

TEWKESBURY BOROUGH COUNCIL

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

Present:

Chair

Councillor G M Porter

and Councillors:

M Dimond-Brown, M A Gore, M L Jordan, J R Mason, P E Smith, R J G Smith, M J Williams
(Substitute for M Dimond-Brown), P N Workman and I Yates

PL.3 ANNOUNCEMENTS

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

PL.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 4.1 Apologies for absence were received from Councillors S Hands (Vice-Chair), G C Madle and R J E Vines. Councillor M J Williams would be a substitute for the meeting.

PL.5 DECLARATIONS OF INTEREST

- 5.1 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.

5.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P N Workman	Item 5c – 23/00954/FUL – Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury.	Is the owner of the property and his son is the applicant.	Would not speak or vote and would leave the room for consideration of these items.
	Item 5d – 23/0955/LBC - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury.		

5.3 There were no further declarations made on this occasion.

PL.6 MINUTES

23 April 2024

6.1 The Minutes of the meeting held on 23 April 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

15 May 2024

6.2 The Minutes of the meeting held on 15 May 2024, copies of which had been circulated separately, were approved as a correct record and signed by the Chair.

PL.7 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

7.1 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.

24/00109/FUL - Land to the South of Maidenhall, Maidenhall, Highnam

7.2 This was a retrospective application for the erection of a boundary fence.

7.3 The Planning Officer advised that this retrospective planning application sought to regularise the erection of a two metre, close boarded, timber fence fronting the corner of Maidenhall and Oakridge in Highnam. The fence enclosed a triangular parcel of land approximately 0.07 hectares in size, within which three trees were sited which were subject to a Tree Preservation Order. Approximately just over half of the site was designated as a Locally Important Open Space. The application had been brought before the Planning Committee due to the objection that had been received from the Parish Council. At the time of writing the Committee report, 99

letters of representation had been received from members of the public, 98 of which objected to the application. Since that time, a further comment had been received objecting to the application as set out in the Additional Representation Sheet, attached at Appendix 1. It was the opinion of Officers that the proposal would have a significant adverse effect on the open character and appearance of the designated Locally Important Open Space and would also harm the visual amenity of the site and the character and appearance of the wider residential area. Therefore, it was recommended that the application should be refused in line with the Officer recommendation.

- 7.4 The Chair invited a representative from Highnam Parish Council to address the Committee. The Parish Council representative indicated that, in eight years as a Parish Councillor, he had never encountered an issue which had aroused such concern, anger and opposition to the extent that a petition of 1,041 signatures – over half the adult population of the village – had been raised and 98 letters of objection formally submitted to Tewkesbury Borough Council. The fence was erected last November and six months later it was still there; he was most concerned at the lack of enforcement action taken by the Council despite the Planning Enforcement Officer acknowledging in his email of 30 November 2023 that a planning breach had occurred. For over 40 years the triangle of land now enclosed by the fence was mown and maintained by Tewkesbury Borough Council under the purported ownership of Gloucestershire County Council; indeed, in 2019, the Borough Council formally approved an application from the Parish Council to plant a pollinator patch on this site. This land formed an important green open space, one of a network of such spaces which characterised the beautiful and much cherished community. Such was the prospect of its loss that the Parish Council had applied to the County Council to formally designate the land as a Village Green and progress with that application continued. The reasons given by the applicant for the erection of the fence were entirely spurious – he claimed it would protect the land from dog fouling but there was a dog waste bin immediately adjacent to the site; he claimed it would prevent fly tipping but there were no known incidents of this around the main village in living memory. The Parish Council very much supported the Planning Officer's excellent report, in particular the reasons for refusal: that the fence would have a significant adverse effect on the open character and importance of this land as a designated Locally Important Open Space; and, that, by virtue of its size, design, and siting, it would have a significantly adverse impact on the open character of the site which would cause unacceptable harm to the visual amenity of the site. In conclusion, he strongly urged Members to refuse this application, not only on its own intrinsic grounds, but also to act as a deterrent to help protect other open spaces around the village. If Members were minded to refuse the application, he suggested they instruct Officers to take immediate enforcement action to secure the removal of the fence.
- 7.5 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident advised that he had lived in Highnam for over 20 years and was raising a family in the village. Like many others, they had moved to Highnam due to its semi-rural location, proximity to the countryside, relatively spacious housing plots and green landscape, not only around the village but within it. It merged old and new housing stock and brought people together into a real village community. Since the fence was erected in November 2023, he had been unable to access the land to maintain the north side of his beech hedgerow. The beech hedge had been growing for at least 40 years, was approximately 50m long and over 8ft tall and was home to nesting birds and a hedgehog route. His and the surrounding gardens, including this plot of land, were home to bats that could be seen hunting every evening. Until the 1970s, the hedge was used to border Maidenhall Farm where cows gathered in the yard – ground anchors for the gates could still be seen in the soil. His neighbour was now unable to use their gate access to maintain their boundary fence, or access the village post office and shop

as they had done since the housing was built in the late 1970s and the community had been unable to access the land for recreational activities including planting wildflowers, dog walking and for children to play. As Members may know, Gloucestershire Wildlife Trust and many others had reported the ever-dwindling variety of wildlife in countryside, towns and villages, indeed, there was a “Restore Nature Now” march in London next month with one of the aims being to deliver more space for nature. The local community group Wild Highnam had used this plot of land since 2019 to plant wild flowers – access to the wild flowers had now been completely cut-off and subsequently destroyed by the landowner. The community was gravely concerned for the future of three beautiful large trees, including an Oak tree, which had Tree Preservation Orders and, with a fence surrounding them, were clearly vulnerable. The Sycamore Gap tree incident was an example of taking these things for granted – once they were gone they are gone forever. The fence destroyed the streetscene from the surrounding areas of Maidenhall and Oakridge by blocking views of the land and trees and was not comparable to other garden fencing in the area. There was no doubt that this land had been boarded up to support the ultimate objective of building a property, or otherwise using this land for purposes other than that which it had been used for over 40 years. This was never commercial land – it had always been farmland and community open space. He and the overwhelming majority of the community supported the Parish Council in its application for Village Green status on this land to preserve it as a public open space and he requested that Members approve the Officer recommendation to refuse this retrospective application and seek immediate enforcement to remove the fence in order to deliver more space for nature.

- 7.6 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 why the application had been brought to the Committee given that the Officer recommendation was to refuse and was advised that, due to the level of objection, the Monitoring Officer had considered it would be in the public interest. The Member asked for confirmation as to who owned the land and the Legal Adviser explained that when the original development was built out, this was identified as an area of incidental green space and, rather than it being transferred to the local authority as expected, the area had been retained by the developer for a number of years. The developer had subsequently auctioned it off and it had been bought by an independent third party so was now privately owned. She clarified that it had never been publicly owned by a local authority. A Member asked if the owner of the land had erected the fence and confirmation was provided that Officers believed that was the case. In response to a query, the Planning Officer advised there were no permitted development rights to erect any fence on the site. A Member questioned what responsibilities the landowner had and was advised that the land had local policy protection under the Policy LAND4 of the Tewkesbury Borough Plan but that was not the same as a statutorily protected open space; anything the landowner wanted to do would be subject to assessment against the local policy protection. In response to a query as to why the land had been maintained by Gloucestershire County Council, the Legal Adviser indicated that it was believed that, because there were a number of adopted open spaces in the wider development site, it was mistakenly presumed this was one of those areas and had been maintained accordingly; however, she reiterated it was not owned by the County Council. A Member asked whether the public had a right to access if the fence was not there and noted the local resident had stated that the neighbour needed access. The Legal Adviser explained there may be separate private rights set out in a legal document, or they may have rights as a result of using it for a number of years – in any case, that was a private matter which should not be considered in relation to the planning application. A Member questioned whether the fence would be removed if the application was refused and the Development Management Team Manager (Northwest) confirmed it would be passed to the

Enforcement team to issue a notice requiring its removal.

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

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

23/00598/FUL - Land Off Wainlode Lane, Norton

- 7.8 This application was for demolition of an existing workshop building and store, erection of a detached single storey dwelling and garage.
- 7.9 The Development Management Team Manager (South) advised that the application sought full planning permission for a detached bungalow and garage following the demolition of a workshop building and store at the site. The dwelling would be accessed via an existing track from Wainlode Lane which served the existing buildings and a paddock area. The application site was set to the rear of Willow House, one of four dwellings permitted in 2015, and the site lay partially within and partially outside of the settlement boundary to Norton. Whilst the main body of the site was outside of the settlement boundary, it was considered the site was well-related to the settlement and existing built development. The re-siting of the dwelling during the application process had provided an improved design with a frontage towards the street which would allow the development to integrate better into Wainlode Lane and provide a visible and active elevation towards the street. The development was considered to be of an appropriate design and scale which would have no adverse impacts on the wider landscape or the living conditions of nearby occupiers, highway safety or ecology. Concerns had been raised in respect of drainage and flood risk but Severn Trent Water and the Council's Drainage Engineer had assessed the proposal and raised no objections, subject to conditions which would give controls to ensure that the proposal did not increase the risk of flooding within the site or elsewhere. As such, the Officer recommendation was to permit, subject to the conditions set out in the Committee report.
- 7.10 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that, as set out in the Committee report, this application sought permission for a two bed bungalow and garage on a plot of land which currently contained a workshop building and cowshed both of which had fallen into disrepair and were in a dilapidated condition. The application was the culmination of almost two years of close working with Planning Officers which began with a pre-application enquiry, following which, Officers confirmed they were able to support the principle of a new dwelling on this site. This close working had continued once the current application was submitted in June of last year and, following comments from Officers and consultees, a number of changes were made to address any concerns they had - the siting of the bungalow had been changed so it would be more visible from Wainlode Lane and would now continue the frontage development and be better related to the character and settlement pattern of the village. As set out in the Committee report, a number of additional reports had also been provided to address technical matters, including additional ecological reports and further information on surface water drainage. As a result, there were no objections to the proposal from any statutory or non-statutory consultees. The Parish Council objected on the grounds that the bungalow would lie outside of the settlement boundary as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan; however, as explained in the Committee report, the site was immediately adjacent to the settlement boundary and well-related to a number of dwellings either side. The proposal therefore constituted infilling within the village and was fully compliant with Policy SD10 of the Joint Core Strategy. In any event, in view of the current housing supply shortfall, the policies that were most important for determining this application were out-of-date. In such circumstances, the

National Planning Policy Framework made clear that planning permission should be granted unless the adverse impact would significantly and demonstrably outweigh the benefits. As he had stated, there were no objections from any consultees with regard to any technical matters; changes had been made to the layout and siting so that the bungalow would sit comfortably in the streetscene. The bungalow itself would exceed the Nationally Described Space Standards and would benefit from a more than adequate garden area. Therefore, not only was the proposal policy compliant, but there were clearly no harms that could be identified that would significantly and demonstrably outweigh the benefits of delivering housing to meet the shortfall. There was a recognised need for bungalows in the area and this would help to meet that. In closing, he stated that the applicants were local residents who lived in the neighbouring dwellings and were committed to building a very high-quality development to match the other dwellings they had built along Wainlode Lane which would complement the village's housing stock. The applicants wished to point out they had planted over 40 trees on land within the village. Given that Officers found the proposal to comply with the development plan policies, he hoped Members would similarly feel able to fully support this application today.

- 7.11 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member raised concern that the access was unusual and questioned whether the dog-leg would cause an issue for longer vehicles. In response, the Development Management Team Manager (South) confirmed that the proposal had been assessed by the County Highways Officer who was satisfied with the proposed scheme and had recommended a condition in respect of visibility. A Member drew attention to Page No. 41, Paragraph 4.1 of the Committee report which outlined Norton Parish Council's objection to the proposal, notably that foul water often backed into properties on Cook Lane and Lime Grove. Whilst she could see that surface water drainage had been provided for in condition 4, she was concerned about foul water drainage and asked if this objection had been explored. She pointed out that problems with sewerage had been raised in relation to the surrounding area including Innsworth and Twigworth and she asked if anything could be added to condition 5 in order to strengthen the provision. In response, the Development Management Team Manager (South) advised that the application had been reviewed by Severn Trent Water in terms of operation of the foul drainage network and it was satisfied the application could connect to the network without issue.
- 7.12 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that he wished to place on record his nervousness about the precedent this was setting in terms of development outside of the settlement boundary; however, he understood what the Officers had said in respect of existing buildings and recognised a refusal on that basis was unlikely to stand up at appeal. Although he acknowledged it would be dealt with under building regulations, it was disappointing there was no consideration for sustainable energy within the application. It was clear the area suffered from surface water flooding – and was flooded currently – and noted this would be addressed through condition 4 but asked Officers to ensure the surface water drainage scheme was as robust and comprehensive as possible to ensure the property did not add to the poor situation on Wainlode Lane. He felt there were not enough bungalows being built so welcomed this one. Another Member echoed the concerns about flooding which had also been raised by the Parish Council and, although he liked the application, he did have his reservations in that regard.
- 7.13 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

23/00954/FUL - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury

- 7.14 This application was for erection of a two storey rear extension. It was noted that Councillor P N Workman had left the room for the consideration of this item in accordance with Minute No. PL.5.2.
- 7.15 The Planning Officer advised that both this Agenda Item and Agenda Item 5d related to a two-storey rear extension on a curtilage listed property known as 'The Coach House' at Woodend Farm in Shuthonger. The main farmhouse, Woodend Farm, was a Grade II listed building adjacent to the application property. The Coach House was part of a complex of buildings historically known as Woodend Farm and was situated between the A38 and the River Avon, accessed via Woodend Lane, a no through road to the east of the A38. The two-storey rear extension was located in the same position as an existing single storey element and would create a larger kitchen/dining and living area on the ground floor and a master bedroom with ensuite and additional bathroom on the first floor. Revised plans had been submitted during the course of the application to show a change to a narrower pitched roof design which had been set in from the side elevation by 1.8m - 1m more than the original - and reduced in width by around 1m to 5.6m wide with the rear projection having been increased to 10m. The scheme now proposed brick instead of timber cladding, with matching rooftiles and black powder coated aluminium windows. The Officer recommendation was to permit the application, subject to the conditions included in the Committee report.
- 7.16 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member sought clarification regarding Page No. 65, Paragraph 5.2 of the report, which stated that one objection comment had been received on the previous application. In response, the Planning Officer explained that the original application had been revised due to issues regarding the impact on the listed building and the comments set out at Paragraph 5.2 had been raised in respect of the first scheme. The Additional Representations Sheet, attached at Appendix 1, set out that a further objection had been received in relation to the revised plans with the main points being the same as those expressed previously. In response to a query, the Planning Officer confirmed that no comment had been made by the Parish Council in relation to the application.
- 7.17 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

23/00955/LBC - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury

- 7.18 This was a listed building consent application for erection of a two storey rear extension. It was noted that Councillor P N Workman had left the room for the consideration of this item in accordance with Minute No. PL.5.2.
- 7.19 The Planning Officer indicated that she had no additional points to make over and above those raised in respect of the previous Agenda Item 5c.
- 7.20 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

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

TPO 421 - Part Parcel 2352 and Land Adjacent Mythe Road, Tewkesbury

- 7.21 This was a Tree Preservation Order application (TPO 421).
- 7.22 The Development Management Team Manager (Northwest) advised that TPO 421 was being brought to Planning Committee with the recommendation that it be 'confirmed without modification' following receipt of an objection to the order from the landowner. She explained that local planning authorities could make a TPO if it appeared to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. By not taking the recommended action, the Council risked the permanent loss of various significant trees and their wildlife habitat, therefore failing to deliver its commitment to the preservation of trees and biodiversity. The TPO was made to protect and safeguard trees identified at risk of development pressure following the submission of a planning application for a proposed development for 165 dwellings at the Mythe, which had recently been the subject of a Public Inquiry with a decision pending from the Planning Inspectorate. The TPO sought to protect two areas of woodland (W1 and W2), two individual trees (T1 and T2) and an area of trees (A1) adjacent to the classified A38 which was one of the main routes into Tewkesbury and the Town Conservation Area. A section of 'Area A1' was earmarked for removal in the vicinity of a proposed new entrance to serve the proposed residential development. The woodland, area and individual trees had been assessed using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) and were considered worthy of a TPO by virtue of their present and future public amenity and habitat value. One objection had been received and was summarised in the Committee report together with the Tree Officer's response. The objection did not relate to the whole Order but was against the part of area A1 that ran adjacent to the highway in the vicinity of the proposed new site access. It was the Officer recommendation that the Order be confirmed without modification. In the event the planning application were to be successful if the appeal was allowed, the permission would override the TPO; however, the local authority could vary the Order to omit the trees that would be removed so the remaining trees would still be afforded the protection of the TPO.
- 7.23 The Chair indicated that the Officer recommendation was to confirm the TPO without modification and he sought a motion from the floor. A Member asked why a Committee determination was required and was advised that, historically, such applications had been determined by a Tree Panel but it had been decided some time ago that, for transparency reasons, where there was an objection to a TPO it would be brought to the Planning Committee. It was proposed and seconded that the TPO be confirmed without modification in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That TPO 421 be **CONFIRMED WITHOUT MODIFICATION** in accordance with the Officer recommendation.

PL.8 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 8.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.105-108. Members were asked to consider the appeal decisions issued.
- 8.2 A Member noted there had been a recent appeal decision in relation to Kayte Lane and she asked if the Planning Committee could be provided with the reasons why it had been allowed.

8.3

It was

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

The meeting closed at 10:30 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 23 May 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 day before the meeting.

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

Agenda Item	
5a	<p>24/00109/FUL</p> <p>Land To The South Of Maidenhall, Maidenhall, Highnam</p> <p>Since the publication of the Committee report, one further representation has been received objecting to the application. It does not raise any new points of objection over and above those listed in the report and states agreement with the objection comment submitted by Highnam Parish Council.</p>
5c	<p>23/00954/FUL</p> <p>Coach House Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury</p> <p>Committee Update</p> <p>A further neighbour objection has been received in relation to the revised plans. The main points are still very much the same as those expressed in the previous plans:</p> <ul style="list-style-type: none"> • Inappropriate design and visual appearance • Impact on listed building/Conservation Area • Loss of light and or overbearing effect • Overlooking, privacy • The updated proposal has a larger footprint than the original.