

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 22 June 2021
commencing at 10:00 am**

Present:

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

and Councillors:

R A Bird, G F Blackwell, L A Gerrard, M A Gore, D J Harwood, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines
and M J Williams

PL.3 ANNOUNCEMENTS

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

PL.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 4.1 Apologies for absence were received from Councillors J K Smith and P N Workman. There were no substitutions for the meeting.

PL.5 DECLARATIONS OF INTEREST

- 5.1 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.
- 5.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5i – 21/00341/AGR – Land Adjacent to Stump Lane, Hucclecote.	Had spoken to one of the neighbours in relation to the application but had not expressed an opinion.	Would speak and vote.

L A Gerrard	Agenda Item 5a – 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
M A Gore	Agenda Item 5e – 20/01177/FUL – Land at The Butts, Shutter Lane, Gotherington.	Is a close personal friend of the applicant.	Would not speak or vote and would leave the room for consideration of this item.
D J Harwood	Agenda Item 5a – 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	Agenda Item 5i – 21/00341/AGR – Land Adjacent to Stump Lane, Hucclecote. Agenda Item 5j – 21/00081/FUL – Land to the West of Stump Lane, Hucclecote.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5b – 20/00553/FUL – Starvealls Cottage, Cordean Lane, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.

R J E Vines	<p>Agenda Item 5a – 20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth.</p> <p>Agenda Item 5i – 21/00341/AGR – Land Adjacent to Stump Lane, Hucclecote.</p> <p>Agenda Item 5j – 21/00081/FUL – Land to the West of Stump Lane, Hucclecote.</p> <p>Agenda Item 5k – 21/00178/FUL – Windy Farm, Bentham.</p>	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
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5.3 There were no further declarations made on this occasion.

PL.6 MINUTES

6.1 The Minutes of the meetings held on 20 April and 4 May 2021, copies of which had been circulated, were approved as correct records and signed by the Chair.

PL.7 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

20/00608/FUL – Land North of Perrybrook, Shurdington Road, Brockworth

7.2 This application was for the erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure. The application had been deferred at the Planning Committee meeting on 16 February 2021 for an independent view on the highway issues.

7.3 The Planning Officer advised that, since the Planning Committee meeting in February, the Transportation Consultancy had been appointed by the Council to undertake a review of the traffic and transportation submission document; this review had subsequently been carried out with the highway and transport review report being published at the end of May. Based on the conclusions of the review, Officers maintained the view that the development would not result in an unacceptable impact on highway safety or have a severe impact on congestion, therefore, there were no justifiable grounds on which an objection could be maintained. Given that the review did not raise any matters which altered the initial Officer assessment on the impact of the development in terms of highway safety, the assessment of the material considerations of the proposed development remained the same, as set out in the Conclusions and Recommendations section of the original Committee report – 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, therefore, it was considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole.

- 7.4 The independent consultant explained that The Transportation Consultancy had been appointed by the Council to carry out an independent transport and highway review of the proposal and the assessment had been carried out by a specialist infrastructure planning consultancy. This had been done with specific regard to the National Planning Policy Framework and the review had concluded that the impact of the development would not be severe and was in line with, and supportive of, the National Planning Policy Framework. It should be noted that the application was recommended for approval by both Gloucestershire County Council and Highways England. The review had made two recommendations: a footway connection linking the site with the Mill Lane junction – the consultants had since advised that, in response to the review, the applicant had confirmed that delivery of the footway would be acceptable if planning permission was granted; and, further modelling of the proposed site access junction which the consultants had indicated could be addressed at the Section 278 stage. Given that the assessment had confirmed there were no existing highway safety issues and the proposals, including the footway, would improve pedestrian connectivity, it was concluded that there were no highway or transport grounds for refusal.
- 7.5 The Chair invited the representative from Brockworth Parish Council to address the Committee. The Parish Council representative explained that Brockworth Parish Council worked hard to ensure that Brockworth was a safe and sustainable community and a pleasant place to live and its objection to the development was fully supported by residents who had written numerous objections with 300 people signing a petition in support of its stance. The application was outside of the agreed Perrybrook masterplan and was proposed to be built on land previously allocated for strategic green infrastructure. The Secretary of State had granted approval for 1,500 houses in Perrybrook, not 1,547. The current level of green infrastructure allocation was deemed necessary to mitigate the harm caused by the development, to provide wildlife corridors and improve the amenity of local residents; that situation had not changed and the requirement was still absolutely necessary and should be protected. Development on this site would result in the loss of the last piece of green space on that side of Brockworth which had not been swamped by the Perrybrook development, restricting access to the countryside for existing and new residents which was essential for health and wellbeing. The site was totally unsuitable as a healthy location for new housing development with pollution from the A46 and A417 dual carriageway and slip road, and queuing traffic at the roundabout likely to cause significant noise nuisance and harm through poor air quality to any residents living on the proposed development. Connectivity from the site to neighbouring developments and facilities was poor, without cohesive design, layout and access, therefore harming the ability of new residents to integrate into the community. Despite the conclusions of the independent highways and transportation review, the proposed location and design of the access into the development on the approaches to the slip road from the A46 to the A417, and in the vicinity of the bus stop, was extremely dangerous and that would be recognised by anyone who had visited the site. Brockworth Parish Council did not feel the recommended mitigation would overcome the fundamental dangers caused by the location of the site access and increase in traffic and congestion. The proposed development offered nothing to the community to overcome the additional pressures that would be caused by the increased population which would exacerbate existing infrastructure issues in the area including pressure on local schools, doctor surgeries and roads. In conclusion, for the numerous reasons that had been outlined today and detailed in Parish Council's written representation, and given the

strength of public opinion locally, Brockworth Parish Council wished to object in the strongest possible terms to development on this site. Further housing was not needed in the area with Brockworth already having taken more than its fair share, contributing to the overall housing supply for the wider borough. This development was considered to be unjustified, unnecessary and unwanted and would provide no benefits to the local community, or any mitigation for the harm it would cause. As such, the Brockworth Parish Council representative urged the Committee to refuse the application.

- 7.6 The Chair invited the applicant's representative to address the Committee. The applicant's representative reiterated that the application had been deferred solely for an independent and professional view on highways – it ticked every box in all other respects. The highway review had been completed and, in the words of the Transportation Consultancy *"the site was in a sustainable location; the proposed site access junction was acceptable subject to Section 278 design; there are no existing highway safety issues; and the scheme's impact is immaterial"* – immaterial in the context of the local highway network. Under Section 38(6) of the Planning Compulsory Purchase Act, the local planning authority was tasked with deciding whether the application was in accordance with the development plan as a whole. In that respect, Planning Officers had identified a single aspect of planning harm, set out at Page No. 62, Paragraph 8.7 of the Committee report, in relation to the scheme's connectivity with the wider allocation. Due to third party land ownership which was beyond the applicant's control, it was simply not feasible to provide a direct route across the northern site boundary into the wider allocation; however, access could be achieved through the route shown on the proposed site plan i.e. through the community orchard in the south-eastern corner of the allocation, a distance of just over 100 metres from the site boundary. Given that fact, any planning harm as a consequence could only be given very limited weight and it could not weigh significantly against the scheme's compliance with the relevant policies of the development plan as a whole. It did not deprive the application of its statutory presumption in favour of the development plan and grant of planning permission. The government was clear – proposals that accorded with the development plan as a whole must be granted planning permission without delay. Any decision contrary to the Officer recommendation would likely lead to unnecessary and significant downsides in terms of Council costs and resources. As a site falling within the boundaries of the strategic allocation – an area identified specifically for the delivery of new homes – granting planning permission would provide a meaningful boost to the Council's deliverable housing supply, strengthening its position to defend future appeals against housing schemes in less desirable locations. The applicant reminded Members of the words of the recent Inspector for the appeal at Coombe Hill which had been allowed on 1 June 2021: *"the planning balance is entirely one-sided"; "the site is entirely appropriate for residential development"* and *"overall, the public benefits of the proposal clearly outweigh the minor harm"*.
- 7.7 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the addition to/amendment of planning conditions as appropriate, and the completion of a Section 106 Agreement to secure heads of terms for £9,212 towards library resources; £18,959 towards a Travel Plan, Bond and Monitoring Fee; £49,217 towards improvements to Henley Bank Sports Centre; £73 per dwelling towards waste and recycling equipment; 17 on-site affordable housing units; and provision of an on-site local area of play, and he sought a motion from the floor.
- 7.8 A local Ward Member for the area queried a concern that local residents had initially been told that an area of the application site was allocated for green space as opposed to housing but that now did not appear to be the case. She thanked the Planning Officer for what was a very detailed report and indicated that she was pleased to see the proposal included electric vehicle charging points and a cycle

path around the outside of the site. Notwithstanding this, she was not convinced that the area of land left for play and recreation at the top right hand corner would be well-used given that it would be the most noisy and polluted part of the site. She drew attention to recommended condition 16 which stated that no development should commence on site until details of the Toucan crossing and access into the site and two bus shelters had been submitted to, and approved in writing by, the local planning authority and that the dwellings should not be occupied until the approved works had been completed and were open to the public – she raised concern that this did not mention the footway connection to link the site with the Mill Lane junction and indicated that she would like to see that included. Any children living on the site would have to go down Shurdington Road and cross the road at the top before walking towards the access at the bottom in order to reach the school but she was of the view that they would just not do that and were instead likely to walk along what was a very busy road so it was extremely important that the footway was provided by condition. She was saddened that the proposal did not include any one bedroom properties as there was a real lack of that type of accommodation in the area which made it difficult for young families to get onto the property ladder and she would like to see the Council making one bed properties available. She noted that the heads of terms set out in the Officer recommendation included a contribution of £9,212 towards library resources and asked whether it could be stipulated that be used on something other than the building itself, such as staffing, as there had already been a significant amount spent on the building and yet the opening hours were very limited which seemed to her to be a waste of money. In terms of the £49,217 contribution towards Henley Bank Sports Centre, she queried whether this could be caveated to ensure that the public could use the building as, currently it was used by the school and was only open to the public when not being used by the children. She asked Officers if there was any way that a contribution could be sought towards a doctor's surgery as this was desperately needed in the area.

- 7.9 In response, the Development Manager confirmed that the footway to link the site with Mill Lane could be included in the conditions or Section 106 Agreement. In terms of the point about open space, he reminded Members that the masterplan in the Joint Core Strategy was indicative and when looking at what had been permitted there was actually a surplus of green space within the site as a whole. The open space within the application site was not in the same position but there was a substantial amount which certainly made up for its loss in terms of quantum. A Member sought clarification as to which parts of the site were designated for open space as the site location plan was confusing and this was pointed out on the relevant plan. The Development Manager reiterated that there was a calculation in the Officer report which showed that more open space was proposed on the strategic allocation as a whole than had been indicated on the map within the Joint Core Strategy. With regard to the library contribution, this could be negotiated via Section 106 as to what it was spent on specifically; however, times of use of Henley Bank Sports Centre was not something which could be specified by planning and should be discussed outside of the planning arena. In terms of the doctor's surgery, no consultation response had been received from the NHS requesting a contribution in that regard and it was his understanding that money was not necessarily the issue, rather it was to do with land and identifying somewhere for the surgery to go. The Planning Officer confirmed that, although it could not be guaranteed, she could certainly put in a request to Gloucestershire County Council as to how the library contribution should be spent. The Development Manager Team Leader (North) clarified that a doctor's surgery was proposed for the site as a whole and discussions were taking place with the landowner, the NHS Care Commissioning Group and the GP surgeries to try to resolve the issue regarding the land and deliver the new surgery as soon as possible.

- 7.10 It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, subject to a further condition/Section 106 obligation in respect of the footway connecting the site with the Mill Lane junction. The proposer of the motion indicated that, whilst she appreciated the views of the local community, she had made her proposal in the absence of any sound planning reason to refuse the application. A Member noted that The Transportation Consultancy had identified that further highways modelling was required and he sought clarification as to what was needed. In terms of the library contribution, he understood that over £600,000 had been raised for Gloucestershire County Council for that purpose through Section 106 Agreements since 2011 and he questioned where this money was going and whether it was being spent within Tewkesbury Borough. He noted that the applicant had made a veiled reference to the extra costs to the Council if the application was not permitted and he assumed it was being suggested it would be taken to appeal which was not a consideration for the Committee in determining the application. Finally, he recognised that, if permitted, there would be an impact with regard to housing land supply and he asked what that would be specifically. In response to the query regarding the impact on the five year housing land supply position, the Development Manager advised that he did not know what that would mean in terms of what the supply would be when it was next calculated; notwithstanding this, it would be a contribution of 47 houses which was a significant consideration in respect of the planning balance. With regard to the Section 106 contribution to library resources, the Planning Officer confirmed that, in this case, Gloucestershire County Council had stated it would be for resources within the Brockworth area but she would liaise with Officers at the County Council to seek clarification on exactly what the money would be spent on. The independent consultant explained that highway modelling and assessment of traffic impact was a very complex process and different methods had been used by the applicant and the consultants during the review; however, it was considered there would be no material impact arising from the different approaches so this had been highlighted as a technical point.
- 7.11 A Member expressed the view that he was not in a position to support the proposal as it stood. He was disappointed the local Ward Member had not requested a Planning Committee Site Visit in order to assess the impact of the proposal on the ground. He drew attention to Page No. 52, Paragraph 7.23 of the Committee report, which set out that the National Design Guide stated that, whilst buildings were an important component of places, a place was more complex and multi-faceted than a building and good design involved careful attention to other components with successful development depending on a movement network that made connections to destinations, places and communities, both within the site and beyond its boundaries. Paragraph 7.24 of the Committee report went on to state that Policy SD4 required new development to be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes and should be well-integrated with the movement network within and beyond the development itself; provide safe and legible connections to existing walking, cycling and public transport networks and ensure accessibility to local services for pedestrians, cyclists and those using public transport. He also referenced Page No. 53, Paragraph 7.25 of the Committee report, which indicated that Paragraph 92 of the National Planning Policy Framework stated that planning decisions should promote social interaction, to include opportunities for meetings between people who might otherwise not come into contact with each other, and Paragraph 7.26 of the Committee report which indicated that, despite the site's location within the strategic allocation, the site was inherently poorly connected to the Perrybrook development. Paragraph 7.27 of the Committee report advised that Policy SA1 of the Joint Core Strategy required proposals in strategic allocations to be accompanied by a comprehensive masterplan to demonstrate how the development would integrate with and complement its surroundings in an appropriate manner and went on to state that, whilst the applicant was willing to provide a pedestrian

connection, it had not been possible to secure one with the neighbouring landowner. Paragraph 7.28 of the Committee report concluded that the proposal would do little to integrate itself with the existing Perrybrook development which was a requirement of Policies SA1, A3 and SD4 of the Joint Core Strategy and he questioned why Officers were recommending that the application be permitted if it did not comply with these policies. He went on to express concern about the serious lack of healthcare in the area and, whilst he noted that a new doctor's surgery was to be provided as part of the Perrybrook development, so far nothing had been secured which meant there was no medical care for the 1,500 houses which would be part of that development, let alone the 47 proposed in this application. In his view the application was premature until such time as a doctor's surgery was in place to accommodate patients from all the new houses. Turning to the highways issues, the independent consultant had suggested that new dwellings would not add to congestion on the A46 but, to his mind, people tended to travel at peak times so another 1,500 houses could mean up to 3,000 vehicles leaving the Perrybrook site via Mill Lane and having to turn left where they would be met by another junction; on that basis, he failed to see how it could have very little impact. He was convinced the development was a step too far and, at the very least, it was premature and should come back after the doctor's surgery had been secured.

7.12 In terms of the points about connectivity, the Planning Officer confirmed this had been discussed during the course of the application and she had contacted the landowner of the adjacent site to ask whether it would be possible to connect the site; however, no formal response had been received. As the applicant had also made their own enquiries without success, the current position was that the pedestrian connection was not possible and poor connectivity with the adjoining development was set out as an identified harm within the conclusion of the Committee report. This was one of the harms that had been identified in the Stoke Road appeal and, in that case, the Inspector considered that the benefits of the proposal outweighed that harm; the Officers' view was that the same was applicable in this instance. Whilst the harm identified was not underestimated, significant weight should be given to the provision of housing in a location where the principle of residential development was acceptable, particularly given the Council could not currently demonstrate a five year supply of deliverable housing sites. Taking into account all of the material considerations, and the weight to be attributed to each one, it was her professional view that the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance. Whilst he sympathised and understood the local view regarding infrastructure and the doctor's surgery, the Development Manager explained there was no firm evidence from any of the statutory consultees to back up that assertion. Officers had experience of applications such as this being taken to appeal and this very issue being considered and, although each case must be determined on its own merits, in this case the recommendation for a delegated permission had been made taking on board all of the available evidence including appeal decisions.

7.13 A Member shared the concerns that had been raised and indicated that he would find it very hard to permit the proposal. Tewkesbury Borough Council had joined forces with Cheltenham Borough and Gloucester City Councils to create its Joint Core Strategy and, as part of that, when considering pieces of land which would be suitable for housing, the Perrybrook site had been identified for 1,500 houses which had subsequently been granted planning permission. He raised concern that this proposal was speculative development that was nibbling away at the amenity land which had been identified as necessary in the development plan. Whilst he understood the Council's position in terms of the five year housing land supply, he did not agree that the amount of amenity land should be reduced, particularly as the COVID-19 pandemic had highlighted the importance of fresh air, green space and exercise for the health of the nation. In response, the Development Manager clarified that the Joint Core Strategy did not set out 1,500 houses as a maximum for

this site, rather the table accompanying Policy SA1 talked about indicative housing site totals – in this case, approximately 1,500 homes. Planning permission had been granted for 1,500 homes at Perrybrook on a smaller site which had actually increased the amount of open space so that was not being reduced. This was a piece of land surrounded by infrastructure and, in his view, there was no specific benefit of retaining this as open space in terms of the contribution to the wider area. He urged Members to be very careful when looking at the Joint Core Strategy and any housing policies and reminded them of the Coombe Hill appeal where the site was identified for 40 houses in the draft local plan and yet the Inspector had permitted 95 – there was flexibility built into the policy and, in this case, 1,547 houses was proximate to the 1,500 indicative figure.

- 7.14 In response to a Member query as to whether an air quality survey had been undertaken and submitted as part of the application, given the location of the site on a roundabout at the crossroads of two busy roads, the Planning Officer drew attention to Page No. 54, Paragraph 7.36 of the Committee report, which confirmed that an air quality assessment supported the application and indicated that air quality objectives were met at the most exposed receptor locations, therefore, it could be concluded that air quality over the site was acceptable for residential development. Another Member questioned when the assessment was carried out as traffic had been significantly reduced during the COVID-19 pandemic. The Development Manager indicated that he did not have the date of the application to hand but he could tell from the reference number that it was likely to have been received in May/June 2020. Major planning applications were not submitted without considerable work being undertaken in advance so it would be fair to assume that the air quality assessment would have been done well before the COVID-19 pandemic; he confirmed that the transport assessment certainly was. Another Member recalled that a noise survey had been undertaken in November 2020 and he asked whether that had been updated. The Planning Officer advised that no updated noise assessment had been received but there was no requirement for one to be submitted. Noise had not been raised as a concern when the application had been discussed by the Planning Committee in February 2021 and the Council's Environmental Health Officer had no concerns subject to satisfactory mitigation measures. In response to a query as to whether assessments for noise, air quality etc. were taken as read when they were submitted, the Planning Officer explained that Officers did not take measurements themselves but they consulted the relevant experts – in the case of noise and air quality that was Environmental Health – who carried out checks and provided comments so they were assessed as part of the consultation.
- 7.15 A Member indicated that she had spent a considerable amount of time looking at the papers in respect of the application and she shared the concerns expressed by the Parish Council and the local Member. She was particularly worried about the discussion around housing numbers within the development plan which it seemed could be manipulated to fit various scenarios resulting in opportunistic applications on spare pieces of land. She noted that the Additional Representations Sheet, attached at Appendix 1, made reference to the contribution towards primary education being removed following review by Gloucestershire County Council and she asked for a comment on this. She also asked whether there was a provision for secondary education as emphasis tended to be put on primary education when in actual fact there was a real lack of secondary school places in certain parts of the borough including her Ward. She recognised there was a secondary school in Brockworth but it had an extremely wide catchment area and the new secondary school to be built in Leckhampton was unlikely to help in terms of this area. In response, the Development Manager advised that this matter had been heavily debated at the Coombe Hill Public Inquiry and Gloucestershire County Council was currently taking stock of the way it calculated contributions to education. Since that decision, the County Council had been reviewing its consultation responses to

applications such as this one and had re-evaluated how it looked at pupil yields and the multipliers which gave the final funding figures for education. In terms of secondary education, it had found there was sufficient capacity at Millbrook Academy to satisfy the requirements of this development. Primary education had also been revisited and, whereas previously a contribution had been required, because of the Coombe Hill appeal that contribution was no longer being sought as the local education authority was satisfied there was sufficient capacity within schools in the primary planning area to accept the number of pupils arising from this development. In terms of the Coombe Hill appeal decision and the potential impact on this application, a Member sought assurance that this proposal should be dealt with in isolation. In response, the Development Manager reiterated that each proposal should be dealt with on its own merits but the merits of any application for housing in the borough would inevitably include previous appeal decisions which had dealt with the issues being raised.

- 7.16 In expressing his view, a Member had found it interesting to hear the applicant making reference to the Coombe Hill appeal and the Inspector's statement that the planning balance was entirely one-sided as this was something the Planning Committee was all too aware of when it came to large housing development applications and it had very little control in that regard. There were very few planning reasons which could be relied upon to effect what the Committee considered to be reasonable development within the plans that had been created and approved by the authority. As had already been mentioned, there were no Joint Core Strategy policy terms which directly related to the site and he understood it was a case of balance but he asked what significance could be attributed to the specific policies that had been created by the Council in order to shape development within the borough and questioned what the point of the Joint Core Strategy was if those policies could not be used in the way they were intended. The Development Manager agreed it was very frustrating for everyone that the policies for the supply of housing were out of date by virtue of the Council not having a five year housing land supply; unfortunately, that was the way the National Planning Policy Framework worked. Whilst those policies were part of the development plan and were not being 'thrown away', the government and Planning Inspectorate had made clear that, where there was no five year housing land supply, the presumption in favour of sustainable development applied. Officers always strived to meet as many policy requirements as they could but it would never be possible to meet every requirement in a plan as they were often competing. As such, it was about the significance that could be attributed to each one – this application had met some of the policy requirements and Officers had identified connectivity as the only shortcoming which had been made very clear. The balance in terms of the test within the National Planning Policy Framework was whether there were any harms that would significantly and demonstrably outweigh the benefits of the proposal and, based on their experience and knowledge – partly in terms of previous appeal decisions - it was the Officers' view that this was not the case and it would not be possible to robustly defend an appeal of refusal of planning permission on that basis. The site was part of a strategic allocation which meant it was an area where housing was acceptable in principle as set out within the Joint Core Strategy. The site had sufficient open space to meet the policy requirement, even with an additional 47 houses, and the land was not currently available for public use so there would be no loss of open space in that regard. From his perspective, the judgement for Members to make was whether the lack of connectivity justified refusal of the application in the context of the tilted balance.
- 7.17 A Member indicated that his main concern was connectivity and the Committee had previously discussed reliance on cars which would certainly be the case here. Whilst the site was very close to the local secondary school, there was no direct pedestrian access so the temptation would be for children to walk along the road which would be very dangerous. As such, he asked whether provision of a

pedestrian access could be strongly stipulated in the conditions. The Planning Officer reiterated that, if planning permission was granted, as the land required for the footway was within land owned by Gloucestershire County Council, a Grampian condition could be applied to request that the footway be in place prior to occupation – this was something the County Council had said would be welcomed therefore there was a reasonable prospect of land ownership not being an issue.

- 7.18 Upon being put to the vote, the proposal for authority to be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, subject to an additional condition/Section 106 obligation in respect of the footway connecting the site with the Mill Lane junction, was lost. It was subsequently proposed that the application be refused on the basis of the harm that would arise from the poor degree of connectivity with the adjoining development which limited the scope by which the proposal could integrate with the existing built development, contrary to policy requirements of the National Planning Policy Framework, National Design Guide and Policy SD4, SA1 and A3 of the Joint Core Strategy. The Development Manager advised that a technical refusal reason should also be included in relation to the absence of a signed Section 106 Agreement for the matters highlighted in the conclusion of the updated Committee report. The proposer of the motion indicated he would be happy for this to be included. The proposal was duly seconded and, upon being taken to the vote, it was

RESOLVED That the application be **REFUSED** on the basis of the harm that would arise from the poor degree of connectivity with the adjoining development which limited the scope by which the proposal could integrate with the existing built development, contrary to policy requirements of the National Planning Policy Framework, National Design Guidance and Policy SD4, SA1 and A3 of the Joint Core Strategy; and the absence of a signed Section 106 Agreement to secure the following Heads of Terms: £9,212 towards library resources; £18,959 towards a Travel Plan, Bond and Monitoring Fee; £49,217 towards improvements to Henley Bank Sports Centre; £73 per dwelling towards waste and recycling equipment; 17 on-site affordable housing units; and provision of an on-site local area of play.

20/00553/FUL – Starvealls Cottage, Corndean Lane, Winchcombe

- 7.19 This application was for construction of a replacement dwelling and associated works following demolition of existing building and change of use of additional areas of land to residential garden.
- 7.20 The Development Management Team Leader (North) advised that this application related to Starvealls Cottage, a detached stone dwelling located to the north of Corndean Lane. The building had originally been built as two farm labourers' cottages but had since been converted to a single dwelling. The dwelling occupied an isolated but prominent position on the hillside and was located within the Cotswolds Area of Outstanding Natural Beauty. Whilst the building was not listed and was not within a Conservation Area, the Conservation Officer considered it to be a non-designated heritage asset as defined by the National Planning Policy Framework. The application sought planning permission for the demolition of the existing residential building and its replacement with a two storey dwelling which would be constructed from natural materials such as stone and slate. The proposal also sought change of use and conversion of an existing outbuilding to an ancillary pool house with construction of an associated natural swimming pool and terrace as well as change of use of several areas of agricultural land to residential curtilage with the creation of two attenuation ponds to serve the dwelling. Members were informed there was substantial planning history associated with the site; the site had

previously been granted a Lawful Development Certificate at appeal which determined that works to the building had lawfully started to extend the existing property under permitted development rights. It was noted that the extant permitted development scheme would be much larger than the existing building. Officers had concluded that, whilst the proposed new dwelling was larger than the detached dwelling it sought to replace, the principle of the proposal was consistent with the thrust of the National Planning Policy Framework. The impact of the loss of a non-designated heritage asset had been carefully considered and, although the applicant had demonstrated there was a permitted development scheme that would retain some of the fabric of the building, it would eradicate important features creating a large, ill-planned building in a prominent setting in the Area of Outstanding Natural Beauty. It was therefore concluded that, on balance, the public benefit of establishing a large, high quality designed building in this sensitive location would outweigh the loss of the non-designated heritage asset in this instance. The impact on the Area of Outstanding Natural Beauty would not result in a clear reason for refusal given the permitted development scheme that could be achieved. It was noted that additional bat survey work had been required, the results of which had only been received the previous day and, given that the Council's Ecological Adviser had not yet had the opportunity to fully assess the details of the survey, the Officer recommendation had been changed to delegate authority to the Development Manager to permit the application subject to comments from the Council's Ecological Adviser.

- 7.21 The Chair invited the applicant's agent to address the Committee. The applicant's agent noted that the additional email she had sent to the Committee had been included on the Additional Representations Sheet, attached at Appendix 1. Members would note from the Officer's report there had been no technical objections to the scheme and, at the time of writing, the only outstanding matter was the additional bat survey which had taken place at dusk on 4 June 2021 and the updated survey report had been submitted, albeit only the previous day. The updated survey did not change the conclusion of the report and the proposed mitigation measures involved creating a new bat loft within the reinstated historic byre and the installation of bat boxes on retained trees to the south of the dwelling. There had been no objections from any local residents or users of the public right of way; the only concern that had been raised was from Winchcombe Town Council which was not in relation to the dwelling per se but to the precedent that might be set if the application was approved. The applicant's agent explained that, as set out in her email included in the Additional Representations Sheet, due to changes in legislation, the mechanism that allowed such large extensions at the property could no longer be used at similar sites within the Area of Outstanding Natural Beauty. A 24.5 metre deep, two storey basement extension had started to be built off the east elevation of Starvealls Cottage in 2018 which had met regulations at the time and the appeal Inspector had confirmed that extension could be completed. The applicant's agent felt everyone would agree that the extension overwhelmed the existing cottage and was, simply, ugly. The applicant would prefer to build something that was more appropriate for a site within the Area of Outstanding Natural Beauty so the main justification for the current proposal was that it would be of far superior, and more appropriate, architectural design than the permitted development extension and would have significantly less impact upon the Area of Outstanding Natural Beauty. Notwithstanding this, granting permission for the current proposal would in no way set a precedent as suggested by the Town Council because this unique set of circumstances could not be replicated. All other matters had been covered within the Committee report and had resulted in a recommendation to permit the application.

7.22 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application subject to comments from the Council's Ecological Adviser, and he sought a motion from the floor. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit in order to assess the impact of the proposal on the Area of Outstanding Natural Beauty. The proposer of the motion was of the view that, in light of the comments made by the Town Council and the Conservation Officer report, it would be appropriate to visit the site which was very prominent within the Area of Outstanding Natural Beauty. He felt that the photographs and plans did not do it justice and it was important that any works to the building were done in a sensitive way in order to protect the Area of Outstanding Natural Beauty.

7.23 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Planning Committee Site Visit to assess the impact of the proposal upon the Area of Outstanding Natural Beauty.

20/00957/FUL – The Croft, The Leigh

7.24 This application was for change of use of land for the siting of two holiday yurts on decking and provision of an ancillary amenity building.

7.25 The Planning Officer advised that the application site comprised part of the residential garden and paddock area afforded to The Croft, a detached, non-designated heritage asset located on Blacksmith Lane from which access to the site was gained. There was no defined settlement boundary for The Leigh and the site was deemed as being within open countryside and located within the Landscape Protection Zone and Flood Zone 1. The proposal sought change of use for the siting of two holiday yurts, which would be sited on timber decking, and the provision of an ancillary amenity building to house a small kitchen area and toilet/shower facilities. The application required Committee determination as there was an objection from the Parish Council which had raised concerns in respect of additional traffic using Blacksmith Lane and the impact on neighbouring properties. The Parish Council had commented that the proposal was not in accordance with the emerging Neighbourhood Development Plan; however, that was still in the early stages of plan preparation process and could be afforded no weight at present. For the reasons detailed in the Committee report, the proposal was deemed to comply with saved local plan policies TOR1 and TOR5 which were supportive of tourism-related development. Whilst it was recognised that camping sites could be visually intrusive, the scale of the proposal – providing two pitches in total which would be removed when not in use – would not result in any undue harm to the landscape. The scheme would be implemented in accordance with a detailed landscaping plan which would provide natural screening in addition to existing hedgerows and trees which surrounded the site. No objections had been received from consultees in respect of residential amenity, biodiversity, heritage impact or access and highway safety, subject to recommended conditions. Therefore, the application was recommended for permission, subject to conditions.

7.26 The Chair invited the applicant to address the Committee. The applicant thanked the Planning Officer for a comprehensive and well-balanced report which addressed all the relevant policies and guidance and he fully endorsed the positive recommendation. As the COVID-19 pandemic altered the way in which people chose to holiday, this site would help to provide a quiet but natural rural setting in which visitors could explore the surrounding borough. Both the local plan and National Planning Policy Framework placed a strong emphasis on supporting the rural economy and local tourism and, although it was accepted in planning policy that rural areas were less accessible than urban locations, that should not be used as a reason to prevent this type of development coming forward. The principle of

this small-scale holiday scheme was therefore supported at both local and national level. He explained that this was a very modest scheme for two temporary holiday yurts with an ancillary amenity building; the yurts were to be placed on decking pads and removed when not in use. The application had been amended in light of advice from the Council's Landscape Consultant with a revised landscaping scheme being produced which ensured the site would be well-screened from public views and sympathetic to the surrounding landscape character; the latest plan was supported by Officers. The Committee report outlined that there were no objections from statutory consultees with regard to highway matters, biodiversity, environmental health issues, heritage impacts, flood risk or drainage and the Planning Officer had advised there would be no adverse impacts with regard to residential amenity. This development would assist in achieving the aims of the Council's Economic Development and Tourism Strategy, which served to improve visitor accommodation in the borough, and would support economic growth at a time when the pandemic had severely impacted upon the leisure industry. As such, he respectfully requested that Members support the Officer recommendation and permit the application.

- 7.27 The Chair indicated that the Officer recommendation was to permit the application, subject to conditions, and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that she supported the proposal but wanted to appeal to the applicant as the Parish Council clearly had concerns about increased footfall on the public right of way around the village. This was a health and safety risk due to the proximity of farm animals and heavy farm machinery as well as the possibility of people leaving gates open and letting livestock out onto the road. She therefore wished to request that information on the local country code and using footpaths be included in any welcome packs that were provided to visitors staying in the yurts. Another Member noted that the Parish Council also appeared to be concerned that this proposal could be the start of a larger development and she asked if there was scope for further development and, if so, whether it would be appropriate to limit the number of yurts that could be accommodated on the site as any increase could have a negative impact on neighbouring properties. The Development Manager clarified that the application was self-limiting as the nature of the yurts meant they were considered to be buildings; therefore, any additional yurts would require planning permission and Officers would consider any further planning application on its merits at that time. In response to a query as to when the Leigh Neighbourhood Development Plan would be considered by the Council, the Development Manager confirmed it was currently at the stage prior to consideration by Council so it was not currently known when that would take place.

- 7.28 Upon being put to the vote, it was

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

21/00312/FUL – Buildings at Wood Lane, Down Hatherley

- 7.29 This application was for the redevelopment of a site containing B1/B8 buildings to provide one single storey self-build dwelling and associated works, including provision of parking, installation of means of enclosure etc.
- 7.30 The Planning Officer advised that the application related to the redevelopment of a site located off Wood Lane in Down Hatherley which was currently occupied by two former poultry buildings which had been used for light industrial/storage purposes giving the site previously developed land status. The site was located within the Green Belt in the open countryside, although there was a residential property to the west of the site; the site was not subject to any other designations. The application was for demolition of the buildings and replacement with a single storey detached

residential dwelling and it required Committee determination as there was an objection from Down Hatherley Parish Council on the grounds that the proposal would be inappropriate development in the Green Belt. The Planning Officer explained that the site was taken to constitute previously developed land and one of the exceptions for Green Belt development in the National Planning Policy Framework was “the redevelopment of land which would not have a greater impact on openness of the Green Belt than the existing development”. The proposed dwelling would be smaller in volumetric terms when compared to existing buildings and, whilst the use of the land for residential purposes had potential to harm the openness of the Green Belt, it was considered that the design and orientation of the proposed dwelling would contain much of that use to limit its impact when viewed from outside the site. The proposal was therefore deemed to amount to appropriate development in the Green Belt in compliance with Policy SD5 of the Joint Core Strategy and the National Planning Policy Framework. The proposal did not comply with Policy SD10 of the Joint Core Strategy; however, that policy was deemed out of date given the Council’s five year housing land supply position and the tilted balance was therefore engaged. The proposal would have an acceptable impact on highway safety, residential amenity and biodiversity, subject to conditions, and the limited harm to landscape character would be mitigated through appropriate design and landscaping. When applying the tilted balance, it was considered that the low level of harm arising from the proposal would not significantly or demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole, as such, the application was recommended for permission, subject to conditions.

- 7.31 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent noted that the Committee report was extremely comprehensive and covered the relevant material considerations; however, she wished to explain the Green Belt policy justification a little more. The only objection to the proposal was from the Parish Council which was correct in saying that no very special circumstances case had been put forward to allow change of use in the Green Belt; this was because national and local planning policies allowed for the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development and that was what was being proposed through this application. The site currently accommodated two former chicken sheds that were used for commercial purposes, as such, it was previously developed land. The proposal was to demolish those buildings and replace them with a single dwelling which would have a much smaller footprint – the floor area of the proposed dwelling would be just over half the cumulative floor area of the existing buildings at 52%. The eaves and ridge heights of the proposed dwelling had purposefully been kept low but they were a little higher than the existing buildings; nevertheless, the volume of the proposed dwelling was around 80% of the cumulative volume of the existing buildings. Furthermore, the proposed house was located within the centre of the site meaning the built form was not as widespread across the site as the existing situation. All of those factors meant that the impact of proposed development on the openness of the Green Belt was no greater than the existing development, thereby ensuring the proposal complied with Green Belt policy. As such, it was not necessary to demonstrate very special circumstances in this instance.

- 7.32 The Chair indicated that the Officer recommendation was to permit the application, subject to conditions, and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. In response to a Member query regarding the self-build register, the Planning Officer advised that it was not known if this property was included on the register but, as set out in the report, it was being promoted as a self-build dwelling. Another Member indicated that it was her understanding that the self-build register was for applicants to register their interest in self-build properties so it would not be the property which was registered.
- 7.33 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

20/01177/FUL – Land at the Butts, Shutter Lane, Gotherington

- 7.34 This application was for the erection of two dwellings and provision of associated vehicular driveway, parking and turning areas and landscaping.
- 7.35 The Development Management Team Leader (North) advised that the application site comprised an open parcel of land immediately to the south of the dwelling known as the Butts, Gotherington, as well as the existing private street serving the dwellings known as The Butts and Mayflower, from Shutter Lane to the north. Permission in Principle was granted on 2 April 2020 for the erection of two dwellings on the application site; that was the first stage of the process and solely established that the site was suitable in principle for the erection of two dwellings. The current application was submitted as a full application rather than an application for technical details consent because of changes to the red line on the site location plan relating to a slight enlargement to accommodate an adjustment to the driveway to deal with the root protection area of a tree. The proposal was for two detached, five bed dwellings on this parcel of land as well as provision of an associated vehicular driveway, parking and turning areas. Each proposed dwelling would be two storey, designed with reconstituted facing Cotswold stonework and reconstituted diminishing course stone Cotswold tiles. Each one would also include a timber-clad one and a half storey element projecting from the front elevation, comprising a double garage at ground floor level and an office above at first floor level. The application site was located within the Gotherington settlement boundary, as defined within the Gotherington Neighbourhood Plan, and Policy GNPD01 of the plan specified that, within the settlement boundary of Gotherington village, small infill housing development would be supported within built-up frontages when it was consistent with the scale and proportion of existing houses and gardens in the adjacent area. The site was also located within the Gotherington settlement boundary as defined within the emerging Tewkesbury Borough Plan proposals map. Members were advised that the application required a Committee determination due to an objection from Gotherington Parish Council which had raised concern regarding the vary narrow access road and sharp corner for the manoeuvre of construction traffic, and the removal of a footpath. The Highways Authority had been consulted on the application and concluded there would not be an unacceptable impact on highway safety or a severe impact on congestion so there were no justifiable grounds on which an objection could be maintained. In terms of the public right of way, the submitted site layout plans were annotated to show room was provided for its retention. The Planning Statement also confirmed that provision had been made to ensure the public rights of way bordering the site remained unaffected by the proposed development. The applicant's agent had confirmed in writing that the existing outbuilding within the application site, currently sited on the public right of way, would be removed and a revised site layout plan

had been submitted to show the building as being removed. It was recommended that any approval of planning permission should be subject to condition to secure that building's removal prior to the construction of the proposed development. Whilst the application site was not subject to any landscape designations and was within the settlement boundary of Gotherington, meaning that the proposed dwellings would largely be viewed in the context of existing surrounding built development with some screening along the western site boundary and fencing and some vegetation along the southern boundary, the proposed development would introduce built development into a currently open parcel of land and there would be clear views into the site from the adjacent highway and the network of public rights of way in the vicinity of the site. In that context, whilst the encroachment into the countryside would be limited, the harm did weigh against the proposal in the overall planning balance. Furthermore, the first floor window in the western side elevation of the adjacent dwelling, known as Waterdale, would result in direct overlooking to this adjacent site. Although the window appeared to be non-obscurely glazed, the approved plans for the adjacent dwelling showed that the window would serve an ensuite bathroom which was a non-habitable room. As set out by the applicant's agent, this was a situation that any future purchaser of the proposed dwelling at Plot 2 would knowingly buy into and the planning application would not be forcing it on pre-existing occupiers. 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 in respect of design, impact on trees, heritage assets, highway safety, green infrastructure – including the existing public rights of way – drainage or biodiversity. Taking this all into account, it was considered that any adverse impacts of permitting the application would not outweigh the benefits and it was recommended that planning permission be granted, subject to the conditions set out in the Committee report.

- 7.36 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application, subject to conditions, and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member questioned how waste collection vehicles would be expected to access the properties and was advised that residents of other properties in the vicinity took their bins to the bottom of the lane where there was sufficient room for refuse vehicles and the residents of these properties would be expected to do the same. Upon being put to the vote, it was

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

21/00068/FUL - Manor Farm, Main Street, Wormington

- 7.37 It was **NOTED** that this item had been withdrawn from the Agenda.

20/00199/FUL – Rudge Villa, The Rudge, Maisemore

- 7.38 This application was for the erection of a side car port/garage (retrospective).

- 7.39 The Planning Officer advised that the proposal was for the retention of a side car port/garage and the application required a Committee determination as the Parish Council had objected on the basis of the impact on the adjacent building and inappropriate materials. Whilst these concerns had been noted, the car port had been built with oak beams and reclaimed tiles so would be more in keeping with the character of this old-style property. In terms of residential amenity, the closest building to the south was a public house and the closest window at first floor level was obscure glazed and was understood to serve a kitchen area. It was noted that the garage roof did not come any higher than the bottom of this window. As such,

loss of light and outlook was not considered to be harmful. Overall, the proposal was considered to be of a suitable size and design and was in keeping with the area. The impact on the residential amenity of the nearest neighbours was also considered to be acceptable, therefore, the Officer recommendation was to permit the application.

7.40 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A brief debate ensued as to the age of the property and the construction of the car port/garage which was pointed out in a series of photographs. A Member questioned whether it was possible to stipulate that the garage must only be used for that purpose as she was aware of situations where they had subsequently been used as annexes and student accommodation. The Legal Adviser explained this was something which had been done in the past, for example, on larger developments where parking was an issue; whilst it was possible, there was a need to consider whether it was appropriate here in planning terms. The Development Manager agreed that it was absolutely possible but it was a question of whether it was justified given the amount of parking space at the front. If the planning application was for an extension as opposed to a car port/garage, it was likely that the recommendation would be the same based on the parking/manoeuvring space; this was a matter of judgement for Members but, in his view, it would not be justified on that basis.

7.41 Upon being taken to the vote, it was

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

21/00311/FUL– Chestnut Barn, Barrow, Boddington

7.42 This application was for erection of a single storey rear extension (re-submission). The Planning Committee had visited the application site on Friday 18 June 2021.

7.43 The Planning Officer advised that Chestnut Barn was a detached property that had been converted for residential use and the site fell within the Green Belt. The local Ward Member had requested that the application be determined by the Committee in order to assess whether or not the proposal amounted to a proportionate addition in the Green Belt. In terms of the Green Belt, when added to the previous extensions, the proposed rear extension would result in a 54% increase over and above the floor area of the original dwelling. The volumetric increase when combined with the previous extensions would be even greater at 70%. It should be noted that the property did not benefit from permitted development rights so there was no fallback position. Overall, it was considered that the proposal would amount to inappropriate development in the Green Belt, resulting in disproportionate additions to the original dwelling, and there were no very special circumstances that outweighed the harm that would be caused. As such, the Officer recommendation was to refuse the application.

7.44 The Chair invited the representative from Boddington Parish Council to address the Committee. The representative from the Parish Council explained that neither he, nor his fellow Parish Councillors, could understand the logic and reasoning for having to debate this application. In contrast to this proposal, approval had been granted a couple of years ago for some 500 homes to be built within Boddington Parish at Hayden as part of the West Cheltenham development within the Joint Core Strategy. The Parish Council had wholeheartedly supported that application despite the fact it would treble the number of houses in the Parish – this, combined with the recently confirmed changes to Junction 10 of the M5, and the supporting infrastructure, would cut swathes through the Parish. As for this comparatively

small scale application, it was the Parish Council's view that the extension would not be a harmful or disproportionate addition to the Green Belt, particularly when considering the size of other extensions that had been permitted. The Parish Council representative went on to make reference to the personal circumstances of the applicants. The Parish Council representative then indicated that the application site was in a fairly isolated position on the Barrow "loop" where only the side of the proposed development could be seen from a very short stretch of the road which was some 50 metres distant. In terms of the increase in overall footprint, that would be insignificant compared with the development he had referenced earlier which was huge. The Parish Council fully supported the application and he hoped the Committee could do the same.

7.45 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the Planning Officer had visited the application site last year and advised the landowner that he could further extend his property to the rear as he had not yet reached his Green Belt allowance in terms of floor space. It was that conversation which had led to the application before the Committee. In his 20 year experience of Green Belt applications in the borough, Tewkesbury Borough Council had used floor space as the predominant method of calculating such additions. The application had been recommended for approval by the Planning Officer based on a floor space calculation of around 54%; however, that had changed when the application was progressed. At that time, for the first time, the applicant had been informed that Officers no longer wanted to use a floor space calculation, opting instead for a volumetric calculation which naturally provided a larger percentage, around 70%. The applicant's agent had been told that volume had been used on many occasions; however, prior to today's Committee he had not seen it happen once at Tewkesbury Borough Council. This was not the only change to normal practice as the original floor space of the building was also being calculated differently – on the three previous applications on this site, Officers had referred to the floor space being 177 square metres but Page No. 223, Paragraph 8.5 of the Committee report, implied that a different method was now being used for calculating original floorspace. The applicant's agent recognised that policy changed from time to time and the build environment could also change; however, the one thing that surely could not change was the original floorspace of a building – if the original floorspace on the three previous applications was said to be 177 square metres, surely it must still be that for the purposes of assessing applications. This highlighted the absurdity of using an arbitrary metric calculation to assess Green Belt impact when the method of calculation could change depending on what was trying to be achieved. In his view, the best way to consider whether the extension was proportionate and respected openness was to base this on an 'on-site' assessment. He understood that Members had visited the application site on Friday and therefore would have a good idea of whether they considered the proposal to be harmful to the Green Belt, and they would have established whether the coalescence of Cheltenham and Gloucester was really at risk if the extension went ahead, or, whether they shared the local view that it actually caused no Green Belt harm whatsoever. He referred to the fact that the Parish Council supported the application, there were no objections from the Conservation Officer and there had been eight letters of strong support from the local community; clearly the people of Boddington did not believe this application would cause harm to openness at all. In a Parish where other residents had been able to extend their properties to 80%, 90% and even 100% in 'floor space', surely this small extension could not be a problem either.

7.46 In response to some of the points raised by the applicant's agent, the Development Manager explained that, unfortunately, there were rare occasions when the advice given at the pre-application stage could change once Officers had the opportunity to discuss things further and he apologised if that was the case here. With regard to the original floor space, this had been calculated incorrectly in the previous

applications and the reasons for this were set out within the Committee report. He drew attention to the floor plan at Page No. 227 of the Committee report which showed the first floor as identical to the ground floor; however, looking at the elevation and where the eaves levels were in connection to the windows, and therefore where the first floor level must be, it could not be that the first floor was the full extent of the ground floor. Photographs had been shared with the applicant's agent which showed that to be the case and the applicant's agent had been invited to respond but had chosen not to. In relation to the volumetric approach, this was used where appropriate and he reminded Members that each application should be assessed on its own merits. In this case, because it was very much a single storey building, it was felt the volumetric approach would be appropriate, nevertheless, that was a matter of judgement, as was whether the proposed extension was proportionate. The Officer report set out why it was considered to be disproportionate and it was for Members to take a view on that having regard to the Planning Committee Site Visit.

7.47 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted as it would not be a disproportionate addition to the Green Belt. The seconder of the motion expressed the view that the percentage volume increase was relative to the size of the original building and, in this case, the only place the extension would be seen from was Barrow lakes so he agreed with the Parish Council that the impact of the proposal would be minimal. It was a very nice barn with a very nice first extension and, in his opinion, this would top it all off nicely. A Member pointed out that he had spent many years on the Planning Committee arguing about disproportionality – a 10% increase could be a disproportionate addition in one case whereas a 100% increase could be perfectly acceptable in another. Whether or not something was a disproportionate addition was in the eye of the beholder and could not be determined by a percentage, rather it should be determined by the Planning Committee as the decision-makers. Another Member indicated that he was happy to support the proposal - he had attended the Planning Committee Site Visit and had actually driven past the site initially. There were a number of other extensions in the area which were all significantly bigger than what was proposed here so he felt it was acceptable.

7.48 The Planning Officer advised that, should Members be minded to permit the application, conditions should be included to require work to commence within five years of planning permission being granted; for the development to be carried out in accordance with the approved plans; and for details of the roofing material and wall cladding to be submitted to, and approved in writing by, the local planning authority. The proposer and seconder of the motion indicated they were happy with the conditions and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as it would not be a disproportionate addition to the Green Belt, subject to conditions to require work to commence within five years of planning permission being granted; for the development to be carried out in accordance with the approved plans; and for details of the roofing material and wall cladding to be submitted to, and approved in writing by, the local planning authority.

21/00341/AGR - Land Adjacent To Stump Lane, Hucclecote

- 7.49 This application was for a general purpose agricultural building.
- 7.50 The Development Management Team Leader (South) advised that the application site was located on the lower slopes of Chosen Hill in the Green Belt and Special Landscape Area. The proposed building itself would be modest with an area of 53.29 square metres and a height of three metres. In terms of background, the application was for an agricultural determination where prior approval was required. Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) set out that certain types of agriculture could be permitted development but allowed the Council to intervene on the basis of siting, design and external appearance of the building; the Council had opted to do this in this instance given the location in the Special Landscape Area allowing for further assessment of the site and additional information to be provided. Officers accepted that the proposed building was genuinely required for agricultural use and the National Planning Policy Framework set out that such buildings were not inappropriate in the Green Belt. As previously mentioned, the site was located on the lower slopes of Chosen Hill and would be visible from Chosen Hill, the adjacent road and the public footpath to the southern boundary; however, the site benefited from existing hedgerow to the boundary which was proposed to be retained, therefore the view would be limited. Furthermore, there were much larger agricultural buildings on the adjacent site so, in this context, it was not considered that the proposed building would be visually prominent in the wider landscape. It was noted that the existing access would be utilised meaning there would be no highway issues, as such, the Officer recommendation was that prior approval be granted.
- 7.51 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that prior approval be granted and he sought a motion from the floor. It was proposed and seconded that prior approval be granted in accordance with the Officer recommendation and, upon being put to the vote, it was **RESOLVED** That **PRIOR APPROVAL** be **GRANTED**.

21/00081/FUL – Land to the West of Stump Lane, Gloucester

- 7.52 This application was for change of use of part of an existing grazing paddock to provide a fenced manège measuring 41 metres by 21 metres for private use.
- 7.53 The Development Management Team Leader (South) advised that the application sought planning permission for change of use of land currently used for grazing and the construction of a private use manège measuring 41 metres by 21 metres surrounded by a 1.5 metre post and rail fence. The site was in the Green Belt and Area of Outstanding Natural Beauty and was part of agricultural land to the south west of an existing agricultural and equestrian building on a Stump Lane which had an existing access to the highway. There was a mature hedgerow to the south and eastern boundary and post and rail fences to the west and north. In terms of policy, the local planning authority allowed new horse riding facilities in the countryside provided that they were well-related to existing buildings and the existing bridle network, had adequate measures to control noise, dust, smell and other nuisance, did not have an adverse impact on the Area of Outstanding Natural Beauty or Special Landscape Area and did not create traffic problems. This part of the Special Landscape Area was relatively flat and the site would not be highly visible from public vantage points to the east or long ranging views from the west. The site would be visible from the adjacent public footpath to the north and from long range views of the northern, more sloping, fields; however, in these wider views, the existing development to the south would provide a backdrop to the proposal and the

materials used would be controlled by condition to match the existing and ensure that it was not prominent in the landscape. It was not considered that the siting of the manège would have a negative impact on the rural character or open fields of the escarpment of Chosen Hill. Under Paragraph 145 of the National Planning Policy Framework, the provision of appropriate facilities for sport and outdoor recreation was an exception to inappropriate development provided that facilities preserved the openness of the Green Belt. The site for the manège was in close proximity to the existing development, in a field adjacent to the existing post and rail boundaries, and a mature hedgerow. It was considered to be of an appropriate size and design and would have an acceptable impact upon the openness of the Green Belt, as such, it was recommended that the application be permitted, subject to the inclusion of conditions to control the colour and type of materials used and to prevent any commercial use.

- 7.54 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member questioned whether a condition could be included to prohibit anything being stored on the site as he was concerned about the operation of the large area surrounding the proposal manège. The Development Management Team Leader (South) indicated that his view was that, if the land was being used for storage purposes, this would be a change of use and would require planning permission; in any event, the Council could use enforcement powers to take action if and when that situation occurred. Upon being put to the vote, it was

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

21/00178/FUL – Windy Farm, Bentham

- 7.55 This application was for change of use to a single dwelling of existing vacant/redundant outbuildings with link extensions; associated landscaping, including green roofs, and car parking (revised scheme). The Planning Committee had visited the application site on Friday 18 June 2021.
- 7.56 The Development Management Team Leader (South) advised that the application site was located within the Cotswold Area of Outstanding Natural Beauty and the Green Belt and the proposal would convert the existing buildings into a single five bedroomed dwelling. The three existing buildings would be joined by two timber framed glazed pergola link extensions situated around a central courtyard garden. In terms of background, planning permission had been granted in December 2020 for change of use of the buildings to a dwelling. The approval was subject to revisions which limited the number of extensions to the existing building to a minimum in order to make the proposal compliant with the Council's rural buildings conversion policies as well as Green Belt policies. As the principle of change of use to residential had therefore been established, the main considerations relevant to this application were whether the current proposal remained compliant with the Council's rural buildings conversion policies and whether it was acceptable in terms of Green Belt policy. Rural housing policies in the Tewkesbury Borough Local Plan required buildings to be of a permanent and substantial construction and for the essential scale, form and character of the original building - and as much as possible of the original structure and essential features - to be retained. Members were informed that the previously approved scheme limited extensions to a very small link between the two buildings proposed to be used as main living accommodation; however, the current application was for a much larger extension linking all three buildings which would be used for primary accommodation. This would require substantial changes to the design in order for the converted buildings

to function as a single dwelling which included changes to the external elevations, windows and roof; as such, the proposal conflicted with the rural buildings conversion policies. The National Planning Policy Framework set out that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 stated that the re-use of buildings – provided that they were of permanent and substantial construction – would not be inappropriate development, subject to the provision that the development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The two large link extensions would have a significant impact in visual and spatial terms which conflicted with Green Belt policy, therefore, the proposal constituted inappropriate development in the Green Belt and very special circumstances were required to justify the development. It was noted that the development was considered acceptable in terms of neighbour amenity, drainage, highway safety and biodiversity subject to recommended mitigation measures which could be dealt with by condition. Notwithstanding this, on balance, the harm caused to the Green Belt by reason of inappropriateness was not clearly outweighed by the other considerations and the proposal conflicted with the rural building conversion policies, therefore, the Officer recommendation was to refuse the application.

7.57 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that this application was for a permanent extension for the conversion of the buildings to a single dwelling. This would be achieved via a linked pergola and the openings and windows and doors would remain the same, although green roofs had been added. The principle of development was acceptable and he drew attention to Paragraphs 7.10, 12.3 and 12.4 of the Committee report which stated that the extensions would be 'significant' and 'substantial'; however, there were no measurements or calculations to support this. The applicant's agent had provided the Officer with clear and detailed information to show that the structure would not be significant or substantial and he advised that the links would add 35 square metres to the total area which was less than 10% and not disproportionate to the original building – Tewkesbury Borough Council had allowed an extension in the Green Belt which was up to 50% of the original floor area. Nowhere did the Officer report refer to floor area calculation but, regardless of the way it had been calculated, he did not feel it was disproportionate and was not contrary to policy. As the extension would not be substantial, he did not feel that very special circumstances needed to be demonstrated – if they did, the applicant and agent had not been asked to. He pointed out that there would be considerable benefits in terms of the green roofs and other landscaping measures and he was completely baffled by the recommendation to refuse the application and why a Committee determination was required. The local community and Parish Council fully supported the proposal and no objections had been made by any consultees. The principle of the change of use had been established when planning permission had been granted under delegated authority in December and openness was a matter of judgement so he felt that the proposal before the Committee was perfectly acceptable. This was a high quality scheme which would not result in harm and would be a great enhancement to the area, raising standards locally. He hoped that Members would agree and grant planning permission.

7.58 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the basis that the proposal would not result in substantial alteration and extension and the harm, if any, to the Green Belt by reason of its inappropriateness would be clearly outweighed by the benefits of the proposal in terms of landscaping and visual impact. The proposer of the motion found it strange that the application had been recommended for refusal. Planning permission had been granted for the residential conversion of the existing buildings under delegated powers and, at that point, the proposal was considered to be quite

acceptable and not inappropriate in the Green Belt; however, the applicant had now decided to include a link which would add just 35 square metres to the proposal and that was considered by the Planning Officers to be a step too far. As he understood it, the correct approach to determining the application was to assess the impact of the harm that would be brought about by the change and he could not see that this would make any difference to the openness of the Green Belt. He went on to refer to the fact that the application for the erection of 47 dwellings on Land North of Perrybrook, which was also in the Green Belt, had been recommended for permission earlier in the meeting – this was in addition to the 1,500 houses which were being provided as part of the wider strategic allocation which had been allowed on appeal despite being in the Green Belt. He could not understand why the Planning Inspector had considered that to be acceptable but Planning Officers felt this link extension would be a step too far. The majority of the proposal had been granted planning permission in December and this application was effectively just for a small link corridor to join the buildings to the third one. Any harm as a result of this extension would have a minor impact on the wider landscape and would therefore be acceptable in his view.

7.59 A Member indicated that he would be happy to second the proposal as the green roofs and materials being used would replace the concrete and there would be soft landscaping in addition to the mature trees which already screened the buildings and meant they could not be viewed from the road. In his opinion the scheme would improve the visual impact on the Green Belt. The seconder of the motion questioned whether a condition could be included to ensure the removal of the tarmac as he understood that around 50% of the tarmac was to be replaced with grass lawn. In response, the Development Management Team Leader (South) advised that, should Members be minded to permit the application, he would recommend conditions requiring compliance with a list of approved plans; details of all external materials, including samples; joinery details for the windows and glazed pergola; details of hard and soft landscaping including vegetation and removal of the hardstanding; provision of cycle storage and Electric Vehicle charging points in line with the recommendation made by County Highways; ecological mitigation and enhancement; details of any lighting as a sensitive scheme would be required; and removal of permitted development rights for all alterations to the building and any outbuildings.

7.60 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that the proposal would not result in substantial alteration and extension and the harm, if any, to the Green Belt by reason of its inappropriateness would be clearly outweighed by the benefits of the proposal in terms of landscaping and visual impact, subject to conditions requiring compliance with a list of approved plans; details of all external materials, including samples; joinery details for the windows and glazed pergola; details of hard and soft landscaping including vegetation and removal of the hardstanding; provision of cycle storage and Electric Vehicle charging points in line with the recommendation made by County Highways; ecological mitigation and enhancement; details of any lighting as a sensitive scheme would be required; and removal of permitted development rights for all alterations to the building and any outbuildings.

21/00274/FUL - Badgerbank, Bushcombe Lane, Woodmancote

- 7.61 This was an application for variation of condition 2 (drawing schedule) of planning application 19/00082/FUL to allow for a revised outbuilding design.
- 7.62 The Development Management Team Leader (South) advised that planning permission had been granted in April 2019 for a detached contemporary-style dwelling on the slopes of Bushcombe Lane in the Area of Outstanding Natural Beauty. In addition to the dwelling, the development also proposed a large five bay car port, with open bays at the front, to be set back into the sloping ground. The current proposal was to substitute this with a larger building comprising three open bay car spaces, a workshop and store. The building would have double the footprint of the approved car port and a ridge height of four metres, approximately 800 centimetres taller than the approved building. Whilst the proposed building would clearly be larger than the previously approved building, it would be set back into the slopes in the same way and its impact on the landscape would be modest, therefore, Officers did not consider it to be unacceptable. As such, the Officer recommendation was to permit the application.
- 7.63 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be deferred for a Planning Committee Site Visit in order to assess the proposal in context. A Member noted that the Parish Council objected unanimously to the further extension of the site and had pointed out that the original planning permission had been granted on appeal when the Inspector had made it clear in planning conditions 4,5 and 6 that no enlargement of the property should be permitted. The Development Management Team Leader (South) clarified that the Inspector had removed permitted development rights meaning that planning permission was required for any further extensions which gave control to the local planning authority. The Parish Council had also objected to the original scheme and, whilst Officers did sympathise with concerns regarding planning creep, the proposed building – albeit larger – would sit within the area that had been excavated with the roof extending slightly above. From an Officer point of view, it would be very difficult to justify a refusal on the grounds of landscape harm.
- 7.64 The proposal to defer the application for a Planning Committee Site Visit did not receive a seconder. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

PL.8 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 8.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 279-282. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.
- 8.2 Accordingly, it was

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

The meeting closed at 1:14 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 22 June 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	
5a	<p>20/00608/FUL</p> <p>Land North Of Perrybrook, Shurdington Road, Brockworth</p> <p>Officer Update</p> <p><u>Developer Contributions</u></p> <p>Since the February Committee, discussions continued in respect to whether a contribution of £18,959 towards a Travel Plan, which includes the Bond and Monitoring Fee, would be necessary to make the development acceptable in planning terms. One of the policy requirements of the Strategic Allocations Policy (SA1) of the Joint Core Strategy (JCS) sets out that the development of Strategic Allocations must encourage the use of walking, cycling and the use of public transport. Given that the application site forms part of the Strategic Allocation at North Brockworth, officers consider the contribution would be necessary to make the development acceptable and would meet the prescribed tests set out in Paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations.</p> <p>In terms of a contribution towards education provision, it was previously reported that a contribution of £503,587 towards early years and primary education was required in order to mitigate the impact of the development. Following the recent Coombe Hill Appeal Decision, in which the Planning Inspector examined how Gloucestershire County Council (in its capacity as Local Education Authority) addressed its education infrastructure needs, Gloucestershire County Council has reviewed the application and advised that, when taking into consideration all schools in the Primary Planning Area - including schools that are not as easily accessible in terms of walking from the site - there is sufficient capacity in the area and, as such, a contribution towards education provision is no longer sought.</p> <p>Revised Recommendation</p> <p>Given the required developer contributions have now been finalised, the recommendation has been revised to the following:</p> <p>The authority be DELEGATED to the Development Manager to PERMIT the application, subject to the addition to/amendment of planning conditions, as appropriate, and the completion of an agreement to secure the following heads of terms:</p> <ul style="list-style-type: none"> - £9,212 towards library resources; - £18,959 towards a Travel Plan, Bond and Monitoring Fee; - £49,217 towards improvements to Henley Bank Sports Centre; - £73 per dwelling towards Waste and Recycling equipment;

	<p>- 17 on-site affordable housing units;</p> <p>- Provision of an on-site LAP.</p>
5b	<p>20/00553/FUL</p> <p>Starvealls Cottage, Corndean Lane, Winchcombe</p> <p>Change in officer recommendation</p> <p>Due to the revised bat survey being submitted on the 21.06.2021 the Council's Ecological Advisor has not had opportunity to assess the outcomes. It is therefore recommended that authority be DELEGATED to the Development Manager to PERMIT the application, subject to comments from the Ecologist.</p> <p>Additional supporting information received from the agent:</p> <p>The agent circulated an email to all Members on the 21.06.2021 providing additional supporting information (attached in full).</p> <p>Notwithstanding the additional email it is considered that the points raised have been covered in the Officer's report and the recommendation remains as a delegated permit.</p>
5i	<p>21/00341/AGR</p> <p>Land Adjacent To, Stump Lane, Hucclecote</p> <p>There is an error in point 1.4 of the Officer's report - the proposed building is a new additional building on the site and not a replacement building.</p>
5j	<p>21/00081/FUL</p> <p>Land To West Of Stump Lane, Hucclecote</p> <p>Additional consultation has been undertaken on the amended plans and no further comments have been received from consultees and the public.</p>
5l	<p>21/00274/FUL</p> <p>Badgerbank, Bushcombe Lane, Woodmancote</p> <p>Additional comment from the applicant</p> <p>An additional representation has been submitted by the applicant in response to the Parish Council's comments. The comments are repeated in full:</p> <p>"I am aware that the garage amendment is shortly coming before the Planning Committee, have re-read the Parish Council objection and I would like to address the points they have raised in the event that the Planning Committee want to know my reasoning for the enlargement.</p> <p>As raised in the planning statement, I believe this will be a much more attractive building which, with a natural dry stone facing wall, is much more in keeping with the new house. Regarding the impact on the AONB, of which I am a passionate enthusiast, the location of the building, buried back in the bank, behind the barn and well behind the sightline, will be virtually invisible to anyone apart from myself.</p> <p>Contrary to the PC's view about the site not being sustainable, the house I am building will, in fact, be virtually self sustaining. Located, as it is, close to a regular bus service which, prior to Covid, I was a frequent user of and walked up and down the lane to access it rather than driving.</p> <p>A larger roof area will facilitate the inclusion of a larger solar panel array which will give me the opportunity to make the house even more sustainable.</p>

Regarding the principal objection from the PC about the need for the enlarged space. I have a small collection of historic vehicles which I would like to keep in a safe and dry enclosed area rather than the original thoughts of keeping them in the open fronted garages. That is why there now only 3 open fronted garages instead of the already approved 5.

There will not be any additional traffic as I already own these vehicles and they certainly would not block the lane, as indicated in the photograph submitted by the PC of a large lorry blocking the lane. By their very nature of being historic, they are small.

I have absolutely no intention of creating this garage space with a view to a later conversion to residential and I'm rather disappointed that the PC should suggest this. I would have welcomed a visit to the site by the PC, together with a dialogue about my plans, before the PC submitted their objection which, once again, is the only objection.

I'm simply an historic vehicle enthusiast wanting the space to pursue my interest in my retirement."

Item No. 5b - 20/00553/FUL Starvealls Cottage, Corndean Lane, Winchcombe

Dear Councillor,

You will be aware that an application to replace the existing dwelling, Starvealls Cottage, near Winchcombe is on the agenda for your determination at Planning Committee next week. SF Planning are the applicant's agent.

We have reviewed your officer's report and note that existing and proposed floor plans have been included as well as the elevations showing the permitted development extensions that have already commenced on site. However, we feel the images within the architect's Design & Access Statement are really helpful to show not only the quality of the proposed replacement but also, importantly, how this represents a vast improvement over the commenced scheme. We have therefore included some of these below to assist in your deliberations.

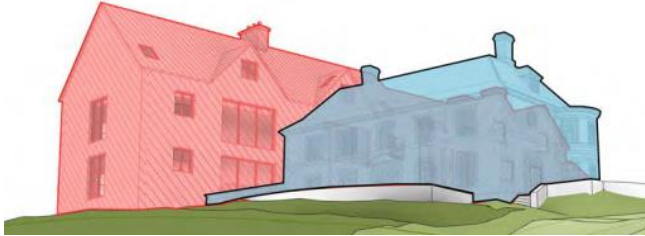
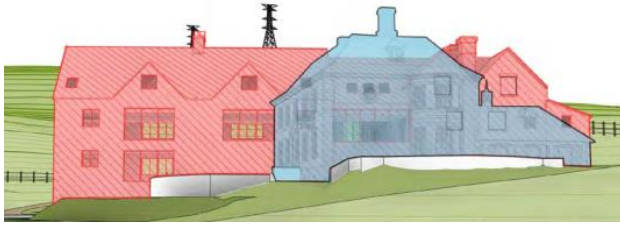
This is a photograph of the existing dwelling:



These 2 CGIs show the permitted development scheme that has commenced on site:



These 2 CGIs show the permitted development scheme in red and the proposed scheme in blue:



And the following is a comparison of the south elevation:



The proposed:



You will see from your officer's report that the only outstanding concern in relation to the proposal is from Winchcombe Town Council. However, this centres on the precedent that could be set rather than objecting to the new dwelling *per se*. Due to the unique set of circumstances at play here, extensions of the size and scale that can be completed at Starvealls cannot be replicated at another site within the AONB due to changes in legislation and therefore you can

be assured that approving this application will not set a precedent. We propose to attend your meeting tomorrow to explain this point in a bit more detail.

With kind regards,
SF Planning Ltd



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