

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 16 March 2021 commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, L A Gerrard, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J W Murphy (Substitute for G F Blackwell), P W Ockelton, A S Reece, P E Smith, R J G Smith, J K Smith (Substitute for M A Gore), P D Surman, R J E Vines, M J Williams and P N Workman

PL.60 ANNOUNCEMENTS

60.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

60.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

61.1 Apologies for absence were received from Councillors G F Blackwell and M A Gore. Councillors J W Murphy and J K Smith were in attendance as substitutes for the meeting.

PL.62 DECLARATIONS OF INTEREST

62.1 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.

62.2 The following declarations were made:

| Councillor | Application No./Agenda Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
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| R A Bird | Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway. | Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel. | Would speak and vote. |
| J H Evetts | Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway. | Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel. | Would speak and vote. |
| | Agenda Item 5(g) – 20/00312/FUL – Manor Farm Yard, Stoke Road, Stoke Orchard. | Had been contacted by the applicant but had not expressed any opinion on the application. | Would speak and vote. |
| L A Gerrard | Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth. | Is a member of Brockworth Parish Council but takes no part in planning matters. | Would speak and vote. |

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| D J Harwood | Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth. | Is a member of Brockworth Parish Council but takes no part in planning matters. | Would speak and vote. |
| M L Jordan | Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown. | Is a member of Churchdown Parish Council but takes no part in planning matters. | Would speak and vote. |
| E J MacTiernan | Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway. | Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel. | Would speak and vote. |
| | | Is a member of Northway Parish Council but takes no part in planning matters. | Would speak and vote. |
| J R Mason | Agenda Item 5(a) 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway. | Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel. | Would speak and vote. |

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| | Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe. | Is a member of Winchcombe Town Council but takes no part in planning matters. | Would speak and vote. |
| J W Murphy | Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe. | Is a member of Winchcombe Town Council but takes no part in planning matters. | Would speak and vote. |
| A S Reece | Agenda Item 5(i) – 20/01252/FUL – Farringdon, Stockwell Lane, Woodmancote. | Had spoken to a neighbour but had not expressed an opinion. | Would speak and vote. |
| R J G Smith | Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown. | Is a member of Churchdown Parish Council but takes no part in planning matters. | Would speak and vote. |
| P D Surman | Agenda Item 5(j) – 20/00950/FUL – Yew Tree Farm, Little Shurdington. | Daughter is the applicant. | Would not speak or vote and would leave the meeting. |
| R J E Vines | Agenda Item 5(a) – 20/00896/FUL – land to the North East of Hardwick Bank Road, Northway. | Is a member of the Tewkesbury Garden Town member Reference Panel but had not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel. | Would speak and vote. |
| | Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth. | Is the County Councillor for the area. | Would speak and vote. |

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| | Agenda Item 5(j) – 20/00950/FUL - Yew Tree Farm, Little Shurdington. | Is the County Councillor for the area. | Would speak and vote. |
| P N Workman | Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway. | Is a Member of the Tewkesbury Garden Town Member Reference Panel but had not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel. | Would speak and vote. |
| | Agenda Item 5(k) – 20/01142/CLE – The Coach House, Woodend Farm, Woodend Lane, Shuthonger. | Is the applicant. | Would not speak or vote and would leave the meeting. |

62.3 There were no further declarations made on this occasion.

PL.63 MINUTES

63.1 The Minutes of the meeting held on 16 February 2021, copies of which had been circulated, were approved as a correct record.

PL.64 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

20/00896/FUL - Land To The North East Of Hardwick Bank Road, Northway

64.2 This was an application for the development of a road bridge over the Bristol to Birmingham mainline railway north of Ashchurch, Tewkesbury (Ashchurch Bridge over Rail - ABoR), including temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds.

64.3 The Development Manager apologised for the formatting of the original report and confirmed that the words in the amended report were exactly the same only the formatting had changed with additional paragraph numbers etc. He also confirmed that the site fell within two Parishes; Northway and Ashchurch Rural. He explained that the application site extended to approximately 18 hectares and was located to the north and east of Northway, either side of, and over, the Birmingham to Bristol

railway line about 1km north of Ashchurch railway station. Other than the railway, the site comprised agricultural land. The proposals included the construction of a bridge over the railway line, embankments, temporary haul roads, temporary construction site compounds, attenuation ponds and drainage channels, and security fencing. The bridge deck would not receive a final running surface and would not be formally connected to the highway network at this stage. Protective security fencing was proposed to secure the bridge structure until such time as it was brought into use and, following completion, the haul roads and compounds would be removed and the land reinstated. The Development Manager showed the Committee detailed plans relating to the location and development proposals including layout and explained these in detail to Members. He indicated that the need for the bridge arose from the Tewkesbury Garden Town which was awarded Garden Town status by the government in March 2019; it was fair to say this was an unusual scenario with the bridge proposal coming in advance of the rest of the Garden Town proposals. The bridge was being progressed as the first phase of the proposals as set out in the Tewkesbury Area Draft Concept Masterplan (TADCM). The government had awarded the Council £8.1million of funding through the Housing Infrastructure Fund to deliver a bridge as part of the Northern Access Link Road shown in the draft Masterplan to unlock the delivery of new housing and it was necessary for the funding to be spent by the end of 2022. The delivery of the Garden Town was one of the priorities and objectives set out in the Council Plan – one of the specific objectives was to deliver the first phase of the 'bridge project', in line with the funding requirements. Members were being asked to consider the bridge structure itself and the impacts of the construction of it. Whilst clearly the bridge was intended to serve a particular function in the future, at this stage it was not certain what level of development it would serve, although Phase 1 of the masterplan would deliver over 3,000 homes and 46 hectares of employment land to help meet requirements in the Joint Core Strategy (JCS) in the period to 2031 and beyond. Impacts related to the wider Garden Town proposals would be considered in any future planning applications for that development. A number of concerns had been raised through the process and those were summarised in the report. Firstly, there had been questions about governance, and whether the Council should be dealing with the application, the Development Manager advised that it was entirely appropriate and lawful for the Council to determine the application in accordance with the relevant statutory provisions. As with all applications considered by the Council, decisions must be made in an open and transparent way taking into account all material considerations. Concerns had also been raised regarding the use of public funds - whilst this was not a material planning consideration it was a matter of record that public funds had been awarded specifically for the project. In respect of drainage, Officers had worked with the applicant's advisers to ensure that the scheme included the best possible drainage solution and both the Lead Local Flood Authority and Environment Agency had commented that the proposals were not exemplar from a drainage perspective. The applicant had provided additional information and explained that the drainage scheme would be further developed over time when the next stages of the Garden Town were brought forward. Whilst it was recognised that the current drainage proposals were not considered to be exemplar, the Lead Local Flood Authority was happy that the drainage proposals were acceptable in line with current policies. On that basis, there would be no robust reason to withhold permission. Nevertheless, it was likely that an exemplar scheme was capable of being secured in the future once additional land had become available and condition 31 was recommended which would achieve this. In terms of landscape, objections had been raised principally in relation to impacts on views from nearby residential viewpoints and from the Area of Outstanding Natural Beauty - Bredon Hill in particular. Clearly the bridge and embankments would be visible and this would result in significant harm from certain viewpoints. This harm could be tempered by appropriate landscaping and conditions were suggested to cater for this. Given the distance involved, and that the proposal would be read in the context

of the existing residential and commercial development at Northway, Ashchurch Camp and the permitted development south of the A46, it was considered that any harm to the Area of Outstanding Natural Beauty would be very limited. While issues related to the wider development that the bridge was intended to serve were for another day, objections had been made about the impact on the highway network during construction. Clearly this was a significant proposal which would attract a high number of vehicular, including HGV, movements. Nevertheless, these movements would be split across the highway network to reduce impacts on a single location. Subject to a construction traffic management plan and technical details of the site accesses and passing bays on Hardwick Bank Road, Highways England and Gloucestershire County Council as the Highway Authority had raised no objection. All potential impacts on living conditions at the nearest residential properties had been assessed and the Environmental Health Officer was satisfied that there would be no undue impacts subject to a Construction Management Plan which, again, would be secured by condition. In respect of ecology, Natural England had raised no objection, subject to appropriate mitigation, in respect of potential impacts on the Severn Estuary Special Area of Conservation. Whilst some habitats would be affected through the loss of trees/hedgerows as a result of the proposal, mitigation could be secured through an ecological management plan to offset those losses once again to be secured by condition. There would also be some medium to low level harm though less than substantial harm to listed buildings at Northway Mill and Mill House, however, it was considered that these harms were clearly outweighed by the public benefits of the proposal. In conclusion, the Development Manager advised that there were significant benefits arising from this development in enabling the delivery of the Masterplan and Garden Communities programme and ensuring that the necessary infrastructure was in place to achieve well planned development and that the delivery timescale of the Masterplan was maintained. There were also benefits arising through job creation during the construction process which would provide economic benefits to the area. The objections of the local community were noted and there were harms as set out in the report which were not underestimated, however, overall Officers concluded that the benefits of the proposals, including the benefits of progressing the proposals at the current time, outweighed those identified harms and it was therefore recommended that the application be permitted.

- 64.4 The Chair invited a Planning Officer to read the submission made through the public speaking scheme by Northway Parish Council. Northway Parish Council objected to the application due to lack of information provided to allow for an informed decision, based on insufficient details showing how new road networks would connect to the proposed bridge, except for the temporary construction roads to the works, and the fact that the Community Involvement Statement Section 2.1 stated that 'The proposed bridge location is in the centre of an area earmarked in the Tewkesbury Area Draft Concept Masterplan January 2018 for future housing development to the north of the existing town of Ashchurch', which was now incorrect, due to the Ministry of Defence site no longer being available for housing, possibly meaning that the Garden Town was no longer feasible. The Parish Council was concerned that roads in Northway, already under pressure, would be used more as a rat-run as people accessing the M5 from Bredon and Mitton often used Northway to avoid the A38/A46. It would appear that the last Traffic Assessment was undertaken in 2017 was not an accurate reflection of usage. With the addition of 826 houses north of Ashchurch, plus up to 1,000 at Mitton, The Park to Shannon Way would be used to access the M5 at Junction 9. People from the new houses were not likely to drive to Aston Cross to access the M5 and, with the regular congestion on the A46, the bridge and link roads would encourage more people to bypass the A46. The increased traffic would further increase the risk to local residents wishing to access Joan's Field Conservation Area at Hardwick Bank Road, where there was no footpath allowing safe access. Northway Parish Council regularly raised concerns about the inadequate cycle lane over Northway Lane motorway bridge and, with the

increased traffic flow that the proposed bridge would bring, there would be an increased risk to cyclists. The proposal referred to an off-line link road from a new M5 junction south of Junction 9 and joining the A46 east of Aston Cross. This was now delayed and, with no timeline for it, created more uncertainties with unknown impacts on the future road network. The proposed development site was often waterlogged as well as close to watercourses that, when backed up, would have a knock-on effect resulting in more flooding in Northway and Tewkesbury. There were concerns that the planned works would generate increased pollution as well as impacting on local wildlife such as deer and displacing bats and more particularly affecting the health and wellbeing of residents. Once built, the bridge would be unused for an undefined period resulting in possible deterioration to the structure. Although surrounded by security fencing it may attract anti-social behaviour, possibly putting trains at risk. A last-minute artist impression had appeared providing a limited timescale to allow consideration of the full impact of the bridge to the Parish and surrounding areas as well as residents overlooking it. The public consultation, which was cancelled due to COVID-19, would have allowed the best opportunity for residents to look at plans and speak to experts and the alternative method used had resulted in 436 out of 2,600 people responding to an invitation letter sent out by Tewkesbury Borough Council. The Borough Council's own results showed how strong the opposition was to the proposed bridge and it was hoped the consultation was more than just a 'tick box' exercise as part of the Borough Council's community engagement. Northway Parish Council stood with residents in opposing the development.

- 64.5 The Chair invited the applicant's agent to address the Committee. She explained that the most important point to remember was that the provision of a new bridge over the railway line in Ashchurch had already been approved in the Transport Strategy (DS7) which formed part of the adopted Joint Core Strategy. The approved strategy included capacity improvements to M5 Junction 9 and the A46; the proposed bridge; a new northern link road; and the opportunity to close the Grange Road level crossing which was an important safety objective. Therefore, the proposed bridge formed an integral part of the Transport Strategy and, through government funding, the Council now had the opportunity to deliver on the first part of the strategy, with the construction of the rail bridge. These measures would need to work as a package to improve the capacity of the local road network, improve local connectivity and ease pressure on the A46, which had been a long-term objective of the Council and the local communities of Tewkesbury Borough. The housing shortfall in the Borough was currently estimated at approximately 1,100 homes. The transport interventions and early investment in the associated infrastructure, would enable Tewkesbury Borough to support its future growth more robustly, whether associated with planned or speculative development. This would also enable the early phases of the growth management plan for the area and the emerging Tewkesbury Garden Town initiative, which was due to be promoted through the upcoming Joint Core Strategy Review. It was made clear in the Planning Officer's report that there were substantial benefits in seeking to ensure that necessary infrastructure was in place to achieve well planned development. Tewkesbury Borough Council had achieved a significant milestone in securing government support through the Housing Infrastructure Fund (HIF) for the delivery of the bridge, and this opportunity should not be lost. It was also important to grasp this opportunity to deliver the bridge early in the strategic development programme, to secure the required possessions of the railway line well in advance and, in that regard, it was worth noting that the applicant had established a strong working relationship with Network Rail, to ensure the design and construction programme for the new bridge crossing aligned with its governance procedures. In conclusion, she advised that the Planning Officer's report demonstrated that all technical issues associated with the proposed development, had been addressed and resolved in liaison and agreement with the relevant Officers of the Council and statutory bodies. On behalf of the applicant, she respectively requested that the Committee support

the proposals, to secure a key element of the planned Joint Core Strategy Transport Strategy that was so greatly needed, as well as preparing appropriately for future development by delivering vital infrastructure first, as part of a coherent, forward planned development approach.

64.6

A proposal was made and seconded that the application should be permitted on the basis that this was a priority in the Council's Master Plan and Local Plan; the houses in this area needed to be built by 2031 and the Garden Town would go ahead and this bridge was necessary to facilitate planned growth. One of the Local Ward Member's within which part of this development fell, reminded Members that each application had to be taken on its own merits and stressed that this was an application for a bridge and haul roads, it was not for a bridge and Garden Town nor was it for a bridge and finished roads or a bridge which would help with the traffic problems in the Northway and Ashchurch area. Unfortunately the Member then experienced technical difficulties and was unable to continue expressing her views on the application. Another Member questioned whether he was correct in assuming that; little weight could be placed on the Local Plan as it stood at the moment due to the stage that it was at; no weight could be placed on the Tewkesbury Area Draft Concept Masterplan with regard to this application and unfortunately, due to the current stage of the JCS Review, little weight could be given to this document. The Development Manager stated that, as Members would be aware, the Tewkesbury Borough Plan was currently at examination so was at an advanced stage and there was reference to Ashchurch as being a focus for new development within that plan but in terms of the TADCM and the JCS Review little weight could be attributed to those documents in terms of the statutory weight to be applied. However, as Members had previously been advised, with any material consideration or any consideration in determining planning applications the weight was for the decision-maker to decide as well as how much weight to give to any particular factor. Although not a planning document, as mentioned earlier the Council Plan prioritised the bridge, but in terms of statutory weight the Member was correct in his assumption that little weight should be afforded to the Masterplan and JCS Review. A Member indicated that he could not support this application as in his view this bridge was unnecessary, there were other options which would cost a lot less and would provide a more efficient way of handling the traffic from the potential 800+ houses supposedly to be released by the construction of this bridge. He indicated that his main concern was traffic as most vehicle movements would need to get to the A46 and this would be via the residential estate of Northway which would be a disaster in terms of congestion, pollution and safety. The only other route out would be down the Bredon Road to a small already inadequate mini roundabout at the Black Bear in Tewkesbury. There was also concern from some of the Parish Councils in Worcestershire that some traffic would use their villages as a rat run. He maintained that the traffic issues could not be underestimated and would end up causing major problems; 826 houses could mean an additional 1600 cars. He referred to the significant landscape harm as the bridge would be 3 double decker buses high and in his view a blot on the landscape did not even begin to describe the impact. There were concerns about ecology, proximity to listed buildings, drainage and flooding to name just a few; all the Parishes which surrounded this application in Gloucestershire and Worcestershire had voiced their valid objections yet there was a recommendation to permit the application. The Member indicated that it seemed to him this was the latest version of the Emperor's New Clothes and it should be rejected allowing the Council to look very seriously at the alternatives. The Development Manager referenced the Councillor mentioning 826 houses and stressed that it was not clear what amount of development the proposed bridge would serve but in any event the application before the Committee currently was for the construction of a bridge and the impact of that construction. He understood that this was a difficult scenario considering a bridge structure which did not link to any of the surrounding road network but would in the future be enabling developments; this was about getting the infrastructure in early to deal with future development but

that future development and the impacts of it were not relevant currently and could not be considered as part of the application before the Committee today. A Member questioned why finance had been raised when this was not a planning consideration but since it had been raised he asked a number of questions in relation to contributions from the permissions already granted to the south of the A46 and the percentage of the cost of the proposed new link road from the bridge that would be received from phase one of the Garden Town development. The Development Manager indicated that in terms of finance per se this was not a material consideration but it had been mentioned in terms of the opportunity that was afforded by the grant funding to get the infrastructure in place at an early stage which was often a concern and criticism about infrastructure not being provided at an early stage of development. In respect of existing permissions granted there would be no direct contributions from those developments that had been permitted with the relevant S106 obligations which were in place at the time but whether there would be any CIL receipts arising from them would be another issue. In terms of the precise location of the bridge this was the chosen area of the applicant and the County Council but anything beyond the bridge in terms of anything which would connect to it was still open to consultation and would be part of the consultations going forward on the Masterplan and the JCS Review. Currently the need for a bridge over the railway to the north of Northway had been identified in the location as set out in the application but anything beyond that was yet to be determined and would be subject to consultation in the future.

- 64.7 A debate ensued on why the application should be refused and particular reference was made to Paragraph 8.27 of the report which stated that points made by the local community were not material to the application; a Member completely disagreed with this statement as he felt on balance they were very relevant and he highlighted comments from the Bredon Hill Conservation Group in relation to lack of sequencing, negative impacts on the highway network and poor use of public funds and the Pamington Residents Association in relation to the Statement of Community Involvement not reflecting the responses from the community. He made reference to the concerns of the Environment Agency about the extent of information provided and the suitability of the drainage proposals in the context of national guidance and the Council's own Flood Risk Management Supplementary Planning Document (SPD). He indicated that the report stated that without the benefit of detailed hydraulic modelling, which would be undertaken at the detailed design stage, it was not known if the drainage scheme would be viable or whether balancing ponds and Sustainable Urban Drainage (SUDs) would need to be moved. Whilst the land was predominantly flood zone one it also included areas of flood zones two and three, yet Officers considered that a flood risk sequential test was not required which the Member vehemently disagreed with in the light of the Environment Agency's comments. Finally, in relation to the benefits and harms the Member stated that the TADCM was an evidenced based document which bore no weight; the National Planning Policy Framework (NPPF) lent weight but only in the short term, the significant harm to the landscape weighed against the overall planning balance, the detrimental impact on residential amenity weighed against the proposal, the ecological impact weighed against the proposal, harm to heritage assets had been identified and, in the words of the Officer report, considerable importance and weight should be afforded to this harm in the decision-making process; all these matters led the Member to support a refusal of this application. Other Members disagreed with the views of the previous speaker and felt that the Committee should consider whether the design, scale and size of the bridge would fit in with the location; reference was made to the photographs which visualised the bridge onto the existing landscape and, in the view of one Member, demonstrated minimal harmful impact on the surrounding area. Mention was made of the fact that the only other alternative crossing of this railway line was further to the south and that was an unmanned crossing and he felt that the proposed bridge was a significant improvement and should be supported. A Member referred to the statement made

by the Development Manager concerning the fact that the Committee should only consider the application before it for a bridge and not the traffic impact that might arise from the use of the bridge in the future and maintained that he could not support that view as it was essential to consider the implications that would flow from this application; there were two significant other routes which would take traffic out of this area and a bridge was not required. The seconder of the proposal to permit this application explained why he was in support of it; he indicated that Officers had been honest about the planning harms most significantly to the landscape and other matters in relation to heritage, ecology etc. but the fundamental balance was massively in favour of the bridge as a project in its own right. He maintained that many of the objections were about things which may happen later but this application needed to be considered on its own merits and the planning balance was very much in favour of the proposal; the greatest harm identified was landscape but the visualisation pictures showed that this was not unacceptable in terms of the overall area and not that significant to warrant refusal. In addition, the key to this matter was the fact that the bridge was an integral part of an overall Transport Strategy which set out a clear process for dealing with many of the issues raised in particular traffic which was something further down the line when other applications would be received and considered on their own merit.

- 64.8 As the Local Ward Member that had been experiencing technical difficulties was still doing so, and the Committee was keen to hear her views, the Chair adjourned the meeting at 11.10am to allow some time to see if the problems could be resolved.
- 64.9 The meeting reconvened at 11.25 when all Members confirmed as present at the start of the meeting were in attendance.
- 64.10 It was proposed and seconded that this application be deferred until the next meeting as, whilst the Local Ward Member had heard the presentation, speakers and some of the debate it would be necessary to start the debate again to ensure she had heard it all and was able to vote on the application. A Member pointed out that rather than starting again at another meeting, the debate could be started again today instead. Upon being put to the vote, the motion to defer to the next meeting was lost and accordingly the debate on this application was restarted.
- 64.11 Upon the invitation of the Chair, the proposer and seconder of the motion to permit the application confirmed that they wished to proceed with their proposal following which the Local Ward Member was invited to present her views. She reiterated that this application was for a bridge and haul roads in order for the materials to construct the bridge to be transported to the development site; she stressed that this was the only thing being debated at today's meeting and nothing else. It was necessary for each application to be taken on its own merit and she reminded the Committee that the bridge would be three double decker buses high which was not insignificant in the context of the open countryside with views from Northway and Ashchurch. She was also concerned about flooding in the area as, although the bridge itself would be built in flood zone one, the haul road particularly at the entrance from Hardwick Bank Road was in flood zone two, the SUDs relief ponds would be built to the north of the proposed bridge site and the drainage would run into the Carrant Brook also to the north; she reminded the Committee that in 2007 this entire area all the way down to Hardwick Bank Road, to the M5 by the side of it and the housing estate to the south was completely underwater. Having drainage supplies running into the Carrant Brook to the north would not help this situation; the Brook then carried on around to run to the side of Northway Mill which was very close to the motorway and this was where the excess water would run, there was no way that the balancing ponds proposed would help this situation particularly as in the last few weeks that area had been underwater. There had been surveys due to be carried out in this area which could not take place because it had been underwater. The Local Ward Member was also very concerned about the safety of the haul roads particularly the one to the west which adjoined Hardwick Bank Road;

it came out at a junction yet there was no definitive information on how it would join that junction which would be particularly relevant for heavy goods vehicles coming over the motorway bridge from the Bredon Road wanting to turn left onto the haul road, having spoken to the designers she was of the view that there was no way this could actually be done safely, the construction vehicles would need to pull right out into the path of oncoming traffic in order to make a left turn. This particular area of the road had seen multiple accidents including a fatality; traffic coming from the Bredon Road was usually quite speedy 40/50 miles an hour and then there was a bend; right opposite the haul road was Northway's Nature Reserve which was an area very popular with adults, children and dog walkers, it was currently very dangerous as there was no pedestrian access across the road and coming from the park you could not see the traffic coming round the bend which was why there were so many accidents, the addition of construction traffic accessing the haul road would only exacerbate this situation. She maintained that the application was premature and the Planning Committee had a responsibility to ensure the safety of residents and traffic and that there would be no excessive flooding; in respect of the haul road to the west it was indicated in the application that the drainage would be to the sides of the road which, as this whole road went across fields, meant it would exacerbate flooding because the water could not go anywhere other than towards Northway. In conclusion, she stated that this application was only coming forward because Homes England had given the Council money to build a bridge but the County Council did not believe the funding was sufficient and Tewkesbury Borough Council could be liable for any overspend, promises had been made by Homes England on land assembly and buying land in this area but those promises had not been met; there were so many unknowns and uncertainties that could result in this being a bridge to nowhere with incredible harm to the countryside, the environment and the residents of Northway. Other Members repeated their comments made earlier in the debate and the Development Manager also repeated comments he had made in response in order that the Local Ward Member was fully aware of all relevant information before voting on the motion to permit the application. The representative from the Local Lead Flood Authority indicated that the bridge would introduce an impermeable surface with the tarmac and therefore the proposal to take the water away was for it to run into two balancing ponds which in turn would discharge into the Carrant Brook to the north of the site at a restricted rate calculated to the same level as the surface water currently left the site and entered the Brook so there would be no additional impact as a result of putting in an impermeable surface. In relation to the comments about the drainage proposals not being exemplar, the applicant had provided some technical explanation as to why this was the case and as the proposal was typical of many seen around the County the Local Lead Flood Authority was satisfied to recommend no objection subject to a detailed design submission to clarify some of the calculations when more detail was known.

64.12 Following further debate on the benefits and harms of this proposal, a request was made for a recorded vote which was supported by the required number of Members. Upon the motion to permit the application being put the voting was recorded as follows:

| For | Against | Abstain |
|------------|----------------|----------------|
| R A Bird | L A Gerrard | R J G Smith |
| R D East | D J Harwood | |
| J H Evetts | M L Jordan | |
| J R Mason | E J MacTiernan | |

J W Murphy P W Ockelton

A S Reece P E Smith

J K Smith P N Workman

P D Surman

R J E Vines

M J Williams

64.13 It was

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

19/00771/OUT - Land To The South Of Down Hatherley Lane, Down Hatherley

64.14 This was an application for the erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters were reserved for future consideration except access.

64.15 The Planning Officer explained that the application related to a parcel of arable land covering approximately 1.17 hectares which was located to the south of Down Hatherley Lane at its junction with the A38. The site was predominantly level and bordered existing residential properties to the east and south-western boundary. Norton Garden Centre, which included a small area of scrubland, bordered the southern boundary. Down Hatherley Lane ran along the northern boundary and the A38 along the western site boundary. The site was not subject to any landscape designations, however, it contained a large, mature oak tree which was subject to a Tree Preservation Order. The application site formed part of the Strategic Allocation A1 'Innsworth and Twigworth' as allocated in the Joint Core Strategy and was shown to be 'Housing and related infrastructure' in the Indicative Site Layout Proposal Map. The application was made in outline with all matters reserved for subsequent approval, with the exception of access. The proposed development sought to provide up to 32 dwellings, a vehicular access route off Down Hatherley Lane, green infrastructure including public open space, a Local Area of Play, landscaping and an attenuation basin. The application documents included an illustrative site layout plan which indicated how the quantum of development could be delivered. A single point vehicular access to the site would be accessed by a simple priority created from Down Hatherley Lane. An assessment of the principle of the development and other material considerations could be found on Pages No. 101-112 of the Agenda. As set out in the report, Officers considered that, when taking account of all the material considerations and the weight to be attributed to each one, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance and therefore it was considered the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. The Planning Officer clarified that in relation to Condition 6 on the update sheet which referred to cycle parking this should read "no dwelling hereby permitted shall be occupied until the cycle parking..." rather than "not be occupied". In addition, the Highways Authority had confirmed that condition 7 on the update sheet was no longer required and therefore should be deleted. Taking account of these minor amendments it was recommended that permission be delegated to the Development Manager, subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer

contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

- 64.16 The Chair invited the applicant's representative to address the Committee. He explained that the proposal was a small part of the Innsworth and Twigworth Strategic Allocation and was shown as residential land in the Masterplan. As such, the proposal complied with the Development Plan. He indicated that they had met with the Parish Council and undertaken an extensive public consultation exercise and appreciated the concern about the change the area would go through as a result of the Strategic Allocation. In response, they had tried to design a sensitive scheme at a density of 27 dwellings per hectare to reflect the location of the site on the edge of the Strategic Allocation. Moreover, a development of this small size would provide an opportunity for a local or regional house builder and it was believed that these companies built well-designed better quality homes and had a much more local positive economic impact. It was hoped the Committee would agree that the indicative layout showed how 32 dwellings could be accommodated on the site in an attractive layout that celebrated and respected the magnificent Oak tree on the corner. A key issue had been drainage and he knew that flooding was a major issue meaning the drainage strategy must be right. The site had experienced ponding from time to time due to the failure of the Victorian field drains but engineers had worked long and hard with experts from the Lead Local Flood Authority to ensure the drainage strategy worked and would not cause problems elsewhere. This scheme would provide much needed affordable housing and the applicant was happy to contribute his fair share towards education and other benefits. He hoped the Committee was able to agree the Planning Officer's recommendation for approval.
- 64.17 A Member referred to the concerns raised by Sandhurst Parish Council about access into the site as there was queuing along the A38 at certain times of the day and he wondered why the Highways Authority had no objection to the application. The Local Highways Authority representative stated that vehicles entering the site during peak hours when queues may occur were going to be tidal based, so for example the number of right turns in the morning would be relatively few compared to the evening and obviously departures in the evening would be few compared to arrivals. This was a relatively modest scale development of 32 houses and the amount of trips that this would generate was not going to be particularly large recognising the overall context of the highway network and the strategic allocation which this development formed part of. So, in terms of the ability of a vehicle to gain access to the site being obstructed by queuing traffic, the frequency of occurrence in his opinion was relatively small given the number of people entering the site and the queue and of course it was hoped that most drivers would be considerate with a road junction and leave a gap. Therefore the Local Highways Authority representative stated that he did not believe that the access would result in a sufficient capacity or safety reason to merit a refusal. A Member expressed concerns about future development with an access for 174 homes off Down Hatherley Lane when there was already traffic congestion in the area. The Local Highways Authority representative indicated that additional land had been safeguarded to allow for further junction improvements for ghost lanes for right turns should it be deemed necessary and whilst this did not form part of this proposal it was available for the future. Another Member asked about the land to the north of Down Hatherley Lane and whether there were any proposals for development on this site and he pointed out that as the application site was part of the Strategic A1 Allocation then there was the potential for another 4,000 to 5,000 extra traffic movements which was not mentioned in the Officer report which put a whole different aspect on the right turn situation. The Development Manager indicated that he was not aware of any proposals on the land to the north of Down Hatherley Lane which he believed was Green Belt whereas the A1 Strategic Allocation land had been removed from the Green Belt. In terms of the additional traffic arising from the

A1 Strategic Allocation, that would have been taken into account within the traffic assessment for this site. The Local Highways Authority representative confirmed that the wider traffic generation had been accounted for within the plan period for the infrastructure delivery plan and within the overall consent that existed for the wider scheme. Whilst he understood the point being made, for 32 units it was fortunate to have been presented with a transport assessment statement which effectively looked at the wider picture even though the scale of this development fell well below the threshold which would normally provide such an assessment. The level of movements were considered to be relatively modest compared to the overall assessment which had already taken place and effectively had arrangements in place for mitigation. A Member questioned what a ghost lane was and the Local Highways Authority representative explained that it was a technical phrase for a right turn lane where there was a central island in which the vehicle would wait in the middle of the carriageway. The Planning Officer clarified that the "future access" off the Down Hatherley Lane access was indicative only and would be a matter for future consideration; it may be that it was not necessary and may become a cycleway or pedestrian way instead. The Development Manager reminded Members that access for future development would be determined at that time and it was necessary to determine each application on its own merits.

- 64.18 A proposal was put and seconded in accordance with the Officer recommendation and during the debate a Member expressed concerns about this site being taken in isolation, particularly in light of the discussions on the previous application where further trends down the road were taken into account; he felt that it was unfortunate that the Planning Policy Reference Panel had not met as it was due to undertake a review of the Green Belt which was why he had questioned the status of the land to the north of Down Hatherley Lane. Upon the motion being put to the vote it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

20/01265/FUL - 8 Sandfield Road, Churchdown

- 64.19 This was an application for the erection of a two-storey side and rear extension and single storey rear extension.

- 64.20 The Planning Officer explained that a Committee decision was required as the Parish Council had objected on the grounds of overdevelopment. The Parish Council's concerns had been noted, however, the proposed two-storey side extension would be set well back from the front building line and it would also have a lower ridge line so it would read as subservient. There would also be an acceptable amount of garden space left free from extensions / additions. It should also be noted that this property had not been previously extended. There were also other similar sized two-storey side extensions along this road, for example, at no's 22 and 26 Sandfield Road. Overall, the proposal was considered to be of a suitable size and design and would be in-keeping with the existing street scene so, as per the Officer's report, the recommendation was to permit.

- 64.21 The Chair indicated that there were no public speakers and following a proposal to permit the application which was seconded, it was

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

17/01268/FUL - Greenacres, Main Road, Minsterworth

- 64.22 This was an application for the removal of existing barn and stables, change of use from ancillary equestrian to residential use and erection of seven new dwellings.
- 64.23 The Planning Officer indicated that before starting her presentation it was necessary to amend the description of the application to take out the wording “the removal of existing barn and stables” as this was no longer included as part of the application which was now for change of use from ancillary equestrian to residential use and erection of seven new dwellings.
- 64.24 The Planning Officer explained that the application related to a parcel of land to the west of Greenacres which was located along the southern side of the A48 in Minsterworth. The site comprised a paddock and a manege which was used in association with a private equestrian use for the occupiers of Greenacres. A stable, barn and yard lay immediately to the south-east corner of the site although that did not form part of the application site. The land immediately to the south was in the same ownership of the applicant. Beyond that lay a row of terraced properties and greenhouses. Residential properties bordered the east of the site and the former Apple Tree Inn could be found to the west on the opposite side of Watery Lane. To the north of the site was the A48. This application was submitted in full and sought permission for the construction of seven dwellings. The proposed layout would comprise a linear form of properties fronting the A48. The new dwellings were designed as one and a half storey cottage style properties utilising a traditional palette of materials. A new access was proposed onto Watery Lane and a shared internal road would run along the width of the site with a turning head provided at the end point. This application had first appeared at Planning Committee on 20 November 2018 and, at that meeting, the Committee was advised that Gloucestershire County Council, as Local Highways Authority, considered the applicant had failed to demonstrate that the impacts of the development could be effectively mitigated and the development would therefore have an unacceptable impact on highway safety. The concerns were based on the visibility issues at the Watery Lane/A48 junction. Given that situation, the Planning Committee had resolved “that authority be delegated to the (then) Technical Planning Manager to permit the application, subject to completion of a legal agreement to secure on-site affordable housing and suitable information being received from the applicant to overcome the concerns raised by County Highways.” Since that Committee, additional information had been submitted and reviewed by the Local Highways Authority and it had maintained the concerns expressed at the previous Committee. In light of the continued objection from the Local Highway Authority, as set out in the update report, Officers considered the harm to highway safety would significantly and demonstrably outweigh the benefits in the overall planning balance and therefore it was recommended that the application should be refused. The Planning Officer clarified that there were no concerns with the access to the application site from Watery Lane the concerns related to the visibility at Watery Lane with the A48 junction.
- 64.25 The Chair invited a consultant, speaking in support of the application, to address the Committee. He explained that the application was for the erection of seven dwellings. Direct vehicular access to the site from Watery Lane had been approved by Gloucestershire County Council and that matter was not in dispute. The matter that was in dispute was the junction between Watery Lane and the A48, which vehicles would most likely utilise for onward travel in to Gloucester. Gloucestershire County Council had stated that the junction visibility onto the A48 from Watery Lane was substandard and therefore recommended the application was refused. However, the Watery Lane / A48 junction was an existing highway junction, where no collisions had been recorded in the last five years associated with vehicles turning in or out of the junction, this had been confirmed through Police data records

and demonstrated that there was no existing highway issue at the junction. The Apple Tree Inn was also accessed off the A48 / Watery Lane junction and, although this pub had ceased trading it had planning permission for conversion to a residential development. When the pub was in operation, the A48 / Watery Lane junction would have been subject to significant use, much greater than that associated with seven houses. In terms of junction visibility, a speed survey had been commissioned and junction visibility onto the A48 to the right was suitable based on recorded speeds, and forward visibility was suitable to the junction in both directions from the A48. Junction visibility to the left onto the A48 was 113 metres but the County Council had requested visibility of 150 metres. However, national guidance advised that there was no causal link between substandard junction visibility at a junction and collisions. The fact that forward visibility was available to the junction would ensure that drivers travelling along the A48 were able to see a driver exiting Watery Lane and would be able to slow appropriately if required, and therefore no conflict would occur. The visibility to the left was measured to the centre line of the A48 rather than the kerbline as there were overtaking restrictions on the A48, meaning that vehicles travelling towards Gloucester were unlikely to be on the nearside of the road. In summary, given that this was an existing highway junction, which had been subject to significant use in the past, was still subject to a reasonable level of daily use, had no recorded collisions and three out of the four visibility requirements were satisfied, it was considered that the development would not have an unacceptable impact on highway safety and therefore should be permitted. The National Planning Policy Framework advised that developments should only be refused on highway grounds where there would be an unacceptable impact on highway safety or a severe impact on the operation of the local highway network: it was not felt that these high bars had been attained and therefore the development should be permitted.

- 64.26 The Chair asked the Local Highways Authority representative if he wished to respond to any of the points raised by the speaker. He indicated that he would focus his response on highway safety and particularly the visibility splay to the left of the access which was the matter of dispute between the parties. He referred to National Guidance on this particular matter and the drawings that had been presented by Cotswold Transport Planning to support the application. As had been said, the visibility splay to the left as projected on the drawings was approximately 113 metres where the requirement, in the opinion of the Highways Authority, was 150 metres. There were variations within the national standards which needed to be considered carefully as to the projection of visibility splays however, in this instance, the view of the Local Highways Authority was that the visibility splay should not be projected to the centre line of the carriageway. He indicated that this was a matter of professional disagreement between the parties and was something that various Inspectors had considered and had concluded on either side of the argument. Historically, the shortfall of visibility could be considered in certain circumstances however, in this instance, the A48 was clearly a route of strategic economic importance which carried a high degree of flow. The Local Highway Authority considered that the intensification of the site access onto the junction meant that there were no sound reasons to warrant a reduction in visibility splay albeit in the absence of immediate accident data. Therefore the conclusion of the Local Highway Authority was that the visibility splay looking left was actually less than had been suggested and ultimately fell below what was considered to be the required minimum arrangements.
- 64.27 A proposal to refuse the application was seconded and the seconder indicated that she knew the road well and reminded those Members who had attended a site visit to land situated to the north at the top of the brow of the hill that there was a bend on the road which this site sat at the bottom of between two brows so the visibility was very poor and in her view it would be a mistake to allow any more access onto the A48 from Watery Lane. Upon being put to the vote, it was

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

20/00955/APP - 18 Westfield Road, Brockworth

- 64.28 This was an application for proposed four no. dwellings and associated amenity space, vehicle access and parking. 19/00678/OUT.
- 64.29 The Planning Officer advised that, in accordance with information contained within the additional representations sheet, the recommendation had now been revised to approve following the submission of further plans regarding site layout which the Local Highways Authority had been consulted on and had raised no objection. She explained that the site was part of the rear gardens of 16 and 18 Westfield Road. Outline planning permission for a residential development for four dwellings had been granted on 17 December 2019 and access and scale was approved as part of the outline permission with layout, appearance and landscaping reserved. Details to be submitted and considered as part of the reserved matters included ground and finished floor levels, external facing materials, boundary treatments, hard surfaces, parking, turning facilities and maintenance and surface water drainage. The ridge height had been set at outline stage to not exceed seven metres. The dwellings had limited front amenity space and the area provided parking, turning and bin storage. The rear amenity space was considered sufficient for each dwelling and was comparable with other residential development in the vicinity. The design would be for hipped roofed dwellings with projecting front and rear gables and the materials had been amended to be more in keeping with the character of the existing dwellings and the wider area. The room sizes complied with national space standards. The dwellings were set back 10 metres from the rear boundary. Given the design of the dwellings, ground levels on the site and distance to the nearest bungalow the relationship would not be considered to have an unacceptable overbearing or light impact. Obscure glazing would be provided to non-habitable rooms at ground and first floor side windows of plots 1 and 2 and covered by condition. The impact on neighbour amenity had been carefully assessed and it was considered there would not be an undue impact upon their amenity. The proposed landscaping and boundary treatments were considered appropriate and a revised site plan with landscaping was submitted on 12 March 2021 which was considered acceptable to the Local Highways Authority. A Drainage and Maintenance Strategy was submitted with the application and no objection was raised by the Council's Land Drainage Advisor.
- 64.30 The Chair invited the applicant's agent to address the Committee. He advised that this was a reserved matters application following the grant of outline planning permission for proposed four dwellings on this site in 2019. That application considered the principle of development, number of dwellings, their overall scale and access matters. Those aspects were deemed acceptable by Members and permission was granted. The current application simply considered external appearance, drainage, landscaping and layout. Whilst the Parish Council's comments in respect of overdevelopment and overbearing building heights were acknowledged, those matters had been considered thoroughly by Members previously and the quantum and scale of development was considered acceptable. The principle and scale of development had already been established. The proposed scale of the scheme before the Committee was in full accordance with a planning condition imposed on the outline permission requiring the development to be no higher than seven metres from ground level. As noted in the report, the development's external appearance, layout, drainage and landscaping had been thoroughly considered by Officers and the applicant had gone out of their way to accommodate the multiple amendments sought by Officers, which included revisions to the proposed materials and window design, as well as adjustments to the layout and parking provision and the removal of garaging to reduce the amount

of development on site. Those changes had been considered thoroughly and were deemed acceptable by the Officers, the Local Highway Authority and the Drainage Officer. The design and layout reflected the character, scale, density and layout of surrounding development in the area and fully met the design expectations of the Joint Core Strategy. The relationship with neighbouring properties would not result in significant overlooking, loss of light or overbearing impacts and the scale was consistent with the outline permission. This reserved matters application was submitted in October last year and had experienced several delays, yet clearly accorded with the prevailing policies of the Development Plan. The applicant was an active local builder who permanently employed multiple staff and Members were urged to support the recommendation to enable the development to proceed.

64.31 One of the Local Ward Members questioned whether there were more cars included as part of this application than the previous application; having visited the site she was concerned about entry onto Westfield Road which led straight to the business park. She maintained that this road was really busy early in the morning and late at night as people coming on and off Ermin Street used this little road as it was one of the ways of getting off the business park and the motorway. She was concerned that there were now more cars associated with the application particularly referring to the drawings which showed 10 cars without including the one that belonged to the house which was already there. The Local Highways Authority representative suggested that Members should not focus on the number of physical cars shown on the site but on the number of dwellings as it was the dwellings which generated the trips and potential activity. There were 10 parking spaces proposed, 3 for the four bedroom units and 2 for the three bedroom units which was in accordance with the Local Highways Authority's adopted parking standards, there was no further intensification of vehicles and the layout was in line with the adopted policy. Another Local Member for the adjoining Ward indicated that it looked to her as if space previously allocated for bins on the original application had been removed and she was concerned that there would be a bin problem without the original set back area for bin storage and residents would have difficulty getting off their drives due to obstruction caused by bins. The Planning Officer indicated that bin storage had been provided in the turning space and the access was in accordance with the original approval. The Member maintained her concerns in relation to the bins and access for the bin lorry for collection which would either have to go down a very narrow lane or the bins would have to be put out on the pavement of Westfield Road with either scenario creating a nightmare in her view. The Planning Officer confirmed that she had not had any adverse comments in terms of facilities on the site and the access, drives and space for parking were all approved at the outline permission.

64.32 It was proposed and seconded and, upon being put to the vote

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

20/01233/FUL - Beech House, Toddington

64.33 This was an application for the erection of 2 No. carports in association with approved application 19/00595/APP (erection of 2 No. dwellings and associated access).

64.34 The Planning Officer explained that the application site was located on the southern side of the highway to the east of the roundabout junction within Toddington, and was located within the Special Landscape Area. Land on the northern side of the highway was located within the Cotswolds Area of Outstanding Natural Beauty. Outline planning permission was granted in 2018 for the erection of two dwellings in this location and the reserved matters were later approved in March 2020, as shown on the approved Site Plan. The approved plans included an area of hardstanding

towards the front of the site, for vehicular parking and turning. The current application related to the northern part of the outline and reserved matters sites only, adjacent to the public highway, and proposed the construction of two car ports in association with the two approved dwellings. The application included the submission of section drawings which showed that the land levels within the application site, at the location where the proposed car ports would be constructed, were some 1.4 to 1.7 metres lower than the adjacent public highway. Each proposed car port would be oak framed, and designed with a sedum flat roof measuring 2.2 metres in height. The application was presented to the Planning Committee as Toddington Parish Council had objected to the application on the grounds that the proposed car ports would be forward of the properties and would not be in keeping with other properties in the vicinity. There was an existing detached double garage to the front of the adjacent dwelling to the east and the proposed car ports would in part be constructed in line with this, although would project further northwards to be in closer proximity to the adjacent highway, as shown on the proposed site plan. The parking area within the application site was set down below the main road and was partly screened by trees and hedge planting as well as a dry stone wall along the front boundary. It was considered that the open nature of the proposed car ports, along with the topography of the site and screening from planting, and in the context of the existing detached garage on the adjacent site to the east, would mean that the proposed development would not appear overly prominent within the street scene, and that the visual amenity of the Special Landscape Area and the setting of the Cotswolds Area of Outstanding Natural Beauty would be protected. The Urban Design Officer considered that the proposed materials would be of a good quality and in keeping with the new dwellings and that the green sedum roof would be a positive addition that would assist the structure in blending in with its surroundings, especially from the road. In addition, the Tree Officer raised no objection subject to conditions to safeguard trees during the construction phases and to ensure no storage of materials in proximity of the trees. For the reasons given within the Committee report, it was considered that the proposed car ports would protect the amenity of existing and future occupiers, and that the highways impact would be acceptable. For these reasons, it was recommended that planning permission was granted subject to the conditions listed within the Committee report.

64.35 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application. A Member questioned whether he was right in thinking that there was a major pipeline that ran close to this site and if so he asked whether it would be unaffected by these proposals as he could not see anything on the plans. The Planning Officer stated that there was a major pipeline running slightly to the east of the site but the Health and Safety Executive had been consulted and raised no objection on safety grounds and the National Grid and Wales and West Utilities were also consulted and did not provide any comments. However an advisory note would be added to the decision notice to advise of the proximity of the pipeline.

64.36 It was proposed and seconded and, upon being put to the vote

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

20/00213/FUL - Manor Farm Yard, Stoke Road, Stoke Orchard

64.37 This was an application for the redevelopment of the site including demolition of existing buildings and erection of 3 No. (B1 and B8) units and associated works.

64.38 The Planning Officer explained that the application site was located to the west of Stoke Orchard, and was accessed via a single point of access on Stoke Road. The site formed part of the former farmyard of Manor Farm, which was a Grade II Listed

building located to the rear. The application confirmed that the listed farmhouse was in separate ownership. The application site was located outside of the Green Belt and was not subject to any landscape designations. The application confirmed that the site currently comprised a number of outbuildings of varying states of condition and quality. The Conservation Officer confirmed that none of the existing buildings dated back further than the 1940s and held no substantive historic merit, and the proposed removal of the buildings was considered to be acceptable. The applicant's agent had confirmed in writing that their client had owned the site for over 20 years and advised that Google Earth imagery demonstrated that it had been used continuously for a mix of light industrial, storage and car repair type uses (B1 and B8) over that time. The Council had no evidence to counter this claim and, on the balance of probability, it was considered that the site had been used continuously for these purposes for over ten years. The application sought planning permission for the demolition of all existing buildings and the redevelopment of the site for employment purposes through the erection of three new units in use classes B1 (office and light industry) and B8 (storage and distribution). The proposal would result in a net loss of 379 square metres of floor space but with an additional five employees. Unit 1 would be constructed adjacent to the front site boundary, to the north of the vehicular access. Units 2 and 3 would be attached to one another and would be constructed adjacent to the rear boundary in a u-shaped arrangement, providing a courtyard style of development and a reconfigured parking and manoeuvring area. The existing vehicular access via Stoke Road would be retained. Further to the receipt of consultee comments from the Conservation Officer, raising concerns regarding the originally proposed walling materials of the proposed buildings - new brick and profiled metal cladding - revised elevations were submitted, alternatively proposing extensive cladding of the proposed buildings with horizontal timber weatherboarding and a Northcott brick. The roofs would be covered in dark green sheet cladding. The Conservation Officer had raised no objection to the revised proposals subject to conditions requiring a sample or details of these walling and roofing materials to be agreed prior to their installation. The site comprised previously developed land and was physically well related to existing adjacent built development immediately to the north and west, as well as the vehicular access leading to Manor Farm to the south of the application site. The proposed height, mass and scale of the units would be similar to the existing buildings, as would the proposed u-shaped arrangement of buildings to reflect the current courtyard style, albeit proposed Unit 1 would be located further eastwards than the existing building and in closer proximity of the adjacent public highway to enable the provision of the proposed reconfigured parking and manoeuvring area within the site. The Parish Council objected to the proposed siting of Unit 1 on the grounds that it would appear as an incongruous addition to the site stuck out at the front and far forward of the village building line. Whilst the proposed development would be in closer proximity of the adjacent public highway than existing built development on the site and would likely be more prominent there was no established building line in this part of Stoke Orchard. The proposed development was judged to be of an appropriate size, scale and character, and it was considered that the use of traditional overlapping horizontal weatherboard, as shown in the revised plans, would assimilate the development into its rural context. In addition, some softening of the frontage, and the boundary to the south and with the listed farmhouse would assist in assimilating the new buildings within the rural setting. It was therefore recommended that any approval of planning permission was subject to conditions requiring the submission of a Tree Protection Plan as well as a landscape scheme for the proposed tree and landscaping planting. The proposed development would not encroach into the adjacent Locally Important Open Space and it was considered that the proposal would protect its open character and appearance. Stoke Orchard and Tredington Parish Council had also objected to the application on highway and access grounds and the objections from the Parish Council had been forwarded to the Local Highways Authority for information and

response. The Local Highways Authority acknowledged that the site currently comprised a number of outbuildings which were occupied by a mix of light industrial, storage and car repair type uses, and that there would be minimal or no differences on the land use and square footage. The Local Highways Authority also advised that the visibility splay requirements on Manual for Streets for an access on a 30mph road could be accommodated. Accordingly, the Local Highways Authority considered that there would not be an unacceptable impact on highway safety or severe impact on highway congestion, and advised that there were no justifiable grounds on which an objection could be maintained, subject to any approval of planning permission being subject to the conditions referred to within the Committee report. Highways England also commented that it did not expect this to result in an unacceptable or severe impact on the safe and efficient operation of the Strategic Road Network and therefore raised no objection. Having regard to the policies of the Development Plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there were no objections from Officers. However the recommendation of the Planning Officer had been amended to a delegated permit to ensure that the wording of Condition 16 was sufficiently precise in the light of amendments which had been made to the Use Class Order since the application was submitted. In light of the implications of the new Class E it had been suggested that some amendments be made to the wording of Condition 16 to ensure that that the condition could not, for example, allow a change of use to retail which would not be appropriate in this location. The site comprised previously developed land, and it was considered that the proposal would encourage and support the development of small and medium sized enterprises, and would be of an appropriate size, scale and character. For these reasons, the principle of the proposed development was considered to be acceptable. It was therefore recommended that planning permission be delegated to the Development Manager to ensure that the wording of Condition 16 was sufficiently precise.

- 64.39 The Chair invited the applicant's agent to address the Committee. He indicated that the report was both precise and clear but that he wished to reiterate a number of points. The site comprised previously developed land and was physically well related to adjacent built development. The existing buildings were tired and unsightly and comprised a much-altered mix of height and materials and their replacement with appropriately designed, functional and purpose-built employment space was a much more appropriate solution in design and landscape terms, as well as a more effective use of the site. The proposed height, mass, scale and layout was similar to the existing and there would be no significant adverse effect on adjoining occupiers, many of which were employment related, nor harm to the Listed Farmhouse. Moreover, adjustments to the scheme to address the Officer's concerns, including changes to the design and materials, meant no objection from any technical consultees. Bearing in mind the existing uses, there would be no material change in the number of vehicle trips nor an intensification of the access and the Local Highways Authority and Highways England had no concerns in this regard. The proposal accorded with the Development Plan and the National Planning Policy Framework. It represented an excellent opportunity to support the retention and growth of small enterprises in a way that respected the local context, all at an identified service village. In conclusion he indicated that that the recommendation was clear and he asked that the Committee support it.
- 64.40 A delegated permit was proposed and in seconding the motion, the Member stated that this was a vast visual improvement on the current site and he was pleased to see that in these times where the Council was looking to increase employment opportunities this site was going to provide the opportunity for an additional five jobs. Another Member indicated that although he supported the recommendation he was disappointed not to see more information with regards to the employment use policy which he understood came into effect in the middle of last year and the new Class E category which he understood enveloped quite a lot of B Use Classes. The

Development Manager stated that, whilst the changes had come in through the course of last year, there was a sunset clause in the legislation but all of the historic B1 Use Classes were now contained within an E Class which had flexible uses so there were permitted changes to things like shops etc. He felt it would be useful to do a training session for Members on those changes so that Members were familiar with that new terminology and he would arrange a session in the near future. On the motion being put to the vote, it was

RESOLVED That the application be **DELEGATED** to the Development Manager to **PERMIT** subject to ensuring that the wording of Condition 16 was sufficiently precise.

64.41 The meeting adjourned at 1.20pm for lunch.

64.42 The meeting reconvened at 1.50pm with the Vice Chair, Councillor East, in the Chair and Councillors Evetts (Chair), Gerrard and Williams not present. Councillor Bird had indicated that he would be re-joining the meeting shortly.

20/00612/FUL - Whites Hill Cottage, Old Brockhampton Road, Winchcombe

64.43 The application was for a proposed contemporary replacement dwelling and refurbishment of existing pump house building for use as ancillary accommodation (alternative scheme to lawfully implemented development granted under TBC refs: 10/01284/FUL & 14/00192/CLE).

64.44 The Planning Officer explained that the application sought planning permission for a replacement dwelling. The site lay to the south east of Winchcombe, in open countryside and within with the Area of Outstanding Natural Beauty and presently comprised the remains of a cottage with associated structures. The site benefited from planning permission for a replacement dwelling with a traditional 'cottage' style appearance. The current application sought permission for a dwelling with a contemporary appearance which would be set behind the existing ruins which would be retained. While the application site lay outside of the built-up area to Winchcombe, saved Local Plan Policy HOU7 allowed for the construction of new replacement dwellings subject to a number of requirements set out in the Committee report and this supporting principle was also taken forward in Policy RES9 of the emerging Submission Version Plan. On this basis, and as set out in the report, the principle of the development was considered acceptable. While the proposed dwelling would be larger than that previously approved it was nevertheless considered that the proposal would have an acceptable design and layout which would respond to the rural setting and would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Since the report was written, details of a replacement bat roost had been received and this had been deemed acceptable by the Council's Ecology Adviser. Similarly, the Council's Tree Officer and County Archaeologist had raised no objections to the proposal. The development was considered to be acceptable, and the recommendation was to permit subject to the conditions set out in the Committee report and additional conditions set out in the late representations sheet.

64.45 The Chair invited the applicant's agent to address the Committee. He advised that the application site related to the ruins of what was once a large and vibrant detached cottage that formed part of the Sudeley estate on the edge of Winchcombe. The site benefited from an extant planning permission to reinstate a dwelling on a similar footprint and design, which established the principle of a replacement dwelling. However, the applicant was taking the opportunity to develop an alternative contemporary replacement dwelling on the site, which incorporated the existing ruin in acknowledgement of the site's history. It was believed that a high-quality contemporary concept was a more suitable solution, rather than sticking with the previously approved traditional pastiche approach, which would be highly

unlikely to replicate the character of the original. A contemporary approach was more reflective of the 21st Century and would help raise the design standards of the area. The building materials would be traditional and recessive, which would allow the development to sit more comfortably into its landscape setting. The scheme had been formulated with a modern interpretation of a Roman Villa, given the substantial references to Roman elements around Sudeley and Winchcombe. The scheme incorporated the existing ruin, which retained a historic background of the site and the use of mixed contemporary materials helped to reduce the scale and mass of the scheme and emphasised the original ruin. This would not be achieved if the original cottage was re-built. Finally, the built form had been condensed to set it behind the ruin so as to minimise the impact on the setting. The applicant's agent had worked collaboratively and positively with the Council's Planning and Conservation Officers to bring this scheme forward, right from initial pre-application discussions, to providing amendments to the detailing through the application, through to the positive recommendation before the Committee. It was mutually agreed that the final scheme would be of high-quality design and would represent an enhancement to the Area of Outstanding Natural Beauty. Furthermore, the Conservation Officer was satisfied that the surrounding historic context would be respected. The Town Council's objection was noted, and the fact that some would prefer a more traditional form of design was respected. However, as Members were aware, the government's emphasis was to encourage high quality contemporary design, which provided an opportunity to improve the built environment and mark the 21st century through the architecture of today. This had been successfully achieved throughout the Borough and this application would just be another example of that. Finally, an added benefit of this application was that it would allow a family member to relocate to the new property, thus freeing up part of the existing Castle to visitors as part of the Sudeley Castle tourist attraction. This would improve the Castle's offering as one of the Borough's best and most high-profile tourist attractions. This could only be a further positive for the local economy and the Borough's tourism offering.

- 64.46 In proposing the Officer recommendation, one of the Local Ward Member's indicated that, whilst normally he would prefer a traditional design, he felt that the design proposed in this instance was fantastic; the merging of the ruins in with the modern design was exceptional in his opinion and would only enhance the area. One of the other Local Ward Members queried whether there would be a condition requiring the retention of the ruins and the Planning Officer advised that the ruins were part and parcel of, and integral to, the design therefore as they were a fundamental element of the build a condition was not necessary. On the basis of an assurance that the old and new elements would be attached he seconded the proposal and, upon being put to the vote, it was

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

20/01252/FUL - Farringdon, Stockwell Lane, Woodmancote

- 64.47 This was an application for a pitched roof extension over existing garage, erection of a side and rear extension, rear dormer extension and replacement doors and windows.
- 64.48 The Planning Officer explained that this proposal was to replace doors and windows on the dwelling and increase the living space at ground and first floor level by extending over the existing garage, erecting side and rear extensions and rear dormer extensions, including the addition of two balconies. A Committee determination was required as Woodmancote Parish Council had objected to the proposal on the grounds of concerns that the extension would take the dwelling too close to the boundary, which would be detrimental to the open character of the area.

A site notice had been displayed for a period of 21 days and one letter of representation was received with an additional letter being received after this period, following the submission of amended plans. Both representations raised objections to the proposal based on the potential harm to residential amenity caused by the proposed balconies. The Parish Council's concerns had been considered, however it was the view of Officers that the development would not be too close to the boundary with the neighbouring property, nor would it harm the open character of the area as side access would be maintained to the west. In addition, it was the view of Officers that appropriate measures had been taken to limit the impact of overlooking on the neighbouring properties, to an acceptable level, as shown in the revised scheme, and as such, it was recommended that the application be permitted.

- 64.49 The Chair invited the representative of the objector to address the Committee. He advised that he represented the occupiers of the neighbouring property who objected to the application in the strongest possible terms. He stressed that his clients did not object to Farringdon being altered in principle, indeed, they had also applied for permission to extend their property. It was the nature of the proposal that was of concern which, if allowed, would cause a highly detrimental impact on their living conditions by virtue of overlooking and overbearing impacts from the proposed first floor balconies and bi-fold doors. Those features were proposed to be sited directly adjacent to their boundary and on higher ground. The original overlooking issue was acknowledged by Officers and the plans had been amended to include obscure glazed screens on the balcony and with set-back railings. Whilst the attempt was noted, those features unfortunately did not address the problem and there would still be direct overlooking from what was still a very large balcony area at 8.4 sqm. There could be no real control over the level of obscurity and, in any event, there would be at least a perception of overlooking. He expressed concern at the Officer's assertion at paragraph 7.16 that the proposal would have "no adverse impact on the private amenity space" of the neighbour. To say it would have an acceptable impact was one thing, but to say "no impact" was incredible and he was worried that this had not been properly considered. It was also material to note that his client's property currently had a balcony that sat within the centre of the plot. However, their current planning application proposed to remove that feature and they were doing that because they felt uncomfortable themselves with the overlooking it caused to their neighbours, meaning they did not use the balcony. It was therefore ironic that this application proposed to introduce a feature at even closer proximity, when his clients were going above and beyond to remove that relationship. It was also considered that the proposed balconies and screens failed to respect the character of the residential area. The site fell within the Woodmancote Conservation Area and the balcony and screens were visible from a variety of vantage points, including Stockwell Lane. The introduction of glazed screens at first floor level would appear alien and highly uncharacteristic of this area as they were not features that would typically be associated with the Conservation Area. To quote the Conservation Officer's consultation, "*Balconies are not generally encouraged within Conservation Areas as they are often visible from a distance*" and "*In this case it is likely that the balcony on the West side will be visible from Stockwell Lane and would appear incongruous. The balconies are neither necessary or desirable within the conservation area*". Based on that analysis, it would be reasonable to conclude that there would be harm to the Conservation Area and, in accordance with the National Planning Policy Framework, it followed that permission should be refused as there were no public benefits to outweigh the harm. The objector felt the true impact of the proposal on the living conditions of his client's property could only be properly appreciated on site. The application site was on a higher ground level than his client's property and the close proximity of the balcony to their garden would have a truly detrimental impact on their living conditions to a degree that they could not possibly consider living at the property if this development went ahead. He suggested that, if Members were minded to do

anything other than refuse the application, they should defer it for a site visit - he realised the difficulty of conducting site visits at present, but to grant permission without having seen the impact first hand would be unsound in his view.

- 64.50 A Member referred to the pictures that had been shown to the Committee and expressed the view that, in his opinion, the balcony to the west would have a detrimental effect on the neighbours and he questioned whether the application could be permitted excluding that balcony. The Development Manager indicated that if this was what Members wished to achieve he would advise a delegated permit subject to amended plans which omitted that element. He stated that, whilst on occasions previously a split decision had been suggested, in this instance it was not that straightforward as the balcony was not easily divisible from the rest of the scheme. The Member who had asked the question proposed a delegated permit with revised plans excluding the western balcony; he felt this balcony was quite a lot higher and even with the mitigation of frosted glass the impact of six feet of frosted glass high up in the air was unacceptable. He maintained that if this was a second storey extension the effects of which were similar it probably would not be permitted. A Member questioned where the Committee would stand with the delegated permit if the applicant refused to amend the plans to omit the balcony on the western side and expressed the view that, in the light of the Committee's unhappiness with this balcony and its impact on the neighbouring property, perhaps it would be better to refuse the application allowing the applicant, being aware of the concerns of Members, to submit new plans. The Development Manager indicated that the Committee would only be giving delegation in the event of plans being received removing the balcony but it was a matter for Members to determine how they would wish to take it forward; it was probably a more positive decision to say yes we can grant you this permission but without the balcony to the west and we can move forward positively or the applicant could say no the plans would not be revised in which case the application would come back to the Committee for determination. Concerns were expressed about the possibility of revised plans being approved without the balcony but it then being built with retrospective consent being sought and the view was expressed that it would be better to refuse the application. The Development Manager indicated that this was not about retrospective planning consents but amending the proposals to something which the Committee would be happy with which was what the proposal was aimed at if that was the will of Members. Potentially, if the applicant wished to revisit a balcony to the west in future, a further application could be made but it was not the intention that this would be retrospective as it would be a different proposal at a different time. Another Member suggested a compromise to defer the application to give the applicant the opportunity to submit revised plans without the balcony to the west that way there was no delegated permit or refusal of the application which might allay the concerns expressed by some Members. One Member questioned whether there was any objection to the balcony on the other side and it was explained that this balcony was not as close to the neighbouring property, it was not as high and there was nowhere near the same degree of overlooking. From the debate which ensued it was apparent that a number of Members were more comfortable with a deferral to allow for the submission of revised plans taking account of the Committee's views in respect of the western balcony. As there was no seconder for the proposal for a delegated permit it was proposed and seconded that the application be deferred to allow for the submission of revised plans without the balcony to the west of the property and upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow for the submission of revised plans that did not include the balcony to the western side of the property.

20/00950/FUL - Yew Tree Farm, Little Shurdington

- 64.51 This was an application for the demolition of an existing building and erection of a single dwelling.
- 64.52 The Planning Officer advised that the application site was located at Yew Tree Farm within the settlement of Little Shurdington also situated within the Cotswold Area of Outstanding Natural Beauty and the Green Belt. Yew Tree Farm was a complex which comprised a mix of equestrian, storage and residential uses set around a concrete apron. The application site itself comprised of a building in the south west of the concrete apron and a yard to the south which was enclosed by a fence. The application was submitted in full and proposed to demolish the existing building and erect a two storey four bedroom dwelling with a curved roof. The dwelling would be served by a garden to the south in the location of the existing yard as well as an external amenity area to the west. Vehicular access and egress to the dwelling would be via the existing access off Whitelands Lane. The Planning Officer asked Members to note the information on the late representation sheet in relation to the applicant's agreement to use Cotswold stone in place of the originally proposed painted block work on the ground floor elevations. The application site was located within the settlement of Little Shurdington which was a small rural settlement with no service infrastructure and was not defined in the settlement hierarchy in the Joint Core Strategy. The application site was not allocated and did not meet any of the policy exceptions for the distribution for residential development afforded by policy SD10 of the Joint Core Strategy. The application was therefore contrary to policies SP2 and SD10 of the Joint Core Strategy. However, the application site was located approximately 750 metres to the south of the defined Residential Development Boundary of Shurdington which was defined as a Service Village in the Joint Core Strategy. In addition, policy RES4 of the Emerging Local Plan stated that very small scale residential development within, and adjacent to, the built up area of other rural settlements would be acceptable in principle providing the proposal met a number of exceptions. As set out in the Committee report, it was considered that the application accorded with emerging policy RES4 insofar as the application was for one dwelling within the built up area of Little Shurdington which replaced an existing building on previously developed land. Therefore, whilst the application was contrary to adopted policies SP2 and SD10 of the Joint Core Strategy, it was in accordance with emerging policy RES4 of the Emerging Local Plan. Officers also considered that the application site was not in an isolated location in the countryside, that the proposal was appropriate development in the Green Belt and that it accorded with Green Belt policy in the National Planning Policy Framework and the Joint Core Strategy. Subject to the imposition of conditions it was also considered the application accorded with landscape and Area of Outstanding Natural Beauty policies in the National Planning Policy Framework and the Joint Core Strategy. In light of the above, and having regard to the fact that the Council could not currently demonstrate a five year housing supply, Officers had concluded that there would be no adverse impacts of approving the development proposal which would significantly and demonstrably outweigh the benefits and therefore it was recommended that permission be granted subject to conditions.
- 64.53 The Chair invited the applicant's agent to address the Committee. He advised that he did not intend to take up much of the Committee's time on the application given that there were no Parish or third party objections to the scheme. Although concerns were originally raised by the Local Highways Authority, it was recognised that there were overriding material planning reasons why the application should be permitted, and no objection was raised on highway safety grounds. Despite the site's location within the Green Belt and Cotswolds Area of Outstanding Natural

Beauty, the proposal before the Committee presented a unique opportunity to support a development that would provide betterment to the local environment both in landscape/visual terms, and use through the removal of an unrestricted commercial use. Indeed, in size and scale terms, the proposed dwelling would be 52% smaller than the building that currently existed. The design and layout reflected the character, scale, density and layout of surrounding development in the area and fully met the design expectations of the Joint Core Strategy. It was proposed to use natural Cotswold stone, not painted blockwork as suggested in the Committee report. The development would not constitute inappropriate development in the Green Belt, nor would it result in any harm to the landscape beauty of the Area of Outstanding Natural Beauty. The Officer's report also acknowledged that the development would be in accordance with emerging Borough policy RES4, and the site was not isolated. He suggested that this was an unobtrusive and well-designed home that should be encouraged as it was in accordance with the Council's adopted policies. This home would be occupied by his client who worked in the equestrian industry which linked directly to established uses on site and he asked that permission be granted in accordance with the recommendation in the Committee report.

- 64.54 In seconding a proposal to permit the application, the Member commented that in his view this was a very appropriately designed building that fitted in well with the rural landscape. Another Member indicated that he was struggling with this application and referred to the Officer's report which advised that the site was in an unsuitable location, the occupiers would be relying on private cars, the site was in the Green Belt and Cotswolds Area of Outstanding Natural Beauty to name just a few of the issues associated with this development yet he could see no exceptional circumstances as to why it should be permitted and sought an explanation from Officers. The Development Manager indicated that, in this case, in terms of the Green Belt the assessment was that it was actually appropriate development in the Green Belt and therefore though it was actually very special circumstances in development management terms rather than exceptional circumstances these were not required when looking at appropriate development and Officers had concluded in the report that this was the case in this instance. In terms of the locational aspects and the comments of the County Council, these had been taken into account however the view had been taken that, because the application proposal accorded with other policies when the plan was looked at as a whole, Officers felt able to support the application despite its locational disadvantage. Upon being put to the vote, it was

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

20/01142/CLE - The Coach House, Woodend Farm, Woodend Lane, Shuthonger

- 64.55 This was an application for the use of the Coach House as a separate residential dwelling, garden and ancillary parking.
- 64.56 The Planning Officer explained that the application sought a lawful development certificate in order to demonstrate that the Coach House and its curtilage had been used as a separate and independent dwelling to Woodend Farm for a continuous and uninterrupted period of 10 years. The applicant had provided evidence including a statutory declaration, tenancy agreement, various letters from people with a knowledge of the property itself as well as the applicant's occupation of it; and correspondence between the applicant and Tewkesbury Borough Council. The relevant legal test of the provided evidence was 'on the balance of probability'. The Council had no evidence of its own or from others to contradict or make less probable the applicant's claims and as such there was no reason to refuse the

application.

64.57 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to grant the lawful development certificate.

64.58 Following a proposal to grant the lawful development certificate which was seconded, it was

RESOLVED That the certificate of lawfulness be **GRANTED** in accordance with the Officer recommendation.

PL.65 ANNUAL REVIEW OF PLANNING COMMITTEE DECISION-MAKING 2019/20

65.1 The report of the Development Manager, circulated at Pages No. 268-277, provided a statistical analysis of all decisions taken by the Planning Committee in 2019/20; an analysis of the cases where the Officer recommendations were not accepted; and a summary of the outcomes of the appeals against decisions made by the Planning Committee in 2019/20. Members were asked to consider the contents of the report in accordance with the requirements of the Protocol for Councillors and Officers Involved in the Planning Process.

65.2 The Development Manager highlighted a few points within the report drawing Members' attention to the fact that there were the same number of cases reported to Committee as in the previous year but that there were a lower number of applications where the Committee took a different view; of the eight cases three were refused where Officers had recommended permit, and two of those were in fact in relation to the same site, and five were permitted where Officers had recommended refusal and one of those was a listed building consent allied to a full application. There was only one appeal that related to one of the applications that had been refused by Members where a different view had been taken in terms of landscape harm and that appeal had been allowed; the appellant had made an application for costs but this was not successful. Overall, the Development Manager did not think there were any particular issues that needed to be drawn to Members attention arising from the report and the analysis contained within the appendices.

65.3 A Member questioned whether this report was also going to the Overview and Scrutiny Committee and the Development Manager clarified that, although this matter had originally arisen from Overview and Scrutiny and that Committee had agreed the format of the report and appendices that were required, the content was now only a matter for the Planning Committee to reflect upon. Another Member indicated that the report was quite interesting and highlighted that quite often the recommendations of the Planning Officers and the decisions of the Committee were right and only in very few cases did Members, when undertaking their very important role, take a different view from the recommendations of Officers. He maintained that most of the overturns made by the Committee had little impact as they were not always for additional build or only for one or two additional dwellings; what was of real interest to him was the number of houses that had received permission from the Planning Inspectorate over the last 10 years which he believed would run into thousands. He asked that a report be prepared for the Planning Committee listing the permissions granted by the Planning Inspectorate over the last 10 years. The Development Manager wished to clarify that recommendations and different decisions were not necessarily a case of being right or wrong it was a matter of judgement which came down to planning balance with different weights being placed on different considerations. In terms of a list being provided to Members in respect of the number of houses granted on appeal, the Development Manager indicated that he was happy to provide that information but it would come with a rider that a number of those applications were in the process and were in the Joint Core Strategy which was ultimately approved. It may be a question of timing when proposals were put to the Council before the Joint Core Strategy was

adopted. He stressed that the information could certainly be provided through the Planning Policy team and he would circulate it to Members but it would not be as black and white as expected due to the reasons he had outlined. At the conclusion of the debate it was

RESOLVED That the Annual Report on Planning Committee Decision-Making in 2019/20 be **NOTED**.

PL.66 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

66.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.278-291. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued. A Member stated that this month's report was very interesting and it was very heartening to see that the Council did not lose every appeal and the Planning Inspectorate had actually supported the Council's decision in the vast majority of cases; where this had not been the case and applications for costs had been made those applications had been refused. Another Member referred to correspondence he had received in relation to the Council's decision on Ashmead Drive, Gotherington and asked that the Development Manager ensure that an appropriate response was sent.

66.2 Accordingly, it was

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

PL.67 TIMING OF PLANNING COMMITTEE

67.1 It was proposed and seconded that whilst the meetings of the Planning Committee continued on zoom the start time be changed from 10am to 9am. It was recalled that the start time had previously been changed from 9am to 10am to avoid traffic but that was not relevant whilst the meetings were taking place on zoom. One Member objected to the proposed change and felt the meetings should remain at 10am for the purposes of consistency but, upon being put to the vote, it was

RESOLVED That whilst the meetings of the Planning Committee continued to take place on zoom they should commence at 9am.

The meeting closed at 3:00 pm

ADDITIONAL REPRESENTATIONS SHEET

Date: 16th March 2021

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

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

| Item No | |
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| 5b | <p>19/00771/OUT</p> <p>Land To The South Of Down Hatherley Lane, Down Hatherley Lane, Down Hatherley, Gloucester, Gloucestershire,</p> <p>Further Representations</p> <p>Since writing the committee report one additional representation from a local resident objecting to the application has been received. The comments are summarised as follows:</p> <p>Concerned surface water would be displaced to flood existing properties in Twigworth;</p> <p>Sewage and pumping stations can't currently cope let alone with more houses;</p> <p>Applications should be considered holistically rather than on a case by case basis.</p> <p>Additional Consultation Response</p> <p>Since writing the committee report an updated response from Gloucestershire County Council as Local Highway Authority (LHA) has been received. The response confirmed that the LHA consider that the development would not result in an unacceptable impact on highway safety or a severe impact on congestion and as such there are no justifiable grounds on which an objection could be maintained.</p> <p>Officer Update</p> <p><u>Local Area for Play (LAP)</u></p> <p>The Council's Community and Place Development Officer has requested that the LAP incorporates 'natural play equipment' suitable for a broad range of ages. The specific details of the play equipment would be secured via the legal agreement.</p> <p><u>Developer Contributions</u></p> <p>At the time of writing the committee report there was a couple of outstanding matters in respect to the developer contributions required to be resolved.</p> <p>Since then, Gloucestershire County Council as Local Education Authority (LEA) have reviewed the level of contributions towards education provision and advised that the following contributions towards education provision are required in order to mitigate the impact of the development:</p> <p>Pre-School = £144,873.60</p> <p>Primary = £197,993.93</p> <p>Secondary = £124,736.00</p> <p>Further to the above, a contribution of £73 per dwelling, which equates to £2,336 based on 32 dwellings, towards recycling and waste bin facilities is required.</p> |

In terms of formal sports provision the Council's Community and Place Development Officer has confirmed a contribution towards off-site sports provision is not required.

Revised Recommendation

Given the developer contributions have been finalised the recommendation has been revised to the following:

Permission is DELEGATED to the Development Manager subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure the following heads of terms:

- £467,603.53 towards education provision;
- £6272 towards library resources;
- £2336 towards waste and recycling facilities;
- 11 on-site affordable housing units;
- Provision of on-site LAP;
- Highway Infrastructure Improvements

Additional Conditions

Since writing the committee report the Local Highway Authority have recommended a number of conditions:

1. No works shall commence on site on the development hereby permitted until details of the provision of bus stop facilities and safe access thereto have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved works have been completed and are open to the public.

Reason: In the interest of highway safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

2. No dwelling hereby permitted shall be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

3. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details submitted as part of the reserved matters, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway.

Reason: In the interests of highway safety.

5. Parking shall be provided in accordance with approved details as part of the reserved matters application.

Reason: To ensure the provision and availability of adequate parking provision.

6. No dwelling hereby permitted shall not be occupied until cycle parking has been made available in accordance with approved details as part of the reserved matters application and maintained for this purpose thereafter.

Reason: To ensure the provision and availability of adequate cycle parking.

7. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres or to the extremities of the site boundary in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 1 metre from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

9. Prior to occupation of any dwelling hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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: In the interests of highway safety.

Additional Informative Notes

Since writing the committee report the Local Highway Authority have recommended a number of informative notes:

1. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details

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| | <p>iv. Inspecting the highway works</p> <p>Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.</p> <p>2. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.</p> <p>Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:</p> <p>i. Drafting the Agreement</p> <p>ii. Set up costs</p> <p>iii. Approving the highway details</p> <p>iv. Inspecting the highway works</p> <p>You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.</p> <p>The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.</p> |
| 5d | <p>17/01268/FUL</p> <p>Greenacres , Main Road, Minsterworth, Gloucestershire, GL2 8JG</p> <p>Revised Proposal Description</p> <p>The development no longer includes the removal of the existing barn and stables therefore the description of the proposal has been amended to reflect this.</p> <p>Correction</p> <p>The first sentence of paragraph 1.8 of the Update Report should read:</p> <p><i>"Officers acknowledge that an emerging visibility splay could be provided from Watery Lane onto the A48 however this would require control of third-party land."</i></p> <p>Paragraph 2.6 of the Update Report should read:</p> <p><i>"The applicant has failed to demonstrate that a safe and suitable access to the site for all users could be achieved and as such the development would result in an unacceptable impact on highway safety."</i></p> |

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| | <p>Additional Information</p> <p>Since writing the Update Report a Technical Note in response to the issues raised by the Local Highway Authority (LHA) has been submitted. In addition an updated Visibility Splay Plan has been provided. These documents have been reviewed by the LHA who maintain their objections.</p> <p>Officer Update</p> <p>Since writing the Update Report the agent acting on behalf of the applicant has confirmed that the development no longer proposes the provision of affordable housing. At the committee in November 2018, whilst there was no policy requirement for affordable housing, the applicant offered to provide three affordable homes on site as part of the development. The provision of these affordable homes carried positive weight in the consideration of the application.</p> <p>Officers consider the change in position, in respect to affordable housing, does not alter the recommendation.</p> |
| 5e | <p>20/00955/APP</p> <p>18 Westfield Road, Brockworth, Gloucester, Gloucestershire, GL3 4AP</p> <p>An additional neighbour representation was received on 7th March 2021 after the write up of the officer's report. Comments relevant to the proposal were with regard to commencement of works including the access, clearance of hedges and trees, also site drainage and erection of fences. The access was approved under the outline consent 19/00678/OUT. A video of the site has been requested by the local member and will be presented to the planning committee. Details with regard to drainage and hard and soft landscaping have been considered within the officer's report. Other matters raised which are not related to the current planning application have been dealt with separately.</p> <p>A revised site and landscaping plan drawing number 22022/03 (E) was received on 12th March 2021 to address highways concerns.</p> <p>The Highway Authority have confirmed that the revised the drawings demonstrate sufficient car parking, cycle parking and manoeuvring space and that each property has a 7Kw electric vehicle charging unit.</p> <p>Access was determined at the outline stage, therefore the consideration is the internal layout and this has now been satisfactorily addressed.</p> <p>The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Recommend the following condition:</p> <p>No dwelling hereby approved shall be occupied until the parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing 22022/03(E).</p> <p>Reason: To ensure conformity with submitted details.</p> <p>As highway concerns have been addressed the recommendation is now to APPROVE and drawing number 22022/03 (E) added to the condition 2 and a further condition to be added that prior to occupation the parking and turning facilities are provided in accordance with drawing number 2202/03 (E) .</p> |

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| 5f | <p>20/01233/FUL</p> <p>Beech House, Toddington, Tewkesbury, Gloucestershire, GL54 5DT</p> <p>The applicant's agent has acknowledged recommended condition 1 within the committee report, which requires the works to be begun before the expiration of five years from the date of any consent. The applicant's agent suggests that, under Section 51, this condition should alternatively specify a period of three years.</p> <p>Paragraph (1) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that, subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—</p> <p>(a) the applicable period, beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or</p> <p>(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.</p> <p>Paragraph (2) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that the period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.</p> <p>It is considered that the 5 year period referred to in recommended condition 1 is appropriate having regard to the provisions of the development plan and to any other material considerations. Taking account of this, the recommendation remains unchanged.</p> |
| 5g | <p>20/00213/FUL</p> <p>Manor Farm Yard, Stoke Road, Stoke Orchard, Cheltenham, Gloucestershire, GL52 7RY</p> <p>The applicant's agent has confirmed that there has been an oversight in respect of the existing and proposed floor space details referred to within the submitted application form, as detailed within paragraph 1.4 of the committee report. The applicant's agent confirms that the existing floor area is 968 square metres and that the proposed floor area would be 589 square metres (Unit 1 = 152.4sqm + Unit 2/3 = 437.1sqm), resulting in a net loss of 379sqm and therefore no intensification of the site.</p> <p>Taking account of this, the recommendation remains unchanged.</p> |
| 5h | <p>20/00612/FUL</p> <p>Whites Hill Cottage, Old Brockhampton Road, Winchcombe, Cheltenham, Gloucestershire,</p> <p>Further to Paragraph 7.21 in the committee report, the applicant has provided details of a standalone bat house. This has been assessed by the Council's Ecological Adviser who has confirmed that this would be appropriate and that there are no objections subject to a further condition to secure its appropriate installation.</p> <p>The County Archaeologist has confirmed that there is no significant archaeology known at the location and that there is a low risk that archaeological remains will be adversely affected by the development. It is advised that no archaeological investigation or recoding will be required.</p> |

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| | <p>The submitted arboricultural report has been reviewed by the Council's Tree Officer who is satisfied with the details including measures to protect retained trees during the course of construction. The officer has recommended additional conditions which are set out below.</p> <p>The recommendation remains to Permit subject to the conditions set out in the main report and additional condition set out below:</p> <p>15. The development hereby permitted shall be carried out in accordance with the details set out in the MHP Arboricultural Survey, Impact Assessment and Protection Plan No.20100, dated 29/06/20.</p> <p>Reason: To ensure proper provision is made to safeguard retained trees.</p> <p>16. Prior to commencement of works (including site preparation, or clearance) precise details of the location of the standalone bat roost provision shall be submitted to and approved in writing by the Local Planning Authority. The structure shall be installed in accordance with the approved details prior to works starting and shall be retained for the duration of the use.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>17. Prior to the approved tree works being carried out, a detailed bat and bird nesting survey shall be undertaken on identified Tree T2 to ensure no protected species are present. Should any evidence of any protected species be found prior to or during the approved tree surgery, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>Informative</p> <p>The applicant's attention is drawn to the Wildlife and Countryside Act 1981 and Schedule 2 of the Habitat Regs 2010 protects species from harm, injury and deliberate capture, killing, disturbance, damage and destruction of eggs, breeding sites or resting places.</p> |
| 5j | <p>20/00950/FUL</p> <p>Yew Tree Farm, Little Shurdington, Cheltenham, Gloucestershire, GL51 4TX</p> <p>Further to reviewing the Committee Report, the applicant has advised that the intention is to use natural Cotswold stone for the ground floor element and not 'painted blockwork' as stated in the Report. Officers advise that the details of external materials would be secured by proposed condition 3.</p> <p>The applicant has also advised in respect of the alleged abandonment of the B8 use of the building, that whilst acknowledging that ancillary hay storage in association with the equestrian use has occurred, the building has consistently been used for B8 purposes and that the internal lockup within the building was used for this purpose yet not viewed during the officer site visit. Officers advise that this clarification does not alter the Green Belt conclusions of the Committee Report</p> |

There is also a typographic error in paragraph 7.7 of the Committee Report and this should refer to Policy RES4 of the Emerging TBP rather than Policy RES5 and the revised text should state:

7.7. In conclusion, the application is contrary to adopted policies SP2 and SD10 of the JCS. However, the proposal is in accordance with Policy RES4 of the Emerging Local Plan. Officers also consider that the application site is not in an isolated location in the countryside, however it is acknowledged that future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping.