

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 19 July 2022  
commencing at 10:00 am**

## **Present:**

Chair  
Vice Chair

Councillor R D East  
Councillor G F Blackwell

## **and Councillors:**

K Berliner, R A Bird, C L J Carter (Substitute for J P Mills), M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, J K Smith, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

## **also present:**

Councillor J W Murphy

### **PL.9 ELECTION OF CHAIR**

9.1 It was proposed and seconded that Councillor R D East be elected as Chair of the Planning Committee for the remainder of the Municipal Year. Upon being put to the vote, it was

**RESOLVED** That Councillor R D East be elected as Chair of the Planning Committee for the remainder of the Municipal Year.

9.2 It was subsequently proposed and seconded that Councillor G F Blackwell be appointed as Vice-Chair of the Planning Committee for the remainder of the Municipal Year. Upon being put to the vote, it was

**RESOLVED** That Councillor G F Blackwell be appointed as Vice-Chair of the Planning Committee for the remainder of the Municipal Year.

### **PL.10 ANNOUNCEMENTS**

10.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

10.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

### **PL.11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

11.1 Apologies for absence were received from Councillor J P Mills. Councillor C L J Carter would be a substitute for the meeting.

### **PL.12 DECLARATIONS OF INTEREST**

12.1 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.

12.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
K Berliner	Agenda Item 6i – 22/00136/FUL – Home Farm Cottage, Stockwell Lane, Woodmancote.	Is a Member of Woodmancote Parish Council but does not participate in planning matters.  Had been contacted by a neighbour in relation to the application but had not expressed an opinion.	Would speak and vote.
J R Mason	Agenda Item 6c – 20/00892/OUT – Land off Kyderminster Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P W Ockelton	Agenda Item 6a – 22/00364/APP – Land at Twigworth.	Attended quarterly meetings with the developer to receive information as to how the wider Twigworth scheme was progressing but had not expressed an opinion in relation to this application.	Would speak and vote.
A S Reece	Agenda Item 6h – 22/00617/FUL – 40 Wellbrook Road, Bishop's Cleeve.	Is a Member of Bishop's Cleeve Parish Council but does not participate in planning matters.	Would speak and vote.
J K Smith	Agenda Item 6f – 22/00167/FUL - Astmans Farm Poultry Unit, Maisemore.	The application is in relation to a family business.	Would not speak or vote and would leave the room for the consideration of this item.

12.3 There were no further declarations made on this occasion.

- 13.1 The Minutes of the meeting held on 21 June 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.14 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

- 14.1 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.

**22/00364/APP - Land at Twigworth, Gloucester**

- 14.2 This was a reserved matters application (access, appearance, layout, scale and landscaping) for 340 dwellings, public open space and infrastructure comprising phase 3 of outline planning permission 15/01149/OUT on Land at Twigworth.
- 14.3 The Planning Officer advised that, further to the preparation of the Committee report, the Environment Agency, County Highways and the Council's Landscape Adviser had confirmed they had no objection to the application and the Officer recommendation had therefore been changed to approve, subject to the revised conditions set out in the Additional Representations Sheet, attached at Appendix 1. Members were advised that this was a reserved matters application seeking approval for access, appearance, layout, scale and landscaping for 340 dwellings – 205 open market and 135 affordable – public open space and infrastructure pursuant to the outline application for up to 725 dwellings on the wider site. The current reserved matters application represented the whole of the phase 3 residential area of the approved outline scheme as defined in the approved phasing plan. Phases to the west were in the process of being built out. The principle of residential development at this site had been established through the grant of outline planning permission and its subsequent allocation for housing in the Joint Core Strategy as part of the wider Innsworth and Twigworth Strategic Allocation (Policy A1). The key principles guiding reserved matters applications had also been approved by the planning authority including a Site Wide Masterplan Document and a site wide attenuation and drainage strategy. The current application sought approval of reserved matters pursuant to the outline planning permission and the approval of the guiding design principles and the issues to be considered in this application were access, appearance, landscaping, layout and scale and compliance with the approved documents including the Site Wide Masterplan Document. As set out in the Committee Report, Officers had carefully considered the application and felt that the reserved matters were acceptable, in accordance with the Site Wide Masterplan Document aspirations and of an appropriate design. County Highways had confirmed the access, internal road layout and car parking provision was acceptable and in accordance with the Site Wide Masterplan Document. Officers had also confirmed that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement attached to the outline planning permission, was tenure blind and high quality. In terms of flood risk and drainage, a detailed surface water and Sustainable Urban Drainage Systems (SuDS) strategy had also been approved by the Council. The Lead Local Flood Authority had been consulted in respect of the current scheme and had advised that the drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. As such, the proposed drainage arrangements were considered acceptable. Taking all of this into consideration, Officers were of the view that the proposed development would be high quality and appropriate in terms of access, layout, scale, appearance and landscaping and in accordance with the Site Wide Masterplan Document, therefore, it was recommended for approval.
- 14.4 The Chair invited the applicant's agent to address the Committee. The applicant's

agent indicated that Members would be aware that Land at Twigworth was allocated for development by Policy A1 of the Joint Core Strategy and was subject to outline planning permission for 725 homes. To date, the Council had approved reserved matters applications for the first two phases of residential development, the local centre and the area of strategic public open space which included the playing pitches and changing rooms. As the Planning Officer had explained, the reserved matters application before the Committee sought approval for the detailed design of the third and final phase of residential development. As noted in the Committee report, the proposals for phase 3 accorded with the parameters established by the outline planning permission and the Site Wide Masterplan Document set out the design principles for the development as a whole, one of the key parameters of the scheme being the area within which built development was permitted, the entirety of which was outside the flood plain. The proposals as recommended for approval were the result of close working between the applicant and Officers that had seen them evolve significantly through both the pre-application and post-submission stages. The changes made included the addition of balconies to the apartments, increases to the width of the natural green corridors and the provision of six natural play features. The key elements of the phase 3 proposals were the delivery of 340 homes, of which 135 would be affordable; provision of play space in the form of the Locally Equipped Area of Play (LEAP) in one of the two garden squares as well as the six natural play elements already mentioned; delivery of a biodiversity net gain in excess of 10%; and parking provision of a minimum of two parking spaces per dwelling for all properties with two bedrooms or more.

- 14.5 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member indicated that he had been able to clarify a number of matters with the Lead Local Flood Authority so he did not need to raise them here. In terms of sewerage, whilst he understood that Severn Trent Water was the responsible authority, he felt there was a need to put pressure on that body to resolve the issues. In this case, sewage was not flowing directly into the existing system so it should not cause more problems; however, he was sure there would be more problems down the line and he would like to explore with Officers how that could be addressed. In terms of the green corridor, he expressed concern there was no connectivity to other developments around it and, whilst this was not directly related to the application being considered today, as this was the final phase of this development, it was the last opportunity to raise this. He felt that parents and children needed peace of mind that they could travel from the development to the potential new school in Innsworth without having to use cars. In response, the Planning Officer advised that, in terms of the current reserved matters application site itself, there were linkages to the north of the site and Brook Lane and a Public Right of Way ran through the middle – the Public Right of Way was outside of the applicant's ownership but linkages could be secured through the hedgerow with the consent of the various landowners and there was an opportunity for future connections off to the right. The sitewide green infrastructure had been agreed as part of the Site Wide Masterplan Document and the reserved matters application tried to ensure connectivity into the wider green infrastructure at Down Hatherley Park and there was a cycleway running between this development and the one in Innsworth.
- 14.6 A Member indicated that, at the previous Planning Committee meeting, she had raised concern about the lack of secondary school provision in the area and, if this application was approved, there would be another 340 dwellings in the same location which exacerbated the need for a secondary school in this particular area. The Planning and Enforcement Team Leader (South) felt it should be borne in mind that this application was for approval of reserved matters and all infrastructure requirements had been agreed at the outline stage. Another Member queried who would be responsible for maintaining the SuDS ponds and the representative from

the Lead Local Flood Authority indicated that responsibility was addressed by condition but this was currently up for debate; it was likely to be a management company but a change in legislation meant that it could be adopted by a water and sewage company which was why it was a matter for condition. A Member pointed out there had been huge problems with the Longford Clock Tower where five separate agencies were responsible for maintenance and the roads and pavements had not been adopted by the County Council. As such, he would like to see a condition included to require the maintenance company to provide a schedule of work setting out how frequently maintenance would be carried out. The Planning Officer reiterated that this was a reserved matters application which was limited to access, appearance, layout, scale and landscaping – drainage was an outline consideration which was addressed by condition 21 of the outline planning permission and had been discharged. He could not recall the detail of the management strategy but he would be happy to provide this outside of the meeting as that was also an outline consideration and could not be included as a condition on the reserved matters approval. The Member indicated that he was aware of the status of the application but he felt it was very important to understand who was responsible for doing what and that needed to be firmed up in some way. He asked that future outline applications included a condition requiring submission of a maintenance schedule in order to provide some accountability when things were not done, as was the case at the Clock Tower.

14.7 Upon being put to the vote, it was

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

**22/00523/OUT - Land off Brook Lane, Twigworth/Down Hatherley**

14.8 Members noted that this application had been **WITHDRAWN**.

**20/00892/OUT - Land off Kyderminster Road, Winchcombe**

14.9 This was an outline application for the erection of up to 24 dwellings (Class C3), vehicular access from Clarendon Road and Whitmore Road, public open space and associated landscaping and engineering works (reduced quantum of dwellings from 35 to 24).

14.10 The Planning Officer advised that the application site comprised two field parcels located to the north-west edge of Winchcombe. The site lay outside of, but adjacent to, the settlement boundary and to the north of the Local Plan housing allocation WIN1. The application sought outline planning permission for the erection of 24 dwellings with access from Kyderminster Road, Clarendon Road and Whitmore Road. The proposal was within a service centre but outside of a defined settlement boundary and therefore conflicted with Policy SD10 of the Joint Core Strategy and the Winchcombe and Sudeley Neighbourhood Development Plan. The site was also within the Area of Outstanding Natural Beauty. In accordance with Paragraph 11 of the National Planning Policy Framework, and given the Council's current housing land supply position, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Officers considered that, whilst the proposal would result in some harm to the landscape by reason of encroachment, that harm would be limited and outweighed by the social and economic benefits associated with the delivery of up to 24 dwellings, of which 40% would be affordable, within a service centre location. On that basis, subject to compliance with conditions and the completion of a Section 106 Agreement, although there would be some harm to the landscape by reason of encroachment into the Area of Outstanding Natural Beauty, it would not result in any other harms which would otherwise outweigh the benefits of delivering the dwellings

at the site. The Planning Officer drew attention to the corrections outlined in the Additional Representations Sheet, attached at Appendix 1, and advised that the Officer recommendation remained delegated permit subject to the completion of a Section 106 Agreement.

- 14.11 The Chair invited the representative from Winchcombe Town Council to address the Committee. The Town Council representative indicated that the Town Council felt there were sufficient grounds to refuse the application as it was not included in the Tewkesbury Borough Plan nor the Winchcombe and Sudeley Neighbourhood Development Plan. National policy was clear that development should be plan-led and need must not outweigh the harm that would be caused to the Area of Outstanding Natural Beauty; however, with 100 dwellings already permitted, if planning permission was granted for this application that would represent a total of 44 dwellings in excess of the Tewkesbury Borough Plan policy all of which would be in the Area of Outstanding Natural Beauty. As there was no demonstrable need, the Town Council considered that the starting point for the Planning Committee should be to refuse the application without exceptionally important reasons. Paragraph 7.5 of the Committee report set out how the proposal conflicted with policy but this was set aside in Paragraph 7.6 on the basis that it was an urban extension – the Town Council did not consider this to be justification for extending development into the Area of Outstanding Natural Beauty and that view was upheld by the Planning Inspector when he had dismissed the appeal in 2017 albeit that appeal was not mentioned in the Committee report. The Cotswold Conservation Board had been unable to respond to this application in full which the Town Council understood was due to a resource issue; notwithstanding this, its representation in 2016 had strongly opposed the development. The Inspector’s report on the Tewkesbury Borough Local Plan, published in April, calculated that the Council could demonstrate a 7.15 year housing land supply but that was contradicted by the Committee report which stated that it could only demonstrate a 3.83 year supply – this was based on Tewkesbury Borough Council’s Land Supply Statement published January 2021 which was now 18 months out of date. The Winchcombe Landscape and Visual Sensitivity Study (November 2014), which had not been referenced in the Committee report, concluded that development on the site was of “moderate adverse impact” and the applicant’s own Landscape and Visual Sensitivity Study had also noted the adverse impact; however, Paragraph 4.2 of the Committee report stated that the Landscape Adviser had no objection to the proposal – the Town Council suggested this was not based on any evidence and questioned why the Planning Inspector had not included the site in the Local Plan if there would be no adverse impact on the landscape. With the benefit of local knowledge, the Town Council representative advised that the watercourses running along the north and south boundaries of the site flooded the highway and properties on Gretton Road at times of heavy, but not excessive, rainfall and development on the site was likely to change the character of pluvial flooding. The Town Council was not opposed to development that met the needs of the town, or the wider needs of the borough, and had recently supported a proposal for housing and business use on a site more accessible to the town centre; unlike the one before Members, that development would accord with the Winchcombe and Sudeley Neighbourhood Development Plan. In the Town Council’s view, permitting this application would undermine the whole concept of the development plan determining where development should take place and it hoped the Committee would feel there were adequate grounds for refusal.

- 14.12 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent indicated that the five year housing land supply was clearly material to this application; however, rather than thinking about how many years supply the Council

could or could not demonstrate, he encouraged Members to focus on the real housing issue faced by local people and the benefits of this scheme. There remained a pressing need for new market and affordable housing across Tewkesbury Borough, and within Winchcombe, demonstrated by the number of households on the Council's housing waiting list and the delays faced by those waiting to be re-housed which averaged between three and 10 years. Housing need was not being met through the supply of new homes in Winchcombe and market signals continued to worsen with house price rises in the town far exceeding growth within the wider Tewkesbury and Gloucestershire area. Failing to provide enough new homes in Winchcombe would exacerbate affordability issues, did not address the needs of local residents and had wider implications for the vitality of the town. Those issues would not be resolved by the WIN1 scheme alone – even accounting for the 100 homes recently supported by the Committee, the Borough Plan evidence base was clear that a significant need for new homes in Winchcombe remained. This scheme would help to meet the need through a very carefully considered and landscape-led development. The parameters plan defined small discrete development parcels which would protect local views from within the settlement and longer distance views from the Area of Outstanding Natural Beauty which had been informed by comprehensive support on landscape, design and ecology. The design approach had the full support of Officers and the Council's specialist design and landscape advisers. The benefits of the development would include new housing in a sustainable location; 10 new affordable homes; 1.16 hectares of publicly accessible open space in the Area of Outstanding Natural Beauty; an improved high quality boundary at the settlement edge to the Area of Outstanding Natural Beauty; a comprehensive and well-connected green corridor network along the western edge of Winchcombe; opportunities to experience the retained area of the ridge and furrow in the northern parcel; the opportunity for improved access to the community allotments, as requested directly by the Community Allotments and Orchard Group which had recently come into effect; and a financial contribution to provide a new bus shelter on Gretton Road. The applicant's agent indicated that these benefits far outweighed the very limited harm arising from new development in the Area of Outstanding Natural Beauty as its special qualities, principal elements and key characteristics would be maintained.

- 14.13 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that he was extremely disappointed to learn that the Officer recommendation for this application was delegated permit. Overdevelopment was turning Winchcombe into a boring dormitory town with an ever increasing number of houses, no locally available jobs, more traffic congestion, stretched availability of primary and secondary school places and very strained medical provision. The local population was aware of the Winchcombe and Sudeley Neighbourhood Development Plan, as well as the recently adopted Tewkesbury Borough Plan, so would be incredibly disappointed and angry if this speculative development was allowed by the Planning Committee. He reminded Members that this development had been refused in the past and had also been dismissed on appeal so he questioned why Members would permit a development that had already been found to be unsound. Winchcombe was a valley settlement but recent developments were being constructed far away from the centre of town and further up into the hillsides which formed part of the recognised Area of Outstanding Natural Beauty. Furthermore, the roads in Winchcombe were designed and laid out to accommodate the horse and cart, not the motor car, and definitely not the large vehicles which attempted to navigate Winchcombe town. There was already a horrendous traffic congestion problem within the town which would be exacerbated by previous and currently planned housing developments. The local Ward Member recognised that more housing was required to satisfy government targets; however, rather than building up the hills and a long distance from the centre of town, he felt developers should be looking at sites close to, and within, the town centre. Finally, and importantly, he indicated that this was an application for outline planning

permission so, if granted, it would be exceedingly difficult to refuse full planning permission for likely more houses than the 24 proposed within this application. He urged Members to refuse this repeat of a purely speculative outline planning application that was not supported by local housing need.

- 14.14 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 a Section 106 Agreement, and he sought a motion from the floor. A Member raised concern as to why there was no mention of the appeal which had been dismissed following refusal of the original application in 2016 and the Planning Officer apologised for this omission from the Committee report. He confirmed that a previous scheme for 35 dwellings had been recommended for permission but had been refused by the Planning Committee and subsequently dismissed at appeal. The Inspector had noted that, in the time between the application being refused and it being taken to appeal, the Council was able to demonstrate a five year housing land supply which was one factor which differed from the current proposal. Furthermore, the current scheme was for 11 fewer dwellings and the design tried to address the issues that had been raised by the Inspector to provide views through the development to the rising landscape and beyond. The Member questioned whether the appeal had also been dismissed on account of the harm that would be caused to the Area of Outstanding Natural Beauty. In response, the Planning and Enforcement Team Leader (South) felt it was important to state that, whilst there was no direct reference to the appeal within the Committee report, there were passing references, particularly in the landscape section, and this scheme sought to address the refusal reasons by reducing the number of units and providing a soft landscape buffer which would not intrude too much into the Area of Outstanding Natural Beauty.
- 14.15 A Member drew attention to Page No. 130, Paragraph 4.2 of the Committee report which stated that the Flood Risk Management Authority had made no comment which was concerning in light of the comments made by the Town Council. The Planning Officer advised that site was located within Flood Zone 1 which had the lowest risk of flooding. As set out at Page No. 140, Paragraph 7.55 of the Committee report, the Lead Local Flood Authority had assessed the report and concluded that the development would not increase flood risk to existing development downstream and there would not be any risk of internal flooding of property within the proposed site. It had been recommended that a detailed surface water drainage strategy be submitted as part of any subsequent reserved matters application and that could be secured by condition. The Member went on to indicate that, in terms of the housing land supply issue, she understood that other authorities did not approach this in the same way as Tewkesbury Borough Council in that, having approved the Tewkesbury Borough Plan, it was now necessary to wait for Officers to physically count the number of developments which had commenced or completed. Members had been advised at the last Planning Committee meeting that this was due to be completed in August and, on the basis that was now less than a month away, she suggested it would be pertinent to defer this application until the count had been carried out, if that was still considered necessary. In response, the Head of Development Services advised that the count was underway to determine the Council's position with regard to its five year housing supply which was part of the adoption of the Tewkesbury Borough Plan in June 2022 – it was not possible to confirm that the Council had a five year housing land supply on the date of adoption but Officers were moving as quickly as possible to meet the target of late August in order to confirm its position. The Planning and Enforcement Team Leader (South) advised that, in his view, deferring the application on the basis of waiting for the five year housing land supply update was not a valid planning reason and, whilst it was anticipated that the count would be complete by late August, that would not necessarily be the case. The Legal Adviser explained that an attempt to determine an application on the basis that the five year

housing land supply was about to be confirmed had been put forward at appeal but had not been looked upon favourably so her advice would be that Members must look at the application before them and would need a valid planning reason to refuse the proposal. In terms of the count, a Member expressed the view that, given the resource issues within the Planning team, August was not a realistic target and he asked for clarification on the trajectory of delivery for the site. The Planning Officer indicated that he was not able to answer that other than to say that, typically, smaller sites were delivered at a faster pace than more strategic ones.

- 14.16 It was proposed and seconded that the application be refused on the basis that it would represent an intrusion into the Area of Outstanding Natural Beauty, would occupy an area of agricultural land which formed part of the setting of Langley Hill and would be highly visible to residents of the adjacent existing development. The proposer of the motion indicated that some Members would remember the site from the Planning Committee Site Visit that had been carried out in relation to the 2016 application and would recall its location in a very picturesque area within the Area of Outstanding Natural Beauty. He was concerned that this proposal would involve building away from the centre of the town where shops, schools and facilities were located and pointed out that other locations were available which would be more suitable. Winchcombe was not a hillside settlement but it seemed developers felt it was appropriate to tag additional housing onto the WIN1 allocation. In terms of the proposal which had been dismissed at appeal, the Inspector's report had stated that the development would be highly visible to residents of the adjacent existing development and from Clarendon and Whitmore Roads and, whilst the effects would be localised for the most part, this amounted to actual harm to the Area of Outstanding Natural Beauty which would be in conflict with Policy SD8 of the emerging Joint Core Strategy and Policy WIN1 of the Tewkesbury Borough Plan. The proposer of the motion indicated that the Council had a duty to protect the Area of Outstanding Natural Beauty and the application should therefore be refused.
- 14.17 A Member sought clarification as to whether the allotment site to the west of the site had been there when the appeal was heard in 2016 and the proposer of the motion advised that it had not been in use as an allotment site – it had originally been purchased by Winchcombe Town Council for a new cemetery and subsequently earmarked as extra land for an allotment. When a community allotment group had been established, the Town Council had agreed it could create an allotment on that land along with another site on Broadway Road. The Planning Officer believed that the allotment had come into use in the early part of 2022 so had not been in use as an allotment at the time of the appeal. The Member pointed out that, now the allotment was there, he expected there would be greenhouses and sheds on the land which was within the Area of Outstanding Natural Beauty.
- 14.18 With regard to the affordable housing, a Member questioned whether the housing types would be the same composition for the market and affordable housing, i.e. would the 40% affordable housing comprise the same proportion of three and four bedroom houses as the market housing or would the affordable housing be comprised of smaller dwellings. She noted in respect of the application considered at Agenda Item 6a – 22/00364/APP – Land at Twigworth that all of the one and two bedroom houses would be affordable as well as 25 of the three bedroom houses and seven four bedroom houses whereas the market housing would comprise 97 three bedroom houses and 116 four bedroom houses which to her mind was not an equal measure. The Planning Officer explained that the split of affordable housing would be determined via the Section 106 Agreement so the Council would have control over the size of the units and that would be informed by the housing need assessment. The Planning and Enforcement Team Leader (South) confirmed that the mix and type of affordable housing provision would be specific to this location so would not necessarily be the same as Twigworth. The Council's Strategic Housing and Enabling Officer would assess the established need in Winchcombe and the mix would be tailored to suit that; this would be set by the Section 106 Agreement.

The Member felt this could be better communicated in the Committee report and the Planning and Enforcement Team Leader (South) recognised that some reports did set this out more clearly than others so there needed to be a more consistent approach going forward. A Member questioned whether any of the 10 affordable units would be social housing and whether there would be a condition to ensure that the houses could only be allocated to people from Winchcombe, as had been done previously. The Planning and Enforcement Team Leader (South) indicated that he did not have that information to hand; however, he reiterated that schemes were vetted by the Strategic Housing and Enabling Officer and would reflect local need.

- 14.19 A Member indicated that he was reluctant to vote against the motion to refuse the application but he was concerned that the Council would lose any subsequent appeal if the application was refused and he would like to ensure the application remained within the Council's control. The seconder of the motion to refuse the application was disappointed that Members had not been provided with full information regarding the previous application and appeal in relation to the site. Ultimately, the appeal had been dismissed by the Inspector on the grounds of harm to the Area of Outstanding Natural Beauty and, as far as he could tell, there had been no fundamental change with regard to that since that time. Whilst he understood Officers' comments, he felt the amendments which had been made were minor adjustments and did not change the overall refusal reasons which had been upheld by the Inspector. He also pointed out that a lot of time and effort had gone into producing the Tewkesbury Borough Plan and various sites and housing need had been considered as part of that process. There would be times when the Council could demonstrate a five year housing land supply and others when it could not; however, he felt it was important to adhere to the development plans – this site had been considered during the process and had not been identified as being suitable for residential development so he urged Members to support the motion to refuse the application. In terms of the reasons for refusal, the Legal Adviser suggested that these also include that it was against distribution strategy/location policies and technical reasons in respect of the Section 106 Agreement not being completed. The Planning Officer clarified that the site was outside the built-up area and therefore was contrary to Policy SD10 of the Joint Core Strategy. The proposer and seconder of the motion confirmed they were happy for those reasons to be incorporated and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** as it was contrary to Policy SD10 of the Joint Core Strategy and would cause harm to the landscape by reason of encroachment into the Area of Outstanding Natural Beauty occupying the agricultural land which formed part of the setting of Langley Hill and would be highly visible to residents of the adjacent existing development, and due to the absence of a completed Section 106 Agreement to secure the financial contributions and affordable housing.

#### **20/00937/FUL - Cotswold Grange Country Park, Downfield Lane, Twynning**

- 14.20 This application was for an extension to the existing holiday park to provide 29 leisure caravans including landscaping and access. The Planning Committee had visited the application site on Friday 15 July 2022.
- 14.21 The Planning Officer advised that the application site was located on the south side of Downfield Lane and would result in an expansion of the existing site to the east which currently held 150 caravans. The current site comprised a mixture of leisure and full-time residential caravans, with internal infrastructure such as roads and drainage. The site was flat in nature and bounded by mature hedges and

trees, it was not located in any designated landscape areas and access would be from the south-east corner via the existing site. As set out in the Committee report, Officers considered that the proposal would accord with the Council's tourism policies by providing economic and social benefits. Some landscape harm had been identified by way of encroachment which had resulted in the applicant submitting a Visual Impact Assessment and amended landscape proposals; those details had been assessed by the Council's Landscape Adviser who raised no objection, subject to mitigation being provided through the landscape scheme. Officers concluded that, whilst the proposal would have some impact on the wider landscape, this would be outweighed in the planning balance by the benefits of the scheme and it was therefore recommended that permission be granted, subject to conditions.

- 14.22 The Chair invited the representative from Twyning Parish Council to address the Committee. The Parish Council representative indicated that it was becoming increasingly obvious that Planning Officers were complying with the direction given by Inspectors at various appeals where refusal decisions had been overturned. In doing so, they were complicit with undermining policies in the Tewkesbury Borough Plan which had taken some 11 years to come forward and had only very recently been adopted. Twyning Parish Council considered this application was contrary to Policy INF1 of the Joint Core Strategy and Policy TOR1 of the Tewkesbury Borough Plan in respect of paragraphs 1, 3, 4 and 5 and all those in relation to there being no credible alternative modes of transport other than the private car. The unequivocal comments from Stagecoach bus company in other applications illustrated the unsustainability of increasing the amount of private vehicles from isolated communities onto the road network. One only had to look at Policy TOR1 to see in a number of sub-paragraphs why this application was not acceptable – it was also contrary to Policy TOR3 in relation to the damage to the landscape and character of the area. The Parish Council had previously attempted to bring the Borough Council's attention to the illogical nature of rampant development in this small, isolated village to no avail. Policies in the new Tewkesbury Borough Plan indicated this was an inappropriate extension of an already significant country park and the adverse impact of the accumulated effects outweighed the benefit for tourism. Twyning Parish had an exceptional number of park home and caravan enterprises and certainly did not need more. The Parish Council took exception to the conclusion of Officers who recommended permission whilst stating at the same time that there would be harm arising from the development; contrary to their conclusion, significant weight should be given to the harmful aspects of the application. There were plenty of Tewkesbury Borough Plan policies on which to base refusal, not least the application being outside of the Twyning Neighbourhood Development Plan boundary, but the Parish Council felt these were being ignored by Officers and found the recommended to permit the application illogical and non-compliant with current policy. The Parish Council representative stressed that Twyning had enough caravans for one village and did not need more.
- 14.23 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that, ultimately, his request was to ask Members to support the Officer recommendation to permit the application and he intended to briefly run through the policy position which clearly identified that the proposal accorded with the development plan as could be applied. The applicant had worked with Officers for a substantial period of time in order to bring forward the required technical studies and environmental assessments, to identify the associated impacts and appropriate mitigation measures, to the satisfaction of all technical consultees. That had been undertaken in the knowledge that the principle of the proposal, in extending an existing tourist accommodation site for the socio-economic benefit of the region, directly accorded with the expectations of Policies TOR1 and TOR3. The application site made a valuable contribution towards the local tourist economy in its current form and extensions to tourism sites were, for the most part,

the most appropriate way of delivering balanced benefit against growth targets whilst offering minimal disruption to the openness of the countryside. This proposal had demonstrated, by way of a proportionate extension to an existing site, that additional tourism benefit could be secured for the services and facilities of Twynning and the wider area whilst offering a negligible impact on transport and access and appropriately mitigating for all other environmental aspects. Whilst the site was no longer located within a Landscape Protection Zone, that did not displace the requirement to bring forward an extension that sought to amalgamate itself appropriately into the natural landscape and the applicant had worked at length with Officers and landscape consultees to provide a detailed planting scheme that secured not only substantial screening mitigation where required, but also substantial biodiversity net gain throughout the site. The result was an agreement by all parties that the proposal offered a very limited landscape impact within the visual setting of the existing parkland and facilitated ecological and tourism benefit that sufficiently and substantially sat in beneficial planning balance. Planning Officers concluded that the application accorded with the development plan as could be applied and there were no objections raised by any technical consultees, subject to the conditions proposed. The application overwhelmingly accorded with the expectations of the development plan and the aspirations of the National Planning Policy Framework, as such, the applicant's agent respectfully requested that Members support the Officer recommendation and grant permission.

14.24 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member drew attention to Page No. 158, Paragraph 4.2 of the Committee report, which stated that the Environment Agency had objected to the proposal based on insufficient evidence in respect of floor levels and Page No. 164, Paragraph 7.35 of the Committee report, set out that the applicant had updated the floor level to 13.72 metres which complied with the Environment Agency requirement; however, condition 5, set out at Page No. 166 of the Committee report, stated that the finished floor level would be 13.12 metres and he asked for some clarification on that. The Planning Officer confirmed there was a discrepancy and that condition 5 should accord with the Environment Agency requirement of 13.72 metres so that would need to be amended should Members be minded to permit the application. A Member asked whether any part of the site area had been affected by flooding in the past and the Planning Officer advised that all but a small corner in the southern part of the site was within Flood Zone 1 and had not flooded. Another Member noted there was little reference within the Committee report to the disposal of sewage and foul water other than to state that the Drainage Officer was satisfied with the proposal. He was aware that water authorities up and down the country had been accused of pumping waste straight into rivers and, given the proximity of the River Avon to the site, he asked for more information as to how waste would be disposed. In response, the Planning Officer advised that the drainage plan submitted with the application showed the existing site would benefit from a waste water pumping system which would be connected to a sewage plant.

14.25 It was proposed and seconded that the application be refused on the basis that it conflicted with Policy TOR1 of the Tewkesbury Borough Plan as the proposal did not involve the appropriate conversion or re-use of existing buildings; did not support the Plan's wider objectives, particularly in relation to conservation, transport, health, heritage conservation, recreation, economic development, the environment and nature conservation; the siting, design and scale was not in keeping with, nor would it enhance, the built, natural and historic environment setting; there would be an unacceptable impact on the safe and satisfactory operation of the highway network as increased traffic was a constant problem, particularly in the main part of the village; it would not be accessible by all modes of transport as there was no public transport to and from the village; and, the site

was outside of the Parish boundary and would result in significant landscape harm. The seconder of the motion raised concern that it was very hard to tell whether the site was residential or a holiday park and she sought clarification on that. In response, the Planning Officer advised that it was a mixed use site which had started as a holiday park but, over the passage of time, certain units had gained permanent residential use. In terms of how it was monitored, the Planning Officer explained that information was requested from site managers by the Enforcement team as to which units were residential and which were holiday lets. He confirmed that this application was for leisure use only. A Member asked whether the site could be occupied for 12 months of the year and the Planning Officer confirmed that was correct. The Planning and Enforcement Team Leader (South) explained that, in terms of conflict with planning policy, as set out at Page No. 159, Paragraph 7.3 of the Committee report, Policy TOR3 was more directly relevant than Policy TOR1 - Officers considered that the proposal was in accordance with Policy TOR3. Furthermore, as had been pointed out, there were no technical objections from any of the consultees in relation to the application. He pointed out that condition 4, set out at Page No. 166 of the Committee report, restricted the site to holiday use and stipulated that it should not be occupied by an individual, family or group for more than one month in any 12 month period; that condition was enforceable so safeguards were in place as far as Officers were concerned. The Legal Adviser explained that TOR3 related specifically to extensions to existing caravan sites and the proposer of the motion had suggested this proposal conflicted with policy on the basis it would not be re-using an existing building under TOR1; however, that was not a requirement of Policy TOR3. As she understood it, the prime reasons for refusal being put forward were highways, landscape setting and modes of transport and the proposer of the motion confirmed that was correct. A Member noted that the proposal was for mobile homes as opposed to caravans and he asked if they came under the same definition. The Legal Adviser confirmed that, subject to some restrictions as to size, they would come with the definition as a caravan.

- 14.26 Upon being put to the vote, the motion to refuse the application was lost. It was subsequently proposed that the application be permitted in accordance with the Officer recommendation, subject to an amendment to condition 5 to change the finished floor level requirement to 13.72 metres in accordance with the Environment Agency requirement. A Member noted that the County Council had not requested any electricity hook-ups on the site and she asked if there was an opportunity for that to be included as a condition. The Planning and Enforcement Team Leader (South) confirmed there had been no recommendation from the County Council at the time of consultation but it could be secured by condition. The Member indicated that she was not sure how many could be provided but she would be happy for this to be in the car park, if there was to be one – her main concern was ensuring that the opportunity was not missed. On the basis that condition covering this was included, she was happy to second the proposal. The proposer of the motion confirmed he was happy for this to be included and, upon being put to the vote, it was

**RESOLVED**

That the application be **PERMITTED** in accordance with the Officer recommendation, subject to an amendment to condition 5 to change the finished floor level requirement to 13.72 metres in accordance with the Environment Agency requirement and an additional condition for electricity hook-ups to be included on the

site.

### **21/01282/OUT - Land Adjacent Greenacres, Hillend, Twyning**

- 14.27 This was an outline application for the erection of five dwellings with access from Greenacres with all other matters reserved.
- 14.28 The Planning Officer advised that, since the publication of the Committee report, a further four representations had been received, one of which had identified a badger sett on the site. Therefore, it was recommended that the application be deferred until an inspection could be undertaken. Further, the drainage details were also not yet resolved.
- 14.29 The Chair indicated that the Officer recommendation was to defer the application in order for appropriate action to be taken in respect of the claim that a badger sett was within the site and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member noted that this application had been deferred by the Planning Committee in April 2022 to receive further details on the proposed drainage system and he raised concern that an update simply provided at Committee itself in respect of the drainage, as set out in the current Committee report, was not acceptable and a full drainage report should be provided within the Committee report. He felt that this should be included in the reasons for deferral. The proposer and seconder of the motion confirmed they were happy with this addition and, upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** order for appropriate action to be taken in respect of the claim that a badger sett was within the site and to allow for a full drainage report to be provided.

### **22/00167/FUL - Astmans Farm Poultry Unit, Maisemore**

- 14.30 This application was for the erection of two additional poultry houses with air scrubbing units and associated infrastructure on established poultry farm (resubmission of 21/00870/FUL). The Planning Committee had visited the application site on Friday 15 July 2022.
- 14.31 The Planning Officer advised that the application site was located to the east of the A417, approximately 700 metres north-west of the settlement boundary to Maisemore. The site lay within Flood Zone 1 and comprised a broadly rectangular parcel of land within the northern part of a larger field parcel, sloping down to the south-east. The site presently comprised two poultry units and this proposal sought to expand the existing number of units with the erection of a further two poultry sheds and associated infrastructure which would be located to the west of the existing units. The proposal would be broadly compliant with Policy SD1 of the Joint Core Strategy and Policy AGR1 of the Tewkesbury Borough Plan in respect of employment and agricultural development. Whilst the proposal would result in some landscape harm through the introduction of built development, it was considered that the buildings would be of an appropriate design and siting in relation to the site boundaries and adjoining development. The site presently operated under an Environmental Permit issued by the Environment Agency and a variation had been applied for to allow for the proposed development. Concerns had been raised in respect of odour and pollution from the existing development; however, unlike the existing units, the proposed buildings would be fitted with air scrubbers and the Council's Environmental Health Officer was satisfied those measures would be appropriate to contain odour and particles from the new development. Should any unacceptable impacts arise in breach of the Environmental Permit, the Environment Agency would have the powers to enforce and seek appropriate remediation. Whilst the proposal would double the capacity of the site, there would

be no unacceptable impact upon drainage, highway safety, ecology or heritage matters. It was therefore recommended that the application be permitted, subject to conditions.

- 14.32 The Chair invited the representative from Maisemore Parish Council to address the Committee. The Parish Council representative referenced the 55 page response which had been submitted by the Parish Council in relation to the application which he hoped Members would have read – this included 18 pages of analysis and around 30 objections submitted to the Council in respect of the very similar application in 2021 which was withdrawn and resubmitted. The Parish Council representative did not intend to go through all of the points raised in the document and instead would focus on recent experiences of the present facility. The Parish Council representative subsequently read out a series of comments from people living further away from the facility than the receptor properties cited in the application as follows: A resident at Woolridge posted on social media on 10 July *“I most definitely have concerns about the poultry sheds. I have written to Tewkesbury planning council and spoken to the environment agency officer when they came to the village hall. On the hottest two days of the year I’m having to close all my windows and doors because of the disgusting smell from those poultry sheds and I’m not even that close! I have complained to the environment agency, it’s really unfair that the enjoyment of my home and village is spoiled by that horrible stench”*; extract from an extensive commentary from someone living in the main part of the village *“Article 1 of the Human Rights Act 1998 says: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principle of international law. There is a good argument to say that the stink from the chicken sheds deprives a number of people of their peaceful enjoyment of their possessions, i.e. their residential property in that it causes them to stay indoors behind closed windows and also that, to an extent, these people are deprived of those possessions in that the value of their property has been reduced because of the lack of amenity resulting from the stink. It can therefore be argued that the public interest in allowing the stink not only to continue, but to increase must be significant and demonstrable; and any assessment of the degree and frequency of that stink must be made on the basis of qualitative evidence”*; another complaint from Saturday evening from someone living in the main part of the village: *“Hottest day of the year so far, no breeze whatsoever, we have all doors & windows open now the sun’s gone, & the chicken farm is absolutely stinking!! It’s disgusting. How do we complain about it & to whom??”*. The Parish Council representative went on to make reference to a resident living in one of the receptor properties who had an agreed offer for their house but the buyer had pulled out after reading comments on the earlier 2021 application – as a consequence the house had gone back on the market and eventually sold for £25,000 less. The Parish Council therefore requested that the application be refused and the Parish Council representative stated that the existing facility was bad enough so he urged Members not to make it worse.
- 14.33 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent advised that the current cost of living crisis was putting pressure on food prices and the Government had actively encouraged British farmers to increase food production at a price the consumer could afford to pay. The UK was currently only around 65% self-sufficient in chicken meat and the proposed development would increase the supply of home produced chicken and reduce the need for imports. The UK poultry farming welfare standards were higher than the rest of the world

with imported chicken produced to a lower standard. This application had been through the full consultation process and no objections had been received from the technical consultees – County Highways, Natural England, Lead Local Flood Authority, Environment Agency, Conservation Officer, Environmental Health Officer and the County Archaeologist. The applicant's agent acknowledged that the application had generated a small amount of local opposition, mainly from Maisemore Parish Council and five members of the public. The objections essentially related to the potential for odour impacts from the development; however, it should be noted that complaints often confused odour from the poultry farm with that of general manure spreading activity in the countryside. An application for an Environmental Permit for the development was running concurrently with this application and that was dealt with by the Environment Agency which had requested that air scrubbers be added to the proposals to mitigate odour impacts. As such, the application included air cleaning systems on both the new sheds which removed odour, ammonia and dust from the expelled air. Put into context, the cost of the air scrubbing system was approximately £150,000 per shed. The Environment Agency had confirmed under the permit application that it would keep the site under review and, should any odour issues arise post development, there would be provision within the permit to require the applicant to retrofit air scrubbers to the existing sheds. The applicant's agent stressed that Paragraph 188 of the National Planning Policy Framework stated that, if issues were controlled by a separate planning regime, the Local Planning Authority should take the view that the permit would operate effectively. The application had an Officer recommendation of permit and the applicant's agent respectfully requested that planning permission be granted.

- 14.34 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member asked whether any complaints had been made to the Environment Agency or the Council's Environmental Health team in relation to the poultry unit. He noted that the number of poultry units had been restricted originally and he asked for clarification as to the reason for that. In response, the Planning Officer advised that the Environment Agency had confirmed that 105 complaints had been received between June 2020 and July 2022; 14 complaints had been received during the period 18 January to 18 July 2022. The Environment Agency had attended and monitored the site on several occasions. In terms of the previous application, the two sheds permitted were as applied for; there had been landscape concerns at the time which had subsequently been resolved. The Member noted that the representative from Maisemore Parish Council had made reference to a number of complaints, one of which had quoted the Human Rights Act 1998, and he proposed that the application be refused on the basis of the contravention of human rights as odour was denying residents enjoyment of their own properties. As he understood it, odour was at its worst during the three days of the 48 day cycle when the chickens were being removed from the units. With regard to the comments made by the applicant's agent in respect of the Environmental Permit, in his view this was not a consideration for the Planning Committee as it was outside of its remit. The Legal Adviser explained that the Human Rights Act 1998 was mentioned in the Committee report and was always in the background; however, the substance of the concern was an amenity issue in relation to odour which did not need the back-up of the Human Rights Act. She provided clarification that the Environment Agency would deal with the odour issues under separate legislation so it would be difficult to refuse the application on such grounds. The Planning Officer indicated that the Environment Agency had advised that a variation of the Environmental Permit was likely to be permitted in August; this was out of sync with the planning application due to resource issues. A Member raised concern that the planning application could potentially be granted prior to the Environmental Permit and the Planning Officer explained that, in the event that the Environmental Permit was not granted by the Environment Agency, the site could

not be operated so the assumption was that the applicant would not build the units.

- 14.35 With regard to the complaints received, a Member asked whether these were from different individuals or if someone could complain multiple times and what the Environment Agency views had been when it had attended the site. In response, the Planning Officer indicated that it was unclear whether the complaints were individual and he did not have the results from the Environment Agency's attendance at the site; however, if it was determined there were issues with operation of the site, the Environment Agency did have enforcement powers under the permit scheme and could request additional measures such as fitting air scrubbers to the existing units. A Member raised concern that the applicant's agent had played down the level of complaints which was unfair to residents. In her view it was obvious there was an issue and, whilst she appreciated that Members needed to determine the application before them, it was clear there were problems with the existing units so she found it hard to understand how the Environment Agency could raise no objection to the current proposal if it accepted there were already issues currently. She felt conflicted as it was difficult to assess the application without taking into consideration the existing problems residents were facing. She further noted that the spreading of manure on fields seemed to add to the odour coming from the poultry units themselves. The Planning Officer explained that the cumulative effect had been covered through the submitted details which had been assessed by the Council's Environmental Health Adviser who raised no objection to the applications.
- 14.36 The proposer of the motion to refuse the application indicated that he was happy to take the Legal Adviser's advice in respect of the reason for the refusal and proposed that the application be refused due to the impact on amenity with regard to odour. This proposal was duly seconded. Upon being put to the vote, the motion to refuse the application fell. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion to permit the application indicated that he had attended the Planning Committee Site Visit and personally had not detected any odour, although he appreciated he may not have been in the right position. He could see no reason for the application to be refused; nevertheless, if any issues did arise, the Environment Agency had the ability to refuse the Environmental Permit, or to take enforcement measures once it had been granted, therefore, it was not a concern for the Planning Committee. A Member pointed out that she had also been on the Planning Committee Site Visit and the wind had been blowing from behind so it would not have been possible to smell any odours from the poultry units.
- 14.37 A Member recognised that the Environment Agency was the reporting body in terms of complaints but he questioned if there was a process in place for these to be referred to the Council's Environmental Health team for investigation and, if so, what the outcome had been. The Planning Officer reiterated that, as the site operated through an Environmental Permit, the Environment Agency became the reporting body and any reports made to Tewkesbury Borough Council would be passed to the Environment Agency for consideration; the Council's Environmental Health team did not get involved.
- 14.38 A Member went on to draw attention to Page No. 204, Paragraph 7.30 of the Committee report which stated that it was considered that the inclusion of air scrubber units for the additional poultry houses would reduce odour from the buildings though the overall odour emissions from the site would increase. Another Member noted the requirement for the new units to be fitted with air scrubbers and felt, if that was deemed necessary, it should also apply to the existing units – he

understood this could not be included as a condition but asked that it be discussed with the Environment Agency. Another Member raised concern that, despite the complaints that had been received over the last two years, there were no reports on the investigations carried out by the Environment Agency so there was no indication as to whether these were justified. The Planning and Enforcement Team Leader (South) explained that Planning Policy Guidance and the National Planning Policy Framework set out that, if another body controlled and enforced environmental issues – in this case the Environment Agency – it should not be for the Local Planning Authority to enforce its own conditions or requirements. If there were any existing issues, it was within the Environment Agency's gift to withdraw the Environmental Permit or take remedial action.

14.39 Upon being put to the vote, it was

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

### **22/00282/FUL - Home Cottage, Lowdilow Lane, Elmstone Hardwicke**

14.40 This application was for erection of an open-fronted car port and retrospective outbuilding (resubmission of application 21/01446/FUL).

14.41 The Planning Officer advised that this was a householder application for Home Cottage, Lowdilow Lane which was a detached property on the outskirts of Elmstone Hardwicke and was situated within the Green Belt. The dwelling did not benefit from permitted development rights. The proposal sought to regularise the erected outbuilding to the rear of the dwelling and erect a detached car port to the south-west of the dwelling. A Committee determination was required as the application had been called in by a Member to assess the impact on the Green Belt. No objections had been received from the statutory consultees and the Planning Officer's view was that the erected outbuilding would be in keeping with the surrounding development and would be a proportionate addition within the Green Belt, as outlined in the Committee report. It was considered that the proposed car port would be an inappropriate form of development within the Green Belt which would add to the built form of the site and would result in loss of openness to the Green Belt, as set out in the Committee report. Therefore, a split decision was recommended with the retrospective outbuilding being permitted and the car port being refused.

14.42 The Chair invited the applicant to address the Committee. The applicant confirmed this was a revised application following a previous withdrawal and the amendments made included changes to the roof of the car port to lower its impact – this had been achieved through a hipped roof as opposed to gable ends. He did not intend to repeat the representations put forward by his agent in terms of the relevant planning considerations; however, it made no sense to him that Officers were suggesting the car port could not be considered under the domestic extensions exception in the Green Belt policy because it was six metres away from his house. The applicant felt that the small car port and shed that formed part of the application were completely proportionate to the size of the original dwelling and he believed that the car port was in the best 'tucked away' position on the site. If the building was sited within five metres of the house, it would be more prominent but still proportionate in Green Belt terms. When he purchased the land it was very clear that it had been used inappropriately in the past with rubbish tipping and signs of continual fires. He had also been informed that it was a source of frequent complaint including a stabbing on the land. Everything he had done to the plot had improved it tenfold – this included taking out over 1,000 tonnes of rubbish, returning a third to agricultural land, new fencing, hedging and landscaping. The application had the support of residents within the village and the Parish Council had raised no objection so the applicant indicated that he would be grateful if Members would resolve to permit the

application, or carry out a Planning Committee Site Visit to see for themselves the efforts to site the car port in the most appropriate location.

14.43 The Chair indicated that the Officer recommendation was for a split decision to permit the retrospective outbuilding and to refuse the car port and he sought a motion from the floor. A Member indicated that he had passed the site and knew a bit about its history and, in his view, the proposals would have no impact on the Green Belt whatsoever, therefore, he proposed that the application be permitted. The Planning and Enforcement Team Leader (South) explained that buildings within the Green Belt were inappropriate save from a number of exceptions, as outlined at Page No. 217, Paragraph 7.9 of the Committee report. This proposal did not meet any of the exceptions and therefore was inappropriate by definition. As such, very special circumstances must be demonstrated to outweigh that harm and those had not been put forward, therefore, the Officer recommendation was for a split decision. A Member indicated that he was happy to second the proposal to permit the application. In terms of the justification for this, the Planning and Enforcement Team Leader (South) noted that the applicant had suggested it would be more harmful to the Green Belt for the car port to be located within five metres of the property and regarded as an extension. A Member understood there was case law which suggested that several seemingly ordinary factors could combine to equate to very special circumstances. The Member indicated that, according to the National Planning Policy Framework, there were five stated purposes of including land within the Green Belt: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In his view, none of those principles applied in this instance. The Legal Adviser explained there was a judgement to be made in relation to the car port in terms of encroachment into the countryside – if it had been an extension, it was possible it would have fitted the exceptions criteria; however, it was not and therefore was against Green Belt policy and national guidance so it was necessary for very special circumstances to be demonstrated in order to allow the development. A Member sought clarification as to the point a structure ceased being an extension. The Planning and Enforcement Team Leader (South) felt this was a good question and, drawing on appeal decisions and case law, it was generally accepted that anything within five metres of an existing dwelling was considered an extension. The proposer of the motion noted that the applicant had stated that part of the site had been put back into agricultural use therefore it was not an encroachment into the Green Belt. The Planning and Enforcement Team Leader (South) advised that giving back land to the site was a consideration in the original application for a dwelling on the site and therefore could not be relied upon as very special circumstances in this case.

14.44 A Member queried whether any discussion had taken place between the applicant/agent and Officers about the possibility of moving the car port one metre closer to the house in order that it could be classed as an extension. The Planning and Enforcement Team Leader (South) confirmed that had been discussed with the agent but the location was what the applicant considered to be best. A Member asked whether the car port would comply with policy if the applicant made it one metre longer so that it was within five metres of the house. Another Member felt this was an interesting point – she had thought there may be a compromise as she did not see what difference it would make to the applicant if the car port was one metre closer to the dwelling. The proposer of the motion to permit the application believed that very special circumstances could be demonstrated on the basis that the proposal did not conflict with the five stated purposes of including land within the Green Belt and as land had been returned to agricultural use and therefore was not encroaching on the Green Belt. The Planning and Enforcement Team Leader (South) reiterated that the fact the site had been tidied up and some had gone back

to Green Belt had already been taken into account in the original application and could not be considered here. In his opinion, the only very special circumstances that could be offered in this case was the realistic fallback position that, should the car port be moved to within five metres of the existing dwelling, it would be considered a proportionate extension. A Member asked whether a delegated permission would be appropriate if the car port was made a metre longer or relocated within five metres of the dwelling. Another Member recognised that five metres was a generally accepted distance through case law etc; however, he felt it was necessary to be pragmatic and assess the proposal based on the site itself. He considered the location of the car port was appropriate and should not be moved or made bigger to comply with a generalised acceptance of what distance something should be in order to be classed as an extension. The Planning and Enforcement Team Leader (South) felt there was some confusion and he clarified the applicant was not being asked to move the car port within five metres of the existing dwelling; however, that was a realistic fallback position and, should that be implemented, it would potentially cause more harm to the openness of the Green Belt. The proposer and seconder of the motion to permit the application confirmed they were happy that the fallback position form the basis of the very special circumstances required to allow development in the Green Belt and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** as there were very special circumstances in that it was a realistic fallback position that the car port could be moved within five metres of the existing dwelling where it could be classified as an extension and would potentially cause more harm to the openness of the Green Belt.

#### **22/00617/FUL - 40 Wellbrook Road, Bishops Cleeve**

14.45 This application was for a single storey side and rear extension.

14.46 The Planning Officer advised that the application required a Committee determination as the applicant worked for Tewkesbury Borough Council. The extensions were considered to be subservient additions to the host dwelling due to their scale and the proposed materials and the orientation of the plot meant that they would not result in undue harm to the residential amenity enjoyed by neighbouring occupants. As such, the Officer recommendation was to permit the application, subject to the conditions set out within the Committee report.

14.47 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.

#### **22/00136/FUL - Home Farm Cottage, Stockwell Lane, Woodmancote**

14.48 This application was for variation of condition 4 (building use) of application 15/00556/FUL to allow for short-term holiday let.

14.49 The Planning Officer advised that planning permission had been granted in 2015 for the demolition of an existing prefabricated building to be replaced by a new single

storey studio/garden room which had since been converted to a short-term holiday let. The current application proposed to vary the wording of condition 4 to include the wording "or as a short-term holiday let" and, if approved, an additional condition would be included to restrict the occupancy. No objections had been received from the Council's Conservation and Environmental Health Officers nor from County Highways. As set out in the Committee report, three letters of objection had been received in relation to the proposal; notwithstanding this overall, it was considered that the inclusion of the holiday let use would not result in a detrimental impact on the residential amenity of neighbouring occupiers. Issues had been raised regarding use of the driveway by occupiers of the holiday let and a covenant that restricted the use of any Home Cottage buildings to that of a private dwelling house; however, that was not a planning matter and was a private issue to be resolved by the respective parties involved. As such, the Officer recommendation was to permit.

- 14.50 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident explained that, if the change of use was permitted, it would have a significant impact on his privacy and, therefore, his residential amenity. The local resident drew attention to Page No. 243, Paragraph 7.9 of the Committee report which stated that any development must cause no harm to local amenity including that of neighbouring occupants. In coming to their conclusion, Planning Officers had failed to take into account the significant impact on Home Farm residents due to the special arrangements between Home Farm and Home Farm Cottage which arose because Home Farm Cottage had no access to the street so users shared a drive with access via Home Farm Lane. The local resident indicated that anyone walking or driving up the shared drive could see into his property and the land to the west of house; they could see into the west garden despite having erected slatted screening as they could see through both lattice gates. The local resident also pointed out that they would walk right past his garage block which was used as a workshop, gym and for storage – as he liked to keep the doors open whilst in use, they would be able to see into the garage and could clearly see the land behind it which was used as an outside work area and for storage and parking that was not screened from the shared drive. The local resident asked Members to imagine themselves in his position; currently there were only familiar people – one family and their occasional visitors – using that drive and being able to see him and his family on their land or in their house or garage. If this application was approved, there would be a range of strangers driving and walking up the drive, looking at them in their house, garden, garage and land behind – something which had already happened when the neighbours had operated the annex illegally as an AirBnB with the resultant loss of privacy causing significant distress. The local resident felt that the change would also create a security concern because the garage doors and land behind could not be viewed from his house and he would not be able to recognise who was going up the drive. In his opinion, the change of use was not minor and would result in significant, permanent harm to his privacy and residential amenity so, on that basis, he felt it should be refused.
- 14.51 The Chair invited the applicant to address the Committee. The applicant indicated that she and her husband had bought Home Cottage in 2020 with an annex in the garden that was being rented on occasion as an AirBnB. They had not begun letting the annex initially as the country had locked down due to COVID-19 but, when it became clear the house needed more work than anticipated, they felt renting it occasionally would be a help financially. The annex was very small – suitable for single people and couples – and they had been lucky to have some lovely guests including relatives of another local resident. As they had a young family, they were very careful about their guests and had never had any problems or complaints about noise or disturbance – she pointed out that one local resident had written a letter of support in relation to the application. The applicant stressed that they did not want to let the annex all of the time as that would be a significant

undertaking in terms of administration, cleaning etc. They had been very shocked and saddened when their neighbours' had contacted the Council to object to the application as, as far as they were concerned, it had already been in existence for many years without complaints - before they had bought it, one of the objectors had even used the annex for a relative to isolate in during the pandemic. The applicant clarified they had stopped renting it when they had been asked to by the Council last year and had followed all procedures and been fully compliant. They had taken specialist planning advice which concurred with the view of Planning Officers' and she respectfully requested that the application be granted in accordance with the Officer recommendation.

14.52 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 in accordance with the Officer recommendation. The proposer of the motion indicated that, unfortunately, the issues which had been referenced by the public speakers were not planning considerations. Another Member indicated that he was unable to support the motion to permit the application.

14.53 Upon being put to the vote, it was

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

#### **PL.15 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

15.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 257-259. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

15.2 Accordingly, it was

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

The meeting closed at 12:47 pm

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 19 July 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.

<b>Agenda Item No</b>	
6a	<p data-bbox="339 667 512 701"><b>22/00364/AP</b></p> <p data-bbox="339 719 770 752"><b>Land At Twigworth, Twigworth</b></p> <p data-bbox="339 770 1369 1003">Further to the preparation of the Committee report, the applicant has submitted additional plans in response to concerns from the Environment Agency, the County Highways Authority and the Council's Landscape Advisor. The Environment Agency, County Highways Officer and Landscape Advisor have reviewed the additional submissions and confirmed there are no objections/concerns and that they are satisfied with the minor amendments which were made to the proposal.</p> <p data-bbox="339 1021 1361 1120">There have also been ongoing discussions between Planning Officers, the Highways Authority and the applicant in respect to the recommended planning conditions.</p> <p data-bbox="339 1137 1198 1205">Further to these discussions, and to reflect the updated plans, it is recommended that the planning conditions are amended to state:</p> <p data-bbox="339 1223 501 1256"><b>Condition 1</b></p> <p data-bbox="339 1274 1369 1341">1. The development hereby approved shall be implemented in accordance with the following plans, documents and details:</p> <ul data-bbox="339 1359 1382 2058" style="list-style-type: none"> <li>- Waste Minimisation Statement February 2022 received 9th March 2022</li> <li>- Site Location Plan TWIG3-MCB-ZZ-ZZ-DR-A-0201-D5-P2 received 9th March 2022</li> <li>- Site Layout Plan TWIG3-MCB-ZZ-ZZ-DR-A-0230-D5-P4 received 6<sup>th</sup> July 2022</li> <li>- Materials and Boundaries Plan TWIG3-MCB-ZZ-ZZ-DR-A-0231-D5-P4 received 6th July 2022</li> <li>- Surface Finishes Plan TWIG3-MCB-ZZ-ZZ-DR-A-0232-D5-P4 received 6<sup>th</sup> July 2022</li> <li>- Parking Strategy Plan TWIG3-MCB-ZZ-ZZ-DR-A-0233-D5-P4 received 6<sup>th</sup> July 2022</li> <li>- Affordable Tenure Plan TWIG3-MCB-ZZ-ZZ-DR-A-0234-D5-P4 received 6<sup>th</sup> July 2022</li> <li>- Adoptable Management Plan TWIG3-MCB-ZZ-ZZ-DR-A-0235-D5-P4 received 6<sup>th</sup> July 2022</li> <li>- Refuse Strategy TWIG3-MCB-ZZ-ZZ-DR-A-0236-D5-P4 received 6<sup>th</sup> July 2022</li> </ul>

- Storey Heights Plan TWIG3-MCB-ZZ-ZZ-DR-A-0237-D5-P4 received 6<sup>th</sup> July 2022
- Illustrative Streetscenes TWIG3-MCB-ZZ-ZZ-DR-A-0250-D5-P2 received 1st June 2022
- Conceptual Streetscenes 61339-MCB-ZZ-ZZ-DR-A received 1st June 2022
- Housetype Plans and Elevations – Becket TWIG3-MCB-ZZ-ZZ-DR-A-0105-D5-P3 received 30th June 2022
- Housetype Plans and Elevations – Becket TWIG3-MCB-ZZ-ZZ-DR-A-0106-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Mylne TWIG3-MCB-ZZ-ZZ-DR-A-0108-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Mylne TWIG3-MCB-ZZ-ZZ-DR-A-0110-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Leverton TWIG3-MCB-ZZ-ZZ-DR-A-0111-D5-P4 received 6<sup>th</sup> July 2022
- Housetype Plans and Elevations – Leverton TWIG3-MCB-ZZ-ZZ-DR-A-0112-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - Pembroke + TWIG3-MCB-ZZ-ZZ-DR-A-0113-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - Pembroke + TWIG3-MCB-ZZ-ZZ-DR-A-0114-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - Pembroke + TWIG3-MCB-ZZ-ZZ-DR-A-0115-D5-P1 received 9th March 2022
- Housetype Plans and Elevations – Pembroke TWIG3-MCB-ZZ-ZZ-DR-A-0117-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Knightley TWIG3-MCB-ZZ-ZZ-DR-A-0119-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Knightley TWIG3-MCB-ZZ-ZZ-DR-A-0120-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Knightley TWIG3-MCB-ZZ-ZZ-DR-A-0121-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Knightley TWIG3-MCB-ZZ-ZZ-DR-A-0122-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Cottingham TWIG3-MCB-ZZ-ZZ-DR-A-0123-D5-P1 received 9th March 2022
- Housetype Plans and Elevations – Cottingham TWIG3-MCB-ZZ-ZZ-DR-A-0124-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Elmslie TWIG3-MCB-ZZ-ZZ-DR-A-0125-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Elmslie TWIG3-MCB-ZZ-ZZ-DR-A-0126-D5-P2 received 9th March 2022
- Housetype Plans and Elevations – Aslin TWIG3-MCB-ZZ-ZZ-DR-A-0128-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Aslin TWIG3-MCB-ZZ-ZZ-DR-A-0129-D5-P2 received 1st June 2022

- Housetype Plans and Elevations – Bleinham TWIG3-MCB-ZZ-ZZ-DR-A-0130-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Bleinham TWIG3-MCB-ZZ-ZZ-DR-A-0131-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X306 TWIG3-MCB-ZZ-ZZ-DR-A-0133-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X306 FG TWIG3-MCB-ZZ-ZZ-DR-A-0134-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X307 TWIG3-MCB-ZZ-ZZ-DR-A-0136-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X308 TWIG3-MCB-ZZ-ZZ-DR-A-0137-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X412 TWIG3-MCB-ZZ-ZZ-DR-A-0139-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X413 TWIG3-MCB-ZZ-ZZ-DR-A-0140-D5-P1 received 9th March 2022
- Housetype Plans and Elevations - X413 TWIG3-MCB-ZZ-ZZ-DR-A-0141-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X413 TWIG3-MCB-ZZ-ZZ-DR-A-0142-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X413 TWIG3-MCB-ZZ-ZZ-DR-A-0143-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X413 TWIG3-MCB-ZZ-ZZ-DR-A-0144-D5-P1 received 9th March 2022
- Housetype Plans and Elevations - X414 TWIG3-MCB-ZZ-ZZ-DR-A-0145-D5-P3 received 30th June 2022
- Housetype Plans and Elevations - X414 TWIG3-MCB-ZZ-ZZ-DR-A-0146-D5-P1 received 9th March 2022
- Housetype Plans and Elevations - W4025 TWIG3-MCB-ZZ-ZZ-DR-A-0147-D5-P3 received 30th June 2022
- Housetype Plans and Elevations - W4025 TWIG3-MCB-ZZ-ZZ-DR-A-0148-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0149-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0150-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0151-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0152-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0153-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X416 TWIG3-MCB-ZZ-ZZ-DR-A-0154-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - X309 TWIG3-MCB-ZZ-ZZ-DR-A-0155-D5-P2 received 1st June 2022

- Housetype Plans and Elevations – Leverton TWIG3-MCB-ZZ-ZZ-DR-A-0156-D5-P1 received 1st June 2022
- Housetype Plans and Elevations – Cottingham TWIG3-MCB-ZZ-ZZ-DR-A-0157-D5-P1 received 1st June 2022
- Housetype Plans and Elevations – Elmslie TWIG3-MCB-ZZ-ZZ-DR-A-0158-D5-P1 received 1st June 2022
- Housetype Plans and Elevations - 3xAF2+3xAF1 TWIG3-MCB-ZZ-ZZ-DR-A-0160-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 3xAF2+3xAF1 TWIG3-MCB-ZZ-ZZ-DR-A-0161-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 9xAF1 TWIG3-MCB-ZZ-ZZ-DR-A-0162-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 9xAF1 TWIG3-MCB-ZZ-ZZ-DR-A-0163-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 9xAF1 TWIG3-MCB-ZZ-ZZ-DR-A-0164-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 3xAF2+15xAF1\_GF TWIG3-MCB-ZZ-ZZ-DR-A-0165-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - 3xAF2+15xAF1\_FF TWIG3-MCB-ZZ-ZZ-DR-A-0166-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -3xAF2+15xAF1\_2F TWIG3-MCB-ZZ-ZZ-DR-A-0167-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -3xAF2+15xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0168-D5-P3 received 30th June 2022
- Housetype Plans and Elevations - 3xAF2+15xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0169-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -3xAF2+15xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0170-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_GF TWIG3-MCB-ZZ-ZZ-DR-A-0171-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_FF TWIG3-MCB-ZZ-ZZ-DR-A-0172-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_2F TWIG3-MCB-ZZ-ZZ-DR-A-0173-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0174-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0175-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -7xAF2+10xAF1\_ELEV TWIG3-MCB-ZZ-ZZ-DR-A-0176-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+10xAF1-GF TWIG3-MCB-ZZ-ZZ-DR-A-0177-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -2xAF2+10xAF1-FF TWIG3-MCB-ZZ-ZZ-DR-A-0178-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+10xAF1-2F TWIG3-MCB-ZZ-ZZ-DR-A-0179-D5-P3 received 30th June 2022

- Housetype Plans and Elevations -2xAF2+10xAF1-ELEV TWIG3-MCB-ZZ-ZZ- DR-A-0180-D5-P3 30th June 2022
- Housetype Plans and Elevations -2xAF2+10xAF1-ELEV TWIG3-MCB-ZZ-ZZ- DR-A-0181-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+10xAF1-ELEV TWIG3-MCB-ZZ-ZZ- DR-A-0182-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+15xAF1\_GF TWIG3-MCB-ZZ-ZZ-DR-A-0183-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+15xAF1\_FF TWIG3-MCB-ZZ-ZZ-DR-A-0184-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+15xAF1\_2F TWIG3-MCB-ZZ-ZZ-DR-A-0185-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+15xAF1\_ELEV TWIG3-MCB-ZZ-ZZ- DR-A-0186-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2xAF2+15xAF1\_ELEV TWIG3-MCB-ZZ-ZZ- DR-A-0187-D5-P3 received 30th June 2022
- Housetype Plans and Elevations -2BH TWIG3-MCB-ZZ-ZZ-DR-A-0190-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -3BH TWIG3-MCB-ZZ-ZZ-DR-A-0191-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -3BH\_FG TWIG3-MCB-ZZ-ZZ-DR-A-0192-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -4BH TWIG3-MCB-ZZ-ZZ-DR-A-0193-D5-P2 received 1st June 2022
- Housetype Plans and Elevations -4BH\_FG TWIG3-MCB-ZZ-ZZ-DR-A-0194-D5-P2 received 1st June 2022
- Housetype Plans and Elevations – Garages TWIG3-MCB-ZZ-ZZ-DR-A-0195-D5-P1 received 9th March 2022
- Housetype Plans and Elevations – Garages TWIG3-MCB-ZZ-ZZ-DR-A-0196-D5-P2 received 1st June 2022
- Housetype Plans and Elevations - Bins and Bike Storage TWIG3-MCB-ZZ-ZZ- DR-A-0198-D5-P1 received 9th March 2022
- Housetype Plans and Elevations - Bins and Bike Storage TWIG3-MCB-ZZ-ZZ- DR-A-0199-D5-P1 received 9th March 2022
- On-Site General Arrangement SK01 D received 1st June 2022
- On-Site Visibility Splays and Forward Visibility SK02 D received 1st June 2022
- On-Site Swept Paths and Car Passing SP01 D received 1st June 2022
- On-Site Swept Paths Refuse (Access) and Car SP02 E received 1st June 2022
- On-Site Swept Paths Refuse (Egress) and Car SP03 E received 1st June 2022
- On-Site Swept Paths Fire Appliance SP04 E received 1st June 2022
- On-Site Swept Paths Delivery Vehicle and Car SP08 D received 1st June 2022
- Preliminary FFL's and Drainage Strategy PJS19-24-700 D received 1st

June 2022

- Horizontal General Arrangement PJS19-24-710 A received 1st June 2022
- Landscape General Arrangement LA5173-001C received 6<sup>th</sup> July 2022
- Landscape Proposals 1 of 4 LA5173-002B received 30th June 2022
- Landscape Proposals 2 of 4 LA5173-003B received 30th June 2022
- Landscape Proposals 3 of 4 LA5173-004B received 30th June 2022
- Landscape Proposals 4 of 4 LA5173-005C received 6<sup>th</sup> July 2022
- Proposed Play Area (LEAP) LA5173-006D received 6<sup>th</sup> July 2022
- Noise Assessment and Mitigation Scheme dated January 2022 received 9th March 2022
- Arboricultural Method Statement dated February 2022 received 9th March 2022
- Briefing Note: Ecology Update dated June 2022 received 30th June 2022

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

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

**Condition 2**

'No dwelling hereby approved shall be occupied until the access, parking and turning facilities serving that dwelling have been provided as shown on drawing TWIG3-MCB-ZZ-ZZ-DR-A-0230.'

Reason: To ensure conformity with submitted details.

**Condition 3**

'The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel and healthy communities'

The Highways Authority have also requested an additional condition is be imposed which states

**Condition 4**

'Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.'

As all outstanding matters as set out in the committee report are now resolved, the recommendation is changed from '**DELEGATED APPROVAL**' to '**APPROVAL**'

6b	<p><b>22/00523/OUT</b></p> <p><b>Land Off Brook Lane, Twigworth/Down Hatherley</b></p> <p>The application has been <b>Withdrawn</b></p>
6c	<p><b>20/00892/OUT</b></p> <p><b>Land Off Kyderminster Road, Winchcombe</b></p> <p>Members attention is drawn to the following corrections:</p> <ul style="list-style-type: none"> <li>- Paragraph 7.22 incorrectly refers to the site as being allocated for housing. While the site itself is not allocated, the same evidence base that applied to the adjoining allocation WIN1 (to the south) considers and applies equally to the application site.</li> <li>- Paragraph 7.69 incorrectly includes a reference to primary education; this should only refer to secondary education as a primary contribution is not required.</li> </ul> <p>Following the publication of the Committee report, the applicant has advised that the allotment site to the north-west of the site is now in active use (since spring 2022) and this has an influence over the setting of the application site and AONB.</p> <p>The applicant has also requested that the submitted parameters plan is considered as an 'application plan' in order to provide additional 'control' over development and ensuring that important protected view corridors are maintained free of built development in any subsequent reserved matters application. This could be secured by condition.</p> <p>The applicant has requested that Condition 24 in the Committee report is omitted and that the contribution towards the bus shelter is secured by way of a legal agreement in order to be consistent with the approach taken at the adjoining site to the south.</p> <p>The recommendation remains as set out in Paragraph 8.14 of the Committee report, subject to the omission of Condition 24 (as set out within the Committee report), the inclusion of a Bus Stop contribution to be secured by legal agreement and the following additional condition:</p> <p>24. The details to be submitted as part of the Reserved Matters application(s) for Layout and Landscaping pursuant to Condition 1 above shall accord with the principles set out on the Land Use Parameter Plan 2100 Rev.A received by the Local Planning Authority on 22nd April 2021.</p> <p>Reason: To ensure a high-quality layout for the development.</p>
6f	<p><b>22/00167/FUL</b></p> <p><b>Astmans Farm Poultry Unit, Maisemore</b></p> <p>Three further letters of representations have been received which reiterate the objections summarised in the Committee report.</p> <p>The recommendation remains to permit subject to the condition set out in the Committee report.</p>

<p><b>6g</b></p>	<p><b>22/00282/FUL</b></p> <p><b>Home Cottage, Lowdilow Lane, Elmstone Hardwicke</b></p> <p><b>Additional Representations</b></p> <p>Since writing the Committee report, one additional representation from Councillor McLain has been received:</p> <p><i>"Members who know the area will know what an absolute eyesore it was with junk and debris looking more like a scrap yard than a dwelling. Mr Handcock has replaced this with a beautiful house that has been sympathetically constructed of the highest quality and is now very in keeping with the surrounding area. The proposed carport is an obvious addition as an outbuilding and there are plenty of examples in the Borough where outbuildings have been approved built in the Green Belt. The proposal doesn't appear to be a disproportionate addition compared to the original dwelling, and will have little to no impact on openness.</i></p> <p><i>I understand the constituents planning advisor has been in regular contact with the planning dept to seek to address officers concerns."</i></p> <p>Since writing the Committee report, Committee Members have received an email from the agent of the application which had attached a letter. In this letter the agent outlined in their opinion why the application should be permitted. Officers are still of the opinion that the application should have a recommendation of Split Decision.</p>
<p><b>6i</b></p>	<p><b>22/00136/FUL</b></p> <p><b>Home Farm Cottage , Stockwell Lane, Woodmancote</b></p> <p>An email from Woodmancote Parish Council has been received setting out that, if the Planning Committee is minded to permit the application, it would like a planning condition attached to ensure that the studio room is only let for a maximum of two months of the year.</p> <p>In response to the above comments, to only let the studio room for a maximum of two months of the year would be unreasonable. The Environmental Health Team has no objection to the application in terms of any noise / nuisance issues and there are no objections from the County Highways Authority regarding parking/access. To clarify, if the Planning Committee is minded to permit, the Local Planning Authority has included the standard holiday-let condition which states 'The holiday let unit hereby permitted shall only be occupied as a holiday unit and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period'</p>