

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 20 April 2021 commencing at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, 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.68 ANNOUNCEMENTS

- 68.1 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.
- 68.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 69.1 Apologies for absence were received from Councillor G F Blackwell and L A Gerrard. There were no substitutions for the meeting.

PL.70 DECLARATIONS OF INTEREST

- 70.1 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.
- 70.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R D East	Agenda Item 5(b) – 20/00464/FUL – Part Parcel 3152, Tewkesbury Road, Deerhurst.	Had received correspondence on the application but had not expressed any opinion.	Would speak and vote.

	Agenda Item 5(d) – 21/00285/FUL Land at Wainlode Lane, Norton.	Had received correspondence on the application but had not expressed any opinion. Councillor had been questioned as to whether he had any relatives connected to Norton Rugby Club and confirmed that he did not.	Would speak and vote.
J H Evetts	Agenda Item 5(g) – 21/00068/FUL – Manor Farm, Main Street, Wormington.	Applicant was known to the Councillor and had spoken to him on the application but he had not expressed any view.	Would speak and vote.
	Agenda item 5(h) – 21/00069/LBC – Manor Farm, Main Street, Wormington.		
M A Gore	Agenda Item 5(g) – 21/00068/FUL – Manor Farm, Main Street, Wormington.	Had been contacted by the Agent but had made no comment on the application.	Would speak and vote.
	Agenda Item 5(h) – 21/00069/LBC - Manor Farm, Main Street, Wormington		

70.3 There were no further declarations made on this occasion.

PL.71 MINUTES

71.1 The Minutes of the meeting held on 16 March 2021, copies of which had been circulated, were approved as a correct record.

PL.72 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

72.1 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.

21/00079/APP - Land at Tewkesbury Road, Twigworth

- 72.2 This was an application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) comprising Phase 2 of Outline Planning Permission ref: 15/01149/OUT for the erection of 147 no. dwellings and associated works.
- 72.3 The Planning Officer explained that the application related to Phase 2, which was located to the north of the Twigworth Strategic Allocation. Phase 2 abutted the recently approved local centre and the residential park home site to the north. The phase also partially abutted the previously approved village green. The principle of residential development at the site had already been established through the grant of outline consent and its subsequent allocation for housing in the Joint Core Strategy (JCS). This application therefore related solely to the approval of the access, layout, appearance, landscaping and scale of Phase 2. Condition 7 of the outline permission required all reserved matters applications to accord with the approved Site Wide Masterplan Document (see 2D extract). The reserved matters presented had therefore been assessed primarily in the context of the document. Consideration had also been given to whether the proposed development accorded with the outline consent and the associated S106 Agreements. In terms of the layout, the road positions and block sizes were generally in accordance with what was shown in the Site Wide Masterplan Document. In terms of the character areas defined in the Masterplan Document, Phase 2 fell partly within the 'Gateway Character Area' to the north west of the Strategic Allocation, which was centred around the main access road off the A38. The remainder of Phase 2 fell within the 'Core Neighbourhoods Character Area'. As set out in the report, it was considered that the proposal, as amended, was in accordance with the relevant character areas and the scale and appearance of the proposed dwellings was acceptable. In terms of amenity, a number of objections had been received from residents of the adjacent park home site citing a loss of light, outlook and privacy. The scheme, as submitted, was considered to be unacceptable in this regard. Following extensive negotiations with the applicant, the scheme was revised so that there was a minimum back-to-back distance in excess of 20 metres between the rear of the affected park homes and the rear elevations of the proposed dwellings. Where the proposed dwellings presented their flank elevations to the park homes, the distance was now in excess of 12 metres. Whilst there were currently vacant plots on the adjacent park home site, the slabs that had been laid indicated where park homes would be situated in the future. Based on this, the proposed development would achieve the same stand-off distances set out above. On that basis, it was considered the revised layout would have an acceptable impact on the adjacent park homes. The proposed planting was consistent with what was approved on Phase 1 and was acceptable. The general landscaping and green infrastructure was also in accordance with the Masterplan Document. Details of the street trees could also be secured by way of a planning condition. With regard to access, as set out in the late papers, the highways authority had now confirmed that the proposal was acceptable in terms of highway safety and parking provision. In summary, it was considered that the proposal would result in an acceptable access, layout, scale, appearance, and landscaping and was recommended for permit.
- 72.4 The Chair invited the applicant's representative to address the Committee. He advised that this reserved matters application sought approval for the Phase 2 details of 147 dwellings and associated works at Land at Tewkesbury Road, Twigworth, which formed part of the Twigworth Strategic allocation which was granted outline planning permission on December 2017. Phases 1A and 1B of the development, which had been previously approved by the Planning Committee, were currently under construction by Vistry. The Phase 2 application boundary, as defined by the approved Phasing Plan for the wider development, was located

within the northern section of the site. The applicant emphasised some key aspects of the application, advising that the layout, as presented at Committee, was a direct result of a number of constructive meetings held with the Council's Planning Officer, Urban Design Officer and Gloucestershire Highways Officers over the past few months. Through their constructive input, the layout now ensured an acceptable balance between achieving high quality design with a technically acceptable highways arrangement. He added that the layout was supported by Officers and received no objections from any of the statutory consultees. As confirmed in the Officer's report, the layout was also in general accordance with the approved Site Wide Masterplan, which set out the principles for determining the design, form, height, general arrangement and external architectural features of the buildings. Working closely with the Officers, the layout presented to the Planning Committee today ensured consistency with the approved Vistry dwellings along the opposite side of the Gateway Street by proposing a continuous frontage layout arrangement and a more consistent architectural approach to the external appearance of these dwellings. Furthermore, informed by up to date survey data and working in collaboration with Officers, the layout also ensured sufficient private amenity space to the neighbouring park homes along the northern site boundary. The combined housing tenure mix was split between 65% open market homes and 35% affordable housing. The affordable housing tenure and mix complied with the requirements of the Section 106 Agreement and was confirmed as acceptable by the Council's Housing Enabling Officer. In conclusion, he thanked Officers for their constructive advice and hoped that the Committee would support the Officer recommendation to approve the reserved matters application.

72.5

A proposal was made, and it was seconded, that the application should be approved in accordance with the Officer recommendation. During the discussion that ensued a Member questioned why the Council imposed conditions on applications, what was their function and what powers a Local Authority had to enforce them. He also asked that, in the light of Government banning fossil fuel vehicles in 9 years' time, why as a Planning Authority the Council was not insisting that every new home be built with an external charging point particularly since the cost of retrofitting was in the region of £550; he felt with the Councils' alleged green credentials, both at Borough and County level, this was something that should be insisted upon in relation to every new build. The Development Manager explained that the purpose of planning conditions was to regulate development and to require certain details to be resolved before development takes place in accordance with agreed parameters. In terms of enforcement, the Council did have powers and could serve notices in respect of the breach of conditions but clearly it would need to be expedient to take such action and that was a judgement which must be made in each case. He indicated that fossil fuel vehicles and electric charging was a really interesting point; planning policy tended to take a little while to catch up with wider Government policy and current planning policies did not allow the Council to require every property to be fitted with electric vehicle charging points. He hoped that in time that this would be picked up by Building Control and the wider building industry but in terms of planning policy this was not something that could be insisted upon. Another Member referred to the surface water concerns at the site and asked, as the site was now starting to be developed, what was required at this stage to deal with surface water and would arrangements be put in place before building commenced with the development exacerbating problems in the area. The Planning Officer indicated that as part of the outline application there was a condition for a drainage strategy to cover drainage including surface water drainage across the whole site and the condition required all of the reserved matters applications to be approved in accordance with that drainage strategy. The strategy was approved under a condition some time ago and each of the reserved matters then accord with that strategy. A lot of the drainage had been approved in previous reserved matters applications which included all the swales and attenuation ponds on site. So the development now

before Members would effectively feed into what already had been approved draining into the swales and then eventually into the drainage basins that were already in place. The Planning Officer indicated that he had visited the site previously to have a look at what had been done and he could confirm that all of the swales and basins were in place so a lot of the infrastructure had been built and this development would feed into this infrastructure. The Member sought clarification that the Planning Officer was satisfied that what had already been provided would deal with any surface water issues arising from the development now before the Committee. The Planning Officer indicated that the Lead Local Flood Authority (LLFA) had been consulted and had been heavily involved with the proposals and were satisfied that the approved drainage strategy would work and had been designed to accommodate all of the houses on this strategic allocation site. The LLFA did not object to this reserved matters application and found the drainage proposals within it to be acceptable. The Development Manager stated that when the appeal for this site was allowed and the conditions approved there was a requirement to build in an allowance for climate change as well; everything that had been submitted to date had met the requirements in terms of policy and conditions that were set out by the Secretary of State when the appeal was allowed. A Member indicated that he had visited the site with the Planning Officer at the invitation of the developers but his concern related to the fact that the site was being dealt with in isolation and there was no allowance for the water flow that came onto the site from other developments which was matter he had raised on numerous occasions. Referring back to the response with regard to conditions, he questioned what had happened in respect of the development at Coombe Hill and the condition in regard to hedgerows which had been completely decimated during the breeding season yet he was unaware of any action being taken; he indicated that he was focusing on this point as the residents of Orchard Park were quite rightly concerned about noise and the impact this development would have on the quality of their lives. He indicated that nowhere in the conditions could he find any reference to time restrictions, operation of heavy machinery, dust levels etc. yet it was likely that the build for this development would run for about two years but there appeared to be no protection for the existing residents of the Park or acknowledgement of what they were having to suffer. He also asked a question on density as with the current buildout rate it was going to exceed what was agreed by the Inspectorate and he wondered what would be done about that. The Development Manager indicated that he would not comment on the reference to the Coombe Hill development as this was for another time except to say that it had been investigated as all apparent breaches were investigated. In terms of the residents referred to in this instance, he indicated that there was a construction management plan that had been approved under a condition on the outline permission and as a further safeguard there were powers under the Environmental Protection Act. Planning permission had been granted on this site and there would inevitably, as a result, be a degree of noise and disturbance to adjacent residents that happened on every development; conditions were in place to try and minimise that and if residents felt the disturbance was so unacceptable they could contact the Environmental Health Team to discuss the powers under the Environmental Protection Act. In terms of the reference to the rate of buildout, the planning permission was limited to 725 dwellings on the Twigworth site and, whilst it was inevitable that there would be higher and lower densities on different parts of the site which was normal, the planning permission was limited to an overall number and if the applicant or future applicants wanted to extend this then they would need to submit a full planning application and go through the normal process. A further discussion ensued on electric charging points and the Planning Officer confirmed that there was a condition attached to the outline consent that every unit should have an electric charging point; so actually across the whole strategic allocation each house was required to have an electric charging point but this scheme went a little further in that some selected units had a 7 kilowatt charger in the garage that

was specifically to address the issue of parking for some of the larger units to encourage the use of the garage for parking. On this basis, clarification was sought on the policy in relation to electric charging points particularly as the County Highways Authority was insisting upon them in respect of applications being considered later in the meeting. The Development Manager clarified that whilst the policies were not in place it made sense to include electric charging points in any future permissions as this was clearly the direction in which the Government was heading.

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

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

20/00464/FUL - Part Parcel 3152, Tewkesbury Road, Deerhurst

72.7 This was a hybrid planning application which sought: 1. Full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access and parking. 2. Outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment).

72.8 The Planning Officer advised that the application site comprised of a parcel of land which was currently classified as agricultural. The site was roughly rectangular in shape and bound to the west, south and east by hedgerows and interspersed trees and wooden fencing. Cursey Lane was located to the south of the site, beyond which were a pair of semi-detached residential properties and a business enterprise known as Charles Russell Transport. To the north of the site was Highfield Business Park. The application site was proposed to be allocated as a Rural Business Centre in the Emerging Local Plan. The application was submitted as a hybrid application and sought full permission for the erection of a B2 unit (general industrial) with associated landscaping, access, and parking and outline permission with all matters reserved, besides access, for a mix of B1, B2 and B8 use classes (employment). The full application comprised a B2 unit, with ancillary office space. The main B2 building itself would have a total footprint of 1,882 square metres and a ridge height of approximately 11.8 metres. In addition to the B2 building, a new access was proposed off Cursey Lane. It was proposed that a new pedestrian and cycle lane would be included within the site that joined the existing path along the A38. The new building was intended for the end user, to replace their existing factory premises in Cheltenham. The outline application sought permission on the remaining 1.15 hectares of land for a mixed-use development comprising of Class B1, B2 and B8 employment uses. The application sought to determine access as part of the outline element of the application; however, appearance, landscaping, layout and scale were reserved for future consideration. Further to the Officer's recommendation, and Committee report, a revised Landscaping Strategy Plan had been submitted following comments from the Council's landscape consultant. The consultant considered that the revised strategy now indicated sufficient planting for the proposed development subject to the final planting detail being provided by way of conditions. On the whole, Officers considered that the proposal would conflict with JCS Policy SD1 and saved Policy EMP3 in that the main B2 unit associated with the full application was larger than expected on a rural business centre. However, there were economic and job creation benefits arising from the proposal. It was also considered that the proposed development would have an acceptable impact on flood risk and drainage, contaminated land, ecology, archaeology and residential amenity subject to imposition of appropriate conditions. The site would allow for the expansion of existing businesses that had outgrown their current premises. As such it was considered that, on balance, the benefits and limited harm, which could be further mitigated by careful design and landscaping proposals, would outweigh the conflict with the development plan in respect of the scale of the B2 building. It was therefore recommended that permission be delegated to the

Development Manager, subject to conditions and the preparation of a Legal Agreement to secure a financial contribution in connection with the monitoring of the travel plan.

72.9 Unfortunately the objector registered to speak was not present due to technical difficulties accessing the meeting. Upon confirming that this was the case, the Development Manager read the objector's submission to the Committee. The objector had very strong objections to the application in particular his concerns related to the proposed access to the site off Cursey Lane which mirrored the same objections expressed by Elmstone Hardwicke and Deerhurst Parish Councils as well as residents and businesses in Cursey Lane. He was both surprised and annoyed that no mention whatsoever was made in the Officer report to the recent examination into the Tewkesbury Borough Plan which had looked closely at the access arrangements for the additional Highfield Business Park employment land allocation. He had observed the discussion throughout and it was clear that the Examination Inspector himself considered that the optimal access to the additional employment land should be via the traffic light controlled existing junction off the A38. Indeed, the Officer addressing the Inspector made this very point and said that this was the best access. It was only when the Senior Officer addressed the Inspector that reference was made to Cursey Lane and the objector had been shocked that the Senior Officer had failed to advise the Inspector of the level of objection from the two Parish Councils and others. He had felt obliged to raise the matter directly with the Inspector because there was complete disregard to the objections that had been raised. The old access off Cursey Lane was the subject of a closure procedure in lieu of the new traffic light controlled junction. There was, to this day, a Section 106 Agreement which required the Cursey Lane access to be closed permanently but there was no mention of this in the Officer's report. Members would be well aware that Cursey Lane was not suitable for any more commercial traffic, especially when the existing traffic light controlled junction was more than adequate to serve the proposed additional employment land. To have standing HGV traffic on a fast moving stretch of the A38 made no sense whatsoever. He fully supported employment in the Borough and the key growth aspirations of the Council but in doing so it must be sure that all development did not add to issues on traffic corridors. He felt certain in saying that, had Member site visits been possible, then the access arrangements would have been a major factor in Member considerations. He repeated again that access to the site off Cursey Lane was totally unacceptable. Before Members made a final decision on this application, he would urge them firstly to ensure they had before them the previous Cursey Lane Section 106 closure agreement and secondly await the final decision of the Tewkesbury Borough Plan Inspector on the question of access – the Inspector advised Officers that he would be undertaking a site visit and in the interests of fairness he considered that the Committee should await the Inspector's decision on this matter.

72.10 The Chair invited the applicant's agent to speak in support of the application. He thanked Officers for a comprehensive and thorough planning report and the positive recommendation that reflected current planning policy and the fact that no objections had been raised by any of the key consultees in this case. The application had been made as a hybrid submission so the detailed part of the scheme could progress immediately to enable his client, which was a specialist engineering firm, to move from its current premises in Cheltenham to this site, which would be a purpose-built facility and allow for the expansion of its workforce. The site formed an allocation in the Emerging Tewkesbury Borough Pre-Submission plan and there had been no objections to the expansion of the business park as the plan had progressed. It was noted that objections had been received to the application from Elmstone and Deerhurst Parish Councils suggesting that the access to the site should come from the existing estate to the north. It should be noted that those elements had been carefully considered by the highways authority

that raised no objections subject to conditions. They considered the access into the site to be suitable and raised no objection on highway safety grounds or impact on the highway network. The applicant was in the process of agreeing a cost associated with the travel plan with the highways authority and would provide Officers with an update on this shortly. Concerns had been raised over the scale of the building that had been carefully considered in landscape terms to understand how it would impact on the wider area. In this case, careful consideration had been given to this as part of the planning submission and the Council's landscape consultant was content that the wider landscape implications could be mitigated through suitable planting. Overall, the proposals would enable the creation of a number of jobs and specifically an existing established business currently located in Cheltenham to relocate to Tewkesbury Borough securing the longevity of the company and providing further employment opportunities.

- 72.11 A Member indicated that he often used Cursey Lane which was very narrow and unsuitable for heavy lorries. He and the Parish Councils of Deerhurst and Elmstone Hardwicke were supportive of using this land for employment purposes but wondered why the existing traffic light-controlled junction off the A38 was not being used. The representative from the County Highways Authority indicated that a planning condition was proposed which would restrict left turn movements out of the proposed access along Cursey Lane so there would not be any vehicles using the narrower sections of the Lane. In terms of access through the adjoining site obviously the plans that had been submitted showed access off Cursey Lane so an alternative access through a neighbouring site had not been considered. As the consultation response stated, the County Highways Authority was satisfied that the proposed access met the required standards and therefore there was not a road safety concern. The Development Manager referred to the statement by the objector which in particular referenced the previous legal agreement which required closure of the access onto Cursey Lane and advised Members that was many years ago now and there had been significant changes in material considerations from that time including a grain store and poultry unit down that Lane so improvements had been made and further improvements were planned to be made to the highways infrastructure particularly around that junction. He reiterated the point made by the representative of the County Highways Authority in relation to the restriction on left turns out of the site so vehicles could not go down Cursey Lane and access the other end at Elmstone Hardwicke so vehicles would be coming onto the junction onto the A38 which as the representative from the County Highways Authority had said had been assessed and found to be safe. He understood that there was a lot of history but it was necessary to look at the current application in relation to the current position and this was found to be acceptable in terms of planning policy. A Member indicated that the objector had raised some very serious concerns and clearly there was a dispute over how this site in the Borough Plan should be accessed. He understood from the representation that had been made that a decision on that would be made at some point by the Examination Inspector, which was quite significant in terms of the matter being raised at the Examination in Public, therefore he felt that the decision of the Inspector should be awaited before any decision was taken on the access. He understood that the application had to be dealt with but was of the view that this should be in the context of planning policy which in this instance was the Borough Plan that was currently awaiting a decision from the Inspector specifically in relation to this access. The Development Manager indicated that obviously the Inspector had heard objections in relation to this access that were similar to the objections to the planning application but the Council's response would have been that the County Highways Authority has looked at this and considered it to be acceptable in planning policy terms. He maintained that there were many occasions where the Committee had not found it necessary to await the outcome of the Borough Plan Inspector's deliberations, it was possible that there may be deliberations or decisions or recommendations made by the Inspector which would conflict with decisions that had already been made by the

Council. The Development Manager did not think that it was necessary to await the outcome of the Inspector's deliberations; the Council had allocated the site in its Plan for employment purposes and this had been sent to the Secretary of State and in this instance the specialist consultee, namely the County Highways Authority, was advising that the access was acceptable. Whilst it may perhaps be better to use the traffic light controlled junction that was in existence that was not what was in the application and therefore was not what the Committee was being asked to consider, the application put forward a different proposal which the Local Highways Authority advised was acceptable. Another Member indicated that he had followed the Examination in Public extensively and the Inspector had been very concerned about this access and this was one of the sites that he felt that he needed to visit in order to formulate in his own mind the reasoned justification for a non-traffic light system access using Cursey Lane. Based on this, and the fact that investigations were looking at the speed limit at the access point being increased to 70mph resulting potentially in HGVs turning in and crossing the path of vehicles travelling at that speed, it was proposed that the application be deferred to await the findings of the Borough Plan Inspector in respect of this access. The motion was seconded and further Members expressed their concerns about the safety of the access. Before the motion was put to the vote, the Development Manager referred to the concerns about traffic turning right out of the Cursey Lane junction and asked Members to bear in mind the previous permissions which had been granted including the poultry farm and grain store, there was also a transport business on the other corner of Cursey Lane, there were other businesses using that access, two of which had been permitted relatively recently with the same transport layout and there were further improvements required to the junction as a result of those permissions. He asked Members to bear in mind consistency of decision-making and the view of the County Highways Authority that the access was acceptable. In terms of the concerns about the condition on left turns being effectively enforced he indicated that if it did not already it was possible to amend the condition to require that the access be designed to actually prevent vehicles turning left onto Cursey Lane from the site, there was a similar access at seven bends in relation to the poultry unit in that area which Members may be familiar with. Obviously, it was a matter of judgement for Members as to whether they felt it was necessary for the Inspector to give a view on his deliberations in this respect but, as far as he was aware, the Inspector was not a highways specialist whereas the specialist advice from the County Highways Authority was that the access was acceptable. He advised that it was a matter for Members as to whether they felt that permission could be granted at this stage taking account of the risk of an appeal for non-determination and costs given the specialist advice from the County Highways Authority.

- 72.12 Further discussion ensued during which a Member expressed concern about the size of the industrial unit and whilst she accepted that landscaping measures would be put in place, she did not feel that a unit of this size would be hidden. She also endorsed the comments in relation to access to site. It was queried whether any discussions had taken place with the applicant in relation to using the business park for access to the site, whether any of this land was in the ownership of the applicant and whether it was in the gift of the Committee to ask that an alternative access be considered. It was indicated that the business park was not in the ownership of the applicant and no discussions had taken place with the applicant on an alternative access although the applicant may be prepared to engage in such discussions to explore an alternative access after hearing the concerns of the Committee at today's meeting. Reference was made to the Officer report and specifically paragraph 7.54, which indicated an expected 20 vehicle movements two-way during the peak hours according to the Transport Statement, and paragraph 7.56 where Highways England stated that there could be up to 50 two-way trips in each peak hour; and it was queried which figure had been used by the County Highways Authority in determining that the access was acceptable. The representative from the County Highways Authority indicated that the difference in the figures for trip

generation was in relation to the outline element of the application which referred to a B1, B2 and B8 usage. As B1 usage was office accommodation which was a much higher generator of vehicle movement than B2 and B8 and, as the exact breakdown was unknown, the Highways England response was made on the worst case scenario which was that the outline element would be entirely a B1 use. There was an improvement scheme in that location which had received consent as part of other applications that had gone through technical approval so there was a high possibility that these would come forward before this site was actually operational. The representative from County Highways indicated that if it would give Members more confidence a negatively worded condition could be placed on this application which would mean that the premises could not be occupied until the improvement scheme was in place. In terms of the assessment as to the acceptability of this access whether it was 20 trips or up to 50 trips one vehicle per minute through this A38 junction would not result in a capacity concern or a highway safety concern when the proposed improvement in that location was taken into account. In response a Member asked whether the analysis of vehicle movements for B Class employment usage was under the new B Class usage or the old B Class usage as this would have a major impact on traffic movement. He reminded the Committee that Members had been promised a seminar with regard to the change in legislation and whilst he understood that times were difficult he would of thought that something could have been scheduled by now. Having said that he reiterated his motion which had been seconded that the application was premature in view of the fact that, during the Examination in Public of the Borough Plan, the Inspector had taken a particular interest in this application site and its access and on that basis any determination should await the deliberations of the Inspector. He stressed that he was not against the development he just had concerns about the access and although he understood the view of the Highways Authority he did not agree with it and felt that in view of the Inspector's specific distinct interest that the application was premature at this time. It was questioned whether, when reserved matters were received based on the actual B class usage and it was then shown that there would be greater traffic movement, would it be proposed that a traffic light controlled junction be placed at this access onto the A38. The representative from the County Highways Authority stated that there were no plans to signalise this junction and he did not think it would be proportionate to require this development to put signals in this location, based on the evidence available it was considered that there would be no harm caused to this junction as a result of the development. The Development Manager indicated that in respect of the changes to the Use Classes Order, he was in discussion with the Head of Development Services to work out a suitable date and programme for a seminar on this subject which was likely to take place in the next couple of months but condition 43 did restrict the use classes for the reason of maintaining a supply of employment land but Members could add to that reason to include highway safety if there was a concern that different uses may create additional traffic.

- 72.13 Before the motion was put to the vote, the Legal Adviser sought clarification on the deferral in that, if the applicants were minded to amend the access point prior to the Inspector reporting on his deliberations in respect of the access to the site, the Committee would be prepared to reconsider the application. Members confirmed this to be the case and, upon being put to the vote, it was

RESOLVED That, in view of the Inspector's specific interest in the access to this site when conducting the Borough Plan Examination In Public, the application be **DEFERRED** pending his findings in respect of the access subject to paragraph 72.13 above.

20/01119/FUL - Garage Site 4, Bishops Drive, Bishops Cleeve

- 72.14 This was an application for the demolition of existing garages and erection of 11 dwellings, car parking, access road and landscaping.
- 72.15 The Planning Officer advised that the proposal was for 11 dwellings comprised of seven houses and a block of four apartments. The houses, comprised of three pairs of semi-detached units and a single detached unit, would be located to the western part of the site, and would face out towards the school playing field with parking opposite. The block of four apartments would be located to the eastern part of the site close to the site access with parking to the front and individual private gardens to the rear. All of the properties would be served off a single access road and the development would incorporate 20 unallocated parking spaces and two motorbike spaces. Policy SD10 of the JCS supported housing development on previously developed land in the existing built-up areas of Tewkesbury's rural service centres and therefore the principle of the development was acceptable. The proposal adopted a contemporary architectural approach, which was utilised throughout the scheme. This would provide for a cohesive development. The units would be faced in either red or grey brick to provide a degree of variation. The roof would be finished with a zinc standing seam metal roof, which would be complimented by grey windows, doors, and guttering. It was considered that the proposal was of an acceptable size, scale and design and would have a satisfactory impact on the character and appearance of the surrounding area. The proposal would also have an acceptable impact on existing properties in terms of light, outlook, and privacy. All of the dwellings would be affordable, which would be secured through a S106 agreement. This represented a considerable benefit of the scheme. In terms of the access, the highways authority confirm that there would not be an unacceptable impact on highway safety or a severe impact on congestion. Given that the remaining occupied garages were used for storage purposes only, their removal would not displace parking onto the surrounding highway network. With regard to drainage, the applicant proposed to discharge surface water into a surface water sewer located in Bishops Drive. However, the Lead Local Flood Authority (LLFA) advised that this was a private sewer and therefore the applicant would require approval from the owner to carry out any work on it. The LLFA advised that this must be provided to demonstrate it was a suitable strategy. At this stage, the applicant had not fully established the ownership of the private sewer or whether approval would be granted for connection. Given the uncertainty as to whether an appropriate drainage strategy could be achieved, it was considered that it would not be appropriate to condition drainage details in this instance. In light of this, it was recommended that permission be delegated to Officers in order to secure suitable drainage details, the amendment of planning conditions as appropriate and to allow for the completion of a Section 106 to secure the affordable housing.
- 72.16 The Chair invited the applicant's representative to speak in support of the application. He stated that this scheme had been in the making for some time now and was part of a programme of works. He advised that it was believed that the planning application represented a scheme that would provide positive benefit to the housing needs of Bishop's Cleeve by providing 11 one, two and three bedroomed homes for local residents. Four 1-bedroomed maisonettes were proposed for rent and four 2-bedroom houses and three 3-bedroom houses for shared ownership. The affordable rented 1-bedroom provision would support the demand for smaller accommodation for residents who were unable to find suitable housing for their needs. The shared ownership provision offered a much needed type of accommodation and tenure for the Borough and together provided local people with high quality affordable homes. The scheme would offer well designed homes which would benefit from high thermal efficiency, would be built to Rooftop's Living Homes

Standard which incorporated where possible solar PV panels and electric charging points. It was felt that the development would contribute to an improved visual and social aspect to that of garages. The position and orientation of the units prevented overlooking to and from the adjacent properties. The method for creating suitable dwellings for modern living was to make larger than usual living areas and all dwellings created were above the minimum requirement of the nationally described space standards. As would be expected of such a site a significant number of surveys had been carried out to deal with matters of ecology, flooding, drainage, transport and traffic. The proposed development design embraced and met the challenges of those technical constraints. The building design had been shaped through meetings with the local community who felt the designs should have a contemporary feel. The frontages and architectural styling of the proposed buildings had been designed to be consistent and symmetrical where possible to ensure coherence across the development with each façade having similar articulation walls, windows and roof lines with two brick colours and recessed entrance doors. These homes would be built to the same standard that had been seen at other former garage sites in Bishop's Cleeve. This was a brownfield site which was subject to anti-social behaviour and this scheme would bring positive benefits to the area, building much needed affordable homes for local people, with a modern design at the forefront.

- 72.17 A local Member for Bishops Cleeve indicated that he had initially had three issues of concern in relation to this development; the amount of on-site parking, the impact on surrounding properties and access from the spur of Bishops Drive which was quite a narrow road. He thanked the Planning Officer for going through the detail of the application and the work he had done on it but wished to clarify both for his, and the benefit of the Committee, the matter of displacement parking as the proposal was based on the demolition of a garage site. He indicated that it was his understanding that of none of the garages currently rented, of which there were 20, were used for cars, they were all used for storage. The Planning Officer confirmed that this was the case and referred to paragraph 1.2 of his report which stated that of those 20 only three were rented to tenants of Rooftop of which only one lived in Bishops Drive, 10 were allocated to residents who lived in the Parish of Bishop's Cleeve and some were rented to people who lived outside of the Parish which demonstrated that they were not well used. The local Member stated that this confirmed to him that demolishing these garages was not going to lead to displacement issues which had been a concern raised by a local resident. He indicated that, whilst he had initially had concerns at the outset based on all of the information which he had received, those concerns had been addressed and felt that this scheme represented a good proposal on a cramped site that definitely needed to be redeveloped. Based on this, the local Member proposed the amended Officer recommendation of delegated permit subject to suitable drainage details, amendment of planning conditions as appropriate and the completion of a S106 agreement to secure the affordable housing. In seconding the motion the Member stated that it was really uplifting to see such a good design which provided a solution to some very underused, unsightly garages and represented an excellent way forward. Upon being put to the vote, it was

RESOLVED That the application be **DELEGATED** to the Development Manager to **PERMIT** subject to suitable drainage details, amendment of planning conditions as appropriate and the completion of a S106 agreement to secure the affordable housing.

21/00285/FUL - Land at Wainlode Lane, Norton

- 72.18 This was an application for a change of use of land to play area and the installation of retractable stop ball netting with eight metre high posts to the existing rugby pitch.
- 72.19 The Planning Officer advised that the site was within the village of Norton and lay to the south-west of Wainlode Lane and to the north/north-west of the village hall. It comprised of the existing playing field and rugby pitch and a children's play area installed on an undeveloped part of the neighbouring residential development. The application was submitted by the Parish Council for the change of use of land to children's play area and for the erection of retractable netting to part of the boundary of rugby pitch. The netting would be two sections of 60 metres to the north west and north east boundaries. The supporting steel posts would be eight metres high with the black mesh measuring 6.36 metres. The play area land was secured via a Section 106 agreement attached to the residential development. The Parish had entered into a joint use agreement with the County Council for the land such that the play area/equipment would be available at all times to the school. In turn, the Parish Council had land within the boundary of the village hall available for the school. Saved Local Plan policy RCN2 was for the provision of sports facilities. The proposal for stop ball netting would be ancillary to the existing sporting facilities on the site and enable the site to be safely used for rugby matches and coaching by preventing balls entering adjoining gardens. The play area was supported by RCN2 and one of the community objectives of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (NDP) which was to encourage new and/or additional services and facilities which helped to meet identified needs of local people and improve their wellbeing. The proposal was supported in principle. The stop ball netting and posts would be visible in part from distant views but would be read in the context of the existing built form and recreation use. The netting would only be extended when required. The play area was located within the settlement boundary between existing residential development, and screened in part by boundary fences and hedges. It would therefore, have less than substantial harm in terms of landscape character. Objections had been received from the occupiers in the neighbouring development of Bramble Close with regard to the noise and disturbance from the play area. The play area bordered the front access drive and front amenity was separated by a boundary fence. There was already background noise from the school and the use of the playing field and rugby pitch. Given the land was identified in the Section 106 agreement to be used in connection with the school it was always likely there would be some noise disturbance from it. In terms of overlooking, the play area was to the front of the dwelling which was open to public views from Wainlode Lane. The stop ball netting would not impact light but by virtue of its height and close proximity it would appear as a prominent feature. However, the netting was retractable and would only be implemented when required. The rugby club was long established on the site which benefitted the local community as indicated by letters of support. The netting provided a solution to the potential conflict between the rugby pitch and neighbouring residents. It was considered the noise and disturbance to neighbouring properties was outweighed by the wider public benefits therefore the Officer recommendation was to permit.
- 72.20 The Chair invited the Chair of Norton Parish Council to address the Committee. He explained that, in addition to the supporting documentation, submitted in response to the application, he would like to highlight the importance of both the Play Park and the Rugby Club to the Parish of Norton, especially in the current climate as the village continued to grow and people were spending more time in the local environment. For years, a drumbeat issue within the community was the lack of a play area for young children. This was especially important to the Parish as it was losing young families due to the lack of facilities. Three years ago, as a bi-product of the Neighbourhood Development Plan work, it was decided to pursue the

development of a play area on Parish land which would also benefit the ever-popular village Primary School. A project team was created by the Parish Council, headed by the Clerk with Parishioners from community groups, who had worked tirelessly to raise community awareness of the project, refine plans to take into account local and physical constraints such as minimising noise pollution through consultation on the siting of equipment, navigating underground utility supplies, and securing funding. The layout had been given a lot of thought to ensure easy access to the inclusive equipment, as well as ensuring that the equipment for younger children was also close to a central location so that parents were still able to interact with each other. From its inception, the play area had been a standing agenda on Council Meetings and updates had been provided on its website. There had been tremendous support from within the Parish to help with establishing the area, and with fundraising, where several charity events were held and received a great turnout. Over the last period of national lockdown, the Parish Council had been receiving queries from parishioners as to when the play park would be opened as the children really needed some structured play in outdoor space. The fact that this Section 106 land was being put to use in this role to ease the pressure of the growing development within the Parish in such a way was widely supported throughout the Parish as could be seen by the number of positive comments received to this application. The Rugby Club had been a keystone of village life in recent times and was celebrating its tenth year of going from strength to strength. The Club provided community access to exercise and a social environment in which parishioners could come together to support the local team and meet each other. Since the erection of the adjacent development to the rugby pitch, the Club had worked tirelessly to ensure any damage to property was minimised through the erection of temporary netting. This had all been carried out through goodwill of the Club members and local parishioners. To lose such a valuable community asset through not being able to play games in the village would be catastrophic to village life. The strength of supporting parishioner comments on these projects demonstrated the value of community and the requirement to have such assets within it.

- 72.21 In proposing that the application be permitted, a Member queried why the application had been brought to Committee and the Development Manager explained that as the applicant was the Parish Council, and there had been an objection to the proposal, it was felt prudent to bring it to Members for a decision. The motion was seconded and, upon being put to the vote, it was

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

20/01214/FUL - Unit 4 Redwood House, Orchard Trading Estate, Toddington

- 72.22 This was a retrospective application for outside storage and security fencing.
- 72.23 The Development Management Team Leader (North) advised that the application related to Unit 4 of Redwood House, located towards the south-eastern corner of the Orchard Trading Estate in Toddington. There was a public right of way to the north-east of the application site and another public right of way to the south of the adjacent B4077. The site was within the Special Landscape Area and its eastern side boundary lay immediately adjacent to the Cotswolds Area of Outstanding Natural Beauty (AONB) as well as the Toddington Manor Registered Park and Garden which was Grade II Listed. The application site also included trees which were protected by Tree Preservation Order 272 and this area served as structural landscaping that assisted in screening the industrial estate. The Orchard Trading Estate was designated as a major employment site within the Tewkesbury Borough Local Plan, and as an existing rural business centre within the Pre-Submission version of the Tewkesbury Borough Plan. Unit 4 was currently occupied by a company which specialised in sourcing and importing artwork, sculptures, furniture

and ornaments from Africa, Asia and Indonesia. The application advised that the main building was used to store the most valuable and rare stock, but that this was currently full. The application therefore sought retrospective planning permission for the retention of the following structures: 40ft and 20ft shipping containers to the south of Unit 4 – four of these shipping containers had been stacked two upon two, and the overall height of this did not exceed the eaves height of Unit 4. A white temporary storage structure had also been constructed towards the south-eastern corner of the site. This was proposed to be used as a marquee showroom for visiting clients but, due to the reduced trading throughout the COVID-19 pandemic, this structure was currently being used for storage purposes. The application did not clearly specify whether the marquee showroom would incorporate any retail element, nor had the sequential test been applied. Two green temporary storage structures had also been constructed towards the south-western corner of the site. The application advised that the lower value items were stored within the shipping containers, with the lowest value items stored within the temporary storage structures and compound. The application also sought retrospective planning permission for the retention of a 2.4 metre high galvanised palisade fencing, which had been constructed parallel with but set back from the northern, eastern and southern boundaries to form a secure compound, and two no. palisade access gates at the location of previous kerbs and access points to the south. The application for the erection of a light industrial unit, as approved in 1988, was subject to restrictive conditions pertaining to the erection or construction on this site of any extensions, gates, fences, walls, other means of enclosure, or structures of any kind; and any outside storage whatsoever on this site. These conditions were required in order to ensure that the development would be visually attractive in the interests of amenity. The development which had been carried out was in breach of the restrictive conditions. The unauthorised development had been carried out to allow for the expansion of an existing business and this weighed in favour of the application. However, the palisade fencing which had been erected was stark and utilitarian in appearance, particularly in such a prominent location adjacent to the public highway within the Special Landscape Area and the immediate setting of the AONB. In addition, the three storage structures which had been erected within the TPO woodland were large in scale and located adjacent to this southern boundary. It was considered that this unauthorised development failed to conserve the landscape and scenic beauty of the AONB, and that it adversely affected the rural landscape of the area and the visual amenity of the Special Landscape Area. It was further considered that the development caused harm to those features of the landscape character which were of significance, including the woodland and trees which were protected by Tree Preservation Order 272, which provided an important amenity feature for the entrance to Toddington village. These trees consisted of G1 which were mainly Wellingtonia some oak and pine. There were six individual oak trees and a woodland shown as W1 on the plan which was primarily oak. The structures within the site had a significant negative impact on the trees' visual amenity and the erection of structures and the storage and relocation of items within their root protection areas would result in the dysfunction and eventual decline of the trees. The development therefore failed to protect existing green infrastructure, the quality of the natural environment and its visual attractiveness, and failed to conserve the landscape character of the Special Landscape Area or the landscape and scenic beauty of the Cotswolds AONB. Finally, the application failed to demonstrate that biodiversity and wildlife, including protected species, would be conserved. Whilst there were no objections in respect of impact on the Toddington Manor Registered Park and Garden, the impact on the amenity of existing and future occupiers, or highways impact, it was concluded that the adverse impacts of granting planning permission would outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It was therefore recommended that planning permission be refused.

recommendation was to refuse the application.

72.25

A Member proposed that the development be permitted and indicated that it was a shame that the Committee could not undertake a physical site visit to take on board the context of the whole site as this was actually a commercial industrial site and some of the things for which permission was sought i.e. containers were commonly seen on industrial sites as they were easy to install and offered a considerable amount of security. This business had been severely affected by Covid-19 as a substantial part of the operation involved going to shows to sell its wares which had not been possible and therefore additional storage was required. The delivery of the goods came from foreign countries and was very hit and miss which had not helped in terms of needing space to store the deliveries. In addition, there was not an abundance of police in the area, it was very easy for theft to take place as the site was not particularly secure. When installing the fencing the applicant had been very mindful of the trees and the need to ensure that they were protected and the comments of the Conservation Officer set out in Paragraph 7.16 imply that there is not much of an issue with the fencing provided that it is painted. This site was mentioned in the Tewkesbury Borough Plan in respect of growth and there needed to be a little bit of flexibility if businesses were to thrive but the attitude to this application appeared to be a little negative and harsh toward the applicant. The site offered employment to local people and in the opinion of the Member should be supported which was why he could not support the Officer recommendation and was proposing that the application should be permitted. The one boundary was along the side of the road and as you drove past with the hedgerows now starting to grow it was apparent that they would act as a barrier against any visual impact from the road particularly in respect of the fencing. Another Member spoke in support of the Officer recommendation maintaining what had been constructed on this site was absolutely awful visually and she proposed that the application be refused. In seconding the proposal to refuse a Member indicated that whilst he understood the sentiment and feeling of the proposer to permit the application, he had not produced one policy reference to support a permission against an Officer recommendation to refuse. The case had been made on sentiment and local knowledge as opposed to policies which could outweigh the demonstrable harm. In addition as a matter of principle he would rather see applications seeking consent to construct as opposed to those seeking consent after the construction had taken place. One of the local Member's for the area referred to the objections of Toddington Parish Council which she felt must be taken into account and whilst she appreciated the comments of the Conservation Officer in relation to the fence in that the impact could be mitigated by painting and some screening with native hedging she was of the view that the structures had been placed within an area that had an impact on protected trees and for this reason she could not support a permission. Another Member expressed support for the application and seconded the proposal to permit on the basis that he was pro-business, and this was a growing burgeoning business which seemed to be in the right place on an industrial trading estate. In the debate that ensued reference was made to the policy context which would support this application being permitted as set out in paragraphs 8.2 and 8.3 of the Officer's report. A Member maintained that this was about a balance of benefits against harms and whilst the Officer was of the view that the harms outweighed the benefits he was of the opposite view: this was an existing rural commercial site, the principle of development had already been established, the harms in his opinion were minor and the Council should be looking to support people in their attempts to improve their businesses and the prosperity of the area particularly in rural locations where this is much more difficult to do. Debate ensued with Members expressing opinions both for and against the development. The Development Manager indicated that much of the debate seemed to be focused around the fencing and the wider visual impact but one of the key concerns was the impact on the trees which were subject to a TPO and obviously a serious matter. He indicated that there was real concern that the development as it currently was would have a deleterious impact on those trees

which could result in them being lost which would in itself have an impact on the wider area with the screening offered by the woodland and these trees to the business park as a whole being lost. A Member asked about conditions should this application be permitted and the Development Management Team Leader (North) suggested indicative conditions for the Committee to consider in relation to approved plans, painting of the security fence, restricted use to Class E(g) (the former B1) to ensure no inappropriate uses of the business site with it remaining for employment purposes, a recommended ecological enhancement condition relating to bat and bird boxes, a tree/hedgerow planting scheme; as set out in the report there had been some inappropriate evergreen boundary tree planting around the periphery which had been commenced before submission of the application and therefore officers would seek to try and ensure that this was replaced by some native planting to assist with screening, a restrictive condition on outside storage with the exception of the tent/marquee and storage containers shown on the plan before the Committee and the restriction of permitted development rights to align with the 1988 permission to give as much protection as possible to the trees within the site; this would mean that extending buildings, the erection of new buildings and enclosures, walls, gates and outside storage other than what was already on site would not be permitted and would require the submission of a planning application. A discussion ensued on the suggested condition in relation to other outside storage with the proposer of the motion to permit expressing the view that this was too restrictive and would perhaps encourage more shelters to be erected which should be avoided, he stressed that this was an industrial estate on which it was commonplace to see outside storage. The Development Manager stressed that this condition was to address the concern about the trees and to minimise any further harm to them arising from additional vehicles accessing the storage and manoeuvring around the trees compacting the earth and affecting the root systems. Should Members permit this application then it would be accepted that there would be harm to the trees which would continue but the removal of permitted development rights would help to minimise this going forward. Hopefully this would not encourage more shelters to be erected as the applicants would recognise after going through this process that planning permission would be required for the erection of any further structures. The proposer of the motion to permit the application referred to Page 158 of the Officer report which stated that the applicant had put large concrete blocks around the root areas of the trees to provide protection and that most of the trees inside the fences had historical low level stem damage, this damage was old, looking like vehicle damage from when the area was used as a parking site. He maintained that as the applicant had already put in place measures to protect the trees that it would be unreasonable to restrict further storage space being erected by the removal of permitted development rights but he was happy with all of the other conditions that had been suggested. Confirmation was sought and obtained from the seconder of the motion to permit this application that he too was happy with the suggested conditions with the exception of the one in respect of other outside storage. The motion was put to the vote resulting in an equality of votes and the Chair exercised his casting vote against the motion to permit. Accordingly, that motion was lost and subsequently, it was proposed and seconded that the application be refused as per the Officer recommendation. Once again this resulted in an equality of votes for and against the motion with the Chair exercising his casting vote in favour of the motion to refuse the application. It was therefore

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

72.26 The meeting adjourned at 11.10am for a break

72.27 The meeting reconvened at 11.25am with the same membership present.

20/01252/FUL - Farringdon, Stockwell Lane, Woodmancote

- 72.28 This was an application for a pitched roof extension over existing garage, erection of a side and rear extension, rear dormer extension and replacement doors and windows.
- 72.29 The Planning Officer explained that this was a householder application for Farringdon, a detached property, on Stockwell Lane in Woodmancote. The proposal was to replace doors and windows on the dwelling and increase the living space at ground and first floor level by extending over the existing garage, erecting side and rear extensions and rear dormer extensions. This was a revised application that was deferred at the Committee meeting in March, on the basis that the balcony on the south west side of the rear elevation would have an unacceptable impact on the amenity of neighbouring residents. The applicant had removed both proposed balconies from the scheme, fully addressing the concerns of the Committee, and a local resident who had previously raised an objection on amenity grounds. A Committee determination was originally required as Woodmancote Parish Council had objected to the proposal on the grounds of concerns that the extension would take the dwelling too close to the boundary, which would be detrimental to the open character of the area. Those concerns had been noted, and it was the view that the proposal would not have a detrimental impact on the open character of the area. As such, it was recommended that the application be permitted.
- 72.30 The Chair invited the applicant to address the Committee. He had noted the comments made at the previous Committee meeting regarding the application and amendments had been made to remove the small balcony to the west along with the glass screen, balustrade and bifold doors; removal of the balcony to the east along with the glass screen, balustrade and bifold doors which had been removed even though there was no objection to that feature. He hoped these amendments would satisfy the Committee and it would see fit to approve the revised plans.
- 72.31 A proposal to permit the application was made and in seconding the Member drew attention to the condition that the flat roofed areas would need specific further planning consent if they were to be used as a balcony in the future. Upon being put to the vote, it was

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

21/00068/FUL - Manor Farm, Main Street, Wormington

- 72.32 This was an application for the conversion of existing agricultural buildings into one no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas.
- 72.33 Prior to commencing her presentation, the Development Management Team Leader (North) explained that there were two applications in relation to this property, the full application now being considered and a second related application relating to listed building consent and it was her intention to cover both together in this presentation.
- 72.34 The Development Management Team Leader (North) explained that Manor Farmhouse was a Grade II listed building of 17th century origins located centrally within Wormington. There were a number of agricultural buildings located to the south of this which formed the perimeter of the original yard and a compact historic farmstead. This included a Grade II listed Granary towards the eastern side of the yard, as well as an extensive range of traditional agricultural buildings, including the application building towards the western side of the yard, which were considered to be curtilage listed. Farm operations had been relocated away from

the original farmyard leaving a number of buildings redundant, including the existing agricultural building subject to this application. To the south of the complex was a collection of large modern agricultural buildings which served the current farming enterprise. The application site was located within the Cotswolds AONB. The planning and listed building consent applications proposed the conversion of one of the existing curtilage listed agricultural buildings within the western range into a two storey dwelling and associated internal and external alterations. This was a red brick building with a natural blue slate roof covering. All existing openings on this building were located on the eastern elevation, facing onto the central yard area. The application included the submission of a structural report which confirmed that the principle structure was in good condition throughout and would not require any major structural alteration to convert to a dwelling house. The other buildings towards the south and east of the yard would remain unconverted and in agricultural use. The Conservation Officer raised no objection in principle to the conversion of the buildings to residential use and considered that, overall, the details of the conversion of the buildings were sympathetic to their character. Part of the adjacent historic shed would also be utilised as garaging and a lobby in a manner that would preserve its character. Therefore the application for listed building consent related solely to the physical works to the listed building which were considered to be acceptable, and it was recommended that listed building consent was granted consent subject to conditions. The associated full planning application, which also appeared on the schedule, further proposed the provision of a private residential garden within the central yard area for future occupiers of the proposed residential unit, which was proposed to be bounded by a 1.8 metre high hedge. It also proposed the provision of a vehicular driveway, parking and turning area, utilising the existing vehicular access. The proposed provision of a residential unit in isolation within the existing farmyard and the provision of any domestic paraphernalia within its associated amenity space within the central yard area was considered to be problematic in terms of the impact on the character and amenity of this historic farmyard. Whilst this would not be prominent from public vantage points by virtue of the surrounding buildings, the proposal would nevertheless adversely impact the visual amenity of this central open space which was important to the character and amenity of this historic farmyard. It was considered that the visual impact of an enclosed garden taking up a prominent proportion of the former working yard would appear alien and uncharacteristic in this particular context. Further, the Conservation Officer recommended refusal of the planning application on the grounds that the proposed subdivision of the yard would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting, in particular the Grade II listed Granary. The harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but would not be outweighed by any resultant public benefit. In addition, it was considered that the proposal would have an unacceptable impact on the residential amenity of existing and future occupiers of the existing dwelling at Manor Farm and the proposed dwelling in terms of privacy and noise and disturbance resulting from continued use of the adjoining outbuilding for garaging for Manor Farm itself. Further, whilst the proposal would only add limited additional vehicle trips, it had not been demonstrated that the proposal would have an acceptable impact on highway safety. For the reasons given within the Officer's report, it was concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Development Plan and the NPPF. It was therefore recommended that planning permission be refused.

- 72.35 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to refuse the application.
- 72.36 A Member questioned the Local Highways Authority representative as to whether

he had visited the site and what specifically the highway concerns were in relation to the safety of exiting this site particularly in the light of the fact that there was quite a wide pavement at the access point. The representative from the Local Highways Authority indicated that he had not visited the site as he was not the Officer who had prepared the recommendation but he had seen photographs of the proposed access point and the concern related to exit visibility which was very restricted; there was a wide footway at the bottom of the driveway but the view was that any vehicles waiting to turn out of that site would need to straddle that footway. Visibility of vehicles on the road would be limited which would impact on any vehicle pulling out of the access and there would be very limited visibility of any pedestrians given the location of existing buildings and where those buildings were positioned next to the footway. The Member indicated that if the Committee was considering permitting this application then a site visit would be worthwhile as she believed that access to and from this site was achievable, there was a wide footpath and in village locations people drove over footpaths to gain access to the highway. This was a very quiet village and she was disappointed with the Highways objection in relation to the statement that this was a very rural location and reliance would be on the motor car; the Tewkesbury Borough Plan was at a very advanced stage and in that plan the Council set out its aspirations that there would be opportunities for housing in rural locations. Clearly this meant that unfortunately because of the lack of bus services in rural communities, there would be reliance on cars but with new technology advancing in relation to electric cars then it was most likely that this was going to be a sustainable form of transport in the future anyway. As far as she was aware the Local Highways Authority had not made any objection to the Tewkesbury Borough Plan in relation to the rural housing policies and therefore she could not understand the relevance of the statement in relation to reliance on the motor car in respect of this application. Clearly in respect of this application the Conservation Officer obviously had some objections to the proposals but she wondered whether these could be overcome with revised plans dealing with the main areas of concern highlighted by the Conservation Officer; particularly since he was happy with the listed building consent for conversion of the building to residential and the main issue seemed to be in relation to the garden. The Development Management Team Leader (North) indicated that in respect of conversions sometimes there was appropriate access to amenity space and sometimes there were less options for this to happen so it was not absolutely essential in every scenario that private community spaces were afforded to individual dwellings especially in some rural locations where there was good access to the public rights of way network and open green space. On this basis, the Member questioned whether a delegated permit would be appropriate if the applicant could produce revised plans in relation to the outdoor amenity. The Development Manager indicated that the amenity area was one concern but of similar concern was the impact on the wider complex of buildings so he was of the view that it would be difficult to look for an amended scheme on this application as an appropriate scheme would have to address the wider complex and the other buildings. He was of the view that the Conservation Officer's main concern was that the proposal looked at this building in isolation without addressing what this meant for the other listed buildings on the site in particular the Granary; whilst amended plans may be achievable to address the amenity concerns this was not the case in respect of the conservation concerns relating to the wider site and the listed buildings on it which would require a comprehensive scheme. On this basis the Member questioned whether it was possible to defer this application for investigation into what could be done in relation to the other listed buildings in this area as she was of the view that as the Conservation Officer was happy to grant consent for the conversion of this building and the problem was the impact on other buildings then perhaps the applicant could be given the opportunity to have a look at what could be done in this respect and if nothing could be done then it come back with a refusal at a later date but at least the applicant would have been

given the opportunity to address the concerns of the Conservation Officer, having got this far it would be a case of giving the applicant some extra time to consider the points made at today's meeting. The Development Manager indicated that this could be done if it was the wish of the Committee to take a more positive approach then this was something that could be achieved. Accordingly the Member indicated that it was her view that the access arrangements were acceptable and were no different to many others in rural locations and therefore she proposed a deferral of the application to allow the applicant to consider the Officer concerns in relation to amenity and impact on other buildings in the compound to see if these concerns could be overcome with revised plans. Prior to seconding the motion, a Member raised whether a site visit could be added as well, and a discussion ensued in relation to site visits and the potential removal/further easing of COVID-19 restrictions that may come about on 21 June given the changes already in effect from 7 May, but the Chair indicated that with all this still uncertain, this was a matter for another time and upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow the applicant to consider whether the concerns in relation to amenity and impact on other buildings in the compound could be overcome.

21/00069/LBC - Manor Farm, Main Street, Wormington

72.37 This was an application for the conversion of existing agricultural buildings into one no. dwelling and associated internal and external alterations and provision of parking.

72.38 The Chair indicated that there were no public speakers for this item and the Officer recommendation was for consent.

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

RESOLVED That Listed Building Consent be **GRANTED** in accordance with the Officer recommendation.

20/01074/FUL - Bell House Farm, Old Road, Maisemore

72.40 This was an application for the variation of condition 2 (drawing schedule) attached to planning permission 14/00965/FUL (residential development comprising of 15 dwellings) to allow for minor alterations to plots 6, 7, 12, 13 & 14 and revised drainage arrangements.

72.41 The Planning Officer advised that planning permission had originally been granted in 2015 for the demolition of curtilage listed outbuildings and the erection of 15 dwellings. Those works had commenced on site and were now well advanced. The current application sought to vary condition 2 of that permission to allow for minor alterations to a number of plots. Those changes were summarised as removal of the garages from plot 13 & 14 and replacement with tandem parking spaces; minor amendments to the internal layout and external elevations of plots 13 and 14; amendment to the garage design for plot 12; repositioning of plots 6 and 7 closer to plots 8 and 9 due to the levels adjacent to the boundary with the neighbouring properties. As set out in the Committee report, those changes were minor in the context of the previously permitted scheme and were considered acceptable. The application also sought to amend the drainage details that were approved under the previous application. The most significant change was that the foul drainage was now shown connecting directly into the existing sewer network. The Parish Council had raised strong objections to the revised drainage details due to the historical problems with the drainage network in the village. The Parish also pointed out that a condition attached to the original permission stated that foul sewage disposal should be via a package treatment plant only. The approved drainage details reflected that requirement. The applicant stated that the previously approved drainage scheme

was flawed as a sewage treatment plant located under the road would preclude most types of treatment plant. The location of the sewage treatment plant would also not comply with Building Regulations and there was no other suitable location within the site. Whilst the Parish Council's concerns were noted, Severn Trent Water had already approved a connection into the existing system. The Lead Local Flood Authority also raised no objections to the revised drainage details. In light of this, it was considered that it would be very difficult to reasonably sustain an objection on this basis. As set out in the late papers, the Committee report stated that the application was recommenced for delegated permit subject to the completion of a Deed of Variation to ensure that the provisions of the original S106 Agreement were carried forward. That Deed of Variation had now been completed and therefore the recommendation had been changed to permit.

72.42 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.

72.43 It was proposed and seconded that the application be permitted. A Member indicated that the subject of drainage seemed to be a recurring problem where existing drainage facilities could not cope with additional input and the views of local people who knew these systems and the problems associated with them were often ignored. This had happened in other areas and it was happening here she felt that this was very short sighted and more notice should be taken of local knowledge. Another Member concurred with that view. Upon the motion being put to the vote, it was

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

21/00144/PIP - Box Farm, Stockwell Lane, Woodmancote

72.44 This was an application for Permission in Principle for the construction of one dwelling.

72.45 The Planning Officer advised that the application site was located to the north side of Stockwell Lane, in Woodmancote. The site comprised part of the garden of the farmhouse of Box Farm, which lay to the east. There were residential properties to the west of the site and the Mill and Liberty Farm were located to the south side of Stockwell Lane. A public right of way ran from Stockwell Lane to the west of the farm to approximately 90 metres to the north of the site. The site was located within the Cotswold Area of Outstanding Natural Beauty. The permission in principle consent route was an alternative way of obtaining planning permission for housing-led development which separated the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route had two stages: the first stage established whether a site was suitable in-principle and the second, 'technical details consent', stage was when the detailed development proposals were assessed. The scope of the first stage was limited to location, land use and amount. Regarding location, Woodmancote was a 'Service Village' as defined by Policy SP2 of the JCS. The site did not fall within an allocated area in the village. Woodmancote did not have a defined development boundary, so a degree of judgment was necessary regarding whether the site was within the village. The site was part of the garden of Box Farmhouse and was within the residential curtilage. Recent appeal decisions had considered this area as a ribbon of development formed by a collection of detached dwellings set within spacious plots that extended along the lane away from the main body of the village. Given that the view of Inspectors in recent appeal decisions regarding development radiating from Woodmancote and that there was existing development to the east, west and south of the site, the development would be viewed within the context of existing built form and would not appear divorced from the settlement. Therefore the proposed development site

was considered to be within the built-up area of the village. The Council did not have a five year housing supply therefore paragraph 11 of the National Planning Policy Framework was engaged. The framework clarified that planning polices for housing would be judged out of date where, inter alia, the local planning authority could not demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarified which policies in the framework provided a clear reason for refusing. As the site was within the Cotswold AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provided a clear justification for refusing permission. The NPPF made clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which had the highest status of protection in relation to landscape and scenic beauty. However, the framework did not place a blanket restriction on all development in the AONB and a single dwelling was not considered major development. The site was on the north side of Stockwell Lane with residential properties to the west and farmhouse to the east. The site formed part of the garden of the farmhouse with a small orchard to the north west. To the south lay the dwelling of Liberty Farm which was allowed at appeal in 2015. The southern boundary of the site was screened from Stockwell Lane by a boundary hedge. The site would be visible from the public realm however, within the context of existing development. The site would be screened from the north in part by the orchard and due to topography of the site views would be directed beyond the site to the open countryside to the south. The visual impact of the development from distant views would not be considered prominent or substantial due to its relationship with existing development with limited harm to the AONB. The tilted balance was engaged. Given the Council's current land supply shortfall, and in light of the above, it was considered that there would not be any adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme. In terms of land use, the guidance set out that housing led development was an accepted land use for the permission in principle application process. It was considered that, subject to suitable design, a dwelling could be accommodated on the site, along with any associated outdoor amenity space and on-site parking provision. The site had access onto Stockwell Lane and the highways authority had raised no objection to the principle, access details would be considered at the technical details stage. The site formed part of the garden land associated with the farmhouse of Box Farm and it had a domestic appearance, a dwelling would not appear out of character in this location and of limited harm to the AONB given the setting. No objections were raised in respect of noise and nuisance and the County Archaeologist also advised that there were no archaeological constraints that would prevent development on the site. It was not considered that any harms arose which would significantly and demonstrably outweigh the, albeit limited, benefits of the proposal in this case subject to securing appropriate details at the technical details consent stage. It was therefore recommended that permission in principle was granted.

- 72.46 The Chair invited the applicant's agent to address the Committee. He advised that the application was recommended for approval by the Case Officer and as the agent who has submitted the application on the applicant's behalf, he wished to briefly re-iterate the Case Officer reasons for recommending approval. As the Case Officer had quite rightly stated in the Committee report, an application for permission in principle could only be determined on three main issues: location, land use and the amount of development. Considering the land use was already residential and the amount of development was the smallest quantum that could be applied for, the only issue that required discussion was whether the location was acceptable in principle. In terms of location, JCS Policy SD10 supported residential infilling in villages such as Woodmancote. Therefore, in terms of the location of the development, it must firstly be determined whether the development could be deemed as infill, and secondly whether it was considered to be within the village. As to whether the development was infill, he explained that residential infill

development was simply the act of constructing a house in between two other houses. In this case, the house would be positioned in between Box Farm and Beech Cottage, which is 40 metres to the west. This 40-metre gap, which was over 130 feet, was more than enough room for one additional dwelling. JCS Policy SD10 supported infill development specifically on under-developed plots that were well related to existing built development, which was an accurate description of the site. SD10 also advocated maximum density compatible with good design, which would be easily achievable on a plot this large. Therefore, based on the criteria set out in Policy SD10, the development was definitely infill. In respect of the site being within the village, he explained that the site was located towards the eastern end of the village. Although the village had a higher density of modern dwellings towards its western end, historic maps revealed that the village was developed around Stockwell Lane and this remained its historic core. The site was located outside the Conservation Area but was still considered part of the original linear development of the village along Stockwell Lane. Consequently, even though the western end of the village had a higher density than the historic core to the east, the lower density dwellings of Stockwell Lane at the eastern end of the village were still considered to be very much a built-up part of the village. The Case Officer had quite rightly highlighted recent appeal decisions regarding development radiating from Woodmancote along those lanes and it was notable that there was existing development to the east, west and south of the site. The development would be viewed within the context of existing built form and would not appear divorced from the settlement. The Parish Council was of the view that this part of Stockwell Lane lay outside the boundary of the village. However, at the present time there was no adopted defined settlement boundary and for Woodmancote and the site was clearly within walking distance of the village and the amenities it had to offer. So, not only would the development constitute residential infill development within a village, but it was also a location where future occupants would be able to access facilities in the village without relying on car journeys, thus making it a sustainable location for a new dwelling.

- 72.47 A Member referred to the Officer report which stated that Woodmancote did not have a defined development boundary but in the Tewkesbury Borough Local Plan, as stated, Woodmancote was a service village and therefore it would have a settlement boundary. It appeared that RES 3 and RES 4 were being applied to this particular application; RES 3 referred to very small-scale developments in rural settlements in accordance with Policy RES 4 which was there for non-service village status settlements. The Member sought clarification on what policy was being applied for justification of this development bearing in mind the Parish Council's objection to the proposal. The Development Manager indicated that primarily JCS Policy SD10 was the adopted policy in respect of this development although RES3 and 4 were referenced and strictly were not fully on point with this application they had been taken in the round and applied to policy SD10. Bearing this in mind, along with the appeal decisions that had been referred to, the view had been taken that certainly at this stage the site complied with Policy SD10. Even if RES3 and 4 were adopted and the proposal was considered not to comply with them the site would be looked at in the context of the five year land supply position and the presumption in favour of sustainable development therefore the presumption would be that permission be granted. A Member indicated that he understood that significant weight should be attached to RES3 and 4 whereas minimal weight could be attached to SD10 and he sought clarification on this point. The Development Manager indicated that as SD10 was part of the adopted development plan it should be afforded great weight in the context of the presumption in favour of this development whereas RES3 and 4 were yet to be adopted and therefore would attract lesser weight.

- 72.48 It was proposed and seconded and, upon being put to the vote

RESOLVED That Permission in Principle be **APPROVED** in accordance with

the Officer recommendation.

20/01221/FUL - Ashgrove, Toddington

- 72.49 This was an application for demolition of existing dwelling and erection of two no. detached dwellings.
- 72.50 The Development Management Team Leader (North) explained that the existing dwelling, known as Ashgrove, was located in the New Town area of Toddington, on the northern side of the highway, and was an attractive and historic cottage in Cotswold stone. Ashgrove was not listed, but was considered to be a non-designated heritage asset. The application site was located within the Cotswolds AONB. The site was bounded by the detached dwelling known as Harrington House on its western side and the dwelling known as The Willows on its eastern side, with generous spacing between each of those dwellings. Planning permission had been granted for the erection of six dwellings on the parcel of land immediately to the rear of the application site, which remained extant. The application proposed the demolition of the existing dwelling known as Ashgrove and the erection of two detached 4-bed dwellings. The submitted application set out that the design of the proposed dwellings followed that of the two dwellings previously approved in 2020 on the site directly opposite, on land adjacent to Beech House; the approved elevations of which were included within the Officer's report. However, unlike this previously approved development, the current application proposed that each dwelling would include an attached single garage on its side elevation. A new vehicular access would also be created from a single point. The proposed dwellings would generally follow the building line of adjacent built development to the east and west, although each would be located slightly further southwards in closer proximity to the adjacent highway. This application was submitted further to an application in 2017 for the proposed erection of a detached dwelling to the side of the existing dwelling at Ashgrove, and an outline application in 2020 for the proposed demolition of the existing dwelling at Ashgrove and the construction of two dwellings, both of which were refused. Further to the refusal of those applications, an application was submitted to determine if prior approval would be required for the proposed demolition of Ashgrove. It was determined in November 2020 that prior approval was not required for the method of demolition of the dwelling known as Ashgrove nor any proposed restoration of the site. The current application referred to this as a "fallback position". The applicant had demonstrated that they did not require any further permissions to carry out the demolition of the existing dwelling, and the Conservation Officer advised that there were therefore no further heritage issues to comment on in the case of the current application. Toddington was identified as a Service Village within the JCS and the site was located within the Toddington Settlement Boundary on the Pre-Submission Borough Plan Proposals Map. As the site formed previously developed land and was bordered by residential properties on either side, the development was considered to represent infill. As such, the principle of new housing in this location was considered to be acceptable. However, as the Council's policies for the supply of housing were currently considered to be out-of-date having regard to paragraph 11 of the Framework, the presumption should be that planning permission was granted unless (i) the application of policies in the Framework that protected assets of particular importance provided a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. There would also be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy, although these economic benefits would similarly be limited by the scale of the development proposed. In addition, subject to compliance with the recommended conditions relating to the provision of

ecological enhancements and the provision of electric vehicle charging points, the proposal would protect and enhance ecology and biodiversity, and would promote sustainable travel and healthy communities, although such benefits would, again, be limited by the scale of the development proposed. In terms of harms, the proposed dwellings would be located relatively close together by virtue of the proposed attached garages. However, the submitted elevations and section drawings demonstrated that they would be separated generously at first floor level. They would also be viewed in the context of adjacent built development on all sides. Notwithstanding this, however, in the context of the existing spacious and open site, the current proposal would result in a relatively cramped form of development. The proposed dwellings would create a denser appearance than the current character of the site and existing dwelling. By virtue of this, and their location further southwards within the site and in closer proximity of the public highway, it was considered that the proposed dwellings would appear more prominent within the street scene. As such, it was judged that the proposed redevelopment of the site would fail to conserve the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds AONB. Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there were no objections in respect of impact on residential amenity, traffic and transport, drainage or biodiversity nor arboricultural implications. In this instance, by virtue of the location of the application site on previously developed land within this service village, in the context of adjacent built development on all sides, and by virtue of the design and materials of the proposed dwellings and the generous spacing between them at first floor level, it was concluded that the impact on the AONB did not result in a clear reason for refusal, subject to any approval of planning permission being subject to a restrictive condition pertaining to the erection or construction on this site of any private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind. As such, the tilted balance was applied and engaged in this case. It was considered that any adverse impacts of permitting this application would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It was therefore recommended that planning permission be granted, subject to the conditions listed within the Officer's report.

- 72.51 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.
- 72.52 A local Ward Member referred to the Highways input on this application in relation to a condition that some cycle storage facilities be made available on site prior to occupation. She questioned whether it was felt that a garage, which was clearly part of the application for both properties, represented suitable covered facilities and if so why was there a need for cycle storage facilities; she was also of the view this condition related more to urban settings rather than the rural countryside where most properties had garages or areas where bikes could be stored. The representative from the Local Highways Authority indicated that cycle storage in garages was allowed if the internal space dimensions were 3m by 6m but if they were smaller than this then cycle storage facilities were required. The Member indicated that 3m by 6m was far larger than what was needed for cycle storage and even in an urban setting most people would not have that space and therefore she queried where this requirement had come from. The representative from the Local Highways Authority indicated that cycle standards were included in the manual for Gloucestershire streets which also included parking standards; this was a local policy rather than a national one. The Development Manager indicated that 3m by 6m was the standard size of a single garage but looking at the plans on Page No. 262, the proposed garages would be significantly larger than this and therefore would in any event meet the condition. On this basis it was proposed and seconded that the application should be permitted in accordance with the Officer

recommendation subject to the condition relating to cycle storage being removed as garages were provided as part of the application which would give sufficient space for cycles to be stored. A Member referred to paragraph 4.6 on Page No. 236 and asked why the Health and Safety Executive had been consulted on this application. The Development Management Team Leader (North) explained that the application site fell within a wider consultation distance of a gas pipeline. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation subject to the removal of the condition in relation to cycle storage.

19/00465/FUL - Charlton, Main Road, Minsterworth

- 72.53 This was an application for a change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (Children's care home). Erection of a replacement single storey rear extension and erection of front and rear dormer extensions.
- 72.54 The Planning Officer explained that this was a change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (Children's care home) and erection of a replacement single storey rear extension (amended dormers removed). The site lay on the east side of Main Road, Minsterworth and comprised of the semi-detached property Charlton and the recently constructed adjacent detached Christie. The application was presented to Planning Committee on 16 June 2020 where Members resolved to defer the application for clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan; for further information in respect of traffic movements and a larger scale site plan to be provided to indicate the sharp bend of the road and the site in the wider context; and to receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer. A revised site plan was submitted to show the location of the property with regard to the sharp bend on the A38 to the south of the site. The Local Highways Authority had assessed the proposal and considered that the parking policy, together with the number of parking spaces provided, were suitable to accommodate the demand on the site. The plans had also been amended to remove the dormer extension and the loft conversion for the semi-detached property Charlton; the single storey rear extension was still proposed. Charlton remained a three bedroomed property and Christie had four bedrooms. The amended plans identified the bedrooms for staff and children for both properties with two children bedrooms for both properties. The care home would provide care for children 12 to 16 years with staff present on site as the children were not capable of living unsupervised. The Environmental Health Officer considered the number of people on site would not be disproportionate to that of residential properties and the children would be supervised on site which would limit any sporadic disturbance. A site inspection of adjacent land was undertaken with Officers on 31 July 2020 and in March 2021, the Building Control Officer had visited the detached dwelling Christie. Objections had been received regarding the existing onsite drainage provisions being inadequate and the foul drainage from the properties in the vicinity adversely impacting farmland to the rear. Additional information was provided and a revised drainage plan was submitted on 23 March 2021 which proposed a package treatment plant (PTP) in the rear garden of Christie. This was originally intended to serve both properties. However, in order to avoid the need to discharge the outfall to third party land, the PTP now only served the detached dwelling Christie and the field drain for the outfall was all contained within its garden. Charlton remained connected to the existing septic tank system it shared with the adjacent semi-detached dwelling Horaldene. The private treatment plant and field drainage had been installed and was subject to building regulation approval. A meeting had been

held with the Council's Land Drainage Advisor and Building Control Officer on 25 March 2021. The Building Control Officer considered the drainage arrangements of the private treatment plant and soakaway system all within the residential curtilage would be acceptable. Charlton had reconnected back to the septic tank system it previously shared with Horaldene. The future upgrading of this system would be subject to control outside of planning under separate legislation. However, since the meeting in March, details had been submitted for building regulation approval and there was still ongoing discussions in relation to the drainage issues which had not been resolved. Therefore the Officer recommendation was changed from permit to deferral.

- 72.55 The Chair indicated that there were four speakers for this application but a Member indicated that, in view of the change of Officer recommendation from permit to deferral, perhaps it would be better, if Members were minded to defer, to listen to the speakers when the application came back so that their views would be fresh in the minds of Members rather than inviting them to speak today and again when the application came back to Committee. The Legal Advisor indicated that in a similar situation the Committee had previously taken a motion for deferral prior to public speaking and obviously if the motion was lost the Committee could then still hear the speakers. In proposing a deferral a Member indicated that he had requested last time, and still wished to see, when the application came back, an up to date assessment of the drainage situation and not one that was based on the position years ago. In seconding the motion for deferral, the Member also requested further information in relation to how many vehicles would be parked on the site at its maximum, taking account of one carer per child and handovers between carers. Upon the motion being put to the vote, it was

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

20/01182/FUL - 4 Cranford Close, Woodmancote

- 72.56 This was an application for the erection of a single storey rear extension.
- 72.57 The Planning Officer explained that this proposal was to add a single storey rear extension to the property which had been extended previously - the proposed extension would attach to extended elements of the dwelling. A Committee determination was required as Woodmancote Parish Council had objected to the proposal on the grounds that the proposed extension would be too close to the boundary and would harm the open character of the area, representing overdevelopment of the site. A site notice was displayed for 21 days and one letter of representation was received from a neighbour, raising issues over amenity. The scheme was revised, and a revised site notice displayed for an additional 14 days. The same objection was maintained. The Parish Council's concerns had been considered, however it was the view of Officers that the proposal, as revised, would be located an acceptable distance from the boundary with a neighboring property and would not have a harmful impact on the wider area. The site was considered large enough to accommodate the extension and whilst there would be an impact of overshadowing, affecting the adjacent neighbour's garden, this would not be considered adversely harmful considering the existing situation. As such, it was recommended that the application be permitted.
- 72.58 The Chair invited the objector to address the Committee. He referred to an impact analysis which had been undertaken to demonstrate the harmful impact and counter effects of allowing the planning application proposal 20/01182/FUL and the impact it would have on both himself and his family members who resided at the neighbouring property. He indicated that this was actually the fourth extension to this property; there had been large 2 storey extensions to the front and back of the property as well as an extension to the side. The extension now proposed by the

owner of 4 Cranford Close would, in his view, have a large impact on his residential amenities by causing natural light deprivation to his patio and garden area caused by overshadowing and would in turn create an oppressive and overbearing environment. On reviewing the proposed new extension, the top of the roof facing the side wall would be over 1.17 to 1.32 metres higher than the 6ft fence that was currently there, using the Idox measuring tool from the planning portal, which he felt would be overbearing and cause shadowing of the patio area and would diminish the light in the garden area by a quarter. Again, using the measurements from the Idox system he had superimposed what the proposed extension would look like using a photograph he had taken to understand how it would sit so close to the boundary as he felt the 3D Computer Aided Design Modelling document submitted by the applicant did not really demonstrate the impact and aesthetics nor how the new building would sit in the natural environment. Taking into consideration the sun track through the different seasons, it was demonstrated that sun light would be lost through the year due to over shadowing. Cranford Close was built on a staggered downward slope from the top of the Close thus causing the height difference between his property and that of his neighbour which, by measuring the difference in height of both properties internal floor height when measuring at ground level in his garden to the damp proof course of No. 4 the difference was in excess of 790mm. In conclusion he stated that although his conservatory could not be accepted as a habitable room, it was used constantly throughout the year and due to the extent of his family and their needs the loss of light caused by the over shadowing would make the use of this space oppressive.

- 72.59 A Member indicated that following the representation that had been received by the neighbour she was quite concerned by the application and would like a site visit but if this could not be done then she would certainly like to see more evidence as to how this development was going to impact on the neighbour. Therefore, her proposal was that this application should be deferred either for a site visit, depending whether that would be possible, or for a substantial video taken in particular from the neighbours property to assess the impact on that property of these proposals. She referred to the plan on Page 291 which showed all of the extension very close to the boundary and this caused her some concern to the extent she did not feel able to make a decision at today's meeting. In seconding the motion the Member expressed his concerns also and was of the view that a site inspection should take place if possible. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** either for a site inspection to take place or for a substantial video to be provided taken in particular from the neighbouring property.

PL.73 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 73.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.292-301. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

- 73.2 Accordingly, it was

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

The meeting closed at 1:06 pm

ADDITIONAL REPRESENTATIONS SHEET

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

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

Item No	
5a	<p data-bbox="304 461 480 488">21/00079/APP</p> <p data-bbox="304 521 807 548">Land At , Tewkesbury Road, Twigworth</p> <p data-bbox="304 582 432 609"><u>Highways</u></p> <p data-bbox="304 642 1382 824">A consultation response has now been received from the Highways Officer in respect of the latest revisions to the scheme. In summary the revisions reduced the road width, addressed visibility splays, refuse vehicle tracking and parking arrangements. It is advised that the street layout now reflects that of an 'informal street' with addition green infrastructure. Visual features are added to alter the appearance at the junction and central to the site, these alongside the bend would help to maintain a low design speed.</p> <p data-bbox="304 857 1377 1039">In terms of parking, a parking strategy has been provided, which demonstrate that 266 off-road allocated parking spaces would be provided for the 147 dwellings (approximately 180%). If the 50 garage spaces are included, this rises to 215%. In addition, 8 designated visitor spaces are provided at various locations throughout the site. If these spaces are also included, a total of 324 parking spaces would be provided throughout the site (approximately 220%).</p> <p data-bbox="304 1072 1362 1283">The Highways Authority point out that Manual for Gloucestershire Streets indicates that 3 external spaces should be provided for 4+ bedroom homes. However, this is a generalisation across the administrative boundary of Tewkesbury. The applicant has predominantly provided 2 external spaces and garages for the 4-bedroom units, although the Highways Authority do not normally accept garages as parking spaces. The applicant has also provided additional information relating to average car ownership data from new developments which have similar travel options within Gloucestershire.</p> <p data-bbox="304 1317 1385 1648">The Highway Authority has carefully considered the data and what the risk of displacement might be, and discussions have taken place as to what measures could be included to minimise any risk. Firstly, it is proposed that garages would be equipped with an electric vehicle charging point, which exceeds the requirements of the outline permission and would encourage garages to be used for that purpose. Secondly, parking restrictions would be promoted with a best endeavors agreement to implement them at the internal junction where there is a greater quantity of 4-bedroom units. The Highways Authority considered that the data shows that there is a low risk of displacement overall and that these mitigating tools are sufficient to ensure that there would not be a severe impact on capacity or unacceptable impact on safety to warrant a recommendation of refusal for this reason in this instance.</p> <p data-bbox="304 1682 1385 1832">In terms of the existing Public Right of Way (PROW) that crosses the site, the plans show that this would be diverted through the development and connect to Brook Lane to the south east corner of the site. This accords with what is shown in the SWMD. That diversion would require separate consent. The Highways Authority advise that the PROW should not be obstructed until the diversion has been formally approved.</p> <p data-bbox="304 1865 1377 1957">Considering the above, the Highways Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. The proposal is therefore considered to be acceptable in this regard.</p> <p data-bbox="304 1991 411 2018"><u>Ecology</u></p> <p data-bbox="304 2051 1382 2078">As set out in the Committee report, the submitted plans did not show a rough grass margin</p>

	<p>adjacent to the existing hedgerow along the boundary with the residential park home site, as required by the approved LEMP. Revised landscape plans have since been submitted that now show the provision of a rough grass margin along the retained hedgerow. This is now considered to be acceptable.</p> <p><u>Street Trees</u></p> <p>At this stage, the species of the proposed street trees has not been agreed. However, it is considered this could be dealt with by way of a planning condition. In any event, the Highways Authority have requested details of any root protection systems for the street trees, which can be included in the same condition.</p> <p><u>Conclusion</u></p> <p>In light of the above, it is considered that the proposed development would result in an acceptable access, layout, scale, appearance, and landscaping. The scheme advanced would be in accordance with the outline consent and the SWMD approved under that consent. The application is therefore recommended for Approval subject to the following additional conditions:</p> <p>1. The development hereby approved shall be implemented in accordance with the plans and documents listed on the Drawing/Reports Register January 2021 Rev A, with the exception of drawing numbers WE110-SL-020 (Materials Layout) and WE110-EN-090 (PROW Diversion).</p> <p>Reason: To define the terms of the permission.</p> <p>6. Prior to the implementation of the approved landscaping, details of the street tree species including root protections systems shall be submitted to and approved in writing by the Local Planning Authority. The street trees shall be maintained until a time that they are dedicated as a Publicly Maintained Highway.</p> <p>Reason: To ensure that a suitable species is provided which does not adversely impact on highway users.</p>
<p>5d</p>	<p>21/00285/FUL</p> <p>Land At, Wainlode Lane, Norton, Gloucester, Gloucestershire,</p> <p>Additional neighbour representations have been received since writing the report.</p> <p>An additional objection to the play area which is summarized as follows:</p> <ul style="list-style-type: none"> - principle for the play area of the village is supported but not this location should be sited in the playing field nearer to the MUGA. - Noise and disturbance to adjacent properties. - We have the right to peace and quiet in our own homes. <p>A total of two letters of objection have been received.</p> <p>A further three letters of support have been received a total of 38 in support (in summary):</p> <ul style="list-style-type: none"> - Under application 16/01172/FUL, this piece of land was accepted by the Local Planning Authority (LPA) as part of S106 agreement, to be used by the Local Authority (LA) for school expansion. - To reduce the pressure on available space, placed onto the school by the new developments, an agreement was drawn up between the LA and the Parish Council to

	<p>allow the school to use part of the village hall carpark in exchange for the community to use this piece of land for construction of a play area.</p> <ul style="list-style-type: none"> - Due to restrictions on the use that can be made of this piece of land, it has no other benefit to the school or to the wider community and become unmanaged eyesore. - Already background noise levels from the use of playing field. - Other site were considered for the play area prior to the selection of proposed location. - Retractable netting is a good compromise for the use of the long established rugby pitch and the recent residential development. <p>The additional representations are attached in full.</p>
5i	<p>20/01074/FUL</p> <p>Bell House Farm, Old Road, Maisemore, Gloucester, Gloucestershire, GL2 8HT</p> <p>The Committee report states that the application is recommenced for Delegated Permit subject to the completion of a Deed of Variation to ensure that the provisions of the original S106 Agreement are carried forward.</p> <p>That Deed of Variation has now been completed and therefore the recommendation has been changed to Permit.</p>
5m	<p>20/01182/FUL</p> <p>4 Cranford Close, Woodmancote, Cheltenham, Gloucestershire, GL52 9QA</p> <p>Letter of objection received – attached in full.</p>

Item 5d - 1 objection letter & 3 support letters

Comments for Planning Application 21/00285/FUL

Application Summary

Application Number: 21/00285/FUL

Address: Land At Wainlode Lane Norton Gloucester Gloucestershire

Proposal: Change of use of land to play area and the installation of retractable stop ball netting with 8m high posts to the existing Rugby pitch.

Case Officer: Dawn Lloyd

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Members of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to object to the change of use of land to a play area. I have lived in the village for ten years, so I know the area well and used to live by the school, so I'm used to the children. However, when I moved in to a [REDACTED] I was told that piece of land will never be used because of the gas mains and this was a major selling point for me and one of the reasons why I moved here. The builders told us this, so to find out you potentially will have loads of screaming children in front of your home is distressing. We do need a play area in the village and I totally support the concept, but it is right on top of us. Reading other comments, there appears to be almost a "well you deserve it for living in the new builds" attitude and that somehow it is our fault the houses were built. We have just as much right to our opinions those who have lived here for over ten years. We are a community and if some people are distressed then it should be addressed, no matter how long they have lived here. No one owns the village, we all reside here equally. There are other options for a play area to go in the playing field near the MUGA, where all the children could play in one place.

We have the right to peace and quiet in our own homes.

Comments for Planning Application 21/00285/FUL

Application Summary

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Address: Land At Wainlode Lane Norton Gloucester Gloucestershire

Proposal: Change of use of land to play area and the installation of retractable stop ball netting with 8m high posts to the existing Rugby pitch.

Case Officer: Dawn Lloyd

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Members of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: With reference to the above application.

The play area - change of use.

Under application 16/01172/FUL, this piece of land was accepted by the Local Planning Authority (LPA) as part of S106 agreement, to be used by the Local Authority (LA) for school expansion. The concerns of the parish as to its suitability for this purpose was expressed and recorded at the time.

To reduce the pressure on available space, placed onto the school by the new developments, an agreement was drawn up between the LA and the Parish Council to allow the school to use part of the village hall carpark in exchange for the community to use this piece of land for construction of a play area. The LA were happy that the agreement met the S106 requirements with the effect that now the parish has `agreed management rights` over this piece of land that brings it in scope of the Town and Country Planning (General Permitted Development) (England) Order 2015 part 12.

In addition to the play area the ground will be used to provide a learning and recreational area that will encourage creative expression and support the mental wellbeing of pupils, at the village school. The work will be carried out by the community at no cost to the school.

Due to restrictions on the use that can be made of this piece of land, it has no other benefit to the school or to the wider community. It would become unmanaged eyesore at the entrance to Wainlode Lane and a breeding ground for pernicious weeds.

The objector's comment published, complains of hearing the noise of children playing, I have to ask the question why buy a house next to the school playing field, within hearing distance of a school yard and bordering the village rugby pitch? I assume these are the neighbours who have complained in the past about the noise produced by rugby games, training sessions and children exercising on their own playing field.

I would suggest that the play area will produce less noise, as there won't be the excitement generated by the `release` from class and certainly less that that generated by rugby players during games and training sessions but also by the children playing on the school playing field. Within the play area, children will be accompanied by parents, grandparents and other carers thus providing a safe play space and also a community focus for these carers.

The published responses the LPA has received in relation to this application shows the need for a play area in the parish and when completed, will be the only safe play space available to the communities along the A38 from Tewkesbury to Gloucester. In the original planning exercise for a play area several sites were looked at including a linear development along the hedge line of the playing field. This was rejected as being too close to the rugby pitch and the school's football pitch. This was the reason why this present site was selected and the land swap arranged with the school, through the LA.

The sound of children playing is the beating heart of a village; the soul of the community, without it what do we have?

Rugby pitch netting.

Norton Rugby Football Club is celebrating its 21st anniversary in May of this year. As soon as the newly built houses became occupied complaints were received regarding noise and of course balls hitting the houses and entering gardens. Expensive match balls disappeared at considerable cost to the club.

Several options were looked at including closing down the club.

Using retractable netting is a good compromise that will replace the temporary netting constructed prior to each game.

It is pleasing that the comments presented under the `Objection Comment` is now in favour of the netting and seems to support the rugby club, regardless of the noise generated by the players and supporters.

[REDACTED]

From: [REDACTED]
Sent: 03 April 2021 19:18
To: Development Applications
Subject: 21/00285/FUL

Categories: Representation

CAUTION: EXTERNAL EMAIL

Dear Dawn.

In respect of the planning application 21/00285/FUL, I'm fully supportive [REDACTED] to have a dedicated play space for the children will be wonderful and much needed.

Many thanks

[REDACTED]

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From: [REDACTED]
To: [REDACTED]
Subject: FW: Comments for Planning Application 21/00285/FUL
Date: 19 April 2021 12:26:10

One more to be attached

Dawn

From: developmentapplications@tewkesbury.gov.uk <developmentapplications@tewkesbury.gov.uk>
Sent: 18 April 2021 03:24
To: Dawn Lloyd <Dawn.Lloyd@tewkesbury.gov.uk>
Subject: Comments for Planning Application 21/00285/FUL

CAUTION: EXTERNAL EMAIL

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 18/04/2021 3:24 AM from Mrs Tansy Goodman.

Application Summary

Address:	Land At Wainlode Lane Norton Gloucester Gloucestershire
Proposal:	Change of use of land to play area and the installation of retractable stop ball netting with 8m high posts to the existing Rugby pitch.
Case Officer:	Dawn Lloyd

[Click for further information](#)

Customer Details

Name:	[REDACTED]
Email:	[REDACTED]
Address:	Deerhurst House, Deerhurst Road, Deerhurst Gloucester, Gloucestershire GL19 4BX

Comments Details

Commenter Type:	Members of the Public
Stance:	Customer made comments in support of the Planning Application
Reasons for comment:	
Comments:	[REDACTED] I'm very much in favour of this application. Norton needs a play space and careful consideration has been made as to its location and design to ensure that it is in keeping with the rural environment. The number of families for whom this will seriously improve their quality of life cannot be underestimated.

We are limited with regards to things for young children to do in Norton and the surrounding villages and a play space will not only provide entertainment for local children (not just those from Norton but other nearby villages and isolated farms) but also offer an opportunity for parents and grandparents to meet and form support networks which can be otherwise hard in the rural community, particularly in current times.

Please also consider the environmental and health benefits which will result from the fact that many local families would be able to walk to the play facilities from Norton and the A38. The current alternative is to drive to existing facilities in

Apperley or Longlevans. This is neither good for the environment or the health of the individuals involved who would be better off getting exercise on the way and way back from the play space.

I am also in favour of the aspect of this application relating to the rugby club. The club was well established before the nearby housing was even considered. The retractable netting seems a sensible solution given the objections of nearby residents who were well aware that they were investing in property next to a school playing field and community asset.

Kind regards

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Item 5m – letter of objection



Neighbour Objection to current proposal

Impact Analysis

Reference 20/01182/FUL
 Erection of a single storey rear extension at
 4 Cranford Close Woodmancote Cheltenham Gloucestershire GL52 9QA

Document Reference: IW2021- version 1.1
 Provided by: [Redacted]

Impact Analysis - Statement for consideration

The purpose of this document is to demonstrate the harmful impact and counter effects of allowing the planning application proposal 20/01182/FUL and the impact it would have on both myself and my family members who reside at the neighbouring property [Redacted].

The proposed extension by the owner of 4 Cranford close in my view would have a large impact on our residential amenities by causing natural light deprivation to our patio and garden area (fig.3 Patio location) caused by overshadowing and would in turn create an oppressive and overbearing environment.

On reviewing the proposed new extension the top of the roof and facing side wall would be over a 1.17 to 1.32 metres (Measurement taken from Idox measuring tool / Planning portal) higher than the current fence (6ft) (please see fig 2) that is currently there and I feel this would be over bearing and cause shadowing of the patio area and would diminish the light in the garden area by a quarter.

I have taken the measurements from the Idox system and have superimposed what the proposed extension would look like from a photograph I took to understand how it would sit so close to the boundary as I felt the 3d CAD (Computer Aided Design) Modelling document submitted by the proposer does not really demonstrate the impact and aesthetics nor how the new building would sit in the natural environment (Fig 2).

Taking into consideration the sun track through the different seasons (Fig 3.) demonstrates the sun light that would be lost through the year due to over shadowing.

Cranford Close was built on a staggered downward slope from the top of the close thus causing our height difference between my property and that of my neighbour (proposer) which by measuring the difference in height of both properties dpc (internal floor height) when measuring at ground level in my garden to the Damp proof course (DPC) of No. 4 (please see below fig 1.0) the difference is in excess of 790mm.



Fig 1.0 Side wall of existing side extension @ No. 4 Cranford Close which abuts our garden



DPC No. 4 Cranford Close
 Difference of 790cm higher

I would kindly request that the facts I have presented in this document are considered in the outcome of the planning departments decision.

Although our conservatory cannot be accepted as a habitable room, however it is used constantly throughout the year due to the extent of my family and their needs. The loss of light caused by the over shadowing would make this used space oppressive.

Fig. 2 Impact Analysis - Seasonal Sun Track

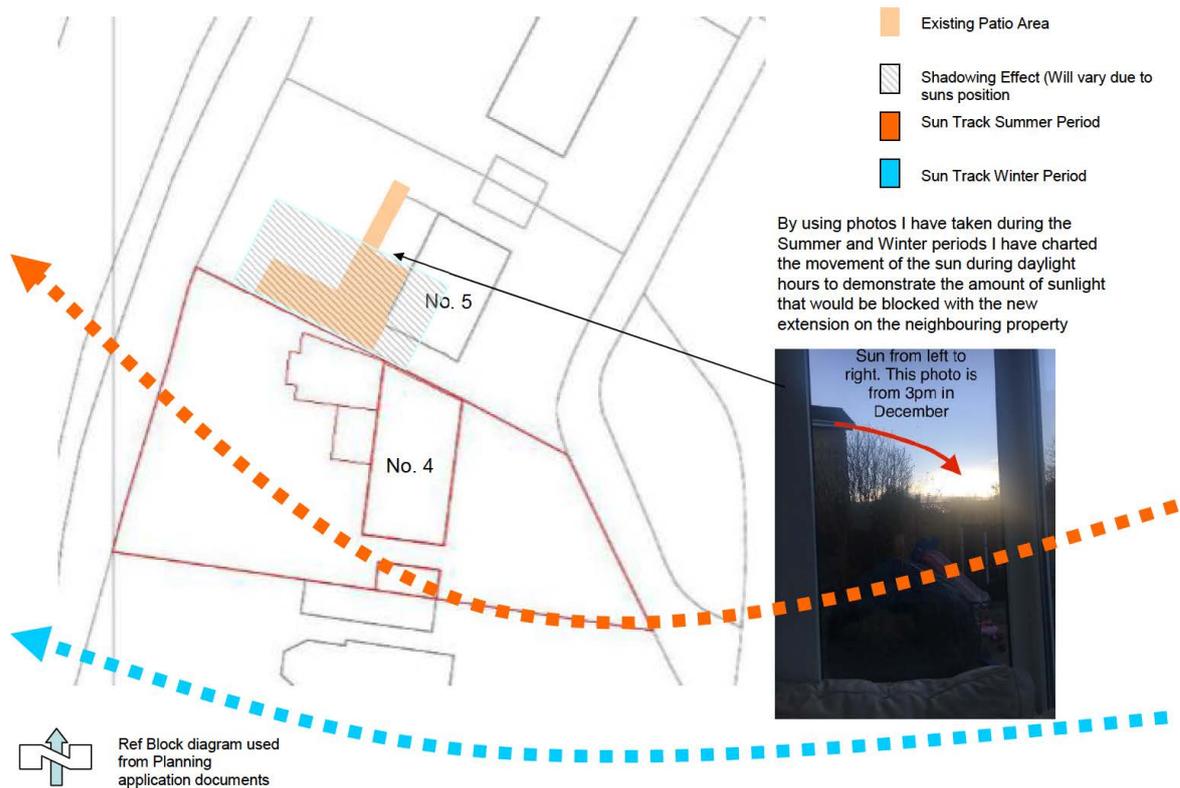
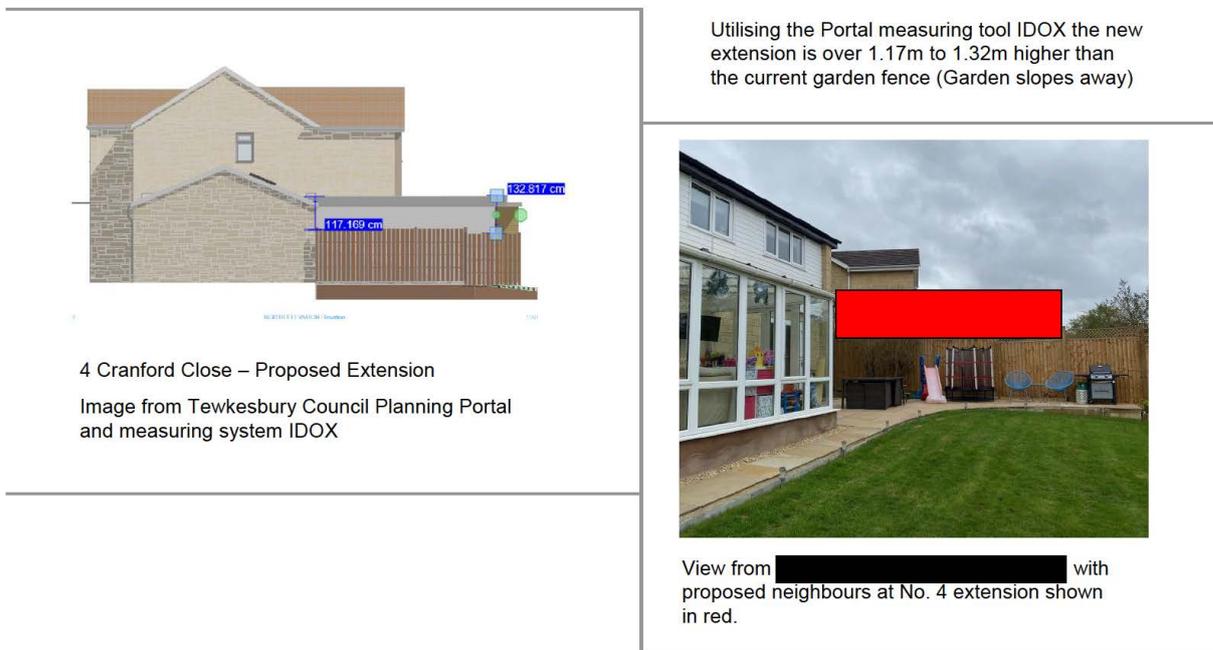


Fig 3. Impact Analysis - Impression Imagery



Document / Information References

Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight', A guide to good practice, Second Edition - BRE 209

Tewkesbury Council Planning Portal

IDOX (tm)– Online Measuring system

Site Layout *Planning for Daylight and Sunlight: A Guide to Good Practice 2* by Paul Littlefair