


Client		Job		Ref.
Project		Status		002
Drawing Title				
1 Down Hatherley lane plot				
Proposed block plan				
Date	Scale	Drawn	Checked	PA
FEB 2020	1:500 @ A3	RHB		

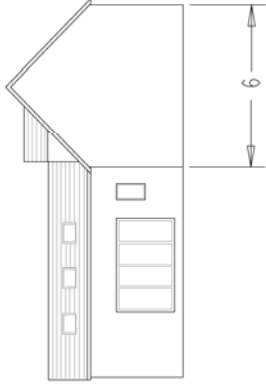
NORTH SIDE



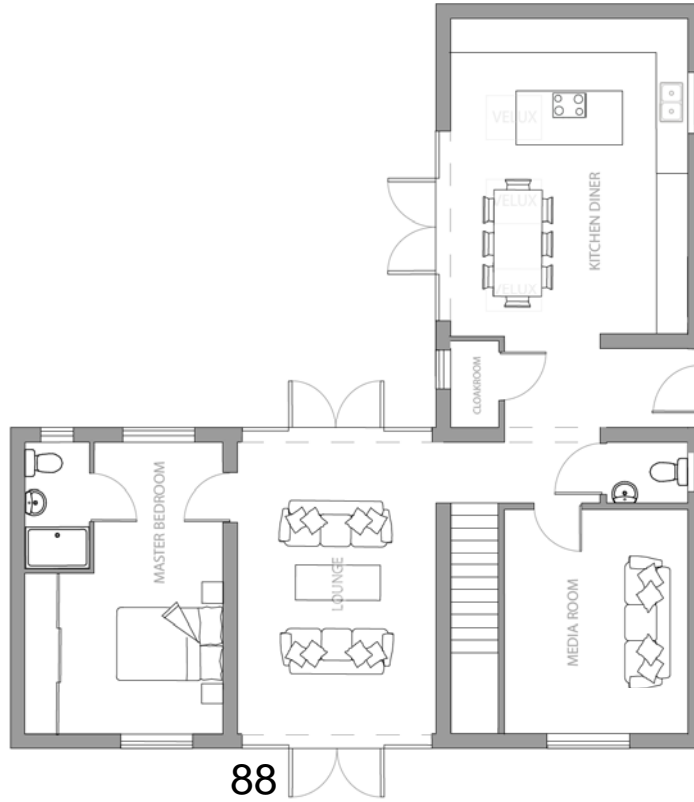
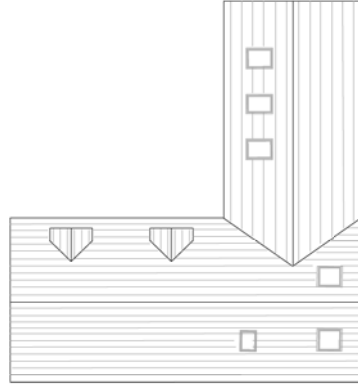
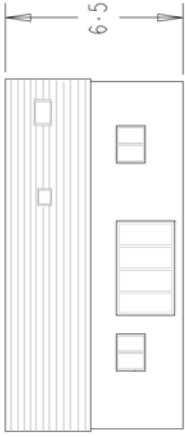
WEST SIDE



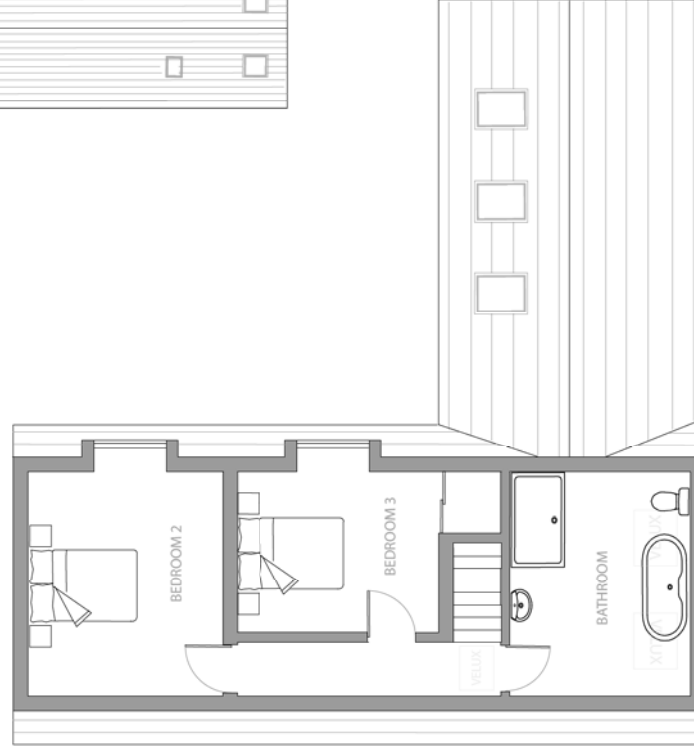
SOUTH SIDE



EAST SIDE



1:100 @ A3



Client

Project

Drawing Title

Date

Scale

Drawn

Status

Job

Orig No.

Rev.

1 Down Hatherley lane new dwelling

Elevation + floor plan

Feb 2020

1:200 @ A3

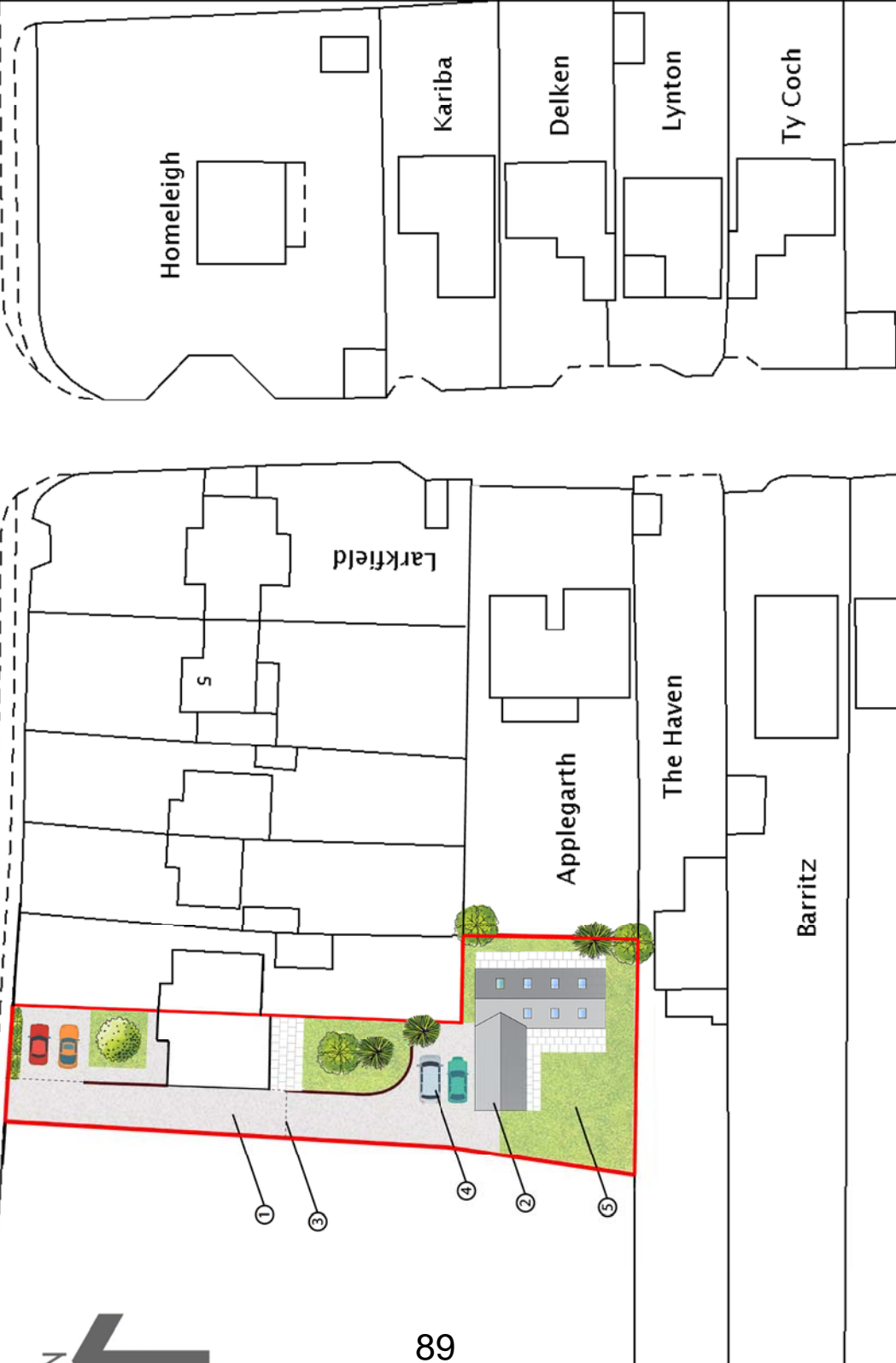
RHB

PA

002

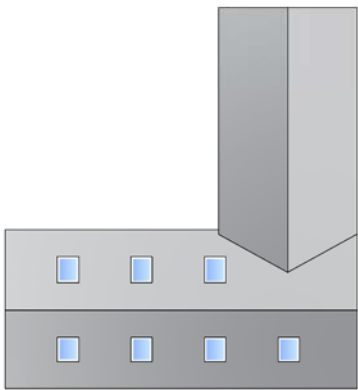
Key	
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2	New dwelling
3	Access for new dwelling
4	New parking area
5	Turfed/leveled grass area
6	
7	
8	
9	

— Site outline

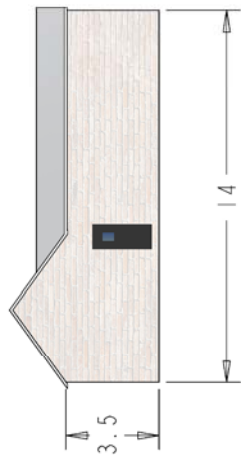


Client		Job		Ref.
Project		Status		001
Drawing Title		Drawn	RHB	PA
Date	Scale	Proposed block plan		
Jan 2019	1:500 @ A3			

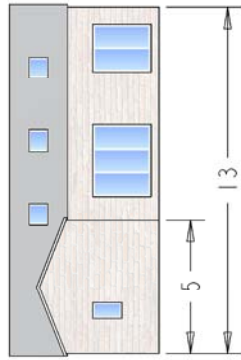




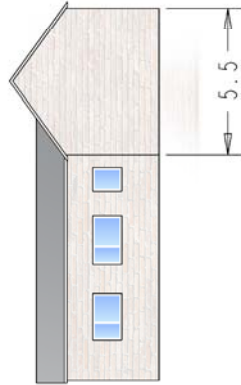
NORTH SIDE



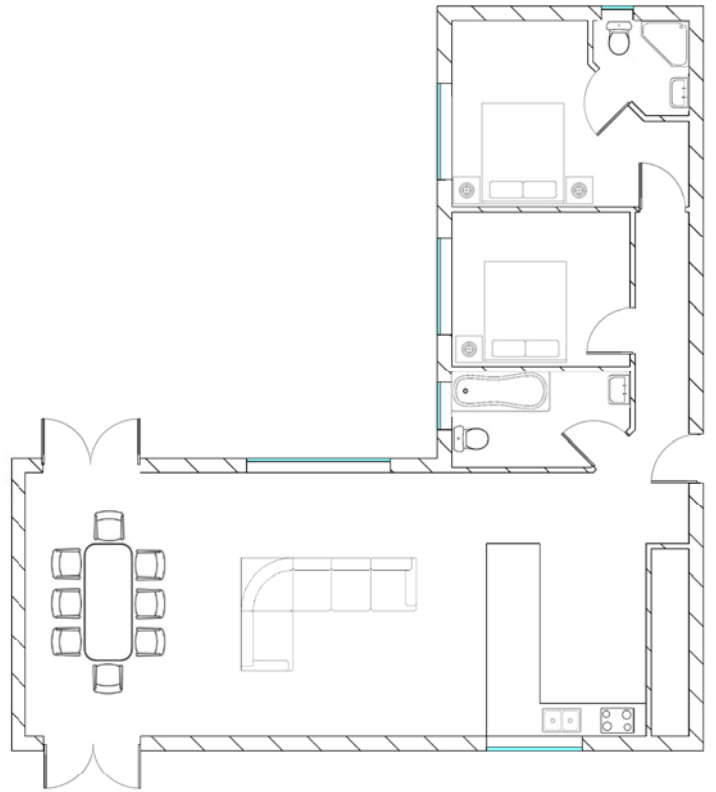
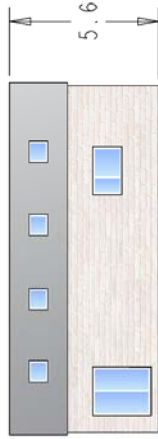
WEST SIDE



SOUTH SIDE



EAST SIDE



floor plan 1:100 @ A3

Client					
Project		1 Down Hatherley lane new dwelling			
Drawing Title		Elevation + floor plan			
Date	Scale	Drawn	State	Job	Rev.
Jan 2019	1:200 @ A3	RHB	PA		001

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 December 2020
<b>Site Location:</b>	Land Adjacent Springbank Old Road Southam Cheltenham Gloucestershire GL52 3NN
<b>Application No:</b>	20/00598/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Southam
<b>Proposal:</b>	Proposed erection of a single dwelling, associated parking and landscaping.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Site Layout Plan Proposed Elevations – Sheet 1 of 2 Proposed Elevations – Sheet 2 of 2 Proposed Floor Plans
<b>Recommendation:</b>	Delegated permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to a parcel of land adjacent Springbank, which is located along the eastern side of Old Road in Southam (**see attached Site Location Plan**).
- 1.2. The application site is rectangular in shape and measures approximately 0.06 hectares.
- 1.3. The site comprises an area of sloping lawn which currently forms the side garden of the host dwelling, Springbank. The site is bound by residential properties to the north and south, Cleeve Hill Road (B4632) lies to the east beyond the existing fence and hedge and Old Road lies to the west of the application site.
- 1.4. The site is located within the Green Belt, the Cotswolds Area of Outstanding Natural Beauty and is within 50 metres of a Grade II listed Water Conduit.
- 1.5. This application is submitted in full and seeks permission for the construction of a detached dwelling and associated parking and landscaping.
- 1.6. 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.

- 1.7. The application site would be accessed utilising the existing vehicular access from Old Road which would be widened to serve both properties. The proposed dwelling and the existing property at the site would each benefit from at least two off-road parking spaces.
- 1.8. Planning permission was granted in April 2020 for the erection of a single and two storey front extension and the construction of new dormer windows and roof lights, planning reference 19/01103/FUL, to the host dwelling, Springbank. As part of the permission changes to the external finish, to include the introduction of render, coursed local stone, fibre cement slates and the replacement of the existing white uPVC windows was granted. The applicant intends to construct the new dwelling and carry out the approved extensions/alterations to Springbank at the same time therefore the new dwelling has been designed to reflect and compliment the scale, appearance and character of host dwelling following the implementation of the planning permission.
- 1.9. Since the application was first submitted, the proposal has been subject to amendments to the fenestration detail on the front elevation and the north facing side elevation. Given the minor nature of the changes a new consultation and notification period was not considered necessary.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/01103/FUL	Erection of a single and two storey front extension, loft conversion and installation of roof lights	PERMIT	07.04.2020

## 3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

- 3.2. National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the National Design Guide (NDG).

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies: SP2, SD4, SD5, SD6, SD7, SD8, SD9, SD10, SD14, INF1, INF2

### Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

- 3.4. Policies: RES3, RES4, RES5, DES1, HER2, ENV2, TRAC9
- 3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.6. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

### **4.1. Southam Parish Council** – Object for the following reasons:

- The proposal represents overdevelopment of the site;
- When viewed in conjunction with the proposed extension of the host dwelling, the complete built form would give the impression of one large property which would have a detrimental visual impact from Old Road;
- Development likely to harm the amenity of neighbouring properties, in particular Oaklands – due to the size and proximity the gable end would be overbearing.
- Compromise highway safety.

### **4.2. County Highway Authority** – Further information required.

### **4.3. Tree Officer** – No concerns with the proposal.

### **4.4. Sustainable Drainage Engineer** – No objection to the proposal.

## **5.0 PUBLICITY AND REPRESENTATIONS**

### **5.1.** The application has been publicised through the posting of a site notice for a period of 21 days and the neighbour notification scheme.

### **5.2.** Four separate responses objecting to the application have been received, three of which are from (or on behalf of) one local resident. The comments are summarised as follows:

- Development would have a significant detrimental effect on neighbouring amenity through loss of light, overbearing, reduction in privacy;
- New dwelling would be very noticeable and prominent in views from the neighbouring property, Oaklands – very little in the way of screening to mitigate the harm;
- Compromise highway safety;
- Increased housing density would be out of keeping with the rural character of the village;
- Springbank currently sits comfortably within its site with a sense of spaciousness which is appreciated from outside the site – the introduction of a new dwelling would give the scheme a cramped appearance and uncomfortably constrained within the site;
- The amenity space associated with the proposed new dwelling would be subject to significant overlooking and lack of privacy from the neighbouring property, Oaklands, and would diminish the enjoyment of their house and garden area;
- Location is not suitable for new housing having regard to the development strategy for the area and its accessibility to shops and services – the proposal would conflict with the strategic housing policies of the JCS;
- Southam is regarded as a settlement but is difficult to regard it as a village given its lack of services and facilities;

- Questionable as to whether the proposal could be regarded as infill development – it is not well-related to existing built development;
- Future occupants would rely heavily on the private motor car.
- Development would have an adverse impact on the openness of the Green Belt;
- Proposal would only be of minimal benefit in addressing the housing shortfall and in terms of the economy given the quantum of the development;
- Proposal to sub-divide the garden of the proposed new dwelling is wholly unacceptable and would result in a contrived arrangement;
- Any landscape planting along the northern boundary of the site would potentially have an adverse impact on the neighbouring amenity;
- The section plan is inaccurate and oversimplified.

## **6.0 POLICY CONTEXT**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough.
- 7.2. The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.

- 7.3. Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4. It is considered that the existing built-up area of Southam includes the properties along Old Road and the section of Sunset Lane to the west of the B4632. The application site is bound by residential development to the north, south and west and as such the proposal is therefore considered to constitute infill development in accordance with JCS Policy SD10.
- 7.5. In terms of the Pre-Submission Tewkesbury Borough Plan 2011-2031 ("the emerging TBP") the application site has not been allocated for housing and the village of Southam is not featured within the settlement hierarchy. However, Policy RES3 of the emerging TBP supports the principle of new residential development outside of a defined settlement boundaries where the development being proposed consists of, inter alia, very small scale development at rural settlements in accordance with Policy RES4. Policy RES4 sets out that the support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements, subject to the development complying with a number of criteria.
- 7.6. Further to the above the site is located in the Green Belt therefore the significance of the impact of the development upon the Green Belt must be considered in assessing whether the principle of the development is acceptable.

### **Green Belt**

- 7.7. Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 7.8. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.9. Paragraph 145 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages. For the reasons set out above and as a matter of fact on the ground, the site appears to be within the village of Southam, the development is considered to represent 'infilling' in a village and given the application seeks permission for one dwelling, the development would represent 'limited infilling'. As such the proposed dwelling would not represent inappropriate development in the Green Belt
- 7.10. In light of the above it is considered the principle of the development would be acceptable.

### **Five Year Housing Land Supply**

- 7.11. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Cotswolds Area of Outstanding Natural Beauty**

- 7.12. The application site is located within the western most edge of the Cotswolds Area of Outstanding Natural Beauty (AONB). An AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The NPPF makes it clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 7.13. Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan (2018-2023) which is prepared by the Cotswolds Conservation Board and is the statutory plan which sets out the Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.
- 7.14. The application is supported by a Landscape and Visual Appraisal (LVIA), prepared by MHP Chartered Landscape Architects. The report identifies the site as within the 'Escarpment: Coopers Hill to Winchcombe' Landscape Character Type.
- 7.15. The LVIA concludes that due to the containment of the site, the location of the site within an existing residential area, the small size and scale of the proposals and the fact the development would conform to the existing pattern of settlement the development should have no discernible effect on the district landscape character area. In terms of views afforded, the site is visually very well contained. Views towards the site from the local roads are fleeting and glimpsed and for short durations where they directly pass the site and on approach from the west on Southam Lane to the west. The site is not readily identifiable in more distant views from the settlement edge at Cheltenham from more elevated land adjacent to the racecourse. The overall visual envelope is contained to views within close proximity from local roads and nearby residential dwellings.
- 7.16. Given this, it is considered the development would result in only very limited landscape and visual effects which would conserve the special qualities of the Cotswolds AONB and would be in keeping with the guidance and strategies set out in the Cotswolds AONB Management Plan. As such the proposed dwelling should not unduly harm the landscape, scenic beauty or the other special characteristics of the AONB.

### **Design and layout**

- 7.17. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.18. The proposed dwelling would demonstrate a traditional design approach incorporating a pitched gable projection, porch and chimney. The same palette of materials and finish is proposed to the approved scheme for the extensions and alterations to the host dwelling, which includes a combination of coursed local stone and smooth rendered walls, with a fibre cement slate roof and grey uPVC doors and windows. This design approach and the materials proposed to be used is considered acceptable and therefore no objections are raised to the style of the proposed dwelling.
- 7.19. In terms of layout, the proposed dwelling would sit in a linear layout alongside the host dwelling, in a similar setback position off Old Road. The dwelling would reflect the overall scale of the adjacent property, Springbank. Areas of landscaping would be provided to the front of the new dwelling. The existing trees and hedgerows are to be retained along the boundaries of the site.
- 7.20. The sub-division of the plot would result in two smaller plots however there are other plots in Southam of a similar size and the division of the plot would still provide a satisfactory amount of garden space to serve both the new dwelling and the host dwelling.
- 7.21. The Parish Council consider the proposal would represent over development of the site which would harm the character of the area. However, it is considered that the site layout represents an acceptable arrangement and demonstrates that an additional dwelling could be accommodated on the site without appearing constrained. Further, by virtue of the position of the proposed dwelling, set back from the roadside and the considered design approach it would not appear at odds with the form and local character of the surrounding built form.
- 7.22. In light of the above, it is considered that the design and layout of the proposed development would be appropriate to the site and its setting. The proposal is therefore considered to accord with JCS Policy SD4 and guidance set out in the NPPF in this regard.

### **Residential amenity**

- 7.23. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.24. The proposed dwelling would be sandwiched between residential properties on the northern boundary (The Dipping Well and Oaklands) and the host dwelling (Springbank) to the south.



- 7.25. In terms of the relationship with the host dwelling, the proposed dwelling would be of a similar height and depth and would be located in a linear position with the host dwelling. Further, no openings are proposed on either side elevations. As such the new dwelling would sit comfortably with the property to the south and would not cause any harm upon the amenity of the host dwelling.
- 7.26. With regard to the relationship with the neighbouring property to the north of the application site, The Dipping Well, due to the orientation of the neighbouring property the rear elevation faces the site. Based on the plans submitted the rear elevation of the neighbouring property is approximately 12 metres from the northern boundary of the site, when taken from the nearest point (the conservatory). Further, by virtue of the set-back position of the proposed dwelling, the neighbouring property would look onto the proposed parking area and front garden space, thus not the private rear amenity space of the new dwelling.
- 7.27. Turning to the second property to the north of the site, Oaklands. Again, due to the orientation the rear elevation the neighbouring property faces the application site. The neighbouring property is two storey and at the closest point the elevation is approximately 4.9 metres from the site boundary. Given this distance and as there is a first floor window on the facing elevation part of the application site would be overlooked. However, the first floor window would overlook an area shown to be the side garden to the new dwelling. Based on the information submitted the principal amenity space, where the proposed patio would be located, would be approximately 12 metres from the window. In light of this, it is considered a sufficient distance would be maintained from the first floor window on the neighbouring property, Oaklands, to the area designated as the 'private garden space'. This should ensure the occupiers of the new dwelling would be afford a satisfactory level of private amenity. In respect of overbearing impact to the occupiers of Oaklands, a distance of approximately 12 metres would be maintained from the rear elevation of Oaklands to the side elevation of the new dwelling; this distance coupled with the difference in ground levels would ensure the introduction of the dwelling, as proposed, should not have an adverse overbearing impact to the occupiers of Oaklands.
- 7.28. In relation to any overshadowing, a Solar Study has been submitted which shows where shadows would fall at three intervals throughout the year (Summer Solstice, Autumn Equinox and Spring Equinox). This study shows that during certain times of the day in spring and autumn a small area of land at the bottom of the rear garden space of both The Dipping Well and Oaklands would be in shadow from the new dwelling. Given this, the proposed new dwelling would result in some harm, albeit limited, to the neighbouring residential amenity through overshadowing. It should be noted though that both the adjoining properties would have sufficient private garden space which would not be affected by the development.
- 7.29. The concerns raised in respect to the impact of the development upon neighbouring amenity are noted and much consideration has been given to the concerns raised. However in light of the above assessment it is considered that the new dwelling could be accommodated on the site without adversely impacting on the amenity of neighbouring properties or the amenity of future occupiers of the dwelling.

### **Access and Highway Safety**

- 7.30. The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy RES9 and TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.31. It is proposed to utilise the existing vehicular access off Old Road to provide a shared vehicular access with the host dwelling to the site. In respect to the internal arrangement, each dwelling would be afforded sufficient off-road parking spaces with sufficient space within the application site for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.32. Gloucestershire County Council Highway Authority have asked for the visibility splays to be demonstrated on the drawings. An updated drawing has been submitted but at the time of writing the report no further comments have been received from the Highway Authority therefore **Members will be provided an update accordingly.**

### **Drainage and Flood Risk**

- 7.33. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. New development should incorporate suitable Sustainable Drainage Systems where appropriate.
- 7.34. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. The Drainage Strategy (DS) submitted in support of the application confirms surface water from the site will be discharged using soakaways, which is the same approach as the host dwelling. The Council's drainage adviser has confirmed the approach would be acceptable and specific details are not required to be conditioned as the drainage matters would be dealt with by standard building control practices.
- 7.35. In terms of foul drainage, it is proposed to dispose foul sewage via a mains sewer. This would be acceptable.

### **Heritage assets**

- 7.36. The application site is located in close proximity of a Grade II listed Water Conduit which is located along Old Road. As such regard is given to Policy SD8 of the JCS and Section 16 of the NPPF.
- 7.37. Policy SD8 of the JCS requires that heritage assets and their settings should be conserved and enhanced as appropriate to their significance and that development should sustain and enhance the significance of heritage assets. Section 16 of the NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance.
- 7.38. Given the nature of the listed structure and the intervening built form officers consider the introduction of the proposed dwelling would not have an adverse impact upon the setting of the heritage asset identified.

## **Ecology**

- 7.39. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity.
- 7.40. The application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat – the most important areas for GCN.
- 7.41. Natural England's new standing advice sets out that for developments located in the amber or red impact risk zones for GCNs (meaning there is a likelihood of this protected species being present), the Local Planning Authorities are advised to draw to the applicant's attention they are required to either:
1. Demonstrate that their proposal poses no risk to GCN (e.g. with survey information showing species absence); or
  2. Submit an assessment of the risk to GCN's and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts (which may be through the district licensing route, or standard approaches to compensation and licensing like a GCN site mitigation licence).
- 7.42 Given this an informative note will be added detailing this requirement.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2. On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In this case, whilst the site is located in the Green Belt and the Cotswolds AONB the application of policies in the NPPF that protect these areas do not provide a clear reason for refusing the development proposed, therefore the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## **Benefits**

- 8.3. Weight should be given to the provision of new housing, albeit very modest weight given the quantum of the development proposed, especially in the context of a housing supply shortfall.

- 8.4. In terms of economic benefits, as with any new residential development, the construction of the new dwelling would bring benefits during the construction phase, and following construction through additional spending power in the local economy, however, again, this would be very modest given the scale of development.

#### **Harms**

- 8.5. There would be some harm through the overshadowing of a small area of the gardens to the neighbouring properties to the north of the application site (The Dipping Well and Oaklands) at certain times during spring and autumn. This counts against the proposal.

#### **Neutral**

- 8.6. The development would not represent inappropriate development in the green belt and would conserve the special qualities of the Cotswolds AONB.
- 8.7. The design and layout of the proposed dwelling is considered acceptable.
- 8.8. Other than the harm identified above in respect to overshadowing the proposed dwelling should cause no further harm in terms of residential amenity.
- 8.9. The proposal should, subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable in regards to highway safety and ecological impact.

#### **Conclusion**

- 8.10.** In light of the above, whilst the development would cause some limited harm to the neighbouring amenity due to overshadowing, it is not considered the harm would unduly affect the occupiers of the neighbouring property to justify refusal in this case. It therefore follows that there would be no adverse impacts of approving the development proposal which would significantly and demonstrably outweigh the benefits and therefore in accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted. As such it is therefore recommended that the grant of permission be **delegated to the Development Manager subject to resolution of the outstanding highway matter and the addition to/amendment of planning conditions as appropriate.**

#### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents except where these may be modified by any other conditions attached to this permission:

- 100 – Site Location Plan
- 101 Rev B – Site Layout
- 103 Rev B - Proposed Elevations – Sheet 1 of 2
- 104 Rev A – Proposed Elevations – Sheet 2 of 2
- 102 Rev A – Proposed Floor Plans

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls, doors, windows and roofing proposed to be used in the construction of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design.

4. The construction work on the dwelling hereby approved shall not be commenced until the precise floor slab levels of the new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall be constructed in strict accordance with the approved floor slab levels.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

5. Before the first occupation of the dwelling hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected, including those to be installed between the two plots, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the first occupation of the dwelling hereby permitted. Development shall be carried out in accordance with the approved details.

Reason - To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order no windows or other openings shall be constructed on the north and south facing side elevation of the dwelling hereby approved.

Reason – To protect the amenities of adjoining properties from unacceptable overlooking.

7. Before the dwelling hereby permitted is first occupied a scheme of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

(i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

(vi) details of a precise specification of the proposed materials for the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces);

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the occupation of any dwelling hereby permitted.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The hard landscaping of the site shall be completed before the first occupation of any dwelling hereby permitted or in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed development would conserve the special qualities of the Cotswolds AONB and does not have an adverse effect on the character and appearance of the area.

8. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including all preparatory work.

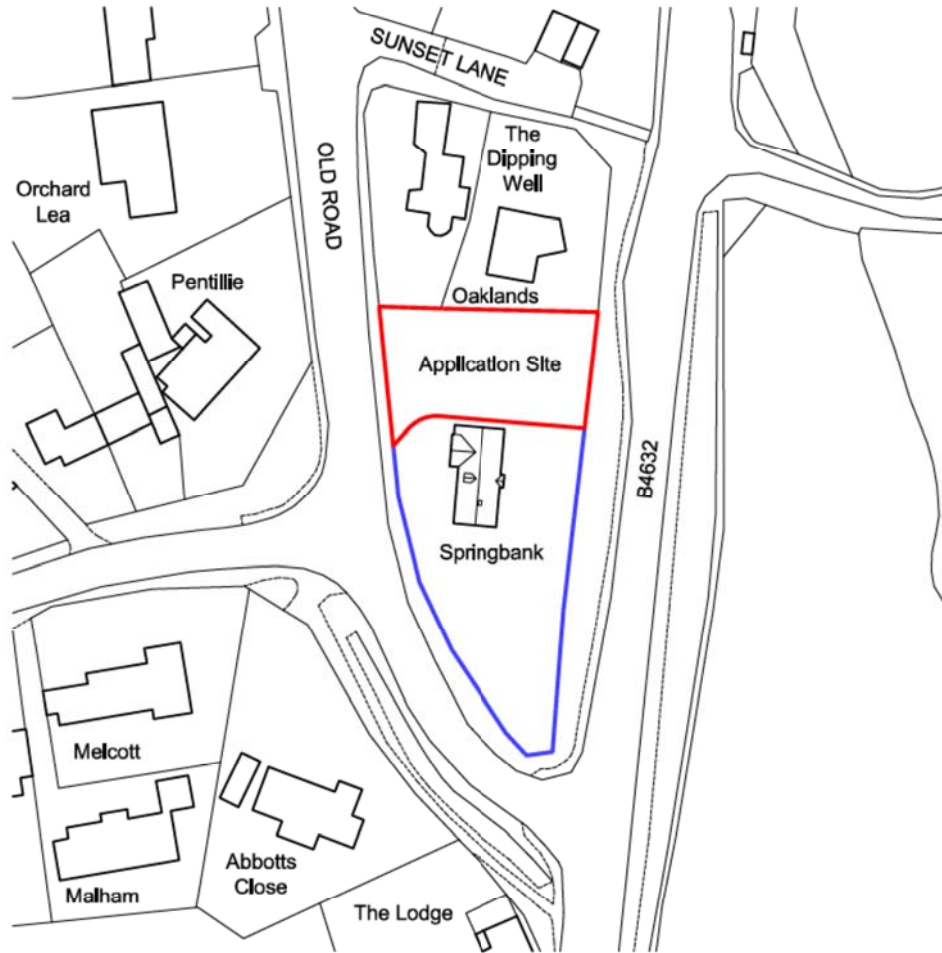
Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be approved in writing by the Local Planning Authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.


Reason – To safeguard the existing trees/hedgrows during the construction phases and to ensure no storage of materials/soils is in close proximity of the tree.

#### **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Tewkesbury Borough Council operates a District Level Licence (DLL) scheme for GCN. The application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat – the most important areas for GCN. Further information will be required prior to the commencement of development to demonstrate (a) the proposal poses no risk to GCN or (b) an assessment is submitted in respect of the risk to GCN alongside any measures to safeguard for significant risks and compensate for any impacts. This may result in the need for a GCN site mitigation licence if the developer chooses not to use the DLL.



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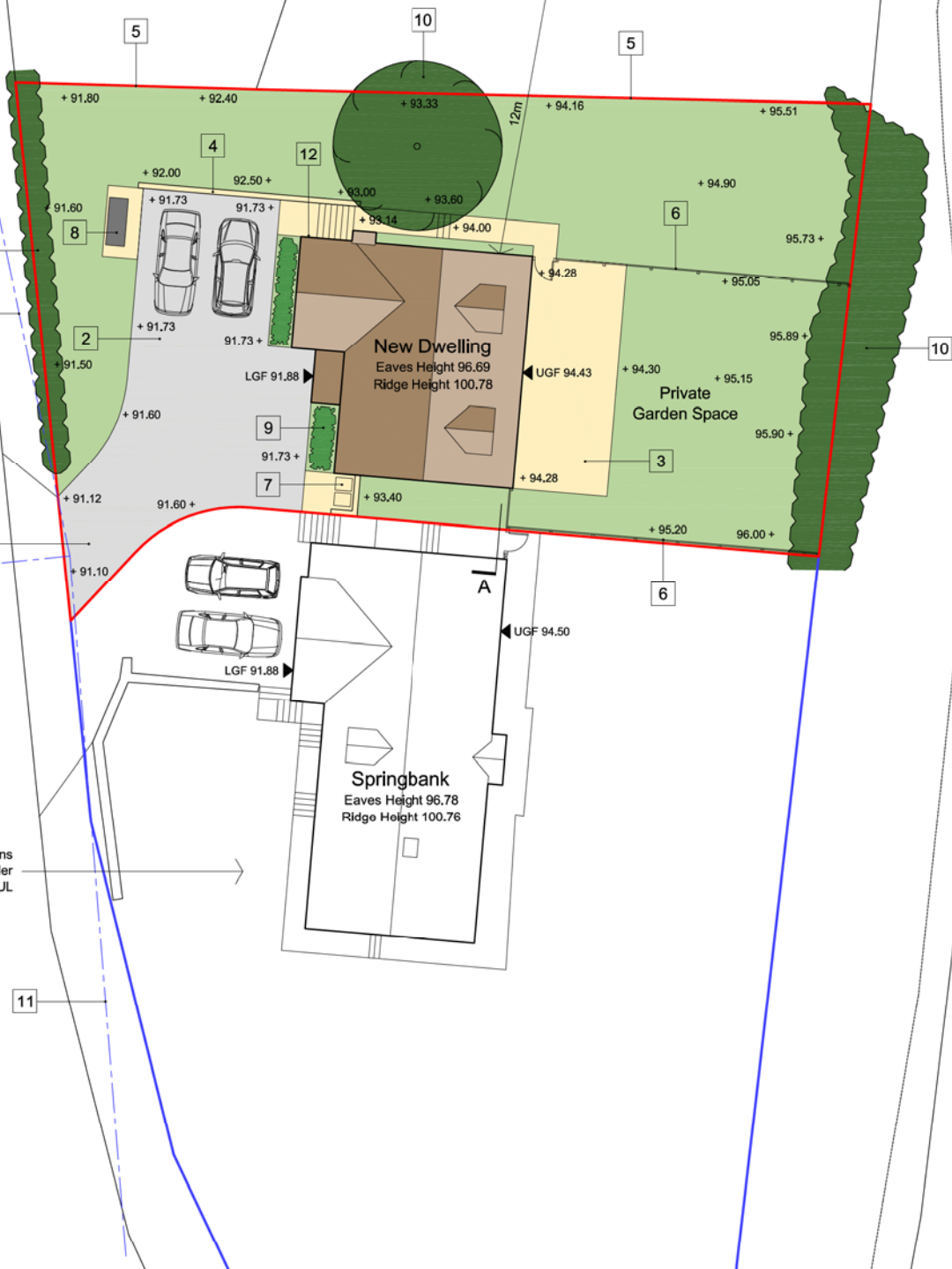
Client				 <b>URBAN ASPECTS</b> <small>LAND · PLANNING · DESIGN</small>		
Project						
Drawing Title						
<b>Springbank, Old Road, Southam</b>				<b>Location Plan</b>		
Date	Scale	Drawn	Status	Job No.	Org No.	Rev.
June 2020	1:1250 @ A4	GMP	PA	AND19.05	100	-



The Dipping Well  
Eaves Height 97.33  
Ridge Height 102.26

Oaklands  
Eaves Height 99.36  
Ridge Height 102.29

OLD ROAD



Proposed extensions and alterations to Springbank approved under application ref. 19/01103/FUL

B 4 6 3 2

**Key**

1	Existing vehicular access to be widened
2	Existing block paved driveway to be extended
3	Concrete paving slabs
4	New retaining walls and steps
5	Existing boundary fence to be retained
6	New 1.8m high timber close boarded fence
7	Refuse storage
8	Small metal cycle store
9	Areas of soft landscaping
10	Existing trees / hedgerows to be retained
11	2.4m x 30m Visibility splays
12	Electric car charging point

- B 24.09.20 Existing dwelling amended, section AA and private garden space added.
- A 10.09.20 Visibility splays added, cycle store repositioned and electric car charging point added.

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Client		[REDACTED]	
Project		Land at Springbank, Old Road, Southam	
Drawing Title		Site Layout	
Date	Scale	Drawn	Status
June 2020	1:200 @ A3	GMP	PA
Job No.	Drp No.	Rev.	
AND19.05	101	B	

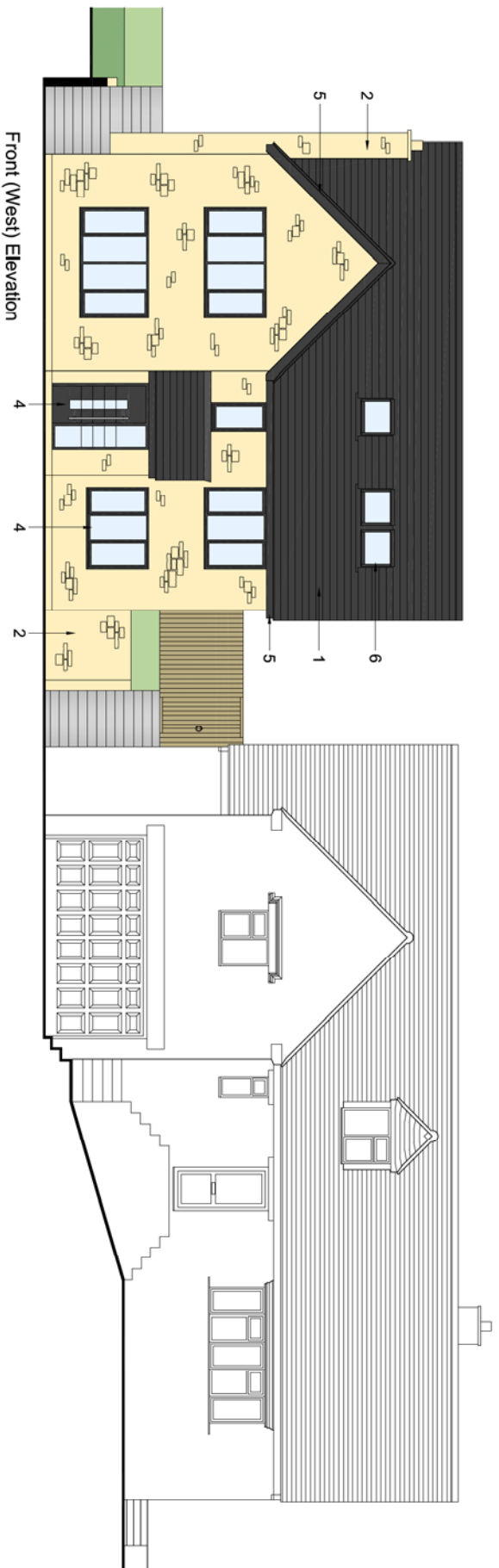


7 Bath Mews • Bath Parade 105 Southam • GL53 7HL

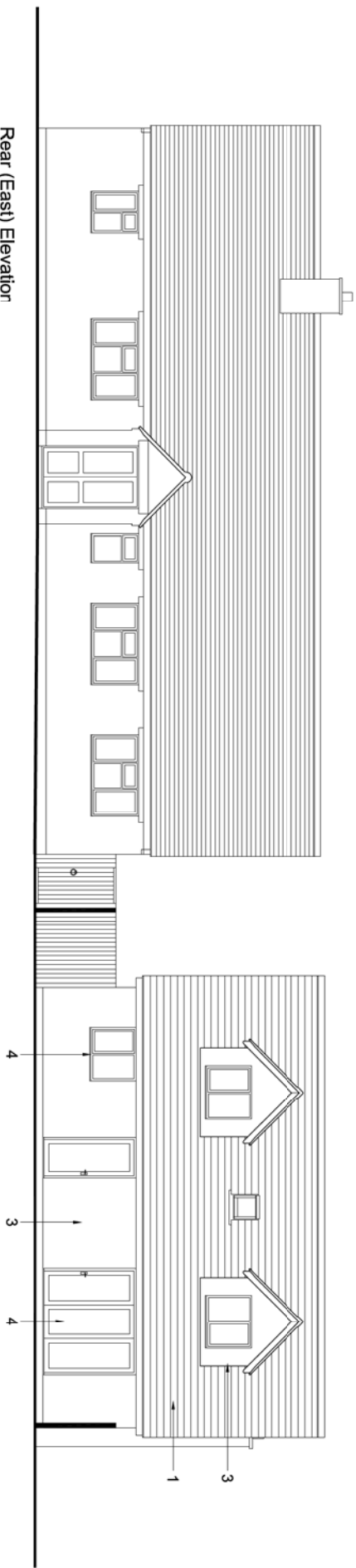
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Front (West) Elevation



Rear (East) Elevation

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 B 19.10.20 Front elevation of new dwelling amended.  
 A 24.09.20 Elevations of existing dwelling amended.

**Materials**

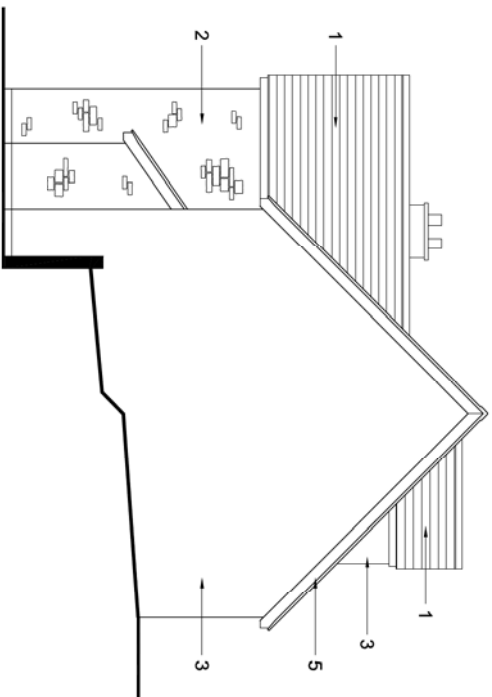
1	Fibre cement slates
2	Coursed local stone
3	Smooth render
4	Grey PVCu windows and doors
5	Grey PVC fascia and barge boards
6	Velux roof lights

Client		[REDACTED]	
Project		Springbank, Old Road, Southam	
Drawing Title		Elevations - Sheet 1 of 2	
Date	Scale	Drawn	Status
June 2020	1:100 @ A3	GMP	PA
Job No.	Draw No.	Rev.	
AND19.05	103	B	

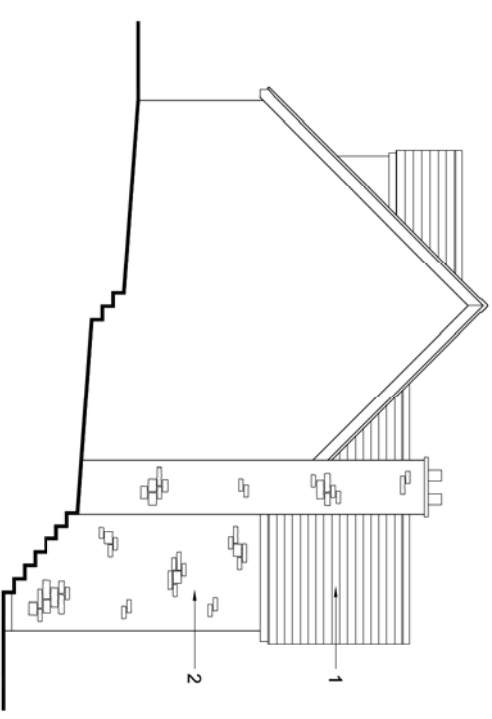


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Side (South) Elevation



Side (North) Elevation

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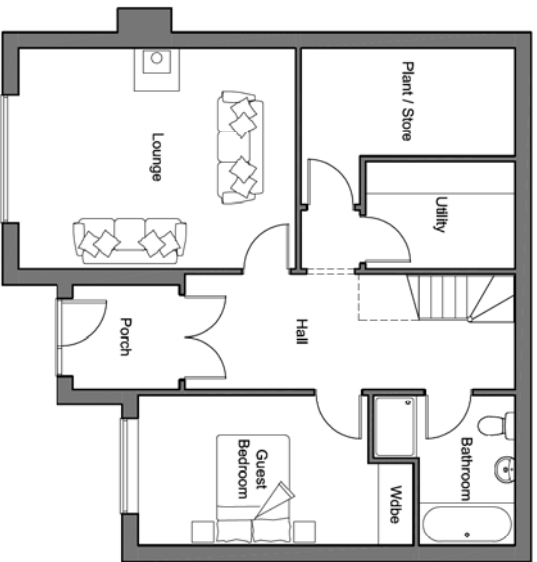
A 16.09.20 Windows removed from side (north) elevation.

**Materials**

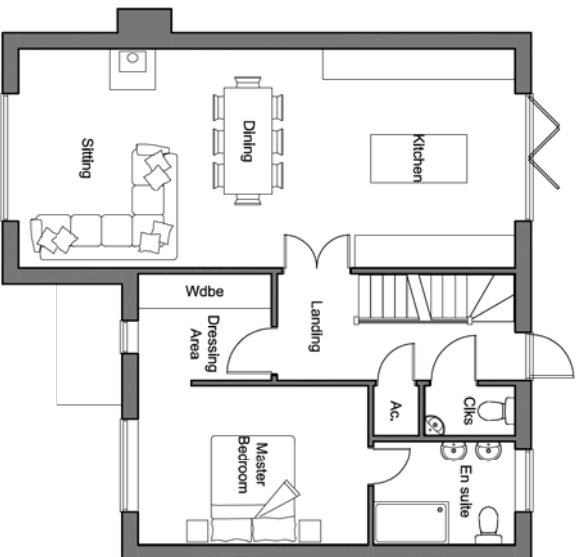
1	Fibre cement slates
2	Coursed local stone
3	Smooth render
4	Grey PVCu windows and doors
5	Grey PVC fascia and barge boards
6	Valux roof lights

Client		[REDACTED]	
Project		Springbank, Old Road, Southam	
Drawing Title			
Elevations - Sheet 2 of 2			
Date	Scale	Drawn	State
June 2020	1:100 @ A3	GMP	PA
Job No.	Draw No.	Disc No.	Rev.
AND19.05	104		A

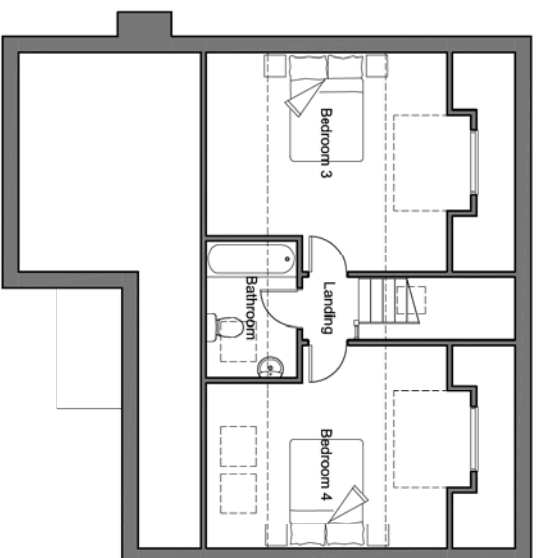




Lower Ground Floor



Upper Ground Floor



First Floor

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 A 16.09.20 Kitchen and Dining windows removed.

Client		[REDACTED]	
Project <b>Springbank, Old Road, Southam</b>			
Drawing Title <b>Floor Plans</b>			
Date	Scale	Drawn	Status
June 2020	1:100 @ A3	GMP	PA
Job No.	Draw No.	Rev.	
AND19.05	102	A	



## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	15 December
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

<p><b>Executive Summary:</b> To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.</p>
<p><b>Recommendation:</b> <b>To CONSIDER the report.</b></p>
<p><b>Reasons for Recommendation:</b> To inform Members of recent appeal decisions.</p>

<p><b>Resource Implications:</b> None.</p>
<p><b>Legal Implications:</b> None.</p>
<p><b>Risk Management Implications:</b> None.</p>
<p><b>Performance Management Follow-up:</b> None.</p>
<p><b>Environmental Implications:</b> None.</p>

## 1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

## 2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

(A) Appeal Decisions	
<b>Application No</b>	19/00506/FUL
<b>Location</b>	41 Swallow Crescent Innsworth Gloucester Gloucestershire GL3 1BW
<b>Proposal</b>	Construction of a detached 2-bed dwelling. (Revised scheme following refusal of application 19/00506/FUL)
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/W/20/3251553
<b>PINS decision</b>	Appeal Dismissed
<b>Reason</b>	<p>The main issues were the effect of the proposed development on:</p> <ul style="list-style-type: none"> <li>• the character and appearance of the area; and</li> <li>• the living conditions of the intended future occupiers of the dwelling with particular regard to outlook.</li> </ul> <p>The Inspector considered that the design of the proposed dwelling would reflect some of the architectural features of neighbouring dwellings in respect to roof form, details and materials. However, the development would introduce a detached dwelling on a prominent corner location characterised by semi-detached dwellings. It would interrupt the general uniformity of existing development on Swallow Crescent, substantially reducing the sense of space at the junction. Furthermore, the narrow elevation would result in a conspicuously different built form in a prominent location. As such it would not positively contribute to the appearance of the street scene and would not be in keeping with the prevailing character. The harmful effect would not be sufficiently resolved by the proposed landscaping.</p> <p>The Inspector stated that in the eventuality the approved semi-detached dwellings are constructed, the outlook from these aspects would be predominantly of an expanse of wall closely positioned to the proposed dwelling. Furthermore, the small private garden would be substantially enclosed by the two-storey elevation of the neighbouring dwelling. As a result, the occupants of the proposed dwelling would have a sense of feeling hemmed in when using the garden and looking out of the bedroom and living room windows. As such the dwelling and garden space would be less pleasant to use. The effect would be sufficiently harmful to adversely affect</p>

	<p>future occupants' quality of life.</p> <p>Overall, the Inspector considered that the proposal would not result in acceptable living conditions for future occupiers of the dwelling with regards to outlook. It would be contrary to Policy SD14 of the JCS which states amongst other matters that new development should not create conditions that could impact on human health.</p> <p>The Inspector finally concluded that the proposed new dwelling would be harmful to the character of the area and the living conditions of future occupants for the reasons outlined above. The appeal was therefore dismissed by the Inspector.</p>
<b>Date of appeal decision</b>	13.08.2020

(A) Appeal Decisions	
<b>Application No</b>	19/00333/FUL
<b>Location</b>	Part Parcel 2363 Butts Lane Woodmancote Cheltenham Gloucestershire
<b>Proposal</b>	Erection of 5 dwellings with associated access.
<b>Officer recommendation</b>	Non-determination
<b>Decision type</b>	Delegated
<b>PINS reference</b>	APP/G1630/W/20/3244978
<b>PINS decision</b>	<b>Appeal Dismissed and Planning Permission Refused</b>
<b>Reason</b>	<p>When assessing the location of the development, the Inspector noted that the appeal site is located on the edge of the village and that whilst it was apparent from the site visit that there is development on the opposite side of Butts Lane, the appeal site forms an open field. The Inspector set out that layout of the surrounding lanes (Bushcombe Lane and Butts Lane) gives a very definitive edge to the built form of the village and that given the absence of development around the appeal site, the proposal could not be considered infilling, and the proposal would be more akin to an extension to the built form of the village.</p> <p>Consequently, the Inspector found that as the proposal does not meet any of the exceptions in Policy SD10 for housing on sites which have not been allocated, the site is not a suitable location for housing, having regard to the development strategy for the area.</p> <p>The Inspector then considered the impact of the development to the character and appearance of the area. He/she highlighted that the appeal site is located within the landscape character type 2; Escarpment and having walked along several public footpaths located in close proximity to the appeal site the Inspector confirmed it was evident that the site is highly visible from the raised slopes when looking down towards Woodmancote.</p>

	<p>The Inspector stressed how Butts Lane provides a very clear and stark definition between the built up area and the rural area, which is particularly evident from higher ground. The appeal proposal would be located in an area where the village transitions from a semi-urban environment into one of a rural nature. As such, the proposal would introduce built form into a location where currently there is none. The Inspector considered this urbanising effect would not be in keeping with the character and appearance of the area. The proposal would introduce built form into an open field which is characteristic of the Cotswolds Area of Outstanding Natural Beauty (AONB) escarpment, and would clearly extend the settlement into the countryside.</p> <p>Consequently, the Inspector concluded that the proposal would harm the character and appearance of the area, and would fail to conserve or enhance the scenic beauty of the Cotswolds AONB.</p> <p>In light of this, the Inspector confirmed that because he/she found significant harm to the character and appearance of the area and identified that the harm to the AONB provides a clear reason for refusal the presumption in favour of sustainable development is not triggered in this appeal.</p> <p>The Inspector acknowledged the benefits of the proposed development however considered the identified benefits did not outweigh the conflict with the development plan and therefore the appeal was dismissed and planning permission was not granted.</p>
<b>Date of appeal decision</b>	08.09.2020

<b>(A) Appeal Decisions</b>	
<b>Application No</b>	19/00468/FUL
<b>Location</b>	Court Farm Caravan & Camping Site Court Farm Tewkesbury Road Twigworth Gloucester Gloucestershire GL2 9PX
<b>Proposal</b>	Change of use of land from agricultural to a caravan site to be used as holiday accommodation.
<b>Officer Recommendation</b>	Non-Determination
<b>Decision Type</b>	Delegated
<b>PINS Reference</b>	APP/G1630/W/20/3245948
<b>PINS Decision</b>	<b>Appeal Dismissed and Planning Permission Refused</b>

<p><b>Reason</b></p>	<p>The Inspector noted that the proposed rows of caravans would appear crowded, creating an intrusive form of development that would be of a scale that would not be sympathetic to the areas open rural character. Whilst accepting the appellant's point that the screening around the site could be strengthened through an appropriately worded landscape condition, the Inspector set out that landscaping is seasonal and views into the site particularly from the north would be likely to be increased during the winter months. Although the site is not within a local or national landscape designation, views of the caravans and associated paraphernalia would intrude into and disrupt the open rural character.</p> <p>The Inspector recognised the fairly sustainable location of the site with access to service and facilities. He/she also acknowledged the land to the east of the A38 as a Strategic Allocation in the JCS and if developed this will likely change the nature of Twigworth. However, the Inspector considered that, given the future development on the eastern side of the A38 this highlights the need to ensure that proposals should respect the openness of parts of the A38 corridor to the west and are sympathetic to the rural character and key viewpoints are not detrimentally affected.</p> <p>In light of the above the Inspector concluded that the proposal would result in harm to the character and appearance of the area.</p> <p>Further to this, in respect to the effect on the setting of the Grade II Listed Building at Court Farm, the Inspector noted that it was clear from the available evidence that the buildings at Court Farm were originally largely isolated, surrounded by open fields and countryside, and the open agricultural backdrop, including the site, would have contributed visually to their character. Whilst the Listed Buildings have incorporated a number of additions to their original features, including subsequent outbuildings, the Inspector concluded the context and form of the farmstead can still be appreciated.</p> <p>The Inspector stated that rows of caravans in a fairly generic and high density layout would not be conducive to preserving the open setting of the historic farmstead and would erode the immediate agricultural setting jarring the open character. This would be heightened with associated paraphernalia likely to include fencing, decking and external light for the caravans which would make the development appear more prominent. In light of this the Inspector concluded the development would thus be an intrusive form of development within the setting of the Listed Building and out of character with them.</p>
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	<p>The Inspector found the harm to be less than substantial but nevertheless of considerable importance and weight. In this case, the Inspector acknowledged some public benefits in terms of the provision of additional tourist accommodation and associated benefits to the economy would exist. However, given the intrusive nature of the siting of the caravans and the effect on the areas open character surrounding the Listed Buildings, these benefits would not outweigh the harm caused. As such, the Inspector concluded the proposal would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Area) Act 1990 and the proposal would fail to preserve the setting of the group of Grade II Listed Buildings contrary to Policy SD8 of the JCS.</p> <p>For those reasons the appeal did not succeed.</p>
<b>Date of appeal decision</b>	07.09.2020

(A) Appeal Decisions	
<b>Application No</b>	19/00538/FUL
<b>Location</b>	19 Whitefields Road Bishops Cleeve Cheltenham Gloucestershire GL52 8RR
<b>Proposal</b>	Erection of a two storey rear extension.
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/D/20/3246948
<b>PINS decision</b>	Appeal Dismissed Planning Refused
<b>Reason</b>	<p>The main issue of the appeal was the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook, privacy, daylight and sunlight.</p> <p>In terms of overlooking to the neighbouring dwellings at the rear, the Inspector stated that the proposed extension would allow shorter-range views into the properties of 12 and 14 Whitefields Road and their gardens than at present. The Inspector went on to say that "existing vegetation and boundary treatments would partly filter views. Nevertheless, there would be views over and through gaps in the vegetation. In addition, the replacement of an obscure glazed bathroom window on the rear elevation by a clear glazed one serving a bedroom would increase the likelihood of overlooking. Although the extension would extend straight from the rear of the appeal property, views from the first-floor windows would still be at a relatively direct angle into the rear garden spaces behind and the properties themselves. While there is no set separation distance given in local plan policies or a design guide, the appeal scheme would give rise to an unacceptable increase in the level of overlooking. This would be detrimental to the privacy of the occupants of those properties."</p>

	<p>The Inspector did not agree with the Council's assessment that there would be a harmful loss of outlook to no 16 Whitefields Road. The Inspector stated that "the appeal property is already a prominent feature in the outlook from 16 and 17 Whitefields Road. The proposal would increase the bulk of the appeal property as experienced from these neighbouring dwellings. Nevertheless, the proposal would not extend across the whole of the rear boundary of 16 Whitefields and the largely glazed conservatory would still provide an adequate outlook. Views from the kitchen window are already limited by the conservatory and garage. While the extension would still be an obvious presence from first floor rooms at 16 and 17 Whitefields Road, they would have an outlook over and away from the proposed extension. The extension would be highly prominent from the rear gardens. Notwithstanding this, it would not be an oppressive feature."</p> <p>The Inspector concluded that the proposal would unacceptably harm the living conditions of the occupiers of 12 and 14 Whitefields Road with regard to loss of privacy. As such, it would fail to accord with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and Policy HOU8 of the Tewkesbury Borough Local Plan. The appeal was therefore dismissed.</p> <p>In relation to the costs decision, the Inspector concluded that the Council has not acted unreasonably or in a way that has put the applicant to unnecessary or wasted expense. The application for an award of costs was therefore refused.</p>
<b>Date of appeal decision</b>	03.11.2020

(A) Appeal Decisions	
<b>Application No</b>	
<b>Location</b>	Land Off School Road Apperley Gloucester Gloucestershire
<b>Proposal</b>	Permission in Principle for the erection of 1no. dwelling
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/W/20/3249306
<b>PINS decision</b>	Appeal Dismissed Planning Refused

<p><b>Reason</b></p>	<p>The Inspector considered the main issue for consideration to be whether or not the principle of the proposed development was acceptable, with specific regard to the site's location.</p> <p>The Inspector acknowledged the site was adjacent to the rear boundaries of dwellings although considered that there was a marked change in character beyond the southern boundary of Westview. The inspector agreed with that the site does not lie within the service village. Further, the Inspector reasoned that the proposal would not constitute "infill development" and not represent a logical form of extension to the existing development, therefore would therefore conflict with JCS Policy SD10. The inspector highlighted that Policies RES2 and RES3 of the PSTBP of the emerging plan could only be afforded limited weight in the consideration of the appeal.</p> <p>The inspector further considered that the proposal would introduce built form on undeveloped land, outside of a settlement boundary that owing to its location would relate poorly with existing pattern of built form and to my mind would cause significant harm. The inspector advised that, in principle, the appeal proposal would not represent a logical form of extension to the existing settlement pattern or infill. For these reasons found conflict with criterion 4 of Policy SD10 of the JCS.</p> <p>Taking account of the Council's lack of a five year housing land supply, which means paragraph 11 of the NPPF was engaged, the Inspector concluded the proposal would contribute towards the shortfall in housing supply and would attract economic benefits, both during construction and afterwards.</p> <p>Notwithstanding this the Inspector considered that Policy SD10 constitutes as the most important policy, in reference to this appeal, as referred to by paragraph 11(d) of the Framework. And further considered that this policy is generally consistent with the Framework, and as such is not out of date for the purposes of paragraph 11. The Inspector concluded that the conflict with Policy SD10 carries significant weight.</p> <p>For these reasons, the Inspector found the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and allowed the appeal. Concluding that the proposal would not be a sustainable form of development.</p>
<p><b>Date of appeal decision</b></p>	<p>21.09.2020</p>

### 3.0 ENFORCEMENT APPEAL DECISIONS

3.1

(A) Appeal Decisions	
<b>Application No</b>	17/00010/ENFC
<b>Location</b>	26 Sallis Close Northway Tewkesbury Gloucestershire GL20 8TA
<b>Proposal</b>	Appeal against Enforcement Notice
<b>Officer recommendation</b>	N/A
<b>Decision type</b>	N/A
<b>PINS reference</b>	APP/G1630/C/19/3243106
<b>PINS decision</b>	Dismissed and Notice upheld
<b>Reason</b>	<p><b>Officer to summarise decision</b></p> <p>The enforcement notice required the demolition of the single storey timber side extension and removal of the closeboard timber fencing and gate.</p> <p>The Appellant appealed on grounds (b), (c) &amp; (d).</p> <p>Ground (b) is that the matters alleged by the notice had not occurred. The inspector stated the breach of control alleged in the notice had occurred so the ground (b) appeal failed.</p> <p>Ground (c) is that the matters alleged in the notice do not constitute a breach of planning control. The inspector concluded the Appellant had not demonstrated that any of the matters alleged in the notice are not in breach of planning control on the balance of probabilities. For that reason, the appeal on ground (c) failed.</p> <p>Ground (d) is that the alleged breach of planning control is immune from enforcement action due to the passage of time. It is for the Appellant to demonstrate (on the balance of probabilities) that the operational development was substantially completed four years before the date of the enforcement notice.</p> <p>The inspector concluded that the Appellant failed to demonstrate, on the balance of probabilities, that the alleged extension, fencing and gate were substantially completed four years before the date of the enforcement notice, so as to have gained immunity from enforcement action through the passage of time. The appeal on ground (d) did not succeed.</p> <p>In summary the inspector stated the appeal should not succeed and the enforcement notice was upheld.</p>
<b>Date of appeal decision</b>	28.08.2020

### 4.0 OTHER OPTIONS CONSIDERED

4.1 None.

**5.0 CONSULTATION**

5.1 None.

**6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

6.1 None.

**7.0 RELEVANT GOVERNMENT POLICIES**

7.1 None.

**8.0 RESOURCE IMPLICATIONS (Human/Property)**

8.1 None.

**9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

9.1 None.

**10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

10.1 None.

**11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

11.1 None.

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**Background Papers:** None

**Contact Officer:** Appeals Administrator  
01684 272062 AppealsAdmin@teWKesbury.gov.uk

**Appendices:** Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
20/00131/ENFB	Part Parcel 1959 Cursey Lane Elmstone Hardwicke	Appeal against enforcement notice	08.11.2020	W	JOE	
20/00029/FUL	Ireley Grounds Broadway Road Winchcombe	Demolition of outbuildings and removal of tennis courts. Sub-division of main dwellinghouse (Ireley Grounds) into two dwellings. Erection of 4 no. detached dwellings, a terrace of 3 no. cottages and associated landscaping.	16.11.2020	W	CAS	
20/00332/FUL	Land To The Rear Of 54 & 52A Rookery Road Innsworth	Change of Use of a double-garage to one-bed dwelling for disabled person(s)	17.11.2020	W	DLL	
19/00772/FUL	Land Parcel 0088 Willow Bank Road Alderton	Residential development up to 28 units, including means of access and landscaping.	26.11.2020	W	ALW	

### Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry