

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 16 November 2021 commencing at  
10:00 am**

**Present:**

Chair

Councillor J H Evetts

**and Councillors:**

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

**also present:**

Councillor R J Stanley

**PL.34 ANNOUNCEMENTS**

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

**PL.35 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 35.1 Apologies for absence were received from Councillors R D East (Vice-Chair) and P W Ockelton. There were no substitutions for the meeting.

**PL.36 DECLARATIONS OF INTEREST**

- 36.1 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.
- 36.2 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>
M A Gore	Agenda Item 5d – 21/00449/FUL – The Old Apple Store, Toddington.	Had been contacted by the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.

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

**PL.37 MINUTES**

- 37.1 The Minutes of the meeting held on 19 October 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.38 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

- 38.1 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.

**20/00245/FUL - Former Nortenham Allotments, Land West of the A435, Bishop's Cleeve**

- 38.2 This application was for the erection of 113 dwellings, provision of access, drainage, public open space, landscaping and associated works.
- 38.3 The Planning Officer advised that the application required a Committee determination on the basis that it was a full application for the erection of more than 10 residential units. She explained that the plans included in the presentation were the latest revisions which incorporated the changes to the fenestration design and layout, as mentioned in the Committee report, and the Additional Representations Sheet attached at Appendix 1, so there were some slight changes from the plans provided in the Committee report. She went on to draw attention to Page No. 33, Paragraph 1.9 of the report, which stated that two pedestrian access points were proposed along the eastern boundary to the A435 and she clarified that, as stated at Page No. 42, Paragraph 7.32 of the report, the additional four pedestrian links were actually four pedestrian access points proposed to the edge of the land within the ownership of the applicant – three extending off the western boundary and the fourth from the south-west corner through the existing allotments.
- 38.4 The Planning Officer advised that the application site was located to the west of the A435 within Bishop's Cleeve and to the east of the Cleevelands development covering an area of approximately 3.9 hectares and was irregular in shape. The parcel of land was bound by residential development to the west, allotments to the south-west, the Dean Brook to the north and the A435 to the east. The site comprised grass areas and scrubland and was enclosed by a dense hedge along the northern and eastern boundaries and by a fence line along the western boundary. Although the site was not subject to any landscape delegations, the land immediately adjacent to Dean Brook lay within Flood Zones 2 and 3 and a Public Right of Way ran through the site along the eastern boundary. The application site had been identified in the Main Modifications Tewkesbury Borough Plan as a potential site allocation with an indicative capacity of 85 dwellings. The application was submitted in full and sought permission for the construction of 113 dwellings which would include a mix of house sizes, from one bedroom to four bedroom properties, predominately two storeys in height. The dwellings had been designed to reflect the more contemporary approach of the adjacent Cleevelands development. The proposed development would deliver a mix of open market and affordable dwellings; overall, 39.82% of the dwellings would be affordable which equated to 45 of the 113 dwellings. A single point of vehicular access to the development would be created off the A435 and four pedestrian links were shown to the boundary of the site to the west. The submitted plans incorporated areas of green space and additional landscaping across the site, with an attenuation pond and a Locally Equipped Area for Play. Since the application was first submitted, the proposal had been subject to revisions with the latest changes including a reduction in the number of dwellings proposed and changes to the design approach in an

attempt to address concerns raised by Officers. An assessment of the material considerations was included at Pages No. 38-52 of the report. As set out within the report, Officers considered that, when taking account of all of the material considerations and the weight to be attributed to each one, the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. In terms of verbal updates, the Additional Representations Sheet explained that an update would be given as to whether the new allotment provision in Bishop's Cleeve was comparable and whether an off-site contribution towards allotments was required; the Planning Officer confirmed this was still being considered and was listed as a matter to be delegated in the proposed recommendation. Since the Additional Representations Sheet had been produced, the Council's Landscape Officer had confirmed the revised fencing and boundary treatments were acceptable. A further representation had also been received from the Council's Community and Economic Development Manager requesting several financial contributions towards social and community infrastructure and that was currently being reviewed by Officers to establish whether the contributions would meet the three tests set out in the Community Infrastructure Levy (CIL) regulations and the National Planning Policy Framework. Subject to the outcome of the review, this would need to be discussed with the applicant to obtain their agreement to the contributions. As such, the Officer recommendation had been amended to omit the resolved issue in respect of the fencing and boundary treatment and to include securing the financial contribution for the social and community infrastructure if the contributions would meet the CIL regulations. Accordingly, it was therefore recommended that authority be delegated to the Development Manager to permit the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure, if required.

- 38.5 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the application was submitted in March 2020 and negotiations with Planning Officers and consultees had taken place in the most testing of circumstances during the coronavirus pandemic. He wished to thank Officers for their hard work and cooperation as they sought to navigate the passage of the application over the last 18 months. At the time of submission, the housing proposal was in support of the draft Tewkesbury Borough Plan and, in the intervening period, the local plan had advanced significantly with the independent Inspector who had assessed it raising no objections to the site's allocation for housing. Following extensive negotiations with Officers that resulted in changes to the proposed mix of houses and their external appearance, the proposal now had the support of all consultees and a delegated permit recommendation from the Planning Officer. Gloucestershire County Council had acknowledged that the site was not required for educational purposes and an education contribution of £650,000 had been agreed. With regard to access and connectivity, County Highways had raised no objections to highway and footpath designs and the applicants had done all they could to provide footpath links to the boundary of the site. All homes within the development would have electric vehicle charging points and ecological enhancements such as improvements to Dean Brook, bird boxes and bat boxes would be incorporated into the development. Pending national legislation would require a minimum of 10% biodiversity net gain and the applicant's representative confirmed that, following work with Gloucestershire Wildlife Trust, a

20% biodiversity net gain could be achieved here through a combination of onsite and offsite mitigation measures. The application had been submitted in full so that all details could be reviewed and considered by Officers, Members and consultees; this approach would assist in the timely delivery of housing from this site and would help strengthen the Council's position in defending speculative planning applications on non-allocated sites. Importantly, the development would deliver 45 affordable homes to help 382 households waiting to be housed in Bishop's Cleeve. In summary, he indicated that the proposal was for contemporary housing which met the requirements of the Urban Design Officer, no objections had been raised by any technical consultees and the site could be delivered in its entirety within five years.

- 38.6 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member raised concern that the entrance to the junction was on a 50mph bend on a bypass and there was no other access. There was poor connectivity to the Cleavelands development with no wheelchair or pram accessibility between the two and the new school would only be accessible by foot as there were no drop-off/pick up points. He was keen for the access to be as easy as possible and he questioned whether County Highways had considered all of this and if the applicant had explored all of the connectivity issues with Cleavelands.
- 38.7 The Chair asked the representative from County Highways to respond to the comments made by the local Ward Member. The representative from County Highways explained that the proposed access had been fully considered when the application had been reviewed by County Highways and he advised that the proposed point of access was where the speed limit changed from 50mph to 40mph. The applicant had provided speed surveys which showed that average speeds were 36mph in either direction and County Highways was satisfied with the visibility for the speed of the road. The proposed access would be subject to a Stage 1 Road Safety Audit and could be satisfied via a Section 278 Agreement so there were no concerns in relation to the proposal.
- 38.8 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure, if required, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, subject to the removal of condition 20 in relation to cycle storage provision. The proposer of the motion expressed the view that this condition was inappropriate bearing in mind the agreed policy status of the planning authority and this matter had been discussed at length at the last Planning Committee meeting. He felt it was interesting to note there had been no mention of cycle storage in the comments made by County Highways in May 2020; however, the revised representation on 15 October 2021 had included the condition for cycle storage provision. This was not a policy of Tewkesbury Borough Council and, if it was to become one, it would need to go through the appropriate process rather than being imposed through the back door via County Highways. The seconder of the motion raised concern that no cycle routes were proposed within the development so cyclists would have to go right out of the junction onto the busy road. She felt that County Highways would be better placed seeking Section 106 monies for cycle routes off the site rather than imposing a condition to include cycle storage in the gardens of terraced properties which had no access to the garden other than through the house. She questioned how off-site affordable housing could be

provided with the sum of £13,996 and suggested it would have been better used on-site. In terms of the condition 18 in relation to the provision of electric vehicle charging points, she raised concern that they were required to be retained for the lifetime of the development as this did not take account of how quickly technology could advance and she asked if the wording could be changed to take account of that. The representative from County Highways clarified that, in terms of cycle access, the footpath shown along the A435 in the eastern part of the site was three metres wide and was a shared cycle and pedestrian footpath so there was access for cyclists. With regard to cycle parking, the national policy position was provided in a Local Transport Note in July 2020 as the government wished to increase walking and cycling so that 50% of all journeys were completed by those means. The Department for Transport document required residential units to provide secure cycle parking and changes relating to the national model and design code had come into effect this year requiring cycle storage to be integrated into developments. The Joint Core Strategy required consistency with the parking standards set out in the Manual for Gloucestershire Streets which contained standards for cycle parking and the emerging Tewkesbury Borough Plan included policy in relation to cycling. Gloucestershire County Council's policy was that cycle parking was required in order to encourage trips by bicycle which was why the condition was considered to be necessary for this development. In terms of affordable housing, the Planning Officer explained that SD12 of the Joint Core Strategy required a minimum of 40% affordable housing development outside the Joint Core Strategy strategic allocations and this proposal would provide 45 dwellings which equated to 39.82%; the outstanding contribution of 0.18% equated to a financial contribution of £13,996.50 which was felt to be a reasonable approach to take as, although it would not pay for a new unit, it would be used as a sum to be included in the pot for affordable housing within the borough.

- 38.9 During the debate which ensued, a Member wished to reiterate some points he had raised before in relation to cycling as it was his view that, in order to encourage more people to take up cycling, it was necessary to make the roads as safe as possible to give them confidence to cycle and the money that would be spent on providing cycle storage would be better spent on cycle lanes within the site. He did not feel that people would buy bicycles because they had a storage shed to put it in – the cost of cycling equipment meant that, in his experience, people kept their bicycles in their houses or bolted down in a garage. It seemed to him that the policy-makers had not consulted with cyclists themselves when coming up with these policies. The proposer of the motion noted the points raised by the County Highways representative in terms of the national guidance; however, the fact remained that such detailed policies were made by Tewkesbury Borough Council, via the Tewkesbury Borough Plan. Much thought had been given to cycling and cycle storage by the Tewkesbury Borough Plan Working Group and there was not a policy that required cycle storage sheds to be provided at every single residential unit so he found it unacceptable that County Highways was trying to impose this. Another Member expressed the view that County Highways was trying to do a good job and encourage cycling where possible. She accepted what had been said about the need to improve conditions for cycling but she was surprised that the proposer and seconder of the motion had not requested that condition 19 also be removed on the grounds of being unenforceable – an argument that had been put forward for the removal of cycle storage provision conditions at the last Planning Committee meeting. She had found the Committee report to be very honest and connectivity had been highlighted as one of the biggest weaknesses of the proposal. Whilst she accepted that 85 dwellings was a recommended level for the site rather than a maximum, she had still been surprised that the proposal was for 113 dwellings in light of the other issues, not least the increased traffic on the bypass. In terms of the housing mix, she noted that Pages No. 44-45, Paragraphs 7.43-7.44 of the Committee report, stated that the Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary set out that 3% of new market

dwelling should be one bedroom properties but the housing mix here would be seven two bedroom properties, 38 three bedroom properties and 23 four bedroom properties so she asked whether any one bedroom properties were included in the proposal. In response, the Planning Officer confirmed that there would be one bedroom properties within the affordable housing but no one bedroom properties were proposed among the market dwellings. Another Member indicated that his issue with the cycle storage condition was that it was unenforceable. The proposer of the motion felt that it was up to developers to decide if they wished to provide cycle storage but it was wrong to impose that condition upon them for the reasons he had already explained. This had been debated in considerable detail when Members had discussed the Tewkesbury Borough Plan and it was not a policy of the Council, therefore, including a condition requiring cycle storage at the request of County Highways was policy-making by the back door which was unacceptable in his view. If the Planning Officer wished to engage with the developer, and the developer was willing to provide the cycle storage, that was fine but he did not think it should be dictated as a condition of granting planning permission. The Legal Adviser pointed out that Policy TRAC2 of the Tewkesbury Borough Plan related to cycle network and infrastructure and that Paragraph 10.14 of the reasoned justification stated that *“All development can have a role to play in promoting cycling and the cycle network. However, it is recognised the scale of a proposal will influence to what extent it can contribute. Small-scale residential developments, for example, may only be able to make a limited contribution and only ensure access to any existing routes is provided as well as providing individual storage facilities.”* The proposer of the motion confirmed that it had been discussed in detail what the policy should say and how it should be considered but it was never intended to impose this standard on every new housing unit in the borough. The Chair questioned whether there was an issue with the inclusion of condition 19 on the basis of being unenforceable and clarification was provided that this allowed the garage/car parking space(s) to be retained as such and not used for any other purpose than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage so this was not considered to be unenforceable.

- 38.10 A Member reiterated that cycle storage provision conditions had been discussed at length at the last Planning Committee meeting and his personal stance was that their inclusion was generally a positive thing that should be supported. He indicated that he was completely against the removal of condition 20. The Development Management Team Leader (North) advised that Officers put forward their professional recommendation based on the guidance available in accordance with the Council's development plan. In order to move forward, it was within Members' gift to decide whether they wished to remove the condition, retain the condition or whether they wished to make minor amendments to the wording. The proposed condition did not talk specifically about a cycle shed, rather it required “sheltered, secure and accessible bicycle parking” and it was possible to amend the wording to allow the structure to be used for ancillary domestic storage; clearly the occupants may not have a bicycle but it was important that the structure was large enough for those who did have one to be able to store it. The seconder of the motion was still of the view that it would be unenforceable and suggested that a vote be taken on the motion that was on the table. Another Member suggested that this particular condition be removed from all planning applications in future in order to prevent having this debate at every meeting. She remembered a time when County Highways insisted on new residential developments having two parking spaces per property; that had been ‘fashionable’ at the time but was no longer a requirement. Everyone wanted to be seen to be green but it was important to be realistic. She felt the condition in relation to cycle storage provision could not be enforced and that it should not be included in any future applications. The Legal Adviser indicated that Members had received advice from Officers on the policy basis for the recommended condition and their professional view and consistency would come

into play going forward depending on the outcome of this application. In response to a query as to whether the condition could be removed from all applications in totality, the Legal Adviser advised that she had provided the relevant wording within the Tewkesbury Borough Plan and it was not for this Committee to remove that. The Development Management Team Leader (North) advised that Officers had been discussing this issue outside of the Committee and she undertook to speak to County Highways to decide how this could be addressed going forward.

38.11 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure if required, and the removal of Condition 20 in relation to cycle storage provision.

#### **21/00259/FUL - Land at Claydon Farm, Claydon, Tewkesbury**

38.12 This application was for construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.

38.13 The Planning Officer advised that the application site comprised two connected parcels of land; the eastern parcel of the site was the largest at 96 hectares and comprised 12 agricultural fields located to the south of Claydon Farm and to the east of Fiddington. Temporary permission was sought for a 40 year period for the solar panels, battery stations and associated equipment which would be removed after that time. The western parcel of land extended to 0.37 hectares and comprised part of an agricultural field which was currently used for pastoral farming to the south of Bozard's Lane, approximately 250 metres to the east of Tredington. Planning permission was sought for that part of the site for a sub-station and associated access on a permanent basis. The east and west parcel of land were connected by Bozard's Lane and a cable linking the two parts of the proposal would be laid within the carriageway to connect the two parcels. The applicant had advised that the solar farm would provide for up to 49.9 megawatts of electricity which could help meet the energy needs of approximately 10,000 homes and the proposal would make a significant contribution to meeting targets for renewable energy as well as the reduction of greenhouse gases. The application was supported by a sequential analysis study and an agricultural land classification report which confirmed that the majority of the site was Grade 3b agricultural land. The sequential analysis demonstrated that there were no available or suitable areas of previously developed land, or lower quality agricultural land, suitable for the development within a reasonable catchment area. In terms of the visual impact of the solar farm, the site was outside of the Area of Outstanding Natural Beauty and Special Landscape Area, and the network of mature hedgerows and trees around the site and within the surrounding area filtered views into and across the site. The overall impact of the proposed solar farm on the landscape character area and on the character of the site was considered by the Council's Landscape Officer to be minor adverse; the impact of the development would ultimately be reversible. There would be detrimental impact on residential amenity during the construction phase of the development; however, given this was temporary and the extent of the impact

could be controlled and mitigated through conditions, it would not be unacceptable. The Council's Ecological Advisors and Tree Officer had been consulted on the application and raised no objection, subject to appropriate planning conditions to protect retained trees and secure the proposed biodiversity enhancements. In addition, County Highways, the Lead Local Flood Authority and County Archaeologists also raised no objection to the proposal. Overall, Officers considered that the benefits of the proposal outweighed the identified harm and the application was generally in accordance with development plan policy. After publication of the Committee report, a request had been received from National Highways that the application was not determined until additional information had been provided in relation to the precise route, method and extent of works required for the cabling connection from the proposed solar farm to the proposed substation. As such, the Officer recommendation had been amended to delegate authority to the Development Manager to permit the application, subject to National Highways concerns being resolved.

- 38.14 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that, against the backdrop of COP26, he was honoured to offer a sensible but bold response to climate change to support the borough and county targets. A crucial step towards fighting climate change was to decarbonise the electricity system and the government had legislated that the UK would be net zero by 2050 with Gloucestershire County Council declaring in May 2019 that it would follow suit – the applicant was ready to make a significant contribution to meeting those commitments. The land at Claydon Farm, half of which had previously been approved for a solar installation, would lead to the equivalent displacement of over 20,000 tonnes of carbon annually compared to fossil fuel generation; that was the equivalent demand of over 10,000 homes which equated roughly to one quarter of homes in Tewkesbury borough. The Committee report demonstrated the designs put forward were technically sound and sensitive to the local environment and, subject to satisfying the late request from National Highways to provide more information, the scheme would have received no professional consultee objections, resulting in a positive recommendation from the Planning Officer. The limited number of objections from the community were noted and the applicant's representative welcomed the eight letters of support the plans had received from residents. The desire to protect the highest quality and most versatile agricultural land was recognised and comprehensive studies had been conducted to inform the application. The applicant's representative was pleased with the conclusion drawn in the Committee report that there were “no previously developed sites available or suitable sites of lower quality agricultural land (Grade 4 or 5) suitable for the solar park development”. The plans did, however, include provision for sheep grazing during the operation of the solar farm, ensuring that the site could still be used for certain agricultural practices. The applicant recognised the importance of the landscape in this part of the county and had brought forward a scheme which would have a very limited impact in that regard. The Landscape Advisor agreed there would be no significant effects on the landscape and visual receptors. That was further mitigated by the commitment to additional planting of hedgerows, trees and wildflower areas which would also significantly improve the overall biodiversity. Beyond the significant impact in tackling climate change, the proposals would also deliver substantial and tangible benefits for the local community including the resurfacing of over one kilometre of bridleway running through the site, as well as a rooftop solar panel system for Ashchurch Village Hall which was in addition to approximately £7.6m worth of business rates which would be generated over the lifecycle. The applicant's representative thanked Members for the opportunity to address the Committee and respectfully requested that they support the Officer recommendation.



- 38.15 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to National Highways concerns being resolved, and he sought a motion from the floor. A Member asked for an explanation as to why the application was recommended for a delegated permit as opposed to a deferral in light of the request from National Highways that the application not be determined until the additional information had been provided in relation to the precise route, method and extent of works required for the cabling connection from the proposed solar farm to the proposed substation. She also noted that Page No. 76, Paragraph 1.7 of the report, stated that the temporary permission would be for a period of 40 years but her recollection was that previous applications for solar farms had generally been for a 25 year period and she asked whether technology had improved so much in a short space of time that it would now last for the 40 year period. In response, the Planning Officer explained that National Highways had effectively put in a holding objection asking that the application not be determined until the required information had been provided and that could not be dealt with by condition. The matter was in hand as the applicant was preparing the information so National Highways would be consulted as soon as it was received and it was hoped things would move forward quickly. In terms of Paragraph 1.7 of the report, he had been involved in a number of applications for solar farms during his time at Tewkesbury Borough Council and it was not uncommon now for temporary permissions to be sought for a period of 40 years which he understood was as a result of improvement technology and solar panels operating for a longer period. The Member raised concern that the delegated permission would result in a longer delay in the determination of the application and she asked the Planning Officer for an indication as to how long it might take, or whether it would be more expedient to defer. In response, the Planning Officer explained that the applicant had been asked to provide the required information and, once received, it would be subject to a 21 day standard consultation. A delegated permission would allow the decision notice to be issued once the information had been considered by National Highways and found to be acceptable so that was considered to be the most efficient way to progress a decision.
- 38.16 Another Member raised concern as to what would happen to the 10,000 properties which would receive electricity via the solar farm at the end of the 40 year period and whether the solar panels would be taken to landfill or if they would be recycled. The Planning Officer advised that recommended condition 30 required a decommissioning method statement to be submitted to, and approved by, the Local Planning Authority which would set out the detail of the restoration of the site to its current state; what happened to the solar panels themselves was a matter for the operator. The Member felt that, in terms of the reduction of carbon, it would be more effective for the solar farm to run continuously rather than for a set period of 40 years beyond which it would stop. Another Member recognised the fact that electricity was needed so it was a question of how to produce it in a greener way which used less carbon. This development offered an opportunity to provide electricity in a safe, green environment and, whilst he was sure there would be a way of recycling the units in 40 years' time, it was not possible to predict the future so it was necessary to focus on what could be done now. In terms of the impact on the countryside, he indicated there was a solar farm near Gretton which looked like a field of lavender or rapeseed from a distance so he felt the impact on the countryside views would be limited. On that basis, he proposed that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. This proposal was duly seconded. A Member indicated that he did not disagree with the proposer of the motion; however, an important point had been raised in terms of whether it would be better to defer the application until the relevant information had been received from the applicant. He appreciated why the proposal was for a delegated permission but he felt that the

request from National Highways was a fairly fundamental issue and it would be sensible to defer the application to put the onus on the applicant. He was rather surprised that level of detail had not been discussed at this stage of the application process and he proposed that the application be deferred. The proposal was duly seconded. Upon being put to the vote, the motion for a deferral was lost. The motion that authority be delegated to the Development Manager to permit the application, subject to National Highways' concerns being resolved, which had already been proposed and seconded, was subsequently put to the vote and it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to National Highways' concerns being resolved.

### **21/00692/FUL - 10 Yarlinton Close, Bishop's Cleeve**

- 38.17 This application was for the erection of a single storey and two storey rear extension, conversion of existing loft space to include removal of half-hips and creation of rear dormer extension.
- 38.18 The Planning Officer advised that a Committee determination was required as the Parish Council had objected to the proposal on the grounds that the design was out of character with the area, the proposal was too large and overbearing and would have a harmful impact on neighbouring dwellings. Whilst the Parish Council's concerns had been noted, the two storey rear extension would only project out by 3.6 metres and the first floor aspect would only be 3.6 metres in width. The rear dormer as revised had been reduced in size and would be set well down from the ridge line. The dwelling had not been previously extended apart from a rear conservatory which would be removed as part of the proposal. In relation to the impact on the neighbours, overlooking would not be harmful given that the window to window distance with the nearest neighbours at the rear would be approximately 23 metres. It was recognised there would be some loss of light and outlook to the nearest dwellings to the west; however, taking into account that the application had been revised and would be further from the boundary, along with the orientation of the sun, it was not considered to be harmful and would not warrant refusal of planning permission. Overall, the revised proposal was considered to be of a suitable size and design and there would be no adverse impact on the neighbouring properties, therefore, the Officer recommendation was to permit the application.
- 38.19 The Chair indicated that the Development Management Team Leader (South) would read out a statement from the applicant who had been unable to attend the meeting due to extenuating personal circumstances. The Development Management Team Leader (South) doing so stated that the applicant had submitted plans to build a single storey and two storey extension at the back of his house and to convert current loft space into a dormer overlooking the back garden. The application was very important to them as it would provide a family with young children with the space and amenities they would need as they grew up. As part of the process, the proposals had been scrutinised by the Parish Council's Planning Committee where they had been supported; however, the plans did not win universal support and a very small number of residents had registered their objections. The concerns had been taken very seriously and the applicant had asked to meet with the planning authorities to understand the type and nature of the changes that could be made to ensure the proposals conformed with planning regulations. The applicant had held open house meetings with the neighbours, as well as Parish Councillors and Borough Council Officers, where the proposed changes had been discussed and they had listened to the views expressed by others. The changes included the removal of windows on the ground and first floors and a reduction to the size of other windows, the proposed dormer size and the overall two storey extension itself. It was hoped that by listening and responding – making considerable compromises

to address any concerns – that the application would receive a fair and objective hearing. Revised plans had been submitted to the Borough Council on that basis triggering a further review by the Parish Council which subsequently decided not to support the application with one Councillor voting on the basis that he had “never liked three storey houses”. The applicant considered the lack of Parish Council support for the revised plans to be bizarre given that the Agenda for the Parish Council meeting on 14 October 2021 stated “Committee supported original larger application and objected to revised reduced scale application”. The applicant therefore asked that Members examine the application with the kind of independent objectivity they would apply to any application before them and, on this occasion, they had the benefit of the advice of the professional Planning Officers who had scrutinised the proposals and had provided their own recommendation. The applicant respectfully requested that Members support the Officer recommendation to permit the application.

- 38.20 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion was disappointed that the Parish Council had not sent a representative to address the Committee given its objection to the proposal. Upon being put to the vote, it was

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

#### **21/00449/FUL - The Old Apple Store, Toddington**

- 38.21 This application was for the erection of a single storey side extension and installation of windows.

- 38.22 The Planning Officer advised that a Committee determination was required as a local Ward Member had called in the application to assess the impact on the Area of Outstanding Natural Beauty and the Special Landscape Area. The dwelling was a former agricultural building which had been converted to a dwelling in 2007 and it was Officers’ view that any agricultural character had already been significantly diluted, meaning the addition of new windows and the proposed extension would be acceptable in the context and would not cause any additional harm. The site was considered large enough to accommodate the extension and, whilst visible from the Special Landscape Area and Area of Outstanding Natural Beauty, the proposed alterations would appear insignificant in scale when viewed from those areas and would not have an adverse impact on the landscape character over and above the existing situation. As such, it was recommended that the application be permitted.

- 38.23 The Chair indicated that there were no public speakers for this item 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.

#### **20/00948/FUL - Stoke House, Stoke Road, Stoke Orchard**

- 38.24 This application was for the erection of two detached dwellings and associated garages. It was noted that the application also involved the demolition of an existing garage and the erection of a new one for the host dwelling which needed to be added to the description of development.

- 38.25 The Planning Officer advised that the application required a Committee determination as the Parish Council had objected to the proposed development. The application related to land at Stoke House which was currently occupied by a detached two storey property set back from the main road. The site comprised a residential dwelling and its associated curtilage and was bound by hedgerows and wire fencing. The application site was bordered by employment development to the north, residential development to the west and east and open fields to the south. It was noted that the application site was not subject to any formal landscape designations. The application was submitted in full and sought permission for the construction of two detached dwellings to the south of the existing property. Each property would be two storeys in height and set back from the main road in a staggered fashion. The dwellings would utilise the existing site access which currently served the existing dwelling and each property would benefit from space for turning and manoeuvring within the site whilst garaging would also be included for off-driveway parking. An assessment of the material considerations was set out at Pages No. 147-154 of the Committee report. At the time of writing the Committee report, a preliminary ecological appraisal had not been submitted; however, the agent had recently confirmed that the ecological survey on the application site had been carried out and that the report would be submitted for review shortly. Given that the report had not been submitted or reviewed by the Council's Ecologist, the Officer recommendation remained the same as detailed in the Committee report which was that authority be delegated to the Development Manager to permit the application, subject to the resolution of any outstanding matters referenced in the report, and the addition to/amendment of planning conditions as appropriate, if necessary.
- 38.26 The Chair invited the applicant's agent to address the Committee. The applicant's agent thanked Officers for their thorough report and the recommendation for delegated permission, subject to conditions and the submission of the preliminary ecological appraisal. He advised that the new homes would be located within the emerging settlement boundary of Stoke Orchard and would help the borough meet its housing supply targets. As correctly stated in the report, the development would not result in any harms that would warrant refusal. Members would also note there were no objections from residents or third party consultees. Whilst concerns had been raised by the Parish Council, those matters had been considered fully by Officers. In terms of highway impact and trip generation, the development was deemed safe and acceptable by County Highways and no objections were raised. The applicant also proposed a new footway to the front of the site entrance providing access to the village. With regard to the perceived overdevelopment of the site, it could be noted from the plans that the design would be consistent with the vernacular of the local area and would not detract from the pattern of the village or wider character. An appropriate interrelationship between all properties had been ensured whilst still providing acceptable levels of private amenity space. The ecology report, as requested by the Council's Ecologist, was currently being finalised; however, the site was not within an area of high ecological sensitivity and was low value and the survey had not flagged any ecological concerns. Nevertheless, ecological enhancement measures, such as provision of bat and bird boxes and new planting, were proposed as part of the application. In summary, these homes would be unobtrusive, well-designed and in accordance with the emerging local plan. As such, the applicant's agent respectfully requested that Members delegate permission in accordance with the Officer recommendation.

38.27 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the resolution of any outstanding matters referenced in the report, and the addition to/amendment of planning conditions as appropriate, if necessary, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, subject to the removal of condition 12 in respect of cycle storage provision. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of any outstanding matters referenced in the report, the addition to/amendment of planning conditions as appropriate, if necessary and the removal of condition 12 in respect of cycle storage provision.

### **21/00054/OUT - 1 Court Drive, Apperley**

38.28 This was an outline application for the erection of a single dwelling; all matters except access reserved for future consideration.

38.29 The Planning Officer advised that the application required a Committee determination due to an objection from the Parish Council. The application site was located along Court Drive, on the approach to Apperley Court, to the south core of the village of Apperley. The site measured approximately 0.08 hectares and was broadly rectangular with its eastern boundary forming a road frontage onto Court Drive. The site was formerly used as garden to No. 1 Court Drive and was laid to lawn. The boundaries were defined by mature native hedges with some trees within. The application sought outline planning permission for the erection of one dwelling with all matters reserved for future consideration except for access. An indicative proposed site plan had been submitted which demonstrated how the dwelling and associated parking could be accommodated on site. An assessment of the material considerations was set out at Pages No. 169-177 of the Committee report. At the time of writing the Committee report, a preliminary ecological appraisal had not been submitted and the Planning Officer confirmed that the appraisal had recently been submitted and would now be review by the Council's Ecologist. Given that the appraisal had not yet been reviewed, the recommendation remained the same as detailed in the Committee report which was that authority be delegated to the Development Manager to permit the application, subject to the resolution of ecology matters and the addition to/amendment of planning conditions as appropriate, if necessary.

38.30 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the resolution of ecology matters and the addition to/amendment of planning conditions as appropriate, if necessary, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, subject to the removal of condition 12 in respect of cycle storage provision. A Member indicated that there was clearly a pattern emerging with regard to the conditions around cycle storage provision and, whilst she accepted it was not the majority view, she wished to record her objection to the continual removal of conditions for cycle storage provision. Upon being taken to the vote, It was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the resolution of ecology matters, the addition to/amendment of planning conditions as appropriate, if necessary and the removal of condition 12 with respect to cycle storage provision.

**PL.39 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

39.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 184-195. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

39.2 A Member drew attention to Page No. 191 of the report and the appeal decision in respect of application 20/00464/FUL – Part Parcel 3152, Tewkesbury Road, Deerhurst which had sought 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) and had been dismissed by the Inspector. The application had been refused by the Planning Committee due to highway concerns which was contrary to the Officer's minded to permit recommendation. The Member felt that credit was not always given to the Committee for the sensible way in which it made decisions and the solid reasons for refusal that had been put forward in respect of this particular application had been accepted by the Inspector.

39.3 It was

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

The meeting closed at 11:29 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 16 November 2021

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

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

Item No	
5a	<p><b>20/00245/FUL</b></p> <p><b>Former Norttenham Allotments, Land West Of The A435, Bishops Cleeve</b></p> <p><b>Additional Representation</b></p> <p>Councillor Richard Stanley has raised concerns with the proposal. These are summarised below:</p> <ul style="list-style-type: none"> <li>• entrance to the development is on a very busy 50mph bypass on a bend;</li> <li>• poor connectivity to the Cleevelands estate would not only impact the proposed development but would also act as a blocking barrier between the new school and the existing Cleevelands estate;</li> <li>• no requirements for s106 cycleways and no account taken of the Gloucestershire County Council's own climate emergency; and</li> <li>• Gloucestershire County Council are planning to change the layout of the A435 to create access for the new school.</li> </ul> <p><b>Officer Update</b></p> <p><u>Update on Outstanding Matters</u></p> <p><b>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:</b></p> <ul style="list-style-type: none"> <li>- In terms of the changes to the fenestration details on a number of plots, the amended plans have been reviewed and Officers consider the revisions acceptable.</li> <li>- The revised details, in respect to a small number of fencing and boundary treatments, are currently still being assessed. <b>An update will be provided at Planning Committee.</b></li> <li>- Amended plans, which demonstrate minor changes to a small number of plots to ensure satisfactory separation distances, have been reviewed. Officers are now satisfied that the proposed development would create a place with a high standard of amenity for existing residents on land adjacent the development site and future residents of the development.</li> <li>- A Stage 2 Appropriate Assessment is currently being prepared. Once this has been provided the assessment will be forwarded to Natural England for review.</li> <li>- Consideration is still being given as to whether the new allotment provision in Bishop's Cleeve is comparable and whether an off-site contribution towards allotments is required. <b>An update will be provided at Planning Committee.</b></li> </ul>

	<p>- In respect of the matters that have been resolved, no further harm has been identified and therefore a new balancing exercise has not been carried out.</p> <p><b>Revised Recommendation</b></p> <p>As detailed above, a number of outstanding matters previously reported have now been addressed. Given this, the recommendation has been amended to omit any matters which have been resolved. As such the recommendation is:</p> <p><b>That authority be DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the outstanding matters referred to in the report, which include changes to a small number of fencing and boundary treatments, a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision is considered comparable and whether a contribution towards off-site allotment provision is required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed in Paragraph 7.70 of the Committee report.</b></p> <p><b>Revised Condition</b></p> <p>In light of the receipt of a number of amended plans, an updated Drawing Register and Issue Sheet has been received and therefore Condition 2 set out in the Committee report should be changed to the following:</p> <p>Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the information provided on the plans/drawings/documents detailed in the Drawing Register and Issue Sheet, dated 01.11.21, and the Additional List of Drawings, dated 15.11.21.</p> <p>Reason - To ensure that the development is carried out in accordance with the approved plans.</p>
5b	<p><b>21/00259/FUL</b></p> <p><b>Land At Claydon Farm, Claydon, Tewkesbury</b></p> <p>Further to the preparation of the Committee report, a consultation response has been received from National Highways requesting that the application is not determined until additional information has been provided in relation to the precise route, method and extents of works required for the cabling connection from the proposed solar farm to the proposed off-site substation. National Highways has raised concern that it is evident that the cabling route will interact with the M5 motorway and therefore the applicant will need to consider any physical/safety/maintenance impact to National Highways assets and the routing of the cable along the M5 Teddington/Woolstone Road structure (Highway Overbridge and Large Culvert). National Highways require the applicant to secure a Technical Approval in Principle under DMRB CG300 and any other relevant standards prior to the determination of the planning application to demonstrate that the connection will not affect the structural integrity of the motorway or structural asset. National Highways also highlight that, if a means of cable connection is to be provided under the M5 motorway by directional drilling, further details will be required by way of a geotechnical assessment in the format prescribed in DMRB CD 622 'Managing Geotechnical Risk'.</p> <p>National Highways raise no objection in regard to construction traffic management, traffic generation during the operational phase, glint and glare or flood risk (potentially subject to the imposition of planning conditions which will be provided by National Highways in a future consultation response).</p>



The applicant has been advised of the request for additional information and it is a requirement for National Highways to be re-consulted on the application once the revised information is received.

**The recommendation to Planning Committee is therefore altered to 'delegated permit, subject to National Highways concerns being resolved'**

Since the preparation of the Committee report, revised wording to recommended condition 28 has also been agreed between Network Rail, the applicant and Planning Officers. **In light of these discussions, it is recommended that condition 28 is amended to state:**

"Within three months of the date of the installation of the approved development and in the event that Network Rail (or any train operating company using the rail network in this locality) identifies incidents of glare which (in its opinion) has the potential to interfere with a train drivers vision or signal sighting, then the developer and/or operator of the development hereby approved shall identify appropriate mitigation of the identified occurrence of glare with the written agreement of Network Rail. Thereafter, the development shall continue in accordance with the agreed mitigation measures and shall be retained as such.

Reason: In the interests of public safety and to ensure the safe operation of the rail network."

**It is also recommended that condition 2 is varied to include reference to the typical ballasted single axis tracker plan which has omitted from the list of approved plans. As such condition 2 is to be amended as follows:**

2. The development hereby permitted shall be carried out in accordance with the following documents:

- P20-0069\_08 REV I Site Layout and Landscape Strategy Plan
- P20-0069\_17 REV A Proposed Substation Layout
- Typical 132 kV compound 49.9 MW Rev A dated 26 October 2021
- Bridleway enhancement details Rev A dated 26 October 2021
- Typical single axis tracker table details Rev A dated 10 February 2021
- Typical ballasted single axis tracker table details Rev A dated 5 August 2021
- Typical Fence, Track & CCTV Rev A dated 10 February 2021
- Typical Inverter Building Details Rev A dated 10 February 2021
- Typical Spares Container Details dated 10 February 2021
- Typical customer Switchgear Details Rev A dated 10 February 2021
- Typical battery station details Rev A dated 10 February 2021
- Claydon Solar Farm, Ecological Assessment Report (Including appendices reports) Pegas-075-1259 Issue V5 dated 04/10/2021 prepared by Avian Ecology
- Proposed Solar Farm, Land at Claydon Farm, Tewkesbury, Gloucestershire Flood Risk Assessment Issue 2 dated 01.10.2021 prepared by PFA Consulting
- Noise Assessment, Claydon Solar Farm Revision 1.3 dated 9/9/21 prepared by prepared by LF Acoustics Ltd
- Claydon Solar Farm, Tewkesbury Archaeological Evaluation Report Ref 244850.2 Issue 2 dated 09/06/2021 prepared by Wessex Archaeology
- Arboricultural Impact Assessment Claydon Solar Farm dated September 2020 prepared by Barton Hyett Associates

- Claydon Solar Farm, Construction Traffic Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group
- P20-0069 Figure 2 General Construction Site Proposed Access Arrangements dated 16/09/2021
- P20-0069 Figure 4 Substation Access Visibility Splays dated 16/09/2021
- Claydon Solar Farm, Site Waste Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group
- Solar Photovoltaic Glint and Glare Study, Claydon Solar Farm dated February 2021 prepared by Page Power

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.