

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 19 December 2017 commencing
at 9:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

P W Awford, G F Blackwell, D M M Davies, M Dean, D T Foyle, R Furolo, M A Gore,
J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, T A Spencer,
P E Stokes, P D Surman and P N Workman

PL.48 ANNOUNCEMENTS

- 48.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 48.2 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.49 DECLARATIONS OF INTEREST

- 49.1 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.
- 49.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M Dean	17/00960/FUL Queenwood House, Queenwood Grove, Prestbury.	Had spoken to the applicant but had not expressed an opinion.	Would speak and vote.
P N Workman	17/00865/FUL 75 Barton Street, Tewkesbury. 17/00866/LBC 75 Barton Street, Tewkesbury.	Is the owner of a nearby property.	Would not speak and vote and would leave the Chamber for consideration of these items.

- 49.3 There were no further declarations made on this occasion.

PL.50 MINUTES

- 50.1 The Minutes of the meeting held on 21 November 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.51 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 51.1 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 Members prior to decisions being made on those applications.

- 51.2 The Development Manager advised that the Schedule had been published prior to the adoption of the Joint Core Strategy which now formed part of the development plan. This meant that some of the policies referenced within the Officer reports had been superseded and no longer held any weight in the decision-making process. This represented a significant change in circumstances. The Officer reports had been written on the assumption that the Joint Core Strategy would be adopted – given that the Gloucester City Council and Tewkesbury Borough Council meetings had already taken place and the Cheltenham Borough Council meeting was due to take place on the afternoon of the day the Planning Committee papers were published – with very significant weight being given to the policies within the Joint Core Strategy and very limited weight being given to the saved local plan policies. Therefore, the adoption of the Joint Core Strategy had no significant effect on any conclusions within the reports and did not affect any of the Officer recommendations.

17/00865/FUL – 75 Barton Street, Tewkesbury

- 51.3 This application was for change of use from A2 professional services to residential C3; creation of two dwelling units and associated refurbishment and repair.

- 51.4 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.

17/00866/LBC – 75 Barton Street, Tewkesbury

- 51.5 This was a listed building consent application for the creation of two dwelling units and associated refurbishment and repair.

- 51.6 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

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

17/00711/FUL – Brookelands, Tewkesbury Road, Norton

- 51.7 This application was for the erection of five detached dwellings.

- 51.8 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.

- 51.9 A Member found it strange that no comment had been made by County Highways, given that the A38 was quite a fast and dangerous road, and he questioned whether anything had been submitted since the publication of the Officer report. The Development Manager apologised that the consultations and representations section of the report did not coincide with Paragraph 5.25 which set out that the Highways Authority had been consulted and considered that the proposed five dwellings would not create a significant increase in traffic on the highway network. The previously approved scheme for the site was a combination of two planning permissions totalling four dwellings which had already been permitted on the site; the proposed access for the current application was in a similar location to the access serving the previously permitted four dwellings and an additional single dwelling was not considered to give rise to any concerns over and above that. The visibility splays were in accordance with what was required. A Member pointed out that there was a 50mph speed limit on the road.

- 51.10 Upon being taken to the vote, it was

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

17/00827/FUL – Gallagher Retail Park, Tewkesbury Road, Uckington

- 51.11 This application was for the erection of a class A1 retail unit comprising 929sqm at ground floor with full cover mezzanine (total floorspace 1,858sqm), car parking, realignment of service yard access, renewal/adjustment of service yard drainage, diversion of a class 5 highway and associated works to the west of Unit A Gallagher Retail Park.

- 51.12 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. A Member - who indicated that the application site fell partly within his County Councillor area - noted with regard to flood risk and drainage, that the proposal included a 40% allowance for climate change; however, given that the development would take over a considerable amount of the car park, and taking into account the aspirations within the Council's draft revised Flood and Water Management Supplementary Planning Document, along with the fact that the industry standard was now 30% instead of 20%, he felt there may be room for further improvement, particularly as there were concerns locally regarding drainage. He noted that two-thirds of the site was in Cheltenham Borough and that Cheltenham Borough Council had already resolved to grant the application. He asked that Officers work closely with their colleagues in Cheltenham Borough when the details on this issue were submitted. The Planning Officer advised that a condition requiring the submission of drainage details was recommended so he could certainly pass these comments onto the applicant and hope that they may be taken into account in those details as and when they came forward. Upon being put to the vote, it was

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

17/00960/FUL – Queenwood House, Queenwood Grove, Prestbury

- 51.13 This application was for the erection of a dwelling on land adjacent to Queenwood House.

- 51.14 The Development Manager advised that, since the publication of the Additional

Representations Sheet, attached at Appendix 1, a further letter had been received from a local resident in support of the proposal; this made reference to the community benefit of retaining an important neighbour and the fact that no harm would arise from the erection of a new dwelling on the site. The Development Manager explained that the original application was for a replacement dwelling and there had been significant negotiations with the applicant and their agent in respect of its size and scale. Those negotiations had been close to conclusion with Officers minded to permit the application under delegated powers; unfortunately, before that had happened, the applicant had demolished the pre-existing dwelling and a different policy context now applied. The application was contrary to Policy SD10 of the Joint Core Strategy; however, given the particular circumstances, Officers considered that, on balance, there were material planning considerations which justified planning permission being granted.

51.15 The Chair invited the applicant's representative to address the Committee. She explained that the applicant was under considerable stress, having mistakenly knocked down the original dwelling before receiving planning permission. This was a genuine mistake with the applicant believing that he had obtained planning permission under delegated powers; this was accepted by the Planning Officer in the report. The applicant had stopped work – at considerable cost - the moment he had been made aware of the position. She went on to make reference to the applicant's personal circumstances and the impact of refusing planning permission. She delivered heartfelt apologies on behalf of the applicant and hoped that the Committee would be able to grant planning permission today.

51.16 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.

17/01161/FUL – 9 Harvesters View, Bishop's Cleeve

51.17 This application was for a rear dormer and front skylights.

51.18 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. Upon being taken to the vote, it was

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

PL.52 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

52.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 12-16. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.

52.2 A Member felt that Inspectors seemed to be agreeing with the decisions made by the Council more frequently as the Joint Core Strategy had progressed. Another Member pointed out that all three appeal decisions within the report had been dismissed and all had originally been delegated decisions made by Officers. The Development Manager advised that, although it did not always win appeals with

delegated decisions, the Council did have an excellent record with appeal decisions for both delegated and Committee decisions; unfortunately, this could be overshadowed, particularly when it was unsuccessful in the larger appeals. He intended to bring some statistics on this to the Committee in the New Year.

53.3

It was

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

The meeting closed at 9:30 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 19 December 2017

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	
489	4	<p>17/00827/FUL</p> <p>Gallagher Retail Park, Tewkesbury Road, Uckington</p> <p><u>Updates:</u></p> <p><i>Cheltenham Borough Council's Decision:</i></p> <p>The application falling within Cheltenham Borough Council's administrative boundary (17/01459/FUL) was permitted at its Planning Committee on 14 December 2017.</p> <p><i>Joint Core Strategy - Green Belt:</i></p> <p>Following the decision of Cheltenham Borough Council to approve the Adoption version Joint Core Strategy (AJCS) on 11 December 2017, the AJCS is now adopted and is the development plan. As a consequence the site is no longer Green Belt (being part of Strategic Allocation A4). See Paragraphs 5.14 - 5.19 of the Committee report.</p> <p><i>Uckington Parish Council - response to revised plans:</i></p> <p>Following this amendment, the comments from the Parish Council still apply; however, it would also add that the proposal to restrict the vehicular access into Gallagher Retail Park, situated to the west of the site at the A4019 Tewkesbury Road junction, to exit only is a deeply flawed concept. By only allowing access to the retail park via the Manor Road/ Rutherford Way roundabout, it will inevitably lead to further long queues of traffic on the already congested A4019 whereas the priority is to reduce traffic volumes. It should be noted that mention is made of a potential Park & Ride off the A4019, whereas the latest version of the Elms Park Planning Application does not include this proposal</p> <p><i>Highways:</i></p> <p>A letter has been received from the Transport Consultant acting for the North West Cheltenham (Elms Park 16/02000/OUT) proposal. In summary, the letter argues that the access proposals associated with the application must not be allowed to prejudice the future delivery of the roundabout access proposed as part of the Elms Park strategic allocation. A Stage 1 RSA should be submitted, taking into account the Elms Park access proposals, and if the proposed staff car park access is found to be inappropriate, it should not be consented in its current form.</p> <p>The letter is attached in full below.</p> <p>The County Highways Authority has reviewed the comments made in the letter in consultation with its Road Safety Auditor and has confirmed that it is satisfied that the works would not prejudice the access works to the Elms Park development.</p>

		<p>Vehicles leaving the proposed roundabout and entering the retail park would be travelling at low speeds and would have sufficient distance to react to any stationary vehicles and stop safely.</p> <p><i>Conditions:</i></p> <p>The plans for Condition 2 are as follows:</p> <ul style="list-style-type: none"> • AAA4817-A-P29-01-REV B - Site Location Plan 15th November 2017 • AAA4817-A-P29-02-REV C - Proposed Site Plan 15th November 2017 • AAA817-A-P29-04-REV C - Proposed Plan 15th November 2017 • AAA4817-A-P29-05-REV D - Proposed New Unit Ground Floor Plan • AAA4817-A-P29-06-REV C - Proposed New Unit Mezzanine Floor Plan Rev Drawing 15th November 2017 • AAA4817-A-P29-07-REV C - Proposed New Unit Roof Plan Rev Drawing 15th November 2017 • AAA4817-A-P29-08-REV C - Proposed Plan - Alternative Road Junction Rev Drawing 15th November 2017 • AAA4817-LS-01 1 C - Landscaping 15th November 2017 • AAA4817-LS-02-C - Landscaping 15th November 2017 • JMK9700-RPS-FIGURE 1 - Additional Drawing 12th October 2017 • JMK9700-RPS-FIGURE 02.01 B - Additional Drawing 12th October 2017 • JMK9700-RPS-FIGURE 1 - Additional Drawing 12th October 2017 • JMK9700-RPS-FIGURE 02.01 B - Rev Drawing 12th October 2017 • JMK9700-RPS-FIGURE 02.02B - Rev Drawing 12th October 2017 • JMK9700-RPS-FIGURE 02.03B - Rev Drawing 12th October 2017 • AAA4817-A-P29-009 - Proposed Elevations 24th July 2017 • AAA4817-A-P29-010 - Proposed Elevations 24th July 2017 • AAA4817-A-P29-011 - Proposed Street Furniture 24th July 2017 <p>Condition 14 is amended so that it refers to AAA4817-A-P29-04 Rev C.</p>
509	6	<p>17/01161/FUL</p> <p>9 Harvesters View, Bishops Cleeve</p> <p><i>Consultations & Representations:</i></p> <p>The Parish confirms that it maintains its objection and suggest a site visit to determine the height of the rooflights.</p>

Item 4 – 17/00827/FUL (Transport Consultant, page 1 of 3)

Mrs Victoria Harris
Planning – Cheltenham Borough Council
 Municipal Offices
 Promenade
 Cheltenham
 Gloucestershire
 GL50 9SA

08 December 2017
 Our ref: 02314/NM

Dear Mrs Harris,

Application Reference 17/01459/FUL – Erection of a Class A1 retail unit and associated works to the west of Unit A Gallagher Retail Park

Phil Jones Associates are the retained transport consultants for the Elms Park scheme, acting on behalf of Bloor Homes and Persimmon Homes. We have reviewed the supporting transport documents associated with the above scheme, and whilst we have no fundamental objections in principle, we would make the following comments in relation to the access proposals:

- The proposed access to the staff car park is in very close proximity to the proposed roundabout associated with the Elms Park scheme (see attached RPS drawing AAA4817-A-P29-08). This has the potential to result in rear-shunt accidents as vehicles waiting to turn right into the car park could be struck by vehicles exiting the roundabout.
- The risks associated with this proposed layout in combination with the proposed Elms Park layout should therefore be properly assessed through the submission of a Stage 1 Road Safety Audit.
- If the findings of that Stage 1 RSA conclude that the proposed layout is not appropriate in combination with the proposed Elms Park access, the proposed access to the staff car park must therefore be amended (note that Elms Park is of course a strategic allocation and the proposed staff car park access must not prejudice the future successful delivery of the Elms Park roundabout access).
- Note that para 5.8 of the Transport Statement prepared by WYG suggests that the roundabout access of Elms Park will not conflict with Gallagher Retail Park service road. However, the TS appears to make no reference to the compatibility or otherwise of the proposed staff car park access with the Elms Park roundabout access.
- Changing the proposed staff car park access to a left-in left-out arrangement is a possible option to address these concerns.
- Note that the consultation response from GCC Highways has overlooked this matter, therefore it should not be assumed from GCC's positive recommendation that the access is appropriate.

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Item 4 – 17/00827/FUL (Transport Consultant, page 2 of 3)

Application Reference 17/01459/FUL – Erection of a Class A1 retail unit and associated works to the west of Unit A Gallagher Retail Park



To summarise, the access proposals associated with this application must not be allowed to prejudice the future delivery of the roundabout access proposed as part of the Elms Park strategic allocation. A Stage 1 RSA should be submitted, taking into account the Elms Park access proposals, and if the proposed staff car park access is found to be inappropriate, it should not be consented in its current form. Note that GCC appear to have overlooked this potential issue in their consultation response.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



Nigel Millington
Director

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