

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 23 April 2024 commencing at 9:30 am**

## **Present:**

Chair  
Vice Chair

Councillor G M Porter  
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

## **also present:**

Councillors C L J Carter and P W Ockelton

## **PL.70 ANNOUNCEMENTS**

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

## **PL.71 DECLARATIONS OF INTEREST**

- 71.1 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.
- 71.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M A Gore	Item 5a – 24/00129/PIP – Land Off Bozard Lane, Tredington.	Had been contacted by the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
S Hands	Item 5d – 23/00441/FUL – Land to the West of Twigworth Court Farm, Tewkesbury Road, Twigworth.	Is a Borough Councillor for the area.	Would speak and vote.

D J Harwood	Item 5b – 23/00275/APP – Plots 3 and 4 Gloucester Business Park.	Is a Borough Councillor for the area.	Would speak and vote.
P E Smith	Item 5b – 23/00275/APP – Plots 3 and 4 Gloucester Business Park.  Item 5c – 23/00276/APP – Plot 5 Gloucester Business Park.	Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Item 5b – 23/00275/APP – Plots 3 and 4 Gloucester Business Park.  Item 5c – 23/00276/APP – Plot 5 Gloucester Business Park.  Item 5e – 23/01078/FUL – Land North of A417, Brockworth Road, Churchdown.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
I Yates	Item 5c – 23/00276/APP – Plot 5 Gloucester Business Park.	Is a Borough Councillor for the area.	Would speak and vote.

71.3 There were no further declarations made on this occasion.

## **PL.72 MINUTES**

72.1 The Minutes of the meeting held on 19 March 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.73 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

73.1 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.

### **24/00129/PIP - Land Off Bozard Lane, Tredington**

73.2 This was a Permission in Principle application for the erection of between one and seven dwellings, including 40% affordable housing on site.

- 73.3 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that since writing the Committee report, an additional six documents had been submitted by the applicant showing their engagement with Historic England since the refusal of the previous Permission in Principle application. He advised that the submitted documents did not provide any further new information for the Council to assess and document 6 was provided within Appendix 1 of the Planning Statement submitted with the application. It was also noted that Page No. 24, Paragraph 2.1 of the Committee report contained a typographical error in relation to the site area which should read 0.6 hectares. He also noted that it had been brought to his attention late last night that a letter from the applicant had been circulated to all Members of the Committee on Friday 19 April 2024. He went on to advise that the application site was located off Bozard Lane to the north of Tredington village; Tredington did not have a defined settlement boundary and was considered to be a rural settlement. The site was adjacent to St John The Baptist Church which was a Grade I listed building - Grade I listed buildings were in the top 2% of listed buildings. The application site was bounded by public footpaths and the site was located within Flood Zone 1. In terms of planning history, a Permission in Principle application was refused in January 2023 for the erection of between one and nine dwellings on the site for two reasons: the development would conflict with Policies RES1, RES2, RES3 and RES4 of the Tewkesbury Borough Plan; and, the development would cause unacceptable and unjustified harm to the historic significance and setting of the Grade I listed church. The current application sought to address the reasons for refusal by reducing the maximum number of units from nine to seven and now sought to provide 40% affordable housing. The application was accompanied by a Historic Environment Appraisal. The application site was located to the north of the linear built-up area of Tredington; however, it was separated from the core of the village by the church which provided a transition to the open countryside. The proposed development would result in the creation of housing outside of the existing pattern, would not complement the form of the settlement and would not relate to existing buildings within that settlement, contrary to Policy RES4. In relation to heritage, Historic England and the Council's Conservation Officer had both objected to the proposal as it would lead to less than substantial harm to the Grade I listed building. The proposed benefits of the scheme, mainly the provision of up to seven units and 40% affordable housing, were not considered to outweigh the harm to the heritage asset in accordance with Paragraph 208 of the National Planning Policy Framework. It was noted that the titled balance was not engaged on this application due to the harm to the designated heritage asset in accordance with Paragraph 11 of the National Planning Policy Framework. The Parish Council had objected to the application and whilst County Highways had raised no objection to the application itself, it had raised concerns about the lack of a footway connection to the main village. The Council's Housing Officer had requested that a minimum of 40% affordable housing be provided on site in the event that the maximum number of seven units were developed. In conclusion, the proposal would not accord with the development plan when considered as a whole and, having regard to all material considerations including the National Planning Policy Framework, there were clear reasons for refusing the development in relation to its location and impact on a Grade I listed building. As such, it would not constitute sustainable development and was therefore recommended for refusal.
- 73.4 The Chair invited the applicant to address the Committee. The applicant explained that the application had arisen from a call for sites when the Planning Committee was advocating that small villages should have developments of 10 units, including affordable homes, to allow them to thrive and grow. He did not intend to labour the acknowledged mishandling of the previous Permission in Principle application but felt Members should be aware that an in-depth investigation by the Interim Planning Manager in 2023 had found worrying, sizeable issues and, for those reasons Tewkesbury Borough Council and Historic England had asked them to re-submit

this application. The applicant felt that this Committee report was, again, very concerning. As stated, the site area was 0.6 hectares, not two as was shown in the last application and it failed to acknowledge the existing footway, clearly marked on the plan, which safely connected this site to highways and bus stops – the public footpath made this site accessible and sustainable. However, the main concern regarding the Committee report was that Historic England’s submission was stated as an objection but no objection had been recorded or inferred throughout that document; Historic England’s recommendation was that the authority take its representations into account and seek amendments, safeguards or further information as set out in its advice. The applicant explained they had worked with Historic England for over a year and when the Senior Inspector for the South West had visited the site last August he had noted his support for the affordable homes and suggested design parameters as set out in the concept plan. The applicant confirmed that, if successful, they would be more than happy to continue their working relationship with Historic England. He went on to point out that Tredington Primary School had a capacity of 105 pupils but just 64 on role, three of which were children from Tredington. A footpath had been built to the school but no children used it; there was a village hall but no youth club and a beautiful church but no Sunday school. He felt the clear benefit of affordable homes should be weighed as more important than the “less than substantial degree of harm” under the National Planning Policy Framework definition, quoted against the heritage asset by Historic England. The Officer’s opinion did not give a clear reason to refuse as suggested and would be called into question should an appeal be submitted. It was a balance that should engage the presumption in favour of sustainable development and he reminded Members that the Council would retain control over design at the Technical Details Consent stage. Tredington needed more young people to keep it alive and affordable homes to enable young families to stay in the village and this site would deliver the much needed, small scale, affordable homes as required in the recent Gloucestershire Rural Community Council (GRCC) report.

- 73.5 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member sought clarification as to what the next stage would be should the Permission in Principle application be permitted and was advised that the Permission in Principle application was the first stage of the process and sought solely to establish whether the site was suitable in principle for the provision of between one and seven dwellings; the second stage was the Technical Details Consent stage where details such as design, landscaping, drainage and other technical matters were assessed. The Member sought clarification as to whether the Technical Details Consent application could be for fewer houses if the impact of seven dwellings was deemed to be inappropriate and confirmation was provided that the Technical Details Consent could be for one dwelling up to a maximum of seven dwellings. In the event that the application was for fewer than seven dwellings, another Member pointed out that the amount of affordable housing would also reduce and questioned if it was possible there could be a scenario where not one whole affordable dwelling was delivered on site. In response, the Senior Planning Officer confirmed it was a matter for the Technical Details Consent stage and was not a relevant consideration for this Permission in Principle application.
- 73.6 It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member pointed out there was modern housing adjacent to the church and, as referenced by the applicant, Historic England had not made a formal objection to the application but had asked for more information which would come forward at the Technical Details Consent stage. Tredington was a sustainable location with regular bus services to Cheltenham, Gloucester and Bishop’s Cleeve and there was employment in the village which had a public house and golf centre. There were currently 79 houses in Tredington and no affordable homes so some development was needed to reinvigate the school and support

the village. In her view this was an application which should be progressed. The Senior Planning Officer advised that document 6 of the applicant's submission contained pre-application advice from Historic England dated 8 August 2023 which recommended that a full planning application be submitted in order to allow the impact on the heritage assets to be assessed. It was Officer opinion that this effectively constituted an objection due to the lack of information provided within the Permission in Principle application. The Local Planning Authority had a statutory duty to protect, enhance and conserve listed buildings and the Grade I listed church was afforded additional protection in the National Planning Policy Framework; without sufficient information it was not possible to carry out the statutory duty, particularly when Historic England had raised concern and the Council's Conservation Officer had objected to the scheme. The Member assumed it would be possible for these issues to be resolved at the Technical Details Consent stage and, if they were not, the application could be refused at that point. The Development Management Team Manager (East) advised that there were concerns regarding location – one of the factors that could be assessed at the Permission in Principle stage – in terms of the impact on the heritage asset and potential harm to its setting.

73.7 A Member indicated that he could not support the motion to refuse the application which would be a good opportunity to secure affordable housing as well as market dwellings for the village. He was of the view that villages should not be allowed to die through lack of development or investment and considered that the scale of the proposed development was appropriate for Tredington. He failed to see what harm would be caused to the heritage asset given that it was already surrounded by houses. Provided it was sustainable, he felt Members should be supportive of the National Planning Policy Framework in terms of delivering housing in the right area – he felt this proposal would help to inject life into the village. In response, the Development Management Team Manager (East) reminded Members that the affordable housing offer had been put forward by the applicant but there was no mechanism to secure it through the Permission in Principle application. If the site remained at 0.6 hectares in any Technical Details Consent application there would be a requirement to look at what that offer was, based on the amount of units - the applicant could come forward with a scheme for one or two dwellings, rather than the maximum of seven, and registered providers may not pick up such a small amount of affordable housing on site. Officers had not been advised as to who the registered provider would be and there was no information about tenure type; the recommendation from the Housing Officer was for social rent but there was no information from the applicant as to what might come forward. If Members deemed it to be a sustainable location, Policy RES4 looked to bring new housing to rural settlements but set out that it should complement the form of the settlement and be well related to existing buildings within it. The application site was located to the north of the built-up area of Tredington and was separated from the core of the village by the church which provided a transition to the open countryside within which the application site was most closely related, therefore, Officers were of the opinion that the site was not located within and adjacent to the built-up area of Tredington. The proposer of the motion wished to put on record that he was supportive of affordable housing in genuinely sustainable locations but he was not convinced this was one; in this case, it was likely that only one, two or at most three, of the dwellings would be affordable and he did not feel that level of housing would bear the weight of expectation in terms of supporting the school, church and public house. Policy RES4 was in place to maintain the life of villages but also for protection and he remained of the view this application should be refused.

73.8 A Member indicated that she was very conflicted with the application and agreed that villages needed to be reinvigorated. She considered the number of dwellings to be proportionate within the village setting and that they would contribute to, rather than solve, the problems with the school, public house etc. Notwithstanding this,

she was concerned as to whether the affordable housing would be truly affordable given its rural setting – it may not be affordable for young people looking to buy their first house. She asked if it was an option for the applicant to submit a full application and was informed that the applicant had been given that advice on the basis that the details required for a Permission in Principle application were minimal and Historic England was in a position whereby it could not fully assess the proposal on the basis of the information submitted with this application. The seconder of the motion indicated that she was also in favour of affordable housing provided it was ‘real’ affordable housing with no risk of ending up with only one affordable dwelling or a situation where registered providers did not want to take it up. This had come back for a second time as a Permission in Principle application and she would like to see a full application in order for Historic England to be able to undertake a proper assessment. Another Member shared the view this should be a full planning application and whilst he felt there was merit in some housing, he was concerned about the proximity to the church and felt details were needed in order to assess that. The Development Management Team Manager (East) pointed out that there were two recommended refusal reasons, one in relation to the heritage impact and another regarding location of the site; if a full application was submitted and the heritage issues could be resolved, there may still be locational issues with the site but, if the heritage issues fell away, the tilted balance may be engaged hence there would be a different context to assess. The seconder of the motion noted there had been some remarks about the church being surrounded by housing but the plans showed that was not the case currently; however, if this application was permitted, it would set a precedent and that would likely be the end result. In response to a query regarding the Parish Council’s objection to the previous application, the Senior Planning Officer advised that the Parish Council had objected due to the location of the site and the adverse impact on the setting of the Grade I listed building, the type of land use as it was not an infill plot or an allocated site and the amount of development – it was noted that the third objection was based on the application for nine dwellings whereas the current application was for between one and seven dwellings.

73.9 Upon being put to the vote, it was

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

### **23/00275/APP - Plots 3 and 4 Gloucester Business Park**

73.10 This was a reserved matters application in relation to Plots 3 and 4 for the erection of employment development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 development with ancillary offices, alongside discharge of pre-commencement conditions 8 to 11 to planning permission reference 11/01155/FUL. The application had been deferred at the Planning Committee meeting on 20 February 2024 for a Planning Committee Site Visit to assess the size and scale of the proposal and the impact on residential amenity. The Planning Committee had visited the application site on Friday 19 April 2024. Members were advised that, although the Committee report stated the application site was within Churchdown Brookfield with Hucclecote Ward, it was actually in Brockworth West Ward; previous applications had been within Churchdown Brookfield with Hucclecote Ward but there had been a boundary change at some point which meant that it was now within Brockworth West Ward.

73.11 The Development Management Team Manager (South) advised that the application related to Plots 3 and 4 to the southern part of Gloucester Business Park. The site benefited from outline planning permission for business and industrial uses and this application sought the approval of reserved matters and proposed three separate

buildings. Since the Planning Committee meeting in February, the applicant had reviewed the proposal and submitted revised drawings to reduce the height of some of the buildings: building 3.1 had been reduced in height by 2m to an overall height of 13.5m; building 4.1 had been reduced in height by 1m to an overall height of 14.5m; and building 4.2 had been reduced in height by 1m an overall height of 14.87m. The amendments also proposed the relocation of the site access to building 4.2 further south from the signalised junction. It was considered that the proposed buildings would have an acceptable appearance and layout and additional landscaping would provide enhancements to the site. A number of concerns had been raised by nearby residents in respect of the impacts of the proposed development and use; however, it should be noted that the site benefited from planning permission and business and industrial uses were already established. The impact of the buildings in terms of loss of light had been independently assessed and concluded that the scheme would not result in unacceptable harms. It was considered that the relationship had further improved with the more recent amendments to the scheme to reduce the height of the buildings. Attention was drawn to the Additional Representations Sheet, attached at Appendix 1, which confirmed that County Highways was satisfied with the proposal subject to the conditions listed. One additional letter of objection had been received since the Committee report was written and the observations maintained an objection to the revised scheme, advising that the existing trees did not provide 100% screening, especially when not in leaf, and raised concern regarding risks of flooding, drainage, traffic, parking and noise – this reflected the concerns which had been assessed in the Committee report. On balance, and for the reasons set out in the Committee report, the proposal was considered to be acceptable and the Officer recommendation remained delegated approve as set out in the Additional Representations Sheet.

- 73.12 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that the revised plans submitted by Gloucester Business Park failed to address any of the significant concerns that had been raised at the previous Planning Committee meeting and the objections submitted in relation to the application. The major concern was in respect of the use of the plots as warehouses, the height of the units, the size of the footprint of the units and the location within the plot as well as the associated impact on traffic and noise and the utilitarian, overbearing design. The largest unit would be 14.87m high with a footprint of 6,700sqm and composed of generic utilitarian materials with a section of glazed office area and no buffer space to the border of the plot. The total area of the plots was 16,400sqm, offering a bleak and depressing outlook with the complete oppression of skyline apart from the slither of spacing between units 4.1 and 4.2. He compared these units with three existing buildings which bordered Cooper's Edge residential area: Elite Extrusion Die Ltd had an asymmetrical roof which was 10.5m at its tallest roof pitch and 7.3m at its lowest roof pitch and 10m buffer space from the boundary with a footprint of 730sqm; Benefact/Ecclesiastical House had a 12.5m height to the roof with 17m height of roof service level - however, this was largely obscured on approach to the building - and the footprint was 1400sqm; and, Javelin House had a 13m height to the roof with a 17m height of roof service level - again largely obscured on approach to the building – and the footprint was 2,688sqm. Both Benefact/Ecclesiastical House and Javelin House were constructed in higher quality materials more sympathetic to a residential style and buffer space of 40-50m. If planning permission was to be granted, he urged Members to consider including conditions in relation to the building services placement including air conditioning units, generators and ventilation such that these could not be placed facing the residential area and to secure the use of higher quality materials. In conclusion, the local resident expressed the view that the proposed units provided no transition from the residential development to the existing business park. The units were over double the size of the footprint of existing units bordering the residential area and the height

of 14.8m over this size of unit provided a monstrous scale with an imposing view that would be detrimental to the streetscene and main entrance to Cooper's Edge.

73.13 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that, since this application was deferred by the Planning Committee on 20 February 2024 to allow Members to visit the site, the applicant had reviewed the proposals and amended the scheme to address comments raised at that meeting. In terms of the building heights, the applicant had reduced the three buildings across Plots 3 and 4 by up to 2m; building 3.1 had been reduced by 2m resulting in a height of 12.5m to the top of the parapet, and buildings 4.1 and 4.2 had been reduced by 1m resulting in a height of 13.5m to the top of the parapet. These were the minimum heights that could be achieved at the site to enable the effective delivery of B2 / B8 units that was attractive to occupiers to meet the standards and requirements of modern employment development, whilst also addressing Members' concerns. It should also be noted that each of the buildings had an office element located in the areas fronting the roads into the residential areas at around 9m in height which was broadly equivalent of the height of a two storey house; this was significantly lower than the main element of the buildings. The design of the office elements assisted in breaking up the massing of each building and providing a transition between the business park and residential area. In terms of separation distances, a minimum distance of 28.5m had been achieved between building 3.1 and dwellings along Rodmarton Close. A further separation distance of 40m and 72m had been achieved for buildings 4.1 and 4.2 respectively. Given the retained, existing natural screening along the western boundary of the site, and the submitted daylight and sunlight assessment, it was considered this development would not result in an unreasonable loss of light to the principal rooms of the adjacent neighbouring dwellings. This separation distance was also in excess of the buffer requirement of the outline permission for Coopers' Edge. At the previous Committee, highway concerns had been raised by Members in relation to the access at building 4.2 and pavements around building 4. These matters had been discussed with County Highways and solutions agreed - access to building 4.2 had been relocated further away from the signalised junction and a pedestrian footway had been provided along the south of Lobley's Drive between buildings 4.1 and 4.2 to improve pedestrian connectivity throughout the business park. In terms of job creation, it had been calculated using the Homes and Communities Agency (HCA) Employment Densities Guide that 70-126 jobs would be created at Plot 3, and a further 211-378 jobs at Plot 4 depending on whether the buildings were occupied by a B2 or a B8 user. The applicant had listened to the community and stakeholders as they developed the final employment plots and continued to manage the success of the Business Park and trusted that the proposed amendments to the scheme would satisfy Members and enable the application to be approved.

73.14 Having noted that he had not registered to speak in accordance with the requirements of the Scheme of Public Participation as set out in the Council Constitution, the Chair exercised his discretion to allow a local Ward Councillor for the area to speak in relation to the application. The local Ward Councillor expressed the view that B8 use in the area would have a direct impact on the amenity of neighbouring properties resulting in their properties being overshadowed. The original planning permission was for small scale B1, B2 and B8 units which would be more in keeping with the character of this predominantly residential area. The area of landscaping was outside of the application site and could not be secured as part of this application and did not compensate for the effect of the B8 development. In his view, the industrial buildings would have an overbearing presence which was not the intention of the outline application and there was nothing within the current proposal that would mitigate the negative impact on existing residential properties.



- 73.15 The Chair indicated that the Officer recommendation was to delegate authority to the Associate Director: Planning to approve the application, subject to no adverse observations from the Drainage Adviser, conditions as set out in the Committee report and Additional Representations Sheet and any additional/amended conditions following advice from the Drainage Adviser, and he sought a motion from the floor. A Member sought clarification as to who owned the land where the current screening was shown for buildings 4.1 and 4.2. The Development Management Team Manager (South) understood it was in the ownership of the company who developed or owned the residential development; the Council was seeking to adopt the land containing the watercourse to the south side but a sliver would remain in third party ownership. A Member noted that the original site design had included smaller houses and industrial units around residential areas yet this proposal was for much larger buildings which would have an impact on the existing residential properties and he asked if this was policy compliant. The Development Management Team Manager (South) advised that the outline planning permission had not included a condition in relation to a masterplan, parameters plan or any other plan which may show smaller buildings. The grant of planning permission set a precedent for development on this site and each application must be assessed on its own merits. A Member noted the Committee report referenced the southern strip being retained but this area was obviously outside of the Council's control which was frustrating. She asked whether showers were required along with the proposed cycle storage and parking within the facility and the County Highways representative confirmed there was a proposal for showers which would be secured through condition 15, as set out on the Additional Representations Sheet. Another Member had been surprised at how good the screening was when Members had visited the application site but she had noted the trees were not evergreen and asked if a condition could be included to secure planting of evergreen trees to bulk out screening in winter. She noted the local resident had raised concern regarding the materials used and asked if this could be reviewed as part of the delegated approval. She also sought clarification as to the location of the air conditioning units as she was concerned about the potential impact on residential areas. The Development Management Team Manager (South) advised there would be insufficient land to allow trees to properly establish and the land beyond was outside of the applicant's control so it was not possible to insist on requiring any other planting along the southern boundary. The application was recommended for delegated approval to resolve outstanding matters in respect of drainage and Officers considered the materials were acceptable as submitted. He did not have the precise location of the air conditioning units but the Environmental Health Officer was satisfied with the noise impact assessment and it was something which could potentially be secured by an additional details condition.
- 73.16 A Member recognised the original concept was to have smaller units buffering larger units in the business park and she pointed out that all other units had a gap between them. There should be 20% green infrastructure on the business park and she did not think there was enough to mitigate what was now being proposed. As such, she asked why it was acceptable for this area at the end of the plot to be so built up when other areas were not. The Development Management Team Manager (South) indicated that he did not have an assessment as to why the applicant had chosen to build tight to the boundary but the relationship between the industrial units and residential properties was not an unusual one. A Member questioned what process was required if the Council was to insist on a tree screening boundary within the applicant's control and was advised that, if Members considered the absence of tree screening would have an adverse impact on residential properties, they could refuse or defer the application to raise this with the applicant; however, given the absence of meaningful space to the rear of the building, he could not see an obvious solution to resolve the issue.

73.17 It was proposed and seconded that the application be refused on the basis that it was inappropriate given its proximity to the residential area and would have a significant adverse visual impact and due to the landscaping area being outside of the application site. The proposer of the motion expressed the view that the buildings were far too large for the location and too close to residential properties; the original proposal for B1, B2 and B8 units would be more appropriate in the location. The Legal Adviser explained that the employment use had already been approved under the outline planning permission so that could not be used as a reason for refusing the reserved matters application. During the debate which ensued, a Member raised concern there were very few planning grounds on which to refuse the application and it would be difficult to insist on additional screening to address the amenity impact given that the land was not within the applicant's control. Another Member noted the earlier comment that there was no evidence of an original masterplan showing the size of buildings therefore she assumed it was the principle of the site being used as employment land which had been approved. In response, the Development Management Team Manager (South) confirmed that was the case and explained that, typically, if a masterplan was presented for a development which set certain parameters - in this case that might stipulate that no building could extend beyond a certain height - that would be included as a condition but there was no such condition on the outline planning permission. A Member had sympathy with local residents but, given there was no masterplan, she did not feel this was a reason to refuse the application; however, her view was that a deferral would be better to establish if there was a solution to the screening issue. Another Member shared the view there would be no grounds to refuse the application given the history of the site and its designation. Screening could not be insisted upon due to the proximity of the buildings to the boundary but he noted there was potential to include some on land to the south which was intended to come into the possession of the Council so he suggested a financial contribution could be sought from the developer for that. The Development Management Team Manager (South) advised it would be difficult to seek a financial contribution towards planting as the Council did not control that land until it was adopted; should Members be minded to defer the application, this could be investigated further. A Member acknowledged the reasons for suggesting a deferral but she was wary of the timescales for determination, particularly as the application had already been deferred once. The Development Management Team Manager (South) advised that Officers considered the proposal to accord with Policy EMP5 of the Tewkesbury Borough Plan and he referred to the reasoned justification set out at Paragraph 4.28 of the Tewkesbury Borough Plan which stated that determining an appropriate scale and design of development should have regard to the context of the site, for example, the major employment sites would generally be suitable for large scale office, industrial and warehousing uses with large car parking and servicing requirements, whereas the rural business centres – which this was not – would be more suited to smaller scale, low profile units that could be easily assimilated into the rural landscape. Paragraph 4.29 of the reasoned justification of the Tewkesbury Borough Plan stated that environmental and amenity impacts were an important consideration when assessing proposals for new employment development, particularly where proposals were located in close proximity to residential uses and that harm to residential amenity and the local environment could result from noise, odour, vibration, air pollution and light pollution and careful consideration would be required in relation to such impacts. Officers' interpretation was that the application was in accordance with Policy EMP5 and the technical consultees had raised no objection in relation to size and impact on light; the daylight and sunlight report submitted by the applicant had been assessed by an independent specialist on behalf of the Council who had confirmed there would be no significant impact on adjoining residential properties that would warrant refusal of the application. A Member noted that the south boundary screening was cited within the application as a reason for granting approval which he found difficult on the basis that land was in

the control of a third party – he assumed this would be adopted by the Council in due course and therefore that adequate screening would continue to be provided going forward but nevertheless, it was a material consideration and he felt it should be recognised that the applicant had no control over the screening. Upon being put to the vote, the motion to refuse the application was lost.

- 73.18 It was subsequently proposed and seconded that authority be delegated to the Associate Director: Planning to approve the application in accordance with the Officer recommendation. The proposer of the motion understood the concerns of local residents but felt there was no planning reason to refuse the application – it was a business park which was there to provide employment land and, in terms of height, these would be some of the lowest buildings within the park. The seconder of the motion expressed the view that the site visit had been invaluable in demonstrating how the nature corridor worked in that area and she hoped that could be maintained and enhanced when the Council adopted the land. A Member indicated that he was happy to support the motion subject to the inclusion of three conditions to secure retention of the hedgerow along the eastern site boundary, as referenced at Page No. 53, Paragraph 8.39 of the Committee report; to ensure there was no light pollution at night; and to situate the air conditioning units and generators at the north of the buildings as opposed to the south. The Development Management Team Manager (South) advised that landscaping and external lighting had been assessed as part of the scheme and condition 1 listed the documents with which the development would be required to accord and included landscaping and tree plans and the external impact lighting assessment. It was possible to add a further condition requiring details of any external plant and associated noise to be submitted and approved by the Local Planning Authority prior to the commencement of development, should Members so wish. The Member drew attention to Page No. 53, Paragraph 8.42 of the Committee report which stated that the Council's Ecological Adviser had confirmed the proposed bat box locations were now suitable and the works could be secured by condition and he asked if that condition had been included. The Legal Adviser explained that the list of documents in condition 1 included the Ecology Mitigation and Enhancement Strategy report which altered the proposed bat box locations to ensure they were not illuminated and had been confirmed by the Council's Ecological Adviser as acceptable so the development would need to be carried out in accordance with that. The proposer and seconder of the motion confirmed they would be happy to include an additional condition requiring details of any external plant and associated noise to be submitted and approved by the Local Planning Authority prior to commencement of development and, upon being put to the vote it was

**RESOLVED** That authority be **DELEGATED** to the Associate Director: Planning to **APPROVE** the application, subject to no adverse observations from the Drainage Adviser, conditions as set out in the Committee report and Additional Representations Sheet and an additional condition requiring details of any external plant and associated noise to be submitted and approved by the Local Planning Authority prior to commencement of development, and any additional/amended conditions following advice from the Drainage Adviser.

**23/00276/APP - Plot 5 Gloucester Business Park**

- 73.19 This was a reserved matters application in relation to Plot 5 for the erection of employment development of 6,773sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 development with ancillary offices, alongside discharge of pre-commencement conditions 8 and 11 to planning permission reference 11/01155/FUL. The Planning Committee had visited the application site on Friday 19 April 2024. Confirmation was provided that, although the previous application at Agenda Item 5b was in Brockworth West Ward, this application was within Churchdown Brookfield with Hucclecote Ward as correctly stated in the Committee report.
- 73.20 The Development Management Team Manager (South) advised that the application related to Plot 5 to the south western corner of Gloucester Business Park. The site benefited from outline planning permission for business and industrial uses and this application sought the approval of reserved matters in respect of scale, appearance, layout, access and landscaping. Whilst concerns had been raised by nearby residents, as set out in the Committee report, it was considered that the relationship of the development to those properties was acceptable. The County Highways Officer was satisfied with the proposal subject to conditions as set out in the Committee report; however, technical discussions in respect of drainage were ongoing therefore the Officer recommendation remained delegated approve as set out in the Additional Representations Sheet, attached at Appendix 1.
- 73.21 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, as with the previous Agenda Item, this unit provided little transition from the residential area to Gloucester Business Park. It was sited on the main access area into Cooper's Edge and so should complement residential style and better match the neighbouring units Javelin House and Benefact House which were comprised of higher quality traditional brick and mortar which was more sympathetic to a residential setting. The footprint of this unit was significantly larger than both Javelin House and Benefact House and whilst there had been discussion around ways to mitigate the overbearing design, there had been little discussion about the potentially greater benefit of alternative uses. If planning permission was to be granted, Members should consider conditions in relation to the building services placement including air conditioning units, generators and ventilation units in order to ensure they could not be placed facing the residential area and for the use of higher quality materials and a design to compliment a traditional and more residential style and enhance and add growth to the border with the neighbouring residential area. The original intention was to have smaller units on the plot, similar to Javelin House and Benefact House, and this proposal would have a significant detrimental impact on neighbouring residential properties.
- 73.22 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that Plot 5 was the final employment application at Gloucester Business Park which was a successful employment destination in a high quality location, acting as a driver for employment opportunities and economic benefit to the area. They considered the proposed employment uses were the right use and in the right location for Tewkesbury and Gloucestershire. They had listened to residents and stakeholders throughout the development process, and had provided a comprehensive range of surveys to support the planning application to which there were no technical objections. The surveys had confirmed that the proposed development was compatible with the location and resulted in no demonstrable impact upon neighbours. The building had been designed to complement the existing buildings within the park and also provide a transition between the employment and residential areas. A separation distance of over 52m had been

achieved between building 5.1 and dwellings along Arlington Road to the west, and 77m to the south. It was of a scale and height that was suited and attractive to a modern occupier, making an efficient use of land. The relationship between the proposed buildings and the adjacent residential area had been a key consideration throughout the design process. Sustainability at the business park was important for the applicant and the proposed buildings had all been designed to achieve BREEAM Excellent demonstrating a commitment to deliver high quality sustainable buildings. They had consulted widely with the community and stakeholders prior to the application being submitted and one of the key “asks” from the community was improved transport links. They had engaged Stagecoach and, shortly after, a new and improved bus service had been introduced with the intention this would help reduce individual car journeys to and from the park. They had been made aware of local concerns regards traffic, in particular Heavy Goods Vehicles (HGVs) leaving the business park via Lobleys Drive. Whilst no objection had been raised by Gloucestershire Highways, the applicant had noted the importance of resolving this issue and, as a priority, additional signage had been put up at key locations to direct HGV drivers as soon as they left the service yard, to exit the business park via Hurricane Road or Pioneer Avenue. The access to the service yard would also be controlled via condition requiring gates to be open between the 0700 hours and 1900 hours to ensure that HGV’s were not waiting in the highway or blocking pedestrian / cycle crossing points. In terms of job creation, it had been calculated using the Homes and Communities Agency (HCA) Employment Densities Guide that between 115 and 206 jobs would be created at Plot 5, depending on whether the buildings were occupied by a B2 or a B8 user. In summary, the development of these final plots would contribute to the economic growth of the area and was considered to be the right use in the right location.

- 73.23 The Chair indicated that the Officer recommendation was that authority be delegated to the Associate Director: Planning to approve the application, subject to no adverse observations from the Drainage Adviser, the conditions set out in the Committee report and the Additional Representations Sheet and any additional/amended conditions following advice from the Drainage Adviser, and he sought a motion from the floor. A Member noted that part of Lobleys Drive had flooded a month earlier and he asked if there was any update on the discussions regarding drainage. In response, the Development Management Team Manager (South) advised there had been a delay in obtaining a response from the Drainage Adviser but, from initial observations, further information was required to ensure the proposal did not increase flood risk elsewhere and discussions in relation to that were ongoing. It was proposed and seconded that authority be delegated to the Associate Director: Planning to approve the application in accordance with the Officer recommendation. A Member expressed the view that she was concerned about the reliance on landscaping screening which was located on other plots and did not form part of the application site which she did not feel was acceptable. Another Member noted that Page No. 87, Paragraph 8.9 of the Committee report stated that the southern part of the building fronting Gambet Way and Lobleys Drive would include a glazed office section which would serve to add visual interest to the building and contrast with the more utilitarian appearance of the main warehouse element of the building and she expressed the view that personally she would not like to look at a ‘utilitarian’ building from her front window so asked if anything could be done regarding the appearance which may help residents to feel as if they were being listened to. The Development Management Team Manager (South) advised that the application should be determined on the basis of what was before Members today. Officers considered the proposed materials and design to be acceptable in the business park and he did not feel there would be grounds to go back to the applicant to request a different material especially given the context of adjoining buildings.

73.24 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Associate Director: Planning to **APPROVE** the application, subject to no adverse observations from the Drainage Adviser, the conditions set out in the Committee report and the Additional Representations Sheet and any additional/amended conditions following advice from the Drainage Adviser.

**23/00441/FUL - Land to the West of Twigworth Court Farm, Tewkesbury Road, Twigworth**

73.25 This application was for the installation of ground mounted solar to export up to 16MW (AC) electricity, comprising photovoltaic panels and associated infrastructure and works. The Planning Committee had visited the application site on Friday 19 April 2024.

73.26 The Senior Planning Officer advised that the height above ground of each solar array would be a maximum of 4.3m in the western and central parts of fields 3 and 4 where flood water depth was likely to be at its highest and the majority of arrays in field 1 would be mounted up to 1.8m height above ground level where the depth of flood water would be lowest. In terms of access, a new track would be laid toward the array with a temporary construction compound immediately outside of the main solar site; this would be the only vehicular access route into the application site. A substation would be connected to the arrays by underground cable except where crossing the Broadboard Brook where the cable would be suspended above ground between two poles on either side of the brook. The control room would be located in field 1 and there would be four inverters located throughout the site. The Committee report explained that the site was almost entirely in Flood Zone 3 which meant that all equipment was to be sited above the maximum flood water level. In practice, and as advised by the Environment Agency, this was half a metre above the height that floodwaters reached in 2007. As required by the National Planning Policy Framework, the application was supported by a site selection sequential test, and the proposal met the exception test criteria for flood zone development, without objection from the Environment Agency and Lead Local Flood Authority. There were no concerns about disrupting water flow, or displacing floodwater elsewhere. It was accepted this meant that arrays and infrastructure would be higher off the ground and more visible, though in the generally flat landscape only the outside edges of the solar development would be visible. The application was supported by a Landscape and Visual Impact Assessment which had been reviewed by the Council's own specialist adviser. The development would bring significant change, though visual harm would be lower than moderate and would be further mitigated by landscape planting which the Council's Tree Officer has contributed to in design. The final landscape plan would be secured and delivered by one of a number of related ecological and landscape conditions. It was noted that the trees would be significantly taller at the point of planting than average whips and a condition was proposed to secure a landscaping scheme for delivery. Historic England and the Conservation Officer had reviewed impacts to heritage assets, most notably Wallsworth Hall which was a Grade II\* Listed Building. Although some concerns had been raised, harm was considered less than substantial and, in any event, would be mitigated by proposed screening and the overall need for renewable energy development to help reduce the effects of climate change. Officers had not identified other significant harms or material considerations against development and recommended the application be approved.

73.27 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that Historic England had indicated there would be a very low level of harm arising from the proposal and a lot of work had been done a lot of work to get to that point. The height of the panels was more significant next to the brook but, because the land sloped away, the view was not of the higher panels as such. The applicant's representative went on to state that, in 2022, the UK imported more than 37% of its energy supply from outside of the UK leaving it vulnerable to electricity shortages and increased prices. Put simply, the UK needed more UK based energy production and solar energy alongside wind farms and nuclear which would all be part of the energy mix moving away from fossil fuels. Roof mounted solar was restricted by limitations relating to structural integrity of existing roof space and electricity load management such that it could not be considered an alternative to larger ground mounted solar. The UK's electricity network, originally designed around large central power stations, was struggling to cope with the new energy strategy - across the UK there remained only a handful of substations and overhead lines which now had uncurtailed commercial scale capacity to accept new electricity and improvements to the system could take 10 years or more. Where a connection into the existing infrastructure was not practical due to proximity or available capacity, there was no potential for development. This was not simply a financial decision; lengthy grid connections could have additional environmental and community impacts such as disruption, habitat fragmentation, disturbance of archaeology and, in the case of overhead lines, landscape and visual impacts. Other physical barriers such as large rivers and arterial roads could make connection routes impractical. The grid network near Twigworth had available capacity and an immediate connection was available and had been secured. Therefore, the area was considered to have access to a restricted 'resource' which was currently unavailable across much of the UK; however, this did not automatically dictate the acceptability of any possible solar site. Having evaluated land in the area, including available brownfield land, the site and design had been selected and refined in consultation with Officers and external consultees to ensure the proposals satisfied all environmental requirements and minimised any potential impacts on the environment and local community. The site before Members today was on land which was low level and sloped away from residential properties. It was entirely Grade 3b land, free from any landscape, heritage, amenity or ecological designations and was not crossed by any public rights of way. The site benefited from significant screening along many of its existing boundaries and a comprehensive landscape planting scheme had been designed in consultation with the Council's Tree Officer such that the site would be largely screened from most views within only a few years, without limiting existing wider vistas. The site was located within a flood zone which was a technical consideration for solar development, but a notable constraint to the productivity of the agricultural land within the site boundary. Across the UK, many solar farms within flood areas continued to operate successfully during flood events and without causing any off site issues. The site had been through a lengthy technical and detailed design process to ensure that, not only could it operate safely during a worst case predicted flood event but that it would not increase the extent or severity of any flooding off site. Not only had worst case scenarios been taken into account in terms of flood water displacement, but additional unrealistic scenarios had also been considered. In no circumstances would the proposals result in more than a negligible 0.32mm increase to the depth of flood water across the flood plain. In reality when the flood water displacement for the actual design was calculated, the predicted increase was less than one tenth of a millimetre at only 0.08mm. The development proposals had rightly been rigorously scrutinised by Officers and their internal and external advisors and consultees and found to be acceptable. In conclusion, the applicant's representative asked that Members support the Officer recommendation for approval which had been reached after a thorough consideration of all of the facts.

- 73.28 The Chair invited a local Ward Councillor to address the Committee. The local Ward Councillor indicated that he had always been taught that water and electricity did not mix yet that was what was being recommended. He failed to see what local benefit would result from this ill-conceived application as not one unit of electricity would go to benefit the residents of Twigworth. He was surprised to see no objection from the Lead Local Flood Authority, although in his view it had got every recommendation it had responded to in the strategic A1 site completely wrong and he requested that Members give no weight to the response in this instance. He pointed out that the Committee report failed to include any clear timings of works traffic despite the A38 rush hour traffic backing up to the main access to the proposed site. The benchmark for flood levels in the report was 2012 when it should be 2007 and the A38 at the access point had been under water, so well above three metres. He also questioned how emergency vehicles would get onto site if there was a flood which was important given that the chemical recycling plant at Sandhurst, just a few fields over from this application, had caught fire and, due to the fact it had been in flood, fire engines had not been able to access the site resulting in a major incident. The Committee report also failed to mention that five sites had been considered in total; he had been told the other four were not in flood zone 3 so he questioned how this site met the policies within National Planning Policy Framework when at least four other sites were not in the flood plain. The Council had passed a motion that any development in this area should look at the wider implication of both fluvial and pluvial flood patterns but, again, there was no mention of this in the report. He asked that Members use their common sense and refuse this application; they may wish to see the other sites to establish if any of those could be brought forward. He pointed out that, if all of the housing in the strategic A1 site had been built with solar panels on their roofs, the solar farm would not be needed and it would have directly benefitted local people.
- 73.29 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted there had been some discussion about putting concrete into the ground to accommodate the panels but she asked what had been considered in relation to water drainage to those panels. In response, the Senior Planning Officer advised that the concrete pillars would not be used for the arrays. The Lead Local Authority had been consulted about the use of concrete in the ground and had provided assurance the soil was predominantly clay in any case, therefore it would not adversely affect infiltration through the ground. The Member asked why an Environmental Impact Assessment was not necessary and was advised this was only required if there was a risk of significant harm which did not apply in this instance. Another Member asked if the land was being leased as she did not see how condition 20 in relation to decommissioning could be enforced. The Senior Planning Officer advised this condition would apply to anyone who had control of the site after the 40 year period. A Member noted that the Senior Planning Officer had talked about negating concerns around screening and ensuring sufficient maturity of trees to create screening as soon as possible and he questioned if the condition would ensure screening continued throughout the 40 year period given there was a likelihood some would die during that time. The Senior Planning Officer confirmed the condition would apply throughout the period; typically the condition would be for five years but that timeframe had been removed so that it would apply for the 40 year period. A Member asked the Senior Planning Officer to comment on the local Ward Councillors' suggestion that an incorrect flood assessment had been used and was advised there was no evidence that incorrect data had been submitted; the Flood Risk Assessment, exemption test and data had been checked by the Environment Agency and Lead Local Flood Authority and there were no concerns about accuracy.



73.30 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion wished to put on record that he had written to the Planning Policy Officer around the need for complementary planning guidance around this type of application; there was a legal requirement by 2030 to meet a specific carbon reduction target and, in order to achieve this, the UK was looking at a three fold increase in the amount of on and offsite renewable energy meaning Members were likely to be presented with an increasing amount of applications of this nature and he felt the Committee needed comprehensive guidance ahead of the Strategic and Local Plan to assist with making these difficult decisions. Another Member agreed this would be a difficult decision for all Members; in January she had helped residents of Longford and Twigworth whose properties had flooded and residents in the A38 area would undoubtedly be wary of having this in the flood plain. Notwithstanding this, if a scheme for renewable energy could be delivered in the flood plain, which could not be used for any other type of development, and did not worsen the impact of flooding in the area, she believed that was a good thing. Ultimately, she did not believe anyone would propose building something in the flood plain if they believed it would be unsafe. A Member indicated that he was generally supportive of the idea but, to his mind, location was important and he was conscious of what the local Ward Councillor had said about water and electricity not mixing well so asked what assurances could be given this was a safe location when other locations within the borough could potentially facilitate this type of development. Another Member expressed the view that she could not support the motion based on the location in flood zone 3 and questioned how this would look to residents who were trying to ensure their houses remained dry; any other application would be required to deliver a betterment in terms of flood impact but she believed the applicant's representative had stated there would be an increase in flooding, albeit just a few millimetres. She did not have a sound planning reason to refuse the application but she felt that other areas could potentially provide a suitable location for solar panels and, whilst she understood why they were needed, she could not support building them on the flood plain.

73.31 A Member indicated that he would reluctantly support the motion. He noted that several other locations had been considered and found to be unsuitable and he questioned where else a solar farm could go if the obvious ones had been rejected in favour of this one. In response to a query as to whether there were any examples of other solar farms being built in locations which flooded, the Senior Planning Officer advised that the applicant had mentioned two other sites which had been safely operating in similar flood zones for seven years. The Member asked if it was possible to defer the application to allow the Committee to visit the other sites and was advised it was not appropriate to defer for that reason. A Member expressed the view that whilst the application did not necessarily feel right, that did not mean it was not. She could see no evidence the proposal would increase flooding which was what the decision must be based on, as such, she would support the motion. The proposer of the motion pointed out that solar farms could be built on top of reservoirs and there were plenty of examples of them being floated. A Member indicated that she would like to see a dual use for the ground with the grass areas between the arrays used for grazing and another Member asked if it was possible for grazing to continue with the solar farm in place. The Senior Planning Officer advised that, whilst there was no proposal in the application to use the site for agricultural purposes, it was feasible.

73.32 Upon being put to the vote, it was

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

**23/01078/FUL - Land North of A417, Brockworth Road, Churchdown**

- 73.33 This application was for construction and operation of an Energy Reserve comprising Battery Energy Storage System (BESS) together with associated infrastructure, access, landscaping and cabling, for a temporary period of 40 years (amended description). The Planning Committee visited the application site on Friday 19 April 2024.
- 73.34 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which recommended amendments to conditions 8 and 16. Members were advised there were two access points off Brockworth Road, the northern access was the construction route and, once complete, would be restricted for agricultural purposes leaving the southern access for maintenance vehicles to access the site and this would be secured by condition. The batteries would be perpendicular with the A417 with 16 laid out side to side and eight inverters alongside them. There would be a perimeter track with access to each container and around that would be a perimeter fence with a landscaping scheme beyond that. The Committee report explained that the site was in the Green Belt where there would normally be a presumption against inappropriate development; however, the National Planning Policy Framework set out that very special circumstances could include the wider environmental benefits of renewable development. In this case, the application was supported by a site selection report comprising the very special circumstances and Officers considered that other alternative sites had reasonably been investigated and discounted in the search for appropriate sites. It should be acknowledged that every battery energy site was likely to come with some constraints and, in this case, Officers were satisfied that whilst development would lead to limited intrusion into the Green Belt, the benefits far outweighed the harm to its openness. To an extent this was already disrupted by existing development in the immediate vicinity, for example, the trunk road of the M5 and the development south of the A417. To further reduce the harm to the openness during the 40 year operational period, Officers had agreed a condition whereby the northern access track would be removed once construction was complete and the development would also be screened by significant hedge and tree planting. Officers had not identified other significant harms in terms of landscape, amenity, highways or material considerations against development and recommended the application be permitted.
- 73.35 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained there was clear recognition at both a national and local level of the urgency to tackle climate change and reduce carbon emissions. The most recent version of the National Planning Policy Framework provided policy support recognising that battery storage was renewable energy infrastructure and the recently designated National Policy Statements on energy were material planning considerations and classified battery storage as critical national infrastructure. There could be no doubt this application delivered on the principle of sustainable development which, along with wider environmental benefits, was noted as weighing significantly in favour of this type of development by Inspectors in allowing numerous appeals for battery storage in Green Belt locations reflecting the positive policy stance and clearly demonstrating government support for battery storage. Decentralised energy storage was essential to deliver net zero targets and, according to the National Grid, up to 35GW of storage capacity would be needed by 2050 across the country; this development would contribute towards those targets. Tewkesbury Borough Council has declared a climate emergency and had an ambition to be carbon neutral by 2030. Each cycle of the batteries would deliver back onto the grid the equivalent of the daily electricity consumption of 5,000 homes in Gloucestershire, stabilising the grid and facilitating greater deployment of clean renewable energy. To develop a project like this, three things were needed: a viable grid connection offer; an interested landowner; and

land which was free from statutory environmental designations – this application delivered all three. Whilst the site was in the Green Belt, a site selection justification report had been submitted which considered potential alternative sites outside of the Green Belt including on existing business parks and the brownfield register – as set out by the Senior Planning Officer, those were robustly discounted for various reasons. As the site was in the Green Belt, very special circumstances were required to be demonstrated and, in this case, included: the urgent need for renewable energy infrastructure to be deployed at a scale to support the UK's legally binding commitment to net zero; the declared climate emergency and commitments made by Tewkesbury Borough Council; proximity to a grid connection with capacity; temporary and reversible nature of the development; limited scale of the development to minimise landscape impact; significant biodiversity net gain amounting to 37% which was almost four times the legal requirement; and a significant proportion of the site dedicated to landscape and biodiversity enhancements which delivered farm diversification to support the rural economy. With the exception of the Parish Council there were no other objections and the application was acceptable in relation to all material planning considerations. Therefore, she urged the Planning Committee to note the urgent need for the development and the associated significant benefits it would bring, and respectfully requested the planning application be approved, in line with the Officer recommendation.

- 73.36 The Chair indicated that the Officer recommendation was to permit the application subject to the amended conditions as set out in the Additional Representations Sheet, and he sought a motion from the floor. A Member noted that other potential sites had been considered and Staverton, in particular, had been dismissed having been identified as a major employment allocation; however, in her view that site would be much more suitable in terms of loss of Green Belt and due to the existing road infrastructure and electricity substation so she asked for an explanation as to why those factors did not amount to very special circumstances. The Senior Planning Officer advised that a very comprehensive site selection report had been submitted with the application and finding a site for battery storage was very difficult due to the nature of the development. Page No. 159, Paragraph 8.22 of the Committee report set out the constraints which existed in terms of finding suitable sites. Staverton was allocated for employment and justifying a battery storage use on employment land would be difficult as that use would be displaced elsewhere leading to other difficulties. Officers were comfortable the site selection report had looked at alternative sites and assessed them in sufficient detail to discount them, leaving the only viable option to look at a site in the Green Belt. A Member noted there would be CCTV on the site when it was built and questioned whether a condition could be included to ensure the site was not lit at night in order to retain the dark skies. In response, the Senior Planning Officer advised that lighting would be conditioned via the ecological management plan, albeit that was in relation to ecology, so another condition could be included to secure retention of dark skies.
- 73.37 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation subject to an additional condition to ensure retention of dark skies. A Member accepted the need for facilities such as this but got the impression this site had been selected as the 'best of the worst' rather than being suitable in its own right. She had a problem with the further loss of Green Belt and the units had a very industrial feel. The A417 set a boundary of sorts with the area on one side being Green Belt and she felt it was important to retain that as such. The impact on the views had been dismissed in the Committee report and she raised concern in relation to Page No. 167, Paragraph 8.92 which set out that Heavy Goods Vehicle (HGV) traffic would be directed through Churchdown. Another Member felt there was a faster route than the one suggested through the village and past schools, particularly as there would also be another construction site on Cheltenham Road East, and she asked if it was possible to make changes to

the transport plan so that HGV traffic could turn left to Hucclecote and then onto the M5. In response, the Senior Planning Officer clarified that the construction period would be approximately six months and it was anticipated there would be eight two-way HGV movements per day Monday-Friday excluding Bank Holidays. Whilst she did not think it was a reason to refuse the application, the Member questioned why that particular route had been chosen and the County Highways representative advised that the applicant had looked at where material would be sourced from and where it needed to get to and had presented that route in the application. Another Member asked if it was possible to include a condition to ensure that mature planting was required to ensure screening happened more quickly and the Senior Planning Officer advised that could be looked at as part of the landscaping plan which would be secured by condition.

73.38 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to the amended conditions as set out in the Additional Representation Sheet and an additional condition to secure retention of dark skies.

### **23/00673/FUL - Box Farm, Stockwell Lane, Woodmancote**

73.39 This was a Technical Details Consent application for the construction of one self-build dwelling following approval of Permission in Principle ref: 21/00144/PIP. The Planning Committee had visited the application site on Friday 19 April 2024.

73.40 The Planning Officer advised that the application was for a new detached dwelling and garage at Box Farm in Woodmancote. The site was located within the Cotswolds National Landscape and a Committee decision was required as the Parish Council had objected on several grounds including harm to the surrounding landscape, design and drainage. With regards to the design, the proposed dwelling would have mainly traditional Cotswold architectural features and the external materials - natural Cotswold stone walls and stone tiled roof - would be appropriate to the character of the area. It would also be of a very similar size and design to the approved replacement dwelling next door at Beech Cottage as shown on the proposed streetscene elevation. Several aspects of the proposal would comply with the positive design features as set out in Box 9 of the Woodmancote Neighbourhood Development Plan which included Cotswold Stone walling, a generous sized garden, off-street parking only, soft landscaping, two storey and a generous plot size. With regard to landscape impact, the visual impact of the development from distant views would not be considered prominent due to its relationship with existing development and no objections had been raised by the Landscape Officer or Tree Officer. In relation to drainage, a detailed drainage strategy had been submitted and surface water would be discharged into attenuation crates. The attenuation had been designed to cater for all storms up to and including one in one hundred years, plus a 40% allowance for climate change. Foul water would be discharged through a traditional below ground gravity system and would flow to the existing Severn Trent asset via a new manhole connection in Stockwell Lane; the Drainage Advisor has been consulted and raised no objections. The drainage report discussed the use of water butts; however, exact details had not been provided so an additional condition was recommended, and had been agreed with the applicant's agent, to secure this information prior to the occupation of the dwelling. Overall, the proposed dwelling was considered to be of a suitable size and design and there would be no detrimental impact on the landscape or the residential amenity of neighbouring dwellings. As such, the Officer recommendation was to permit the application.

- 73.41 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that three years ago, almost to the day, he had spoken at this Committee to set out why this was an acceptable site for the construction of one dwelling. The Committee had agreed and the application for Permission in Principle was approved unanimously; this application now sought Technical Details Consent for the dwelling. All technical consultees were supportive of the development, including the Biodiversity Officer, Conservation Officer, Drainage Officer, Environmental Health Officer, Landscape Officer, Tree Officer and County Highways Officer. The reason for referring this application to the Committee related primarily to the Parish Council's dislike of the design of the dwelling; however, as detailed in the Committee report, the dwelling would be constructed with Cotswold stone walls, a stone tiled roof and traditional Cotswold stone window frames, whilst also incorporating some interesting contemporary architectural features on the rear elevation. As already mentioned by the Planning Officer, the dwelling had been designed in an entirely appropriate manner for an infill plot on the edge of the Cotswolds National Landscape. The applicant's agent understood that questions had been raised on the Planning Committee Site Visit in relation to drainage and advised that the foul and surface water drainage strategy had been independently verified by the Council's Drainage Officer who had declared it to be sound. Foul water would be discharged via a traditional underground gravity system and would flow to the existing Severn Trent Asset via a new manhole connection on Stockwell Lane. Condition 7 required this infrastructure to be installed before occupation of the dwelling and, at the request of the Planning Officer, the applicant was also happy to agree to another condition securing the installation of water butts prior to the occupation of the dwelling. He reiterated this was an application for Technical Details Consent, and all technical consultees were supportive of the proposal, therefore, he respectfully requested that Members vote in favour of the Officer recommendation.
- 73.42 The Chair indicated that the Officer recommendation was to permit the application, subject to an additional condition to secure the installation of water butts prior to occupation of the dwelling, and he sought a motion from the floor. A Member drew attention to condition 10 which set out that the dwelling would not be occupied until the means of enclosure to that plot had been installed in accordance with details that had been approved by the Local Planning Authority to provide adequate privacy but given that the dwelling was in an elevated position, she questioned what that condition was trying to achieve. She also noted there were several existing trees and asked if they were to be retained. In response, the Planning Officer advised there was substantial hedgerow and trees along the front and the majority of existing landscaping would remain; however, if there were to be additional fencing, this would be covered by condition to ensure it was sensitive to the area.
- 73.43 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member was mindful of the issues with water run-off on Stockwell Lane and was pleased the applicant had done all they could to minimise this and he thanked Officers for insisting on the inclusion of the condition regarding water butts. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to an additional condition to secure the installation of water butts prior to occupation.

**PL.74 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

74.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 211-214. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

74.2 It was

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

The meeting closed at 12:55 pm

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 23 April 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.

Item No	
5a	<p><b>24/00129/PIP</b></p> <p><b>Land Off Bozard Land, Tredington</b></p> <p><b>Additional Documents/Representations</b></p> <p>Since writing the Committee report, <b>an additional six documents have been submitted from the applicant. These documents show the engagement with Historic England since the previous PIP application 22/00791/PIP was refused.</b></p> <ol style="list-style-type: none"> <li>1. Letter to previous Interim Development Management Manager.</li> <li>2. Email from Historic England.</li> <li>3. Pre-Application Advice from Historic England dated 8 August 2023.</li> <li>4. Email from Historic England.</li> <li>5. Email from Applicant to Historic England.</li> <li>6. Comments from Historic England on the draft plans for the current application dated 16th January 2024.</li> </ol> <p>The submitted documents do not provide any further information for the Council to assess and document 6 was provided within Appendix 1 of the Planning Statement submitted with the application.</p> <p>It should be noted that Historic England provided comments on this application, dated 12 March 2024, with its recommendation that <i>"Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205 and 206 of the NPPF."</i></p> <p>The comments set out within the six documents are superseded by the comments from Historic England on this application dated 12 March 2024.</p> <p><b>Para 2.1 to read</b></p> <p>"Approximately 0.6 hectares" and not 2 hectares. This was an administrative error on the part of the Planning Officer but it does not have an impact on the overall material planning consideration of this case.</p>

5b

**23/00275/APP****Plots 3 & 4, Gloucester Business Park**

The application has been assessed by the Local Highway Authority following the February Planning Committee meeting and receipt of amended plans repositioning the site access to Building 4.2 further away from an existing signalised junction and provision of footpath to the southern side of Lobleys Drive.

The proposed amendments are considered to be acceptable and the Highways Officer has raised no objections subject to the additional conditions set out below.

Discussions in respect of surface water drainage arrangements are ongoing.

**Recommendation**

The recommendation remains that authority is DELEGATED to the Development Management Team Manager to APPROVE the application subject to no adverse observations from the Drainage Adviser, the conditions set out in the Committee report, additional conditions set out below and any additional or amended conditions following advice from the Drainage Adviser.

**Additional Conditions**

11. Prior to occupation details of HGV routing signage shall be submitted to and approved by the Local Planning Authority. No part of the development shall be occupied until the approved signage has been implemented.

Reason: To ensure safe and suitable access.

12. Notwithstanding the submitted details prior to occupation details of footways around the Plots 3 and 4 alongside the adjacent road frontages shall be submitted to and approved by the Local Planning Authority connecting to existing footways. The approved footways shall be constructed prior to occupation.

Reason: To ensure safe and suitable pedestrian accessibility.

13. Notwithstanding the submitted details prior to occupation details of demarcated clear paths from all accesses to building entrances shall be submitted to and approved by the Local Planning Authority connecting to existing footways. The approved footways shall be constructed prior to occupation.

Reason: To ensure safe and suitable pedestrian accessibility.

14. The development hereby approved shall not be brought into use until the accessible car parking spaces have been provided and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all users.

15. The Development hereby approved shall not be until sheltered, secure and accessible bicycle parking, and showers have been provided in general accordance with submitted plans details to be submitted and approved in writing by the Local Planning and Highway Authorities. Notwithstanding submitted details lockers for staff shall also be provided. These facilities shall be maintained for their purposes thereafter.

Reason: To promote sustainable travel and healthy communities.



5c	<p><b>23/00276/APP</b></p> <p><b>Plot 5, Gloucester Business Park,</b></p> <p>Discussions in respect of surface water drainage arrangements are ongoing.</p> <p>The Local Highway Authority raises no objections to the proposal; however, the Officer has requested the additional conditions in consistency with those for Plots 3 &amp; 4 which are set out below.</p> <p><b>Recommendation</b></p> <p>The recommendation remains that authority is DELEGATED to the Development Management Team Manager to APPROVE the application subject to no adverse observations from the Drainage Adviser, the conditions set out in the Committee report, additional conditions set out below and any additional or amended Conditions following advice from the Drainage Adviser.</p> <p><b>Additional Conditions</b></p> <p>15. Prior to occupation details of HGV routing signage shall be submitted to and approved by the Local Planning Authority. No part of the development shall be occupied until the approved signage has been implemented.</p> <p>Reason: To ensure safe and suitable access.</p> <p>16. Notwithstanding the submitted details prior to occupation details of demarcated clear paths from all accesses to building entrances shall be submitted to and approved by the Local Planning Authority connecting to existing footways. The approved footpaths shall be constructed prior to occupation.</p> <p>Reason: To ensure safe and suitable pedestrian accessibility.</p> <p>17. The development hereby approved shall not be brought into use until the accessible car parking spaces have been provided and thereafter shall be kept available for disabled users as approved.</p> <p>Reason: To provide safe and suitable access for all users.</p> <p>18. The Development hereby approved shall not be until sheltered, secure and accessible bicycle parking, and showers have been provided in general accordance with submitted plans details to be submitted and approved in writing by the Local Planning and Highway Authorities. Notwithstanding submitted details lockers for staff shall also be provided. These facilities shall be maintained for their purposes thereafter.</p> <p>Reason: To promote sustainable travel and healthy communities.</p>
5e	<p><b>23/01078/FUL</b></p> <p><b>Land North Of A417, Brockworth Road, Churchdown</b></p> <p><b>Case Officer</b></p> <p>1. The Case Officer considers that Condition 8 in the Committee report should not be a pre-commencement condition. <b>It is recommended the first sentence of Condition 8 is replaced by:</b></p> <p>Prior to the installation of any battery units, details of a system for fire detection and suppression including the management of contaminated water shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.</p>

**2. The Case Officer recommends that the following sentence is added to the start of Condition 16:**

The development hereby permitted is granted for a period of 40 years from the date of first operation of the site.

**The existing first sentence of Condition 16 should be replaced by:**

Not less than 12 months before the end of this period, or not less than 12 months from the cessation of energy storage, whichever is the sooner, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority.