

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 20 July 2021  
commencing at 10:00 am**

## **Present:**

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

## **and Councillors:**

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

## **PL.9 ANNOUNCEMENTS**

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

## **PL.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 10.1 Apologies for absence were received from Councillors R A Bird, L A Gerrard and P D Surman.

## **PL.11 DECLARATIONS OF INTEREST**

- 11.1 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.
- 11.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
G F Blackwell	Agenda Item 5k - 21/00500/APP - 48 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

J H Evetts	Agenda Item 5h – 20/00734/FUL – Land at Berry Wormington, Stanway Road, Stanton.	The application site was overlooked by a property he had previously owned.	Would not speak or vote and would leave the room for consideration of this item.
M A Gore	Agenda Item 5e – 21/00068/FUL – Manor Farm, Main Street, Wormington.  Agenda Item 5h – 20/00734/FUL – Land at Berry Wormington, Stanway Road, Stanton.	Had spoken to the applicants and agents in relation to the applications but had not expressed an opinion.	Would speak and vote.
M L Jordan	Agenda Item 5k – 21/00500/APP - 48 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5a – 20/00553/FUL – Starvealls Cottage, Cordean Lane, Winchcombe.  Agenda Item 5b – 21/00380/PIP – Manor Farm, Market Lane, Greet.	Is a Member of Winchcombe Parish Council but does not participate in planning matters.	Would speak and vote.
J K Smith	Agenda Item 5m – 19/00465/FUL – Charlton, Main Road, Minsterworth.	Had spoken to the neighbours in relation to the application but had not expressed an opinion.	Would speak and vote.
R J G Smith	Agenda Item 5k - 21/00500/APP - 48 Brookfield Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

11.3 There were no further declarations made on this occasion.

**PL.12 MINUTES**

- 12.1 The Minutes of the meeting held on 22 June 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.13 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

- 13.1 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.

**20/00553/FUL - Starvealls Cottage, Corndean Lane, Winchcombe**

- 13.2 This application was for the construction of a replacement dwelling and associated works following demolition of existing dwelling and change of use of additional areas of land to residential garden. The application was deferred at the Planning Committee meeting on 22 June 2021 for a Planning Committee Site Visit to assess the impact of the proposal upon the Area of Outstanding Natural Beauty.
- 13.3 The Development Manager explained that, due to logistical issues associated with the ongoing COVID-19 pandemic, it had not been possible to arrange a Planning Committee Site Visit in time for this meeting; however, he intended to run through a series of photographs which he hoped would give Members enough information about how the building sat within the landscape. He reminded Members that the proposal was for a replacement dwelling and the site would be accessed by a new driveway that connected from Corndean Lane to the south; that access had been allowed at appeal a number of years ago and was an extant permission. There was also a proposed change of use of agricultural land to allow additional landscaping, drainage works and a new pool/pool house. Of great significance was the fact that the existing dwelling benefited from a certificate of lawfulness for large extensions off the east elevation. The Development Manager explained that the plans showed it was originally a pair of cottages, simple in terms of planning form, and he ran through a number of slides showing the site location, existing elevations/floorplans, proposed site plan, proposed elevations, proposed floor plans, proposed byre conversion, landscape plan, comparison plans and a number of photographs. He explained that the existing building was considered to be a non-designated heritage asset and a public footpath ran across the south of the site from which glimpses of the existing building could be seen through the trees. The building could be seen clearly from lots of vantages and, whilst the proposed building would be more obvious from some, the permitted development rights scheme would be more obvious from others. Members were advised that, essentially, it was a choice between the proposals on Pages No. 50 and 51 of the Committee report and the fallback position on Page No. 56 of the Committee report. The Courts had determined that, for a fallback position to be a real prospect, it did not have to be probable or likely, just a possibility. As such, if planning permission was refused, it was possible the applicant would implement the fallback position and, on that basis, whilst there would be harm to the landscape arising from the proposals and it would result in the loss of a non-designated heritage asset, on balance it was considered that the application should be permitted.
- 13.4 The Chair invited the applicant's agent to address the Committee. The applicant's agent reiterated that the application had been deferred at the previous Planning Committee meeting to allow a Planning Committee Site Visit to take place and, as heard, the Committee had not visited the site due to the logistics of multiple vehicles accessing the site in COVID-19 times; however, the Officer presentation had included several photographs from a number of different viewpoints and individual

Members who felt they would benefit from a site visit may of course have taken the opportunity to do so themselves. The applicant's agent assured Members that the site's sensitive location in this part of the Area of Outstanding Natural Beauty had been recognised from the beginning of the scheme's evolution and the applicant had purposefully commissioned well-respected architect and landscape architect practices, both of which were extremely experienced in dealing with Cotswold Area of Outstanding Natural Beauty projects. The architects had explained their design rationale in a thorough Design and Access Statement and a Landscape and Visual Impact Assessment also accompanied the application. Due to its elevated position, as the Development Manager had mentioned, the existing cottage was visible from quite a few vantage points along the many public rights of way in the area, especially in winter, so the landscape report considered 15 viewpoints. It found the proposed changes would result in some harm to views in the short term but that any harmful effects on landscape character would be outweighed by the proposed mitigation and enhancement proposals. It concluded that any adverse effects would be significantly less than those resulting from the fallback scheme, particularly bearing in mind the enhancements the current scheme proposed. With respect to the fallback scheme, the applicant's agent referenced an email she had sent to the Planning Committee the previous month which explained the fallback position, the weight it should be attributed and why granting planning permission would not set a precedent as referenced by the Town Council. The application was also supported by a comprehensive Heritage Assessment that concluded that Starvealls Cottage was not of sufficient significance to warrant retention and the proposals would cause no harm to the significance of other designated heritage assets in the vicinity of the site. The Officer report set out the balancing exercise that needed to be undertaken in the decision-making process and the applicant's agent welcomed the Officers' conclusion that the application should be permitted, subject to a number of conditions, and hoped that Members would be able to support it.

- 13.5 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be refused on the basis that the proposed design would have an overbearing impact on the Area of Outstanding Natural Beauty and the demolition of the existing building would result in the loss of a non-designated heritage asset. The proposer of the motion expressed his disappointment that a Planning Committee Site Visit had not been possible but he felt that the points he wished Members to consider had been adequately demonstrated by the photographs that had been shown. In his opinion, this was a lovely part of the Cotswold escarpment within the Area of Outstanding Natural Beauty and he drew attention to Pages No. 36-37, Paragraphs 7.9-7.16 of the Committee report, setting out the Conservation Officer's view which he felt summarised the situation completely. The seconder of the motion indicated that the two cottages on the site could be seen from the road between Cleeve Hill and Winchcombe and he shared the view that this proposal would be far too visible within the Area of Outstanding Beauty.
- 13.6 The Chair indicated that he did not often take a view which was contrary to that of the Planning Officers; however, in this instance he knew the site well and felt the proposal would be completely unsuitable for the setting. He did not consider this to be an appropriate site for a large country house – it was previously a pair of beautiful cottages, simple in block and form, constructed from rusticated stone and he found it bizarre that planning permission had previously been granted to extend them and the first thing the applicant wanted to do was knock them down. As the Conservation Officer had stated, the building was a non-designated heritage asset and he agreed that its total loss would cause substantial harm. The proposal before Members had a bulk and mass and was of a scale and design that was totally unacceptable in the Cotswold Area of Outstanding Natural Beauty, therefore, he would be supporting the proposal to refuse the application. A Member drew attention to Pages No. 38-40, Paragraphs 7.24-7.39 of the Committee report, which

he considered to be the Officer's mitigation of the factors referenced by the Chair. In response, the Development Manager advised that it was a matter of judgement and, whilst the Officers' view was clearly set out, Members were at liberty to take a different view. A Member expressed the view that the proposal to refuse the application was based on the fact that it was within the Area of Outstanding Natural Beauty and he raised concern that a stronger reasoning would be required should the applicant decide to appeal against a refusal. The Chair reiterated that it was a balanced decision and some Officers were not entirely in favour of the proposal – he was not confident that the Council would win an appeal but equally he was not confident that it would lose either.

- 13.7 The Development Manager felt there were two issues which had been identified as reasons for refusal during the debate, the first being that the bulk, mass and design of the proposed building was unsuitable for the prominent location and would have an unacceptable impact on the special qualities of the Area of Outstanding Natural Beauty and, secondly, that the proposal to demolish the existing building would lead to the total loss of a non-designated heritage asset which would be contrary to the advice within the National Planning Policy Framework. The proposer and seconder of the motion indicated they were happy with these refusal reasons and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the bulk, mass and design of the building was unsuitable for the prominent location which would have an unacceptable impact on the special qualities of the Area of Outstanding Natural Beauty and the demolition of the existing building would result in the loss of a non-designated heritage asset which was contrary to the advice within the National Planning Policy Framework.

#### **21/00380/PIP - Manor Farm, Market Lane, Greet**

- 13.8 This application was for permission in principle for up to six dwellings following demolition of redundant farm buildings.
- 13.9 The Planning Officer explained that the application site was located to the western side of Market Lane in Greet and measured approximately 0.37 hectares. It currently comprised an undeveloped field and a number of modern agricultural buildings. The site had a boundary of mature trees to the eastern edge facing onto Market Lane and led to open pastureland to the west. The site was relatively flat and was located within a Special Landscape Area and Flood Zone 1. This application was for permission in principle which had two stages: the first stage established whether the site was suitable in principle and the second 'technical details consent' stage was when the details of the development proposals were assessed. The current application was the first stage of the process and sought solely to establish whether the site was suitable in principle for the erection of up to six dwellings. The scope of the first stage was limited to location, land use and amount. Officers considered that the development would conflict with the strategic housing policies of the Winchcombe and Sudeley Neighbourhood Development Plan; however, given the Council's five year housing land supply position, these policies could not be considered up-to-date and presumption in favour of sustainable development applied. In this case, the modest harm to the landscape character that would be caused by the development was not considered to significantly and demonstrably outweigh the benefits in the overall planning balance when considering whether the location of the site was suitable for housing; therefore, the Officer recommendation was for permission in principle to be granted.
- 13.10 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident explained that the community had strongly objected to the loss of green field space and, although their views had probably not

been formally recorded, the same sentiment had been expressed by many walkers when the site notice had been displayed. The local resident explained that Market Lane was a rural haven and its space and views were appreciated by local residents, walkers, cyclists, runners, elderly people with walkers, mothers with pushchairs and families with youngsters on their first bikes. Since lockdown, the number of daily visitors to Market Lane had increased markedly with youngsters riding their bikes and playing, children chatting at the gates of the field and visitors and tourists using the Isbourne Way. Greet did not have any amenities except for a small, tarmacked playground on Beckett's Lane, so the green spaces and views were the amenities. The gap and its views through accentuated the listed homestead Manor Farm, isolated it from other development and maintained a sense of historic rural charm to this part of Greet. It had significant local ecological importance with its varied wildlife and mature Horse Chestnut trees at its perimeter which were a dominant feature along Market Lane – its value was precisely in that it was a rural, agricultural and undeveloped space. In terms of the national guidance and local and borough plans, the development would conflict with Policy SD6 and SD10.4 (ii) of the Joint Core Strategy and Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Development Plan and that was the view and ruling of the Inspector in his appeal decisions for applications for housing on the adjacent field in 2016. Many residents believed that Greet had taken more than the “very small-scale residential development” envisaged by the Tewkesbury Borough Plan for a small settlement with no services which was evidenced by the loss of its public house to housing; 37 houses being built in recent years; the landscape being diminished by previous development outside of the settlement boundary; and, as only two green gaps remained with views to the Area of Outstanding Natural Beauty, including the application site, if this proposal went ahead both the adjacent field and the other green gap were at risk of development. Taking this into account, the local resident asked Members to refuse permission in principle because the loss of the green field in conflict with the local and Parish plans would be devastating for the community. If the green space was excluded from the application, development could still effectively be achieved by limiting it to the footprint of the existing buildings and maintaining the green gap would give the development historic rural charm; whilst the contribution to the five year housing land supply may be slightly less, there would be less damage to the environmental and social wellbeing of the village.

- 13.11 The Chair invited the applicant's agent to address the Committee. The applicant's agent felt that the Committee report for the application was comprehensive and she was pleased that the Officer recommendation was to approve the permission in principle; nevertheless, she was also very conscious of the concerns that had been raised regarding the proposal the majority of which related to design, layout and other similar concerns. Whilst these were not matters for this stage of the process they were matters for the technical details stage and, if Members agreed with the Officer recommendation, the applicant's agent was keen to provide assurance that they would work with the Town Council and other stakeholders to ensure the technical details stage produced a quality design and layout that was also acceptable to Tewkesbury Borough Council. Some of the other benefits associated with development of the site which were not referenced in the Committee report included the removal and replacement of the large industrial-looking agricultural buildings which would seriously improve the setting of the surrounding buildings, particularly those to the north of the site; the potential redevelopment of the site with a carefully designed scheme would, if granted, lead to a better outcome when compared with converting the existing buildings to dwellings using Class Q permitted development rights; and the fact that the livestock buildings would be removed from the site should result in environmental improvements for residents locally. In conclusion, should Members grant permission in principle, it was only the concept of development that would be approved. The applicant would then work with Officers, the Town Council and other stakeholders on a potential design

proposal and would address any issues and concerns through the detailed stage.

- 13.12 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member explained that Greet was a charming, historic settlement based around Market Lane - a beautiful quiet lane which included a number of exceptional rural listed properties. It was distinct from the town of Winchcombe and separated by clear open countryside which gave views of the surrounding Area of Outstanding Natural Beauty as well as a welcome break in the urban sprawl. This gap was a space that residents of both settlements and visitors benefited from. He stressed that Greet was not a village, it was small settlement and, aside from a small park attached to some more recent housing, it had no social facilities, no shops, no public house and no church, as such, its residents had to travel out of the settlement for all amenities. The two key roads were constrained by physical geography and historic settings and served communities in a beautiful upland valley setting surrounded by the Area of Outstanding Natural Beauty. As a result of past overdevelopment in Winchcombe, Greet and surrounding areas, the current road system was inadequate for the existing level of traffic, with both the B4078 and Beckett's Lane in particular being used as rat-runs to escape the problems in Winchcombe where traffic regularly ground to a halt in peak hours or whenever a large vehicle attempted to navigate the Medieval streets. Furthermore, both Beckett's Lane and the B4078 were in terrible condition, something which reflected the excessive volume and weight of traffic they carried, a consequence of overdevelopment of housing that had been allowed in a valley location. In his view, the proposed development, which was clearly not supported by local residents, would not only be detrimental to the character of the settlement but would further exacerbate the existing traffic problems by placing more housing in an area that already had severe traffic problems, and in a settlement that offered no social infrastructure meaning inevitable generation of additional motor traffic. Whilst Winchcombe was just a mile away from Greet, for much of that distance the path – which was also in terrible condition, in part due to the volume and weight of traffic – was extremely narrow and people were effectively forced to drive. Allowing further development in Greet was completely inconsistent with the need to build in a more sustainable way where residents of new housing could access work and social assets by foot, cycle or good public transport. Whilst he opposed the development in principle, he also wished to note that the proposed loss of the greenfield agricultural field was a particularly concerning element of the current proposals. The field formed an integral part of the character of Greet, providing a welcome break in the street profile and offering agricultural views and he hoped that the unnecessary sacrifice of both the field and the lane could be avoided.
- 13.13 A Member queried when the Winchcombe and Sudeley Neighbourhood Development Plan had been adopted and whether it was now considered to be out of date given that it was more than two years old. In response, the Legal Adviser confirmed it had been adopted in January 2017 and Paragraph 14 of the National Planning Policy Framework set out that, in situations where the tilted balance applied, the adverse impact of allowing development that conflicted with the Neighbourhood Development Plan was likely to significantly and demonstrably outweigh the benefits provided that it had become part of the development plan within the last two years – the Neighbourhood Development Plan was not out of date per se but it did not have the benefit of that particular paragraph of the National Planning Policy Framework.
- 13.14 A Member noted from the Committee report that some of the residents had stated that the proposal would be redevelopment in part of a brownfield site and she asked for a comment in that regard. She also sought clarification as to whether members of the public had access to the greenfield site. Finally, she noted that Winchcombe Town Council had encouraged the applicant to consider submitting an application which was limited to the area covered by the redundant barn as this would be preferable to taking up the green space and she queried whether it was possible for

the Committee to reduce the site boundary or whether that would require a new planning application. The Planning Officer confirmed that, notwithstanding the presence of a building, the land was agricultural and not technically brownfield land. The Development Manager went on to advise that, whilst the application before the Committee was what needed to be considered in terms of the site area, it was open to Members to ask the applicant to consider a different red line and extent of development if they so wished, or the Committee could refuse the current application and the applicant's agent would be able to feedback those comments to the applicant. With regard to access to the green open space to the front, it could only be assumed it was within the applicant's ownership and although people may use it, he was unsure whether there was a legal right for the local community to do so. The Legal Adviser indicated that she was not aware of any record of use by the public as of right in respect of the site.

13.15 The Chair indicated that the Officer recommendation was to approve the permission in principle application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member indicated that the local resident speaking in objection to the proposal had suggested there was a lack of open green space but plenty could be clearly seen around Market Lane. Although there were other residential properties in the area, there were open green spaces throughout Greet. There was a secondary school within walking distance of the site so she believed there was a case for residential development; however, she felt that this should be kept to the area occupied by the redundant barn so, whilst she could not support the application in its current form, she would be happy to support something utilising the current space of the building.

13.16 Upon being put to the vote, it was

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

### **21/00510/FUL - 5 Greenacres, Twyning**

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

13.18 The Planning Officer advised that a Committee determination was required as the applicant was an employee of Tewkesbury Borough Council. The proposal would create an enlarged dining room/kitchen with extended utility at ground floor level and an additional bedroom plus ensuite at first floor level with materials to match the existing dwelling. It was considered that the proposal would not be harmful to the appearance of the existing dwelling, nor the surrounding area, and it would not result in an unacceptable loss of amenity to neighbouring dwellings, therefore, the Officer recommendation was to permit the application.

13.19 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

**20/00464/FUL - Part Parcel 3152, Tewkesbury Road, Deerhurst**

- 13.20 This was a hybrid planning application seeking full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access and parking; and outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment). The application was deferred at the Planning Committee meeting on 20 April 2021 until the Inspector conducting the Borough Plan Examination in Public had published his findings in respect of the access of the application site.
- 13.21 The Development Manager explained that, since the meeting in April, the applicant had submitted a non-determination appeal which meant that the Council was no longer the determining authority for the proposals. As such, the Committee must advise the Planning Inspectorate of its views. As Members would be aware, the Borough Plan Inspector had now provided his Post Hearings Main Modifications Letter and he had not taken the view that the expansion at Highfield Farm would be unsound. On that basis, Officers considered that the allocation of this site under the emerging Policy EMP2 (Rural Business Centres) could be given substantial weight in determination of the proposals. The Inspector had also listed a number of main modifications in respect of Policy EMP5 around employment including MM20 which included the Council's suggested modification that *"where there are opportunities to access sites proposed for employment development from major roads (as opposed to providing access from local roads and rural lanes), this should be the preferred option unless it is demonstrated not to be feasible or appropriate in planning and/or highways terms"*. Whilst it may be possible for an access to be provided through the existing business park of Highfield Farm, that was not proposed in this case and, as set out in the Committee report, County Highways was satisfied that the proposed access was acceptable subject to various conditions which had been discussed at the Committee meeting in April which would prevent vehicles from turning left onto Cursey Lane. On that basis, it was considered that the findings of the Inspector's Post Hearings Main Modifications Letter had not raised any matters which altered the Officer recommendation, particularly in terms of highway safety, and the considerations remained as set out in the Committee report. It was therefore recommended that the Planning Inspectorate be advised that the Council would have permitted the application had the appeal not been submitted, subject to conditions and the preparation of a Legal Agreement to secure a financial contribution in connection with the monitoring of a travel plan.
- 13.22 The Chair invited an objector speaking against the application to address the Committee. The objector indicated that he was grateful for the opportunity to reiterate his past objections and those of the Parish Council. His main objection - which he had raised with both Officers and the Borough Plan Inspector who had remained silent on the issue following his site visit and had accepted that traffic light controlled access was acceptable - was on the access proposed from Cursey Lane which Members had unanimously opposed previously. He drew attention to Pages No. 90-91, Paragraph 9.3 of the Committee report, which set out that the Inspector had accepted MM20 in relation to new employment development; however, the applicant had not demonstrated how the access from the existing traffic light controlled junction was not feasible. There was nothing in the Committee report and nothing was proposed from County Highways in relation to the past Section 106 Agreement with regard to the permanent closure of the proposed access or any highway improvements. Turning to the size and scale of the building itself, it was clearly unacceptable as it conflicted with Policy SD1 of the Joint Core Strategy and Policy EMP5 of the Tewkesbury Borough Plan which required new employment development to be small scale on rural employment sites. This building would be totally out of keeping with the business park which was made up of small units and would be dominant and incongruous in the existing

setting. The objector indicated that he was not opposed to employment growth but felt it must be in keeping with what was already established and, in his view, the Committee had very valid planning reasons to refuse this application.

13.23 The Development Manager explained that Policy EMP5 had not been adopted and therefore must carry lesser weight; nevertheless, there were adopted policies which did talk about highway safety and the highway safety experts at County Highways had looked at the scheme and found the proposals to be acceptable. Whilst it may be preferable to have another arrangement with access through the employment site, that had not been assessed so it was not clear how it would be achieved and whether there was scope for a suitable route through the site. There was a clear view from County Highways that there would be no unacceptable impact on the safe operation of the highway network as a result of the proposal given the emerging policy and the proposed addition to it in respect of the feasibility paragraph. The impact of the size and scale of the building was a subject for the full element of the application and was a matter of judgement which, as set out in the Committee report, Officers felt they could support.

13.24 The Chair indicated that the Officer recommendation was that Members be minded to permit the application and he sought a motion from the floor. A Member indicated that, as before, she had major concerns in relation to highway safety. Whilst she appreciated County Highways had found it to be acceptable, the proposal, which would require vehicles to access the site from a very fast road without any traffic lights, was dangerous. In terms of the Borough Plan, the Inspector felt this site was sound but that was about deliverability not a particular planning application. She would be happier if traffic lights were provided and the entrance widened as she felt everything possible should be done to make the junction safe; however, that was not what had been put forward by the applicant. For her, this was the right site for the development but the access was not safe and she would like to hear from the County Highways representative about exactly what was being proposed in relation to this given her concerns about the safety of the access into and out of the site. A Member shared the concerns about the safety of the junction and indicated that he had nearly been involved in an accident at that location whilst pulling a tractor/trailer. Another Member also wished to hear from the County Highways representative as vehicles travelled at high speed along the dual carriageway and she could not see how they would be able to come to a sudden halt when they saw a vehicle turning out of the junction. She was confused about the introduction given by the Development Manager when he had mentioned preventing vehicles from turning left onto Cursey Lane and she sought clarification on that. In response, the Development Manager explained that the proposed site access was onto Cursey Lane and vehicles turned left from the lane to get onto the dual carriageway towards Cheltenham so he clarified it was preventing vehicles from turning left out of the junction onto Cursey Lane which he had referred to, not preventing vehicles from turning left onto the dual carriageway. The County Highways representative confirmed there would be a banned left turn from the access onto Cursey Lane for vehicles leaving the site – all traffic coming from the site would need to turn right which would take them to the junction with the A38 where there was no restricted left or right turn. There were no safety concerns in terms of the assessment of the access; however, there would be an intensification of use as the number of trips to and from the site would increase. There were a number of other application sites nearby which had been granted planning permission, one of which included a condition to make improvements to the junction and that was currently going through the technical approval process. Should Members be minded to permit this application, it was possible to include a condition to limit occupation until such time as those improvements were completed. A Member asked whether the accident and fatality details were available for the site and, in terms of the further mitigation measures, she indicated that the application site that had been referenced was for residential development

whereas this development would be used by articulated lorries, not standard family vehicles. The County Highways representative indicated that he was under the impression that the development that had been permitted nearby was for industrial use.

- 13.25 A Member indicated that it seemed to him that Members were not against the principle of the development on the site, specifically it was the access to which they objected and, with articulated lorries turning onto the dual carriageway, he believed there would be accidents. As such, he proposed that the Committee resolve to be minded to refuse the application on highway safety grounds; this would give the applicant the opportunity to come back with a revised scheme which allowed for access via a traffic light system as he did not believe Members would have an issue with a proposal of that nature. A Member pointed out there was an existing haulage firm based at the opposite entrance onto Cursey Lane which also used articulated lorries - if they were already using the junction, he was not sure this proposal on the other side would make much difference in terms of its safety. The Development Manager confirmed there was a haulage business at that location and Members would no doubt have seen vehicles carrying machinery and plant equipment in and out of the site; there was also a poultry unit and a grain store further down Cursey Lane, both of which used large vehicles, and all those sites used the Cursey Lane/A38 junction currently. On that basis, it would be difficult to understand what the addition of this development would do in highway safety terms when there was already a significant amount of large vehicle manoeuvring and as County Highways had confirmed that the junction would be able to operate safely. A Member expressed the view that it was the increase in the amount of vehicle movements which concerned him as this also increased the chance of accidents. He had witnessed people travelling along the A38 from Tewkesbury speeding off at the traffic lights and there had been a fatality at those lights only a few months earlier so it was certainly a problem. He asked the County Highways representative to confirm how many vehicle movements the proposed development was expected to generate. In response, the County Highways representative indicated that he did not have the specific numbers to hand but given that the land use was for a mix of employment uses and having looked at the generation figures, it had been decided the additional vehicle movements would not cause a problem. He confirmed that Heavy Goods Vehicles would have been taken into account as part of the traffic profile.
- 13.26 A Member indicated that she continued to have concerns regarding safety, particularly as she had almost been involved in an accident with a van pulling out of Cursey Lane. She agreed that vehicles accelerated quickly from the traffic lights and, whilst the existing businesses using the lane may not consider the junction to be a problem, adding another firm to this would clearly increase traffic movements. She was interested to know when the traffic assessment had been carried out as if this was done during the COVID-19 pandemic it would not be an accurate reflection of usage. She drew attention to Page No. 79, Paragraph 4.12 of the Committee report, which stated that the Urban Design Officer had indicated that some amendments could be made to improve the design quality of the proposal and she asked that this be taken into account if Members were minded to permit the application. The Development Manager advised that the application reference number suggested the application had been submitted around May 2020, therefore he could only assume the transport statement had been prepared in advance of that and likely before the initial lockdown. It was noted that it was recognised and agreed within the industry that transport assessments carried out in lockdown were not fit for purpose. The County Highways representative confirmed that traffic survey data collected during the pandemic had not been accepted by the authority as it was not reflective of normal conditions. The application had been registered as received in mid-June 2020 but he was not able to give Members the exact date of the traffic surveys.

13.27 The Chair sought clarification as to whether the non-determination appeal would be withdrawn if the Committee was minded to permit the application and the Development Manager explained that unless a subsequent application was submitted – sometimes a duplicate application was submitted if the applicant felt there was an opportunity to obtain a quicker decision – the appeal would not be withdrawn and the determination of the application was out of Tewkesbury Borough Council’s control. The Chair indicated that a proposal had been made that the Committee be minded to refuse the application on access grounds and he sought a seconder. The proposal was duly seconded. The Development Manager reminded Members that an appeal had been lodged in respect of the application and neither the local highway authority nor Highways England had raised any objections to the proposal. What had been put forward was anecdotal evidence from the local community and Members and there were a number of occasions when he had seen this was simply not acceptable to an Inspector so there would be a risk of an adverse cost award. When Members received planning training, they were advised there must be clear and compelling evidence to defend a refusal of planning permission going into an appeal and he felt that was lacking in this case.

13.28 Upon being taken to the vote, it was

**RESOLVED** That the Committee be **MINDED TO REFUSE** the application on highway safety grounds.

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

13.29 This application was for the conversion of existing agricultural buildings into one dwelling and associated internal and external alterations. The application was deferred at the Planning Committee meeting on 20 April 2021 to allow the applicant to consider whether the concerns in relation to amenity and impact on other buildings in the compound could be overcome. The Planning Committee had visited the application site on Friday 16 July 2021.

13.30 The Development Manager was pleased to advise that, following negotiations, these particular concerns had been overcome. Officers had found that the most obvious way to achieve that was to simply remove the offending amenity space from the plans and he confirmed amended plans had been received to reflect that. The Committee report also mentioned potential impacts on future occupiers with vehicles passing in front of the barn; however, it was understood that the intention was for the applicant’s grandson who worked on the farm to occupy the dwelling so there would be a degree of caveat emptor for further occupiers who wished to purchase the building. On that basis, refusal reasons 1 and 2 set out in the Committee report had been removed from the recommendation leaving only the highways reason for refusal which Members on the Planning Committee Site Visit no doubt would have taken a view on. The Officer perspective was set out in the report and the recommendation remained that permission be refused on highway grounds. If Members were minded to permit the application, Officers would recommend various conditions to confirm the plans and to address contamination, materials/architectural details, ecological mitigation in line with the submitted report, restriction on new lighting and an electrical vehicle charging point. The County Highways Officer had made a suggestion that a condition be included around vehicle storage but Planning Officers considered that was catered for in storage associated with the conversion.

13.31 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent explained that the project involved the sensitive conversion of a well-constructed brick built barn within original farmyard. Due to the demands of modern farming and the need to innovate, the farm operations had moved away from the yard and, as a result, the barn was now redundant. A scheme had been prepared

to provide the building with a new lease of life to ensure the sustainability of the structure for the future whilst retaining its character. Furthermore, as the conversion only involved works to existing buildings, the rich character of the surrounding area would not be affected. The scheme had originally been visited in 2019 and a pre-application had been submitted at that time when the principle of conversion had been deemed acceptable from a planning and heritage perspective. Suggestions made by Tewkesbury Borough Council within that feedback had been addressed prior to a planning application being submitted in 2020; this had involved further investment in the scheme including structural and ecological investigations. During the initial application, issues had been raised regarding the impact of the amenity space on the existing courtyard and the granary building and that scheme had subsequently been revised with further information supplied to provide evidence of the historic subdivision of the yard area. The Parish Council had not raised any objection to the scheme; however, the applicant had been informed that the scheme would not be supported at Officer level and the decision had therefore been made to withdraw the application. The proposals had been reconsidered by the applicant following the withdrawal of the application and some minor alterations had been made to the appearance of the building but it was felt that the overall scheme as it had been proposed offered an extremely sympathetic solution that protected the future of the building and the surrounding area. The scheme had been resubmitted in early 2021 in the hope that the benefits of the scheme would be recognised. The applicant's agent pointed out that the Parish Council had objected to the application despite having raised no objection to the original proposal. The listed building consent for the conversion had been approved at the Planning Committee meeting in April 2021 and this application had been deferred to allow relevant parties to discuss the scheme and develop a sensible solution to overcome the concerns raised. Following the Committee, a meeting had been held between the Planning Officer and the applicant's agent to discuss the scheme as a whole. Potential solutions had been discussed during the meeting and the applicant's agent was hopeful that the minor alterations now addressed the concerns of Planning Officers and the Parish Council. He confirmed that it was intended that the accommodation would be used by the applicant's grandson who was an employee of the farm and, although not recognised by planning policy, it was felt important for the younger generation to have the opportunity to reside within the village and maintain the family tradition of farming the local area. It was worth noting that Wormington was a fine example of an unspoilt farming village and preserving the farming traditions for many years to come was paramount to protecting its charm.

- 13.32 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 subject to conditions to confirm the plans and to address contamination, materials/architectural details, ecological mitigation in line with the submitted report, restriction on new lighting and an electrical vehicle charging point. The proposer of the motion indicated that, following the Planning Committee Site Visit, she believed that County Highways had been overambitious in relation to the highway safety issue as Wormington was very much a rural village with very little traffic and the village lane was not a highway. She was disappointed that County Highways had objected to the proposal on the grounds that it did not offer genuine sustainable transport choice as Tewkesbury Borough Council aspired to enhance the vitality of rural settlements. The seconder of the motion indicated he was happy to support the proposal in light of the comments made by the Development Manager and the conditions that had been suggested. Another Member who had attended the Planning Committee Site Visit indicated that he had arrived on site early and had counted two vehicles within a space of 45 minutes so he did not feel there was any highway danger whatsoever.

13.33 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to conditions to confirm the plans and to address contamination, materials/architectural details, ecological mitigation in line with the submitted report, restriction on new lighting and an electrical vehicle charging point.

#### **21/00101/FUL - Wellcroft Farm, The Leigh**

13.34 This application was for the erection of side, rear and front extensions.

13.35 The Development Manager advised that the application sought to remodel the existing property and add front and side rear extensions. The original scheme was set out on the plan at Page No. 142 of the Committee report and Members were informed that, following concerns raised by Officers and the Parish Council, the scheme had undergone a number of iterations which had resulted in the proposal set out on the plan at Page No. 141 of the Committee report which Officers were able to support. The plan at Page No. 140 showed the existing curtilage. The Development Manager explained that the original scheme had been remodelled with the two storey side and single storey side and rear extension being reduced to a single storey side extension and rear extension plus removal of the cantilever element. The front elevation remained the same. The main outstanding objection related to overlooking, especially in relation to the balcony element which was of concern to local residents and the Parish Council; however, the Development Manager explained there could be no overlooking of the neighbouring property to the east given its position next to the two storey extension and the view to the west was an agricultural field. Therefore, the application was recommended for permission.

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

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

#### **21/00214/APP - Land at Stoke Road, Bishop's Cleeve**

13.37 This was an approval of reserved matters application (scale, layout, appearance, landscaping) for the residential element pursuant to outline consent 18/00249/OUT for the erection of 215 dwellings, public open space, landscaping and a sustainable urban drainage scheme.

13.38 The Planning Officer advised that the application site was located to the west of Bishop's Cleeve and north of Stoke Road and covered an area of approximately 10.5 hectares. The application site formed part of a wider site for which outline permission was granted at appeal in November 2019 for the erection of up to 215 dwellings, up to 2.24 hectares of commercial use (B1 and B8), up to 0.1 hectares of retail uses (A1) with public open space, landscaping and sustainable urban drainage systems and two vehicular access points from Stoke Road. This application was the first phase of development; the commercial elements of the extant outline permission would be brought forward under separate cover. It should be noted that the principle and quantum of residential development at the site had already been established through the grant of outline consent; this application related solely to the approval of the layout, appearance, landscaping and scale of the residential elements of the wider development site. A range of house types and tenures were proposed including provision for 40% affordable housing. Within

those tenures, a wide mix of unit types would be delivered including one bedroom ground floor and first floor maisonettes, one bedroom bungalows, terraces, semi and detached dwellings ranging from two to five bedrooms. Most properties would be two storeys in height, though the development would include a small number of bungalows and a similar number of 2.5 storey dwellings. A single vehicular access point to serve the residential development would be created off Stoke Road; this was in accordance with the outline permission. The landscape strategy for the site would provide 4.01 hectares of green infrastructure across this part of the wider site and included a large area of public open space incorporating a Locally Equipped Area of Play (LEAP) to the west of the site, green corridors, tree and street planting. An assessment of the material considerations was set out at Pages No. 148-154 of the Committee report. As set out in the report, Officers considered that, when taking account of all of the material considerations and subject to the resolution of the outstanding matters outlined in the Additional Representations Sheet, attached at Appendix 1, the proposed development would result in an acceptable layout, scale, appearance and landscaping. The scheme advanced would be in accordance with the principles and parameters described and identified in the Illustrative Masterplan, the Development Framework Plan and the Design and Access Statement approved under the outline permission for the wider site. The Planning Officer advised there were a number of updates set out in the Additional Representations Sheet and a number of outstanding matters detailed in the Committee report had now been resolved. The Environment Agency had raised an objection to the proposed installation of culverts preferring span arrangements. No objections had been raised to the location of the crossing points and discussions between the Environment Agency and the applicant were taking place and this was an issue that would be covered by the delegated approval recommendation. In terms of revised attenuation pond design, the Lead Local Flood Authority had no objections so that matter had now been resolved. As set out in the Additional Representations Sheet, a local resident had commented that she had heard a population of Skylarks on the application site. Members were informed that an updated Breeding Birds Survey had been carried out in June 2020 which set out that the site was unsuitable for the species due to the length of the grass. The Ecologist had requested that a further survey be undertaken and a condition included on the outline permission required an ecological management plan to be submitted prior to commencement of development therefore additional survey work could be secured. It was noted that the Committee report stated that 4.06 hectares of green infrastructure would be provided but this had now been reduced to 4.01 hectares. It was recommended that authority be delegated to the Development Manager to approve the application, subject to the resolution of the outstanding matters in relation to the drainage arrangements and addition to/amendment of planning conditions as appropriate.

- 13.39 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the application for the approval of reserved matters for 215 residential dwellings came before Members following detailed discussions and negotiations with Officers which had been ongoing since June 2020. The result of that proactive work was a scheme that was supported by Planning Officers and had received no statutory consultee objections from Highways England, County Highways, the Lead Local Flood Authority, the Council's Urban Design Officer, Tree Officer, Landscape Consultant, Housing Enabling Officer, Environmental Health Officer, Ecologist and Project Officer. The proposed development was considered to comply with the design principles and parameters established as part of the outline planning permission, in particular the affordable housing provision and overall mix accorded with the outline planning permission and Section 106 requirements; the materials and roof tiles proposed had been subject to discussion with Officers and boundary treatments had been revised and improved during the application process; careful consideration had been given to the layout of the scheme in terms of development blocks, plot arrangement and green infrastructure

creating a clear street hierarchy with varying street widths and design details which gave legibility to the development, and the site's location adjacent to the open countryside and lowering densities toward the site's northern fringes created a sensitive transition to the countryside beyond; the orientation of properties onto the areas of public open space within the scheme and to the site's periphery on its northern boundary increased public surveillance onto footpath links and open spaces which was good design and an improvement from the illustrative masterplan approved within the outline planning permission; the landscape scheme proposed green infrastructure including a large open space with a play area, reinforcement of existing hedgerows, a green corridor through the centre of the site, a footpath along the site boundary and tree and street planting throughout the development; the homes had been designed to ensure their construction was sustainable and would be provided with energy efficient boilers, cycle storage and electric vehicle charging points; the inclusion of 'hedgehog highway' provisions within gravel boards of garden fencing further improved the biodiversity enhancements beyond that required by the outline permission; and an increased footway width on the eastern side of the access road from Stoke Road into the residential element of the site improved connectivity for cyclists between the development and the planned cycleway along the northern side of Stoke Road that would be delivered as part of the Section 278 works and would improve the site's connectivity with Bishop's Cleeve. The applicant's agent went on to state that the proposed application would enable the delivery of housing within the local planning authority area on a site which benefitted from outline planning permission. The proposed development had been subject to detailed considerations and negotiation with Officers and was a scheme which accorded with the requirements of the outline planning permission and relevant development plan policies. She hoped that Members would be able to support the Officer recommendation and resolve to delegate authority to the Development Manager to permit the application.

- 13.40 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to approve the application, subject to the resolution of the outstanding matters in relation to the drainage arrangements and addition to/amendment of planning conditions as appropriate, and he sought a motion from the floor. A Member indicated that the Planning Committee had strongly objected to the initial outline application but the Inspector had taken a different view; however, she continued to be of the opinion that the odours arising from the waste processing plant meant that this site was unsuitable for housing – she lived in Gotherington and odour could be an issue on days when the wind was blowing from that direction. Nevertheless, the Inspector had granted outline planning permission so there was very little the Committee could do to refuse the application at this point. Stoke Orchard and Tredington Parish Council had stated there was insufficient provision in relation to improving cycling and pedestrian access to the west of the site and she asked for the Officer view in relation to that. Looking at the site, there did not seem to be any links for cyclists into other housing developments. The Planning Officer explained that the Council had tried to defend the requirement for a link to the housing estate at the outline consent stage but, unfortunately, the Inspector had not agreed and there was no requirement for the applicant to provide a link. The Member felt that did not contribute to social cohesion of this site and the rest of Bishop's Cleeve but, as there was nothing that could be done, she proposed that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposal was seconded with the seconder of the motion indicating that he shared those views completely; this was a much needed employment site but it had been decided that it was suitable for housing and the Council would need to be ready for the complaints about the odour that would undoubtedly arise.

- 13.41 A Member indicated that, although there had been an update in relation to drainage, comment was awaited from the Environment Agency and he asked for more detail on that. He drew attention to Page No. 146, Paragraph 4.10 of the Committee report, which stated that the Environmental Health Officer had no adverse comments to make in respect of air quality and he asked what comments had been made. The Member also noted that a condition 12 of the outline permission set out that no development would commence until a detailed Surface Water Drainage Strategy for the entire site had been submitted to and approved in writing by the local planning authority; he recognised that the strategy had been submitted and the Lead Local Flood Authority had raised no objection but he wanted confidence that conditions would be properly policed - he had experience of two development sites within his Ward which had been subject to similar conditions relating to drainage and those had been breached at least four times and had resulted in calls to the Fire Service for excess water to be pumped from the Cheltenham Road East site. In response, the Planning Officer advised that the Environment Agency had commented on the design of the attenuation ponds whilst advising that fell outside of its remit. In terms of the culvert proposed in respect of the road across the watercourse between the south field and the ones beyond a late objection received from the Environment Agency the previous day had indicated it was looking for a bridge which needed to be discussed by Officers. In terms of air quality, she did not have the Environmental Health Officer comments to hand but they were available online and she confirmed that no adverse comments had been made. She pointed out that air quality was considered as part of the outline consent and nothing had changed since that time. The Development Manager confirmed that conditions would be policed but only in terms of the specific wording; there had been discussion elsewhere in the Council about whether construction sites could be controlled as a lot of conditions included within planning permissions tended to be about what happened once properties were actually built. In terms of the particular condition referenced by the Member, there was no contradiction of specific planning conditions as far as he could recall.
- 13.42 A Member noted the comments made by the proposer of the motion and the Officer response and drew attention to Page No. 147, Paragraph 5.4 of the Committee report, which set out comments made by the local Ward Member for Cleeve Grange about the need for the houses to have good cycleway access to the village centre and the proposed new primary school, and she expressed the view that it would be a great shame not to have any cycle access to the new primary school which Members had worked hard to secure for the area. In terms of that local Ward Member's comments about the need for the houses to be carbon neutral, she asked for confirmation of what design features would be added to the properties, if any. In response, the Planning Officer explained that Officers did not disagree with the comments regarding the cycleways and their preference would be to have a cycleway through to the east of the site. The internal layout was designed for cycle traffic as well other traffic with a 20mph speed limit and the developer had offered to make provision for cyclists from the entrance to Stoke Road up to the point where the retail park would be but, outside of the site, nothing more could be required at this stage. In terms of carbon neutrality, each property would be served by an electric vehicle charging point and all buildings would comply with building regulations for sustainability. A local resident had asked for a hedgehog highway which the developer had introduced. A Member found it ridiculous that it was supposedly safe to cycle all the way down to Stoke Road and then nothing could be done about Stoke Road itself; on that basis he suggested it might be better not to include a cycleway at all. Another Member indicated she would be abstaining from the vote on this application as it was diabolical it had been allowed to happen. She noted that the Environment Agency had asked for the drainage ponds to be redesigned but she was unsure what design was proposed. In addition, she raised

concern that the affordable housing which had been agreed at the outline stage did not include any social housing so she questioned whether it was truly affordable for the majority of people in the county. She indicated that she was in complete agreement with the comments about a cycleway not being available along Stoke Road. The Planning Officer explained that the Additional Representations Sheet stated that no comment had been received from the Environment Agency regarding the revised design of the attenuation pond; however, a plan showing a new shape had been received with planting added to encourage wildlife which was a more multipurpose solution. The changes were outside of the Environment Agency's remit. The Lead Local Flood Authority had been consulted and was happy with the revised design and capacity of the outfall.

13.43 A Member indicated he would like to know how and when the air quality assessment had been carried out and whether the Inspector's comments at the appeal had been taken into account. He also asked if any work had been done regarding the leaching of contaminants from the landfill site. In response, the Development Manager reiterated that air quality and leaching were both issues that had been dealt with at the outline stage so there was little that could be achieved by going over that now. He understood all the concerns that Members had raised, and some were very much supported by Officers, but, unfortunately, the position was that outline consent had been granted and Members must make a decision on the approved matters application in that context.

13.44 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to the resolution of the outstanding matters in relation to the drainage arrangements and addition to/amendment of planning conditions as appropriate.

#### **20/00734/FUL - Land at Berry Wormington, Stanway Road, Stanton**

13.45 This application was for the erection of a temporary dwelling for an agricultural worker.

13.46 The Planning Officer advised that the proposal was for a single storey log cabin style building which would be accessed from an existing farm track and would be located adjacent to existing agricultural buildings at the site. The principle of agricultural workers' accommodation in the countryside was broadly supported by the National Planning Policy Framework where there was an essential need for a rural worker to live at, or near, their place of work and that was carried through into Policies HOU3 and AGR3 of the submission version of the Tewkesbury Borough Plan. The applicant had set out details of their existing and emerging livestock business at the site and that the nature of the livestock business required an onsite presence for the welfare of stock. The applicant's case for an agricultural dwelling at the site had been appraised by the Council's Agricultural Adviser who confirmed that the applicant had significant livestock experience and the recently constructed agricultural buildings at the site demonstrated a firm intention to further develop their enterprise. In terms of the functional need for a dwelling at the site, it was considered that the principal sheep business would not necessitate a need as nearby caravan accommodation could be used; however, the calf-rearing enterprise required high levels of management with short notice or 'out of hours' treatment likely which would necessitate a functional need for a stock person to be readily available at the site. Furthermore, the suckler cow business may also entail some 'out of hours' attendance. On balance, it was concluded there was a functional need for someone to be based on the site. As that need was largely based on recent/emerging enterprise, it was considered appropriate that permission be for a temporary period of time in order that the ongoing viability and projected growth could be monitored in accordance with Policy AGR3 and that could be secured by

condition. The proposed building would be discretely sited and, as a result of the design and scale, it would not adversely impact the character of the Area of Outstanding Natural Beauty or the setting of nearby listed buildings. It was therefore recommended that the proposal be permitted for a temporary period and subject to the conditions set out in the Committee report.

- 13.47 The Vice-Chair in the chair invited the applicant to address the Committee. The applicant explained that, over the last 25 years, he had built up the livestock business which included 1,200 breeding ewes, 2,400 lambs, 30 breeding rams and 31 cows. In that time, he had come to realise what an incredibly difficult profession farming was and had faced many challenges, particularly in recent years. Having seen other family farms go under, it was vital to diversify the offering and he had managed to secure a number of contracts for calf-rearing which had given some security for the long term future of the farm. Whilst calf-rearing fitted with the expertise in livestock farming, there were distinct differences from sheep, in particular the need to be on site to maintain the high standards of animal welfare and security that were required for efficient operation of the business. Although that was another significant investment, it was important for the continued successful running of the farming enterprise. The application was for a temporary agricultural worker's dwelling for three years in order to demonstrate there was a viable business. The Council's Agricultural Adviser had assessed the application and concluded there was an essential need for someone to be on site, as well as confirming that the current enterprise was viable, and agreed with the firm intention to develop it. The applicant had worked hard with Officers during the application process in order to achieve the best possible application; that had included responding to the Conservation Officer's comments by changing the location and orientation of the dwelling to minimise the impact on the listed buildings of Wormington Grange and Berry Wormington Farmhouse. There was some concern about maintaining dark skies which the applicant had discussed with the Planning Officer and had agreed to conditions to demonstrate that any lighting used would not significantly impact on the darkness of the Area of Outstanding Natural Beauty. No other concerns had been raised with regards to highways or ecology or by the Cotswolds Conservation Board. As such, he encouraged Members to support the Officer recommendation to permit the application.
- 13.48 The Vice-Chair in the chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be permitted in accordance with the Officer recommendation. A Member noted that it was recommended that temporary permission be granted for three years and he questioned whether this was the normal amount of time expected for a development of this nature as it did not seem very long. In response, the Vice-Chair in the chair explained that the emerging Tewkesbury Borough Plan policy was for a temporary period of three years which was considered an established test of time. The Member acknowledged this response and duly seconded the proposal. Another Member expressed the view that three years was quite restrictive when the applicant was trying to plan a business and he asked if there was any way that could be altered. The Development Manager explained that was a question that should have been asked when the emerging Borough Plan was put together; three years had always been the norm and it would be difficult to expand that without a clear rationale. The Lead Member for Built Environment reiterated that this matter had been discussed at length by the Tewkesbury Borough Plan Working Group and it was deemed that, in order to get to the application stage, the applicant had already produced a comprehensive business plan to prove the need for the dwelling on the site and that there was a viable business going forward. If temporary permission was granted for a longer period, that would restrict the applicant from applying for a permanent site – three years was a considerable time to demonstrate to the Council whether the business was moving forward. A Member assumed that, at the end of the three year period, the applicant would have the option of applying

for another temporary permission or for a permanent structure. She also queried why the proposal was for a three bed dwelling given that it was for an agricultural worker. The Planning Officer clarified that the dwelling would be for the agricultural worker and their family and it would be inappropriate to restrict the dwelling to one person.

13.49 A Member pointed out that the Planning Committee comprised several farmers so there was a good understanding of the needs and ambitions of the farming community and he asked what advice the applicant had been given at the early stages of the application as temporary structures could be very costly to erect. The Planning Officer explained that, to his knowledge, there had been no discussions with regard to the nature of the dwelling on site other than as had been applied for; there were concerns about further development of the site in terms of landscape impact and impact on the heritage assets so a new dwelling may not be forthcoming, notwithstanding that, the application had been assessed on its own merits, the proposed structure was considered appropriate and would not result in harm. The Development Manager advised that planning policy required that a new enterprise be given time to establish itself through a temporary permission and he imagined that was the advice that would have been given to the applicant's agent; he confirmed this was the proper way to proceed in accordance with adopted and emerging policies.

13.50 Upon being put to the vote, it was

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

#### **21/00189/FUL - 4 Whitehouse Way, Woodmancote**

13.51 This application was for the erection of a two storey side extension and front porch and retention of a single storey rear extension as built.

13.52 The Planning Officer advised that a single storey rear extension was permitted at the end of March 2020; however, the existing proposal differed from the permitted plans in terms of materials and fenestration. A Committee determination was required as the Parish Council had objected to the proposal on the grounds that the use of timber cladding on the rear extension would be out of keeping with the area and the side extension would close important gaps in the streetscene which would impact the open and green character of the area. The Parish Council's concerns had been considered but Officers were of the view that the use of timber would not have a harmful impact on the character and appearance of the area due to the scale of the proposed extension and its location. It was also considered that the side and front extensions would be of an appropriate scale and therefore acceptable. It was noted that no letters of representations had been received in relation to the site notice that had been displayed for 21 days. It was recommended that the application be permitted.

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

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

**21/00182/FUL - 3 Cotswold View, Woodmancote**

- 13.54 This application was for the erection of a rear dormer extension and installation of rooflights.
- 13.55 The Planning Officer explained that the proposal was to install a rear box dormer and skylights on the front facing roof slope of the dwelling. A Committee determination was required as the Parish Council had objected to the proposal on the grounds that the installation of a dormer in this location would be out of keeping with the area and would represent overdevelopment of the site. No letters of representation had been received in response to the site notice which had been displayed for 21 days. Members were informed that the Parish Council's concerns had been considered and the scale of the dormer reduced as a result. The Planning Officers' view was that the revised proposal would not have an undue impact on the residential amenity of neighbouring residents over and above the existing situation and, by virtue of its location, the dormer would not have a harmful impact on the character of the wider area. On that basis, it was recommended that the application be permitted.
- 13.56 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 was interested to read the further information provided by the applicant in support of the application, as set out in the Additional Representations Sheet, attached at Appendix 1, which talked about the need for separate space for home working; he suspected that might be something which more people required in the future. Upon being put to the vote, it was

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

**21/00500/APP - 48 Brookfield Road, Churchdown**

- 13.57 This application was for the approval of all reserved matters (access, appearance, landscaping, layout and scale) following grant of outline planning application 17/00804/OUT.
- 13.58 The Planning Officer advised that the proposal was a reserved matters application for a detached bungalow with an integral garage within the large rear garden of 48 Brookfield Road. The application required Committee determination as the Parish Council had objected to the proposal. Outline planning permission for a detached bungalow on the plot was originally approved in 2004 and the permission was renewed in 2007, 2010 and 2013. After the last renewal expired a new outline application had been permitted in 2017; that application had reserved all matters for future consideration but Officers had requested an indicative layout to assess its suitability. On the basis of the indicative layout, it was considered the plot could accommodate a bungalow and still provide adequate garden, off-road parking and turning space whilst not adversely impacting the amenity of the existing neighbouring properties. The layout proposed in the current reserved matters application closely followed the indicative layout of the outline permission – with adequate garden, off-road parking and turning space comparable to those of neighbouring properties. Due to its low eaves and ridge heights and the low sloping roof, the impact on adjoining neighbours would also be acceptable. It was the Officers' opinion that the proposal was acceptable; bungalows were relatively common in the local area and the design and use of red brick and slate tiles for materials were considered appropriate and acceptable. The Additional Representations Sheet, attached at Appendix 1, set out that minor amendments had

been made to the landscape scheme regarding the relocation of trees within the garden area and the Officer recommendation was now to approve the application.

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

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

### **21/00507/FUL - Cleeve School, Two Hedges Road, Bishop's Cleeve**

- 13.60 This application was for removal of condition 5 (electric vehicle charging spaces) of planning application 20/00826/FUL.

- 13.61 The Planning Officer advised that planning permission had been granted on 4 December 2020 for new classrooms to replace existing non-compliant classrooms at Cleeve School. Condition 5 of that planning permission required a minimum of four electric vehicle charging spaces to be provided prior to use of the development. The Parish Council had objected to removal of the condition on the basis that it would be contrary to the climate change objectives of both the Parish Council and Tewkesbury Borough Council. Whilst there was clearly guidance and development plan policy that encouraged sustainable development, there was currently no adopted policy that required electric vehicle charging points. Policy TRAC9 of the pre-submission Tewkesbury Borough Plan in relation to parking provision had not yet been adopted and therefore could be attributed little weight and the Gloucestershire Manual for Streets July 2020 did not require electric vehicle charging points for education facilities. The original proposal for the provision of new classrooms did not actually involve an increase in student or staff numbers, nor did it increase the amount of parking provision on the site, it simply rearranged the parking provision and the extension sought to reduce carbon emissions through design, energy efficient measures and equipment. The new classrooms were funded through a grant from the Department of Education with no additional funds provided for electric vehicle charging points which would have to be financed from other sources. Therefore, as the development accorded with the policies of the development plan and the new classrooms reduced carbon emissions through design and would not generate more vehicle trips, not installing electric vehicle charging points would only slightly impact carbon emissions from the site when the development was taken as a whole. As such, the Officer recommendation was to permit the application. The Planning Officer drew attention to an error at Pages No. 214-215 of the Committee report as conditions 5 and 6 were duplicates of conditions 3 and 4 so would need to be removed from the decision notice, should Members be minded to permit the application in accordance with the Officer recommendation.

- 13.62 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. A Member indicated that he could not understand why this application was recommended for permission given the Council's ambitions to 'go greener'. He had chosen not to get an electric vehicle due to the lack of infrastructure which was needed to achieve the zero carbon target by 2030. In his view the electric vehicle charging points should still be required as per the application which had been permitted, therefore, he proposed that the application be refused. The Development Manager explained that, whilst the authority was supportive of such measures, there was no policy justification for requiring the electric vehicle charging points to be provided and there was no increased demand for parking as a result of the proposal; the policy test for conditions was that they must be necessary and it was difficult to show that in retrospect. A Member seconded the proposal to refuse the

application and queried what the additional cost was of installing electric vehicle charging points as an alternative could be to defer the condition to require their installation within two years. The County Highways representative explained that cost depended largely on existing infrastructure and whether the main electricity line needed to be upgraded as that could cost tens or hundreds of thousands of pounds to install. Another Member questioned how many electric vehicle charging points were available at the school currently and he shared the view that the conditions on the original planning permission should be complied with – that was what the school had agreed to when they wanted the classrooms and if the use of electric cars was to be encouraged it was vital there were places to charge them. The Planning Officer advised that she had not seen any electric vehicle charging points on site when she had undertaken the site visit and nothing had been put forward to identify any in the original submission. Cycle storage was provided so the school was accessible by sustainable transport and the staff and children could also walk to the school.

- 13.63 A Member expressed the view that the Council had recognised there was a climate change emergency and was doing as much as possible to reduce carbon emissions within its own estate so she found it difficult to understand why the County Council did not have to follow that lead; there were many schools across the county and she hoped they would all be installing infrastructure to achieve the deadline for carbon neutrality. She agreed with the previous speaker in that the school had agreed to install the electric vehicle charging points and should be setting a good example by fulfilling that condition. Another Member was of the opinion that there was clearly a budget issue, nevertheless, the school had agreed to provide the electric vehicle charging points so she would be happy to suggest they did not have to be installed until the classrooms had been built. She questioned whether that was something which could be enforced and if it would be a more viable proposition and, if so, whether the application could be deferred until that information could be provided. The Development Manager indicated that was possible; however, a motion to refuse the application had been proposed and seconded and that would mean the applicant had to come back with an alternative way of dealing with condition 5 which could be a non-material amendment to the planning permission if it was a suitable alternative that met the Committee's requirements. A Member questioned whether Gloucestershire County Council would be liable for financing the installation of the electric vehicle charging points or whether the financial liability lay with the school. Another Member pointed out that there were government grants available for green measures such as electric vehicle charging points which he would imagine the school would be eligible for; however, retrofitting was likely to be more expensive. The Development Manager indicated that he understood that Cleve School was an academy rather than County Council controlled.

- 13.64 Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the removal of the condition would fail to encourage sustainable travel and healthy communities.

#### **19/00465/FUL - Charlton, Main Road, Minsterworth**

- 13.65 This application was for change of use of a dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (children's care home); erection of a replacement single storey rear extension and erection of front and rear dormer extensions and front and rear dormer windows. The application had been deferred at the Planning Committee meeting on 20 April 2021 due to submission of details for building regulation approval and ongoing discussion in relation to drainage issues. The Planning Committee had visited the application site on Friday 16 July 2021.

- 13.66 The Planning Officer advised that the application had been presented to the Planning Committee at its meetings on 16 June 2020 and 20 April 2021. At the meeting in June, the Committee had deferred the application seeking clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan; further information in respect of traffic movement; provision of a larger scale site plan to indicate the sharp bend of the road and the site in the wider context; and to receive further information regarding the drainage proposal including a view from the Council's Flood Risk Management Engineer. At the Committee meeting in April, Members had deferred the application due to ongoing discussions with regard to the drainage arrangements on the site. Since that time, the plans had been amended from the original submission to remove the dormer extension and the loft conversion for the semi-detached property Charlton with the single storey front extension still being proposed. Charlton remained a three bedroom property and Christie, the detached property, had four bedrooms. The amended plans submitted identified the bedrooms for staff and children for both properties with two bedrooms for children and two for staff within Christie and the potential for one bedroom for staff and one for children within Charlton. The care home would provide care for children up to 16 years with staff present on the site as the children were not capable of living unsupervised. The Environmental Health Officer considered the number of people on site would not be disproportionate to that of residential properties and children being supervised on site would limit any sporadic disturbance. A revised location plan had been submitted which showed the location of the property with regard to the sharp bend in the A48 to the south of the site. County Highways had assessed the proposal and considered that the parking policy together with the number of parking spaces proposed was suitable to accommodate the likely demand for the site. A site inspection of adjacent land was carried out by Officers on 31 July 2020 and, in March 2021, building control had visited the detached dwelling Christie with regard to the drainage arrangements. Objections had been received in relation to existing on-site drainage provisions being inadequate and foul drainage from the properties in the vicinity adversely impacting farmland to the rear. Additional information was provided and a final revised drainage plan submitted on 19 April 2021 which proposed a package treatment plan in the rear garden of Christie. That had originally been intended to serve both properties; however, in order to avoid the need to discharge the outfall to third party land, i.e. the agricultural land beyond the garden to the east, the package treatment plant now only served the detached dwelling Christie and the field drain for the outfall was contained within its garden. The private treatment plant and field drainage had been installed and approved by Building Control. Charlton remained connected to the existing septic tank system shared with the adjacent semi-detached dwelling Horaldene and the future upgrading of that system would be subject to control outside of planning under separate legislation. The proposal was considered to be appropriate to its context in accordance with Policy SD4 and fulfilled a need for extra care type housing in accordance with Policy SD11 of the Joint Core Strategy. The application integrated effectively with its surroundings and was not detrimental to the character of the area. The intensification of movements to and from the site would be during normal daytime hours and not dissimilar to that of a residential use. The proposal was not considered to be of substantial harm in terms of amenity, drainage or highway safety therefore the Officer recommendation was to permit the application.
- 13.67 The Chair invited the representative from Minsterworth Parish Council to address the Committee. The Parish Council representative explained that the Parish Council had a number of concerns about the application. He indicated there was no mains drainage in Minsterworth and, due to its heavy clay soils, many properties had soakaway issues so recent new developments were investing huge sums into alternative drainage systems. Some 40 years ago, houses adjacent to Charlton and

Christie had an additional pipe installed to take away excess foul water from their septic tanks. The effluent from that pipe currently discharged into an open ditch in the adjacent field which was totally unsatisfactory. There was a pre-commencement drainage condition on the planning permission to build Christie but, as far as the Parish Council was aware, there was no evidence that it had building regulation sign-off despite the property being occupied for at least two years. The Parish Council's main concern was about the recently built drainage field serving Christie as the applicant had not stated who carried out the percolation test, nor where in the garden, and the test had not been independently validated – that was important because the figure of 72 seconds per millimetre quoted was far better than would be expected for the heavy clay soil present in the area. In addition, a professional opinion in the application correspondence advised that the proposed length of the drainage field was only 66% of that required and, to make matters worse, the Parish Council had seen evidence that what was actually built was only 50% of the correct length. Due to the eastward slope of the garden, the drainage field must have been installed either deeper or steeper than national standards. The Parish Council representative went on to point out that the kitchen extension of the adjacent property, Horaldene, was not shown on the plans, despite being built in 1965, so the rainwater soakaway – if it existed – was 20 feet closer to Horaldene than shown. The Parish Council also had concerns about the parking policy, particularly an email dated 21 April 2020 which stated there was only one parking space for staff and that staff should either car share, take public transport or cycle which the Parish Council considered wholly unsatisfactory. Finally, the Parish Council had concerns that the area did not have adequate facilities for a children's care home of the nature proposed.

- 13.68 The Chair invited an objector speaking against the application to address the Committee. The objector indicated that he intended to confine his speech to the drainage and effluent part of the application and the ongoing concerns that remained unaddressed. Nothing had changed since the last report with the exception of Building Control signing off the highly questionable drainage proposals which was 30% smaller than the original which in itself had not been adequate to generate the results needed for the household. An independent drainage consultant had recommended that a drainage system could not be achieved within the applicant's land and the conditions of the 2014 planning permission had never been met or enforced around a suitable and workable drainage plan. Members would be aware of the concerns expressed by the owners of the land behind the application site in relation to the future infiltration generated by this application and he indicated there was a current County Council Task Group investigating all aspects of discharge from major water companies to individual developments and households with regard to water quality and the national drive to clean up watercourses. Minsterworth did not benefit from a mains sewerage network and many others seeking planning permission had to provide far more acceptable drainage conditions and systems than were within this application. What may have looked acceptable on the Planning Committee Site Visit was far from acceptable to neighbouring properties and landowners, the capacity issues remained unaddressed and he believed the application should be refused until such time as they were.
- 13.69 The Chair invited the applicant's representative to address the Committee. The applicant's representative reiterated that the drainage had been signed off on 23 June 2021 and a completion certificate had been provided. In terms of parking and highway safety, the property benefited from a large drive for four cars and parking would only be required for two staff at any one time over the duration of a shift. The two other parking spaces would be used during the day for any staff changes or visitors. Staff used public transport, car shared or cycled if they lived locally so not all would need car parking. During shift changeovers, a maximum of three cars would be on the site at one time due to the way the shifts were organised – one in

the morning and one in the evening. The care home would be smaller than most across the UK to ensure good quality housing was provided to replicate foster placement or a family home; it was not intended to increase the number of bedrooms. No objection had been made by County Highways so it was considered that parking and highway safety did not warrant a refusal reason. The applicant's representative went on to advise that new Department for Education proposals stated that children's homes were not allowed to open in unsafe areas and the Police report set out there were no concerns in Minsterworth to prevent a care home being set up in the area. Relevant Ofsted legislation had been complied with and the planning application was to support a maximum of only three children between both houses, less than could potentially be housed within the properties if rented privately. A maximum of four staff would be working over a 24 hour period on a shift pattern including a manager for the homes during the week. Three care staff and a manager would be present during the day with two care staff onsite at night. Small care homes had similar characteristics to dwelling houses as the comings and goings were not much different to a normal working family. During unsociable hours, it was expected that the children would be asleep and any noise from occupants would be similar to any other dwelling. Therefore, whilst there may be some increased impact, it was likely there would not be significantly greater impact from noise and disturbance. The care home would be registered with Ofsted, the regulator, which did not grant permission lightly. CCTV cameras had been fitted to ensure the children were safe and there was no sufficient evidence that the care home would lead to crime or antisocial behaviour.

13.70 The Planning Officer clarified there was a drainage problem in the existing area and evidence of pollution from existing properties to the rear but not all of that was emanating from Charlton and Christie. The drainage arrangements had taken a long time to sign-off but the proposals had evolved during that time and now the treatment plant would only serve the detached dwelling, Christie, with Charlton using an existing septic tank – at one point the treatment plant was proposed to serve both properties but that was no longer the case. A Member acknowledged that Building Control had signed-off the drainage arrangements and asked whether that meant there were no longer any issues in terms of drainage and foul water. The Planning Officer advised that, for these properties, Building Control had inspected the site and was satisfied with what had been installed. The Member questioned whether the drainage solution for both properties had been signed-off and clarification was provided that Building Control had signed-off the drainage for the new dwelling and the existing building was remaining on the septic tank and would potentially need upgrading in the future as would any septic tank for a residential property. The Chair indicated that he was still struggling to understand the issue around the drainage and asked for some more clarity regarding the situation. In response, the Development Manager confirmed that Charlton was the existing semi-detached property which was served by an existing septic tank so did not require building regulation sign-off as there was no material difference – it would be the same system that the house had always used. Christie was the new dwelling which had now had its drainage arrangements signed-off by Building Control. As far as Planning Officers were concerned, the foul drainage was acceptable for both properties.

13.71 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member indicated that her main concern was for the safety of the children that would be residing in the care home as the dwelling was right on the main road and she pointed out that an application within this area had been refused at a recent Planning Committee because of the access onto the main road. She did not feel that children should be playing in the garden when it was not secure. She also had concerns that children may be noisy during the night if they were upset and that would not be fair to neighbouring residents. In her view, a semi-detached property was not appropriate for a care home for

children; Minsterworth embraced all sorts of dwellings and would not object to the proposal unless there was a real need to do so. Another Member questioned how long the drainage had been separate for and who had undertaken the percolation test; why the drainage field was only 66% of the length it should be and why the drainage pipe was 30% smaller than the original; and who regulated the children's home and who had responsibility for any breaches. In response, the Development Manager advised that, in terms of this application, the considerations were very much around planning land use matters – regulation was a completely separate matter which was outside of the Planning Committee's remit. The issues for Members to consider were in relation to drainage, which had now been signed-off where it had needed to be; highways – a view had been provided by County Highways and the Planning Officer and Members who visited the application site would have seen there was sufficient space for car parking and turning so that vehicles could enter the highway in a forward gear; and, noise and disturbance which he encouraged Members to think in terms of how the proposed use would differ from being occupied by families bearing in mind the number of staff and children who would be residing there – given those limited numbers, Officers did not think there would be an issue. In terms of children running onto the main road, that would be the same for any of the properties along the A38. Care home facilities needed to go somewhere and Members should be careful about what they were considering; the application was in line with policies and acceptable in planning terms. The Planning Officer confirmed that the applicant was a private company so this was not a County Council application. The Chair expressed the view that the questions raised in terms of the percolation test and how long the drainage had been separated were irrelevant given that the drainage arrangements had been signed-off by Building Control. The Legal Adviser confirmed that the Planning Committee did not deal with building regulations and the drainage arrangements had been signed-off; however, she suggested it may be that the pipe was smaller because it was no longer serving both properties. As this was an application for change of use, albeit with a minor extension, drainage should have been addressed as part of the existing build permission and she stressed that Members were looking at change of use in this instance.

- 13.72 A Member applauded the thinking behind the proposal but could not accept that it was in the right place for a number of reasons. She agreed that a semi-detached property was not suitable for this type of home and, having attended the Planning Committee Site Visit, it was very difficult to move away from the road with Members struggling to hear one another due to the volume of traffic. She accepted the situation would be the same if the house was occupied by a family but that was not what the Planning Committee would be giving permission for and she felt that there was a moral responsibility in terms of the safety of children. There were documented incidents at the property which were over and above what would be expected from a standard residential property and she could not support the proposal. Another Member indicated that the Committee should be discussing land use and Members were all well aware of the dangerous nature of the road so cars must not be allowed to reverse onto the main road but that could be controlled by condition. In terms of sewerage, one house had a new system and the other was sharing the old system so it was up to the Environment Agency to advise if and when that system needed to be upgraded – whether that was done was not within the Committee's remit. Similarly, whether the regulator would find the property was suitable for use as a children's care home was not a matter for the Committee. A Member indicated that he had attended the Committee Site Visit and the amount of traffic and noise had led him to question whether it was the right place to house children with special needs; he felt they deserved a quieter, less dangerous place as there was always a chance a child could run out into the road and he would not be able to live with that, as such, he could not support the application.

- 13.73 Given the concerns raised regarding highway safety and that boundary fencing had gone, a Member queried whether it was possible to include a condition that boundary fencing must be erected to ensure there was no access onto the lane at the side. Another Member raised concern that the Committee was trying to control the use of the property to prevent it being run as a children's care home and it was not within its remit to do so; he reiterated that a family of seven could move into the property and the Committee would not be able to do anything about that. The Development Manager noted that a Member had referred to the children having special needs and he indicated that he did not believe the care home was intended for any particular group in that respect but that was a matter for Ofsted. It was very much about the use of the land and its suitability; a lot of the issues raised by Members were for those responsible for licensing properties to take a view on and he did not think the Committee should concern themselves with issues that were not clearly planning-related. He stressed that he understood the issues but there would probably be fewer children occupying the site than family homes.
- 13.74 A Member proposed that the application be refused due to the lack of sufficient foul drainage as it currently stood. A Member indicated that she was willing to second the proposal but would like to add an additional refusal reason about the inappropriateness of the site for the intended use as a children's care home in terms of highway safety and due to concerns regarding anti-social behaviour as a result of the type of children that were likely to be resident. The Development Manager felt there was little more that could be said regarding the drainage and he considered it would be unwise to proceed with a refusal on those grounds given that the drainage arrangements had been signed-off by Building Control. He understood the wider drainage concerns and that matter was being dealt with elsewhere; notwithstanding that, this site had met its own requirements and he was not sure what evidence was available to withhold planning permission. He also understood the concerns regarding safety but it was not for the Committee to decide if it was a safe place and there was a body set-up to deal with that aspect. He asked Members to consider what issues there were in terms of the pattern of use that would make it so unacceptable that planning permission should be withheld given that the two properties could accommodate any number of people.
- 13.75 The seconder of the motion questioned whether speed and density of traffic was an appropriate planning reason for refusal and was informed that County Highways did not object to the proposal. The Development Manager reiterated his point about the difference between the speed and density of traffic in relation to this proposal compared to a dwelling; he recognised what had been said about the potential nature of the children but that was a matter for the governing body. The proposer of the motion to refuse the application indicated he would be happy to amend his proposal to address the concerns raised by the seconder, as such, it was proposed and seconded that the application be refused due to insufficient evidence regarding the capacity of foul water being displaced and its impact on existing watercourses; the inappropriateness of the location; and noise nuisance. The Development Manager sought clarification as to the planning issues being raised within the proposed reasons and the seconder of the motion felt that highway safety must be mentioned in terms of the speed and density of the traffic and the amount of fatalities on the road. The gates to the properties were never shut and there were no secure gates between the back and front gardens. She had no problem with the principle of the proposal, just the location. The Legal Adviser noted that a Member had asked about the possibility of conditioning the planning permission to address highway safety concerns - for instance, by providing fencing or gates - and she explained that, if the application was refused on the basis of concerns about highway safety as a result of the change of use, one of the questions that would be asked at appeal was why that could not be dealt with by condition.

- 13.76 Upon being put to the vote, the proposal to refuse the application fell. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that the fact of the matter was that, although Members may not like it, the Planning Committee had a job to do. A Member requested that condition(s) be included to ensure that safety measures were put in place prior to occupation i.e. that the boundary fencing be reinstated and safety gates be installed to the front of the property and that vehicles would exit in a forward gear. The proposer and seconder of the motion indicated that they were happy for those condition(s) to be included and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of condition(s) to require the boundary fencing to be reinstated and safety gates to be installed to the front of the property and that vehicles would exit in a forward gear in order to address safety concerns in respect of the adjacent highway.

### **21/00533/FUL - 34 Priory Lane, Bishop's Cleeve**

- 13.77 This application was for the erection of a two storey, gable-fronted extension to the front of the property and a single storey extension to the rear.
- 13.78 The Planning Officer advised that the application sought permission for a two storey front gable extension, a new link to the garage, a single storey rear extension, alterations to the side bay window and new windows and doors. The property was being updated with a more contemporary design and choice of materials proposed. The site was located on Priory Lane in Bishop's Cleeve which had a varied streetscene of properties in terms of character and design. The application required a Committee determination due to an objection from the Parish Council on the basis of the poor design, particularly in terms of the windows in the front gable. Members were informed that the extensions respected the scale and proportions of the host property and it was considered that the alterations and extensions would integrate well. The proposed materials were an off-white render, dark zinc cladding, grey fenestration and slate roof which were considered appropriate in the location given the range of materials evident in the streetscene and they would not cause any harm to the visual quality of the area. Whilst the Parish Council's comments were noted, the off-set windows were not considered inappropriate to the design approach proposed and did not cause harm to the character of the dwelling or visual quality of the area. It was noted that the materials would be controlled by condition. The dwelling was set back from the road with a separation distance of over 24 metres from the windows of the property opposite. There would be a high-level window in the side elevation facing the rear amenity area of No. 30 Priory Lane; that would be a secondary window to a bedroom and, as the existing bedrooms had windows on the side elevation, overlooking would not be considered substantially more harmful than the existing situation. The bathroom window of the ensuite would be on the east side elevation, 3.8 metres from the boundary with No. 15 Longlands Road, so a condition would be required for the glazing to be obscure for privacy and to minimise perceived overlooking. It was noted there had been no neighbour objections to the proposal. The second access was proposed onto Priory Lane and parking would be provided for three vehicles. County Highways had been consulted and raised no objection in terms of highway safety. As such, the Officer recommendation was to permit the application.

- 13.79 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**PL.14 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 14.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 245-252. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.
- 14.2 A Member queried when the Gotherington hearing was taking place and whether it would be streamed on YouTube. The Development Manager confirmed it was taking place on Wednesday and would possibly go into a second day. The hearing was being held in London at the High Court and the Legal Adviser explained that, although there was also a remote Court platform, its use required registration with the Court.
- 14.2 Accordingly, it was
- RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 2:17 pm

## Appendix 1

### ADDITIONAL REPRESENTATIONS SHEET

Date: 20 July 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	
5e	<p><b>21/00068/FUL</b></p> <p><b>Manor Farm, Main Street, Wormington</b></p> <p><b>Amended plans</b></p> <p>Amended plans have been submitted which remove the proposed amenity space for the proposed dwelling. The dwelling as proposed would rely on the host dwelling for amenity space/parking and turning areas.</p> <p><b>Recommendation</b></p> <p>Officers consider that the amended plans address reasons for refusal 1 and 2 as set out in the Committee report. The outstanding reason for refusal in respect of highway safety remains.</p>
5g	<p><b>21/00214/APP</b></p> <p><b>Land At Stoke Road, Bishops Cleeve</b></p> <p><b>Additional Consultation Response</b></p> <p><b>Stoke Orchard and Tredington Parish Council</b> - Strongly object for the following reasons:</p> <ul style="list-style-type: none"> <li>- No provision for improvement to cycling and pedestrian access to the west of the site has occurred.</li> <li>- Lack of capacity to the sustainable drainage system.</li> <li>- No increase in footpath and cycle tracks have been included.</li> </ul> <p><b>Additional Representation</b></p> <p>One further comment has been received from a local resident who commented that she had seen and heard a population of Skylarks on the application site and the impact upon this protected species should be considered.</p> <p><b>Officer Update</b></p> <p><b>Parking Provision</b></p> <p>It has come to light that the wording in the Committee report which discusses the level of off-street parking provision (see Paragraph 7.30) could be misunderstood. For clarity, all plots have dedicated off-street car parking available. Across the site, all 1, 2 and 3 bed dwellings would comply fully with the parking standards set out in the Manual for Gloucestershire Streets (MfGS). There are a small number of plots (circa 10% of the estate) which do not show compliance; these are the 4 and 5 bedroom units which only show two off-street car parking spaces instead of the required three. However, these dwellings do have garages (some of them double</p>

garages) which, whilst they do not form part of the parking standards, should give confidence that additional parking is available. Further, the majority of the properties which are deficient in spaces would be served off of the shared private driveways away from the main circulating roads of the estate. Officers, including the Highway Officer, consider that the deficiency against the standards would not result in significant displacement onto the highway, or create a highway safety issue and this matter should not warrant a refusal on parking grounds.

### **Update on Outstanding Matters**

**At the time of writing the Committee report there were a number of outstanding matters required to be resolved. An update on each, in the order in which they appear in the Committee Report, is provided below:**

Following successful negotiations, the proposed roofing materials have been amended so that only Forticrete Gemini and the Cedral Thrutone Textured would be used across the site. These are specified in a few differing colours to add variety to the streetscene. Officers consider the revisions acceptable.

A screen wall is now shown for the three plots identified (Plots 74, 114 and 174). The revised details are considered acceptable.

A revised design for the Local Equipped Area of Play (LEAP) has been submitted. The Council's Landscape Advisor and the Council's Asset Management Project Officer have confirmed the revised design is acceptable.

A revised landscape scheme has been submitted which includes more variety of tree species and more trees to be planted around the attenuation basin to encourage wildlife to the area. The Council's Landscape Advisor and the Council's Tree Officer have reviewed the revised details and confirmed that the revisions address their previous concerns and consider it to be a good improvement.

Revised plans have been submitted which demonstrate minor changes to a small number of plots to ensure satisfactory separation distances would be maintained between all dwellings. Officers are now satisfied that the proposed development would create a place with a high standard of amenity for future residents.

In response to the comments raised by the Environment Agency in terms of the design of the proposed attenuation pond, a revised design has been submitted. The Council's Sustainable Drainage Engineer has reviewed the proposed changes and confirmed that the revised design does still maintain the volume requirements whilst offering some environmental benefits and he has no objections to it. Comments from the Environment Agency are still pending.

Despite there being no requirement to provide a 'Hedgehog Highway', as this falls outside of the remit of the reserved matters application, the applicant has revised the boundaries plan to include hedgehog highway holes within the gravel boards of the timber garden fencing. This plan is currently being reviewed by the Council's Ecologist.

### **Revised Recommendation**

As detailed above, the majority of outstanding matters previously reported have now been addressed; two are still outstanding. Given this the recommendation has been amended slightly to omit the wording 'referred to in the report.' As such the recommendation is:

**Authority be delegated to the Development Manager to approve the application subject to the resolution of any outstanding matters and the addition to/amendment of planning conditions as appropriate.**

	<p><b>Revised Condition</b></p> <p><b>In light of the receipt of a number of amended plans, an updated Planning Drawing Register and Issue has been received and therefore Condition 1 set out in the Committee report should be changed to the following:</b></p> <p>1. The development hereby approved shall be carried out in accordance with the plans/drawings/documents set out in the Planning Drawing Register and Issue, sheet No. P1.1, and last updated on 16.07.21.</p>
5j	<p><b>21/00182/FUL</b></p> <p><b>3 Cotswold View, Woodmancote</b></p> <p><b>Further information from applicant to support their planning application:</b></p> <p>We have lived in Cotswold View, Woodmancote for 33 years. We enjoy living in the village and have no desire to move.</p> <p>As a result of the pandemic, there has become a need to have a separate room for home working which we can achieve by having a loft extension to accommodate a bedroom and ensuite and using one of the existing bedrooms as a home working office. Even with relaxation of regulations around the pandemic there is still an ongoing need for this home working office.</p> <p>The layout of the houses in our area of the village means that there are no issues with overlooking, the extension is not for a principal living room and the end nearest our neighbours will be an ensuite with an opaque window.</p> <p>We support the proposed Woodmancote Development Plan and have reduced the scale and impact of the dormer to make it less obtrusive. Indeed, it is very difficult to see the rear elevation from the road and the front elevation will just have roof lights in common with several other houses in the area.</p>
5k	<p><b>21/00500/APP</b></p> <p><b>48 Brookfield Road, Churchdown</b></p> <p><b>Additional comment from the applicant</b></p> <p>A revised landscape scheme has been received which addresses the Council's Landscape Advisor's comments. <b>The recommendation is therefore changed to APPROVE.</b></p> <p><b>Condition 1 is accordingly amended</b> to include reference to the revised plan. An additional Informative is also added at the recommendation of the Council's Tree Officer</p> <p><b>Conditions:</b></p> <p>The development hereby approved shall be implemented in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>- Proposed Landscaping Drainage &amp; Levels - Dwg. CF14 BRC 02i</li> <li>- Proposed Elevations and floor plans - Dwg. CF14 BRC 01b</li> <li>- Topographical (Level) Survey 26.05.2021</li> <li>- Proposed Levels Supplementary Sheet - Dwg. CF15 BRC 03a</li> <li>- Tree Survey Report (V1) - MHP 01.07.2021</li> <li>- Tree Protection and Landscape Proposals - Dwg. 21173.501 Rev B</li> </ul> <p>Reason: To clarify the terms of the approval.</p>

	<p><b>Additional informative:</b></p> <p>Trees in neighbouring properties</p> <p>The Ash tree(s) appears to be in the neighbouring property. Although it is your right to remove parts of the tree overhanging your property, any cuttings should be returned to your neighbour if they so wish and consent must be gained regarding access to their property. You have a legal duty to exercise reasonable care in carrying out any works to the overhanging trees. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Further information is available on Guide-to-Trees-and-the-Law.</p>
5I	<p><b>21/00507/FUL</b></p> <p><b>Cleeve School, Two Hedges Road, Bishops Cleeve</b></p> <p><b>On 10 July 2021 an objection to the removal of the condition 5 for electric vehicle charging points was received from Councillor Munro as follows:</b></p> <p>I do not think the requirement to provide electric charging points should be waived in any way. electric cars are the future and we need to provide as many charging points as possible to meet the government requirement for an all-electric car future. We should be encouraging the use of electric cars and making it as easy as possible.</p>
5m	<p><b>19/00465/FUL</b></p> <p><b>Charlton, Main Road, Minsterworth</b></p> <p>At the Planning Committee on 20 April 2021, Members requested clarification with regard to the how many vehicles would be parked on the site at its maximum, taking account of one carer per child and handovers between carers.</p> <p>A Parking policy for Children's Home by Streetz Ahead Creative Aspirations was submitted on 9 June 2020.</p> <p><b>Update from Applicant 12 July 2021</b></p> <p>We are having a policy in place for the new homes to avoid the car park area becoming full.</p> <ul style="list-style-type: none"> <li>- Each house will permit one staff car each with a car sharing scheme in place.</li> <li>- The staff have options for a bike to work scheme and we will be providing free car parking in town for those commuting by bus link.</li> <li>- One staff car per shift is permitted taking up two of the spaces. Leaving a void for the home car and a visitor space.</li> <li>- Changeovers would operate as you requested at different times in the day, the policy puts this in more detail.</li> </ul> <p><b>Condition 2 amended</b> to ref to Drainage Plan drawing number 1256.5 E received 19 April 2021 (to be shown in the Officer's presentation).</p>