

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 16 July 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 and P N Workman

PL.15 ANNOUNCEMENTS

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

PL.16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 16.1 Apologies for absence were received from Councillor I Yates. There were no substitutes for the meeting.

PL.17 DECLARATIONS OF INTEREST

- 17.1 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.
- 17.2 There were no declarations made on this occasion.

PL.18 MINUTES

- 18.1 The Minutes of the meeting held on 18 June 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.19 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

23/00755/FUL - Roseleigh, Stoke Road, Stoke Orchard

- 19.2 This was a full planning application for the erection of 126 dwellings and associated vehicular access, public open space, landscaping and other infrastructure including the demolition of the existing property known as Roseleigh along with associated outbuildings and the agricultural building located to the north of Banady Lane.
- 19.3 The Principal Planning Officer advised that the site was situated to the east of Stoke Orchard to the north of Stoke Road and extended towards Dean Lane to the north. The plans and photographs within the presentation showed the site location and the relationship with Stoke Orchard and the Juliana Group employment site to the immediate west. The development site was mostly agricultural land and comprised two adjoining parcels of land in a loose figure of eight shape. The site was relatively flat and not subject to any landscape, heritage or ecological designations. The application proposed 75 open market dwellings - a mix of two, three and four bedroom dwellings - along with 51 affordable dwellings which were mainly two and three bedrooms with some four bedroom houses, one five bedroom house and six affordable bungalows. There had been 24 objections from local residents during the course of consulting and reconsulting on the revisions to the scheme, many of whom were concerned with highway matters, particularly the narrowness of part of the pavement link along Stoke Road. Following consultation with the Urban Design Officer, improvements had been made to the proposals including a reduction in density and better links to the open space around the perimeter of the site. As a result of concerns raised by Officers in relation to the proximity of the nearby factory site, further work had been done to mitigate noise levels in order to protect the residential amenity of potential occupiers. The Parish Council supported the application in principle and had identified a number of community needs which the applicant had generally accepted. Although the proposal was not policy compliant in terms of the locational policies in the Joint Core Strategy and Tewkesbury Borough Plan, these received less weight in the planning balance given the lack of a five year housing land supply, or any other material considerations which would, as a result of granting planning permission, cause adverse impact. Therefore, Officers considered the proposal was acceptable in principle, and it was recommended that authority be delegated to the Associate Director: Planning to permit the application, subject to any additional or amended conditions and the completion of a Section 106 Agreement.
- 19.4 The Chair invited the representative from Stoke Orchard and Tredington Parish Council to address the Committee. The Parish Council representative advised that Stoke Orchard and Tredington Parish Council fully recognised and accepted its designation as a Service Village and had sought to actively engage with the developer regarding the proposal which would effectively increase the size of Stoke Orchard by approximately 30%. The Parish Council had previously indicated its support for the proposed Roseleigh development conditional on two key areas being addressed: various concerns about the plans, e.g. the proposed number of bungalows, as well as the various points raised by County Highways; and, the provision of an appropriate level of Section 106 funding made directly to the Parish. Initial discussions with the developer had led to the Parish Council holding a residents' meeting, from which points were collated and summarised resulting in the developer leading its own meeting to address the concerns and queries. This had been followed-up with a second meeting to show how they had been addressed. The Parish Council's close involvement with its Community Centre, previous community surveys and the recent consultation process meant it had a very clear understanding of residents' needs. The Parish Council had presented a Section 106 document, based on a careful assessment of community needs going forward, should Roseleigh be permitted. Key aspects of meeting those needs were an extension to the Multi-Use Games Area (MUGA) and community facilities that were specific to the Parish. The Parish Council trusted that the considerable efforts made

to work collaboratively for the benefit of the community would be recognised appropriately.

- 19.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised this was a scheme for residential development of 126 dwellings on the edge of the built-up area of Stoke Orchard. Stoke Orchard was a designated Service Village in the Joint Core Strategy and a location where new housing was expected to be brought forward to assist in meeting the housing needs of the borough. As such, the development of this site fitted squarely with the Joint Core Strategy as a whole. The Committee report confirmed that the village was able to absorb a development of this size and nature, in a way that would respect the social cohesion of the village. As Members had heard, Stoke Orchard and Tredington Parish Council also supported the principle of this development in recognition of its Service Village status and the need to create a stronger community in the village. This support was conditional upon several improvements and assurances on the scheme which had been addressed. During the course of the application, the scheme had been amended from 136 to 126 dwellings as a direct result of the positive dialogue that had taken place throughout the process with Officers, consultees, the Parish Council and local residents. Numerous changes had been made to the proposal following feedback received through the two residents' public exhibitions, such as the inclusion of bungalows, lowering of net density across the site, relocation of play areas, and a series of off-site highway improvements. Comments from the Council's Urban Design, Landscape and Environmental Health Officers, as well as the County Highways, had also been addressed. A package of much-needed Section 106 community infrastructure contributions had been negotiated, again in collaboration with the Parish Council, totalling over £195,000 in community contributions that would benefit Stoke Orchard residents, and over £540,000 in highway safety and sustainable transport improvements, not to mention almost £2m in Community Infrastructure Levy (CIL) receipts that would be payable through the development. A collaborative approach between developer and residents really did yield the best forms of development, and this was a prime example of that. At a time when the Council needed to find new sources of housing due to its supply shortfall, this site fitted the bill perfectly; it was at the edge of a Service Village, outside the Green Belt and Area of Outstanding Natural Beauty, it was not at risk of flooding and was unaffected by any other environmental designations – there were no planning reasons for restricting development of the site. It would deliver 126 much needed dwellings, 51 of which would be affordable, and would contribute significantly towards the Council's housing supply. It would also deliver the community and social infrastructure improvements already referenced which, as the Parish Council had said, would hugely benefit the village's existing and future residents. The Officer's recommendation was right in its conclusion that the benefits of the scheme far outweighed any negatives. The planning balance pointed firmly in favour of the grant of planning permission and the support of the Parish Council spoke volumes - as Members would know, it was not often that local support was forthcoming for housing proposals. As such, he hoped Members would feel able to take Officer advice and permit the application.
- 19.6 The Chair indicated that the Officer recommendation was to delegate authority to the Associate Director: Planning to permit the application, subject to any additional or amended conditions and the completion of a Section 106 Agreement, and he sought a motion from the floor. A Member drew attention to the site layout plan at Page No. 68 of the Committee report and asked whether the block of properties to the right of the depot would be built right up against the acoustic fencing. In response, the Principal Planning Officer advised that the Environmental Health Officer had looked at the latest acoustic report and had recommended that the acoustic fence be as shown in that report. The Environmental Health Officer had also suggested amendments to the length of the fence on the northeast of the site. Recommended condition 14 related to noise mitigation and required details to be

submitted to, and approved by, the Local Planning Authority. The Member noted that the Additional Representations Sheet, attached at Appendix 1 to the report, referred to a letter of objection in respect of a Barn Owl nest in the agricultural barn and she asked whether a condition could be included to ensure that, if the application was permitted, the developer would be required to work with the objector to find alternate boxes for the Owls. The Principal Planning Officer confirmed that recommended condition 7, which required the submission and approval of a Construction, Environmental and Ecological Management Plan, could be amended to reflect that.

- 19.7 A Member indicated that the National Planning Policy Framework, Joint Core Strategy and Tewkesbury Borough Plan had sustainability at their heart and he asked what specific things were being done by the developer to reduce carbon emissions and promote renewable energy sources. In response, the Principal Planning Officer advised that the applicant had produced an energy statement which showed it would ensure all dwellings were carbon reduction compliant in accordance with building regulation requirements but had gone further by saying that photovoltaic collectors would be used on the development. The Member asked why the energy statement was not included in the Committee report and was advised that not all documents associated with an application were included in the Agenda pack but the energy statement could be viewed on the planning portal. Notwithstanding this, she agreed the Committee report was lacking in terms of any reference to the energy statement. The Member pointed out that an energy statement had been included in relation to one of the other Agenda Items so there was an inconsistency which needed to be addressed. He went on to indicate that Page No. 52, Paragraph 8.97 of the Committee report set out that the Sports England calculator tool had suggested the contribution towards sporting and community facilities should be £367,882 but, according to Page No. 52, Paragraph 8.100 of the Committee report, the applicant was proposing £161,950. He noted that the Parish Council representative had stated the Parish Council was happy with the proposed contribution; however, this was less than half of the Sports England calculation and he asked if it was usual for the Sports England calculator to be used for developments of this size. In response, the Principal Planning Officer advised that, as set out at Page No. 51, Paragraph 8.92 of the Committee report, there were three tests all Section 106 contributions needed to meet – necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Officers had negotiated with the applicant whose view was that the Sports England calculator was nationally prescribed and there was no strong evidence to support some of the items within the calculation. Officers had looked at the amounts of each requirement, and the need for open space generally, and felt what had been proposed by the developer was satisfactory. In terms of how other applications were dealt with, she was sure the Sports England calculator had been used but perhaps not been made explicit and she accepted there was an inconsistency. The Member raised concern that he was unclear whether the £161,950 being sought was a good or bad figure; whilst the Parish Council was happy with that amount, it would have liked more and the Sports England calculations would have gone towards fulfilling those additional requests. A Member sought clarification as to whether the community centre could be accessed by pedestrians without having to use Stoke Road. In response, the Principal Planning Officer advised that pedestrian access would be via Banady Lane and Dean Lane but there was a short section where pedestrians would need to go onto Stoke Road but this was the part of the road with a pavement.

19.8 With regard to Page No. 48, Paragraph 8.63 of the Committee report and the clustering of affordable housing, a Member indicated that she was unhappy with clusters of up to 16 homes and asked if that could be reviewed – she recognised the developer was not keen to have clusters of less than 16 but she did not think that was a good idea in terms of community cohesion. In response, the Principal Planning Officer explained that Officers had advised the developer they would like to see smaller clusters and an amended layout had been provided but had still showed clusters of up to 16. Notwithstanding this, on balance, it was not possible to recommend refusal on those grounds given that the Head of Service: Housing was happy with the affordable housing on the whole. The Development Management Team Manager (South) advised that, whilst the clusters were large and at the higher end of what Officers would like to see, the affordable housing was well-integrated overall. The Legal Adviser explained that clustering may not be in the control of the developer as Registered Providers which took on the affordable housing often preferred it to be in groups for management purposes. In relation to Page No. 49, Paragraph 8.73 of the Committee report, the Member noted that, with regard to the foul water drainage, Severn Trent Water had been consulted and raised no concerns over capacity of the mains network or the ability to connect to it subject to informatives and the Principal Planning Officer confirmed those informatives would be included.

19.9 It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application in accordance with the Officer recommendation, subject to an amendment to condition 7 to require the developer to work with the objector to find alternate boxes for Barn Owls. A Member indicated that, whilst she shared the concerns regarding clustering of the affordable housing and was always disappointed that this tended to be in the middle of developments rather than in green, open areas, she welcomed the proposed mix and tenure, particularly the inclusion of six bungalows and one bed properties which would help those who were looking to downsize. Another Member echoed these sentiments but would like to see the Council pushing developers to provide smaller clusters. He felt it was important to make clear whether the clustering was being led by the developer or Registered Providers and asked if that was known in this case. The Principal Planning Officer advised that the applicant's agent had indicated the proposed clustering was based on their discussions with the Registered Provider. The Member felt this needed further consideration outside of the meeting as the Council's policy for smaller clusters seemed to be at odds with the requirements of Registered Providers and therefore what developers were willing to put forward.

19.10 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** the application, subject to any additional or amended conditions and the completion of a Section 106 Agreement, and an amendment to condition 7 to require the developer to work with the objector to find alternate boxes for Barn Owls.

23/01063/FUL - Parcel 3667, Stoke Road, Bishops Cleeve

19.11 This was a full planning application proposing the development of seven units providing 11,421.1 M2 (GEA) of floorspace for use as industrial, workshop, warehouse, storage and distribution (use class B2, B8 and E(G)(III)) with ancillary office accommodation, new access, parking and landscaping.

19.12 The Senior Planning Officer advised that, with regard to the Additional Representations Sheet, attached at Appendix 1, the ecology conditions had now been provided following agreement with the applicant. An updated objection had been received from the Parish Council which raised no new concerns and the

Council's position on each point had been addressed in the Committee report. He explained that the application site was located on the western edge of Bishops Cleeve with residential development to the north, commercial units to the east at Malvern View Business Park, a rugby club and waste management centre to the south and one residential unit and an agricultural field to the west. In terms of planning history, which was a material consideration, outline planning permission had been granted at appeal by the Inspector who had considered this an appropriate location for development of up to 215 residential dwellings and up to 2.24 hectares of B1 and B8 commercial use. Reserved matters applications had been submitted and approved for the residential element of the permission but no further applications had come forward for the commercial element and the time period for submitting a reserved matters application for the outline permission had now expired. The main objection from the Parish Council was that the proposed scheme went above and beyond the conditions attached to the outline scheme in relation to height, scale and floorspace. Condition 6 of the appeal scheme restricted the total amount of Use Class B1/B8 floorspace to 6,880sqm and condition 7 of the appeal scheme required the industrial buildings to have a maximum height of 9m above ground level whereas the proposed scheme would provide an additional circa 4,500sqm of floorspace and each unit would be above 9m as set out by the appeal scheme. The industrial element of the appeal scheme had been granted at outline stage, therefore limited information was provided to the Inspector as shown on the outline masterplan. The proposed application provided full details in relation to scale through the submission of detailed plans, elevations, sections, landscaping details with boundary treatment plans, CGI's, local marketing letters, a Design and Access Statement and a Landscape and Visual Impact Appraisal. The site was located within the settlement boundary of Bishops Cleeve and was allocated Employment Land under Policy EMP1 of the Tewkesbury Borough Plan. The proposal was for seven units, which could be sub-divided to allow for flexibility for end users. Access was via the approved access for the outline scheme and was currently awaiting technical approval from County Highways. Significant boundary treatment was proposed around the site perimeter and the majority of the site had a 1.1m high post and rail fence with an acoustic barrier to the north and west to reduce the impact on neighbouring properties to the north. The original proposal included a 3m acoustic fence but, following comments from the Environmental Health Officer, this had been increased to 4m along the western boundary. Planning Officers had worked with the applicant to secure a suitable scheme following comments from neighbours and consultees and amendments had been made, for example, the roof of Unit 1 had been flipped to reduce the impact on the neighbouring property and Unit 6 had been flipped to allow for more landscaping to southeast corner and to reduce the impact when travelling along Stoke Road from Bishops Cleeve. County Highways had reviewed the proposal and raised no objection subject to financial obligations to provide £10,000 towards amending the Weight Limit Order and £28,000 towards an Automatic Number Plate Recognition (ANPR) Camera to enforce the Traffic Regulation Order. In conclusion, the proposal was likely to generate 70-80 jobs through the operation of the development, provide over 11,000sqm of commercial floorspace, and 1.38 Biodiversity Net Gain (BNG) units off-site as well as ecological enhancements on site. Therefore, the site was on allocated employment land within the settlement boundary of Bishops Cleeve and, given significant weight should be attributed to the need to support economic growth in accordance with Paragraph 85 of the National Planning Policy Framework, on balance, Officers considered the proposed scheme to be of an acceptable scale in accordance with Policy SD1 of the Joint Core Strategy, Policy EMP1 and EMP5 of the Tewkesbury Borough Plan and Paragraph 85 of the National Planning Policy Framework. As such, the Officer recommendation was that authority be delegated to the Associate Director: Planning to permit the application, subject to amended/additional conditions and completion of a Section 106 Agreement.

- 19.13 The Chair invited the Parish Council representative to address the Committee. The Parish Council representative advised that the Parish Council supported the development of this site for employment use in principle, but objected to the current application due to its total disregard for the constraints laid down by the Planning Inspector at appeal. The conditions were imposed to mitigate the effects of a commercial development upon nearby residential housing and without them the development would cause more harm than benefit. In respect of the size and use of the development, the Inspector had recommended a floor area of 6,880sqm to be used for office and light industry but the current application was for 11,421sqm, plus mezzanine flooring, to be used for industrial workshops, storage, warehousing and distribution with no evidence of need. With regard to the height of buildings, the Inspector recommended a maximum height of 9m whereas the current application had a maximum height of 13m which would be vastly overbearing. In terms of operating times, the Inspector's recommended restrictions were 0700-1900 hours Monday to Friday and 0800-1300 hours on Saturday yet the current application had no restrictions on operating times whatsoever. For this application, County Highways estimated an extra 200 oversized goods vehicles per 12 hour day which contravened Policy EMP5 of the Tewkesbury Borough Plan; County Highways also wanted to reduce the weight limit for Stoke Orchard from 17.5 to 7.5 tonnes so all oversized goods vehicles would need to travel via Bishops Cleeve. In relation to noise mitigation, the Inspector had recommended a height of 4m for acoustic boards but the current application proposed a height of 3 metres despite the buildings being 1.5 times higher with no restrictions on operating hours. For these reasons, the Parish Council strongly objected to this application due to the detrimental impact on the lives of nearby residents and asked Members to reject it.
- 19.14 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the application before Members was a full planning application seeking approval for just over 10,600sqm of new employment floorspace gross internal area including mezzanines. The site was granted outline planning permission in 2019 as part of Spitfire's mixed use residential and commercial scheme. Prior to that, in 2016 the Council's Employment Land and Economic Development Strategy Review had identified Bishops Cleeve as an important and deliverable area for new commercial sites – the application site was described in that review as one of the best employment sites in the borough. Following the 2019 appeal decision, the site was allocated as a major employment site under Policy EMP1 of the adopted Tewkesbury Borough Plan. The policy referred to a 2.2 hectare extension of Malvern View Business Park and did not restrict the height of buildings or the amount of floorspace allowed. The proposed scheme had been designed to deliver high quality commercial floor space to meet the demands of the market and make efficient use of the land. They had worked proactively with Officers throughout the course of the application to respond to all comments received and were aware that concerns had been raised by the local Parish Councils about Heavy Goods Vehicle (HGV) movements through Stoke Orchard and Bishops Cleeve. To address these concerns, they had agreed to pay a contribution to facilitate a change to the weight limit order for HGVs, as well as a contribution towards the provision of an ANPR camera to help enforce this weight restriction; County Highways had no objection to the application. Concerns had also been raised over noise protection which had been addressed by working with Environmental Health Officers. The acoustic barrier along the western boundary had been raised from 3m to 4m and conditions had been agreed which would control vehicle movement and noise restrictions during the night. With regards to scale and height, the applicant's agent stressed the site was a major employment allocation for the borough which would contribute to employment land supply. The height of the buildings was typical of modern employment sites and they had worked closely with the Landscape Officer and changed the layout to provide further

planting along the eastern and western boundaries. The Landscape Officer was satisfied these amendments would provide an acceptable level of screening. In conclusion, this scheme would deliver new high quality commercial floorspace, allowing existing businesses to expand and remain in the area, as well as attracting new inward investment. All technical matters had been addressed or appropriate conditions agreed. As such she respectfully requested that Members support the grant of planning permission.

- 19.15 The Chair indicated that the Officer recommendation was that authority be delegated to the Associate Director: Planning to permit the application, subject to amended/additional conditions and completion of a Section 106 Agreement, and he sought a motion from the floor. A Member asked if there were any restrictions in terms of hours of operation on the existing Malvern View site and the Senior Planning Officer indicated that he did not have that information; however, in terms of this site, the application was based on a worst case scenario with the Noise Impact Assessment based on operation of the proposed development being 24 hours a day, seven days per week in order to allow flexibility for the occupiers of the site which were not known at this stage. The Member presumed the houses had not been there when the Malvern View site was built but she was unclear why that had not been looked at as a comparator. The Senior Planning Officer clarified that the intention was that the site would always be for employment use as an extension to the existing business park. The Member asked if it was correct that the Inspector had suggested there should be restrictions on times of use and the Senior Planning Officer confirmed that was the case for the outline application with the limited information provided; however, this was a new, full application which included a Noise Impact Assessment, mitigation measures and highway works which Officers considered would overcome the concerns in respect of residential amenity of neighbouring dwellings. A Member noted that one of the Parish Council's objections was that acoustic barriers were only positioned on the north side of the development and, at 4m, would sit below the mezzanine level, therefore offering little noise protection; she sought clarification as to whether that was correct and, if so, what could be done about it. In response, the Senior Planning Officer explained that the acoustic fence along the northern boundary would be 3m with the acoustic barrier adjacent to Unit 1 having been increased to 4m; however, the main noise would come from the yard areas, e.g. vehicles unloading, which would take place at ground level which was why the fence had been set at 3m. The Development Management Team Manager (East) explained there was an expectation that modern buildings would be constructed in a way which contained noise within the buildings and that would be checked by Building Control so any noise would predominantly be from the yards.
- 19.16 A Member noted that the applicant proposed to enter into an agreement with a third party to provide an off-site BNG contribution which would be outside of the Council's control and she asked if this would be conditioned to ensure it happened. In response, the Senior Planning Officer advised that BNG had become mandatory in April 2024 and this was the first application providing an off-site contribution which was considered to be fair given it was employment land. The applicant had been working with the Environment Bank and had provided a draft agreement. Ecology conditions were set out on the Additional Representations Sheet, the first of which was that no development would take place until evidence had been provided that 1.38 habitat units had been secured – by the Environment Bank or an alternative habitat bank provider – and that would include a management and monitoring plan that specified how the habitat units would be created, managed and monitored for the 30 year period; therefore, it would still need to be approved by the Local Planning Authority before development could commence. Another Member drew attention to Page No. 94, Paragraph 8.86 of the Committee report which set out there was currently a 17 tonne weight limit restriction, except for access, through Stoke Orchard but that the wording of the order made it practically impossible to

enforce and, in any case, the Police would find enforcement difficult due to lack of resources, and that a contribution of £28,000 was being sought towards provision of an ANPR camera. He asked what that contribution would cover in terms of maintenance and support and who would be responsible for paying for it once the money had run out. In response, the County Highways representative advised that ANPR enforcement was relatively new to local authorities, although the Police had used it for speed enforcement for many years. This would be the first one County Highways had introduced so it would be a learning experience but would provide the ability to enforce where it was not possible for someone to physically stand by the side of the road which was considered to be a positive impact. It was noted that the wording of the current Traffic Order was woolly to the extent that vehicles could stop in the zone and then proceed through it but this would be amended to ensure it was very thoroughly defined that vehicles must have an address they were stopped at within the zone. The £28,000 contribution was for the establishment of the camera and a maintenance period and it was intended that it would be self-funding through the process of enforcement. In terms of renewable energy, the Member asked whether anything could be done to insist upon use of the roof space and the Senior Planning Officer advised there was no requirement within the building regulations so it was not possible to condition; however, it had been discussed with the applicant and the intention was that each unit would incorporate some sort of solar panel which would be the responsibility of the eventual occupiers. A Member noted this site was right opposite a processing plant and asked if a test in relation to odour had been carried out as it had been for the connected site where residential properties were currently being built out. The Member noted there was another site in Bishops Cleeve where the electric vehicle charging points had still not been provided 12 months down the line and she asked what could be done to ensure these were available from the outset for use by employees and visitors. In response, the Senior Planning Officer explained that the application was supported by an Air Quality Assessment (AQA) which had been assessed by the Environmental Health Officer who raised no objection. The AQA had indicated that, during the operational phase, the impacts associated with the proposed development would not be significant with concentrations remaining within the relevant air quality standards. The installation of electrical vehicle charging points would be dealt with under building regulations.

- 19.17 It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application in accordance with the Officer recommendation. A Member welcomed the inclusion of the CGI images which had been provided as part of the application which gave an insight into what the development would look like in the context of the site. The seconder of the motion expressed the view that, given the amount of growth being sustained within the borough, it was vital to deliver employment land alongside housing. This whole site would have been earmarked for commercial use had the Inspector not allowed some houses there due to the concerns with the processing plant and he felt this was a good development. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** the application, subject to amended/additional conditions and completion of a Section 106 Agreement.

24/00227/APP - Land to the North East of Rudgeway Farm and South of Nightingale Way, Walton Cardiff, Tewkesbury

- 19.18 This was an approval of reserved matters application relating to layout, scale, appearance, and landscaping (pursuant to outline planning permission ref: 22/00834/OUT) for 238 dwellings, public open space, and associated highway infrastructure at land south east of Bluebell Road, Wheatpieces.

- 19.19 The Development Management Team Manager (East) advised that the principle of residential development at this site had been established through the outline planning permission, which was granted by Members in February 2024. A separate reserved matters application had also been submitted for the sports pavilion, sports pitches and associated infrastructure which would be determined under delegated powers. Planning permission had already been granted by the Local Planning Authority for the approval of a 290m long hedgerow and post and rail fence along the eastern boundary of the site. This reserved matters application proposed 238 dwellings on 13.69 hectares, excluding the pavilion and playing fields, with an average site-wide density of 17.4 dwellings per hectare. Excluding the playing fields there would be 6.42 hectares of public open space, rising to 7.54 hectares once the playing fields were included. The proposal had been revised during the application process further to comments from Officers and statutory consultees. The scheme would deliver 143 open market dwellings and 95 affordable dwellings, of which 57 would be social rented and 38 would be shared ownership, equating to 40% of the total number of dwellings. As set out in the Committee Report, Officers had carefully considered the application and, following negotiations with the developer, the details within the reserved matters were considered to be acceptable. Therefore, the Officer recommendation was to approve the application.
- 19.20 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that he did not wish to repeat the matters covered within the Committee report, which provided an excellent well-balanced summary of the application before Members today, rather he intended to emphasise a few key aspects of the proposals. Firstly, as Members were aware, the site benefited from outline planning permission for new homes, public open space, associated infrastructure, and a new community sports pavilion and playing field which was an integral part of proposal. Whilst this application was for the residential and public open space elements, Members would be aware that the sports pavilion was subject to a linked, albeit separate, reserved matters application. Both applications had been shaped directly by several constructive meetings with Officers, statutory consultees and key stakeholders. Working collaboratively, the proposals had been subject to a number of changes in order to ensure a high-quality design was achieved whilst meeting the necessary technical standards. The proposal before Members was for 238 new homes, of which 40% were affordable homes equating to 95 dwellings, providing a mix of type and tenure, including bungalows, to meet local need and demand, and was supported by the Council's Housing Officer. Importantly, photovoltaic panels and 7kw electric vehicle chargers would be installed to all new homes. Over 18 acres of new formal and informal public open space would be created, comprising new tree planting, wildflower meadows, a community orchard, a trim trail, sport pitches and a children's play area. In addition, over 2km of new hedgerow was being planted, including a 290m long section which had already been approved by a separate reserved matters consent. Notably, this section would be planted in October at the start of the planting season. The new landscaping proposals would deliver significant biodiversity net gain on site, representing a 41.34% increase in habitats and 51.40% increase in hedgerows. Responding to the request from Members, a new Pegasus crossing would be installed prior to the first occupation, ensuring a safe crossing point was provided over the new access road for horse riders and pedestrians. The developer had always been committed to the immediate delivery of consented new homes and would follow this approach through to the much anticipated community sports pavilion which, as outlined within the Committee report, would be approved should Members accept the Officer recommendation today. In that respect, it was intended to commence construction of the development later this summer, including the pavilion and playing field, enabling this much needed new facility to be completed in late 2025. He hoped Members would feel able to support the Officer recommendation and approve the application.

19.21 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member expressed the view this was a well-designed development with a lot of open space; however, she had concerns regarding the maintenance of those areas and asked how it could be ensured that the management company this was ultimately passed to would actually maintain the development. In response, the Development Management Team Manager (East) acknowledged it was difficult to keep control of the maintenance of the site but, given the residents would be paying into a management company, there should be pressure from them to keep it up. Another Member sought clarification as to the location of the car parking for the sports pitches and asked if there was any provision for coach parking as this had been an issue on other sites. The Development Management Team Manager (East) advised that the sports pitches were subject to a separate reserved matters application which had been agreed by County Highways in terms of traffic movements and parking provision. The plan showed where the parking would be situated and the report from that reserved matters application set out there would be 45 spaces, including five disabled spaces, as well as oversized spaces to accommodate minibuses from visiting teams. The County Highways representative explained that the estate had been designed to accommodate a bus route around it – it was a looped site so there should be no issues with a bus driving in, picking up/dropping off and proceeding without turning around, although there was a small turning head which, if clear, should be sufficient to make any turning manoeuvre.

19.22 It was proposed and seconded that the application be approved in accordance with the Officer recommendation. The seconder of the motion thanked the developer for listening to the comments at the outline stage in relation to the Pegasus crossing. The proposer of the motion agreed with the earlier comments that this was a well thought out application and he liked the way the energy strategy had been put front and centre of it. He felt the developer had gone the extra mile beyond the design codes in relation to that and it was an example for others in terms of how the Council wanted to work with developers. Upon being put to the vote, it was

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

PL.20 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

20.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 171-172. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

20.2 A Member commended Officers on their defence of the appeal in relation to Land Adjacent Greenacres, Hillend, Twyning which had significant drainage issues, and was pleased to note the Inspector had agreed with Officers on this occasion.

20.3 It was

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

The meeting closed at 10:50 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 16 July 2024

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

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

Agenda Item No	
5a	<p>23/00755/FUL</p> <p>Roseleigh, Stoke Road, Stoke Orchard</p> <p>Updates</p> <p>1) We have received a letter of objection in respect of a Barn Owl nest in the agricultural barn. The objector refers to the Countryside Act that it is against the law to disturb breeding Barn Owls during the breeding season (March to October) and if the application is successful then the developer would be required to work with the objector to find alternate boxes and sites for the Owls.</p> <p>2) We have received further advice from the County Archaeologist who confirms that there is low risk that significant archaeological remains will be adversely affected by this development proposal and therefore recommends that no further archaeological investigation or recording need be undertaken in connection with this scheme.</p> <p>Despite the area having been identified as the location of a potential medieval moat and the evidence of Lidar and geophysical survey that indicated the possible presence of significant archaeology, the trial trenches suggested that if this had ever been present, none of it survives underground. Much reduced ridge and furrow ploughing earthworks are present, which have been adequately recorded by these assessments.</p>
5b	<p>23/01063/FUL</p> <p>Parcel 3667, Stoke Road, Bishops Cleeve</p> <p>Additional Conditions - Ecology</p> <p>1. No development shall commence until the LPA has been provided with and approved evidence that 1.38 habitat units have been secured through The Environment Bank (or such alternative habitat bank provider as the LPA shall approve). The evidence shall include a management and monitoring plan that specifies how the habitat units will be created, managed and monitored for the 30 year period and financial arrangements that support the agreement. The Habitat bank provider should provide a suite of documents to demonstrate the integrity of the units with documents to include:</p> <ul style="list-style-type: none"> - Habitat Management Plan for our Habitat Bank - Copies of our Leases for the habitat bank confirming ownership for the 30 year period

- Biodiversity Unit Register Certificate Export - This outlines the available units. Our stock management system ensures units are not double sold or reserved, which will eventually be managed on the Natural England Gain Site register in due course.

- Biodiversity Unit Certificate - Confirming details of the units purchased

Reason: To ensure the development results in a measurable biodiversity net gain in accordance with NPPF and Policy NAT1.

2. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

3. No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the following:

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be present on site to oversee works,
- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

	<p>Reason: To ensure proper provision is made to safeguard protected species.</p> <p>4. The development shall proceed in strict accordance with the Mitigation Measures provided within Section 5 of the Ecological Impact Assessment and Biodiversity Assessment (HarrisLamb Property Consultancy, September 2023).</p> <p>Reason: To ensure proper provision is made to safeguard protected species.</p> <p>Bishops Cleeve Parish Council - Late objection</p> <p>An email was circulated to Councillors on Monday afternoon with an updated objection from Bishop's Cleeve Parish Council. A copy has been placed on the Council's website for public viewing. The latest objection document raises no new concerns that have not previously been raised by objectors and the Council's position on each objection point has been addressed in the Committee report.</p>
5c	<p>24/00227/APP</p> <p>Land To The North East Of Rudgeway Farm And South Of, Nightingale Way, Walton Cardiff, Tewkesbury</p> <p>Updates</p> <p>1) Further to the preparation of the Committee Report, the applicant has submitted a Briefing Note to all Committee Members outlining the background and detail of the proposal.</p> <p>2) Para 8.90 of the Committee report should state that the gross internal area of the pavilion is 571 sq m and not 545 sq m. The Section 106 requires a minimum of 570 sq m.</p>