

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 20 December 2022 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

D J Harwood, M L Jordan, J R Mason, J P Mills, P W Ockelton, A S Reece, J K Smith,
P E Smith, R J G Smith, P D Surman and M J Williams

PL.33 ANNOUNCEMENTS

- 33.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 33.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking and welcomed the new Interim Development Manager to the meeting.
- 33.3 The Committee then observed a one minute silence to mark the death of Honorary Alderman Michael Beresford.

PL.34 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 34.1 Apologies for absence were received from Councillors K Berliner, R A Bird, M A Gore, E J MacTiernan, R J E Vines and P N Workman. There were no substitutes for the meeting.

PL.35 DECLARATIONS OF INTEREST

- 35.1 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.

35.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters. Had received email correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P E Smith	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Lives about a third of a mile from the application site but would not be any impact.	Would speak and vote.
R J G Smith	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

35.3 There were no further declarations made on this occasion.

PL.36 MINUTES

36.1 The Minutes of the meeting held on 18 October 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.37 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

37.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

21/01551/APP - Land at Fiddington

- 37.2 This was a reserved matters application for Phase 2 (parcel H1) for access, appearance, landscaping, layout and scale for the erection of 114 dwellings (use class C3) pursuant to outline permission 17/00520/OUT.
- 37.3 The Development Management Team Leader advised that, as detailed on the Additional Representations Sheet, attached at Appendix 1, further to the preparation of the Committee report, the Landscape Adviser and Environment Agency had confirmed they had no objection to the application. Severn Trent Water had been provided with additional information by the applicant on the sewage outfall and a response was awaited. Members were therefore requested that this be resolved at Officer level as per the recommendation for delegated approval. She confirmed that the applicant had technical consent from Severn Trent Water to make that connection but this needed to be tied up at the planning end. She went on to advise that this was a reserved matters application seeking approval for access, appearance, layout, scale and landscaping for 114 dwellings – 75 open market and 39 affordable dwellings – as well as open space and infrastructure, pursuant to the outline application for up to 850 dwellings on the wider site. The current reserved matters application represented the whole of the phase 2 residential area of the approved outline scheme which was defined in the approved phasing plan. This was the first phase of residential development to come forward on the site. The principle of residential development at this site had been established through the grant of outline planning permission and the key principles guiding the reserved matters applications had been approved by the Local Planning Authority through the outline consent and the approval of a Site Wide Masterplan document. The current application sought approval of reserved matters pursuant to the outline planning permission and the approved Site Wide Masterplan document and the key issues to be considered in this application were access, appearance, landscaping, layout, scale and compliance with the approved documents, including the Site Wide Masterplan. A number of matters which were the subject of other outline planning conditions were also considered within this application including affordable housing, housing mix, surface water and foul drainage.
- 37.4 As set out in the Committee report, Officers had carefully considered the application and were of the view that the reserved matters were 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 were acceptable and in accordance with the Site Wide Masterplan. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement attached to the outline permission, including being tenure blind and of a high quality; similarly, the market housing mix was considered acceptable for this phase of development. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include comprehensive drainage details for each phase of development to accord with that strategy. Several conditions within the outline planning permission also required the development to accord with approved flood level parameters. A detailed drainage strategy and finished floor level information had been submitted with the application. The Lead Local Flood Authority had been consulted and had advised that the surface water drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. As mentioned earlier, the only outstanding matter concerned the outfall for the foul drainage and, subject to those details being agreed, 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 would be in accordance with the Site Wide Masterplan document. It was therefore recommended for delegated approval to enable the final foul drainage details to be resolved.

- 37.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent commended the Officer's report and indicated that she intended to provide a short summary of the key points. She explained that the principle of development had already been established and the site had the benefit of an outline planning permission which was granted in January 2020. Since this application was first submitted in December 2021, the applicant had worked positively with the Council throughout the application process to produce a design that met national and local design policies and the parameters set as part of the approved outline application. The proposed scheme had been designed in accordance with the approved Site Wide Masterplan document and had been amended to appropriately take account of feedback received from Officers including changing house types to successfully address the street scene and open space and proposing higher quality boundary treatments to dwellings. As set out in the Committee report, the scheme provided high quality design in line with the approved design code and planning policies. The applicant had worked actively with County Highways to ensure a safe and efficient access to the local highway network was achieved and improvements had been made to the junction design and visibility splays, with the provision of pedestrian crossings throughout the scheme to allow for clear pedestrian priority and improved cycle parking and access arrangements for mid-terrace plots which met the aims of the design code and highway planning policies. The proposed development included a significant amount of landscape enhancement and planting, particularly along the east/west green corridor where hedgerows were retained and enhanced. Informal landscape edges to the east and north were also proposed within the site to allow integration to adjacent and existing green infrastructure. Furthermore, street trees within secondary roads had also been significantly increased following feedback received from the Council's Landscape Adviser. The revised scheme was supported by Officers and positively integrated the built and natural features together. In summary, the application complied with the outline design parameters and local and national planning policies and the Committee report comprehensively explained the reasons why that was the case. Therefore, she respectfully requested that Members grant delegated approval in accordance with the Officer recommendation.
- 37.6 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to confirmation from Severn Trent Water that the foul drainage strategy was acceptable, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A Member understood this was the second appeal site at Fiddington and he noted that the amount of affordable housing being provided had reduced from 40% to 35% so he asked if it was too late to change this. In terms of the tenure, he raised concern that social rented housing was needed in the borough but this application would provide affordable rented properties which were not always truly affordable. In response, the Development Management Team Leader explained that this was the first Fiddington site and confirmed that 35% affordable housing was being provided overall which had been approved by the Inspector through the appeal – the appellant had argued that, because it had been put forward as a strategic site in the Joint Core Strategy and had only been taken out due to the highway issues raised in respect of the A46, which were then considered acceptably resolved, it should still attract 35% affordable housing and the Inspector had agreed with the appellant. In terms of the housing mix, the evidence had changed since the outline application had been submitted and the tenure types were in accordance with what would have been requested at the time. The Member went on to raise concern about the potential implications for the Garden Town and

the Development Management Team Leader advised that, at the time the appeal was heard, and as the Inspector had stated in their report, the Garden Town was little more than an idea and there was still no policy position around it.

Notwithstanding this, the Site Wide Masterplan document ensured that national design guidance principles had been taken into account and Officers were trying to ensure as far as possible that these sites were providing high quality design with a good mix of green and blue infrastructure, as suggested by the Garden Town principles.

- 37.7 Another Member drew attention to Page No. 46 of the Committee report and noted that proposed condition 3 made reference to cycle storage provision; however, it was his understanding that this was a standard policy included by another local authority and the Committee had resolved this should not be insisted upon. In response, the Development Management Team Leader explained that cycle storage had been proposed originally by the applicant through the course of the application and Officers were keen to ensure there were opportunities for cycle storage. She advised there were cycle stores already within the flats and a lot of the properties also had garages which would be appropriate cycle storage if, and when, the condition was applied, so it was about where additional storage was needed for properties which did not have it – this could be a shed in the garden. The Member sought clarification as to whether the applicant had asked for cycle storage provision to be included within the development as opposed to Officers requesting it to be included and the Development Management Team Leader indicated that this had been negotiated through the scheme and cycle storage had been requested by County Highways. She reiterated that garages could be used and the applicant had taken on board the request as good practice in terms of ensuring that the site provided sustainable transport opportunities in line with the principles of the Site Wide Masterplan document. The Legal Adviser explained that Policy TRAC2 of the Tewkesbury Borough Plan related to cycle network and infrastructure and the previous debates at the Committee had been about ensuring that conditions around cycle storage were not included as standard and were proportional – this was a site for a large number of houses so she was unsure why Members would feel it would not be proportionate to provide cycle storage in this instance. A Member indicated that his interpretation of Policy TRAC2 was that cycling infrastructure was about making it easier for people to cycle, e.g. safe cycle lanes. In his view, if people had bicycles they would find somewhere secure to put them. His concern was that this condition placed an onus on Officers to check that cycle stores were being used for that purpose which was unrealistic and resource intensive at a time when the authority should be looking to reduce costs. The Development Management Team Leader confirmed that a segregated cycle and pedestrian way was included along the main spine road and would link to the facilities on the A46 so would be integrated into the whole Fiddington 1 and 2 development. Another Member was disgusted to hear the arguments against the provision of sustainable transport measures and indicated that this went against the principles of the Garden Town which promoted sustainable transport. From her recollection, the Committee did not remove the policy in relation to cycle provision and she wished to distance herself from that claim. In her opinion, any conditions which promoted sustainable transport should be applied and should not be removed. Another Member pointed out that the Garden Town promoted the principle of sustainable modes of transport so, if Members were against that principle, they were against the Garden Town,

- 37.8 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to confirmation from Severn Trent Water that the foul drainage strategy was acceptable, in accordance with the Officer recommendation.

22/00465/APP - Land to the South of Down Hatherley Lane, Down Hatherley

- 37.9 This was an approval of reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 19/00771/OUT for the erection of 32 dwellings.
- 37.10 The Senior Planning Officer advised that outline planning permission, with all matters reserved except access, had been granted for the erection of up to 32 new homes including affordable housing, access, drainage and other associated works. The reserved matters proposal would provide 32 dwellings which would be accessed from a central cul-de-sac estate road with the dwellings located either side. The proposal would provide an area of public open space to the northern corner of the site along with an attenuation basin and landscaping throughout the site itself. The proposal would provide 11 affordable dwellings, as required by the original permission, with the mix and tenure providing approximately 70% affordable rented and 30% shared ownership in line with the completed Section 106 Agreement. The proposed layout was broadly similar to that illustrated within the original application and sought to follow the indicative design approach and details within the additional supporting documents. It was considered that the proposal would result in a development with an acceptable appearance, layout and scale which was compliant with the conditions attached to the original outline consent and would result in a high quality development which would complement the character of the village as a whole. The development proposed areas of informal landscaping, acting as green buffers between the proposed housing and informal areas of public space. Green verges were also proposed within the internal footpaths of the site. It was considered that, as a result of the design, layout and separation distances, there would be no undue impact on the residential amenity of existing and future residents of the site. As detailed in the Committee report, it was concluded that the proposal would accord with the outline consent and parameters therein and was acceptable in terms of access, layout, scale, appearance and landscaping.
- 37.11 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the site was allocated for housing in the Joint Core Strategy and had outline planning permission which was granted by the Committee in March 2021. As set out in the report, the details of the access were approved at the outline stage. As a result, the matters before Members today related to the remaining reserved matters of appearance, landscaping, layout and scale. The overarching design principle was based around making a feature of the Oak tree in the front corner of the site. It was felt that the scheme complied with the Council's policies on design and those that protected neighbouring residents. It provided a policy compliant mix of homes with 11 affordable dwellings, of which 70% would be rent. The applicant's representative noted the concerns raised by the Parish Council in respect of flooding and that there was sometimes standing water on the site due to the late-Victorian drains not working properly. In response to those concerns, he explained that this matter had been subject to robust testing by the Lead Local Flood Authority at the outline stage when a detailed CCTV survey of the A38 culvert had been undertaken with its capacity subject to extensive hydraulic modelling with sensitivity testing. This assessment of flood impact demonstrated that the culvert had sufficient capacity to accept the two litres per second discharge rate and, in all scenarios, the flow in the culvert would remain below cover level, including when the River Severn was in flood. This assessment, and supporting CCTV surveys and modelling, was publicly available on the Council's website. The applicant's representative also wished to note that the detailed design had been submitted pursuant to the relevant conditions of the outline application and there being no objection from the Lead Local Flood Authority. In conclusion, the principle of development of the site had been established by the grant of outline planning permission and the applicant agreed with Officers that the reserved matters application complied with the various detailed design policies and principles

established by the outline consent. Whilst the applicant understood the concern expressed by the Parish Councils, the capacity of the A38 culvert was assessed thoroughly at the outline stage. Accordingly, the proposed development complied with the development plan and he hoped Members were able to agree with the Officer recommendation.

- 37.12 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member queried whether authority could be delegated to the Development Manger to approve the application in order to resolve the Section 278 highways issues. He also raised concern that there was no mention of the Council's five year housing land supply position. In response, the Senior Planning Officer advised that the Council now had an established five year housing land supply and this was a reserved matters application for residential development of the site which was acceptable in principle. The Development Management Team Leader explained that a Section 278 was an agreement between the County Council and the developer which allowed the developer to go onto the highway to execute work. It would be unreasonable to delay approval of the reserved matters application for that reason and, from her experience, she felt there would be risk of costs being awarded against the Council should Members resolve to do that. The Member drew attention to Page No. 75 of the Committee report which included an informative regarding works on the public highway and he explained that he was only asking for that to be put in place to avoid a situation to the development at Coombe Hill where access was supposed to be from the A38 but had been constructed off a side road. The Senior Planning Officer advised that the access had been approved at the outline stage and was from Down Hatherley Lane as opposed to the A38. The informative at Page No. 75 was standard wording which was included on decision notices where works to the public highway were required. The Development Manager clarified that this was a highway matter which was subject to a separate regime and the informative was provided to guide the developer so it would be unreasonable of the Council to tie this to the granting of the reserved matters approval.

- 37.13 It was proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was

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

22/00223/FUL - Field to the West of Hucclecote Lane, Churchdown

- 37.14 This application was for change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access.
- 37.15 The Planning Officer advised that the field was situated on the west side of Hucclecote Lane and approximately 200 metres to the south of the settlement of Churchdown within designated Green Belt land. The field had a road frontage to Hucclecote Lane of approximately 100 metres which included an existing field access. The overall site area was 1.57 hectares. The field was formerly agricultural use and was securely fenced with wire mesh secured to timber posts at three metre intervals around the boundary. There were some mature trees and hedgerow on the road frontage and around its perimeter. To the north of the site was a dwelling house, Four Gables, to the east – and on the other side of Hucclecote Lane – was a small woodland and a Severn Trent Water pumping station and the grounds of Chosen Hill House lay to the south. No objections had been received from statutory consultees subject to conditions and it was

considered that the proposal would not result in any undue harm as outlined in the Committee report, therefore, it was recommended that the application be permitted.

- 37.16 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated there were a number of fundamental reasons why this retrospective application should be refused - loss of agricultural land should be resisted; Policy CHIN 13 should be upheld to preserve the views; the local amenity would be adversely affected due to the noise and greatly increased activity that would take place in contravention of Joint Core Strategy Policy SD4 and Policy SD14 – the opening times proposed were of little comfort and he stressed the close proximity of the field to adjacent residents some 10 metres away; the car park when fenced with 1.8 metre wire mesh would be more intrusive than it was currently which contravened Policy CHIN 13; Gloucestershire County Council had given no consideration to the increased water run-off from the site – there was a history of safety problems concerning run-off that had been successfully addressed but which had now returned; the Council's Tree Officer had stated that that Oak trees, which were protected by Tree Preservation Orders, had already been impacted which conflicted with Tewkesbury Borough Plan Policy LAN1; and, the Environmental Health Officer had originally recommended a Noise Management Plan as one of three conditions which would have required sign-off by the Local Planning Authority - there was no indication why this was no longer included. The local resident urged Members to consider the impact the proposal would have and to refuse the application. If Members could not refuse the application, it should be within their remit to insist on more stringent conditions which he suggested should include: the car park being relocated further from the neighbours and away from the Oak trees with the relocation of the entrance to give improved visibility; the number of vehicles should be restricted to one; there should be a restriction on any form of structure, or other equipment, to preserve visual amenity; and, there should be greater restriction on the hours and days of opening – there was currently potential for up to 10 dogs visiting up to 10 times a day every single day of the year and he felt there should be at least one day a week when the neighbours had some respite from the nuisance. The local resident's major concern was the disturbance the proposal would have on the day-to-day lives of residents and the impact on their future health and wellbeing. The proposal would radically change the environment and lives of the neighbours and the wider amenity of this quiet and beautiful part of Chosen Hill. In his view, the Officer recommendation was wrong and the conditions proposed did not go far enough.
- 37.17 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the applicant ran a successful, established and highly regarded dog-walking business. Reviews of her business contained words such as 'professional', 'quality', 'trust', 'reliable', 'genuine', 'responsive' and 'positive'. This proposal was really important in moving the small business forward and enabling it to thrive by providing a secure dog walking facility in a very accessible location. In planning terms, the proposal was very similar to other dog walking proposals in the Green Belt that had been approved on similar sites, for example, planning permissions had been granted on fields at Boddington, Staverton and, very recently, Shurdington. These cases were very similar in two important regards: each was located in the Green Belt and had at least one close residential neighbour. He stressed that no amenity issues had arisen during operation. There was a mature body of case law which established that planning applications must be determined in a consistent manner and not doing so would be unsound and unreasonable. This application was before the Committee rather than being determined by Officers as it had been called in at the request of a Member due to the impact on the Green Belt and parking and highway considerations. In terms of

highways, a traffic and speed survey had been undertaken by the applicant and a detailed and accurate visibility plan had been produced with no objection raised by County Highways. Furthermore, this type of use was accepted as appropriate in the Green Belt and there were few other land uses that could guarantee openness and lack of buildings in the longer term. The use was the same in terms of Green Belt policy as others already approved by the Council and the law stated that the Council must determine similar cases in a consistent manner. The applicant's agent confirmed they fully endorsed the Officer's analysis and the conclusion at Page No. 92, Paragraph 8.21 of the Committee report. On that basis, there was no reasonable or sound planning reason to withhold permission for this proposal. Granting permission would enable a successful and well-regarded small business to expand and flourish. The applicant was agreeable to the conditions recommended in the Committee report and urged Members to follow the expert advice and Officer recommendation and grant planning permission.

- 37.18 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member asked what the proposed land use would be if it was not agricultural land and if it would be brownfield land and the Planning Officer confirmed it would be sui generis and not brownfield. Another Member noted that the Planning Officer had not stated that no objections had been received but that was incorrect as there was an objection from the Parish Council. In response, the Planning Officer clarified that she had indicated there had been no objections from other statutory consultees. A Member advised there was a dog walking field in his area which he had originally been sceptical about but now used to walk his own dog and, although there was only space for two cars to park, this was sufficient as people did not all walk their dogs at the same time. Another Member queried whether it was necessary for the business to operate seven days per week as he felt there should be some relief for residents. He pointed out that use would decrease in the winter months as there would be less daylight and asked if it was possible to reduce usage to six days per week. In response, the Planning Officer advised that the proposed condition regarding hours of operation, as set out at Page No. 98 of the report, was in line with planning permissions for other dog walking facilities in the area and took account of shorter opening times in winter months. A Member asked why a noise assessment was not carried out given the proximity of adjacent properties and the Environmental Health Officer explained that it would be too onerous to require the applicant to undertake a noise assessment; it was not needed given the type of activity that would be taking place at the site, which was over an acre in size, with a maximum of 10 dogs on the walking area at any one time.
- 37.19 A Member indicated there was a dog walking facility in his area which could be hired for an hour for up to three dogs and he noted that the condition proposed in relation to this application was that no more than 10 dogs should use the area at any one time so he asked if that was per day or per hour. The Planning Officer confirmed it was per hour. In response to a query regarding Public Rights of Way, the Planning Officer confirmed there were none through the site.
- 37.20 A Member asked whether a speeding survey had been undertaken as the field was between the end of Hucclecote Road, which had a speed limit of 60mph, going into a 30mph road at Paynes Pitch and Barrow Hill so vehicles could be travelling at 60mph – she had set up a speed watch group in Churchdown which had found many cars were travelling at high speeds along that road which seemed to contradict the findings of County Highways. The County Highways representative confirmed that a survey had been carried out in June 2022 to check average speed over a period of seven days.
- 37.21 A Member drew attention to Page No. 86, Paragraph 1.4 of the Committee report which stated that the field would be inspected on a daily basis and she asked who would empty the dog waste bins. The Planning Officer clarified it was a private

field so that would be the applicant's responsibility. The Member asked who would check whether the applicant was emptying the bins and the Principal Environmental Health Officer explained that every business had a duty of care to dispose of waste in an appropriate manner under the Environmental Protection Act. Tewkesbury Borough Council did run a commercial waste system so the applicant could pay for that service but there were other companies that would also carry out the service on their behalf - it was up to the applicant to arrange that. As well as the legislation covering that duty of care, there was also legislation covering odour and accumulation which could be used if any issues were to arise. A Member was concerned that the details in relation to waste disposal etc. were not being tied down – the informative at Page No. 98 of the Committee report suggested that bins should be maintained and emptied on a regular basis but, in his view, this was too vague and he suggested that collections would be needed at least weekly by a designated collection organisation. He also raised concern that Hucclecote Lane was a country lane but it was highly used by larger vehicles, such as double decker buses and articulated lorries, as well as cars. In light of that, he felt it was essential that vehicles could enter and exit the site in a forward gear; however, based on the current plans and driver behaviour, it was likely that most people would drive up to the gate in its current position, get their dog out and shut the gate leaving their vehicle in that location whilst they walked their dog. Therefore, he felt it would be appropriate to turn the gate through 90 degrees and asked why a hammerhead outside the gate was thought not to be needed. The County Highways representative advised that County Highways had raised concern about accessibility in April 2022 and had recommended the application be refused; however, the applicant had subsequently carried out the survey which had confirmed that required levels of visibility were achievable. In terms of how users would operate on the site, it was considered there was sufficient area within the site to turn, park and egress and it would be unreasonable to request that the access be widened. The Member disagreed and indicated that he had visited the site himself and it was not possible to carry out a three point turn in the space which was what some people would inevitably do. He raised concern there would be nobody supervising the site as bookings would be made remotely via a computer so there was a high degree of reliance on members of the public doing the right thing rather than reversing onto the lane. In terms of altering the gate, the County Highways representative again reiterated that additional mitigation such as this would not be reasonable.

- 37.22 With regard to the speed survey, a Member indicated that average speeds did not mean much as it only took a few vehicles travelling very slowly or very quickly to skew the results. In terms of the supporting comments at Page No. 88, Paragraph 5.2 of the Committee report, she expressed the view that, whilst there may be a need for dog walking facilities such as the one proposed, she argued there was not a need for a new facility in Churchdown and she had seen no statistics to support that claim. There was no way of knowing whether conditions of using the field would be abided by and nothing to prove that dog noise would be minimal – her new neighbours had two dogs and this had ruined her outdoor life. This facility could be used by 80 dogs per day for seven days per week so she did not see how the noise that would generate could be described as minimal or how it would not impact residents who lived in very close proximity to the field. She felt there would be an impact on views as the site was located at the foot of Chosen Hill, within the Green Belt, where development was only allowed under very special circumstances. In terms of the other comments in support of the application, she did not see how it would be beneficial for ecology and she failed to see how the comments about the professional nature of the business were relevant to a decision.

37.23 It was proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the gated area with regard to vehicular access to the site. The proposer indicated that he was aware that a Planning Committee Site Visit had been requested prior to this Committee but had been cancelled due to safety concerns as a result of the adverse weather conditions. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Planning Committee Site Visit to assess the gated area with regard to vehicular access to the site.

22/00811/FUL - Barclays Bank, 133-134 High Street, Tewkesbury

37.24 This application was for change of use from bank (class Ec(i)) to takeaway (sui generis) on the ground floor, two 1-bed, one person flats on the first floor and one 1-bed, two person flat on the second floor (use class C3).

37.25 The Planning Officer advised that the site was located within Tewkesbury Town Centre, amongst the primary shopping frontage and sandwiched between two Grade II* listed buildings within Tewkesbury Conservation Area. The only external changes proposed were painting the windows and doors and installation of extraction/ventilation equipment. No objections had been received from statutory consultees, subject to conditions, and Officers felt the proposal would not result in any undue harm, as outlined in the Committee report. Therefore, it was recommended that the application be permitted.

37.26 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he fully endorsed the Committee report and wished to highlight a number of key issues. The Committee report was very clear and firm about the legal requirement to make decisions in accordance with the Tewkesbury Borough Plan and was equally clear the application was in accord with the plan where policies required the approval of applications which met policy. This was a change of use application and no physical development to change the appearance was proposed, similarly, no application had been made for advertisement or signage. The applicant's agent noted that the Conservation Officer had raised no objection to the proposal. The property was currently empty and a dead frontage on the High Street with vacant floorspace on upper floors. Its current lawful use was as a bank which was not an A1 use and the development plan stated that banks and the proposed use were both retail uses – Paragraphs 8.9 and 8.12 of the Committee report were particularly relevant in that respect. This proposal would create an active frontage and increase footfall along this part of the High Street and would add housing stock in the most sustainable location. The retail and residential elements of the proposal must be considered together and could not be separated. Officers had raised no objections in respect of technical matters, such as noise, ventilation and traffic. The applicant's agent hoped Members would follow the Officer recommendation and permit the application in line with Tewkesbury Borough Plan policies and return an active retail use to the High Street along with residential accommodation.

37.27 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be permitted subject to an amendment to condition 7 to change the opening hours to 0800 to 2300 rather than 0800 to 2400 to bring this in line with other businesses in the area in accordance with the point raised by the Town Council. The Planning Officer confirmed that the applicant's agent had agreed to that change and the proposal was duly seconded. A Member drew attention to the proposed floor plans, set out at Page No. 126 of the Committee report, and noted that the

electricians room was in the lobby. He queried whether any comments had been received regarding safety in case of fire. In response, the Development Manager clarified that was part of a separate process which would be covered by Building Control. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** subject to an amendment to condition 7 to change the opening hours to 0800 to 2300 rather than 0800 to 2400.

22/00621/FUL - Hillside Cottage, Stockwell Lane, Cleeve Hill

- 37.28 This application was for demolition of existing orangery and replacement with two storey extension and alterations to existing detached garage.
- 37.29 The Planning Officer advised that the application site comprised a large plot which was well screened by mature trees and hedging. The site was within the Area of Outstanding Natural Beauty. The original proposal was for a two storey side extension with a flat roof; however, revised plans had been requested to improve the design and fenestration. When the revised plans were submitted on 14 November, as well as improving the overall design/fenestration, the extension roof had been changed to a pitched one. A Committee determination was required as the Parish Council had objected on the grounds of overdevelopment, harm to the Area of Outstanding Natural Beauty and loss of privacy for the immediate neighbours. Whilst the Parish Council's concerns had been noted, the plot and dwelling were a substantial size, considered capable of accommodating the proposed works, and would not result in overdevelopment. In terms of the impact on the Area of Outstanding Natural Beauty, the site was very well screened from the road and barely visible when travelling along Stockwell Lane. With regard to residential amenity, there would be some increased overlooking but, given the distances and existing vegetation, it was considered that it would not result in demonstrable harm to the living conditions of the immediate occupiers. Overall, the proposal as revised was considered, on balance, to be of a suitable size and design and the impact on the residential amenity of neighbouring properties would not be adverse. As such, the Officer recommendation was to permit the application.
- 37.30 The Chair invited a representative from Woodmancote Parish Council to address the Committee. The Parish Council representative expressed the view that the changes to the design to maintain the Cotswold vernacular and the distinctiveness of this particular section of the Cotswold escarpment were most welcome. Notwithstanding this, the Parish Council asked the Committee to refuse planning permission on the basis that the overall scale of the development was excessive and the invasion of privacy needed to be considered in the context of the steep gradient between Hillside Cottage and Edgehill, the fact it was a rural location and whether it was necessary to permit the second storey over the orangery which looked straight into the bedroom of Edgehill given the size of the proposed development and its plot. If Members were in favour of granting planning permission, the Parish Council asked that two additional conditions be included to require submission of a landscape plan incorporating natural screening between Edgehill and Hillside Cottage, and maintenance thereof in perpetuity, and only permeable hardscaping to minimise any increase in surface water flood risk as advised under the 2018 Supplementary Planning Document; and that the garage was ancillary to the main dwelling and could not be used as separate accommodation.
- 37.31 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that great care had been taken to improve the existing building design, both internally and externally, and there had been numerous conversations with the Planning department over the past eight months. During that time, the comments made by the Parish Council and local residents had been taken into

account. Starting in the north-east corner of the site, the garage currently had a 30 degree pitch and the proposal was to increase this to a more vernacular 38 degrees. In addition, the rendered external façade from the first floor and above would be replaced with Cotswold Stone to improve the farsighted view from the local footpaths. Moving to the main building, again starting with the north-east corner, the rear courtyard was misplaced on the site and did not gain any sunlight so the proposal would utilise that space. The current layout was a series of superfluous rendered boxes with a first floor terrace to the main bedroom overlooking the valley. By replacing these boxes, the design intention was to make the space useable for the homeowner. The side extension referenced the main front elevation with a subordinate elevation taking design cues such as the near central gable and similar proportions of glazing to wall returns; this would also be in Cotswold Stone to match the remainder of the building. The scheme removed the first floor terrace and moved the viewpoint rearward at the first floor; the first floor window position and shape would focus the eye on the valley view rather than into the garden or bedroom of the adjacent property, improving privacy for both the homeowner and neighbouring residents. In the opinion of the applicant's agent, the result was a considered design, proportional but subservient to the existing building whilst improving the farsighted hill aspects and flow and use for the homeowner.

37.32 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the recommendation be permitted in accordance with the Officer recommendation, subject to the inclusion of an additional condition requiring a landscape plan incorporating natural screening between Edgehill and Hillside Cottage and maintenance in perpetuity, as requested by the Parish Council. He did not think it was possible to include the second condition being sought by the Parish Council in relation to the use of the garage and asked for a view from Officers on that. The Development Management Team Leader advised that, whilst it was possible to include the landscape plan condition, there was existing screening in place and it was felt it would be unreasonable to require additional screening over and above that. A Member pointed out that the site was on a steep part of the hill so, taking into account the gradient, it was possible that any additional landscaping would need to be as high as 40 metres to provide the screening suggested by the Parish Council and there would be no guarantees the leaves would grow in that direction. On that basis, he agreed with the Development Management Team Leader that it would be unreasonable to ask for additional screening. In terms of the inclusion of a condition to ensure the garage was ancillary to the main dwelling and could not be used as separate accommodation, the Development Management Team Leader advised that any such change of use would require a further application to the Local Planning Authority so this did not raise any particular concerns for this application. The proposer of the motion indicated that he was happy to remove the landscape plan condition from his proposal. The proposal that the application be permitted in accordance with the Officer recommendation was seconded and, upon being put to the vote, it was

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

22/01020/FUL - 26 Vine Way, Tewkesbury

- 37.33 This application was for a single storey rear and two storey side extension.
- 37.34 The Planning Assistant explained that this was a householder application in relation to a detached property on an estate on the outskirts of Tewkesbury. A Committee determination was required as the applicant was a Tewkesbury Borough Council employee. No objections had been received from the statutory consultee but a letter of objection had been received following neighbour notification consultations. The Officer view was that the proposal was in keeping with the surrounding development and would not result in any undue harm to the occupants of the neighbouring dwellings as outlined in the Committee report. As set out in the Additional Representations Sheet, attached at Appendix 1, the Officer recommendation had been changed from permit to delegated permit to enable an amended block plan to be submitted; the Planning Assistant confirmed the amended plan had been received this morning so the delegation would now be to permit subject to the amendment of condition 2 to reflect the revised plan
- 37.35 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that she was speaking on behalf of herself and her husband who lived directly next door to the property. She explained that the section of Stonehills estate where they lived had been cleverly designed – whilst they lived close to one another, the properties were situated so they could co-exist with reasonable expectation of privacy. There was an open plan and spacious feel to it; they were, and felt, detached. Their homes were separated from each other via a passageway and a garage meaning they did not live in one another's pockets; as far as she was aware this was an unusual bit of planning and one they appreciated as gardens were afforded space and light without being unduly overlooked. There were a few properties on the estate that had added a second storey above their garages, or put extensions on the rear, but that had been done on houses where it would not impact a neighbour in any significant way; sadly, that would not be the case with these two homes. The proposed second storey extension would mean a loss of privacy from the upstairs window, unless it was to be a bathroom window with frosted glass. If not, the window would give a direct and almost unimpeded view of their garden and them using it. By far the largest impact would be the extension of the garage footprint along their boundary for the single storey addition. What was now a regular height fence would become a much higher, much more imposing, brick wall directly within eyesight. This would alter the feel and appearance of their outdoor space and, to some extent, their inside space, in a way they would not choose and was not part of the original attraction of the estate. By converting the garage into living accommodation, the valued degree of separation was removed; however, it was the extension of the single storey that brought the living accommodation of No. 26 directly into their space so when they looked out of the kitchen window, or their conservatory, they would not see a fence, a few plants and the sky but the side of a house, with its accompanying roof, fascia and soffits – No. 26 would be in their garden with no separation at all. Not only would this reduce light into that area of the garden but also to their kitchen and, having looked at the plans, they believed it would give a significant feeling of enclosure. The local resident therefore asked Members to consider the fact that good fences made good neighbours and this extension did not make a good fence, as such, she respectfully requested that the application be refused.
- 37.36 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the amendment of condition 2 to reflect the revised plan, and he sought a motion from the floor. A Member asked how much of the proposal could be carried out under permitted development rights in normal circumstances and the Planning Assistant

explained that, because the garage was slightly set back, if it stayed in the same aspect, technically it would be a side extension as well as a rear extension so the rear section proposed could not be carried out under permitted development rights. It may be possible to construct a small extension off the garage under permitted development rights but that was not something he had looked into in any detail. In terms of the second storey aspect, the Planning Assistant confirmed that could not be carried out under permitted development rights. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the amendment of condition 2 to reflect the revised plan.

22/00926/LBC - 39 Church Street, Tewkesbury

- 37.37 This was a listed building consent application for the installation of a traditional projecting hanging sign and bracket to the front elevation; installation of a hanging sign above the front door; installation of a grab handle at the front door; and conversion of existing railings on the rear boundary to a gate.
- 37.38 The Planning Assistant advised that the application related to a Grade I listed building dating from the early fifteenth century. A Committee determination was required as the applicant was the partner of a Tewkesbury Borough Council employee. No objections had been received from the statutory consultees and it was the Officer view that the proposal would not cause harm to the significance of the listed building, as outlined in the Committee report. Therefore, the Officer recommendation was to grant consent.
- 37.39 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation. The seconder of the proposal asked whether Officers were content that the hanging sign which would protrude from the building would not be damaged by lorries or buses travelling along the road and the Planning Assistant clarified that, according to the submitted plans, the sign would project out by 47 centimetres and he was satisfied that could be accommodated.
- 37.40 Upon being put to the vote, it was
- RESOLVED** That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

PL.38 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 38.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.164-178. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 38.2 Accordingly, it was
- RESOLVED** That the current appeals and appeal decisions report be **NOTED**.

The meeting closed at 11:47 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 20 December 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.

Agenda Item No.	
5a	<p data-bbox="336 674 533 707">21/01551/APP</p> <p data-bbox="336 723 612 757">Land At Fiddington</p> <p data-bbox="336 772 544 806">Officer Update</p> <p data-bbox="336 822 1374 922">At the time of writing the Committee report there were a number of outstanding matters that were in the process of being resolved. An update on these matters is set out as follows:</p> <p data-bbox="336 938 1355 1075"><u>Landscape (para 8.5.8)</u>: A conflict had been identified between the proposed planting plan and LEAP play area plan. The planting plan in the vicinity of the LEAP play area has since been updated and the Landscape Adviser confirms that this revision is acceptable, which resolves the matter.</p> <p data-bbox="336 1090 1382 1462"><u>Flood Level Outline Conditions (para 8.9.4)</u>: The Environment Agency response was awaited on several conditions on the outline permission that the reserved matters details must accord with. The Environment Agency has checked both the layout and proposed finished floor levels of the proposed development in relation to the previously agreed Design Flood Level for the site and confirms that the layout (including attenuation features) is located outside the area of high flood risk as determined by the Design Flood Level of 14.27m AOD upstream of the new access bridge and 13.97m AOD downstream of the new access bridge, and that all finished floor levels are set at an appropriate level above the appropriate Design Flood Levels. On that basis the Environment Agency confirm no objection to the application.</p> <p data-bbox="336 1478 1382 1713"><u>Foul Drainage (para 8.9.5)</u>: The Severn Trent Water response was awaited on the foul drainage strategy, which should accord with the drainage strategy approved through the outline consent. Severn Trent Water has responded with a request for additional information on the final proposed sewage outfall. Further information has been provided by the applicant and has been forwarded to Severn Trent Water for response. A further update will be provided at the Planning Committee meeting.</p>

5c	<p>22/00223/FUL</p> <p>Field To The West Of Hucclecote Lane, Churchdown</p> <p>Officer Update</p> <p>Since writing the Committee report, a further four comments have been received in objection to the application and a one additional comment has been received support of the application. These comments reiterate what has been summarised within the comments section of the report.</p> <p>Furthermore, Environmental Health has updated comments to explain that, after review of the conditions, Officers are satisfied that they will not need to ask for any further information relating to noise, given the conditions; the Environmental Health Officer believes it may be too onerous to ask for further information given the timings, dog numbers and type of activities restricted.</p>
5d	<p>22/00811/FUL</p> <p>Barclays Bank, 133 - 134 High Street, Tewkesbury</p> <p>Officer update</p> <p>The Committee report states that the property in question is sandwiched between a Grade II and a Grade II* listed building; however, both properties are in fact Grade II* listed buildings. This has no impact on the assessment of the proposal and the Officer recommendation.</p>
5e	<p>22/00621/FUL</p> <p>Hillside Cottage , Stockwell Lane, Cleeve Hill</p> <p>Woodmancote Parish Council has commented on the latest revised plans stating that changes to the design to maintain the Cotswold vernacular and distinctiveness of this particular section of the Cotswold Escarpment are most welcome. Nevertheless, the Parish Council still ask the Committee to refuse permission because:</p> <ol style="list-style-type: none"> 1. the overall scale of the development is excessive and 2. the invasion of privacy needs to be considered in the context of 1)the steep gradient between Hillside Cottage and Edgehill; 2)the fact that this is a rural location; and 3) given the size of proposed development and its plot, is it really necessary to permit the second story over the orangery which looks straight into the bedroom of Edgehill. <p>However, if the Committee decides to grant permission, the Parish Council would like to request the inclusion of the following 2 conditions:-</p> <ol style="list-style-type: none"> 1. A landscape plan to be submitted and approved by the Local Planning Authority that incorporates: <ol style="list-style-type: none"> a. natural screening between Edgehill and Hillside Cottage and maintenance thereof in perpetuity. b. Only permeable hardscaping to minimise any increase in surface water flood risk as advised under SPD 2018 2. The garage is ancillary to the main dwelling and cannot be used as separate accommodation. <p>Two further letters have been received from immediate neighbours. One is from the property to the immediate south which is attached in full below. The other is from another neighbouring occupant to the south commenting that: "If the application is approved, would be reasonable/possible to include a 'condition' stating at the applicants cost, a mature evergreen tree line must be</p>

	<p>planted on the [application site] boundary (approximately 5 metres) to retain some degree of existing privacy (see attached photographs).</p> <p>Officer's comments:</p> <p>The suggested conditions are not considered to be reasonable. There is already landscaping in place between the neighbouring properties.</p> <p>Similarly, there is no indication that the garage / first floor above would be used for anything other than as ancillary to the house. Overall, whilst additional conditions are requested they are not considered to be necessary and they would not meet the tests on use of conditions.</p>
5f	<p>22/01020/FUL</p> <p>26 Vine Way, Tewkesbury</p> <p>Officer Update</p> <p>It has been noted that the proposed block plan that has been submitted is at the incorrect scale. A new plan has been requested, therefore, the Officer recommendation has been changed to DELEGATED PERMIT rather than permit to allow for the submission of the new plan.</p>

Item 5e – 22/00621/FUL - Hillside Cottage, Stockwell Lane, Cleeve Hill

22/00621/FUL

[REDACTED], Stockwell Lane, GL52 3PU

I have attached photos of the existing view from my bedroom & garden which shows that the orangery at the front/east elevation does not impact on my privacy or amenity.

The large steel chimney from the existing Orangery and the corner of the orangery flat roof is visible above the summer house. The proposed extension would be to the height of the pitched roof of the main dwelling on the footprint of the orangery.

The windows will look straight into my bedroom & garden. This will represent a severe loss of amenity and privacy.

Ideally, I would like permission to be refused. However, if you are minded to accept the planning officers recommendation, I request that a planning condition is imposed - ensuring that a landscape plan is to be submitted and approved by TBC to provide robust natural screening to protect the privacy and amenity of Edgehill all year round and for that screening to be well maintained for perpetuity.



Figure 1 [REDACTED]



Figure 2 [REDACTED]

Photographs

