

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 15 March 2022 commencing
at 10:00 am**

Present:

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

and Councillors:

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

PL.62 ANNOUNCEMENTS

- 62.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 62.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

PL.63 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 63.1 Apologies for absence were received from Councillors J R Mason, J K Smith, P D Surman and R J E Vines. There were no substitutions for the meeting.

PL.64 DECLARATIONS OF INTEREST

- 64.1 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.
- 64.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Ockelton	Agenda Item 5b – 21/01000/FUL – Wind in the Willows, Sandy Pluck Lane, Bentham. Agenda Item 5c – 21/01486/FUL – Cherry Trees, Station Lane, Tewkesbury.	Had received correspondence in relation to the applications but had not expressed an opinion.	Would speak and vote.

- 64.3 There were no further declarations made on this occasion.

PL.65 MINUTES

- 65.1 The Minutes of the meeting held on 15 February 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.66 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 66.1 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.

19/00676/OUT - Part Parcel 9851, Maisemore

- 66.2 This was an outline application for the erection of up to 33 residential units (50% affordable provision) with associated infrastructure and landscaping (all matters reserved for future consideration).
- 66.3 The Planning Officer advised that the application site extended to approximately 1.68 hectares and comprised the eastern part of a large field located to the west of the built up areas of Maisemore village. The site was outside of, but immediately to the west of, the proposed extended boundary settlement for Maisemore in the emerging Tewkesbury Borough Plan. The site comprised grassland/formerly agricultural use and was not subject to any landscape designations. The A417 bounded the site to the south and a row of established Poplar trees lined the boundary of the site with the A417. Whilst all matters were reserved for future consideration, the applicant had provided an illustrative masterplan which indicated the likely characteristics of the development; the plan showed the dwellings located centrally within the site with the existing Poplar trees retained and pollarded and an area of landscaping created to the west of the dwellings. There was an opportunity to create a new footpath linking the application site to Old Road to the north. Although a reserved matter, the illustrative masterplan showed that access was proposed via the existing access off the A417 serving the Bell House Farm development. With regard to the principle of development, the application site was located in open countryside, outside of the defined settlement boundary and was not allocated for housing development. As such, the proposal conflicted with Policies SP2 and SD10 of the Joint Core Strategy; however, the application site was not within an isolated rural location and future residents would have access to services in Maisemore as well as Gloucester, although there would be some reliance on cars. As Members would be aware, the Council could not currently demonstrate a five year supply of deliverable housing land and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole. The development would contribute towards the supply of housing - both market and affordable - to help meet the objectively assessed need of the area and, overall, Officers had afforded this significant weight. It was noted there would also be social and economic benefits from the development, if permitted, including during the construction process. Nevertheless, there were harms arising from the conflict with development plan policies as well as landscape harm by reason of encroachment into the open countryside; however, Officers considered this to be moderate and there was potential to further minimise landscape harm through an appropriate landscaping scheme at the reserved matters stage. Overall, taking into account all of the material considerations and the weight to be attributed to each one, it was considered that identified harms would not significantly and demonstrably outweigh the benefits of the proposal and it was therefore recommended that authority be delegated to the Development Manager to permit the application, subject to any

additional/amended planning conditions and the completion of Section 106 Agreements.

- 66.4 The Chair invited a representative from Maisemore Parish Council to address the Committee. The Parish Council representative advised that housing allocation in Maisemore had been a contentious subject for many years – 10 years ago the initial housing allocation was minor infilling with 20 houses projected over 20 years but then had come the deluge. Tewkesbury Borough Council's inability to demonstrate a five year housing land supply had been devastating for small communities such as this. In the Parish Council's view, Maisemore had been wrongly designated as a Service Village, largely on account of its proximity to Gloucester; however, it did not have the sort of services a community might expect to have. The Parish Council accepted Maisemore had two business parks providing some employment – though often specialised – it had a church desperately clinging onto life with an elderly congregation, and a village hall but, crucially, Maisemore had no shop, school, doctor's surgery or post office and there were no active social groups for young or elderly people apart from meals and drinks at the local pub, of which there was now only one with The Rising Sun having been redeveloped for housing. As such, everyone had to travel to find facilities for daily life which meant using cars; there were two bus services but neither ran on Sundays and, when the one to Hartpury College stopped running outside of term time, there were no buses in the evenings either. More cars equated to more traffic which was a particular problem every time the A417 flooded, cutting Maisemore off from direct travel to Gloucester – something which seemed to be happening more and more. Compounding this were frequent power cuts, generally owing to falling trees taking down the antiquated overground supplies, as well as constant drain surcharging at times of heavy rain with raw sewage bursting out onto the main road in front of the pub. Maisemore Parish Council had been pleading with Severn Trent Water for over 15 years to sort this out but had been ignored with the response being that there were no restrictions connecting new housing estates onto the already overloaded drainage system. The Parish Council representative indicated that Officers had calculated that, if the project was permitted and built, the amount of housing in the main settlement of Maisemore would have increased by nearly 50% since 2011 and he asked Members to imagine that happening in the place they lived. Such development was clearly not sustainable in the absence of the basic requirements of daily life and the Parish Council requested that the application be refused.
- 66.5 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that the proposal provided very significant benefits to the village, and Tewkesbury Borough, as around 50% of the homes would be affordable, new trees and planting would provide a strong landscaped edge to the entrance of the village and a new public footpath was being created. The homes aligned with the existing settlement boundary and did not protrude into the open countryside with the development set back from the road. The applicant had worked closely with Officers to improve the landscaping and the extensive new planting and open spaces would create a soft edge to Maisemore that, with the new homes next door, did not currently exist. Planning Officers agreed that this resulted in only localised views and the applicant would argue that the soft edge was an improvement to this part of the village. The accompanying design principles of the outline application had been agreed with Officers and would ensure the reserved matters application was of high quality and respected the characteristics of Maisemore. The scheme before Members was significantly smaller than the previously refused application and sought to integrate urgently needed new homes, and affordable homes, within the community. The scheme would benefit the community by contributing to the affordability of homes and providing critical mass that would support local services, including bus services from near the development, a community centre etc. The applicant had ensured it

was well connected without having to drive and a new link between the development and the footpaths to the north and south would benefit the community and avoid pedestrians having to use Old Road, which did not have a footway. Section 106 contributions would ensure that provision of services, such as education, library, recycling and children's play equipment, matched demand. In conclusion, the applicant's representative indicated that the benefits from the affordable homes – well over policy minimum – and market homes, together with the new footpath, community infrastructure and landscape mitigations were significant and the development would be a proportional extension to the village. As such, he urged Members to permit the application in line with the Officer recommendation.

- 66.6 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to any additional/amended planning conditions and the completion of Section 106 Agreements, and he sought a motion from the floor. A Member asked when the last housing needs survey had been conducted for Maisemore which would state the amount of affordable housing that was required for the village. The Planning Officer indicated that he did not know when the last survey was undertaken but the applicant was proposing 40-50% affordable housing which was above the Joint Core Strategy policy requirement. The Member raised concern that other villages within the borough had been subject to housing needs surveys and this would be a way of establishing if the houses were actually needed in the village. She also asked whether the affordable houses would actually be socially rented properties. The Planning Officer clarified this was not being promoted as a rural exception site so there was no clause requiring that the social rented houses had to go to local people from Maisemore, as such, the houses could theoretically meet need across the borough. In response to a further query about the housing supply figures, the Planning Officer confirmed that the site was not within a strategic allocation, therefore the development would count towards Tewkesbury Borough Council's housing land supply. A Member drew attention to Page No. 70, Paragraph 7.53 of the Committee report, which stated that the applicant had indicated a willingness to enter into a legal agreement to secure the affordable housing provision; however, at this stage there was no such agreement in place - she asked if that was still the case and how Members could be reassured that would be delivered. In response, the Planning Officer confirmed that the applicant had expressed a willingness to enter into all Section 106 Agreements requested but was waiting for the Committee's determination before continuing with those agreements. The Member asked whether the applicant would be able to go back on the proportion of social rented housing that would be provided within the development and was advised that the applicant had offered exactly what the Council's Strategic Housing and Enabling Officer had requested in terms of the mix of houses and number of units and, should Members be minded to go along with the Officer recommendation for delegated permission, this would be subject to the completion of Section 106 Agreements in accordance with the specifications within the Committee report. A Member asked if any information could be provided by the Planning Officer in respect of the impact of the additional houses on the sewerage capacity in the area and was informed that Severn Trent Water had been consulted on the application as the statutory provider of foul drainage facilities and had raised no objection subject to the inclusion of conditions.

- 66.7 It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion indicated that she had studied the Committee report extensively but could find no sound reason to refuse the application given the Council's inability to demonstrate a five year housing land supply. A Member asked if there was an established trajectory for delivery of the site and was advised this was an outline application so it was largely in the hands of the applicant;

however, condition 2 required submission of reserved matters within three years of outline planning permission being granted. The Member raised concern that, if permitted, this scheme would have no impact on the Council's housing land supply position in the short term. He assumed the reserved matters application would require a Committee determination when submitted and asked that up-to-date information be provided in relation to housing need and sewerage – he felt it was important to take on board the points raised by the Parish Council and do everything possible to remedy those concerns. He also asked that DC electric vehicle charging points be considered along with solar energy and the number of parking spaces provided given the limited bus service. He felt a local lettings policy would be beneficial to give local people the opportunity to take advantage of social rented housing. The Planning Officer noted these requests and indicated that they could be discussed during Section 106 negotiations but the applicant could not be compelled to provide them. Whilst the site was not being promoted as a rural exception site, that was something which could be explored, should that be the will of the Committee. The Chair indicated that he had huge sympathy with the local residents but he did not feel that looking into these matters after planning permission had been granted would be of any use.

66.8 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to any additional/amended planning conditions and the completion of Section 106 Agreements, in accordance with the Officer recommendation.

21/01000/FUL - Wind in the Willows, Sandy Pluck Lane, Bentham

66.9 This application was for redevelopment of the site to include demolition of existing dwelling and outbuildings, erection of a replacement dwelling and change of use of land to residential. The Planning Committee had visited the application site on Friday 11 March 2022.

66.10 The Planning Officer advised that the main considerations relevant to the application were whether the current proposal remained compliant with the Council's replacement dwelling policies and if it was acceptable in Green Belt terms. The National Planning Policy Framework considered that the replacement of buildings in the Green Belt was appropriate provided that the new building was the same use and not materially larger than the one it replaced. Saved Local Plan Policy HOU7 stated that the replacement dwelling must be of a similar size and scale to the existing dwelling, respect the scale and character of existing property in the area and have no impact on the landscape; Policy RES9 of the Pre-submission Tewkesbury Borough Plan stated that the replacement dwelling must respect the size of the plot and the scale and character of existing characteristic property in the area; however, the proposed size increases in relation to replacement dwellings in the Green Belt would not be permitted where the proposed dwelling would be disproportionately larger than the original dwelling, taking into account the impact of any previous extensions. Therefore, the proposed dwelling did not comply with Policies HOU7 or RES9. A case had been put forward by the applicants that the proposal would be an exception to inappropriate development in the Green Belt on the basis that it was redevelopment of previously developed land and, whilst Officers agreed with that, the proposed development should not have a greater impact on the openness of the Green Belt than the existing development. The proposal would be a large, two-storey consolidated form in a more visually prominent position on the site and would be six metres greater in height than the existing barns and stables. The proposal had significant areas of hard landscaping and the residential curtilage to the south west would be increased, therefore, the residential development would encroach further into the open countryside. It was proposed to relocate the public

footpath as part of the scheme and to provide additional landscaping to reduce the visual impact of the development; however, the proposed landscaping would enclose the site from surrounding fields which in turn impacted openness. It was considered that the proposal would form a substantial enclosed plot not well-related to the existing settlement pattern and would encroach into the open countryside. If Members were minded that the proposal represented inappropriate development in the Green Belt, Very Special Circumstances could be used to justify the development. The Very Special Circumstances put forward by the applicants included the removal of the existing barn and replacement with a high quality dwelling, landscaping and relocation of the public footpath; however, Officers did not consider that the Very Special Circumstances would outweigh the harm to the openness of the Green Belt. The dwelling would be large and contemporary occupying a more prominent position on the site and would appear as an incongruous feature in the landscape, contrary to the more traditional form and character of dwellings along Sandy Pluck Lane. It was considered that the site would be more residential in character and the mitigation of the soft landscaping would not outweigh the harm in this instance, therefore, the Officer recommendation was for refusal.

- 66.11 The Chair invited the applicants' agent to address the Committee. The applicants' agent indicated this application sought to redevelop an existing site in the Green Belt and there were two mechanisms which allowed such a scheme to be supported – Paragraph 149(g) of the National Planning Policy Framework or by applying Very Special Circumstances; Members were entitled to adopt either approach. Whilst this was acknowledged within the Committee report, Officers had concerns regarding the size, scale and siting of the current proposal. The applicants' agent advised that the application had been submitted in August 2021 and, since then, the applicants had sought to positively engage with Officers to understand their concerns and seek to address them. Due to COVID-19 restrictions, pre-application engagement had not been an option prior to the submission of the application. The applicants had been very clear that they wished to work positively, amending the scheme where necessary; however, it was not until the Committee report was published that the applicants had been informed of the specific concerns being raised which did not give an opportunity to seek to address them. The applicants' agent stressed that his clients were committed to this scheme – it was their dream site and would be their new family home. Despite the Committee report, concerns raised and limited engagement to date, the applicants still wished to engage proactively with Officers to address their comments and, in doing so, were willing to revise the proposal – they were not developers seeking to maximise profits and were committed to a high-quality, sensitive design. With this in mind, if Members felt unable to support the scheme before them, the applicants' agent urged them to defer the application to allow for proactive discussions to take place with Officers, something which sadly had not been forthcoming so far.
- 66.12 A Member raised concern about the quality of the Committee report which contained 16 spelling and grammatical errors and she expressed the view that conclusion was badly written and difficult to understand. The Development Manager confirmed that Committee reports were proof-read before sending to print and he apologised that this one had seemingly slipped through the net.
- 66.13 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. Upon being put to the vote, the motion fell. A Member indicated that he had listened to the applicants' agent and it seemed that negotiations and discussions had not been easy so he sought advice as to the best way forward in terms of whether a deferral or a delegated permission would allow the applicants to come forward with a better design. The Development Manager advised that either of those options

were open to Members – as was permitting the application before them – it would be up to the applicants to decide whether they came forward with a revised scheme. The Member asked whether a condition could be included within a delegated permission requiring the applicant to come back with a better design and the Development Manager clarified that was not possible. It was proposed and seconded that the application be permitted on the basis that, with the removal of the existing buildings, the replacement dwelling would not result in a substantial impact upon openness of the Green Belt. A Member felt it was quite obvious from the Planning Committee Site Visit that other properties in close proximity, which had been granted planning permission last year, were much more imposing than the one before Members today. The Planning Officer advised that, should Members be minded to permit the application, she recommended the inclusion of conditions in relation to the time period for commencement of development; the development being carried out in accordance with approved plans; materials; landscaping scheme and planting; ecological enhancement; external lighting; surface water drainage; foul water drainage; removal of permitted development rights, removal of existing buildings on the site prior to occupation of the proposed dwelling; and relocation of the public footpath. The proposer and seconder of the motion confirmed they were happy with the suggested conditions. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that, with the removal of the existing buildings, the replacement dwelling would not result in a substantial impact upon openness of the Green Belt, subject to the inclusion of conditions in relation to the time period for commencement of development; the development being carried out in accordance with approved plans; materials; landscaping scheme and planting; ecological enhancement; external lighting; surface water drainage; foul water drainage; removal of permitted development rights, removal of existing buildings on the site prior to occupation of the proposed dwelling; and relocation of the public footpath.

21/01486/FUL - Cherry Trees, Station Lane, Tewkesbury

- 66.14 This application was for erection of a front porch and rear conservatory.
- 66.15 The Planning Officer advised that this was a householder application for Cherry Trees, a detached property located on an estate in Tewkesbury. The proposal was to remove the existing front porch and erect a larger front porch and a rear conservatory. A Committee determination was required as the applicant was a Councillor. No objections had been received from the statutory consultees and the Planning Officer's view was that the proposal was in keeping with the surrounding development, as outlined in the Committee report. Therefore, the Officer recommendation was to permit the application.
- 66.16 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

21/01138/FUL - 3 Cotswold Gardens, Tewkesbury

- 66.17 This application was for erection of a first floor side extension.
- 66.18 The Planning Officer advised that this was a householder application for 3 Cotswold

Gardens, a semi-detached property located on an estate in Tewkesbury. A Committee determination was required as the applicant was a Tewkesbury Borough Council employee. No objections had been received from the statutory consultees and it was the Planning Officer's view that the proposal was in keeping with the surrounding development, as outlined in the Committee report. Therefore, it was recommended that the application be permitted.

- 66.19 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

22/00044/FUL - Council Offices, Gloucester Road, Tewkesbury

- 66.20 This application was for construction of a new solar carport over existing parking bays.
- 66.21 The Planning Officer advised that the application required a Committee determination as the applicant was Tewkesbury Borough Council. Planning permission was being sought for construction of a new solar carport over existing parking bays with associated development which included two Sustainable Urban Drainage (SuDS) planters. The site was located within Tewkesbury Town and formed part of the historic Tewkesbury Battlefield. It was adjacent to the Tewkesbury Conservation Area and within Flood Zone 1, although the northern boundary of the site was located within Flood Zone 2. The proposal was of utilitarian design and would be sited within the Public Service Centre car park. The array was anticipated to provide a 2221.2 kilowatt system with energy intending to serve the Council Offices and Tewkesbury Leisure Centre with any surplus being returned to the grid. No objections had been received in relation to the proposal. As set out in the Committee report, Officers considered there was clear public benefit that would outweigh any potential visual harm. The proposal would not be overtly prominent within the landscape and would be within a visually enclosed location. On that basis, the Officer recommendation was to permit the application, subject to the conditions outlined within the report.
- 66.22 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member questioned whether there were plans to increase the number of electric vehicle charging points at the Council Offices that were available to the public as there were only two currently with no disabled access. In response, the Development Manager confirmed this was subject to another planning application and he undertook to speak to the Asset Manager to find out if that could be progressed. Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

21/01436/FUL - Land at Lawn Road, Ashleworth

- 66.23 This application was for removal or variation of condition 8 (visibility splay requirements) of planning application reference 20/00487/FUL.
- 66.24 The Planning Officer advised that the application site benefited from planning permission for three dwellings. The permission contained several conditions

including condition 8 which related to the provision of visibility splays; this application sought to remove that condition. The justification for the condition to be removed related to an established fallback which would allow for an existing building at the site to be used as a gym – this benefited from prior approval for the change of use but had not been implemented. The applicant had set out that the proposed development of three dwellings would generate less vehicular movements than a gym and, as a result, a specific condition to secure visibility splays would not be required. The application had been assessed by County Highways and the Development Coordination Officer had raised no objections to the proposal advising that, because of the lesser highway impact, it would be unreasonable to require the condition securing visibility splays on the permission for three dwellings. In view of that advice, and despite the conflict with Joint Core Strategy Policy INF1, to provide safe and accessible connections to the transport network, the condition was no longer considered necessary or reasonable and would therefore not meet the tests set out in planning guidance. Since the Committee report was published, a further representation was received from a local Ward Councillor who acknowledged that County Highways had not raised any objections or concerns but asked that careful consideration be made in relation to the safety elements of the application. The local Ward Member had pointed out that Members who knew the road would be aware there was limited visibility, and no speed restrictions, and the changes risked exacerbating an already difficult stretch of the road. Notwithstanding these further comments, the Officer recommendation remained to permit the application, subject to the conditions set out in the Committee report.

- 66.25 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the application related to an already consented development of three dwellings and the proposal before Members was simply to remove a condition that was not required. The development was permitted by the Planning Committee in October 2020, in accordance with the Officer recommendation, and it was intended that it would soon be carried out. The applicant's agent had not noticed at the time, and seemingly neither had Officers, that the recommendation included a condition from County Highways which did not meet the strict tests of government policy for the imposition of conditions. The condition sought to impose a visibility splay requirement that was not necessary to make the development acceptable in planning terms, which was the relevant test, and this was later acknowledged to have been included in error. This application was attempting to rectify that error. As set out in great detail in the Committee report, there were very strict tests for the imposition of planning conditions which could only be applied where they related to land within an applicant's control. In this case, County Highways erroneously included a condition to cover an extent of visibility splay that was not within the applicant's control; this failed to meet the relevant policy tests. Furthermore, the condition was also unnecessary as the extent of the visibility splay sought exceeded that required in planning terms to make the development acceptable in this case. Again, County Highways had confirmed this condition should never have been included. As set out, the development was wholly acceptable in planning terms without the condition therefore it also failed the test of necessity. Given the support of County Highways, the applicant's agent believed the variation must be accepted. There had been suggestions within local representations that the variation would make the access arrangement unsafe but the applicant's agent wished to reassure Members that was not the case. The access arrangement was perfectly safe and, although there was no condition, a perfectly acceptable visibility splay was still achieved at the site entrance which was commensurate with the slow vehicle speeds generated along the road. The lack of a condition was nothing more than a technicality in practical terms but was very important in terms of enabling the development to go ahead - it was for that reason the application had been made but there was no reduction in safety. The three dwellings already approved on the site were included within the Council's five

year housing land supply trajectory therefore its delivery was critical to keeping the Council's housing supply ticking over. The applicant's agent therefore asked Members to follow the Planning Officers' advice, and that of County Highways, and permit the application.

66.26 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted subject to the removal of condition 7 in respect of cycle storage provision. The proposer of the motion indicated that, since this application had originally been permitted in October 2020, Members had agreed that cycle storage provision conditions would not be included as standard, therefore, she felt it was appropriate that it be removed in this instance. A Member pointed out that it was not the Planning Committee's remit to change planning policy and he understood there was a specific planning policy regarding cycle storage. Another Member indicated that it was not Council policy. The Development Manager advised that Officers were working with County Highways to resolve this issue; whilst he could see the reasoning for imposing a cycle storage condition on the grounds of increasing sustainability, he did not believe there should be a blanket approach to every scheme. Another Member failed to see the logic in removing the condition and felt it would be a retrograde step. She sought clarification as to whether the condition regarding visibility splays had been included in error in the first place and why it needed to be removed given that it would only improve safety. The Development Manager advised that his understanding was that it was an error by County Highways – conditions should not place onerous actions on the applicant on land outside of their control which was the case here. A Member drew attention to condition 9 in respect of electric vehicle charging points and asked that it be specified that those were DC charging points as they were faster charging which would be cheaper for the household. The Development Manager indicated that could be discussed with the applicant.

66.27 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED**, subject to the removal of condition 7 in respect of cycle storage provision.

PL.67 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

67.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 157-164. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

67.2 A Member was pleased to note that the appeals in relation to the two plots at Warren Fruit Farm, Greet had been dismissed. The site had a long history and it was unfortunate it had come back to the fore; however, the Development Manager had personally undertaken to deal with this matter. The Development Manager confirmed that was the case and indicated that, although the two appeals had been dismissed, there was still a current appeal in respect of an outstanding planning application and he was minded to write to the appellant to see if they wished to continue bearing in mind the outcome of the enforcement appeals.

67.3 It was

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

The meeting closed at 11:10 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 15 March 2022

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.

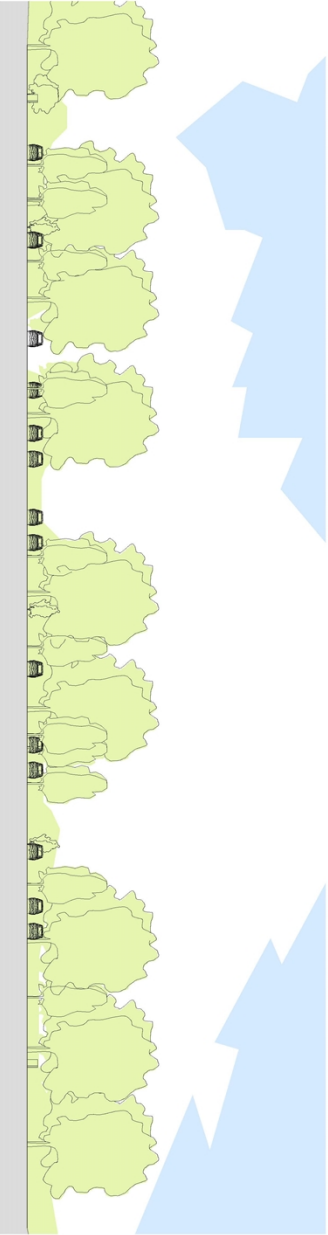
A general indication of the content is given but it may be necessary to elaborate at the meeting.

Item No	
5a	<p>19/00676/OUT</p> <p>Part Parcel 9851, Maisemore</p> <p>Amendments to Committee report</p> <ul style="list-style-type: none"> - Paragraph 1.2 of the Committee report should say 'The site rises from north to south, from 26m to 33m AOD.' - Paragraph 7.7 of the Committee report should reference the Tewkesbury Borough Five Year Housing Land Supply Statement published in January 2022 not 2021. - Paragraph 7.52 of the Committee report should state 'The affordable unit sizes should be minimum double bed size standard (excepting the 4 beds) and meet Nationally Described Space Standard specifications. At least 50% of the proposed affordable units must meet the Former life time Homes standard M4(2). One of the units should meet full disability ready wheelchair accessibility M4(3)B'. - Paragraph 7.57 of the Committee report should state 'Therefore the County Archaeologist raises no objection and does not seek the imposition of planning conditions.' <p>Amendments to recommended conditions</p> <p>It is recommended condition 11 is amended to state:</p> <p>11. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a noise assessment in accordance with BS8233:2014, together with any necessary noise mitigation measures to achieve recommended external noise levels. The approved noise mitigation measures shall be carried out in accordance with the approved details before the development is first put in to use/occupied.</p> <p>Amendments to recommended S106 obligation</p> <p>School Transport Costs Contribution</p> <p>Since the preparation of the Committee report, an additional S106 contribution has been requested by the County Highways Authority for £157,000. The County Highways Authority has stated that this contribution is required as there is a need to address the home to school transport costs which arise as a result of development being outside the statutory 2 and 3 miles zones of primary and secondary Schools.</p> <p>The primary provision is based on additional capacity in increasing the existing 16 seat minibus to 21 seats, and this results in a net increase of £100 per day. This equates to £19,000 per year and primary children attend for seven years, therefore, £133,000 is required to mitigate for the additional demands this</p>

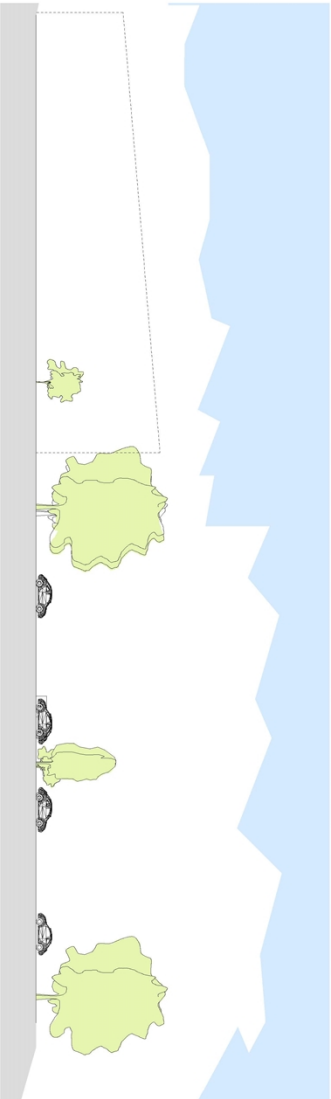
	<p>development results in.</p> <p>The secondary provision costs £800 per seat, per year. There are expected to be six children as result of this development and, based on five years (secondary school years attendance), this equates to a total of £24,000.</p> <p>Therefore, the combined costs of the additional travel demand arising from this application is £157,000.</p> <p>The applicant has indicated a willingness to enter into legal agreements to secure the required provision; however, at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation.</p> <p>Recommendation</p> <p>In order to allow for variations to conditions and S106 legal agreements the recommendation in the Committee report has been altered to:</p> <p>It is recommended that authority be DELEGATED to the Development Manager to permit the application, subject to any additional/amended planning conditions; and the completion of section 106 legal agreements in accordance with paragraph 8.12 of the Committee report and the revisions in the Committee update.</p>
5b	<p>21/01000/FUL</p> <p>Wind in the Willows, Sandy Pluck Lane, Bentham</p> <p>1. Letter to Members</p> <p>The applicant's agent wrote to Members of the Planning Committee on 8 March 2022 detailing their case with three supporting plans. The landscaping proposal drawing number 20085.101 Rec C was submitted with the application on 5 August 2021. The Existing Curtilage Plan Drawing Number PL220 A and Proposed Curtilage Plan Drawing Number PL221 A are in addition to the Curtilage and Footpath Plan Drawing Number PL203 A submitted with the application on 5 August 2021.</p> <p>The letter summarises the Planning Statement. The curtilage of the dwelling would be altered although remaining the same size and with a landscape buffer to the south and additional planting to the north and east to screen the more prominent position of the proposed dwelling.</p> <p>The letter states the case of Bentham Small Holdings (ref 13/00824/FUL). This application was for a bungalow on previously developed land. The existing buildings on the site were a more concentrated form of development and the bungalow was sited in the location of the existing workshop building and substantial areas of hard landscaping to be removed. The current application is different in its context with buildings on the site generally in a good state of repair, the dwelling would be partial sited on an existing building, the curtilage would encroach into the surrounding countryside and the development requires significant landscaping.</p> <p>The letter states that, if Members consider the proposal represents 'inappropriate development' in the Green Belt and not in accordance with Para 145 (g) of the NPPF, a case for 'very special circumstances' is put forward which includes an additional reason to those put forward in para 5.19 of the Planning Statement:</p> <ul style="list-style-type: none"> - The return of domestic curtilage to open countryside and provision of a landscape corridor. <p>Para 148 of the NPPF is concerned with any planning application and states that a local authority should give "substantial weight" to any harm to the Green Belt and</p>

	<p>"very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p>The proposed landscape buffer and relocation of the footpath is required to facilitate screening the development from public views and to provide privacy for occupiers of the dwelling. It is considered that the privacy of the occupiers of the dwelling do not warrant very special circumstances which outweigh the harm to the Green Belt.</p> <p>2. The report contains typos in Paragraph 1.4 and 1.7 - the footprint of the existing dwelling is 145sqm and the GIA is 180sqm. The GIA of the proposed dwelling is 541sqm.</p>
5e	<p>22/00044/FUL</p> <p>Council Offices, Gloucester Road, Tewkesbury</p> <p>Additional Consultee Responses</p> <p>Historic England - In this case has decided not to make any comment.</p> <p>Tewkesbury Town Council - No objection.</p> <p>Additional Plan</p> <p>Additional Plan has been received to show the existing and proposed north east and south east elevations <i>attached in full</i>.</p> <p>Amended Condition</p> <p>Condition 2 to be amended to the following:</p> <p>2. The development hereby permitted shall be carried out in accordance with the following documents:</p> <ul style="list-style-type: none"> - Location Plan 0001 - Proposed Site plan 0003 - Proposed Site Elevations 0005 - Proposed Elevations North East & South East 0009 - Demolition Plan 0006 <p>Except where these may be modified by any other conditions attached to this permission.</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans.</p>

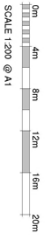
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Existing Elevation C - North East
Scale - 1:200



Existing Elevation D - South East
Scale - 1:200



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Client: Tewkesbury Borough Council

Project: Gloucester Road Parking

Client Ref: Gloucester Road Parking

Contract Ref: Gloucester Road Parking

Design Ref: Gloucester Road Parking

Scale: 1:200

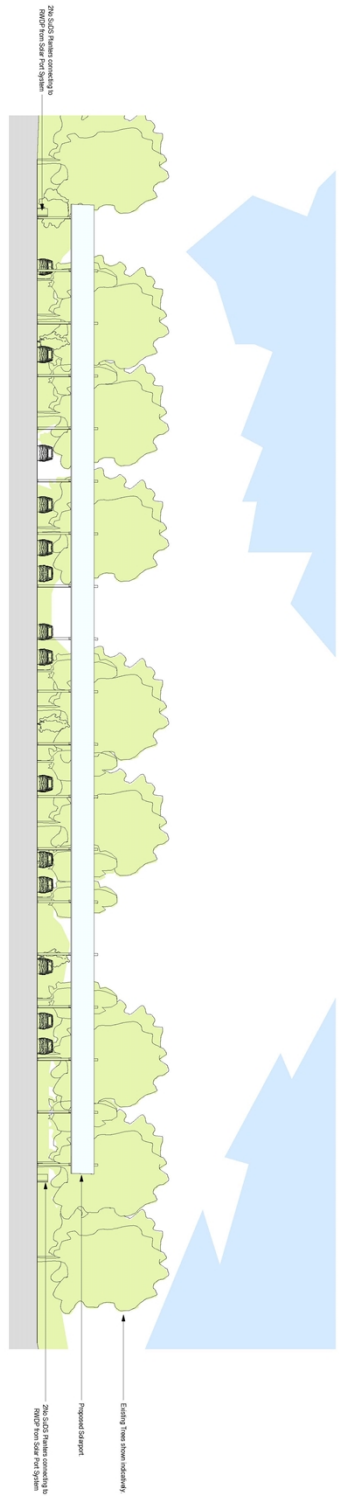
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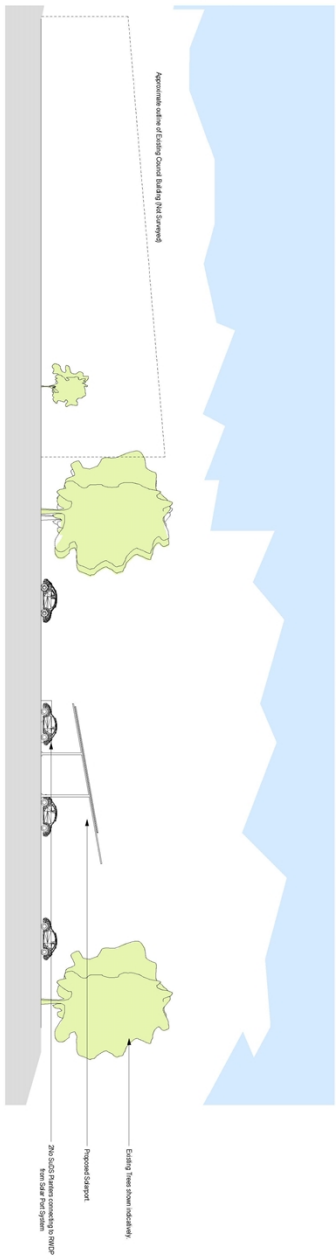
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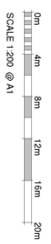
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Proposed Elevation C - North East
Scale - 1 : 200



Proposed Elevation D - South East
Scale - 1 : 200



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SCP - PEV - ZI - 00 - DR - A - 0009

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