

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 30 August 2016  
commencing at 9:00 am**

## **Present:**

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

## **and Councillors:**

R E Allen, R A Bird, Mrs G F Blackwell, D M M Davies, M Dean, D T Foyle,  
R Furolo (Substitute for P D Surman), Mrs M A Gore, Mrs J Greening, Mrs A Hollaway,  
Mrs E J MacTiernan, J R Mason, A S Reece, T A Spencer, Mrs P E Stokes and R J E Vines

## **PL.26 ANNOUNCEMENTS**

- 26.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 26.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

## **PL.27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 27.1 Apologies for absence were received from Councillors P D Surman and P N Workman. Councillor R Furolo would be acting as a substitute for the meeting.

## **PL.28 DECLARATIONS OF INTEREST**

- 28.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 28.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R A Bird	16/00722/FUL 4 Haycroft Close, Bishop's Cleeve.	Lives next door to the applicant but has no personal or prejudicial interest in the application.	Would speak and vote.
M Dean	16/00654/FUL The Wooltons,	Is a Borough Councillor for the	Would speak

	Stockwell Lane, Woodmancote.  16/00672/FUL 36 Potters Field Road, Woodmancote.	area.	and vote.
Mrs M A Gore	16/00336/OUT Land Adjoining 59 Gretton Road, Gotherington.	Had briefly discussed the application with the Parish Council but had not expressed an opinion.	Would speak and vote.
Mrs E J MacTiernan	16/00683/FUL Lorry Park, Northway Lane, Ashchurch.	Is a Member of Northway Parish Council but does not participate in planning matters.	Would speak and vote.

28.3 There were no further declarations made on this occasion.

## **PL.29 MINUTES**

29.1 The Minutes of the meeting held on 2 August 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.30 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

30.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. 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 them prior to decisions being made on those applications.

### **16/00683/FUL – Lorry Park, Northway Lane, Ashchurch**

30.2 This application was for the sub-division of premises into four individual units and change of use of Units 1-3 to bulky goods retail (use Class A1) and new car park layout. The Committee had visited the application site on Friday 26 August 2016.

30.3 The Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which included information from the applicant to address Officer concerns over the loss of allocated employment land and the conflict with retail planning policy. He explained that the applicant had indicated that the retail use would be restricted to bulky goods with an established furniture retailer intending to relocate to Unit 1 from its current premises. Accordingly a condition had been proposed by the applicant to restrict the sale of goods from Unit 1 to carpets, furniture, bedding, floor coverings, soft furnishings and textiles, bathroom suites – furniture and accessories, kitchen units – furniture and accessories, floor and wall tiles. The applicant proposed to restrict the range of goods for Units 2 and 3 to sale of cycle and cycle goods. Subject to these restrictions, Officers did not feel that the proposal would have a significant adverse impact on Tewkesbury town centre so as to warrant refusal. Notwithstanding this, National Planning Policy Guidance set out that it was for the applicant to prove compliance with the sequential test and it was not considered that had been undertaken in the context of the current redevelopment

aspirations for the Spring Gardens site. As Spring Gardens could not currently be ruled out as a suitable and viable alternative location, it was not considered that the applicant had complied with the sequential test. In terms of the loss of allocated employment land, Officers had taken into account the applicant's further points but it was still considered that the marketing of the premises had not been comprehensive enough to demonstrate that there was no reasonable prospect of the site being used for its allocated employment purposes and the marketing was felt to be too narrow in focus. It was considered that the site should be marketed for its potential for a variety of other B class employment uses before alternative uses were considered. It was important to note that, according to the Homes and Communities Agency Employment Density Guide, the existing B1 floor space could generate a total of 158 full-time equivalent employees whereas the potential employment generation from the proposed A1 retail use would be 63 full-time equivalent employees. On that basis, the employment generation potential of the permitted B1/B8 use was likely to be significantly higher than that of the proposed A1 use. Officers were therefore concerned that the proposal would result in the loss of viable employment land.

- 30.4 The Chair invited the applicant's agent, David Jones, to address the Committee. Mr Jones explained that negotiations had been ongoing with Officers since January 2015 when a similar application had been submitted for determination. Officers had failed to determine that application and an appeal had subsequently been lodged with the Planning Inspectorate. The revised application had then been submitted with additional supporting information. In response, the Council's retail consultant had confirmed that the development would not have an unacceptable impact upon Tewkesbury town centre, the Highway Authority raised no highway objection and there had been no other objections. Following a generally positive meeting with Officers in July, the appeal against the earlier application had been withdrawn. In his view there were two main issues on which the applicant and Officers did not agree; Officers considered that the Spring Gardens/Bishop's Walk site could comprise a suitable location for retail uses and they criticised the marketing evidence submitted on the basis that the agent's particulars described the units as 'showroom units'. In response to those two issues, he indicated that the Spring Gardens/Bishop's Walk site was not on the market and no planning application had been submitted, it was therefore unrealistic to consider that as a viable alternative at this time. The largest of the three units which were the subject of the application was under offer and, if the application was successful today, contracts might be exchanged allowing an established furniture retailer to relocate from premises it had outgrown in Broadway. This alone would generate at least 30 new full-time jobs in the short term. Secondly, with regard to marketing, those seeking new industrial or warehouse space predominantly searched via the internet and a search for available industrial or warehouse units flagged the units at Northway Lane as available. In addition, the units had been widely advertised and had been subject to 'mail drop' to persons registered with the agent who had expressed an interest for industrial and warehouse premises in Tewkesbury. The marketing campaign had been thorough, however, no commercial or industrial user had come forward despite 18 months of marketing across various different platforms. It was important that Councils were consistent in decision-making and he wished to remind the Committee of its positive decisions in respect of the 18 hectare retail proposal upon the Hitchins site, opposite the application site, and the adjacent 3.8 hectare Sainsbury's development site. Both of those sites were allocated employment sites and both had been approved for retail

use. This application site extended to 0.6 hectares and was tiny in comparison to the 21.8 hectares of employment land already lost. He urged the Committee to support the application which would bring into use vacant buildings and generate permanent employment opportunities in the short term.

- 30.5 The Development Manager provided clarification that the retail outlet referenced by the applicant's agent was identified in the emerging Joint Core Strategy but not as an allocated housing site and, as such, it was a different situation from the current proposal. The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted. The proposer of the motion indicated that, whilst she understood that competition with Tewkesbury town centre was a consideration, a retail unit selling bulky goods would not be right for the Spring Gardens site given that large vehicles would be required to transport the goods and traffic was already a problem within the town centre. The proposed units were up and running with one potential tenant identified and both the adjacent site and the site across the road had already obtained planning permission for retail use. She had first-hand experience of having to refurbish her own house following the 2007 floods and she had been forced to travel to Cheltenham, Gloucester and further afield in order to do that as those goods were not sold within Tewkesbury, and that continued to be the case today. She felt that this was an excellent site for the proposed use given the access from the M5 and she welcomed the application. The seconder of the motion echoed these sentiments and indicated that she would like a condition to be included on the planning permission for a Unilateral Undertaking to revoke planning permission 14/00098/FUL, for a proposed new office/showroom/warehouse building and extension to existing distribution warehouse, in order to avoid potential parking issues.
- 30.6 The Planning Officer clarified that, if Members were minded to permit the application, this should be a delegated permission subject to the submission of a suitable Unilateral Undertaking and conditions to restrict the range of goods being sold, as offered by the applicant. He suggested that Members may also wish to include a condition restricting the sales floor area. In addition, there were a suite of conditions included on the previous planning permission which would need to be carried over, mainly in respect of highways. In response to a query regarding the restriction of the sales floor area, the Planning Officer explained that the premises had a mezzanine floor and it was suggested that retail use be restricted to the ground floor only for Units 2 and 3 to help to reduce the impact on Tewkesbury town centre. The proposer of the motion did not feel that it would make sense to include such a restriction as it would work well if furniture was sold on the ground floor and soft furnishings on the upper level. On that basis, the proposer and seconder of the motion confirmed that they would be happy to amend their proposal to a delegated permission, subject to the submission of a suitable Unilateral Undertaking to revoke the previous planning permission, conditions being carried over from the previous permission and an additional condition restricting the sale of goods to 'bulky goods' only. They did not wish to include a condition to restrict the sales floor area.
- 30.7 A Member expressed the view that it was important to retain this site for industrial use as there would inevitably be a need for that type of development once the Joint Core Strategy had been adopted and he did not feel that it was necessary to go against policy and allow it to be changed to retail use simply because of timing. In response, the proposer of the motion to permit the application indicated that nobody was taking up the industrial use and it was possible that the site could remain empty for the next five years or more. It was important to create a vibrant area and there were businesses ready and able to use the premises for retail. Furthermore, town centres had changed in recent years and people were shopping differently since the introduction of the internet and the rise of out of town retail parks. She was in favour of realism as opposed to sticking rigidly to policies which could be out of date and impractical as in this instance. The seconder of the motion pointed out that the site had been unsuccessfully marketed for industrial use for quite some time. She reminded Members that each application should be considered on its own merits and this application was for a change of use for something which was needed in the area. Empty sites were not a good way to promote the area, or to encourage development,

and the current proposal would still provide employment; there were no employment opportunities if the building remained empty.

- 30.8 A Member appreciated the pragmatic approach taken by the proposer and seconder of the motion and agreed that a use needed to be found for the building, however, permitting the application would be against Officer advice and it should be borne in mind that the other retail developments which had been referenced during the debate had also been recommended for refusal by Officers.
- 30.9 Upon being taken to the vote, it was  
**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the submission of a Unilateral Undertaking to revoke planning permission 14/00098/FUL; conditions being carried over from the previous permission; and an additional condition to restrict the sale of goods to 'bulky goods' only.
- 16/00494/FUL – 21 Manor Park, Mitton, Tewkesbury**
- 30.10 This application was for a two storey rear extension and porch.
- 30.11 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. 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.
- 16/00576/FUL – 32 Cambrian Road, Walton Cardiff, Tewkesbury**
- 30.12 This application was for continued use of an existing dwelling for residential and childminding purposes for up to nine children.
- 30.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. 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.
- 16/00733/FUL – Land Opposite to Fern Cottage, Lawn Road, Ashleworth**
- 30.14 This application was for change of use from agricultural to light industrial (Use Class B1(c)) (retrospective). The Committee had visited the application site on Friday 26 August 2016.
- 30.15 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. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The Planning Officer explained that a range of conditions were recommended to try and limit the use and prevent further development which might be harmful to the area. These included removal of permitted development rights to prevent alternative uses on the site; no sale or viewing of vehicles on site; no outdoor storage on site; preventing outdoor operation of plant, machinery or equipment on site; restriction of operating hours to between 0830 hours and 1700 hours Monday to Friday and at no times on Saturdays, Sundays and Bank Holidays; removal of permitted development rights for further operational development e.g. new outbuildings, hard surfaces; and no external lighting on site unless the details had first been agreed in writing by the Local Planning Authority.
- 30.16 Upon being taken to the vote, it was  
**RESOLVED** That the application be **PERMITTED** in accordance with the Officer

recommendation.

**16/00336/OUT – Land Adjoining 59 Gretton Road, Gotherington**

- 30.17 This application was for up to 10 dwellings (Class C3). The Committee had visited the application site on Friday 26 August 2016.
- 30.18 Members were advised that an application had originally been received for 27 dwellings on the site but there had been concerns regarding the scale and layout of the development. The Planning Officer explained that part of the village was linear in form and this dispersed as it emerged into open countryside, on that basis, 27 dwellings would have been contrary to that form and would be harmful to the character and appearance of the area. The applicant had subsequently submitted a revised scheme reducing the number of dwellings to 10 and Officers were satisfied that number could be accommodated on the site whilst respecting its linear form. It was noted that the revised indicative layout submitted by the applicant was not supported by the Council, however, clarification was provided that layout was a reserved matter and would not be taken into consideration at this outline stage, therefore, the application was recommended for permission. Although it was recognised that the application did not meet the aspirations of the Gotherington Neighbourhood Plan which proposed 24 dwellings on the site, for reasons already expressed it was not considered that scale of development could be accommodated whilst respecting the character of the village.
- 30.19 The Chair invited the representative from Gotherington Parish Council, Councillor Beverley Osbourne, to address the Committee. She explained that the Parish Council's submission to the Committee centred on maximising potential and it was in an unusual position of asking for an increase in the number of units being proposed for the site. The Parish Council wished to see an increase in the yield from the site, from the 10 dwellings proposed to closer to 20 units, on the basis that the unusually low figure of 10 was an inefficient use of available land stock. As Members would have seen from the site visit, the village had very definite physical boundaries and simply could not expand when faced with a housing increase. This meant that the small amount of land that was available was very precious and the Parish Council was keen to see it used effectively. When the opportunity to make a Neighbourhood Development Plan was presented, the Parish Council had recognised it as a chance to shape its destiny and a working document had been produced which had taken many years, many thousands of pounds, much debate and soul-searching and many man hours to get to its current stage. This had been done in the hope that it would help Planning Officers and Members in their decision-making process when asked to consider any housing development in the village. She stressed that the Parish Council was under no illusions and realised that, at this relatively early stage, the Neighbourhood Development Plan carried very little weight officially, however, whilst it might not be legally binding, it still gave a very clear indication of both the position of units, and the number of units, which the community would be happy to see. As part of the community consultation process, 59 Gretton Road had been highlighted as an acceptable site for development. At no point during the consultation period had advice been offered from the Urban Design Officer on the maximum number of units which could comfortably be accommodated on this site but, as the emerging Tewkesbury Borough Local Plan had identified the site as capable of having 24-40 units, the Parish Council had felt that 24 dwellings was completely acceptable. The current proposal of 10 units was a huge reduction from the original 27. The Parish Council wished to draw attention to Page No. 186, Paragraph 15.2 of the Officer's report, which stated "whilst the proposal is only for 10 dwellings it would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the National Planning Policy Framework's requirement to maintain a five year supply of housing land". If there was a case for much needed housing, the Parish Council hoped the Committee would agree that the parcel of land could comfortably support more than 10 dwellings so the maximum number should be sought. In

summary, the Parish Council felt that the developer should be asked to resubmit a further plan showing an increase of dwellings closer to 20 units, to run in a linear fashion along Gretton Road. This could be comfortably achieved whilst producing a 100% increase on the available yield from the site. The revised plan could then be brought back to the Committee for consideration.

- 30.20 The Chair invited Eddie McLarnon, speaking against the application, to address the Committee. Mr McLarnon explained that he was not opposed to development on the site but felt that this was a bad proposal as 10 dwellings on 8 hectares was an inefficient use of the Special Landscape Area and it would result in an executive estate of expensive houses which would damage social sustainability. He went on to state that Gotherington was constrained and land must be used efficiently. The Parish Council and those working on the Gotherington Neighbourhood Plan were acutely aware of this problem. The Planning Officer had stated that the Gotherington Neighbourhood Plan was at a relatively early stage of preparation which was incorrect. It was prepared and formally submitted to Tewkesbury Borough Council for validation and consultation and it must be taken seriously if an acceptable and efficient design was to be produced. The Planning Officer had failed to address social sustainability as the proposal was for an executive development of large, expensive three, four and five bedroom houses. A much better mix of housing was required involving bungalows and two bedroom houses, otherwise it would be viewed as a place apart and resented for the inefficient use of the Special Landscape Area. The proposal would not contribute to rural housing needs or affordable housing and its exclusive nature would be divisive of community spirit. He did not understand why the application was recommended for a delegated permission in the absence of an acceptable design and he was of the view that the Planning Officer should be directed to work with the applicant, the Parish Council and the Gotherington Neighbourhood Plan group to provide a more efficient and socially acceptable design. In the spirit of localism this was something which should have happened months ago. If an acceptable plan could not be produced the site should be rejected. He realised that the applicant would be keen for an early decision, and he did not wish to delay this, but it was important to ensure that the development was best for the village. He recommended that the Planning Committee give priority to this site over those sites which were not included in both the Gotherington Neighbourhood Plan and the Tewkesbury Borough Local Plan. He also felt that the Planning Committee should direct Planning Services to give significant weight to the Joint Core Strategy Inspector's comments in Paragraph 154 of her interim report that additional housing in service villages was unsustainable; Planning Services should not be allowed to ignore this important directive. The delivery of 49 dwellings at a rate of 4.5 per year must be maintained; the 'raspberry patch' of 17 dwellings which was approved in April 2015 meant that no further approvals were required until 2019 and, if permission was granted for this site, building should be delayed until that time. Furthermore, he considered that low cost housing of 40% was unrealistic for a service village; services and work were not within walking distance and transport connections were poor and expensive. He considered that it was necessary for Planning Services to have a face-to-face discussion with the Parish Council to agree a more realistic level of low-cost housing.

- 30.21 The Chair invited the applicant's agent, Mervyn Dobson, to address the Committee. Mr Dobson indicated that, for all of the objections raised by the Parish Council and others, this was not an 'in principle' objection. The reasons for this were two-fold; the site was identified in the January 2015 draft Tewkesbury Borough Local Plan Review

as a site which could be suitable for residential development and, more importantly, the site had been selected by the Parish Council as a suitable residential site in the draft Neighbourhood Plan. The site had been subject to three rounds of public consultation, consistently coming out on top of the sites suitable for residential development, and the Neighbourhood Plan was now going into its final stages. Furthermore, there was no landscape objection from the Council's Landscape Officer who stated that it was satisfactory for residential development; the only disagreement was in relation to numbers. The original application was for 27 dwellings and had arisen following discussions with the Parish Council with whom the applicant had met twice, once prior to the submission of the application to gauge local response. Following the second meeting, the applicant had become aware of the Urban Design Officer's criticism of the layout and had set up a meeting to discuss this further. At that meeting they had been advised that, if they persisted with an application for 27 units, it would be recommended for refusal on the basis that this would be uncharacteristic of the village as a whole. He would have been pleased to continue negotiations but, with the threat of a refusal, he felt that there was little option but to amend the application to 10 units as recommended by Officers. This had been done in good faith, and with the resulting delay and expense of producing revised documentation, so he hoped that Members would support the application.

- 30.22 A Member noted that the Parish Council representative and the objector had stated that the reduced number of houses being proposed would be a waste of land and she asked the Planning Officer whether options for a different number of dwellings, between 10 and 27, had been explored. The Planning Officer confirmed that no other options had been discussed; 10 units was the agreed solution which had been moved forward to this stage. The Member went on to indicate that the Gotherington Neighbourhood Plan was looking to take a balanced approach to the type of housing included on each development. This proposal was for detached homes and she questioned whether there would be an opportunity to consider including some semi-detached properties. She also queried whether the removal of permitted development rights could be considered given the sensitive nature of the site. The Planning Officer confirmed that the scale and type of dwellings would be dealt with through a future reserved matters application so there was scope to influence that. The removal of permitted development rights would be reasonable on the basis that the site was located within the Special Landscape Area. A Member queried the maximum number of dwellings which could be achieved without compromising the linear design and the Planning Officer advised that more than 10 units would result in a development which was too densely packed.
- 30.23 The Development Manager reminded Members that each application should be considered on its own merits and this was an application for 10 dwellings which needed to be determined by Members today. There was nothing to prevent the applicant from coming back to apply for a greater number of dwellings which was more in line with the aspirations of the Parish Council and the Neighbourhood Development Plan, however, that was not something which should be debated at this meeting. He did not consider that there were any planning grounds to refuse the application, particularly as the policy in terms of minimum density had changed and it was now very much a case of considering what was appropriate for a particular area. A Member drew attention to the indicative layout plan at Page No. 190/C of the Officer report and questioned whether Officers considered that to be an acceptable linear development. The Development Manager reiterated that, although the plan did show 10 dwellings, it was not appropriate in terms of the form. Officers did feel that it would be possible for 10 dwellings to be accommodated on the site in a way which reflected the existing linear form and, whilst that particular layout was not acceptable, it should not be an impediment to granting outline planning permission for 10 houses at this stage.
- 30.24 The Chair confirmed that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the completion of a



Section 106 Agreement and amendments and additional planning conditions as necessary, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion suggested that the Urban Design Officer's view on the maximum number of units which could be accommodated on the site should have been discussed with the Gotherington Neighbourhood Plan group at an earlier stage; however, she had concerns regarding additional traffic being generated and she felt that this would be greatly reduced by permitting 10 dwellings as opposed to the larger number which was originally proposed. The seconder of the motion felt that the Officer recommendation was correct and the key arguments were summarised by the Urban Design Officer's comments at Page No 182, Paragraph 7.3 of the report.

- 30.25 A Member expressed the view that, although there was no substantive planning reason to refuse the current application, Parishes had been encouraged to produce Neighbourhood Development Plans, which Gotherington was in the process of doing, and he raised concern that a decision to permit this application would over-ride the wishes of the local community. He did not feel that this proposal made sense in planning policy terms and he could not support the motion to permit the application. In response, the Development Manager clarified that there was no particular planning policy covering the site in force at this particular point in time. In terms of the Tewkesbury Borough Plan, and the draft version before it, a number of dwellings had been attributed to the site in order to obtain views during the consultation. Having analysed the outline planning application supported by detail, Officers had taken a view as to the appropriate level of development for the area and advised the applicant accordingly; the applicant could have continued with the proposal for 27 dwellings but had opted to take on board the Officer advice and reduce the number of dwellings. He agreed that it was unfortunate that the Urban Design Officer had not been engaged at an earlier stage in the process of developing the Gotherington Neighbourhood Plan, nevertheless, the plan could be given very little weight at this stage.

- 30.26 A Member indicated that, should the application be refused, the applicant was highly likely to win on appeal and for that reason she would be supporting the motion for a delegated permission; however, she asked that Officers engage with the Parish Council and the community in terms of improving the Gotherington Neighbourhood Plan. She suggested that an alternative layout may present opportunities to slightly increase the number of dwellings on the site and that was something which could be explored under a delegated permission. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a Section 106 Agreement and amendments and additional planning conditions as necessary, in accordance with the Officer recommendation.

#### **16/00679/FUL – Parcel 2521, Banady Lane, Stoke Orchard**

- 30.27 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the signing of a Section 106 Agreement and a financial contribution of £140,000 towards affordable housing provision, and he

sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The seconder of the motion noted that trees had been identified on the site and included on the plan at Page No. 198/G of the Officer report, however, a 'swale' was also shown on the plan and she asked for further information about this feature. The Planning Officer explained that the plan had been attached to a Unilateral Undertaking; it was for indicative purposes only and did not carry any weight in terms of the final layout. The swale was not actually a feature of the development.

30.28 Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the signing of a Section 106 Agreement and a financial contribution of £140,000 towards affordable housing provision, in accordance with the Officer recommendation.

**16/00626/FUL – 21 Station Road, Bishop's Cleeve**

30.29 This application was for the erection of a double garage.

30.30 A Member queried why there was no highway information in relation to the application given that the junction of Sandown Road and Station Road was already very dangerous. The Planning Officer explained that, due to the nature of the application, it was subject to standard highway advice and no specific comments had been received from the Highways Authority. He confirmed that there was sufficient visibility and therefore no issues in highway terms. Another Member went on to advise that one of the reasons the junction had such restricted visibility was because of a wall which belonged to the applicant; this was a longstanding problem which had generated a number of complaints. On that basis, he questioned if there was any way the applicant could be asked to lower the wall to improve visibility. The Planning Officer advised that the wall was not in the visibility splay area so it would be unreasonable to include this as a condition on the planning permission and was not something which could be insisted upon.

30.31 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be deferred to seek to negotiate the lowering of the applicant's boundary wall to improve visibility at the junction of Sandown Road and Station Road. The Development Manager advised that he would be more than happy to write to the applicant to request that the wall be lowered as a gesture of goodwill but he did not feel that a satisfactory outcome would be achieved through a deferral given that there were no planning reasons to refuse the application. Whilst he understood the Officer advice, a Member recognised that the wall had been a problem for some time and he felt that this was the only opportunity for it to be addressed. Another Member agreed that it was important to put pressure on the applicant to rectify this dangerous situation and he felt that a deferral was the best way to achieve this given that the overall concept of the proposal was acceptable. A Member queried whether a deferral was likely to result in a non-determination appeal being lodged and was informed that, whilst that could be the case, the risk was fairly low; if an appeal was submitted it was likely to be through written representations and it was not considered that the Council would be opening itself up to substantial costs by deferring the application. A Member suggested that a deferral would also provide an opportunity to consult County Highways on the application and the Development Manager indicated that, whilst it would not be obliged to respond, County Highways could certainly be asked to provide a view.

30.32 Upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** to seek to negotiate the

lowering of the applicant's boundary wall to improve visibility at the junction of Sandown Road and Station Road and to consult with Gloucestershire County Highways.

**16/00654/FUL – The Wooltons, Stockwell Lane, Woodmancote**

- 30.33 This application was for the erection of a new detached single dwelling.
- 30.34 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider noted that the Parish Council, although not all of its Members, had objected to this application with concerns over the impact on the Area of Outstanding Natural Beauty. Although the site was located within the Area of Outstanding Natural Beauty, and adjacent to the Conservation Area, this proposal would not cause harm. The nearest listed building was 50m away and thus did not harm its setting. The dwelling would be of similar design and materials to other properties in the area and therefore reflected the character of its surroundings; in fact, the design had been chosen to reflect that permitted at a site nearby last year. In addition, Members may be aware that a dwelling had been allowed on appeal on a site directly opposite to the application site in 2015; the current proposal would be significantly smaller and less visually prominent than that scheme which the Planning Inspector adjudged as having no harmful impact on the area. Given the service village status of Woodmancote, permitting the application would make a modest contribution towards housing supply.
- 30.35 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

**16/00672/FUL – 36 Potters Field Road, Woodmancote**

- 30.36 This application was for a front garage extension.
- 30.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. 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.

**16/00722/FUL – 4 Haycroft Close, Bishop's Cleeve**

- 30.38 This application was for a first floor side extension over existing garage.
- 30.39 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. 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.

**16/00752/FUL – Land Between Ashmead and Woodpeckers, Ash Lane, Down Hatherley**

- 30.40 This application was for the erection of a single infill dwelling including detached garage and new boundary treatment to site frontage (revised application to Ref:

16/00138/FUL).

- 30.41 The Chair invited Maureen Gembarski, speaking against the application, to address the Committee. She referenced Policy HOU8 of the Tewkesbury Borough Local Plan which set out that a development should not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking and she indicated that this would be exacerbated if these extensions were permitted. The existing 188sqm would be increased by a quarter and would cause extra harm to the openness of the Green Belt. With regard to the previous planning permission, it had stated that it was considered reasonable to remove permitted development rights given the scale of the proposed dwelling, the inclusion of a detached garage and its Green Belt location and she felt that this suggested that there was already extensive use of the Green Belt.
- 30.42 The Chair invited the applicant's agent, Oliver Rider, to address the Committee. Mr Rider noted that the Parish Council and local objections, summarised in the Officer's report, largely related to concerns over the principle of a dwelling on this plot. For the avoidance of doubt he clarified that the principle of a new dwelling had already been established through the granting of planning permission in June 2016 and he understood that works had commenced on the site with a view to providing this dwelling. Therefore, the only material matter for fresh consideration within the current application was the impact of the size and design of the proposed dwelling in comparison to that previously approved. In that regard, the new landowners were looking to add small first floor and single storey extensions to the rear plus a small garage, otherwise the scheme was very similar. The overall impact of these additions on the Green Belt was very minimal and the dwelling was of similar size and scale to other dwellings along the lane. The property would appear essentially the same as that previously approved when viewed from along the lane so the proposed dwelling would not have a significantly greater overall impact. It was worthy of note that the additions amounted to approximately 20% over and above the size of the original scheme; Members would be aware that the Council operated a rule of thumb threshold of 50% additions when considering domestic householder extensions to properties in the Green Belt so this was well within that threshold and acceptable in any event. Mr Rider advised that material samples had been submitted with the application and, if acceptable, the proposed condition would be discharged.
- 30.43 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. The Development Manager clarified that the applicant's agent had referred to condition 5 of the recommended planning permission which set out that building operations should not be commenced until samples of the facing brick and roof tiles proposed to be used had been submitted to, and approved in writing by, the Local Planning Authority. If Members were minded to permit the application he asked that this be delegated in order to allow the condition to be amended subject to the submitted samples being acceptable. It was subsequently proposed and seconded that authority be delegated to the Development Manager to permit the application, subject to the possible amendment of condition 5 should the submitted material samples be acceptable.
- 30.44 With regard to the comments made by the Parish Council and the public speaker who had spoken against the application, the Development Manager clarified that the proposal would result in a larger house but it was not felt that there would be a substantial increase over and above the dwelling which had already been permitted. Whilst he understood the frustrations and concerns of the neighbours, there would be no undue harm as a result of the larger scheme. A Member queried whether it would be possible to ensure that the removal of asbestos was done safely. In response, the Development Manager indicated that he believed that work had already started on implementing the previous scheme so he imagined that the asbestos had already been removed and there was very little that the Local Planning Authority could do in that respect.

30.45 Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the possible amendment of condition 5 should the submitted material samples be acceptable.

**PL.31 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

31.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 24-29. Members were asked to consider the current planning and enforcement appeals received and the Communities and Local Government appeal decisions issued.

31.2 It was

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

**PL.32 ADVANCED SITE VISITS BRIEFING**

32.1 Attention was drawn to the Advanced Site Visits Briefing, circulated at Page No. 30, which set out those applications that had been identified as ones which would be subject to a Committee Site Visit on the Friday prior to the Planning Committee meeting at which they would be considered. Members were asked to note the applications in the briefing.

32.2 It was

**RESOLVED** That the Advanced Site Visits Briefing be **NOTED**.

The meeting closed at 10:35 am

## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 30 August 2016

The following is a list of the additional representations received since the schedule of applications was prepared 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.

Page No	Item No	
156	1	<p><b>16/00683/FUL</b></p> <p><b>Lorry Park, Northway Lane, Ashchurch, Tewkesbury</b></p> <p><b><i>Applicant updates:</i></b></p> <p>Further information has been received from the applicant, DAD, to address Officer concerns over the loss of allocated employment land and the conflict with retail planning policy (<b>please see attached</b>). This is discussed below:</p> <p><u>The potential loss of allocated employment land</u></p> <p>The further points made by the applicant have been considered but Officers still consider that the marketing of the premises is not comprehensive enough to demonstrate that there is no reasonable prospect of the site being used for its allocated employment purposes. The marketing is still considered to be too narrow in focus. As explained earlier, Policy EMP1 permits a variety of uses including office, industrial and warehouse. It is perhaps now accepted that the marketing has had an emphasis towards industrial/warehouse businesses, but the permitted and allocated uses for the site include B1 for which there is no mention of in the marketing. It is considered that the site should be expressly marketed for its potential for a variety of other B class employment uses (including B1) before alternative uses can be considered. The design of the premises would not preclude it from being used for a variety of purposes and Officers do not consider that this is acting as a barrier to it being used for purposes consistent with the policy allocation.</p> <p>Overall, it cannot be concluded that there is no reasonable prospect of a site being used for its allocated employment purposes as required by Paragraph 22 of the National Planning Policy Framework (NPPF). The proposal would therefore result in the loss of viable and valuable employment land of the type promoted by Policy EMP1. It is relevant to note that the Council's Employment Land Review finds that most new growth in employment development in the area is anticipated to be delivered through B1 a/b development (offices, and research and development respectively). It is therefore considered that the loss of land/premises suitable for such purposes as a result of this proposal would compromise the Borough's ability to attract new businesses of the type identified in the Council's Employment Land Review. This it is considered would act as an impediment to the sustainable economic growth advocated by Part 1 of the NPPF.</p> <p>Notwithstanding the above, Officers do recognise that retail development can be a large employment provider and it is reasonable to consider whether the loss of EMP1 employment land can be offset by the job creation potential of the proposed use.</p>

The applicant states that the relocation of an established furniture retailer to Unit 1 will generate 32 jobs on site. Whilst some of these will be relocated from Broadway, the majority would be newly recruited from the local area. The applicant also infers that the proposed (retail) use will thus significantly boost on-site employment and will certainly be far greater than the previous use of the site as a lorry park, and well in excess of that which could be generated if the units were used for a mixed B1/B8 use.

No details are however provided in respect of the employment that could be generated by the other units, or indeed the employment that could be generated by the permitted B1/B8 use.

Officers have had regard to the Homes and Communities Agency's Employment Density Guide 3rd Edition (November 2015). This is recognised by the planning and property industries as the 'go to' guide for the estimation of employment generated by property development.

According to the guide, the existing B1 floor space could generate approximately 113 full-time equivalent (FTE) employees and the existing B8 floor space 45 FTE employees. **The existing use on site could therefore generate a total of 158 FTE employees.**

The proposed A1 use, according to the guide, could generate 35 FTE employees. As the current proposal would retain Unit 4 in its permitted B8 use, there could be a remaining 10 employees associated with that use. Based on the guideline figures, the proposed use could therefore generate an estimated total of 45 FTE employees. The actual employment data provided by the applicant for Unit 1 is, however, noted and should be used instead of the guide's estimate for this Unit. Thus, using the applicant's data for Unit 1 and the guide's estimates for Units 2 and 3, **the potential employment generation from the proposed use would be 63 FTE employees.**

**On the above basis, it is clear that the employment generation potential of the permitted B1/B8 use would be likely to be significantly higher than that of the proposed A1 use.**

Moreover, it is important to note that the site is located on a Major Employment Site within which Policy EMP1 of the TBLP confirms that B1/B2/B8 uses are acceptable. Applications to change the use of the premises to wholly B1 or B8 or to a B2 use are therefore likely to be supported. As previously noted, the Council's Employment Land Review finds that most new growth in employment development in the area is anticipated to be delivered through B1 a/b development (offices, and research and development respectively). Thus, if the premises were for example to be used solely for B1 (a) purposes, according to the employment density guide its employment potential would be 360 employees. The relevance of this point is to demonstrate that **the employment generation potential of the site for the purposes defined by Policy EMP1 is significantly greater than that resulting from the current proposal.**

On the above basis it is not considered that the job creation potential of the proposed A1 use would be significant enough to offset the lost potential of the permitted/allocated B1/B2/B8 use. This, it is considered, adds further weight to refusal reason 1 as set out in the Committee Report.

		<p><u>Sequential Test</u></p> <p>In relation to the sequential test, the issue is whether the Spring Gardens site can be considered to be a suitable and available sequentially preferable alternative. The Council has received advice on this matter from its Retail Consultant and Economic Development Officer. The Spring Gardens site lies in a sequentially preferable town centre location and is available for redevelopment. Policy TY3 of the Tewkesbury Borough Local Plan indicates that the site represents a redevelopment opportunity for a mixture of uses including retail, and this is reflected in the Tewkesbury Town Centre Masterplan Strategic Framework Document. Whilst some bulky comparison goods retail uses from large units can be inappropriate for town centres, the units in the current application are not of a substantial scale and there is certainly no current indication that the proposed units cannot be accommodated within the Spring Gardens redevelopment scheme. The National Planning Policy Guidance indicates that it is for the applicant to prove compliance with the sequential test and we do not consider that this has been undertaken in the context of the current redevelopment aspirations for the Spring Gardens site. As a consequence, we do not consider that the applicant has, at the present time, proven compliance with the sequential test because the Spring Gardens cannot currently be ruled out as a suitable and available alternative location.</p> <p><u>Impact on Tewkesbury Town Centre</u></p> <p>Further advice has been received from the Council's Retail Consultant. This reaffirms Officers' position on this matter as set out in the Committee Report. Whilst the impact of the proposed development will increase the impact on Tewkesbury town centre over and above the impact of the recently approved outlet/garden centre development, the key consideration for the Council is whether the current proposal tips the scale of impact from adverse (which was the conclusion in relation to the outlet/garden centre) to significantly adverse. This is a key consideration as Paragraph 27 of the NPPF asks local planning authorities to refuse planning permission for retail developments which have a significant adverse impact. In this instance it is the view of the Council's Retail Consultant that, subject to the range of goods conditions proposed by the applicant, the proposal would not result in a significant adverse impact on Tewkesbury Town Centre.</p>
173	4	<p><b>16/00733/FUL</b></p> <p><b>Land Opposite To Fern Cottage, Lawn Road, Ashleworth</b></p> <p><u>The current use of the building</u></p> <p>In response to the Parish Council's concerns in relation to the building not being used for agricultural purposes from its early days, the applicant has confirmed that the building was finished in late 2011. Between then and May 2014 the building was used to store agricultural and other equipment that was used in the maintenance and running the adjacent land. In May 2014, the current use started as the applicant was of the understanding that the change of use would be permitted development but was not aware that there was a prior notification procedure to follow before this could be exercised. The use has continued since this time.</p> <p><u>External lighting</u></p> <p>The applicant indicates that there are three existing external lights on the building. These are mounted at 45° to the vertical, so that they are targeted at the ground with no light spillage. They are only activated by movement and are on a timer so that they turn themselves off. A specification and locational details for the lighting has been provided as part of the application.</p>



		<p><b>On the above basis, it is recommended that Condition 8 of the Officer recommendation is updated to read as follows:</b></p> <p>8 Other than the existing lighting on the site featured as part of the application submission, there shall be no external lighting on site unless the details of which have been first agreed in writing by the Local Planning Authority. The existing lighting shall be sensor operated and shall only be activated for temporary periods when triggered by the sensors. The lights shall not at any time be activated for more permanent periods beyond the duration of the sensor triggered activation.</p>
177	5	<p><b>16/00336/OUT</b></p> <p><b>Land adjoining 59, Gretton Road, Gotherington</b></p> <p><u>County Highways comments</u></p> <p>Formal comments have now been received from the County Highways Authority (CHA). This can be summarised as follows:</p> <p>The CHA is satisfied that a safe and suitable access can be achieved from a point within the red line. It must be noted however, the Highway Authority would have concerns if an access was proposed east of the eastern most access on drawing 29515-220-9 due to insufficient visibility to the left.</p> <p>The traffic impact resulting from the development would not be as significant as the previous levels (for 27 dwellings) which were deemed acceptable. The level of impact upon the Gotherington Cross junction as a result of the reduction of dwellings numbers to 10 would not be regarded as significant.</p> <p>Consequently no highway objection is raised subject to the following condition(s):</p> <p><b>Internal Layout:</b></p> <p>Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved plans. Prior to the commencement of development in pursuance of the proposed dwellings the first 10m of the access road(s) from the carriageway edge of public road shall be surfaced in bound material. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.</p> <p>Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.</p> <p><b>Cycle Storage:</b></p> <p>The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 32 of the National Planning Policy Framework.</p>

**Parking and Turning:**

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The vehicular parking and turning facilities shall thereafter be maintained in accordance with the approved details and kept available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

**Access:**

Details of vehicular access (hereinafter called "the reserved matters") from Gretton Road shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved plans with the first 10m of the access road(s) from the carriageway edge of public road surfaced in bound material.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

**Visibility:**

The vehicular access(es) hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

**Estate Roads Management:**

No dwelling on the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

**Construction Method Statement:**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations; and
- vii. measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance Paragraph 35 of the National Planning Policy Framework.

**Fire hydrants:**

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Local Planning Authority.

Reason: To ensure adequate water infrastructure is made on site for the local fire service to tackle any property fire in accordance with Paragraphs 32 & 35 of the National Planning Policy Framework.

Some minor drafting changes may be required and it is therefore suggested that the delegation set out in the Officer report is amended to reflect this as follows:

It is therefore recommended that authority is **DELEGATED to the Development Manager to PERMIT the application, subject to amendments and additions to planning conditions as necessary and the completion of a Section 106 Legal Agreement to secure the following heads of terms:**

- **An affordable housing contribution of £322,000.**
- **A contribution of £13,538 towards improvements to playing pitches and changing facilities at Gotherington Playing Fields.**
- **A contribution of £7,660 towards improving current play/teenage provision off-site within the Gotherington Parish.**
- **A contribution towards local sports facilities of £7,878.**
- **A contribution of £28,150 towards a scheme to remodel the existing Maths block at Cleeve School.**
- **£4,547 towards community building improvements within Gotherington.**

191	6	<p><b>16/00679/FUL</b></p> <p><b>Parcel 2521, Banady Lane, Stoke Orchard</b></p> <p><u>Trees and landscaping</u></p> <p>It has been brought to Officer's attention that part of the site is subject to Tree Preservation Order (TPO) 368. This involves a group of apple trees that are remnants of an old orchard. The proposed development layout would necessitate the removal of some of the trees. Officers have investigated this matter in consultation with the Council's Landscape Officer. The site contains two apple trees that are subject to the TPO. One of these trees is fully uprooted, the other partially uprooted. It is understood that this happened in strong winds. Officers have explored the opportunity for these trees to be incorporated within the proposed layout but, for the reasons set out above, this is not considered to be feasible.</p> <p>Instead the applicant has agreed to compensate for the loss of the apple trees by planting a group of new apple and pear trees of local provenance within the area between the proposed development and the public footpath running parallel to Stoke Road, <b>as shown on the indicative plan attached below</b>. The indicative plan also features the infilling of the hedgerow gaps along the Stoke Road boundary and the planting of oak trees alongside the new footpath. This area is within the applicant's ownership and the proposed landscaping scheme can be secured by condition should planning permission be granted. In terms of long term protection, there are a number of mechanisms available. The Council can consider making the new trees subject to a Tree Preservation Order. The reason for making TPO368 was that the orchard had a high amenity value due to the public footpaths crossing the site and the close by residential properties. Users of Stoke Road also had clear views of the trees. It is considered that the proposed replacement orchard would fulfil these same objectives. It is also considered that the proposed orchard and reinforced planting along Stoke Road would make a more positive contribution to the character of the village than the present situation. On this basis it is considered that the proposed landscaping scheme would more than compensate for the removal of trees required as part of this application.</p> <p>In order to secure the implementation of the landscaping scheme, <b>it is recommended that Condition 8 of the report is updated to read as follows:</b></p> <p>8      No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping for the proposed development and the adjacent area shown within the blue line on the submitted Location Plan at 1:2500 (received 25/08/16). The scheme shall include indications of all existing and proposed trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The landscaping scheme for the area shown within the blue line shall be in general accordance with the Indicative Landscaping Plan received on 25/08/16.</p>
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209	9	<p data-bbox="405 165 600 197"><b>16/00672/FUL</b></p> <p data-bbox="405 217 932 248"><b>36 Potters Field Road, Woodmancote</b></p> <p data-bbox="405 268 1481 398">The applicant has responded in writing to the objection from Woodmancote Parish Council and one other regarding the considered encroachment of the proposal over the original building line. The applicant advises that, due to the irregular layout of the houses, there is no perceived building line.</p> <p data-bbox="405 418 673 450"><b>Recommendations</b></p> <p data-bbox="405 470 1481 562">No changes are made to the recommendation within the Committee Report, and it is therefore recommended that <b>planning permission is granted subject to conditions.</b></p>
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building surveying  
planning  
project management

Our Ref. 12717

12 August 2016

F.T.A of Mr Matt Tyas  
Tewkesbury Borough Council  
Planning Department  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

Dear Sirs

**Re: Planning Application Ref. 16/00683/FUL  
Lorry Park, Northway Lane, Ashchurch**

Further to our recent meeting I confirm that as discussed the Appeal lodged in respect to the previous undetermined application has been withdrawn to allow the above referenced application to go forward for determination at Planning Committee at the end of this month.

At our meeting you requested that I submit further details in respect to the following:-

1. Updated Retail Statement
2. Submit wording for draft condition
3. Amend description of application to omit Unit 4
4. Submit revised Transport Assessment taking account of revised application wording omitting Unit 4

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5. Provide further clarification and details in respect to the proposed occupier, specifically with reference to potential employment generation on site.

Dealing with each of the above:

Retail Statement

I herewith attach an Addendum to the Retail Statement amended to assess the impact of the proposal as per the revised application wording and draft condition.

Draft Condition Wording

In respect to the future use of the property, I suggest the following restrictive condition to ensure that your Authority maintain control over the future use of the site and goods sold from the site:-

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:*

*Units 1, (Ground and first floor) on Drawing P1404 02/100C shall not be used for the sale of any goods other than those within the following categories:*

1. Carpets, Furniture, bedding, floor coverings, soft furnishings and textiles.
2. Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;

*Unit 2 and 3 (ground floor only) on Drawing P1404 02/100C shall not be used for the sale of any goods other than those within the following categories:*

1. Carpets, Furniture, bedding, floor coverings, soft furnishings and textiles.
2. Cycles and Cycle goods
3. Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;

*The first floor of units 2 and 3 on Drawing P1404 02/100C shall not be used for retail trading.*

#### Description of Development

As per my earlier communication I confirm the revised wording of the application as follows:-

*Sub-division of premises into 4No individual units. Change of use of Units 1-3 to bulky goods retail (Use Class A1) and new car park layout.*

#### Transport Assessment

I confirm that the Highway Consultant is currently preparing a revised Transport Assessment to take account of the omission of Unit 4 from this application and to assess the highway impacts on the basis of bulky goods retail for Units 1-3 and Use B1/B8 for Unit 4 (as per the extant consent). This will be submitted next week.

#### Proposed User

As discussed at our meeting, heads of terms have been agreed and draft lease prepared with an established furniture retailer currently based in Broadway. The retailer has requested that we do not disclose the company name at this stage.

Due to the success of the retailer's enterprise, they have outgrown their existing premises within Broadway and have been seeking a suitable alternative site into which the company can relocate. The Northway site is the only site local to their customer base offering a property of sufficient size into which they can relocate.

The relocation and expansion of the business will generate 32 jobs on site. Whilst some of these will be relocated from Broadway, the majority will be newly recruited from the local area. The proposed use will thus significantly boost on-site employment and will certainly be far greater than the previous use of the site as a lorry park, and well in excess of that which could be generated if the units were used for a mixed B1/B8 use.



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As per our previous submissions, the site has been marketed for well over 12 months (as set out within Alder King's Marketing Report previously submitted to you).

Whilst I acknowledge that Officers have expressed concern that the marketing efforts have not expressly sought out B1/B8 users, I confirm that in discussion with Alder King they strongly disagree with Officers on this point, the marketing particulars do not specifically include or exclude any particular use, indeed I would invite you to undertake a property search upon the Alder King website ([www.alderking.com](http://www.alderking.com)), a quick search enquiry identifying Tewksbury as the search area and property type as industrial/warehouse flags up the application site.

You will appreciate that most property searches are undertaken via web enquiry. Such a search under industrial/commercial flags the application site as an available property, under type of property it is identified as "industrial/warehouse, roadside".

Contrary to Officer's views I consider that any party interested in the property for its extant use would have had no bar to making an enquiry of the Letting Agent.

As set out within the Alder King Report, no B1 or B8 users have advanced enquiries during the marketing period. As set out above the Broadway furniture retailer has progressed matters through to agreement of heads of terms and issue of draft lease, matters cannot however progress further until planning permission has been granted.

Other enquiries are waiting to advance for Units 2 and 3, however these are not at such an advanced stage and unlike the furniture retailer other users are unwilling to progress negotiations until planning permission is secured.

In connection with Unit 4, as we have discussed there is a live enquiry from a D2 Gym user. Whilst this does not form part of the current application, for the sake of complete disclosure I consider it is appropriate to confirm that it is likely that a further application may be submitted in isolation for Unit 4 for change of use to Use Class D2.

#### **Other Matters**

Officers have also expressed concern that currently the site could be further developed by the completion of application reference 14/01008/FUL. I confirm on behalf of my client that should

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your Authority be minded to approve this application my client agrees to the imposition of a Section 106 Agreement or Unilateral Undertaking if preferred, extinguishing the above referenced consent ensuring that it is not possible to implement both schemes.

I trust the above addresses all of the matters discussed at our meeting and that Officers will make a favourable recommendation to Planning Committee at the end of August.

Should you require any additional information or clarification then please do not hesitate to contact the undersigned.

Yours sincerely  
For and on behalf of Evans Jones Ltd



David Jones MRTPI. MRICS

Managing Director  
Tel. 01242 531411  
E-mail: david.jones@evansjones.co.uk

Enc: Retail Impact Addendum

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**ADDENDUM TO RETAIL STATEMENT**  
**PROPOSED CHANGE OF USE OF**  
**OFFICE/SHOWROOM/WAREHOUSE BUILDINGS**

**DOMESTIC APPLIANCE DISTRIBUTION**  
**NORTHWAY TRADING ESTATE**  
**TEWKESBURY**  
**GLOUCESTERSHIRE**  
**GL20 8JH**

**PREPARED ON BEHALF**  
**OF**  
**COOMBES DEVELOPMENTS LTD**

**August 2016**

**MWA**  
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**1.0 PROPOSED CHANGES TO THE APPLICATION**

1.1 Following discussions with the case officer and the Council's retail consultants (GVA), the proposed condition restricting the nature of the retail use has been amended in order to add greater clarity and control over the nature of the goods which can be sold and the quantum of development which can be used for retail trading.

1.2 In order to adequately and appropriately define the permission a revised condition is proposed as follows:

***"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:***

***Units 1, (Ground and first floor) on Drawing P1404 02/100C shall not be used for the sale of any goods other than those within the following categories:***

- 1. Carpets, Furniture, bedding, floor coverings, soft furnishings and textiles.***
- 2. Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;***

***Unit 2 and 3 (ground floor only) on Drawing P1404 02/100C shall not be used for the sale of any goods other than those within the following categories:***

- 1. Carpets, Furniture, bedding, floor coverings, soft furnishings and textiles.***
- 2. Cycles and Cycle goods***
- 3. Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;***

***The first floor of units 2 and 3 on Drawing P1404 02/100C shall not be used for retail trading."***

1.3 The effect of this condition is as follows;

- Retail trading is permitted on the ground and first floors. This is to meet the requirements of a named business (a furniture retailer) who is seeking to occupy this particular unit.
- The first floors of Units 2 and 3 would not be used for retail trading. This reduces the floor area by 1,096 sq.m. The sales area within Units 2 and 3 would therefore be limited to 900 sq.m.
- No retail trading is proposed from Unit 4. This reduces the space by a further 750 sq.m.
- The total net (sales) space within the development is therefore reduced from 3,400 to 2,100 sq.m.

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- The gross floorspace has been reduced from 4,246 sq.m. to 3,496 sq.m.
- The range of goods permitted within Units 2 and 3 have been narrowly defined to reduce any overlap within the Town Centre and to include only items typically sold in bulky goods retail warehouses such as those in Cheltenham and Gloucester.
- The sale of food and convenience goods has been excluded entirely from the proposal.

1.4 This condition will ensure that even when assessed on a cumulative basis with the planned development at junction 9 of the M5 motorway, there will not be a significant adverse impact on the vitality and viability of the town centre. In this regard it is relevant to note that this scheme can be open and trading within a matter of a few months and well ahead of any development associated with the factory outlet and garden centre planned at Junction 9 which conceivably would not be open for at least 5 years.

Item 6

