

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 16 February 2021 commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, G F Blackwell, L A Gerrard, M A Gore, D J Harwood, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines,
M J Williams and P N Workman

PL.54 ANNOUNCEMENTS

54.1 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.

54.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.55 DECLARATIONS OF INTEREST

55.1 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.

55.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5(a) 20/00758/FUL – Land between The Meteor and Anson Business Parks, Staverton.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote

L A Gerrard	Agenda item 5(h) 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.	Is a Member of Brockworth Parish Council and although attended the Planning meeting took no part in the discussion.	Would speak and vote
D J Harwood	Agenda Item 5(h) 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.	Is a member of Brockworth Parish Council but does not participate in planning matters..	Would speak and vote
M L Jordan	Agenda Item 5(a) 20/00758/FUL – Land Between The Meteor and Anson Business Parks, Staverton.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote
R J G Smith	Agenda Item 5(a) 20/00758/FUL – Land Between The Meteor and Anson Business Parks, Staverton.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote
P D Surman	Agenda Item 5(b) 19/01084/OUT – Land to the North Fleet Lane, Twyning.	Has received a large number of emails concerning the proposals but has not made any responses or expressed any opinions.	Would speak and vote
	Agenda Item 5(g) 20/01043/FUL – Dog Lane, Witcombe.		
	Agenda Item 5(h) 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.		

R J E Vines	Agenda Item 5(a) 20/00758/FUL – Land Between The Meteor and Anson Business Parks, Staverton.	Is a member of the Gloucestershire Airport Consultative Committee but it is not a decision- making body.	Would speak and vote
	Agenda Item 5(b) 19/01084/OUT – Land to the North Fleet lane Twyning.	Has received a large number of emails in connection with the proposals.	Would speak and vote
	Agenda Item 5(g) 20/01043/FUL – Dog Lane, Witcombe.	Is the County Councillor for the area.	Would speak and vote
	Agenda Item 5(h) 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.		
M J Williams	Agenda Item 5(a) 20/00758/FUL – Land Between The Meteor and Anson Business Parks, Staverton.	Is the Council's representative on the Gloucestershire Airport Consultative Committee but has taken no part in any discussions on this application.	Would speak and vote

55.3 There were no further declarations made on this occasion.

PL.56 MINUTES

56.1 The Minutes of the meeting held on 19 January 2021, copies of which had been circulated, were approved as a correct record.

PL.57 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

57.1 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.

20/00758/FUL - Land Between The Meteor And Anson Business Parks, Staverton

- 57.2 This was a hybrid planning application for a new business park development, including 1) full permission for the provision of a new site access off the B4063, internal estate roads and associated infrastructure; and 2) outline permission for a mixed use development comprising of Class B1, B2 and B8 employment use on 5.9 hectares of land.
- 57.3 The Planning Officer explained that the application site comprised of a 5.9 hectare parcel of land which fell within Gloucestershire airport and currently formed part of the northern side of the airfield. The application site was located predominantly in the Green Belt and within the 'essential operational area' of the airport. 3.8 hectares of the application site was proposed to be allocated as a major employment site in the emerging local plan and the Borough Council had sought to work positively with the applicant to explore the inclusion of the remaining western 2.1 hectares of land as a major employment site through the examination process and the local plan inspector would be asked to consider the western parcel of land as part of the examination. The application had been revised during the planning application process and the size of the application site had been reduced from 8.5 hectares to 5.9 hectares further to objections received from existing businesses operating at the airport. The amended application had been submitted as a hybrid application and sought full permission for the provision of a new site access, internal estate roads and associated infrastructure and outline permission with all matters reserved, besides access, for a mixed-use development comprising of employment uses. The design and access statement confirmed that the total gross internal floor area generated through the development would be up to 30,000sqm. Planning permission was being sought ahead of the adoption of the emerging local plan to release an initial £1.885 million of grant funding from the Local Enterprise Partnership for Gloucestershire through the Local Growth Deal 3, which would facilitate the essential infrastructure enabling works necessary to deliver the employment location. A number of objections had also been received to the application raising concerns about potential impacts on existing operators as a result of the development. The applicant had made amendments to the proposal by reducing the site area to alleviate some of those concerns which had resulted in the removal of objections from some tenants. However, objections did remain from some existing tenants at the airport that the proposal would impact on operations. Members were advised that air safety issues were a matter for the airport and it was not the role of the planning authority to regulate those matters, however, Officers considered that the revised site boundary, together with the revised operating procedures for helicopter flying, had alleviated some of those concerns. Further to the completion of the Committee report, a consultation response had been received from the County Highways Authority, advising that it had undertaken a full assessment of the planning application and had no objection subject to conditions and planning obligations. This response was summarised in the additional representations sheet and the applicant had advised that it was willing to enter into the requested planning obligations. It was concluded by Officers that the proposed development was inappropriate development in the Green Belt. Inappropriate development was, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances - the application would permanently harm the openness of the Green Belt on the application site. It was also concluded that the harm arising from the proposed development would be moderate in regard to the purposes of the Green Belt. However, there were economic and job creation benefits arising from the proposal as the proposed development would contribute to economic growth generally, and attract businesses which required an airport location, and would allow for the retention and expansion of existing businesses that

had outgrown their current premises. As such it was considered that very special circumstances existed in this case which clearly outweighed the harm to the Green Belt and other identified harms and it was therefore recommended that permission be delegated to the Development Manager

- 57.4 The Chair invited an objector to address the Committee. The objector indicated that he was speaking on behalf of a number of the airport's own users and tenants who had strong opposition to the application as submitted. He explained that he was a former Operations Director at the airport and now ran a business based on Meteor Business Park. He fully understood the airport's need to develop its property portfolio and he was familiar with its planning status as he had worked on its Joint Core Strategy submissions identifying areas of the airport that would be suitable for development. However, there were three key areas which he wished the Committee to consider: safety and operations – the airport acknowledged that reducing the amount of space available for flying training had a negative impact. The land areas identified in the original Joint Core Strategy submission acknowledged this, but the recent proposed amendments described the area earmarked for this development as 'redundant'. That was categorically not the case and, as a resident of Meteor Business Park, he could confirm that it was in daily use. In addition, helicopters, in particular those undertaking initial and advanced emergency training, required more space than during normal operations. The airport had proposed to trial new procedures, moving them closer to the main runway but COVID had prevented them from doing so and, as such, they had not been rigorously safety tested. Based on his previous professional experience as an air traffic controller, having personally been involved in developing the previous procedures, and as a private pilot, he did not believe the trial would work so the only viable option for air traffic control to safely integrate air traffic within the new constraints would be to limit and reduce the number of both helicopter and fixed wing aircraft flying; noise - when the applications for the Runway Safety Project were submitted in 2006, the airport was required to undertake extensive noise modelling to demonstrate that the proposals would not impact on the local communities. By taking the north-south runway out of operation permanently, airport flight paths would be fundamentally altered yet no such analysis appeared to have been undertaken this time. The new flight paths would result in increased air traffic over Churchdown, the new developments at Innsworth, Longford, Twigworth, Elmbridge Court and Springbank. As a tenant on Meteor Business Park, his business was affected by helicopter noise on a daily basis and, whilst not an issue for him, his visitors and telephone callers did sometimes find the noise levels and disruption surprising. Any future tenants on the proposed development would definitely encounter the same problems; and in terms of aviation business impacts - the hastily revised submission the airport had made, significantly reducing the size of the development, was indicative that the aircraft operators had not been fully or adequately consulted and appeared to be driven by a deadline to obtain Local Enterprise Partnership funding. Furthermore, the wider airport and neighbouring local communities had not been consulted via the normal mechanism of the Gloucestershire Airport Consultative Committee. In summary, he felt the reduction in available space and limitations on air traffic capacity would directly affect some operators from going about their routine business and, whilst the new Business Park may be seen as a catalyst for new jobs, it could be at the expense of high-value, technical jobs associated with current aircraft operations at a time when the aviation industry, already severely affected by COVID, needed support more than ever before.

- 57.5 The Chair invited the applicant's agent to address the Committee. He explained that, through the Joint Core Strategy, the Borough Plan and the Strategic Economic Plan, the airport had been identified as one of the county's prime locations for economic growth. Furthermore, the airport was acknowledged to be a key regional asset and critical to the existence of many businesses in the county. It was also recognised that the airport needed to develop in order to secure its future. As such, the GFirst LEP had committed nearly £2 million of grant funding to the airport to help deliver employment in this location. With that in mind, the emerging local plan proposed to allocate the land subject of this application for B-Class employment purposes. Upon its adoption, this land would be removed from the Green Belt. The applicant had intended to wait until the local plan's adoption to advance the application but, due to the local plan delays, and the strict deadline for the use of the Local Enterprise Partnership funding, there was no choice but to bring this forward now. This meant that Very Special Circumstances were required to justify it in the Green Belt. There were a number of such circumstances that supported a decision to grant permission now and those included: meeting the growth strategy of the Joint Core Strategy and Strategic Economic Plan through delivering aviation, cyber tech and engineering development at Staverton, known as the key growth sectors; facilitating the release of £1.85 million of Local Enterprise Partnership funding; leveraging £46 million through private investment over 10-years and a further £45.5 million per year in gross added value; delivering around 1,500 new jobs; attracting high profile businesses to the Borough, which required an airport location; funding the repair of the main runway, which was critical to the airport's continued operation; and complying with emerging local plan strategy - withholding permission now would only prevent the benefits identified. It was noted that a very small minority of helicopter operators had cited operational limitations. However, the applicant was pleased to see that the majority of the airport tenants were in support. Following amendments to the plans, the two largest helicopter operators, Babcock and Special Aviation Services, had confirmed their support. The airport was fully committed to its tenants and had undertaken to accommodate their operations. It was, first and foremost, a place of aviation and that would remain the case. All other technical planning matters had been fully addressed to the satisfaction of Officers and technical consultees and, through extensive transport modelling, both Highways England and the County Highways supported the application. The Environment Agency and Lead Local Flood Authority were satisfied over drainage and the Council's Environmental Health, Urban Design and Landscape Officers were also in support. It was considered that this was without doubt the most important development the Agent been involved with in Tewkesbury Borough in 18 years and, in line with the emerging local plan aspirations, delivering this now presented massive economic and job creation benefits at a time it was needed most and had the potential to kickstart the county's economic recovery from the COVID-19 pandemic, as well as finally securing the long-term viability of the airport, through financial stability and essential runway repairs. He hoped the Committee would feel able to support the application, which needed a positive outcome in order to benefit from the essential Local Enterprise Partnership funding.
- 57.6 The Chair confirmed that the Officer recommendation was "delegated minded to permit" as it was necessary for the proposals to be referred to the Secretary of State to determine whether to "call-in" the application. The Officer recommendation was proposed and seconded following which a Member questioned the position in relation to County Highways as the Committee report indicated that the County Highways Authority had requested that the application be deferred for additional information to be submitted and, although the applicant had submitted the information, a response was still awaited from County Highways; the Member also questioned whether this would be new information in terms of an updated traffic impact assessment for the whole area or whether reliance would be placed on DS7

which was now out of date. The Planning Officer advised that, as detailed in the additional representations sheet and his presentation, a consultation response had been received from County Highways indicating that a full assessment of the application had now been undertaken and there were no objections subject to conditions and planning obligations; the applicant had advised a willingness to enter into the requested planning obligations. The Development Manager indicated that in relation to highway matters the applicant had submitted specific information based on all the available evidence and DS7 or any other design solutions played no part in this; the County Highways Authority was satisfied with the evidence provided. Another Member questioned the need for this development when the Business Park in her area was applying for change of use to housing as there was no demand for the business units. In response to a question about the meaning of delegated minded to permit, the Legal Adviser clarified that the application had to be referred to the Secretary of State for a decision on whether he wished to “call in” the application for his own determination or whether the application would be left to the Planning Authority to determine which was why it was a “minded” delegated permit until it was known what the Secretary of State wished to do in respect of the application. Should the Local Planning Authority ultimately be left to determine the application then the delegation to the Development Manager would enable the planning obligations requested by the County Highways, and agreed by the applicant, to be included in a S106 agreement prior to the issue of the permission. The Development Manager stated that as the highway conditions had only just been received it may be necessary to tweak other conditions which would also be covered under the delegation but there would be no change to the main substance of the conditions just possibly some minor changes. In respect of the question concerning need he stated that, as mentioned by the applicant’s agent, the Joint Core Strategy had a particular target of 192 hectares of employment land that needed to be delivered over the plan period and this development would contribute to that planned need which was the basis on which the application was submitted and the Borough Council was promoting part if not all as part of the plan process.

57.7 Upon the motion being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to be **MINDED TO PERMIT** the application in accordance with the Officer recommendation, subject to any minor amendments to the conditions required as a result of the additional conditions requested by the Local Highways Authority and the completion of a s106 agreement to secure the requested highway planning obligations.

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

57.8 This was an outline application for residential development for up to 52 units and associated works with all matters reserved for future consideration except for access.

57.9 In introducing the report, the Development Manager explained that the application site lay to the eastern edge of the village, north of the recently completed development on Fleet Lane. To the west was the rear boundary of properties in Goodiers Lane. Downfield Lane was to the east with open fields beyond, whilst to the north was, again, open agricultural land. The application was made in outline and was supported by an illustrative layout which indicated how up to 52 units could be accommodated on site with a green buffer indicated along the southern and eastern boundaries and the proposed drainage feature in the south west corner would form part of this. The remainder of the boundary up to the “dogleg” did not have a buffer largely because of the long gardens on those particular properties. To the north west of the site the landscape buffer was shown on the illustrative plan as

an orchard/allotment area which would be on the highest part of the site. The Development Manager showed a large selection of photographs to the Committee containing a variety of views across the site and its setting in the context of the village and surrounding area including Bredon Hill and other developments in the area. The applicant had also provided a number of “verified views” which in essence superimposed what the houses could look like on the site in response to concerns about the view from Twyning Green and the impact of the development on those views in particular looking out towards Bredon Hill. The Development Manager stated that, whilst the houses could be seen so could Bredon Hill and beyond, and with the proposed landscaping it was his view that there would be minimal impact on Bredon Hill and the wider views. The application site lay outside the development boundary as set out in the Neighbourhood Development Plan which was made in 2017. Consequently, the application was contrary to the development plan policies relating to the provision of housing. However, in line with Paragraph 11 of the National Planning Policy Framework, those policies were considered to be out of date as the Council was unable to demonstrate a five-year supply of deliverable housing sites at this time. Therefore, the tilted balance applied, and the presumption was that planning permission should be granted unless there were any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits. Those benefits, as set out in the report, would be mainly related to the provision of housing, 40% of which would be affordable units in accordance with the Joint Core Strategy policy. Those benefits should not be underestimated, particularly in the context of the housing land supply shortfall. There would also be economic benefits both during and post construction. Concerns had been raised by the local community in respect of the conflict with the Neighbourhood Development Plan (NDP) which was understandable as it had involved a great deal of hard work, however all development plan policies for the provision of housing including those contained within the NDP must be considered out of date in the context of the five-year supply position. Therefore, the fact that the site was outside the development boundary in the Neighbourhood Development Plan must be given reduced weight in the decision-making process. In landscape terms, whilst there would inevitably be an intrusion into the open countryside, Officers considered that this intrusion could be mitigated as shown on the illustrative layout with landscaping and the green buffer. Particular concerns were raised regarding views out from the village green, however, as shown on the ‘verified views’ submitted by the applicant, it had been demonstrated that views out towards Bredon Hill in particular would not be unduly interrupted by the proposed development. It was also noted that none of the views identified as important in the Neighbourhood Development Plan would be affected by the proposed development. Objections had also been raised in respect of infrastructure, however, there were no objections from consultees in respect of highways and drainage infrastructure subject to conditions and there was no objection from the Local Education Authority subject to s106 contributions towards education provision. No objections had been raised in respect of design, biodiversity or heritage matters. In respect of highways matters, as well as concerns around the inability of the local road network to cope with the additional traffic arising from the development, specific concerns had been raised about the absence of a footway between the site and the nearby primary school. The Local Highway Authority had advised that, given the low number of vehicles likely to use this route during peak hours, such a footway would not be necessary and, overall, it did not object to the application subject to conditions and securing a travel plan and monitoring fee. There had been discussion in particular around foul drainage and existing problems in the area during times of significant rainfall. Nevertheless, Severn Trent Water, as the statutory undertaker, had raised no objection and confirmed the developer would have the legal right to connect into its system. The existing problems were subject to continued investigation by Severn Trent Water and a scheme was being prepared which would be considered for funding later this year. Whilst a previous scheme was rejected following a cost benefit analysis, Severn Trent Water had

indicated that the latest proposals would likely be more viable largely as a result of that body looking at a wider area which would result in a greater cost benefit. Notwithstanding this, a condition was suggested on the late representations sheet which would replace condition 21 in the report and require drainage details, following an investigation of foul sewerage improvements, to be agreed before work could start. There was sympathy with the frustrations of the local community, particularly in respect of the conflict with the Neighbourhood Development Plan. Whilst there would be conflict with development plans, including the Neighbourhood Development Plan, the weight to be attached to those policies must be reduced in line with Paragraph 11 of the National Planning Policy Framework. Having carefully considered all the material considerations, it was not considered there were significant and demonstrable harms which would outweigh the benefits set out in the report and it was therefore recommended that permission be delegated to the Development Manager subject to finalising the proposed conditions and securing the planning obligations set out at Paragraph 8.9 of the Officer report.

- 57.10 The Chair invited the representative of Twyning Parish Council to provide the views of the Parish Council. The representative advised that the Committee had a very important decision to make and not just for Twyning. The 52 new houses outside the development boundary and in a Landscape Protection Zone would irreversibly change the rural character, settlement pattern and local amenity of Twyning and was contrary to all the current 'made' and emerging plans and policies including the National Planning Policy Framework. If Twyning's Neighbourhood Development Plan housing policies, adapted to local needs and services, were overridden then all local influence on residential development in the Borough's Neighbourhood Development Plan areas would disappear. This may mean that the Committee's decision could create a 'free for all' for developers with no local reference point for local housing policy. Three months ago, the Planning Committee comprehensively refused an application for development outside the Neighbourhood Development Plan boundary which "did not meet the strategy for the distribution of new development in Tewkesbury Borough" with six out of the seven reasons given for the refusal decision referring to the Neighbourhood Development Plan. The weight of the Neighbourhood Development Plan was enough to tilt the planning balance, even in light of the Council's housing land supply position. The Parish Council felt the Borough Council had made a responsible decision to refuse in November and nothing had changed since then. Although this application differed in both location and design, it could not justify a complete reversal in the interpretation of National Planning Policy Framework Paragraphs 11 and 14. The National Planning Policy Framework itself did not suggest time expiry meant that Twyning's policies were automatically out of date (Peel Holdings) and the Committee's decision would set a precedent for the future. Housing supply figures were highly contested and should not be exaggerated as a material consideration or be the sole determinant. The planning balance assessment ignored, deferred or glossed over significant 'harms'. If the golden thread of policy was sustainability, surely a decision could not be made where fundamental and substantive gaps existed: Gloucestershire County Council had stated that it had "significant concerns regarding sustainability and lack of pedestrian and public infrastructure" in a nearby application and the Council was not obliged to agree with the recent Appeal Inspector. The Borough Council's documents enumerated that the actual housing supply figure was 4.35 years and, with allocations in the emerging Plan, 7.2 years. The Parish Council felt a knee-jerk reaction must be avoided particularly since Twyning had an oversupply of houses built over the last 5 years. The Parish Council representative maintained that the Committee could not simply accept all Neighbourhood Planning Document housing policies were out-of-date and decisions should be consistent and not made simply to make up housing numbers or avoid subsequent appeals. The Council had reinforced the policies in the Twyning Neighbourhood Development Plan by replicating most of them in the emerging Local Plan - Twyning Parish Council was supportive of that approach and now asked for the Borough Council's support by

refusing the application.

57.11 The Chair invited an objector to address the Committee. He advised that there were practical reasons for his objection in terms of access, highway safety, infrastructure, landscape and lighting. He explained that, contrary to Policy TP1 of the Neighbourhood Development Plan, the development would cause a severe adverse traffic impact and increase the volume of traffic within the Parish that could not be acceptably mitigated, particularly where the road network was narrow and pedestrian facilities were non-existent. Contrary to Policy TP2, it made no attempt whatsoever to improve traffic flow, safe walking and cycle links. In fact, quite the opposite, residents of the new development would have to walk on the carriageway to access the village centre. Trip rates and traffic speed analysis supporting the application were of course selective and did not reflect the true situation. The road provided access to an extensive park home and caravan site comprising some 125 units, in addition to the 22 homes on the nearby Newland development, significant farm traffic and was on National Cycle Network route (NCN 45). In terms of infrastructure, there was no indication in the application or acknowledgement in the conditions that took into account the respective easements requirement for both the foul sewer and water main that crossed the site. In addition, the application was contrary to Policy LF1 in that it was likely to adversely affect infrastructure, services and facilities. It was also contrary to Policy GD7 in that there was no attempt to show that the development would not lead to an adverse impact on the foul water drainage infrastructure and sewage treatment systems. The Committee was already aware that the sewer network was chronically over capacity, flooding roads, gardens and the sewage treatment works. The Parish did not believe that condition 21 was enforceable on Severn Trent particularly since Condition 22 of the Persimmon development contained similar wording but was completely ignored by the Borough Council's enforcement department, such that the site was occupied for six months before a connection to the sewer was even made. Severn Trent Water acknowledged the problems with the Twyning network and documentary evidence had been provided from them that suggested the likely upgrade solution would not be affordable. That being the case, the houses could be built but not occupied. It was accepted that the sustainable urban drainage solution was an industry standard but he questioned the wisdom of adding to the existing gully system. To do so would increase the risk of flooding to adjacent properties where the water ran into the River Avon. There was no provision in the application to comply with Policy GD7 (1 and 2). Referring to landscape concerns, the objector indicated that the development, which was outside the Neighbourhood Development Plan development boundary and contrary to policy GD1, represented a further expansion of the built settlement and was an encroachment into the open landscape contrary to Policy GD4 of the Neighbourhood Development Plan. The emerging local plan designated this as a Landscape Protection Zone. Finally, in terms of lighting, the application proposed for street lighting was contrary to Policy GD8 in the Neighbourhood Development Plan.

57.12 The Chair invited the applicant's agent to address the Committee. She explained that she was from SF Planning, speaking on behalf of the applicant, Newland Homes Ltd. Throughout the application process they had worked proactively with Planning Officers which had resulted in a positive recommendation. She felt the Officers' report was very comprehensive so she would keep her speech brief. Right from the outset, the proposals had been guided by landscape architects in order to respond to landscape considerations. MHP Design had been commissioned to provide an initial overview of landscape and visual matters early on in the process and their recommendations had been incorporated into the scheme. A low density development of 20 dwellings to the hectare was proposed with significant areas of public open space including a community orchard and allotments. As Members would know from their other developments locally, including Twyning Green, Newland Homes offered high quality, thoughtful design, distinct from the more

predictable designs from large national housebuilders and big PLCs; and this was certainly what they were proposing for this site. They had evolved an organic arrangement of homes that allowed for passive surveillance of streets and spaces and proposed to incorporate architectural styles and materials that reflected the local vernacular. A mix of house types and sizes were proposed including bungalows which it was felt would appeal to older people and also those wishing to downsize which would, in turn, free up larger dwellings for those in the market needing to upsize. The layout before the Committee also included wide landscape buffers along both Fleet Lane and Downfield Lane as well as improvements to the boundary hedgerows, and the planting of native trees both within the site and within the hedgerows. Having considered the comments made by the Parish Council, and some village residents during the application process, the applicant had offered an alternative access drawing which showed a footpath connecting the site to the Green, from where many of Twyning's services and facilities could be easily accessed. As explained in the Officers' report, this would necessitate the narrowing of the carriageway and the introduction of a traffic control system. The Highways Authority had advised the footpath was not necessary to make the development acceptable and Officers did not feel this would meet the statutory tests for conditions. Newland Homes was also aware of County Highways' suggestion that the proposed dwellings were provided with an extra room to facilitate working from home. Again, although a condition requiring this would not meet the statutory tests, this idea would be considered at the reserved matters stage of the planning process. The dwellings built by Newland Homes were generously proportioned, with many able to accommodate a home office or study. She trusted the Committee would acknowledge the lack of harm associated with the scheme, borne out by no objections from technical consultees.

- 57.13 The Chair invited one of the local Ward Member's to address the Committee. He feared that the recommendation to permit this application would be a real kick in the teeth to all those residents who had spent many hours, over many years, producing the Twyning Neighbourhood Plan and voting on it only to be told that just two years after its adoption it would be disregarded in respect of the new dwellings. The site was outside the residential housing boundary – it was not supported by the existing Borough local plan and neither was it included in the emerging local plan. The report made clear that the Neighbourhood Development Plan remained an integral component of the adopted development plans and, whilst he understood the pressure on the Committee following the Ashmead Drive decision, he asked that it continue to judge each application on its merits and stand up for the local neighbourhood plan and not consign localism to the bin. Among its many faults, the Member found the failure to provide a footpath linking the site to the heart of the village absolutely staggering. This was an estate of 52 houses, expected to use the school, the shop, the pub, the village hall and the play park and yet no safe pavement access was to be provided. The residents were expected to walk in the road which he found unbelievable – he could not imagine a single member of the Planning Committee would believe that was right. He felt that, in this day and age, planning should be delivering integrated, cohesive communities, not something stuck out on a limb where occupants risked serious injury in the face of vehicles on unlit roads. He considered it disgraceful that this application should even be considered for permission without safe pedestrian access being provided and asked the Committee to refuse it.
- 57.14 The other local Ward Member for the area proposed that the application should be refused. He informed the Committee that over six years ago work had commenced on the Neighbourhood Development Plan (NDP) and after four years of hard work and thousands of volunteer hours ably assisted by officers a plan was achieved. However, at that time those volunteers and also Councillors had no idea that the Plan would have less effect after just two years. Twyning, along with other villages in the Borough, had thought that they had produced a good plan, a plan that

mapped out housing in the village up until 2031. He maintained that to allow this application would open the floodgates for all the Borough's villages to be overrun by development in inappropriate places. There were many reasons why the application should be refused, and the lack of weight given to the NDP was at the top. Other reasons included; the lack of a footpath from the school and shop - at a time when everyone was being encouraged to walk instead of drive this was an unbelievable omission on safety grounds alone as the road would only get more dangerous and primary school children and wheelchair users would be expected to walk on it; the school was not able to cope with additional numbers resulting in children having to be transported by car out of the village to other schools; there was only one bus a week which served the village which was a shopper bus; drainage, this was already a problem with raw sewage flowing down the roads and whilst Severn Trent had confirmed that the developer would have the right to connect into this system Severn Trent did not have the money in place to upgrade the drainage system and therefore the situation could only get worse with this application which was completely unacceptable; finally, the site was outside the village boundary and in a landscape protection zone. He referred to the Parish objection and the huge number of emails received from residents expressing concerns about this application and maintained that if permitted the development would set a precedent for further encroachment into the countryside with a consequent effect on the local environment. Attention was drawn to Page No. 51 of the Officer report and the comments of the Commission for the Protection of Rural England (CPRE) which stated that Twynning had already had a substantial amount of new houses built and should not be expected to take anymore until there had been a satisfactory cohesion between the village and the new developments. The Local Member also felt that it was worth noting that there was an application currently being considered for one dwelling in the next field along and the comments from County Highways on that application was that the location was not considered suitable for permanent residential use in terms of sustainability due to the lack of public transport, footway linking to the bus stop, school and shop, employment and other amenities, therefore the Local Highway Authority recommend an objection. In summary the Local Member indicated that the reasons for refusal of this application were the NDP, capacity of the school, safety, traffic, lack of footpath, drainage and damage to the environment; the development conflicted with SP2, SP10, RES1 and RES4, GDP and TP1 of the Twynning NDP. The Committee's decision was of course very important to the residents of Twynning, but the implications were far wider and he urged Members to refuse it. He indicated that such a decision may end up at appeal but as a Council it was essential Members looked after and protected their communities as that was what they were there for. In conclusion he indicated that for the reasons he had outlined significant and demonstrable harm would arise from the proposed development. In seconding the proposal for refusal, a Member expressed concerns about the affordable housing element of the development which was shown as 40% but she believed that it was in fact only 20%.

- 57.15 During the debate which ensued, a Member referred to one of the objections from the Parish about a large Severn Trent Water Main with a 14 metre easement crossing this site which he felt was very concerning and asked to see a diagram of where this was in relation to the development. The Development Manager indicated that he did not have a plan showing the location of the Water Main but he indicated that this would be a matter for the applicant to agree with Severn Trent Water; the application was only in outline with an indicative layout and if it could not be achieved in terms of numbers of dwellings because of constraints within the site such as existing easements then this was a matter to be resolved further down the line. In terms of the other application referred to, he reminded Members that each application had to be considered on its own merits and whilst he did not have the details to hand of this application it appeared that the fact that this site was further out, albeit only a small distance, meant it was further detached from the village settlement and therefore different considerations would apply. Commenting on

some of the other points that had been made the Development Manager indicated that there was sympathy with those people in the community who had worked so hard on the NDP equally the Council had worked hard on its Local Plan and it was extremely frustrating for all to be in a position where national policy dictated that those plans had to be given reduced weight as a consequence of the Council's lack of a 5 year land supply. The weight to be ascribed to any material consideration was for the decision-maker. Officers had looked at the development in the round and in the knowledge of the expectations of Government Inspectors in situations where there was no 5 year land supply and a recommendation on the application had been made on this basis so, whilst Officers were sympathetic to the community, it was their professional judgement that reduced weight must be given to the NDP and the development looked at favourably in accordance with Paragraph 11 of the framework. In terms of the school, the Local Education Authority, who was the specialist statutory consultee in this respect and the body with the statutory duty to deliver school places, had raised no objection to the application therefore it would be very difficult in these circumstances to robustly justify an objection on education matters. The drainage position had been explained in the Officer introduction and the Officer's view was that this was a matter which could be addressed by condition and to suggest that Severn Trent had no money to put in place a solution was not quite the understanding of the Development Manager having spoken to that body recently it was confident that the revised scheme it had prepared would provide a solution to the drainage problems and would receive funding from its Board based on an improved cost benefit analysis; the amended condition proposed required investigation of the foul drainage improvements that may be required and drainage details to be agreed before work could start on site which would satisfactorily address this matter. In terms of the footpath it was the judgement of Officers and the Local Highway Authority that this was not required and, although this was something that Members could take a different view on, the applicant would maintain that he had followed the advice of the statutory consultee on this matter; nevertheless if the Committee felt that the footpath link was necessary to respond to the concerns of the community it was the understanding of the Development Manager that the applicant would be willing to provide the link and this was something that could be secured through the Section 106 agreement. In respect of landscape this was again a matter of judgement. The site was in a Landscape Protection Zone and there would be landscape harm but Officers had taken the view that the site related reasonably well to the existing settlement, the applicant had already completed a site to the south of Fleet Lane and this proposal would sit alongside the existing edge of that settlement by Downfield Lane and with the proposed buffers and additional strategic landscaping mentioned by the Agent in her speech, Officers felt mitigation against any harm could be achieved. In summary there were matters of judgement which the Committee, being very familiar with the area, could consider as grounds for refusal but in terms of the school, drainage and footpath link in the absence of objections in those respects from any of the statutory consultees responsible for those areas this was a concern in terms of being able to robustly defend those matters in the event of a potential appeal should the Committee refuse the application. The Chair invited the representative of the Local Highways Authority to comment and he indicated that he did not have to hand the application for one house near to this site and therefore was unable to comment but was happy to discuss the matter with the local Ward Member after the meeting to ensure consistency of process, although he stressed that this application had been assessed on its own individual merits and it did not necessarily follow that comments on one application would be tied to another nor set a precedent although he understood the point being made. He went on to comment on the footpath link as this had also been a matter of concern to the Committee, this issue was one of consistency and user experience for both pedestrians and car drivers; footways were not common within this community and there was little if any benefit in providing a short section of narrow footway link to a junction which effectively had

no continuous footways there afterwards. Speeds and volume of traffic were not high in the area and would certainly not meet the severe impact tests which would be necessary to demonstrate refusal; the County Highways consideration was that the best most consistent and understandable approach was to mimic the environment already experienced in Twyning and to let people understand that they are walking the carriageway but they could step on to the verge should they need to do so; this mimicked the experience that other users and existing residents currently experienced. The Local Highways Authority representative stressed that the footpath link was not supported in this instance for the reasons he had explained.

- 57.16 It was apparent that Members were very concerned about permitting a development which would only exacerbate the sewage problems in the village and were not confident that the proposed stronger condition would deliver a solution for the existing residents; there was a recognised deficit in capacity and Members expressed a strong preference for this to be resolved in a satisfactory manner before any further development took place which would only increase the problems. Throughout the Borough there were problems with drainage and sewage running down the roads where development after development had connected into the existing drainage systems which then became overloaded in periods of persistent heavy rain. There was already a problem at Twyning and to permit this development on the basis that Severn Trent were preparing a scheme to resolve the problem that had yet to receive any approval for funding was a hostage to fortune and the proposed condition would not guarantee that these issues would be resolved before further development only worsened what was already a very bad situation. Other Members referred to the Neighbourhood Development Plan which the village had worked so hard to produce but now seemed to have limited value because the Council did not have a 5 year land supply which was felt to be completely ridiculous and unacceptable. The Committee was of the opinion that the harms outlined by the local Ward Member clearly outweighed any benefit from the development and provided substantive reasons to refuse the application. Other Members raised queries on the Section 106 agreement; the need to include contributions for refuse vehicles as opposed to just bins; the calculations used for the number of people occupying the dwellings which affected the amount of the Section 106 contributions and the size of the affordable homes built on the site. In terms of the calculation of the number of people that were likely to arise from a development this was done on the basis of some empirical work undertaken a number of years ago which calculated the number of people between 2.3 and 2.4 per dwelling, the number of bedrooms did not necessarily equate to the number of people that would be in the dwelling and therefore was not a good indicator. In terms of affordable housing as set out in the report the number of bedrooms per property was based on the need for that accommodation as advised by the Council's Affordable Housing Officer, the exact mix of the market housing would be something to be agreed at the reserved matters stage and would be based on the evidence held by the Council in the form of the Strategic Housing Market Assessment. As regards the allocation of Section 106 monies for refuse vehicles, this was something that would require further work, not everything could be funded from Section 106 monies there were other streams of funding to be considered and the more that was added to a Section 106 agreement the greater the impact on the viability of the development. Any changes to the process would need to be considered in a structured manner rather than through individual planning applications. In terms of the application, the Development Manager reiterated that there was conflict with the development plan which was very clear in terms of the neighbourhood plan, the JCS and the emerging Borough Plan and the weight to be given to the development plan documents in the context of any application was for the decision-maker so it was well within the remit of the Committee to take a different view to Officers and ascribe more weight to the conflict with those development plan documents in terms of the appropriateness of housing in this location. In relation to drainage, the Development Manager could add nothing further to what he had said earlier in that the Officer view was based on

the technical consultee response but it seemed to him that Members were concerned that it had not been demonstrated in this case that foul sewage from the proposed development could be disposed of adequately without exacerbating existing problems with foul sewage in the area. As far as landscape was concerned, Officers had based their view on that of the Council's Landscape Advisor but Members could take a different view having seen all the proposals before them it seemed that there were still concerns about the intrusion into the landscape in the landscape protection zone. In terms of any other grounds that may be considered for refusing the application the Development Manager was of the view that it would be extremely difficult to mount a robust defence in relation to the footpath link and the school given the clear responses of the statutory consultees with the Local Education and Highway Authorities clearly saying that there was no grounds for objection in this respect. In conclusion the Development Manager stated that if Members were minded to refuse this application the reasons would be limited to the conflict with the Development Plan, the exacerbation of existing sewage problems in the area and the harm to the landscape.

- 57.17 The proposer of the motion to refuse the application indicated that he was happy with the three reasons for refusal as summarised by the Development Manager. Before taking the vote, the Legal Advisor sought clarification as to whether there would also be a technical reason for refusal in relation to the fact that the Council has not yet received planning obligations in respect of affordable housing and all of the other items set out in Paragraph 8.9 of the report. Upon confirmation, the motion was put to the vote and it was

RESOLVED That the application be **REFUSED** for the following reasons; conflict with the Development Plan, it has not been demonstrated that the foul sewage arising from the development can be disposed of without adding to the existing sewage problems in the area, intrusion into the landscape in the landscape protection zone and absence of planning obligations in respect of affordable housing and all of the other items listed in Paragraph 8.9 of the Officer report.

- 57.18 The meeting adjourned at 11.55am for a comfort break.
57.19 The meeting reconvened at 12.15pm with the same membership present.

20/00294/FUL - Brookfield, Ashchurch Road, Tewkesbury

- 57.20 This application was for the erection of three no. dwelling houses.
57.21 The Planning Officer advised that the application related to part of an extensive garden to the rear of a property known as 'Brookfield' on the south side of the A46, which was characterised by commercial and residential development along its length. The proposed development would be set to the rear of existing residential development and to the north of a recently permitted housing scheme. The proposal was for three dwellings comprising of a pair of semi-detached properties and a single detached property. This had been reduced from four units following negotiations with the applicant. The properties would be two and a half storeys and their design would reflect those permitted on the adjacent scheme. In terms of the principle of this development, the proposal would represent infilling in the context of Policy SD10 and was acceptable. The site would be accessed through the recently permitted housing development and would effectively form a continuation of an estate road within that development. Eight off-street parking spaces would be provided as well as three additional garage spaces and the formation of a turning head. The proposed development would be a continuation of the existing residential development and the design and scale of the proposal would be in keeping with that scheme, which would result in an acceptable integration with that development.

Concerns had been raised in respect of the relationship with existing properties to the north of the site and the overlooking of gardens, however, the reduction in the number of units had allowed for a more spacious layout, which had improved the relationship with the existing property. The dwellings would be sited at a lower level than the properties fronting onto the A46 due to the fall in levels towards the south. Plot 1 would also be set over 21 metres away from the rear elevations of 'Brookfield' and 'Deerhurst' meaning there would be no harmful impact in terms of loss of light or any overbearing effect. In terms of overlooking, the development would overlook neighbouring gardens to a degree, however, those gardens were extensive and any overlooking would be to the end of those gardens and so was considered to be acceptable. The proposal would result in the loss of leylandii and some ornamental trees although this would be mitigated by the provision of a new three metre beech or hornbeam screen to the eastern boundary as well as additional tree and shrub planting to the front gardens. Concerns had also been raised about the potential impact on future occupiers given the proximity to the village hall. To address this, a two metre acoustic fence was proposed to the eastern boundary of the site. The Environmental Health Officer had also raised no objections to the proposal on noise grounds. In light of this, the proposal was considered acceptable and was recommended for permit.

- 57.22 The Chair invited the applicant to address the Committee. On there being no response, the Development Manager read the applicant's submission that she, along with her husband their two sons and dogs had lived at Brookfield, in Ashchurch Road for 20 years, it was an excellent location to live with good local facilities and schools with a close community. The very large garden had become too large for the family and they would like to maintain a more normal size of garden, hence the application for three homes in the rear. Sadly the leylandii trees, which were planted about 25 years ago as a hedge, had grown so much they had become overly tall and oppressive so the application proposed to replace them with more appropriate pleached hornbeam trees at three metre height to give privacy but still allow some daylight. In addition to this, to prevent any noise from the village hall, they would be erecting a two metre acoustic fence - the village hall was very well run and had never caused the family any noise nuisance in the 20 years they had lived three doors from it as it mostly hosted family gatherings, children's parties and exercise classes during the daytimes. The revised plans showed the new tree planting and fencing to provide noise and visual screening as requested by the Planning Officers. The western boundary did not overlook a property, only gardens. The applicant had listened to the Urban Design Officer's comments and recommendations and had revised the house designs and had worked with Officers throughout the consultation period and amended the plans where requested and on advice of the relevant Officers. The three new homes complied with all current planning legislation and policies. For clarity, neither the applicant's property nor garden had ever flooded and, even in the 2007 flooding, it was not affected with no flood water ever running through the property or garden. The Gloucestershire County Council drainage team had reviewed the plans and had approved the proposed management of water, both surface and sewage. The recommendation to the Committee by the Planning Officer was that the application should be permitted as it was in accordance with all planning regulations and she respectfully requested that the Committee approve the application in line with the Officer's opinion.
- 57.23 A Member raised the concerns that had been expressed by the Parish Council and Village Hall Committee in relation to the development's close proximity to the village hall and how noise and car parking could affect future residents. She indicated that she could not see within the conditions the requirement for a 2 metre acoustic fence to be erected as part of the planning permission and questioned whether it was only included as part of the design drawings. In her view it was essential that this should actually be constructed and on this basis she asked whether it could be included as a specific condition within the planning consent. The Planning Officer indicated that

if the fence was shown on the drawings then this would be covered by the condition which indicated that construction had to be in accordance with the approved drawings; should this not be the case then a condition could be added to ensure that the fence was constructed. The Development Manager indicated that conditions could be made more specific to include the acoustic fence on the relevant boundary. The Planning Officer confirmed that having just checked, the acoustic fence was shown on the approved drawings so it would also be covered under that condition. The Member indicated that she would prefer a specific reference to the erection of the acoustic fence in the conditions particularly since the village hall was to be extended and the Village Hall Committee felt that it was really important for the fence to be erected to alleviate any noise issues that future residents may complain about as the Committee did not wish to see any future restrictions on the use of the village hall; it was her view that this was really important and on the basis of the change suggested by the Development Manager to specifically reference the acoustic fence she proposed that the application be permitted. This was seconded and upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation subject to the addition to the conditions to specifically reference the erection of the acoustic fence.

20/00364/FUL - 1 Notcliffe Cottages, Walton Hill, Deerhurst

- 57.24 This was an application for demolition of 2 no. existing cottages and erection of 2 no. replacement detached dwellings and associated garages. With change of use of agricultural land to associated residential use.
- 57.25 The Planning Officer advised that the application related to Nos. 1 and 2 Notcliffe Cottages which were located along the eastern side of an unnamed road in Deerhurst Walton. The application also related to a small area of land situated to the north of the residential curtilage associated with No.1 Notcliffe Cottages. This land currently formed part of a larger parcel of land that surrounded the application site and, in the absence of any planning history, it was assumed that the land was currently agricultural. The application site was bounded by established trees/hedgerows and was located within the Landscape Protection Zone. There was an existing access and parking area to the north, and an existing public right of way passing through the site. The application was submitted in full and sought the demolition of Nos. 1 and 2 Notcliffe Cottages and the erection of two dwellings with associated works, including access, parking and landscaping. The application also proposed the change of use of a small area of land from agricultural into residential use. This change would facilitate the parking and garage area for Plot 1. The site currently comprised a pair of semi-detached, two storey dwellings which were rendered with a pitched roof. The proposed units would comprise: Plot 1 - a two-storey three bedroom pitched roof dwelling with a recessed single storey to the side, located centrally in the garden of No.1 Notcliffe Cottages; and Plot 2 – a two-storey four bedroom pitched roof dwelling located centrally in the garden of No.2 Notcliffe Cottages. Both dwellings would be served by private external amenity areas and detached garages. 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 proposed dwellings would be considerably larger than the existing cottages on site; however, it was recognised that the replacement builds had sought to respond to the site's topography and were of a traditional design which incorporated features that reflected the local character. Furthermore, the proposal was considered to be commensurate to the size of the spacious plots and would not appear out-of-character with neighbouring properties located along this part of Deerhurst Walton. Since the Officer's report was written, the applicant had submitted a detailed schedule of materials to be used and had requested that proposed condition 3, which currently required materials to be signed off prior to

works beyond DCP level, be changed so that works were undertaken in line with the submitted materials list. Officers considered this to be a proactive approach, however, little time had been made available to consider whether the suggested materials were acceptable. With this in mind it was recommended that the grant of planning permission be delegated to the Development Manager subject to the amendment of planning condition 3 in order to fully assess the proposed materials.

- 57.26 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to delegate authority to the Development Manger to permit the application subject to the amendment of planning condition 3 in order to fully assess the proposed materials.
- 57.27 A Member referred to the consultation response from Gloucestershire County Public Rights of Way in relation to the requirement for a footpath diversion and until such time as that diversion had been agreed no works could commence; he queried whether this would be included as a condition of any permission granted. The Development Manager stated that whilst he understood the point being made he did not think a condition would be necessary as the County Council had its own powers in terms of footpaths and if anything happened to obstruct that footpath or damage that footpath before the applicants had gone through the process of the diversion order then the Authority could take action through that legislation. As Members were aware the guidance stated that Planning Authorities should not look to control things that are dealt with by other legislation and therefore it was his view that a condition on the footpath diversion being undertaken before the commencement of development would not be necessary. The Member recalled problems in the past where a barn had been built over a footpath and the legal process that had ensued plus he personally felt that applicants did not always pay proper due regard to footpaths and their importance to the community therefore he personally felt he would like to see something in writing about the diversion as part of any planning consent approved. The Development Manager indicated that there may be situations where development was carried out without the developers knowing or understanding the footpath requirements or process, but this was not the case in this instance as the applicants were fully aware of the requirements. However, he indicated that if Members were concerned and, in the event that it might not be the applicants that carried out the development, a note could be added to the Decision Notice indicating that a footpath diversion was required before development commenced. After further investigation the Development Manager confirmed that Note 4 on Page No.106 already covered this point.
- 57.28 Upon being proposed and seconded a vote was taken and it was
- RESOLVED** That authority be delegated to the Development Manager to **PERMIT** the application subject to the amendment of condition No.3 in order to allow the assessment of the proposed materials.

20/00844/FUL - Longford Lodge, 68 Tewkesbury Road, Longford

- 57.29 This was an application for change of use from a dwellinghouse (C3) to a house of multiple occupancy (HMO) for 10 persons (Sui Generis).
- 57.30 The Planning Officer explained that the application related to No. 68 Tewkesbury Road which was a large detached two storey red brick property located in Longford. The property occupied a corner plot on the junction of Victoria Road and Tewkesbury Road, with parking to the frontage and access to the rear which was also laid to hardstanding to provide additional parking. The property was currently occupied as a dwellinghouse after a grant of planning permission in 2015 for a change of use from bed and breakfast accommodation (C1) to a dwellinghouse (C3). The application was submitted in full and sought permission for the change of use of dwellinghouse to a house of multiple occupancy which was classified as a

Sui Generis use in the Town and Country Planning (Use Classes) Order 1987 (as amended). A house of multiple occupancy was defined in law as a house or flat in which three or more unrelated persons, forming two or more households, shared an amenity such as a bathroom, toilet or cooking facilities. The property would accommodate up to ten people, who were not from a single household, with private bathroom facilities and shared kitchen facilities. No physical changes to the building were proposed. An assessment of the material considerations could be found on Pages No. 119-122 of the Agenda. As set out in the report, Officers considered the proposed change of use would not compromise highway safety and no other harm, in respect to design, visual impact, residential amenity and flooding, had been identified therefore it was recommended for permit.

- 57.31 The Chair invited the applicant to address the Committee. He explained that for at least 30 plus years the building had been a house of multiple occupancy as a 10 bedroom guest house and for the most recent five years it had been occupied by eight people - an unusually large family - who had used it as a residential dwelling. The planning application sought to reinstate an established capacity of the building to provide housing for up to 10 people. The objections raised represented unfounded concerns that car parking would be a problem or that local utilities capacity would be overloaded. The building, its utilities, and its immediate surroundings remained unchanged over the last five years, and hence the application simply sought to a return to multiple occupancy usage for which it had been eminently capable for the 25 years prior to that.
- 57.32 A motion to permit as per the Officer recommendation was proposed and seconded. A Member indicated that he had reservations with regard to car parking and flooding as this site flooded on a regular basis. He sought assurances from Officers in relation to road safety in respect of parking on what was a busy main road, the A38. He maintained that there was not sufficient parking in the side roads so parking would have to be established within the property boundary itself, with 10 people living there then presumably it would be necessary to accommodate 10 vehicles. In addition, there was nothing in respect of the green agenda and upgrades to accommodate electric vehicles although he was unsure as to how this would work as electric and water did not mix well. He also questioned what remedial work, if any, would need to be done to safeguard the property in respect of flooding issues which occurred regularly in that area. The Planning Officer referred to Paragraph 7.14 of her report which indicated that the Local Highways Authority had no objection to the proposals, with regards to flooding there were no changes to the building and the use was still classed as the same classification but from a residential dwelling to a house in multiple occupancy and as there was no increase in the footprint of the building no mitigation measures were required, however the flood risk assessment did suggest the inclusion of a flood evacuation plan to be prepared and provided to all residents and this had been secured by condition. The representative of the Local Highways Authority indicated that whilst the application was for the accommodation of 10 people with circa 7 parking spaces; he referred to the County Council's recommended parking standards on Houses in Multiple Occupation which stated that 10 people did not necessarily equate to 10 parking spaces of demand in fact the evidence underpinning this showed that it was significantly less with a ratio of only 3-4 spaces being necessary for a development of this scale which was easily catered for with the existing hard paving without any displacement so consequently there would in the opinion of the Highways Authority be no adverse impact on highway safety. With regard to electric charging points, as there was no change in parking areas, a condition for such points would be inappropriate in this instance but the Authority had sought to ensure that every single occupant had a secure sheltered cycle parking space which it was believed would be beneficial. Another Member indicated that she was more concerned about the internal layout as opposed to the external and expressed concern about the small size of some of the rooms and queried whether they were in accordance with

Government Regulations as this did not appear very satisfactory to her. The Planning Officer indicated that, in terms of the amenity of the occupant, size standards were governed by the Housing Act 2004 and associated Regulations and these set out the legal requirements for a room. The proposals had been checked by one of the Council's Environmental Health Officer's who had confirmed that the room sizes and layout were sufficient to meet the requirements of the legislation and also for the license as the number of people proposed to live in this accommodation would require the issue of a House in Multiple Occupation (HMO) licence from the Council. In the light of this information there were no objections in terms of amenity. Other concerns were raised in relation to access and outside space but upon being put to the vote, it was

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

20/01163/LBC - 9 Church Street, Tewkesbury

57.33 This application was for the installation of a non-illuminated shop sign.

57.34 The Planning Officer advised that the application related to 9 Church Street which was a retail unit within Tewkesbury Town Centre, and the proposal sought listed building consent for a replacement fascia advertisement on the Grade Two listed building. The application was before Members because the applicant was a relative of a Council employee. There were no concerns in terms of the impact to the listed building and no objections had been raised by consultees, as such, the Officer recommendation was to grant listed building consent. The Development Manager referred to Paragraph 4.2 of the Officer report which indicated that the Conservation Officer had raised no objection to the application but in fact that should be amended to indicate that no consultation comments had been received from the Conservation Officer as the applicant was related to that Officer. In addition, at Paragraph 4.3 it was stated that there were no comments from Historic England but they did respond just to indicate that this was not an application that they were interested in providing a comment on. Nevertheless, Officers felt that they had enough information to be able to make a robust judgement on the acceptability of the proposal.

57.35 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to grant listed building consent. It was proposed and seconded and upon being put to the vote

RESOLVED That **CONSENT** be granted for the application in accordance with the Officer recommendation.

20/01043/FUL - Dog Lane, Witcombe

57.36 This was an application for demolition of existing barn, byre and pig pens and replacement with single dwelling (revised application following withdrawal of 20/00540/FUL / following Approved 18/00568/FUL in terms of siting and design).

57.37 Prior to her presentation the Planning Officer confirmed that she had received a copy of a letter that had been sent to all Members but that the content did not change her recommendation to refuse this application.

57.38 The Planning Officer advised that the site related to a parcel of land at Oak Farm which was located along Dog Lane, Witcombe. The site was north west of the existing farmhouse on level ground excavated into the hillside, occupied by three agricultural buildings which were in a poor state of repair and would be demolished as part of the proposal. Access was via the existing farm track to Dog Lane. The site was in the open countryside on the steeply sloping west facing Cotswold Escarpment and it lay within the Cotswold Area of Outstanding Natural Beauty and the Green Belt. The application was for the demolition of the existing agricultural

buildings and the erection of a two storey detached dwelling with carport and workshop building. The proposal included significant engineering operations to stabilize the site. The site had extant permission for a single storey detached dwelling with the retention of the cattle byre building. A two storey dwelling on the site was refused and dismissed at appeal in 2007. The main considerations were the revised siting and design of the dwelling with regard to the Green Belt, landscape setting and Cotswold Area of Outstanding Natural Beauty, design and character of the area, biodiversity and highway safety. The proposed dwelling did not form part of the exceptions to development under Paragraph 145 of the National Planning Policy Framework and was defined as inappropriate and therefore harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances would not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, was clearly outweighed by other considerations. The proposal included engineering operations to stabilize the site through excavation and the erection of a gabion wall to the east. Engineering operations were not considered inappropriate in the Green Belt provided they preserved the openness of the Green Belt and did not conflict with the purpose of including land within it. The gabion wall would introduce additional built form into the landscape and therefore would impact openness. The engineering operations did not justify the increase in scale of the dwelling and the proposed dwelling would result in a taller and more prominent building at 8.5 metres. The current application included widening the access drive and significant lengths of stone walls and fencing along the boundaries of the site. The introduction of formal hard boundary treatments, the additional width of the access track and increased scale of the dwelling would materially affect the openness of the Green Belt compared to the existing agricultural use and the extant permission. The site lay within the Cotswold Area of Outstanding Natural Beauty and the application had been accompanied by a Landscape and Visual Impact Assessment. The proposal would be greater in volume and more visually prominent with significant hard boundary treatments, than the extant permission which was in part screened by retaining the existing cattle byre. It was considered that the proposal would erode the natural rural landscape character by introducing a prominent residential dwelling with its associated curtilage that required substantive mitigation works outside the application site to screen the development in an area afforded one of the highest levels of protection. In terms of design and materials, the proposed dwelling would be considered appropriate to the character of the area. There was no substantial harm in terms of neighbour amenity, highway safety and drainage. The proposal would not add to housing supply as it would replace the approval for a previous dwelling on the site. The application included the demolition of the existing agricultural buildings and an Ecological Report was submitted with regard to protected species, and Sites of Special Scientific Interest and Special Area of Conservation in the wider area. The report identified the cattle byre building as having a high potential for roosting bats and the Council's Ecological Advisor required additional surveys to be undertaken prior to determination to establish whether the building was used for roosting, the species, number of bats present and mitigation works required. Therefore, insufficient information had been submitted for the Council to fully assess the impact on bats resulting from the demolition of the former cattle byre building. In conclusion, it was not considered that the factors in favour of granting permission advised by the applicant, individually or cumulatively, clearly outweighed the clear and identified harm to the Green Belt. It was therefore not considered that very special circumstances existed in this case to justify inappropriate development in the Green Belt, and it was therefore recommended the application be refused.

57.39

The Chair invited the applicant to address the Committee. He explained that he had been born on Oakland Farm and had lived there for most of his life. The Committee had previously granted permission for a new dwelling in 2018 and therefore the principle of development had been established. Recent developments on Dog Lane,

Bentham had required complicated civil engineering solutions for foundations and, following a geotechnical survey, the geotechnical and civil engineers had agreed that the approved dwelling would need to be moved forward and that extensive engineered retaining walls and landscaping would be required. To keep the proposed Cotswold vernacular, the dwelling was as far back on the site as possible and the current proposal reduced the footprint and proposed a one and a half storey dwelling which simplified foundations. Despite multiple enquiries to the Planning Officer regarding design changes, over eight months and two applications, no guidance or discussions over the design had been forthcoming. The Planning Officer had consulted with the Cotswold Conservation Board and the Conservation Officer and provided a summary of the Officer's response; however, that summary had not been made available on the planning website and was not included in the Officer's report. Following the receipt of the summary, several changes to the design were proposed but the Planning Officer informed the applicant that none were required; despite that, and following comments from the Parish Council, the proposed ridge height had been reduced and additional planting had been introduced to provide screening. Attention was drawn to Paragraph 10.1 of the Officer's report which stated that "there are two storey detached properties of similar scale in the wider vicinity of the site and therefore the design would be considered appropriate in the character of the area". In the application for Buckland Manor Farm (20/00107) the Development Manager had stressed that "each application must be considered on its own merits" and in respect of the Cotswold vernacular he indicated that "reflecting did not necessarily mean mimicking". The current Cotswold vernacular proposal would result in a greater than 25% reduction in the current footprint area and the redevelopment would also see a significant reduction in hardstanding by more than 80% with a corresponding increase in soft landscaping that was considered more appropriate in the site's Green Belt location. Due to the potential for bats in the cattle byre, a more comprehensive bat survey had been commissioned and would be undertaken at the appropriate time of year. The Planning Officer had been provided with additional information and a bat mitigation strategy would be developed with the cattle byre remaining until any bat mitigation had been completed. The Planning Officer had acknowledged being aware of the requirement for additional bat surveys but had not informed the applicant of that requirement in time for surveys to be undertaken in 2020 due to being out of season. There were no objections to the proposal and 11 letters had been written in support which highlighted that the proposals were an improvement to what was currently there; would improve the Area of Outstanding Natural Beauty; that there would be no negative ecological or visual impact from the development; and that the proposal would be a visual improvement and would enhance the surrounding area. The proposal was an appropriate form of development in the Green Belt and would result in an improvement to the openness and visual amenity of the Green Belt as a result of the reduction in built form.

- 57.40 A Member proposed that the application should be permitted, he stated that, as outlined by the applicant, permission was granted for a dwelling on this site by the Planning Committee in September 2018. As stated the applicant was keen to get this built but following professional advice from a civil engineer it was considered that a safer option would be to move the building forward a few metres but still on some of the original footprint; similar applications had come before the Committee, usually in the Cleeve Hill area, where there could be possible ground movement on the hillside. The applicant had been hoping that this could be dealt with by amended plans but was told a new application would be required, on this basis the applicant decided that a 1.5 storey house would be better suited to the area as it would result in a smaller footprint. As could be seen on Page No. 137 there had been letters in support of the application which in summary commented that by replacing the existing dilapidated agricultural buildings the proposal would visually enhance an Area of Outstanding Natural Beauty; the proposed dwelling would be in keeping with the environment and character of the area; as the applicant was born at Oaklands

Farm it would seem sensible that he should be allowed the opportunity to stay which was achieved by the previous permission. At Paragraph 7.1 of the Officer's report it was recognised that the principle of a dwelling was established but the report then went on to almost argue against the previous decision; the Local Highways Authority considered that the proposal would be located in an unsustainable location and the occupiers would be reliant on a private car to meet their needs but the permission granted in 2018 would make that statement irrelevant as if that permission had been implemented then these traffic movements would take place in any event. The Member was of the view that it seemed as if this application for a single dwelling was being viewed differently from the site, just below this one, for 49 dwellings that was shown in photographs that had been sent to Committee Members yesterday and on the ariel photograph shown by the Planning Officer. The 49 dwellings were developed over and across the original testing beds where the principle of Jet Propulsion had been developed by Sir Frank Whittle and his team but there had been no recognition of this historic story written or retained on this site which local residents still felt was an act of pure vandalism; a major historic site built on with 49 dwellings for people to move into the area as opposed to one dwelling just above this site that would replace dilapidated old buildings and provide accommodation for someone who was born on the site. He reminded Members of the permission that had been granted at the last meeting which was in the Cotswold AONB and referred to by the applicant as a replacement dwelling; this had been accepted and he felt that the same attitude should be applied in respect of this application. Whilst he was aware of the need for each application to be taken on its own merits, that application had been for an enormous 7 bedroom home whilst the application before the Committee today was for a modest 3 bedroom house next door to Uplands in Dog Lane which again could be clearly seen in the photographs that had been sent to Members yesterday. The application that had been approved at the last meeting had come to the Committee on a number of occasions before gaining approval to build a very imposing building which he felt would surely have a far greater impact on the character of the area than the application now being considered by the Committee. He maintained that the three reasons for refusal were not realistic; reason one, the applicant had not demonstrated very special circumstances in the Green Belt, surely that was the crux of the previous permission granted two years ago. Reference was made to the application considered earlier in the meeting and specifically Page No. 40, Paragraph 8.7 of the Officer's report which stated that what constituted very special circumstances to justify inappropriate development in the Green Belt was a matter for the decision maker; the Member stressed that the decision maker was the Planning Committee. The Member questioned whether the fact that; a dwelling had already been permitted on this site and was now being slightly modified for safety reasons, the applicant had been born on the site over 50 years ago and 49 houses had been permitted on an historic site immediately below constituted very special circumstances as he felt was the case. Case law provided that a number of factors that appeared ordinary in themselves could combine to create something special, it also provided that factors ordinary in themselves could equate to very special circumstances and did not need to be rare by definition. The second reason for refusal was that the development would cause significant harm to the Cotswold AONB but when the permission in 2018 had been granted the view had been taken that the area would be enhanced which was also recognised in the letters of support. The third reason related to the potential harm to the bat population but according to the applicant in a letter sent to Members the Planning Officer had been given additional information in relation to a bat migration strategy which indicated that the cattle byre would remain until migration and bat mitigation had been completed. In conclusion the Member indicated that the Council had a duty of care to its residents and by permitting this application it would show that the Council did care; taking a stand by insisting that the dwelling should be on a less sound footing built further up the hillside was not the right direction to take and therefore he urged Members to support this

application being permitted. The motion to permit the application was seconded.

57.41

From the discussion that ensued it was apparent that other Members of the Committee were in favour of the application being permitted and agreed with the comments of the proposer in relation to the reasons as to why it should be permitted. A Member sought clarification as to whether the footprint of the building would be reduced by 25% and that 80% of the buildings on the site would be demolished which, if this was the case, would enhance the Green Belt in that area. The Chair indicated that clarification was required in respect of the need for a bat survey as he had understood the applicant to state that whilst he accepted the need for a survey one could not be done at this time of the year but he believed that this was not the case and such a survey could be obtained at any time of the year. The Development Manager stated that, in terms of the bat survey, it was possible to do a visual assessment at any time of the year but it was between May and September, when the assessment that was required before granting permission, must be undertaken. In this case the visual assessment had identified the bats but in terms of the usage etc of the building by the bats that did need to be done between May and September. He also indicated that he had noted the criticism of Officers by the applicant but the applicant did have professional advisors who should have been able to advise him on what was required and this was also made very clear by Officers when the application was submitted in October although this was still outside the required assessment period. As the assessment could not be done currently it was the advice of the Development Manager it would be required before planning consent was granted and if Members felt for other reasons that the application should be permitted then he suggested that it should be a delegated permit subject to this matter being resolved. In terms of some of the other comments that had been made, the Development Manager indicated that it may be a question of semantics but calling the proposed dwelling a 1.5 storey building was quite a stretch when looking at the plans on Page No.150. In respect of the points made by the proposer in terms of what he considered constituted very special circumstances, Officers recognised the fact that a permission had been granted in 2018 and therefore the principle was established but what that permission did not establish was the creation of a much bigger house that would have a greater impact on the AONB and the Green Belt; the fact that the applicant was born on the site could not in any way be considered as a very special circumstance and the reliance on the scheme for 49 houses on the Bentham International site was extraordinary given the buildings which were on that site previously - which were not in any way comparable to what was now before Members which were low lying unassuming buildings - although it was accepted that they were in a state of disrepair. The Development Manager could not understand why moving the proposed dwelling to a new location required it to be so substantially greater notwithstanding the reduction in floor space; obviously there was a reduction in terms of hardstanding and the existing built form but the Officers' judgement was very clearly that there would be a greater impact. He referred to a previous application for refusal on this site which was subsequently upheld on appeal and highlighted the comparison between what was refused and dismissed on appeal as set out on Page No. 159 of the Officer report with what was now being proposed; in terms of the bulk, scale and mass of what was being proposed it was considerably different to what had previously been approved and more in line with that which had been refused. In terms of the scale of the property permitted in 2018, very special circumstances had been established but this application because of its scale would have a far greater impact and nothing had been put forward, in terms of very special circumstances, as far as he could see, that justified such a large dwelling on this site in the context of the previous appeal which was dismissed. In terms of the AONB, bringing the property forward, adding the gabion walls and increasing the size of the dwelling from that permitted which was very much a single storey dwelling, as shown in the presentation, all heightened the impact on the setting. The Planning Officer confirmed that there was a reduction in ground floor space but, in terms of Green Belt policy, agricultural

dwellings were treated differently to dwellings in terms of appropriate development and a residential property of this scale was considered inappropriate development and the significant alterations to the curtilage and boundary were all considered to impact on openness in terms of the Green Belt; so there was a reduction in floor area from the existing dilapidated low lying agricultural buildings on the site rather than from the previously permitted scheme. The previously permitted scheme had a floor area of 121 square metres and, although there was a slight reduction to 115 square metres at ground floor, there was a total increase because it was double the height therefore the total floor area would be greater.

- 57.42 Other Members spoke in support of the application and the Legal Advisor sought clarification as to whether, in the light of the advice from the Development Manager in relation to the bat survey, this would be a delegated permit or just a straight permit and also advised that some indicative conditions would be necessary. The proposer of the motion to permit the application indicated that, as far as the bats were concerned, the applicant had advised the Planning Officer that a mitigation strategy would be coming forward which would identify additional bat roosts and that the cattle byre would not be removed until any bat migration had been completed. The Development Manager referred to Paragraph 12.2 of the Officer's report and the Government Circular it referred to which stated that "It is essential that the presence or otherwise of protected species, and the extent by which they may be affected by the proposed development, is established before the planning permission is granted." Paragraph 12.3 set out some case law on this point which was very clear and the Council had a statutory duty in respect of the Habitats Regulations and the Natural Environment & Rural Communities Act in relation to biodiversity and therefore it was the strong advice of the Development Manager that if the Committee was minded to permit this application then it should be a delegated permit to ensure that the Council's statutory duties had been met. In terms of conditions, the Planning Officer advised the normal conditions in respect of timescale and approval of plans and documents, submission of materials for the external surfaces of the building, submission of floor levels and grade levels, proposals for the hard landscaping and soft landscaping schemes to be submitted and agreed, planting and hard boundary treatments to be agreed in full, development to be carried out in accordance with the ecological survey submitted in September 2020, construction methods statement to be submitted, external lighting – no external lighting to be installed without the consent of the Local Planning Authority and an appropriately worded condition to comply with the visual landscape assessment which indicated additional planting to be carried out external to the site to provide screening. On the basis of the advice given in respect of the Council's statutory duties, the proposer of the motion indicated that he would amend the motion to a delegated permit and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the bat issues being resolved and the indicative conditions as outlined above.

20/00608/FUL - Land North of Perrybrook, Shurdington Road, Brockworth

- 57.43 This was an application for the erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure.
- 57.44 The Planning Officer explained that this application related to a parcel of arable farmland, covering approximately 2.3 hectares, which was located along the A46 Shurdington Road. The site bordered Green Lane and an existing residential property to the west, beyond that lay the existing Perrybrook development. The A417 ran along the eastern and northern boundary and the A46 ran along the southern boundary. The site was not subject to any landscape designations although the Cotswolds Area of Outstanding Natural Beauty was situated on the

opposite side of the A46. The application site formed part of the Strategic Allocation A3 'North Brockworth' as allocated in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and was shown to be 'Green Infrastructure and other supporting infrastructure' in the Indicative Site Layout Proposals Map. An existing outline consent for 1,500 homes and subsequent reserved matters approval for some parcels of land had already been granted planning permission, known as the Perrybrook development. This consent did not cover the application site. The current application was submitted in full and sought permission for 47 dwellings and associated vehicular access, public open space, landscaping and other associated works. The proposed development would deliver a mix of open market and affordable tenures, overall 36% of the dwellings would be 'affordable'. The dwellings would include a mix of sizes from one bedroom to four bedroom houses. The proposed dwellings would be two storey in height and of traditional proportions but with a contemporary architectural design. A palette of materials was proposed to include red brick, render and timber. A single point vehicular access to the development would be created off the A46 Shurdington Road. A pedestrian access point was proposed along the western boundary to Green Lane and along the south-western boundary through the proposed community orchard, again, this would open out onto Green Lane. The development would include areas of green space and additional landscaping across the site, with an attenuation pond and foul water pumping station to the east. A local area for play, as well as a community orchard was to be provided. An assessment of the principle of the development and other material considerations could be found on Pages No. 166-179 of the Agenda. As set out in the report, Officers considered that, when taking account of all the material considerations and the weight to be attributed to each one, the identified harm which would arise from the poor degree of connectivity with the adjoining development would not significantly and demonstrably outweigh the benefits of the proposal which would include supply of housing both market and affordable, the economic benefits that would arise from the proposal and the local highway infrastructure improvements. A number of updates had been reported in the additional representations sheet from which the Planning Officer highlighted the following, Brockworth Parish Council had submitted an electronic petition with 473 signatures and a paper petition with 132 signatures objecting to the proposed development; at the time of writing the Committee report there were a couple of outstanding matters in respect of developer contributions which needed to be resolved and, following further consideration and recalculation, Officers considered a contribution of £49,217 instead of the previously requested £49,256 towards the refurbishment and improvement of the Henley Bank Sports Centre, which was open to the community, would be necessary to make the development acceptable in planning terms and in respect of the contribution to the Travel Plan discussions were continuing as to whether this contribution would be necessary to make the development acceptable in planning terms. Given these points it was recommended that the granting of planning consent be delegated to the Development Manager subject to the addition/amendment of Planning Conditions as appropriate and the completion of an agreement to secure onsite affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms. The Planning Officer stated that she had also recommended an additional condition requiring details, in particular elevational details, in relation to the proposed foul water pumping as none had been provided as part of the application and due to an omission two conditions needed to be added that had been requested by Gloucestershire County Council Local Mineral and Waste Planning Authority; firstly the requirement to provide a detailed site waste management plan and secondly to ensure that provision was made for the facilitation of the recycling of waste generated during the occupation phase.

- 57.45 The Chair invited the representative of Brockworth Parish Council to present the Parish Council's views. He explained that it was felt that the infrastructure in Brockworth was under siege which was exacerbated by the current and projected build statistics of over 2,000 houses inflicted without consideration toward residents who still had a right to elements that provided a basic quality of life that negotiated living/relaxation/traffic/work. The latest permitted and proposed planning applications clearly demonstrated that residents were not being considered; the infrastructure in Brockworth had not been appropriately investigated or matched to the exponential growth of housing and development. The proposed site for the 49 houses was a 'bolt on' to Perrybrook that was not envisaged with the planning. The 49 homes were planned to be built upon and occupy valuable green space; this was a rare commodity even for new residents as every other space was manufactured and controlled by developers who allowed residents to walk within a little parcel of their land which did not represent what residents needed to be mentally healthy. This was always part of Green Belt space that was originally dedicated to serve Brockworth and now Perrybrook. The site had its exit onto the A46, which was dangerous and congested. He indicated that the video shown to Members was not representative of non-pandemic times and felt that it was an absolute catastrophe that this should be shown as it did not represent the true scale of traffic congestion in the area. The crossing and additional public transport requirements coupled with the threat to foot traffic with no footpath clearly showed a lack of realistic discovery when contemplating impact. Highways projections did not look into the overall impact taking account of Mill Lane, A46, A417 slip roads, the roundabout, superhighways phases 2/3/5, schools, the rugby club and the proposed special needs school being built on the Parish football pitches. There was no easy access from this site on foot to services or incentives to cycle and the elderly would have difficulty to navigate to anything. Over 600 residents had signed a petition in opposition, no mean feat in a pandemic, and this clearly demonstrated the mood of the community. The Parish Council was led to believe that there were no minimum house limits on Perrybrook, surely the argument existed that there was no minimum green space allowance either. Residents had the right to walk and exercise in designated open space not ruled by anyone, they had the right to drive in safe conditions with the correct cycle and football infrastructure and to feel they had some say in their future. There was a further planning permission for another 16 houses at Henley Bank Kennels which would be affordable houses on a greenfield site and which would have no traffic impact according to County Highways so there was absolutely no need to permit these houses, Brockworth did not need them they had more than enough. The Parish Council representative implored the Committee on this occasion to listen to the residents of Brockworth.
- 57.46 The Chair invited the applicant's agent to address the Committee. He advised that the proposal sought full permission for 47 dwellings within the settlement of Brockworth, of which a policy compliant total of 17 dwellings would be affordable. The proposal included areas of public open space, sustainable drainage and childrens play areas and the site was not the subject of any restrictive land use designations. The site fell within the North Brockworth Strategic Allocation, as defined by the Joint Core Strategy, where the principle of new housing was acceptable. Whilst the site allocation referred to 1,500 dwellings, a figure that had been delivered, it was clear that this was not an upper limit. It was therefore entirely policy compliant to boost the delivery of housing on the land. This was particularly important now, at a time when the Council was acknowledged to have a substantial undersupply in its 5-year housing requirement. The agent noted that the Council's Officers were advising that the supply situation was higher than was found in the recent appeal decision at Gotherington but, either way, the Council's supply was acknowledged to be somewhere between 1.8 and 4.3 years, which was a serious shortfall. This situation triggered the 'tilted balance', which was an expectation that

permission was granted unless there were such 'substantial' and 'demonstrable' impacts that overwhelmingly justified a refusal. This was an extremely high level of test and, for the reasons set out by the Officers, that high level test was not met here. This was a development of high-quality design, layout and materials and would integrate into the wider settlement. The application had been accompanied by a variety of technical assessments, all of which demonstrated that the development would not cause any adverse effects that could not be mitigated. Both Highways England and the County Highways had advised that the site access arrangements complied with published highway standards. An acceptable drainage solution had been provided and statutory consultees and advisors had concluded that there would be no undue effects on the landscape, biodiversity, air quality, noise or amenity. The applicant had agreed to provide a policy compliant contribution towards affordable housing, public open space, education and sustainable transport which was to be secured by means of Section 106 Agreement. It was understood that the Parish Council had objected and that there had been a local petition. The Agent sympathised to a degree with the view that Brockworth had taken a fair amount of development in recent years. However, this needed to be put into context. Firstly, the petition had been signed by a mere 5% of the Brockworth population, which would indicate an acceptance of this scale of development from the vast majority. There was also a need to be mindful that this site fell within a designated housing site and at the urban edge of Gloucester. Brockworth was one of the most sustainable settlements in the Borough, with access to the full range of services and amenities, including a District Centre, Business Park and schools and it was clear that 47 dwellings could easily be absorbed into the settlement. It was hoped that Members would agree the application represented the perfect opportunity to deliver much needed housing in a highly sustainable location and that the Council's best defence against speculative schemes in smaller rural settlements was to boost housing on allocated sites such as this.

- 57.47 One of the local Ward Members, in responding to some of the points raised by the applicant's agent, indicated that the amenities at Brockworth were creaking, there was no doctors surgery and she was of the opinion that at the earliest it would be another 5 years before one would be provided; the Parish was bursting at the seams with housing and the reason only 5% of the population had signed the petition was because it was really difficult to engage the community anymore as generally the view was that the Parish would get what it was given and it was pointless to object - but she stressed that no more housing was needed. She referred to the access arrangements and stressed that the A46 was a very busy road that in normal conditions was chock-a-block heading towards Stroud and Cheltenham it was almost impossible to get onto the road so she had no idea how it was going to cater for another 47 houses. In terms of the Planning Officer's reference to Henley Bank Community Centre being open to the community she understood that this was no longer run jointly with the Council and if a contribution of £49,000 was to be made to the facility then she would wish to see some sort of access arrangements for the community as they were not being allowed to use the swimming pool and the gym currently excepting that the country was currently in lockdown. In conclusion, she urged Members not to grant permission for any more housing in Brockworth as enough was enough. One of the other local Ward Members for the neighbouring area proposed that the application be refused on the grounds of road safety; normally when out of lockdown the road was gridlocked which would result in the failure of emergency vehicles being able to access the site in a quick and timely manner; there was a bus stop to one side of the proposed access so when a bus was stationary the view onto the A46 would be impeded and unsafe, there was also a slip road on the other side, when the traffic did flow on the A46 it was extremely fast moving and with an open view blocked by a bus it would be very dangerous for traffic to access onto the A46. In addition, the site was allocated by the Perrybrook estate as green infrastructure, so if this was not going to be the case then further green space would be lost to the area leaving less than half

an acre of green area. She was also of the view that the site was underassessed in terms of affordable housing, it was stated that the affordable element would account for 40% of the housing on the site yet the development was for 47 houses the majority being 3 or 4 bedroom houses with the 4 bedroom houses able to hold up to 7 people which equated to 224 people not 109 people using the assessment of 2.4 persons per household and therefore not only was the affordable housing provision being underestimated so was the number of cars coming from the development on to an exceptionally busy road. In summary, she indicated that the application should be refused because of the inadequate infrastructure and road network. She maintained that it was necessary to undertake a full traffic impact assessment taking account of current developments and future permissions in that vicinity in non-pandemic times so that the Committee could fully appreciate the problems in this area. When the COVID restrictions had been lifted the A46 would be impossible in the mornings it would be nose to tail with traffic, she had been contacted by Badgeworth and Shurdington Parish Councils as well as residents from Hatherley who used this road and were concerned about any further increase in traffic volume. In response to questions raised the Planning Officer stated that this land was not within the site boundary of the Perrybrook development however it was included in the strategic allocation on the Proposals Maps in the Joint Core Strategy; with regard to the petition this was being dealt with as further objections to the application and the Planning Officer had been through all of the comments but they contained no new material or raised any new considerations that had not already been dealt with in the Officer report other than loss of Green Belt but this site was no longer in the Green Belt having been removed as part of the boundary review during the adoption of the Joint Core Strategy; in respect of the impact on the Special Area of Conservation an appropriate assessment was carried out during the course of the application in accordance with the Habitats Regulations which was reviewed by Natural England and the Council's Ecological Officer the details of which were found to be acceptable however a condition was being recommended in relation to the provision of a home information pack to all residents setting out alternative areas for recreation to visit; with regard to the impact on the Cotswold AONB, Natural England following liaison with the Cotswolds Conservation Board raised no objections to the development subject to mitigation measures, suitable landscaping and management of the eastern and northern boundaries being incorporated into the design, the Council's Landscape Advisor and Tree Officer also had no objections to the development but there had been some minor changes to the landscaping and these would be secured by condition should the application be permitted. Following further clarification being sought, the Planning Officer explained with the aid of maps that this site was not considered as part of the green infrastructure for the Perrybrook estate as it was outside the application site but it was included as green infrastructure as part of the strategic allocation albeit that the maps were indicative. A Member indicated that it was clear that it was the intention for this site to be green infrastructure and this was an important part of the strategic plan for the area and therefore it should remain as green infrastructure. Further questions were asked in relation to the density of the scheme and what traffic impact assessment had been used for County Highways to state that it had no objection to the application. In terms of density, the Planning Officer confirmed that it was 21 dwellings per hectare and the Local Highways Authority representative indicated that a transport assessment was submitted alongside the planning application as part of the evidence base so that it could be considered as part of a stand alone package. That assessment included a microsimulation model which used traffic data from 2018 and future growth with development impact; so the data was pre-COVID lockdown restrictions as well as looking forward to the impact of future development. Microsimulation models were difficult to interpret but they did provide a robust representation which showed that there would be no significant change and there certainly could not be considered a severe impact in terms of NPPF tests; the assessment was based on data which the Highways Authority was

satisfied with and considered to be robust.

- 57.48 From the discussion that ensued it was apparent that a number of Members had concerns about this development primarily in terms of the loss of green infrastructure, landscape impact and highway safety. The Development Manager reiterated that the strategic allocation plan, which accompanied the Joint Core Strategy was, as highlighted in the presentation, indicative only. He was of the view that there were other areas of green infrastructure which were not shown on the indicative plan but had actually been provided. The Officer report set out what the calculations were in terms of the amount of green infrastructure required by the JCS and, even with the development of this site, the requirement would still be delivered, this therefore caused a problem in terms of any issues over the quantum of green infrastructure. This was not a site which was available for public use in the same way as the open spaces were on the Perrybrook development which had large areas of playing fields that were not far away from this development site and had reserved matters approval. In landscape terms just looking at the site, the highways infrastructure around the junction of the A417 and Shurdington Road and the fact that this site sat back onto Perrybrook itself it would be difficult in the context of it being an allocated site, in the view of the Development Manager, to justify any refusal on the basis of landscape impact. Finally, in terms of transport, whilst the Development Manager appreciated the concerns raised, Members had heard the view of the Local Highways Authority representative in terms of the robust analysis that had been carried out on the highway impacts and both Highways England and the Local Highways Authority had no objections to the proposals, neither body felt that the proposals would offend the policies in the JCS or NPPF and on that basis it would be very dangerous to take a view contrary to this based on what an Inspector would see as anecdotal information in comparison to the people who were in charge of the safety and safe operation of the highway network. This was a very difficult position and the Development Manager indicated that his advice to the Committee would be that, if Members did wish to consider a refusal on highway grounds, then before making a decision they should take independent advice on that. This was not meant as a criticism of the Local Highway Authority, as its view was very clear, but for Members to take a different view then they should only do this based on an independent view.
- 57.49 Members spoke again about the problems with this site and stressed how traffic patterns had changed since 2018 because of other development that had taken place. The Chair sought guidance from the Development Manager as to whether it would be feasible to defer the application for further clarification in relation to the green infrastructure and highway matters. The Development Manager indicated that in terms of green infrastructure he was not sure what further information could be provided, it was only shown on the illustrative plan as green infrastructure and as set out in the report, even with the development of this site, the requirements of the JCS in this respect would be met. He also reminded the Committee of the decision making process in respect of the Council's 5 year land supply and the tilted balance that required significant and demonstrable harms, as Members were aware from previous appeal decisions how high that bar can be. An Inspector looking at this site which falls within an allocation, which allocation provided for the amount of green infrastructure, without this site would in the view of the Development Manager think that this reason would not even come close to being significant and demonstrable. He reiterated that if Members wished to consider refusing the application on highway grounds then they should only do so after taking an independent view on this issue which would mean a deferral of the application. Based on the very clear advice that had been given, the Chair asked the proposer of the motion to refuse this application whether she would consider revising this to a deferral to get an independent assessment of the highway issues and this would also allow those Members who required it to get a better understanding of the green space considerations; he was of the view that, if the Committee refused the application

today, it could be putting the Council at a great deal of risk. The Member indicated that she was not prepared to withdraw her proposal to refuse this application for the reasons of high volumes of traffic on the A46 which would also cause delays for emergency vehicle access, the proposed access onto the A46 being obscured and unsafe, general highway movements in the area not being fully assessed and the loss of green infrastructure affecting the whole of Brockworth but required for the mental health and wellbeing of the residents. The motion to refuse was seconded and a Member referred to the Officer's report at Page No. 170 which he maintained gave additional reasons as to why this development should be refused in terms of the contents of paragraphs 7.25, 7.26 and 7.29 in relation to promoting healthy communities, promoting social interaction and integration which was a requirement of Policy SA1, A3 and SD4 of the JCS. The Member maintained that this was the worst possible area to build in terms of traffic and as had been mentioned earlier there was no doctors surgery in the area despite 1,500 houses being built; he was of the view that at best the application should be deferred for another 5 or 6 years but as it currently stood he could not support this application. Another Member raised concerns in respect of noise and questioned whether a need for bunding had been considered and he concurred with the points as regards connectivity as the site appeared stuck out on a limb. Other Members agreed that connectivity to the adjoining development should be added as a refusal reason as well as health issues relating to the loss of a green space that was included in the strategic allocation. The Development Manager commented on the recent thread of discussion indicating that his advice could not be stronger in that to refuse this application on highway grounds would put the Council at risk of an adverse costs award should the refusal go to appeal but, if Members felt that this was the direction they wished to take, the application should be deferred for an independent review to be undertaken. In terms of the green issue, characterising it as a loss was difficult to defend as that land was not currently available for this purpose so there was no loss of a facility that could be used - the loss was only on the basis of it being green undeveloped land. In relation to the connectivity issue the Officers report was quite clear that this was a failing of the scheme but, again, it was the view of Officers that this did not amount to a significant and demonstrable harm and although Members could make a different judgement the Development Manager did not think that this would be a robust reason when taking into account the benefits of the scheme and the Council's 5 year land supply.

57.50 A motion was proposed and seconded that the application be deferred for an independent view on the highway issues. The Chair indicated, on the Legal Advisor confirming it would be a procedural motion, that he would be taking this motion first. A Member indicated that if the deferral was agreed then he would wish to see a complete traffic impact assessment for the whole area taking account of all the development that had taken place not just this site. A request for a recorded vote received sufficient support and upon the motion being put to the vote, it was recorded as follows:

For	Against	Abstain
R A Bird	D J Harwood	E J MacTiernan
G F Blackwell	P W Ockelton	
R D East	R J E Vines	
J H Evetts		
L A Gerrard		
M A Gore		

M L Jordan

A S Reece

P E Smith

R J G Smith

P D Surman

57.51 It was noted that Councillors J R Mason, M J Williams and P N Workman had left the meeting prior to the vote on this item and so did not take part in the recorded vote.

57.52 The motion was carried and it was

RESOLVED That the application be **DEFERRED** for an independent view on the highway issues.

PL.58 ANNUAL REVIEW OF PLANNING COMMITTEE DECISION-MAKING 2019/20

58.1 The report of the Development Manager, circulated separately, provided a statistical analysis of all decisions taken by the Planning Committee in 2019/20; an analysis of the cases where the Officer recommendations were not accepted; and a summary of the outcomes of the appeals against decisions made by the Planning Committee in 2019/20. Members were asked to consider the contents of the report in accordance with the requirements of the Protocol for Councillors and Officers Involved in the Planning Process.

58.2 The Chair advised the Committee that this report would be considered at the next meeting.

58.3 Accordingly, it was

RESOLVED That the report on the Annual Review of Planning Committee Decision-Making in 2019/20 be **DEFERRED** for consideration at the next meeting of the Committee.

PL.59 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

59.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.204-208. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

59.2 Accordingly, it was

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

The meeting closed at 2:50 pm

ADDITIONAL REPRESENTATIONS SHEET

Date: 16 February 2021

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

A general indication of the content is given but it may be necessary to elaborate at the meeting.

Page No	Item No	
	5a	<p>20/00758/FUL</p> <p>Committee Update</p> <p><u>County Highways Authority</u></p> <p>Further to the publication of the Committee Report, an updated consultation response has been received from the County Highways Authority (CHA). The CHA has confirmed that acting in its role as Statutory Consultee they have undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the CHA has no objection subject to conditions and financial obligations.</p> <p>The justification for this decision is provided below.</p> <p>The applicant has submitted additional information to address concerns previously expressed, these are:</p> <ul style="list-style-type: none"> -Transport Assessment Addendum – December 2020 -Transport Assessment Addendum: Traffic Impact Assessment – Further Signalised Junction Assessments - January 2021 - Site access details and internal street designs: - CTP-16-413-SK01-G - C-12148-GAL-HYD-00-ZZ-DR-C-7105_04 - C-12148-GAL-HYD-00-ZZ-DR-C-7106_04 - C-12148-GAL-HYD-00-ZZ-DR-C-7107_03 <p>These details confirm the vehicle impact of the proposal in 2031 future year scenario accounted for committed development and future growth. They also amend the access design to ensure compliance with the Design Manual for Roads and Bridges and does not prejudice the B4063 Active travel scheme.</p> <p>The internal street design has also been modified to reflect the desire of Manual for Gloucestershire Streets by providing high quality walking and cycling infrastructure thus reducing car dependency. Full design compliance hasn't been achieved however it is considered that the design does not compromise safety or reduce the active travel opportunities. The applicant has indicated that the streets are to remain private, this cannot be conditioned at the planning stage but the design is now sufficiently close to an adoptable layout that should the applicant decide to offer the roads to the Highway Authority that they would be acceptable with a few minor modifications.</p> <p>The proposal does generate additional traffic demands which need to be considered, but this also must be looked at in the context of when the movements will occur, what alternative transport choices exist and following any mitigation whether or not the residual implications could be considered to be severe. There is an impact on the junction of Staverton Bridge Junction, Down Hatherley Lane Junction and Commerce Road junction. Very little can physically be done to improve these junctions and suggested solutions by the applicant are primarily the use of improvement technology to optimise performance, the development does not prejudice future scheme delivery and the implementation of any improvement would have little benefit to active travel and margin benefit to public transport.</p>

The Highway Authority's view is that mitigation should consider the road user hierarchy and seek to reduce the number of vehicle trips, particularly single occupancy trips, and as such contributions would result in wider benefits to be directed towards the delivery of the B4063 Active Travel route and to enhance public transport infrastructure. Not only would this be to the direct benefit of the development but it would also encourage modal shift for people using the existing business parks and those travelling between Cheltenham and Gloucester.

The application would also be supported with a travel plan which is supported with a bond and monitoring arrangements to ensure that it achieves its goals.

The Highway Authority therefore concluded that the amended proposal has addressed the previous shortcomings and with conditions and planning obligations make a positive contribution to encouraging sustainable travel for the proposed business park and surrounding employment opportunities.

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. There are no justifiable grounds on which an objection could be maintained. The Highways Authority recommend that following conditions are imposed on the planning permission

Use Class Restriction Condition

The development hereby permitted shall be limited to planning use classes E(g)iii, B2 and B8 only (Officer note – it is not recommended that this condition is imposed as it replicates proposed conditions 7 and 8)

Reason: To ensure traffic demand reflects that submitted.

Site access Condition

The Development hereby approved shall not be brought into use until the highway site access works as shown on drawing CTP-16-463-SK01-G have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

Travel Plan Condition

Prior to the first use of any building, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

Conformity with Submitted Details Condition

The building hereby approved shall not be brought into use until the access, and roads to its frontage have been provided as shown on drawings C-12148-GAL-HYD-00-ZZ-DR-C-7105_04 and C-12148-GAL-HYD-00-ZZ-DR-C-7106_04. No later than within 3 years of the first use of any building shall the roads, verges, footways, cycleways and any ancillary street furniture be completed.

Reason: To ensure conformity with submitted details.

Construction Environmental Management Plan Condition

Prior to commencement of the road, building or buildings hereby permitted details of a construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority covering that phase of construction. The approved plan shall be adhered to throughout the construction period. The plan 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);
- Any temporary access to the site;
- Highway condition survey;
- 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 during the construction phase of the development.

The Highways Authority have also requested the following planning obligations

Specific Purpose – Contribution towards the delivery of the B4063 Active travel corridor

Contribution – £262,500.00
 Trigger – Prior to any building being brought into use
 Retention Period – 10 years from receipt

Specific Purpose – Bus stop enhancements on the B4063

Contribution - £48,400.00
 Trigger – Prior to any building being brought into use
 Retention Period – 10 years from receipt

Specific Purpose – Travel Plan Bond

Contribution - £319,000.00
 Trigger – Prior to any building being brought into use
 Retention Period – 10 years from receipt

Specific Purpose – Travel Plan Monitoring

Contribution - £10,000.00
 Trigger – Prior to any building being brought into use
 Retention Period – 10 years from receipt

The applicant has confirmed that they are willing to enter into these requested planning obligations

The Highways Authority have recommended the following informatives are included on the planning permission.

Works on the Public Highway Informative

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 allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils 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.

Highway to be adopted Informative

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Impact on the highway network during construction Informative

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 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.

Construction Environmental Management Plan (CEMP) Informative

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 principal 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.

Local Lead Flood Authority

The Local Lead Flood Authority have requested that the following conditions and informative are imposed on the planning permission

Surface Water Drainage Works Condition

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

Informatives

1. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency
2. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
3. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Additional Objections

3 additional objections has been received.

An objection from Dunmore Properties Ltd owners of the neighbouring Bamfurlong Industrial Park states

'On behalf of our clients Dunmoore Properties Ltd, I write with regard to the above planning application.

I note with considerable concern that the Council's web-site indicates the application is scheduled to be reported to planning committee on 16 February 2021.

As owners of the neighbouring Bamfurlong Industrial Park our clients have a right to be kept properly informed and be provided with adequate information as to the likely impacts of this major commercial development on their doorstep. The proposals if approved will have significant impacts on the local area, not least the local highway network. Dunmoore's initial concerns were set out in their letter submitted on 23 November 2020. In particular it drew attention to the modelling of the traffic impacts at the Staverton Bridge junction, which showed a direct and unacceptable impact on the ability of Dunmoore's tenants to access and exit the Bamfurlong Industrial Park at peak times.

Additional Junction Assessment information has belatedly been provided by you on 3 February 2021, but only on our request. This is information which was apparently submitted by the applicants on 22 January 2021, but only very recently, first seen on the web-site on 12 February 2021, has been made publicly available on the Council's web-site. A situation which is prejudicial not only to our clients interests, but all affected by the proposals.

Despite the limited time since this information has been issued to us, Dunmoore's retained transport advisors have reviewed the information the information and note that it is severely lacking in detail. Of particular importance is the failure to provide the necessary modelling outputs to corroborate the applicant's findings.

I note that the Highway Authority have shared similar misgivings and recommend consideration of the application to be deferred, until such time as the necessary information is provided and can be properly reviewed.

It is obviously wholly unacceptable that such a major application is being progressed for consideration by committee with such a significant gap in information necessary to inform the impacts of the proposals. Impacts which have potentially profound negative implications for our clients and their tenants at Bamfurlong Industrial Park.

For this reason in the event the application is progressed for decision without this information being made available and suitable time afforded for it to be properly reviewed and commented upon our clients have made it plain to me that they will have no option other than to instruct lawyers to challenge any such decision through the Courts. I trust that the content of this letter is clear and expresses the deep concern which our clients have in the way in which this application is being handled and would appreciate it if you could arrange for a copy of this letter is circulated to all members of the planning committee'

2 other objections are summarised as follows:

- If the proposal takes place it would effectively be condemning existing operations and businesses would cease to trade.
- There would be massive alterations to the road network
- Due to the historic nature of the Airport, which was a wartime airport known as RAF Innsworth is should remain untouched
- The airport directorate lacks the expected level of professional competence, experience and knowledge of aviation matters. This demonstrated by the original application and remains an issue for the current application

- In the notable absence of any formal report into the impact on air safety forming part of the applicant's submission, the Planning Committee will be obliged to use input from other parties.
- The proposal would result in great harm to many businesses and other users of the airport if this development is approved and would require a very significant reason to outweigh that harm.
- This economic benefits very special circumstance case could be made about any development application, whether or not it was proposed to occupy Green-Belt land. It is therefore not an argument supporting the proposition of 'Very Special Circumstances'
- Urgent, corporate financial considerations should not take precedence over established planning policies and are not a justification for 'very special circumstances'
- Fifteen hundred and twenty 'full time equivalent' jobs are of course welcome in any scenario. However, the non-specialist nature of the jobs intended to be created within the planning restrictions of B1(c), B2 and B8 means that the type of industrial development proposed does not HAVE to be built in this particular location. Proximity to the airfield, the proposed "Cyber Park" or any of the existing industrial and retail developments in the locale is not a justification for this development.
- Existing business needing on- airport presence who are looking for expansion may be better served by having building space created for them on the south side of the airfield, where existing infrastructure and space is already available and the impact on airfield operations is minimal
- There is no requirement in the application for future occupiers to support the aviation, cyber technology and engineering industries.
- As a result of the announcement on 17th December 2020 that the shareholders in Gloucestershire Airport have agreed to provide up to £15,000,000 of rolling credit facility to fund these essential runway repairs. This particular argument supporting 'very special circumstances' is now without merit.
- The assumption that the site will be allocated fundamentally undermines the role of the Inspector and the Local Plan process.

Other Matters

1. It is confirmed that the area of trees located in the north east corner of the application site is located outside the Green Belt and is located within a Major Employment Site as defined in the Adopted Tewkesbury Borough Plan to 2011 Proposals Map.
2. It is confirmed that a Certificate of Lawfulness for application reference 20/00819/CLP for the rehabilitation and repair of the existing runways at Gloucestershire Airport was granted on 23rd October 2020.

Other Amendments to Recommendation Conditions Further to the Submission of Revised Plans and Identification of Drafting errors

Condition 1 is amended to refer to newly submitted plans and now states:

1. The development hereby grants full permission for the provision of a new site access, internal estate roads and associated infrastructure. These works as shown on
 - CTP-16-463-SK01-G
 - C-12148-GAL-HYD-00-ZZ-DR-C-7105_04
 - C-12148-GAL-HYD-00-ZZ-DR-C-7106_04
 - C-12148-GAL-HYD-00-ZZ-DR-C-7107_03
 - C-12148-GAL-HYD-00-ZZ-DR-C-7108-02
 shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

	<p><u>Condition 2 is amended to refer to newly submitted plans and now states:</u></p> <p>2. The development hereby granted full planning permission shall be carried out fully in accordance with the following approved plans, unless otherwise agreed in writing by the local planning authority.</p> <ul style="list-style-type: none"> - CTP-16-463-SK01-G - C-12148-GAL-HYD-00-ZZ-DR-C-7105_04 - C-12148-GAL-HYD-00-ZZ-DR-C-7106_04 - C-12148-GAL-HYD-00-ZZ-DR-C-7107_03 - C-12148-GAL-HYD-00-ZZ-DR-C-7108-02 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> <p><u>Condition 7 is amended to state:</u></p> <p>7. The development shall be used for Class B1c, B2 and B8 purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose (including any other use within Classes B1a and B1b of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re- enacting that Order with or without modification).</p> <p>Reason: In the interests of proper planning, to ensure traffic demand reflects that submitted, to maintain a supply of employment land and to maintain the very special circumstances</p> <p><u>Condition 8 is amended to state:</u></p> <p>8. No part of the development (not including offices ancillary to employment uses) shall be developed for use class E(a), E(b), E(c), E(d), E(e), E(f) or E(g)(i) as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re- enacting that Amendment with or without modification, and no part of the buildings shall be used for these use classes notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re- enacting that Amendment with or without modification.</p> <p>Reason: in the interest of the safe and efficient operation of the strategic road network, i.e. A40 and M5, to ensure traffic demand reflects that submitted, in the interests of proper planning, to maintain a supply of employment land and to maintain the very special circumstances</p> <p><u>Condition 11 is amended to state:</u></p> <p>11. Applications for the approval of the reserved matters shall be generally in accordance with the principles and parameters described in Illustrative Masterplan, GAM-AHR-B-ZZ-DR-A-92-000-Rev P03 Rev D5, Parameters Plan GAM-AHR-B-ZZ-DR-A-91-008-Rev P01 Rev D5 and Design and Access Addendum December 2020</p> <p>Reason: To ensure the development is carried out in accordance with the agreed principles and Parameters</p>
<p>5b</p>	<p>19/01084/OUT</p> <p>Land To The North, Fleet Lane, Twyning, Tewkesbury, Gloucestershire,</p> <p>Consultations and Representations</p> <p><u>Lead Local Flood Authority:</u></p> <p>Additional condition requested as follows:</p>

Condition: No development shall take place until soakaway tests have been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority (LPA) prior to commencement. The results of the tests shall be submitted to and agreed in writing by the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure that the site can be adequately drained in accordance with the discharge hierarchy. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

22 additional letters of objection have been received since the writing of the committee report. Issues raised over and above those already raised by local residents, are summarized as follows:

- There would be increased pressure on the small village shop, which has already been, at times overcrowded, during the pandemic;
- The site has been very productive for crop production in the past and should return to this;
- The recommended condition (Condition 21) that no property can be occupied until the existing sewer network is upgraded was also a condition of the Bockeridge Paddocks development – this has not been enforced;
- There are still sites within the NDP boundary that could be developed;
- The Cherry Orchard Lane planning application was refused in November 2020– this recommendation to permit this application shows double-standards by TBC;
- The promised bus service for the Persimmon Bockeridge Paddock development has never materialised - reliance on private car use will be further increased as a result of the development.

Foul Drainage

A letter has also been submitted which was sent to the Chairman of the Parish Council, from Severn Trent Water, regarding foul sewerage. The letter is attached in full. The letter confirms that Severn Trent Water has no current plans to upgrade the sewage infrastructure in Twyning, but that a fully costed solution was due to be considered for approval in July 2020. It is not clear whether such a solution has been agreed.

Nevertheless, It is noted that Severn Trent Water confirm in the letter that they cannot object to the application as the law provides developers the right to connect to the sewer system. Whilst this is noted, as suggested alternative to condition 21 as set out in the report is recommended as follows – this would mean that the investigations into the need for improvements to the sewerage system would be required before commencement of development rather than before occupation.

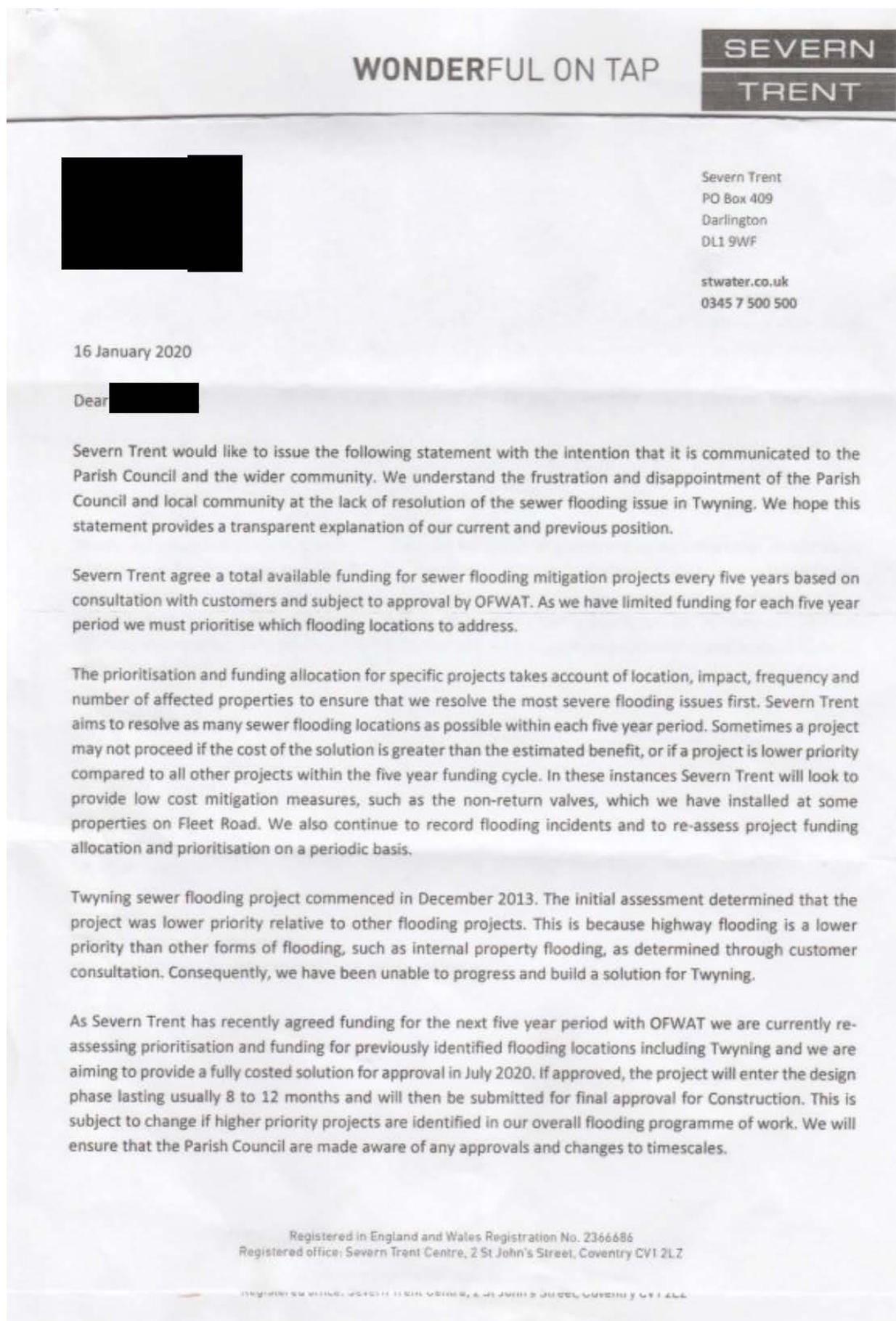
Condition: Notwithstanding the submitted details, no development hereby permitted shall start until the need for foul sewerage improvements has been investigated and the resulting foul sewerage improvements incorporated into a foul drainage scheme which shall first be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved foul drainage scheme has been fully implemented and confirmed as such by Severn Trent Water in writing to the Local Planning Authority.

Reason: To ensure suitable foul drainage is provided to serve the proposed development.

5h	<p>20/00608/FUL</p> <p>Land North Of Perrybrook, Shurdington Road, Brockworth, Gloucester, Gloucestershire,</p> <p>Further Representations</p> <p>Since writing the committee report Brockworth Parish Council have submitted an online petition, with 473 signatures, and a paper petition with 132 signatures, objecting to the proposed development.</p> <p>The petition wording is: <i>We the undersigned, wish to state our objection to the planning application to build 49 homes on green fields north of Perrybrook off Shurdington Road in Brockworth (20/00608/FUL) being considered by Tewkesbury Borough Council.</i></p> <p><i>We object to this development on the following grounds:</i></p> <ul style="list-style-type: none"> - <i>Loss of green space and damage to the environment</i> - <i>Poor design and layout of the proposed development</i> - <i>Poor access to services and facilities</i> - <i>Drainage issues</i> - <i>Highway safety, access to the development is dangerous and will increase congestion in the area</i> - <i>Noise and air pollution from the neighbouring A417 and A46 junction</i> - <i>Brockworth doesn't need anymore housing</i> <p><i>In conclusion, we are against any further large-scale development in Brockworth, which has already had its fair share of housing being built without the necessary infrastructure and community facilities and with the associated disruption and nuisance that large scale construction brings. We urge Tewkesbury Borough Council to refuse this application and protect Brockworth.</i></p> <p>As part of the online petition approximately a further 215 comments regarding the proposed development were made. No new material considerations have been raised other than a number of representations made reference to the loss of the Green Belt. In this respect, the application site is no longer in the Green Belt as it was removed as part of the boundary review during the adoption of the JCS.</p> <p>Officer Update</p> <p><u>Local Area for Play (LAP)</u></p> <p>As mentioned in paragraph 7.48 of the committee report, details of the design of the proposed LAP have been submitted during the course of the application and following review by relevant consultees minor changes are required. The committee report sets out that a condition is recommended to secure the revised details however it has been established that such details could be secured in the legal agreement and therefore a condition would not be required.</p> <p><u>Developer Contributions</u></p> <p>At the time of writing the committee report there was a couple of outstanding matters in respect to the developer contributions required to be resolved.</p>
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	<p>As set out in paragraph 7.69 of the committee report the Council's Community and Place Development Officer had requested a financial contribution of £49,256 towards off-site sports provision at a local sports club and/or Henley Bank High School. Following further consideration and recalculation a contribution of £49,217, instead of the previously requested £49,256, towards the refurbishment and improving the fitness suite at the Henley Bank Sports Centre, which is open to the community, has been requested. Officers consider the contribution would meet the prescribed tests set out in paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations.</p> <p>Further to the above, as set out in paragraph 7.79 of the committee report Gloucestershire County Council Highway Authority have requested a contribution of £18,959 for a Travel Plan. Discussions are still continuing in respect to whether this contribution would be necessary to make the development acceptable in planning terms.</p> <p>Revised Recommendation</p> <p>Given discussions regarding the Travel Plan contributions are continuing the recommendation has been revised to the following:</p> <p>The grant of planning permission be DELEGATED to the Development Manager subject to the addition to/amendment of planning conditions, as appropriate, and the completion of an agreement to secure on-site affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.</p> <p>Additional Condition</p> <p>Given it is likely that a foul water pumping station would be required as part of the scheme for the disposal of foul water and as no elevation details of the building have been provided a condition securing this information is recommended:</p> <p>Prior to its construction details of the proposed foul water pumping station and any associated development such as access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The building and any associated works shall be carried out in accordance with the approved details. Reason - To ensure the building represents quality design.</p>
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Item 5b – 19/01084/OUT Land To The North Fleet Lane, Twyning – Additional comment



WONDERFUL ON TAP

SEVERN
TRENT

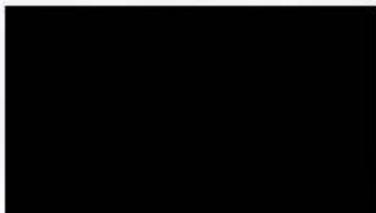
Please also be aware that at present the estimated solution cost exceeds the funding allocation, and therefore Severn Trent cannot guarantee that we will be able to fund a solution. Though this may change as the solution is further developed, we wanted to be open about our current position. Our engineer will be exploring every option to try and find a viable solution.

Severn Trent would like to highlight that the Parish Council has been instrumental in helping us understand the flooding issues. The upset and distress caused by flooding, which has been effectively communicated by the Parish Council, is a significant consideration in funding allocation and prioritisation for our projects. Mr Lockett's assistance, on behalf of the Parish Council, has expedited our investigations and is much appreciated.

We also understand that there has been a frustration with Severn Trent's lack of opposition to development in the Twyning area. Whilst this is understandable, Severn Trent are unable to deny a connection to our sewer system as developers have a right to connect under the Water Industry Act 1991.

Finally, we would like to clarify that the decision not to build a solution is not an indication that Severn Trent believes the flooding issue is negligible or unimportant; it is an indication of what our customers have determined we should invest our money in. Whilst we would like to be able to resolve every flooding location, it is important that we use our customer's money in the most effective way to benefit as many customers as possible. Whether we ultimately build a solution or not, we can promise a responsive and prompt clean up service whenever it is required.

Yours Sincerely,



Design Manager
Capital Delivery & Commercial
Waste Infrastructure - Worcestershire & Gloucestershire