

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 19 March 2024 commencing
at 9:30 am**

Present:

| | |
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| Chair | Councillor G M Porter |
| Vice Chair | Councillor S Hands |

and Councillors:

M Dimond-Brown, M A Gore, D J Harwood, M L Jordan, G C Madle, J R Mason, P E Smith,
R J G Smith, R J E Vines, P N Workman and I Yates

PL.64 ELECTION OF CHAIR

64.1 It was proposed, seconded and

RESOLVED That Councillor G M Porter be elected as Chair for the remainder of the Municipal Year.

PL.65 ANNOUNCEMENTS

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

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

PL.66 DECLARATIONS OF INTEREST

66.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

66.2 The following declarations were made:

| Councillor | Application No./Agenda Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
|-------------------|---|---|---|
| R J E Vines | Item 6b – 23/00964/FUL – Land Adjacent Shurdington House Stables, Main Road, Shurdington | Is a Gloucestershire County Councillor. | Would speak and vote. |

66.3 There were no further declarations made on this occasion.

PL.67 MINUTES

- 67.1 The Minutes of the meeting held on 20 February 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.68 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 68.1 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.

23/00930/OUT - Part Parcel 4256, Homedowns, Tewkesbury

- 68.2 This was an outline application for residential development of up to 30 residential dwellings, associated works (including demolition), open space, infrastructure and landscaping with vehicular access from the A46(T).
- 68.3 The Principal Planning Officer advised that this was an outline application for up to 30 dwellings on a site off Fiddington Lane but with vehicular access provided through the adjacent larger development site to the south which would then lead west and north to the access through the wider development and reach the A46 near Dobbies Garden Centre. As well as the development site itself, the red line of the application included not only the access but an area to the east on the opposite side of Fiddington Lane for an attenuation pond and a strip of tree belt land to the north-east for a proposed pedestrian access towards the Cotswold Outlet development which was currently under construction. The development site was currently used for horse grazing and was relatively flat and surrounded by hedgerows for the most part. Immediately to the north was a small lane which led westwards to a Public Right of Way and some residential properties on the north side of the lane and further equestrian land which was also in the ownership of the applicant. To the east over the lane was a development site recently allowed at appeal for up to 120 dwellings which would share the attenuation pond for its drainage requirements. The applicant had provided an indicative plan which showed vehicular access to the south but also pedestrian/cycle access potential to the northern lane and a Local Area for Play (LAP). There was an objection from Network Rail in respect of the potential for increased use by pedestrians of the Homedown Level Crossing but, given the distance from the crossing, the greater proximity of the alternative Natton Lane underpass and the detailed discussions at the recent appeal inquiry for the 120 dwelling site opposite, it was considered that an objection could not be sustained on those grounds. Although the proposal was not policy compliant in terms of locational policies set out in the Joint Core Strategy and Tewkesbury Borough Plan, they received less weight in the planning balance given the lack of a five year housing land supply or any other material considerations which would, as a result of granting planning permission, cause adverse impacts and Officers considered the proposal was acceptable in principle, subject to conditions and a Section 106 Agreement – it was noted there had been positive discussions with the application regarding the majority, but not all, of the identified Section 106 obligations. Therefore, as set out in the Committee report, it was recommended that authority be delegated to the Associate Director: Planning to permit the application, subject to the conditions as set out in the Committee report, and any additional or amended conditions, and completion of the Section 106 Agreement. There was a proposed time limit for negotiations and if an agreement was not concluded within the 12 week period the Associate Director: Planning would be given delegated authority to refuse the application as set out in the Committee report.

- 68.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Associate Director: Planning to permit the application, subject to the conditions as set out in the Committee report, and any additional or amended conditions, and completion of the Section 106 Agreement, and he sought a motion from the floor. A Member asked how likely it was that the Section 106 Agreement would be completed within the 12 week time period and was advised that this would depend on negotiations with the applicant and getting agreement on the affordable housing conditions but Officers were optimistic it could be achieved from a legal perspective. In response to a query regarding the self-build and custom issue, Members were advised that the applicant had been asked to respond on this; the advice which had been given by the Inspector in relation to the appeal site across the road was that it was down to the local planning authority to ensure land was being allocated in order to meet requirements rather than developers having to provide it themselves and that was relevant in this instance.
- 68.5 The Member sought an explanation as to how the issue regarding the Public Right of Way footpath AAS8 was being resolved and whether the attenuation pond would need to be increased if it was to be shared with another development. In response, the Principal Planning Officer advised that the Lead Local Flood Authority had been consulted on the attenuation pond and raised no objection – it was a larger pond than was required for a 30 dwelling development so had built-in capacity for the site over the road as well. Another Member drew attention to Page No. 34, Paragraph 2.2. of the report and sought clarification as to the class of agricultural land. With regard to Page No. 41, Paragraph 8.17 of the report which talked about sustainable travel links, the Member asked what links were being assessed and the timeframe for delivery. In terms of affordable housing, the Member asked whether social housing had been considered. The Member noted there had been no detailed update in terms of the position regarding the Section 106 Agreement and indicated that he would like Officers to be increasingly robust with developers to ensure Section 106 obligations were maximised. As a procedural point, Officers tended to list the relevant Joint Core Strategy and Tewkesbury Borough Plan policies but did not refer to Neighbourhood Development Plan policies; he felt those were equally important and should be given the same attention. In response, the Principal Planning Officer advised that the agricultural land grading was unknown and, in terms of affordable housing, the Head of Service: Housing was happy with what was being provided but this was an outline application and the tenure would reflect the mix of development on site and the size of the dwellings. There would be 40% compliance in terms of the number of affordable dwellings on site which would be set out in the Section 106 Agreement. With regard to the Section 106, the majority of what was being asked for had been agreed but the applicant was disputing the Council's evidence in respect of some of the other issues relating to contributions to the leisure centre and swimming pool. She confirmed that the relevant policies from the Ashchurch Rural Neighbourhood Development Plan were set out within the Committee report but not referenced in the conclusion section. The County Highways representative advised there would be no vehicle traffic on the route of the Public Right of Way to the north of the site and there would be active travel links to the north. It had recently been decided to put a link to the north-east of the site to the 120 dwelling site opposite and there would be a link from the roundabout on Fiddington Lane. The main vehicular access was to the south of the site and had already been constructed with a footway and cycleway partially constructed to the south – this was proposed to be access only for emergency vehicles and buses. There were also links through the site to serve the development as well as a link through the appeal site and an active travel link to the north of the site which could potentially be extended further down to Claydon; the speed limit was currently 30mph at the roundabout at Fiddington Lane before increasing to 40mph and 50mph and it was proposed to reduce this to 30mph down to Claydon Lane. The Member indicated that it would have been beneficial for this information to be set

out in the Committee report in order for Members to understand it more fully and make an informed judgement. The County Highways representative advised there was a lot of development in the area and the various linkages were quite comprehensive so it may be beneficial to hold a separate session for the Committee to explain those at some point.

68.6 A Member drew attention to Page No. 36, Paragraph 4.15 of the report which related to the consultation response from Cleeve Ramblers which had raised concern that the Design and Access Statement was incorrect in stating there were no Public Rights of Way routing through the site. The Principal Planning Officer clarified that the Cleeve Ramblers were referring to the red line of the access road. The Public Right of Way crossed the access road and the lane at the top of the site ran in the direction of the M5 east to west and west to east across the road then turned north and went across that line. Public Right of Way 7 ran southwards where it crossed the road and the developer of that land would be putting in footpath diversions where required with at least one Order in place – this could be temporary whilst development was carried out or permanent but she did not have the details of the wider applications. In response to a query regarding safeguards for the retention of hedgerows along the east to west boundary, the Principal Planning Officer advised that proposed conditions 19, 20 and 21 required details of the landscaping to be submitted including a landscaping scheme for the whole site, full details regarding adequate measures to protect trees and hedgerows and for any trees and plants which were removed or became damaged or diseased to be replaced within five years of the completion of the development. In terms of sanctions, this would be an enforcement matter and was not something that could be considered in determination of this application.

68.7 It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application in accordance with the Officer recommendation subject to a further condition to prevent construction traffic from using Fiddington Lane. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** the application subject to the conditions as set out in the Committee report, a further condition to prevent construction traffic from using Fiddington Lane, any additional or amended conditions and completion of the Section 106 Agreement.

23/00964/FUL - Land Adjacent Shurdington House Stables, Main Road, Shurdington

68.8 This application was for erection of five detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road. The Planning Committee had visited the application site on Friday 15 March 2024.

68.9 The Senior Planning Officer advised that a further late representation, as set out at Appendix 1, had been received the previous night from County Highways recommending an additional three conditions to add to the planning permission. The applicant's agent had agreed to the conditions so these would be added to the planning permission should Members be minded to permit the application. The application site was located off Shurdington Road and was currently an undeveloped plot between Woodbine Cottage to the northeast and Shurdington House Stables and 1 Malvern View to the southwest. The site contained unmaintained grassland enclosed by mature hedgerows and trees. The site was located outside of the settlement boundary within the Cotswold National Landscape (formerly Area of Outstanding Natural Beauty) and within the Green Belt. The site formed a gap within the village of Shurdington with residential development either

side in an otherwise built-up frontage. The Public Right of Way to the north-east of the site would be unaffected by the proposed development. The site was located within Flood Zone 1 and there were no heritage or other planning designations affecting the site. The five three and four bedroom dwellings were two storey with dual pitched roofs and single storey with green, flat roofed elements; solar panels were proposed for each dwelling. Plots 2, 3 and 4 each had access to a garage and all plots had off-street parking for two vehicles and private rear gardens. The existing field access would be closed off and two new vehicular accesses would be created - one to serve Plots 1 and 2 and the second to serve the remaining plots. Despite the application site not being located within a defined settlement boundary, the proposal was considered to be infill within Shurdington as per part 4(ii) of Policy SD10 of the Joint Core Strategy. The site had a clear physical and functional relationship to the Service Village and was well related to the existing built-up frontage along the A46 such that the proposal was considered acceptable in principle. The proposal was considered to be limited infilling in a village and therefore complied with exception 154(e) of the National Planning Policy Framework 2023. The Cotswold National Landscape Board agreed with the applicant's Landscape and Visual Appraisal and, although the development would encroach into the National Landscape, it would be viewed in the context of the adjacent built development and the significant local influence of the A46. The site was well contained and the addition of five dwellings and associated landscape mitigation would ensure it would not have a harmful impact on the Cotswold National Landscape. There were no objections from statutory consultees, the proposal was considered to be in accordance with the development plan and there were no clear reasons for refusal in accordance with Paragraph 11d(i) and footnote 7 of the National Planning Policy Framework.

- 68.10 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that this was an application for the construction of five high-quality detached family dwellings included associated access, landscaping, garaging and parking. Following detailed discussion and negotiation with Officers, the layout and design of the proposals had been amended during the course of the application to fully address comments raised. It was acknowledged that previous applications for residential development had been submitted for this site, but it was important to note that these were circa 25 years ago within a vastly different national and local planning policy context. As Members would be aware, the current application must be considered on its own merits against the latest planning policy background. As a result, the application was advanced on the basis that these dwellings represented "limited infilling in a village" which was one of the defined exemptions allowing development in the Green Belt. The assessment on limited infilling had been well-established through planning law and local decisions, including appeal decisions, as set out within their submission and the Committee report. As outlined in the Committee report, the site represented infilling between properties to the northeast and the southwest and had been designed with a linear layout in order to replicate this otherwise built-up frontage. The site was located centrally within the village of Shurdington, in close walking distance to all amenities and services within the village, as well as having direct access to Gloucester and Cheltenham via the No. 10 bus service - this was a highly sustainable location for development. As Members would have seen on the site visit, the site had a shallow slope in topography from Shurdington Road in the west up to the rear of the site in the east. It should be noted the dwellings would be located centrally within the site where land levels were, on average, just 40cm higher than the highway edge. Notwithstanding this, and as depicted in the submitted streetscene, the dwellings would be constructed at a lower level more consistent with the highway edge both for access purposes and to ensure that the height of the dwellings would be consistent with the neighbouring built form. The Council would have control over these levels through an appropriately worded condition. It was acknowledged that the site was located within, but on the edge of, the Cotswolds National Landscape

and impact of the proposals on the landscape had been fully assessed from the outset and the submission was supported by a Landscape and Visual Appraisal which had been assessed by both the Cotswolds National Landscape Board and the Council's Landscape Officer, neither of which raised any objections to the development of the site. Conditions were recommended in relation to landscaping, lighting, ecological enhancement, construction management, access installation, foul and surface water drainage etc. all of which were acceptable to the applicant. In conclusion, the applicant's agent considered this to be a high quality addition to this area, which would meet all necessary policies. The proposals did not have any outstanding technical objections and it was recommended by Officers for approval. As a result, the applicant was now seeking the Committee's support in a positive determination of this application.

- 68.11 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted there was a mature stream to the northeast of the site and he sought clarification as to whether this was inside or outside of the site boundary - he would be keen to see this protected if it did form part of the application site. The Senior Planning Officer advised there was a spring to the top right of the site but there was no record of it going into the site; it was naturally occurring following the recent flooding over the last few months and, in any case, the site was within Flood Zone 1 and had been assessed by the Council's Drainage Officer who raised no objection subject to the inclusion of a suitably worded condition. The Member felt it had been clear on the Planning Committee site visit that it was a mature stream which was very active when they had been on site and he urged Officers to look more closely to ensure the applicant would not do anything to inhibit its flow, both for flood and ecology purposes. The Senior Planning Officer confirmed this would be picked up in proposed condition 5 which would be reviewed and signed off by the Drainage Officer. The Development Management Team Manager (East) advised there would also be a landscaping condition for the whole site which would incorporate that area.
- 68.12 In response to a query as to the context around what was considered to be limited infilling, the Senior Planning Officer advised that Paragraph 5.4 of the Tewkesbury Borough Plan stated that Shurdington was one of the borough's largest and most sustainable Service Villages. Paragraph 154 of the National Planning Policy Framework provided a number of exceptions to the construction of new buildings in the Green Belt which included limited infilling; there was no hard and fast definition but, in the context of the village of Shurdington, five dwellings was considered to be limited infilling.
- 68.13 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. Whilst he recognised that each application should be considered on its own merits, a Member raised concern that an application had been refused at the last Planning Committee meeting despite abutting existing houses and having development on three sides of the site on the basis that could not be considered as infilling which seemed to be at odds with the advice being given in this instance. He noted that the previous application in 2002 had been refused largely due to the impact on the Green Belt and Area of Outstanding Natural Beauty and if this was permitted it would lead to the loss of an important open space. Whilst he acknowledged these points, the Chair reminded Members that this application was being determined in a different planning policy context with the tilted balance engaged. The Development Management Team Manager (East) clarified that the site was not designated as an important open space either in constraint or policy terms but was in relation to the characteristics of the road and the wider area.

68.14 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation including the additional highways conditions as set out in the Additional Representations Sheet attached at Appendix 1.

22/01220/FUL - Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington

68.15 This application was for change of use of land to a private Gypsy/Traveller site.

68.16 The Development Management Team Manager (Northwest) advised that the application was a rectangular parcel of land to the southeast of the B4634 adjoining a larger field traditionally used for grazing which adjoined the M5 motorway to the east. The site was occupied by two large buildings associated with equestrian use and was located in the Green Belt and Flood Zone 1. The application sought planning permission for change of use to create a pitch for a single family of Romany Gypsies in order to site a mobile home, a touring caravan and to construct a day room. Whilst the application site was located within the open countryside and Green Belt, it was deemed to constitute appropriate development as defined in the National Planning Policy Framework in that it would entail the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development as the extent of development on site would be reduced. There was a significant shortfall of Gypsy, Traveller and Travelling Showpeople sites and pitches within the borough and the personal circumstances of this family must also be taken into consideration in the planning balance. Whilst there would be some landscape harm from the proposed development and associated domestication of the site, this would be localised and the harm would reduce over time as the proposed landscaping established. Matters in respect of drainage, contamination and noise could be adequately addressed by condition. Attention was drawn to the Additional Representations Sheet, attached at Appendix 1, which set out that two additional further representations had been received since the publication of the Committee report and it was proposed that an additional condition be included in relation to land contamination and, in view of the absence of an ecological assessment at this time, the Officer recommendation had been amended to delegate authority to the Associate Director: Planning to permit the application, subject to the receipt and consideration of an appropriate ecological assessment and any additional conditions arising.

68.17 The Chair invited a representative from Staverton Parish Council to address the Committee. The Parish Council representative indicated that Members would have received an email setting out the concerns of the Parish Council regarding this application and he trusted they had read and digested its contents. In summary, the Parish Council opposed this application on the grounds of inappropriate development in the Green Belt and questioned whether a Noise Impact Assessment been carried out as required by the Environmental Health consultant; whether the risk of contamination from old agricultural buildings had been assessed as suggested by the Environmental Health consultant; as this site was situated adjacent to the B4634 and 170 metres from the M5 Motorway, if tests had been carried out to test the air quality; whether foul water and surface water drainage issues had been investigated and evidenced; and, if a wildlife assessment had taken place for the protection of bats, newts and other wildlife and fauna. There were no amenities such as shops, schools, doctors etc. within two miles of this site, it was not on a bus route and County Highways recommended refusal as the proposal conflicts with several policies. The Parish Council was not convinced that very special circumstances could be demonstrated as the only

issue appeared to be the lack of suitable sites available – that could be addressed by ensuring new housing developments include plots for Gypsies and Travellers. This application was for a permanent home on a greenfield site and there appeared to be no intention of pursuing a nomadic lifestyle, furthermore, the area of land on which the application had been made was not identified for potential development in the Joint Core Strategy or the Strategic Local Plan consultation.

- 68.18 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he wished to respond to a number of points made by the Parish Council. The key point was that the existing buildings would be replaced by structures which would not have a greater impact on the Green Belt. He also pointed out that the much larger Showpeople's site on the opposite side of the road was permitted on a greenfield site before allocation was made. There was a need for consistency in decision making and the condition suggested to address noise was similar to the approach taken on the Showpeople's site which had a similar noise environment. He indicated that the first request for ecological evidence he had seen since this application was submitted in November 2022 was yesterday; however, they would be happy to carry out the requested survey if Members were able to support the Officer recommendation. The applicant's agent indicated that he had been involved in the examination of the Tewkesbury Borough Plan and, despite allocations being made in the Green Belt, there was still a significant level of unmet need for Gypsies and Travellers. The Council had undertaken a considerable exercise in searching for suitable land and the reality was that land for this particular use was in very short supply. The most recent need figure was set out at Page No. 110, Paragraph 8.21 of the Committee report – 29 pitches needed to be found in the next two years which, in his experience, was a very tall order and this was a matter Members should give substantial weight. The Committee report set out the situation this family found themselves in - one that was very much different from the rest of the population; the family's current living situation did not provide the space needed and had become untenable. The Parish Council invited Members to believe they could simply be accommodated in social housing but this rather missed the point - it would be like asking a family who had spent their entire lives living in bricks and mortar to move into caravans. There was a legal obligation for public authorities to facilitate the traditional Gypsy way of life, an integral part of which was living in caravans. Furthermore, the Council was subject to the public sector equality duty and provision of a site for the family caravans would meet that duty. For all of these reasons, he respectfully invited Members to grant planning permission.
- 68.19 The Chair indicated that the Officer recommendation was to delegate authority to the Associate Director: Planning to permit the application, subject to an additional condition in respect of land contamination and the receipt and consideration of an appropriate ecological assessment and any additional conditions arising, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application in accordance with the Officer recommendation. A Member indicated that he had a lot of sympathy with the applicant and recognised the personal circumstances of the family but he was not sure this was an appropriate site as any development in the Green Belt was, by definition, inappropriate and harmful. He drew attention to the Additional Representations Sheet and the objection from the Campaign for Protection of Rural England (CPRE) which outlined several issues in relation to this and he could not see any very special circumstances existed to outweigh the harm that would be caused. In response, the Development Management Team Manager (Northwest) advised that, whilst Green Belt policy defined the construction of new building in the Green Belt as inappropriate, there were exceptions such as limited infilling and redevelopment of previously developed land – Officers considered this to be the latter, therefore, it was not considered to be inappropriate development in that context. The Member sought clarification as

to what the previous development had been and was informed that equestrian use dated back over 30 years. There were several large buildings on the site which would be removed as part of the application and replaced by a smaller scale mobile unit and touring caravan and construction of a day room which was considered to have a lesser impact as a consequence. In addition, the Development Management Team Manager (Northwest) explained that the occupants of these type of sites tended to have slightly different needs which were weighed in the planning balance as a whole and, in this case, there were a number of factors in favour of development. In response to a query as to why Officers considered the land to be previously developed, the Development Management Team Manager (Northwest) advised that equestrian use was included in the definition of previously used land as confirmed by the previous appeal Inspector.

- 68.20 A Member noted that the plan at Page No. 103 of the Committee report showed two buildings which was not reflected in what was being displayed on the screen and was advised that particular plan was for illustrative purposes to show the site location in the wider context. The Development Management Team Manager (Northwest) explained there was no condition requiring removal of the existing buildings but it would be difficult for the application to be delivered without their removal; nevertheless, it was possible to add a condition to that effect. The proposer and seconder of the motion indicated they would be happy for that to be included and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** the application subject to additional conditions in respect of land contamination and removal of existing buildings on the site, and the receipt and consideration of an appropriate ecological assessment and any additional conditions arising.

23/01132/FUL - 12A Beverley Gardens , Woodmancote

- 68.21 This application was for a first floor extension and single storey rear and side extension.
- 68.22 The Senior Planning Officer advised that this was a householder application seeking extensions and alterations to an existing dwelling. The dwelling was constructed approximately six years ago and comprised a contemporary architectural form. The extensions would come in two main parts: firstly, a mono-pitched extension at ground floor level which would be finished in a buff coloured brick to match the Cotswold stone façade and, secondly, a first storey extension on top of the existing structure which would comprise an asymmetric contemporary design finished in timber cladding to the walls and metal sheeting to the roof to match the existing dwelling. The application required a Committee determination due to an objection from Woodmancote Parish Council; however, this has been systematically addressed within the Committee report and, notwithstanding this objection, the development as proposed fully accorded with the policies of the development plan including those pertaining to design, highways, amenity, landscape and conservation. As such, the recommendation was to permit the application subject to the conditions set out in the Committee report.
- 68.23 The Chair invited the representative from Woodmancote Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council greatly valued the work of the Council's Planning team and was generally very happy with the in depth work Officers did in relation to applications in Woodmancote; however, in this instance, it could not support the evaluation set out in the Committee report and drew attention to two key issues. With regard to design and visual amenity, Policy 9 of the Woodmancote Neighbourhood Development Plan required development to respect the local character. A detailed character

assessment had been carried out as part of the Woodmancote Neighbourhood Development Plan and the design of the proposed development contained almost every negative feature and almost no positive features of that plan. Woodmancote Parish Council fundamentally disagreed with Page No. 127, Paragraph 8.5 of the Committee report and the fact that the first floor extension was in keeping with the existing dwelling was irrelevant in this particular set of circumstances because it was the surrounding development that represented the coherent character of the area. This proposal was not in keeping with any other property in Beverley Gardens and therefore conflicted with Policy RES10 of the Tewkesbury Borough Plan and Policy SD4 of the Joint Core Strategy. In relation to impact on the Cotswold National Landscape, this property already negatively impacted the setting of the Area of Outstanding Natural Beauty and the extension should be viewed alongside the Cotswold Area of Outstanding Natural Beauty Management Plan Strategic Guidelines where it was accepted that this location impacted the setting. A suburban style with glazed balconies represented an extremely unwelcome suburban intrusion and created glint and light pollution in the Area of Outstanding Natural Beauty. As such, it conflicted with Joint Core Strategy Policy SD7 and did not conserve or enhance the Area of Outstanding Natural Beauty.

- 68.24 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member questioned what role Woodmancote Neighbourhood Development Plan had played in consideration of this application and the Senior Planning Officer confirmed that it had been considered from the outset and the relevant policies were referenced within the Committee report. Another Member noted that the Parish Council's written objection referred to Policy RES5 of the Tewkesbury Borough Plan and asked why this did not apply to this application. The Senior Planning Officer explained that Policy RES5 related to applications for new housing development; Policy SD4 of the Joint Core Strategy, Policy RES10 of the Tewkesbury Borough Plan were the relevant policies in relation to extensions to a dwelling. A Member questioned why there was no reference to the Neighbourhood Development Plan policies and was informed that Policy 9 of the Woodmancote Neighbourhood Development Plan had the same requirements as Policy SD4 and RES10 which was referenced at Page No. 127 of the Committee report within the Design and Visual Amenity section.
- 68.25 A Member indicated that she had no issue with the ground floor extension but was concerned that the first floor extension would be visually more obtrusive. The Senior Planning Officer confirmed this had been assessed against the design policy and whilst there would be an additional element, when read against the backdrop of the existing contemporary element, Officers did not consider the impact to be detrimental. In response to a query as to whether the proposal could be carried out under permitted development rights, Members were advised that the single storey element would probably be able to be done under permitted development rights but she was unable to give a definitive answer regarding the first floor element without further investigation – it was possible that permitted development rights may have been removed as part of the 2015 planning permission.
- 68.26 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.

PL.69 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

69.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 137-138. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

69.2 A Member asked if there was any update regarding an action plan for Warren Fruit Farm given that the four appeals had been withdrawn and the Development Management Team Manager (East) undertook to obtain an update from the Enforcement Officer to circulate to Members following the meeting.

69.3 It was

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

The meeting closed at 11:08 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 19 March 2024

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 | |
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| 6c | <p>22/01220/FUL</p> <p>Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington</p> <p>Staverton Parish Council has submitted a further representation which has been emailed directly to Members and is attached in full.</p> <p>The comments relate principally to:</p> <ul style="list-style-type: none"> - Noise air and soil pollution - Drainage - Accessibility - Wildlife <p>The Council's Environmental Health Officer has reviewed the additional representation and raises no objections in terms of air pollution, based on nearby monitoring data. The approach to noise is considered consistent with that at the nearby 'Showpersons' site and mitigation is covered by Condition 6.</p> <p>Given the former use of the site, the Officer has requested an additional condition in respect of land contamination as set out below –</p> <p>Condition 8:</p> <p>'Any contamination that is found during the course of construction or landscaping of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.'</p> <p>Reason: To ensure appropriate living conditions for future occupiers.'</p> <p>Drainage is discussed in Paragraphs 8.63 - 8.66 of the Committee report and details can be appropriately secured by Condition 7 in the report.</p> <p>Accessibility is discussed in Paragraphs 8.34 - 8.46 of the Committee report.</p> <p>The Council's Ecological Advisor has reviewed the details and recommended an ecological survey. This has not been submitted and would need to be prior to any grant of planning permission. The recommendation is revised as below:</p> <p>An Objection has been received from CPRE. The comments raised are</p> |

summarised below:

- The site is undeveloped land lying within the Gloucester-Cheltenham Green Belt.
- The area is not allocated for development.
- Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- NPPF Paragraphs 154 and 155 to describe certain potential exceptions, but none of these relate to a gypsy and traveller site.
- Site is not GTTS allocation in the plan.
- Lies within open countryside
- Would conflict with JCS Policy SD6
- Strongly disagree with the site being considered previously developed land

While these observations are noted it is considered that the points raised have been addressed in the report.

Conclusion and Revised Recommendation:

In view of the absence of an ecological assessment at this time the recommendation should be revised to:

Delegated Permit subject to no adverse impacts, following the receipt and consideration of an appropriate ecological assessment and any additional conditions arising.

From Staverton Parish Council
To Tewkesbury Planning Committee

11th March 2024

Re: Planning Application 22/01220/FUL Gypsy site, Change of use.

Dear members of the Planning Committee, we are writing to you on behalf of the residents of Staverton Parish.

We understand that the above application is due to be determined at your meeting on 19th March. before determining this application, please be aware of our following concerns. We acknowledge the Councils responsibility to find suitable sites for gypsy and traveller families and support you in these endeavours.

1. We understand that there are special circumstances, presumably health, which affect this application, about which we, quite rightly, have no knowledge of. We would ask you to ensure that you are satisfied that these circumstances have been tested and ratified by the appropriate agencies. If the special circumstances are health related, is this site suitable in terms of Noise and Air quality issues?
2. **Noise Levels.** The Environmental Health consultant, in his/her email of 21/12/23 requires that the applicant will have to provide further information relating to noise levels as the site is 170 metres from the M5 and adjacent to the B4634. Also, that a mobile home is unlikely to give high levels of noise attenuation and that the impact of an acoustic fence is unknown without further information. It also states that prior to determination a Noise Impact assessment shall be undertaken. The NIA shall be submitted to and approved in writing by the planning authority. Has this been actioned and evidenced?
3. **Contamination Risk.** The Environmental Health consultant noticed that the intended play area is located over the former agricultural buildings, where there is a potential risk of contaminated land. Has this been checked and evidenced?
4. **Air Pollution.** Has this site been tested for air pollution on a still day, when the exhaust fumes from the B4634 and 6 lanes of motorway traffic are in the atmosphere?
5. **Drainage.** As at 5th December 23, the Flood planning officer states that no surface water drainage strategy plan had been received. As the plan is also to use a Package treatment plant for sewage, not connected to mains, therefore discharging into the field, has the applicant undertaken the Ground Percolation tests to BRE365 to ensure that ground conditions are suitable and drawn up detailed plans as requested?
6. **Wildlife.** Bearing in mind that this site has been left wild for many years, has any wildlife assessments been made in respect of Newts and other Amphibians, Bats, Voles, Birds of prey and other wildlife and Fauna taken place? Diminishing green spaces in Tewkesbury Borough are being eroded at an alarming rate and we feel it important to protect what we have left. We strongly recommend that such assessments should be made before a determination is made on this application.
7. **Amenities and Transport.** In terms of amenities such as Schools, Shops, Doctors, there are none within the parish, the nearest being in Churchdown, being over 2 miles away. As there are no bus routes on the B4634 and is a ½ mile walk to the nearest bus stop, it is likely that all journeys to and from the site would be by motor vehicle. Highways recommend Refusal indicating that the proposal conflicts with policy INF1 of the JCS 2011 to 2031, policies PD 0.1 and PD 0.4 of the local transport plan 4 and would conflict with the sustainable transport aims of the NPP Framework contained in paragraphs 110 and 112.

8. **Planning Policy for Gypsies and Travellers.** As mentioned above, we fully understand the need for the Council to provide suitable sites for Gypsy and Traveller families. We are not convinced that this application justifies Very Special Circumstances. We don't know what these very special circumstances are of course and we do sympathize with any family who has to cope with illness or disability of any description, but we would ask why is this family's special circumstances different to any other family who has a relative with special needs? The applicants of this proposal would have the same access to doctors, hospitals and social services as any member of the public. We conclude therefore, that the only Very Special Circumstance for this application is the shortfall of suitable sites in the borough. This should not mean TBC take the path of least resistance and permit any application on the basis of Very Special Circumstances. There is of course a simple solution to this lack of sites. When applications are made for large developments such as 10,000 houses in the new Garden town, 3000 at the Cyber Park, 4000 at Elmstone Hardwicke, add in a space for Gypsies and Travellers. As demonstrated by the application under discussion, gypsies don't mind living close to settled communities. We fully agree with the policy to ensure fairness for gypsies and travellers, but also agree with the part of the policy which states "while respecting the interests of the settled community". We ask you to take into consideration the wishes of the settled community.
9. **Nomadic Lifestyle.** We agree and support the fact that travellers have a right to their nomadic lifestyle and therefore areas need to be identified for them to use whilst travelling through, please refer to the point made above about utilising some space as a part of new developments. It seems in this situation this family are looking to settle and therefore poses the question to why this family are not being referred to the housing association to provide suitable accommodation which would give them the immediate access to the amenities they require and would save avoidable development on green belt land.
10. **Communication with planners.** We are disappointed with lack of meaningful communication with the planning officers. We were not informed by TBC in November 22 that this application was in progress and heard in March 23 through the local grapevine. We asked your planning department on numerous occasions from March 23 to keep the Parish Council updated on progress in order that we could react as necessary to any issues that cropped up. No progress reports were received.
11. **JCS and Strategic Local Plan.** The area of land on which this application has been made is not identified as potential for development on the JCS or Strategic Local Plan consultation.

Prior to making your decision, we would ask you to answer the questions raised, if this cannot be done before the planning meeting, may we respectfully suggest you postpone your determination to ensure that all aspects of this application have been considered.

Please take into consideration the points made above and the 23 objections raised by the settled community of Staverton and reconsider your inclination to permit.

Staverton Parish Council.



The countryside charity
Gloucestershire

Cheltenham, Gloucester
and Tewkesbury District
Hamfield House
Ham Road
Charlton Kings
Cheltenham GL52 6NG

16 March 2024

██████████
Planning & Development Services,
Tewkesbury Borough Council
Gloucester Road, Tewkesbury GL20 5TT

Dear ██████████

Planning Application 22/01220/FUL
Change of use of land to private Gypsy/Traveller site.
Land off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington,
Cheltenham, Gloucestershire

I apologise for this very late submission regarding the above planning application. I would be grateful if you would draw the contents of this letter to the urgent attention of the Borough Planning Committee.

CPRE objects to the application for the reasons set out below. In this connection we disagree with the designation of the land set out in your report to the 19th March Planning Committee meeting. It would have been helpful if the report could have been available on the Council website as a document associated with the application: as far as we can ascertain it is only publicly available starting on page 102 of the papers for the Committee meeting.

Planning Context

The site is undeveloped land lying within the Gloucester-Cheltenham Green Belt. The area is not allocated for development in either the Joint Core Strategy (JCS) or the Tewkesbury Borough Plan to 2031 (TBP).

Paragraphs 152-3 of the NPPF (2023) state:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

It goes on in paragraphs 154 and 155 to describe certain potential exceptions, but none of these relate to a gypsy and traveller site. Note however the conditional exception at Para 154 d): *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

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Registered Office
Community House
15 College Green
Gloucester
GL1 2LZ
info@cpreglos.org.uk
cpreglos.org.uk

President
Madeleine Bunting
Chair
Patricia Broadfoot CBE
Business Manager
Louise Chandler-

Planning Policy for Gypsy and Traveller Sites was published in August 2015. Paragraph 16 states: *“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”*

Paragraph 4 of the NPPF states: *“The Framework should be read in conjunction with the Government’s planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.”*

The relevance of the Planning Policy for Traveller Sites was made clear by Mrs Justice Lieven in her High Court judgement [*Royal Borough of Kingston Upon Thames v Secretary of State for Levelling Up, Housing and Communities & Anor*](#) [2023] EWHC 2055 (Admin) in which she overturns a planning appeal which had allowed a gypsy and traveller site in a green belt elsewhere. Note also that she dismisses an argument that the policy as applied in this case was discriminatory against Gypsies and Travellers; she determined that residential development of any kind and by anyone was deemed inappropriate.

National policies are reflected in the JCS Policies SD5 (Green Belt), and SD13 (Gypsies and travellers). The TBP sets out the planned provision of gypsy and traveller sites at Policy GTTS1; this does not include the present site. In addition the development would be in breach of JCS Policy SD6(Landscape).

The status of the site

This is a greenfield site which, apart from being adjacent to the M5 motorway, lies in open countryside and is some considerable distance from other development. It is against this situation that the above policies need to be applied.

From a number of comments submitted concerning this application, there seems to be some dispute about whether or not the site has been used for equestrian purposes. However, whether or not this has been the case (either recently or in the past) we strongly disagree with the statement in your report (para 8.10) that “as it has been used for equestrian purposes and the existing buildings are associated stables, the site is considered to constitute previously developed land.” If this line of argument were valid, planning authorities would be obliged to approve the conversion of stable blocks to dwellings all over the country. In planning terms, the application site does not constitute previously developed land.

Conclusion

The application is clearly contrary to both national and local policies regarding development in the Green Belt, including those policies with respect to gypsy and traveller sites. And the site is not ‘previously developed land’.

Accordingly, CPRE urges Tewkesbury Borough Council to refuse this application.

Yours sincerely


Chairman, CPRE Cheltenham, Gloucester and Tewkesbury District

Additional Late Representation circulated at the meeting**Item 6b - 23/00964/FUL - Land Adjacent Shurdington House Stables, Main Road, Shurdington**

Following the Planning Committee Site visit on Friday 15 March, the County Highways Officer has recommended three additional conditions in relation to tactile paving, relocation of utilities apparatus and Street furniture and dropped kerbs. These conditions will be added to the decision notice should the Planning Committee recommend permission in line with the Planning Officer recommendation. The applicant has agreed to these additional conditions.

1. No part of the development shall be occupied until details of a 2m wide Footway adjacent the site and a dropped crossing facility with tactile paving from the site across Shurdington Road have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the Footway and dropped crossing have been provided in accordance with the approved details.

Reason: In the interests of highway safety.

2. No part of the development shall be occupied until details of the relocation of Utilities apparatus and Street furniture within the visibility splay (BT posts and lighting columns) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the Utilities apparatus and Street furniture have been relocated to a point outside of the visibility splay in accordance with the approved details.

Reason: In the interests of highway safety.

3. No part of the development shall be occupied until all redundant dropped kerbs adjacent the site have been reinstated to full height kerbs.

Reason: In the interests of highway safety.